

Appendix C Statutory Compliance Table

849, 853, 859 Pacific Highway and 2 and 8 Wilson Street, Chatswood

Table 1 Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Section in EIRS
Environmental Planning and Assessment Act 1979			
Section 1.3	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	The proposal seeks to repurpose the site which is currently underutilised. As identified in the SIA, the proposal will result in several social and economic benefits to the community. 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 8 and 9
	To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	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 <i>Environmental Planning and Assessment Regulation 2021</i>. In addition, ESD and BASIX Reports have been prepared to accompany the EIRS which identify how ESD best practice principles are incorporated into the design and ongoing operation of the proposed development, how the development will exceed the relevant industry recognised building sustainability and environmental performance standards.	
To promote the orderly and economic use and development of land	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,	The proposal includes the delivery of 72 affordable housing units, which will be managed by a Community Housing Provider for at least 15 years.	Section 3
To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	A BDAR Waiver was issued by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on [TBC] . The BDAR Waiver confirms the	Section 8

	development is unlikely to have any significant impact on biodiversity values.	
To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	An Aboriginal Cultural Heritage Assessment Report (ACHAR) and Heritage Impact Assessment (HIS) have been prepared to assess the impacts of the proposal on built and cultural heritage. Both reports have concluded that the proposed development will not a detrimental impact on any matters of built and cultural heritage. The ACHAR has found that no known Aboriginal objects, or Aboriginal places have been identified within the curtilage of the subject site. The HIS has found that the proposed development would have a minimal impact on the heritage significance of the area.	Section 8
To promote good design and amenity of the built environment,	The proposed development has gone through various design excellence stages including an architectural design competition undertaken in June 2023 and the reconvening of the competition Jury as a Design Review Panel (DRP) to review the SSDA proposal and confirm that the proposal maintains design excellence. The design excellence strategy is detailed in the accompanying (GA NSW endorsed) Alternative Design Excellence Strategy.	Section 1.4.8 Appendix K1 Appendix K2

		The DRP has reviewed the proposal prior to SSDA lodgement. The DRP issued a letter in December 2025 outlining matters for resolution prior to the lodgement of the SSDA. These have been addressed in the EIRS.	
	To provide increased opportunity for community participation in environmental planning and assessment.	Community and stakeholder engagement has been undertaken during the preparation of the SSDA, as detailed in Section 7 of the EIRS. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any concerns raised during the notification of the SSDA.	Section 7
Section 4.15	Relevant environmental planning instruments: ▪ Willoughby LEP 2012 ▪ Planning Systems SEPP ▪ R&H SEPP ▪ T&I SEPP ▪ B&C SEPP ▪ Housing SEPP ▪ Sustainable Buildings SEPP	See detail below under Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs).	N/A
	Draft environmental planning instruments: Housekeeping Amendment to Willoughby Local Environmental Plan 2024	See detail below under Draft Environmental Planning Instruments.	N/A

Relevant planning agreement or draft planning agreement	The applicant has entered into a Voluntary Planning Agreement (VPA) with Council as part of the site-specific planning proposal. The VPA provides for the payment of a monetary contribution towards community infrastructure consistent with Council's draft Planning Agreement and Community Infrastructure Policy.	Section 2.3
Environmental Planning and Assessment Regulation 2021 – Schedule 2	This EIRS has been prepared in accordance with Schedule 2 of the Regulations.	Section 6
Development control plans: Willoughby Development Control Plan 2023 (WDCP 2023)	A site-specific DCP for the site was adopted concurrent with the site-specific amendment to the LEP (gazetted on 26 May 2023). The site-specific DCP is located at Section 13.1.15 of the Willoughby DCP (849, 853, 859 Pacific Highway 2 Wilson Street and Lot 1 DP 1189541 Chatswood). See detail below under Development Control Plan.	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 is 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.	N/A

	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 by the proposed mitigation measures provided at Appendix E. On balance, the benefits of the development outweigh any adverse impacts, and the development is deemed to be in the public interest.	Section 9 Appendix E
Environmental Planning and Assessment Regulation 2021			
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 SEARs.	Section 6
Section 26	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.	Evolve Housing Ltd have provided a letter which expresses their keen interest in working closely with Billbergia in the delivery of this project. Evolve Housing manages a diverse portfolio of circa 5,000 social, affordable and private market rental properties. Given the status of the project (pre-approval) it is too early to agree on commercial terms with a registered CHP. This agreement will be formalised post-approval.	Appendix M

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 PBD is provided within the Design Report as per section 29 of the EP&A Regulations.	Appendix G
Section 173	Section 173 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 Clause 173 of the EP&A Regulation and SEARs.	Section 6
Section 193	Section 193 of the Regulations requires an assessment against the principles of ESD.	The EIRS has addressed the principles of ESD.	Section 8 Appendix AA
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.	A BDAR Waiver was issued by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on [TBC]. The BDAR Waiver confirms the development is unlikely to have any significant impact on biodiversity values.	Section 8 Appendix HH
State Environmental Planning Policies			
State Environmental Planning Policy (Resilience and	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has	Early works, remediation of land, and tree removal is proposed under the Early Works SSDA (SSD-96564253). However, the contamination assessments	Section 8 Appendix Xi

Hazards) 2021 (R&H SEPP)	been considered and, where relevant, land has been appropriately remediated.	prepared for SSD-96564253 are submitted with this application for information purposes and summarised below. A Detailed Site Investigation has been prepared to assess the potential for contamination on the site. The DSI recommends a series of mitigation measures to make the site suitable for the proposed land use, including preparation of a Remediation Action Plan (RAP), Hazardous Materials Survey and an Unexpected Finds Protocol. These Reports are submitted with the EIRS. The RAP outlines the remedial strategy for the site, which is to excavate the impacted soil material and dispose offsite. Appropriate contingencies and controls have been made to accommodate unexpected finds during the remediation phase. The RAP concludes the proposed remediation is considered appropriate to render the site suitable for the proposed mixed use residential/commercial development	Appendix Xii Appendix Y
State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)	Clause 2.98 relates to development adjacent to a rail corridor. A consent authority must take into consideration any response from the rail authority for the rail corridor received within 21 days after the notice is given.	The site has an eastern boundary to the T1 North Shore and Western Line, T9 Northern Line, and Metro North-West Line. Therefore, the SSDA will be referred to the relevant rail authority.	N/A

Clause 2.100 relates to the impact of rail noise or vibration on non-rail development. The consent authority must be satisfied that appropriate measures will be taken to ensure that the relevant LAeq levels are not exceeded for development for the purposes of residential accommodation.	The site is located adjacent to a railway line and will be affected by rail noise. The accompanying Noise Impact Assessment assesses the proposed development in relation to the noise level requirements of the T&I SEPP.	Section 8 Appendix P
Clause 2.119 relates to development with frontage to a classified road. The consent authority must not grant consent to development unless it is satisfied that where practicable and safe, vehicular access is provided by a road other than a classified road and that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.	The site fronts Pacific Highway which is identified as a Classified Road. Vehicular access to the site is provided from O'Brien Street, a local road. The accompanying TIA has assessed the development as having negligible traffic impacts on the surrounding road network and the surrounding intersections. The proposal therefore satisfies the matters to be considered under Section 2.119(2). An existing driveway fronting the Pacific Highway will be removed as part of the project which will offer improved traffic efficiency and safety benefits for this classified road.	Section 8 Appendix O
Clause 2.120 relates to the impact of road noise or vibration on non-road development. The consent authority must be satisfied that appropriate measures will be taken to ensure that the relevant LAeq levels are not exceeded for development for the purposes of residential accommodation.	The accompanying Noise Impact Assessment assesses the proposed development in relation to the noise level requirements of the T&I SEPP.	Section 8 Appendix P

	Clause 2.122 relates to traffic generating development and requires that before granting consent the consent authority must refer certain development for with access to any road to Transport for NSW.	The proposal is seeking to provide 552 dwellings, which is greater than the 75-dwelling threshold under Schedule 3 of the SEPP relating to residential accommodation where the site has access to a classified road, or to road that connects to a classified road. The proposed development is therefore considered 'traffic-generating' under the SEPP. The application will be required to be referred to TfNSW for a response.	Section 8 Appendix O
	Clause 3.23 Centre-based child care facility – matters for consideration by consent authorities. Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.	The proposal seeks consent for a childcare centre land use at Level 01 podium. The childcare centre is 455sqm and the Architectural Plans provide an indicative floorplan layout. The DA does not seek consent for any physical works or operational / management matters. The detailed fit out, internal design, and operation of the tenancy will be subject to a future development consent. An assessment of the proposal against the Child Care Planning Guideline is available at Table 2.	Table 2 below
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 proposal does not seek to remove any trees. Tree removal is proposed under the separate early works SSDA – SSD-96564253. The accompanying BDAR Waiver confirms the proposal is unlikely to have any significant impact on biodiversity values of the site and surroundings.	N/A
State Environmental Planning Policy	Under Chapter 4 of the Housing SEPP, the consent authority must consider:	A detailed assessment of the proposal against the design principles for residential apartment	Section 8

(Housing) 2021(Housing SEPP)	(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,	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: ▪ Solar and daylight access (98%) ▪ Natural ventilation (62.86%) ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies. ▪ Communal Open Space (47.2%) ▪ Visual Privacy ▪ Deep soil area <i>complies with design guidance</i> (9.8%) ▪ Storage In addition, the proposal has been reviewed by a Design Review Panel twice prior to lodgement of the application. The DRP advice is submitted with the proposal.	Appendix G Appendix Ki Appendix Kii
148 Non-discretionary development standards for residential apartment development – the Act, s4.15	(a) the car parking for the building must be equal to, or greater than, the	(a) car parking is provided in accordance with the TfNSW Guide to Transport Impact Assessment rates as referenced in Objective 3J-1 of the ADG. (b) the proposal complies with the apartment sizes and layouts outlined in the ADG.	Section 8 Appendix G Appendix O

	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.	(c) the proposal complies with the minimum ceiling heights under the ADG
	Schedule 9 Design principles for residential apartment development 1 Context and neighbourhood character (1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions. (2) Responding to context involves identifying the desirable elements of an area's existing or future character.	Immediately to the north at 871-877 Pacific Highway is a vacant development site with recent DA approval for a 90m residential tower with retail/ commercial podium and 5 levels of basement. An existing mixed-use development (approx. 25 storey) sits to the south of subject site at 11 Railway Street. Several heritage conservation zones are located at fringe of Chatswood City Centre. Heritage items are locally listed, with no State listings in the Centre or the subject site. As part of the Chatswood CBD planning and urban design strategy, the immediate vicinity is expected to take major redevelopment, marking an expansion of Appendix G

(3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

(4) Consideration of local context is important for all sites, including sites in the following areas—

- (a) established areas,
- (b) areas undergoing change,
- (c) areas identified for change.

the current CBD footprint. This expansion will facilitate future commercial and residential growth in the area. The proposed development is designed to respond cohesively to the existing and desired future character of the neighbourhood streetscape with appropriate built-form and material palette that respond thoughtfully to the immediate and future context.

2 Built form and scale

(1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

(2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—

- (a) building alignments and proportions,
- (b) building type,
- (c) building articulation,
- (d) the manipulation of building elements.

(3) Appropriate built form—

The site is limited by various setbacks, service easements and maximum height controls that the proposal seeks to adhere to ensure seamless and harmonious integration with the immediate and future context. As the site is bounded by multiple frontages, this opens up opportunities to further break down the ground floor plane by introducing several through site-links in order to further activate and promote movement within the site. The podium maintains a consistent height of 7m that tiers and steps back to the residential tower above.

The scheme maintains its cruciform axes to both the podium and the towers as they continue to provide a strong organizing elements and offers clear legible perspectives from multiple frontages. The crucifix form, which delineates the breakdown of the podium, has

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	(a) defines the public domain, and (b) contributes to the character of streetscapes and parks, including their views and vistas, and (c) provides internal amenity and outlook.	been consistently extended to the towers. Given its prominent location, the bulk has been deliberately rotated to address the corner of Pacific Highway and O'Brien Street. Moreover, further reduction to the bulk at the north-west corner has also been introduced to enhance its slender profile. Elements such as building indentations and recessive planes helps to ensure the proportions of each facade contribute to promoting a slender appearance. While there is a slight deviation from the SSDCP reference scheme, the proposed design rebalances the tower envelopes and provides an improved frontage to the Pacific Highway.	
	3 Density (1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. (2) Appropriate densities are consistent with the area's existing or projected population. (3) Appropriate densities are sustained by the following— (a) existing or proposed infrastructure, (b) public transport, (c) access to jobs,	The proposal consists of 552 apartments, comprising of - 40 x studio - 54 x 1 bed - 214 x 2 bed - 218 x 3 bed - 26 x 4 bed The development has a total GFA (inclusive of wintergarden) of 76,469.8sqm, with 2,011sqm allocated for commercial uses. The proposal also reflects current market demands in relation to typologies and living patterns currently established in the local area,	Appendix G

- (d) community facilities,
- (e) the environment.

including the provision of 'intergenerational' layouts for larger families. The density of the development is considered sustainable within the existing and future availability of infrastructure, public transport, community and culturally significant facilities and environmental qualities on the site. As such the proposal provides an appropriate density for a residential development in the immediate context.

4 Sustainability

- (1) Good design combines positive environmental, social and economic outcomes.
- (2) Good sustainable design includes—
 - (a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and
 - (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs.
- (3) Good sustainable design also includes the following—
 - (a) recycling and reuse of materials and waste,
 - (b) use of sustainable materials,
 - (c) deep soil zones for groundwater recharge and vegetation.

A comprehensive analysis of the building has been undertaken as part of the BASIX, Section J and ESD Assessment however we note the following general design solutions and inclusions as part of the proposal:

- The apartments are designed to maximize the north-west facing aspect and ensure adequate access to daylight in the winter months
- Rainwater harvesting for landscape irrigation and toilet flushing
- Provision for rainwater tank and integration of WSUD system
- Planted areas throughout for additional thermal buffer
- Rooftop landscaped area to reduce water runoff and provide additional insulation

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Appendix AA

	▪ The cross flow ventilation has been maximised. Appropriate overhang and recess depths in ▪ balconies provide shade in summer while improve solar heat gain during winter months, additional ▪ fixed screening is provided to mitigate thermal heat gain where required ▪ Incorporated native plant species ensures better water efficiency ▪ Photovoltaic solar panels proposed on the roof. ▪ Communal recycling and waste management facilities provided. ▪ Provision for future EV charging installation and generous bicycle parking facilities Refer to ESD report (Appendix AA) for further information.	
5 Landscape (1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity. (2) A positive image and contextual fit of well designed development is achieved by	The seamless integration of building design and natural surroundings is a testament to the close collaboration between the development team and the LandFX Landscape Architects. The landscape design plays an integral role in the overall success of this development, providing both visual and practical benefits to enhance the living experience. Built planters are strategically placed throughout the site to soften the built form and create a welcoming	Appendix G Appendix J

contributing to the landscape character of the streetscape and neighbourhood.

(3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—

- (a) the local context,
- (b) co-ordinating water and soil management,
- (c) solar access,
- (d) micro-climate,
- (e) tree canopy,
- (f) habitat values,
- (g) preserving green networks.

(4) Good landscape design optimises the following—

- (a) usability,
- (b) privacy and opportunities for social interaction,
- (c) equitable access,
- (d) respect for neighbours' amenity.

(5) Good landscape design provides for practical establishment and long term management.

atmosphere. These planters boast a variety of species that not only offer visual interest but also provide a clean environment for the inhabitants. To ensure that the landscape design remains in optimal condition, a comprehensive maintenance regime and automatic irrigation system have been implemented. These measures will facilitate the thriving of the plantings and help to maintain the beauty and functionality of the landscape over time. For more information on the landscape design, please refer to 'LandFX's Landscape Documentation.' The report offers comprehensive details on the design principles, plant selection, and maintenance strategies.

6 Amenity	(1) Good design positively influences internal and external amenity for residents and neighbours. (2) Good amenity contributes to positive living environments and resident well-being. (3) Good amenity combines the following— (a) appropriate room dimensions and shapes, (b) access to sunlight, (c) natural ventilation, (d) outlook, (e) visual and acoustic privacy, (f) storage, (g) indoor and outdoor space, (h) efficient layouts and service areas, (i) ease of access for all age groups and degrees of mobility.	Apartment layout configuration splits units into two separate areas – living and sleeping, which allows loud areas to be separated from the quiet ones. All apartments have compliant private open space balconies and are consistent with ADG objectives. The building layout allows access to direct sunlight to living areas and balconies achieving 70% 2hr solar access requirement. All bedrooms and habitable spaces are naturally ventilated with appx 63% of units achieving cross ventilation (in the first 9 storeys). A large communal space is provided on the podium level 2 providing a generous private retreat for residents. It is characterised by swimming pool, numerous breakout spaces, both passive and active, and encourages different activities. Users of the space also benefit from solar access throughout the day.	Appendix G
7 Safety	(1) Good design optimises safety and security within the development and the public domain. (2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.	The pedestrian entries and site through link have been clearly identified with a break on the facade along all three frontages. Each through site link proposed within this development allows resident/ pedestrian to travel to the other side of the site, providing safety as it never leads to dead-end. The two residential lobby entries	Appendix G

(3) Opportunities to maximise passive surveillance of public and communal areas promote safety.

(4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

located off O'Brien and Wilson St, away from the busy environment of Pacific Highway are screened with security glazed doors. A clear definition is provided between public and private spaces with safe access points and adequate lighting of entrances and pedestrian areas. All apartments are provided with a keyed system incorporating a high level of occupant security. Residential lobbies are separated from the commercial and childcare lobby at ground floor. Residential apartments have been designed in such a way as to have the main living areas and balconies facing the street/ public areas for passive surveillance. Secure basement car parking is provided with keyed and remote-controlled access which is also secured and separated from the parking area for commercial use. The driveway is appropriately designed and sized for vehicles and has clear visibility.

8 Housing diversity and social interaction

(1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

(2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.

The size and configuration of the apartments associated with the development provides an appropriate response to the market demand of future occupants. The proposed development also includes the provision of 'intergenerational' layouts to cater for larger families and encourage varying age groups to reside together. Communal open space facilitated with pool, BBQ, break-out seating area, outdoor gym and well-designed landscaping provided on site encourage social interaction amongst the residents.

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- (3) Good design involves practical and flexible features, including—
- (a) different types of communal spaces for a broad range of people, and
 - (b) opportunities for social interaction among residents.

The site is located within close proximity to necessary facilities including public transport, supermarkets, educational and leisure facilities as well as schools.

The development has provided generous width of lobbies for ease of accessibility. An analysis has been conducted to ensure the development complies with the minimum ADG requirement of 20% 'silver livable'. General access for people with disabilities has also been addressed in the design of the building and common areas. For further information refer to Amoeba access report.

9 Aesthetics

- (1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.
- (2) Good design uses a variety of materials, colours and textures.
- (3) The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

- The proposal draws inspiration from the local context and seeks to further enrich the character through a contemporary interpretation of these natural earthy tones and materials, varying between rich reds and lighter earthy tones.
- Contrast in materiality and form are used to create a facade offering high environmental performance all while ensuring the building harmoniously fits within its context.
- Massing and facade details are designed to respond to both desired character of the area, environment conditions and the existing context.
- The proposal contains a clear approach to materiality and construction.

Appendix G

- The tower contains a continuous facade, absorbing all required performance aspects into a regular expression, subtly modulating to accommodate specific acoustic, privacy and shading requirements. Vertical and horizontal blades across all sides provide a visual depth and a degree of sun shading.
- Privacy screening is integrated when necessary to address visual privacy requirements.
- The tiered landscape comprises a series of concrete slabs with timber soffits. The distinctive stepped planter upstands at the top of the podium helps on reducing the podium height perceived from the street.
- The extended balconies of the proposed building have been designed to seamlessly flow into the facade indentations, creating a rhythmic design quality that further enhances the depth of the building's facade. creating a unique visual interest that compliments the overall design. The addition of shadow lines further enhances the building's aesthetic quality, adding a sense of texture and depth to the building's facade.
- The elevation is varied in expression and designed primarily to respond to sun, views, setbacks and the site. The building has a free form and unique aesthetic, tempered by

	environmental control, site response and context elements. ▪ The durable and hard-wearing materials will enhance the long-term image of the building with its careful composition of building elements, textures, materials, colours, internal design and structure contributing positively to the desired future character of the vicinity. ▪ By incorporating these design elements, the proposed building not only integrates seamlessly into its surroundings but also creates a unique and striking identity that adds value to the overall aesthetic quality of the area.		
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	<i>The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.</i>		
	2.1 Standards for BASIX development and BASIX optional development	In accordance with Chapter 2.1 of Sustainable Buildings SEPP 2022, the Sustainable Buildings SEPP is applicable to all BASIX building that involves: ▪ development that involves the erection, but not the relocation, of a BASIX building, ▪ development that involves a change of building use by which a building becomes a BASIX building,	Appendix CC

	▪ development that involves the alteration of a BASIX building, if the estimated development cost is \$50,000 or more, ▪ development for the purposes of a swimming pool or spa, or combination of swimming pools and spas, that: – services 1 dwelling only, and – has a capacity, or combined capacity, of 40,000 litres or more. Hence the Sustainability Standards for Residential Development (BASIX) applies to Pacific Highway and Wilson Street, Chatswood. Refer to the BASIX certificate provided separately for compliance	
Chapter 3 Standards for non-residential development 3.1 Application of Chapter	Chapter 3.1 of the Sustainable Buildings SEPP 2022, the Sustainable Buildings SEPP is applicable to all non-residential development that involves: ▪ The erection of a new building, if the development has a capital investment value of \$5 million or more; or ▪ Alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more. As the proposal provides a non-residential component greater than \$5 million, Chapter 3 of the SEPP applies.	N/A

3.2 Development consent for non-residential

(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
- (d) the generation and storage of renewable energy,
- (e) the metering and monitoring of energy consumption,
- (f) the minimisation of the consumption of potable water.

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied

(a) A Construction Waste Management Plan will be prepared by the building contractor prior to the commencement of works on site which includes measures to maximise the diversion of construction and demolition waste from landfill

(b) The proposed development includes a high-efficiency HVAC system and energy-efficient LED lighting.

(c) Appropriate insulation and roof colour will be provided as well as a high thermal performance glazing system. Appropriate building design elements are proposed to maximise natural daylight and winter heat gains while minimising unwanted heat gains in summer.

(d) The development includes the provision of a roof-mounted photovoltaic system (PV).

(e) Metering is to be provided to enable building energy/water monitoring or leak detection and recording of the on-site renewable energy equipment. Accessible energy and water metering will be provided for all common uses, major uses and major sources.

(f) Water-efficient fixtures and fittings meeting the minimum WELLS Rating as nominated will be installed. The proposal also incorporates indigenous low water use species.

Appendix EE

Appendix AA

	emissions attributable to the development have been quantified.	(2) A NABERS embodied emissions materials form is submitted at Appendix EE .	
Draft Environmental Planning Instruments			
Housekeeping Amendment to Willoughby Local Environmental Plan 2024	The draft LEP amendment seeks an amendment to clause 6.8(6)(a) of the LEP to remove the option to pay a monetary contribution to satisfy the affordable housing contribution.	The Applicant intends to satisfy this requirement by way of a monetary contribution in accordance with any relevant condition of consent. The applicant has committed to providing 72 affordable housing units (5,667.2 sqm) in accordance with the HDA Declaration. Regardless, gateway Condition 1(a) required the removal of the proposed amendments to clause 6.8 of the LEP. Notwithstanding the above, the affordable housing contribution under Clause 6.8(5) should not apply to the proposed affordable housing component of the development. Affordable housing delivered pursuant to the Housing SEPP satisfies the definition of community housing under the Willoughby LEP 2012. Clause 6.8 does not apply to community housing. On this basis, the Clause 6.8 contribution should exclude the affordable housing GFA proposed as part of the development.	N/A
Willoughby Local Environmental Plan 2012			
Zoning and Land Use	The proposed development involves a mixed-use development with commercial and	The proposal is entirely consistent with the objectives of the zone given:	Appendix G

	childcare land uses which are a permissible use with consent in the MUI Zone.	▪ It provides an appropriate combination of residential and non-residential uses. These outcomes ensure that the Chatswood CBD will continue to fulfil its key economic, social and cultural role within the locality. ▪ It provides retail and commercial premises and residential accommodation in a highly accessible location. ▪ The proposal proposes a shared pedestrian/cycle pathways along the Pacific Highway frontage, with public domain upgrades to create a liveable environment. ▪ The development will contribute to the vitality of Chatswood CBD by providing a use that supports and complements surrounding mixed use and commercial role of the Chatswood CBD.	
4.3 Height of Buildings	90 metres	Capable of complying The concurrent rezoning proposes to amend the maximum building height from 90 metres to 209.5 metres. This amendment facilitates the delivery of the additional housing proposed as part of the development.	Section 8 Appendix B
4.4 Floor Space Ratio	7.8:1	Capable of complying The concurrent rezoning will amend the floor space ratio from 6:1 to 17.8:1. This amendment facilitates the	Section 8 Appendix B

		delivery of the additional housing proposed as part of the development.	
5.10 Heritage	The objectives of the Clause are to allow development on land that is compatible with the flood function and behaviour on the land (taking into account projected changes as a result of climate change) and to avoid adverse or cumulative impacts on flood behaviour and the environment.	Complies The site is not listed as a local or State heritage item nor is it located within a heritage conservation area. A Heritage Impact Statement has been prepared to support the proposed development which concludes that the proposed redevelopment of the site would have a minimal impact on the heritage significance of the area and the proposal's design is sympathetic to the surrounding heritage items and the North Chatswood Heritage Conservation Area.	Section 8 Appendix KK
5.21 Flood Planning	The objectives of the Clause are to allow development on land that is compatible with the flood function and behaviour on the land (taking into account projected changes as a result of climate change) and to avoid adverse or cumulative impacts on flood behaviour and the environment.	Complies The Civil Engineering Design Report (Appendix Q) concludes the site is not impacted by flooding, and an extensive flood impact assessment is not required for this SSDA.	Section 8 Appendix Q
6.1 Acid Sulfate Soils	Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Complies The proposed development does not seek consent for any earthworks, this is addressed under the separate, Early Works SSDA (SSD-96564253).	Appendix Y Refer SSD-96564253

		Regardless, the site is identified as containing Class 5 acid sulfate soils. The site is however not within 500 metres of adjacent Class 1, 2, 3 or 4 land. The Remediation Action Plan (at Appendix Y) confirms that an Acid Sulfate Soils assessment is not necessary for the proposed development.	
6.2 Earthworks	(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to other development for which development consent has been granted.	Early works, remediation of land, and tree removal is proposed under the Early Works SSDA (SSD-96564253).	Refer SSD-96564253
6.3 Urban Heat	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.	Complies Effective design and ongoing operation measures such as light-colour roofs, generous vegetation and passive cooling are proposed and have been initiated through the ESD Report attached to the EIS.	Section 8 Appendix AA
6.7 Active Street Frontages	The northern boundary (Wilson Street), southern boundary (O'Brien Street), and western boundary (Pacific Highway) are identified as active street frontages on the LEP Map.	Complies The proposal provides commercial premises and retail premises along the three identified street frontages (O'Brien Street, the Pacific Highway, and Wilson Street).	Section 8 Appendix G

		These uses will promote activation and attract pedestrian traffic along the ground floor street frontages.	
6.8 Affordable Housing	This clause applies to development for residential accommodation identified on the LEP Affordable Housing Map. Development consent must not be granted unless the consent authority has considered the Willoughby Affordable Housing Principles and impact of the development on the existing mix and likely future mix of residential accommodation.	Pursuant to Clause 6.8(6)(a), the applicant proposes a monetary contribution paid to Council that is the value, calculated in accordance with subclause (4), of 4% of the base GFA. The affordable housing contribution under Clause 6.8(5) should not apply to the proposed affordable housing component of the development. Affordable housing delivered pursuant to the Housing SEPP satisfies the definition of community housing under the Willoughby LEP 2012. Clause 6.8 does not apply to community housing. On this basis, the Clause 6.8 contribution should exclude the affordable housing GFA proposed as part of the development.	N/A
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.	Complies Billbergia has undertaken a competitive design process, which concluded in August 2023. A Design Review Panel process was subsequently undertaken culminating in the DRP (formerly the competition jury) determining that the scheme exhibited 'design excellence'.	Appendix OO Appendix Ki Appendix Kii

		Design development has occurred during the preparation of the SSDA – in accordance with a GA NSW endorsed “Design Excellence Strategy”. The SSDA scheme was presented to the DRP prior to the lodgement of the EIS who provided a number of matters to be resolved in the design development stage.
Schedule 1 Additional permitted uses 27 Use of certain land in Chatswood CBD	(2) Development for the purposes of residential flat buildings is permitted with development consent if— (a) the ground floor is used for non-residential purposes only, and (b) at least 17% of the gross floor area of the building will be used for non-residential purposes.	Capable of complying The proposal seeks to insert a site-specific sub-clause to align with the non-residential GFA proposed by the SSDA as follows: <i>“Development consent for the purposes of shop top housing on land at 849, 853, and 859 Pacific Highway and 2 and 8 Wilson Street, Chatswood must not be granted unless the consent authority is satisfied that at least 3.3% of the gross floor area of the building will be used for non-residential purposes.”</i> The project includes a substantial quantum of non-residential GFA (2,563 sqm) and diverse employment generating land-uses, including retail and commercial tenancies and a childcare centre. It is anticipated that the site will generate 76 ongoing jobs during its operation. Consistent with the inferred objectives of Clause 6.25, the proposed non-residential uses will stimulate employment and economic growth

Section 4.1.2.3

Child Care Use – Transport and Infrastructure SEPP Assessment

The Childcare use component of the proposal triggers the below clause in the *State Environmental Planning Policy (Transport & Infrastructure) 2021*:

3.23 Centre-based Child care facility – matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

The proposal has been assessed against the objectives of the Child Care Planning Guideline in **Table 2** below.

Table 2 Matters for Consideration in Child Care Planning Guideline

Matters for Consideration	Proposal	Complies
Objective: To ensure that appropriate zone considerations are assessed when selecting a site.	The proposed childcare centre is permissible within the MUI Mixed Use zone and is consistent with the zone objectives, as it will provide a local service that supports the day-to-day needs of residents and workers within the surrounding area.	Yes
Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use.	The site is appropriately located within an established urban area with good access to public transport, services and residential catchments, making it a suitable location for a childcare facility.	
Objective: To ensure that sites for childcare facilities are appropriately located.	The childcare centre has been designed with a dedicated ground floor access lobby, ensuring clear separation from other uses within the development and supporting safe and efficient operation.	
	The site is considered suitable for the proposed use, being capable of accommodating the facility in a manner that is environmentally safe and consistent with the surrounding context.	

Objective: To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.	The proposed childcare centre will not be exposed to unacceptable environmental, health or safety risks. The site is located within an established urban area and is not affected by known hazards such as flooding, bushfire, contamination or proximity to hazardous industries. The application seeks approval for the permissibility and location of the childcare use only. Detailed design and operational matters will be subject to a future, separate development application, which will demonstrate compliance with relevant environmental health and safety requirements. Notwithstanding this, the site is capable of accommodating a childcare facility in a manner that provides a safe and healthy environment for future occupants.	Yes
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3.2 Local character, streetscape, and the public domain interface

Objective: To ensure that the childcare facility is compatible with the local character and surrounding streetscape.	The proposed childcare facility is compatible with the local character and surrounding streetscape, being located within a mixed use context where a range of commercial, community and residential uses are located. The provision of a childcare centre is consistent with the intended function of the area and supports the day-to-day needs of the local community.	Yes
Objective: To ensure clear delineation between the childcare facility and the public spaces.	The proposal provides for clear delineation between the childcare facility and surrounding public spaces. The childcare use will be accessed via a dedicated ground floor entry, separate from other uses within the development, ensuring legibility and controlled access. This application seeks approval for the permissibility and location of the childcare use only. Detailed design measures, including entry treatments, security, and interface, will be resolved as part of a future, separate development application.	To be further detailed in future DA.

Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.	Not applicable. The proposed childcare centre is located at Level 1 and does not involve any front fencing or retaining walls. Accordingly, this objective is not relevant to the proposal.	N/A
3.3 Building orientation, envelop, and design		
Objective: To respond to streetscape and site, while optimising solar access and opportunities for shade.	The proposal is capable of responding appropriately to the streetscape and site context, while optimising solar access and opportunities for shade. The site's orientation and location within an established urban area enable a suitable design outcome to be achieved.	To be further detailed in future DA.
Objective: To ensure that the scale of the childcare facility is compatible with adjoining development and that the impact on adjoining buildings is minimised. Objective: To ensure that setbacks from the boundary of a childcare facility are consistent with the predominant development within the immediate context. Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.	The proposed childcare facility forms part of a broader mixed use development and is capable of achieving a scale and built form that is compatible with adjoining development and minimises potential impacts on surrounding buildings. The overall development has been designed to respond to the site context and surrounding built form, within which the childcare use will be integrated.	Yes
Objective: To ensure that buildings are designed to create safe environments for all users.	A future DA will address safety and security considerations for the centre.	To be further detailed in future DA.
Objective: To ensure that childcare facilities are designed to be accessible by all potential users.	A future DA will address accessibility to all potential users (including children, staff, parents, and other visitors).	To be further detailed in future DA.

3.4 Landscaping

Objective: To provide landscape design that contributes to the streetscape and amenities.	The proposal provides landscaping adjacent to the childcare outdoor areas, consistent with the landscaped podium design of the broader development. This application seeks approval for the permissibility and location of the childcare use only. Detailed landscape design, including integration within the building footprint and external outdoor play areas, will be resolved as part of a future, separate development application.	To be further detailed in future DA.
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3.5 Visual and acoustic privacy

Objective: To protect the privacy and security of children attending the facility.	The use, design and operational parameters of the childcare centre will be subject to a future, separate development application, which will include a detailed noise and vibration assessment. Notwithstanding this, the Noise and Vibration Impact Assessment has identified appropriate mitigation measures to be implemented at the outdoor childcare play areas, including: ▪ Installation of solid glass balustrades with a minimum height of 2.1 metres surrounding the outdoor play areas; and ▪ Treatment of soffits above the outdoor play areas with an acoustically absorptive finish.	To be further detailed in future DA.
Objective: To minimise impacts on privacy of adjoining properties.		
Objective: To minimise the impact of childcare facilities on the acoustic privacy of neighbouring residential developments.		

3.6 Noise and air pollution

Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.	A future DA will be supported by technical reports to assess the outside noise levels on the childcare centre and air quality.	To be further detailed in future DA.
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Objective: To ensure air quality is acceptable where childcare facilities are proposed close to external sources of air pollution such as major roads and industrial development

3.7 Hours of operation

Objective: To minimise the impact of the childcare facility on the amenity of neighbouring residential developments.

The hours of operation will be detailed and assessed within the future DA.

To be further detailed in future DA.

3.8 Traffic, parking, and pedestrian circulation

Objective: To provide parking that satisfies the needs of users and demand generated by the centre.

Car parking provision complies with applicable parking rates (as detailed in the Transport Impact Assessment **Appendix O**). The future DA will further assess car parking provision (subject to staff numbers and parent pick-up and drop-off arrangements).

Yes

Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.

Access to the basement car parking is assessed in the Traffic Impact Assessment (**Appendix O**).

Yes

Objective: To provide a safe and connected environment for pedestrians both on and around the site.

The proposal is capable of providing a safe and connected environment for pedestrians both on and around the site. The childcare facility will be accessed via a dedicated ground floor entry, integrated within the broader development, which provides established pedestrian pathways and connections to the surrounding street network.

Yes

4.1 Indoor space requirements

Regulation 107

Compliance with indoor space provision and requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

4.2 Laundry and hygiene facilities

Regulation 106

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies, and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Childcare facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.

Compliance with laundry and hygiene facilities and requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

4.3 Toilet and hygiene facilities

Regulation 109

A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service, and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Compliance with toilet and hygiene facilities and requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

Childcare facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.

4.4 Ventilation and natural light

Regulation 110

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and well-being of children.

Childcare facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.

Compliance with ventilation and natural light requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

4.5 Administrative space

Regulation 111

A service must provide an adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.

Compliance with administrative space design requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

4.6 Nappy change facilities

Regulation 112

Childcare facilities must provide for children who wear nappies, including appropriate hygienic facilities for

Compliance with nappy changing facility design requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.

Childcare facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.

4.7 Premises designed to facilitate

Regulation 115

A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to always facilitate the supervision of children, having regard to the need to maintain their rights and dignity.

Childcare facilities must also comply with any requirements regarding the ability to facilitate supervision that is contained in the National Construction Code.

Compliance with the design of rooms and facilities requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

A future DA will assess compliance with emergency and evacuation procedures.

To be further detailed in future DA.

Regulation 97 sets out the detail for what those procedures must cover.

4.9 Outdoor space requirements

Regulation 108

An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.

Compliance with outdoor space requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

4.10 Natural environment

Regulation 113

The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.

Compliance with natural environment design requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

4.11 Shade

Regulation 114

The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Compliance with shade protection requirements will be detailed and assessed within the future DA.

To be further detailed in future DA.

4.12 Fencing

Regulation 104

Compliance with outdoor space design requirements and fencing will be detailed and assessed within the future DA.

To be further detailed in future DA.

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Childcare facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.
