

Appendix B – Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
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>	The project is consistent with the objects of the Act and will promote the social and economic welfare of the community through the delivery of residential dwellings (including affordable housing) in close proximity to public transport. The project is committed to achieving high standards of ecologically sustainable development.	Section 8
	<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, conservation of biological and ecological integrity, and improved valuation, pricing, and incentive mechanisms in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulations).	Aboriginal Cultural Heritage Assessment Report at Appendix U
		The ESD Report identifies how ESD best practice principles are incorporated into the design and ongoing operation of the proposed development and how the development will exceed relevant industry recognised building sustainability and environmental performance standards.	ESD Report at Appendix HH
	<i>To promote the orderly and economic use and development of land</i>	The proposal has been informed by detailed site and local context analysis and environmental assessment against relevant strategic and statutory planning policies to promote the orderly and economic use and development of the land. As outlined previously, the proposal optimises the capacity of the land to deliver medium density development in accordance with the provisions of the Housing SEPP.	Design Report at Appendix F
	<i>To promote the delivery and maintenance of affordable housing,</i>	The proposal will deliver 46 affordable housing units for a 15-year period in direct accordance with this objective.	BDAR Waiver Appendix JJ
	<i>To protect the environment, including the conservation of threatened and other species of</i>	A BDAR Waiver Determination Letter was issued on 12 September 2025 by Department of Planning, Housing and Infrastructure (Appendix JJ)	Aboriginal Cultural Heritage Assessment Appendix U
			Access Statement Appendix BB

Section 4.15	Relevant environmental planning instruments:	- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP); - State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP); - State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP); - State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP) - State Environmental Planning Policy (Housing) 2021 - Willoughby LEP 2012	This table.
	Draft environmental planning instruments:	No draft EPI's have been identified as relevant to this application.	N/A
	Relevant planning agreement or draft planning agreement	No relevant planning agreement or draft planning agreement are associated with this application.	N/A
	Relevant matters prescribed by the Regulations.	This EIRS has been prepared in a form consistent with the requirements of Section 190 of the EP&A Regulations.	N/A
	Development control plans:	<i>Clause 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. As such, compliance with the DCP is not required.</i> <i>Notwithstanding, relevant provisions of the DCP have been considered within the EIRS and accompanying documentation (as relevant).</i>	N/A
	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 9.6

	Any submission made	Submissions will be considered following exhibition of the application.	N/A
	The public interest	Consideration of the public interest is demonstrated within the EIRS.	Section 9.7
Environmental Planning and Assessment Regulation 2021			
Part 8	Environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS addresses the SEARs issued by the Secretary as part section 175 of the EP&A Regulations and contains the detailed	EIS
Section 26	Outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered 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.	A letter has been prepared by Evolve Housing, a registered Community Housing Provider confirming that subject to a property management agreement, Evolve intends to manage the affordable housing dwellings at the site for 15 years in accordance with the Housing SEPP.	CHP Letter Appendix W
Section 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 SSDA is accompanied by a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is submitted. The Certificate is dated within 3 months of lodgement as per section 27 of the EP&A Regulations. There are certain components of the development that are unable to comply with the BASIX components relating to glazing performance and insulation rating.	BASIX Certificate Appendix II
Section 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 fjstudio is provided within the Design Report as per section 29 of the EP&A Regulations.	Design Report Appendix F
Section 190	Section 190 of the Environmental Planning and Assessment Regulation provides requirements for EIS inclusions.	This EIS has been prepared to address the requirements of Section 190 of the Regulations and SEARs.	–
Section 193	Section 193 of the Regulations requires 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.	–

Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIRS has been prepared to address the requirements of Schedule 2 of the Regulations and the issued SEARs.	–
Biodiversity Conservation Act 2016			
Part 7 and Part 8 (2)	The BC Act protects native vegetation, species of threatened flora and fauna, endangered populations, endangered ecological communities and their habitats. Section 7.9 requires an SSDA to be accompanied by a BDAR, unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	The SEARs require the preparation of a BDAR as the proposal seeks to remove vegetation and impact on biodiversity values at the site. A BDAR Waiver been issued by DPHI September 2025 that confirms that the project is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix JJ
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Under Section 4.6 of the Resilience and Hazards SEPP a consent authority must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which development is to be carried out.	Potential sources of contamination related to asbestos, lead, bulk synthetic mineral fibre insulation and polychlorinated biphenyls exist within the buildings that is to be demolished. However, this is not expected to preclude the proposed mixed-use development, subject to implementation of the recommendations.	Section 8.9 Appendix Q (Detailed Site Investigation)
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	Section 2.48 Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must— (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and	The proposed development requires consultation with the electricity supply authority to be carried out. This will occur as part of the public exhibition of the SSDA.	Appendix DD (TIA) Appendix Z (NVA) Appendix K (RIA)

(b) take into consideration any response to the notice that is received within 21 days after the notice is given. Section 2.98 – Development adjacent to rail corridors. Before determining a development application for development to which this section applies, the consent authority must— (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and (b) take into consideration— (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette. Section 2.120 – Impact of road noise or vibration on non-road development Requires the consent authority to consider whether the residential component of the development can achieve compliance with the LAeq levels specified in the Section, given it is on land adjacent to a busy road (average daily traffic volume of more than 20,000 vehicles). Section 2.122 – Traffic-generating development. Traffic-generating development: A public authority, or person acting on behalf of a public	The site is located adjacent to the Sydney Trains rail corridor. In accordance with Section 2.98 of the EP&A Regulation, the consent authority is required to notify the relevant rail authority within 7 days of lodgement of the development application and consider any response received, together with the applicable Planning Secretary's guidelines. These matters will be addressed as part of the post-lodgement assessment process. The application is supported by a Noise and Vibration Impact Assessment (NVIA), which assesses compliance with internal noise criteria in accordance with the Transport and Infrastructure SEPP. The NVIA concludes that the proposal can comply with all relevant acoustic criteria, provided the recommended mitigation measures are implemented. These measures are included in Appendix D. The proposal will be referred to Transport for NSW (TfNSW) during the public exhibition period and any feedback received will be considered by the Applicant as part of the assessment process.	
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	authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (TfNSW) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.		
<i>State Environmental Planning Policy (Industry and Employment) (I&E SEPP)</i>	Clause 3.6 states that a person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.	No signage is proposed as part of this SSDA. All signage proposed by a future development application will consider the Schedule 5 criteria under the Industry & Employment SEPP.	-
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Section 2.1 – Standards for BASIX development and BASIX optional development. Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	A BASIX Certificate and ESD Report have been prepared by E-Lab.	Appendix II (BASIX) Appendix HH (ESD)
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Development to which satisfies the following is classified as State significant development : ▪ Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and ▪ Has an estimated development cost of over \$75 million + (for the residential components) and; ▪ Is not prohibited under an EPI applying to the land; and	The development has an estimated development cost (EDC) of \$316,534,885 excl. GST. The proposed use of a residential flat building and retail/commercial premises is permitted with development consent in the MUI Mixed Use zone under WLEP 2012. The proposal also provides 10% affordable housing and meets the relevant criteria of the Housing SEPP.	Appendix HH (ESD) Appendix W (CHP Letter)

	Will provide at least 10% of the residential component as affordable housing for at least 15 years		
<i>State Environmental Planning Policy (Housing) 2021</i>	Section 19 The following are non-discretionary development standards in relation to the residential development to which this division applies—		
	19(2)(a) Minimum site area of 450m ²	The site area is 5,919sqm and so meets the minimum site area requirement of 450sqm.	-
	19(2)(b) minimum landscaped area that is the lesser of: 35m² 30% of the site area	The site has an area of 5,919 sq m, with landscaping provided over 65% of the site. This exceeds the minimum landscaping requirement	-
	19(2)(c) 15% deep soil zone, with: Minimum dimensions of 3m 65% located at the rear of the site	The design meets the deep soil requirement at 7%.	-
	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	311 of 413 apartments (75%) receive more than two hours of direct sunlight between 9am and 3pm at the winter solstice, exceeding the 70% ADG benchmark.	-
	19(2)(e) car parking for affordable housing dwellings: 1 bedroom: 0.4 parking spaces 2 bedroom: 0.5 parking spaces 3 bedroom: 1 parking space	Access to car parking as per the Housing SEPP affordable housing car parking rates, with 20 affordable housing spaces are provided within the basement levels.	-

	19(2)(f) car parking for non-affordable housing dwellings: ▪ 1 bedroom: 0.5 parking spaces ▪ 2 bedroom: 1 parking spaces ▪ 3+ bedroom: 1.5 parking space	A total of 322 residential car parking spaces is provided for non-affordable housing dwellings. When combined with the non-residential required parking spaces for the retail component, this results in an overall provision of 375 car parking spaces, consistent with Clause 19(2)(f).	-
	(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Objective 4D-1 outlines the minimum internal areas for apartments. The Design Report assess compliance with the minimum internal areas. All apartments conform to the required minimum internal areas. All habitable rooms have windows which represent more than 10% of the floor area of the room.	Design Report at Appendix F
	Section 20 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.	Site context and neighbourhood character were careful considerations in the built form and urban design response and the proposed development continues to respond to the site context.	Section 8.1
	Section 21 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.	The proponent is committed to providing 10% of the proposed residential GFA as affordable housing to be managed by Evolve Housing for a period of 15 years. A condition of consent can be imposed to reflect this.	CHP Letter at Appendix W

	Section 147 The consent authority must 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.	A detailed assessment of the proposal against the Schedule 9 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 a high level of consistency with the key numerical requirements of the ADG including: ▪ Solar and daylight access. ▪ Natural ventilation. ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies. ▪ Communal Open Space. ▪ Visual Privacy. ▪ Storage.	Design Report at Appendix F
	Section 148 The following are non-discretionary development standards— (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	The proposed car parking rates are compliant with the affordable housing provisions under Chapter 2. All apartments conform to the required minimum internal areas. All habitable rooms have windows which represent more than 10% of the floor area of the Room. All habitable rooms achieve a minimum ceiling height of 2.7 metres. All non-habitable rooms have a minimum ceiling height of 2.4 metres. Ceiling mounted services are confined to 2.4 metre ceilings within wet areas. Bulkheads are designed to avoid encroachment into habitable spaces.	
Willoughby Local Environmental Plan 2012			
Zoning and Land Use	Shop top housing is defined as 'Residential Accommodation' under the principal Local Environmental Plan (Standard Instrument) 2006.	Non-Residential GFA comprises approximately 5,919sqm on the ground level, equating approximately 14% of the GFA for the development.	Section 1.4

	The development proposes Residential Accommodation (Shop top housing) which is prohibited under the E4 Zoning within the Willoughby LEP. 6.25 Shop top housing in Zone MU1 (1) This clause applies to land— (a) other than land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map, and (b) in Zone MU1 Mixed Use. (2) Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.	The project seeks to amend the Willoughby LEP to facilitate the SSD (SSD-88511459) under the concurrent rezoning process of the HDA planning pathway. Specifically, the project seeks to amend the LEP as follows: • Amend the Land Zoning Map to rezone the site from E4 General Industrial to MU1 Mixed Use. • Amend the maximum Floor Space Ratio Map from 1:1 to 7.15:1 as it relates to the subject site. • Addition to 6.25 to exclude 17% and add minimum 1:1 FSR.	
4.3 Height of Buildings	4.3 Height of buildings (1) The objectives of this clause are as follows— (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape, (b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion, (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores, (d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent	No maximum build height has been classified for the subject site within the Willoughby LEP. Development proposes the construction and operation of a part 13 storey and part 39 storey mixed use development. The proposal seeks to amend the Willoughby LEP to allow a maximum height RL of 209.3m AHD.	Section 1.4

	developments or from public open spaces with the height and bulk of the development, (e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping, (f) to use maximum height limits to assist in responding to the current and desired future character of the locality, (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood, (h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.		
4.4 Floor Space Ratio	<i>The site is subject to a floor space ratio of 1:1.</i> (1) The objectives of this clause are as follows— (a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land, (b) to limit traffic generation as a result of that development,	The proposal seeks to amend the Willoughby LEP as follows: • Amend the maximum Floor Space Ratio Map from 1:1 to 7.15:1 as it relates to the subject site. ▪ Addition to 6.25 to exclude 17% and add minimum 1:1 FSR.	Section 1.4

(c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion, (d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone, (e) to permit higher density development at transport nodal points, (f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood, (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood, (h) to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood, (i) to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas, (j) to encourage the consolidation of certain land for redevelopment,		
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	(k) to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. 6.25 Shop top housing in Zone MUI (1) This clause applies to land— (a) other than land identified as “Crows Nest Transport Oriented Development Precinct” on the Key Sites Map, and (b) in Zone MUI Mixed Use. (2) Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.		
5.10 Heritage Conservation	Development consent is required to <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> <i>(i) a heritage item,</i> <i>(ii) an Aboriginal object,</i> <i>(iii) a building, work, relic or tree within a heritage conservation area,</i>	Heritage significance has not been identified for the site.	N/A

ADG Assessment	
ADG Design Criteria	Assessment
Solar Access (min 70%)	Complies A total of 413 apartments are provided, with 311 apartments achieving a minimum of 2 hours direct sunlight to living rooms and private open space, equating to 75%. Of the 46 affordable housing units, 34 achieve 2 hours of direct sunlight (73.91%) and 6 receive no direct sunlight (13.04%), demonstrating compliance with ADG solar access criteria across both market and affordable housing.
Natural Cross Ventilation (min 60%)	The development includes a combination of single aspect apartments and dual aspect apartments. 60% of the apartments are cross-ventilated.
Universal Design (min 10%)	Aqualand proposes that 10% of apartments will be delivered as AS4299-1995 Adaptable Housing (Class C), and 20% of all apartments will be certified to the Liveable Housing Australia (LHA) Silver level. The adaptable apartments will also meet the LHA Silver standard. Based on a total of 413 apartments, this equates to 10% (42 apartments) that are both AS4299 Adaptable and LHA Silver, and a further 10% (41 apartments) that are LHA Silver only, resulting in 20% (83 apartments) achieving LHA Silver overall.
Deep Soil (min 7%)	Complies A total of 414 sqm of deep soil is achieved on a site area of 5,919m², which satisfies the minimum ADG requirement at 7%.
Communal Open Space (min 25%)	Complies Communal Open Space is approximately 65% which is well above and beyond the ADG requirement.
Building Separation	All building separation distances comply with the Apartment Design Guide criteria, with setbacks and tower spacing configured to achieve appropriate levels of visual privacy across the site. Habitable rooms are set back behind balconies to increase separation distances, with limited openings provided to the southern elevations. Refer to the Design Report for further detail.
Ceiling Heights	▪ All habitable rooms achieve a minimum ceiling height of 2.7 metres. ▪ All non-habitable rooms have a minimum ceiling height of 2.4 metres. ▪ Ceiling-mounted services are confined to 2.4-metre ceilings within wet areas. ▪ Bulkheads are designed to avoid encroachment into habitable spaces.
Apartment Size and Mix	A variety of apartment types are provided throughout the development, including one-bedroom, large one-bedroom, small two-bedroom, large two-bedroom and three-bedroom apartments. The mix is spread across all floors, with larger and higher-value apartments generally located in corner positions or oriented to the eastern outlook.