

3 July 2024

David Gainsford
Deputy Secretary – Development Assessment and Infrastructure

Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Dear Mr Gainsford,

RE: REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS: 57-61 ARCHER STREET AND 34 ALBERT AVENUE, CHATSWOOD

1. INTRODUCTION

This letter has been prepared by Mecone Group (Mecone) on behalf of Coronation Property Co. (the Proponent) to support a request for the Secretary's Environmental Assessment Requirements (**SEARs**) to enable preparation of a State Significant Development Application (**SSDA**) for a mixed-use shop top housing development including in-fill affordable housing at 57-61 Archer Street and 34 Albert Avenue, Chatswood.

Under the *State Environmental Planning Policy Amendment (Housing) 2023 (Amending Policy No 664)*, section 1.9(2A) of the *Willoughby Local Environmental Plan 2012 (the LEP)* was omitted on 30 June 2024, meaning the in-fill affordable housing provisions under Chapter 2 Part 2 Division 1 of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* now applies to the Willoughby LGA.

As the proposal involving in-fill affordable housing is located in in the Eastern Harbour City, has a residential component of more than \$75 million and does not involve development prohibited under an environmental planning instrument (EPI), the proposal constitutes State Significant Development (**SSD**) under Schedule 1 section 26A of the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*.

As part of this Request for SEARs, this letter provides an overview of the proposal, relevant planning instruments, site suitability and the key likely impacts of the proposal. The following documents have also been prepared to support this letter:

- **Attachment 1** – QS Letter
- **Attachment 2** – Preliminary Architectural Plans
- **Attachment 3** – Survey Plan
- **Attachment 4** – High-level ADG Assessment and Development Schedule
- **Attachment 5** – BDAR waiver request
- **Attachment 6** – Summary of design changes

2. SITE LOCATION

The site is located at 57-61 Archer Street and 34 Albert Avenue, Chatswood, within the Willoughby LGA. The site has a total area of 2,644.7m² and consists of two lots which are legally identified as SP81015 and SP101358.

The site has a frontage to Albert Avenue to the north, Archer Street to the west, and Bertram Street to the east. Existing development on the site consists of a multi dwelling housing development comprising two two-storey buildings and basement carpark in the west, a single storey heritage listed (local) building currently being used as a boarding house and a two-storey dual occupancy.

Surrounding development is a diverse mix of land uses. To the north and west of the site is Chatswood CBD, which largely comprises commercial and retail land uses, shop top housing, and medium-high density residential development. To the east of the site are less intensive land uses, predominantly consisting of low-medium density residential development as part of the South Chatswood Heritage Conservation Area. To the south comprises existing low to medium residential development. Noting however future development to the south is envisaged to be medium to high density under the current LEP which prescribes a height limit of 11m to 90m and a floor space ratio (FSR) of 3.7 to 5:1 for the block.

The site is located within 250m of Chatswood Westfield and Chatswood Chase shopping centres, and approximately 600m walking distance from the Chatswood Transport Interchange, which provides rail, metro and bus connections. In 2024, the Sydney Metro City & Southwest line will open and connect Chatswood Station to Crows Nest, North Sydney, Barangaroo and Martin Place.

An aerial image of the site and the surrounding context is illustrated at **Figure 1** and **2**.

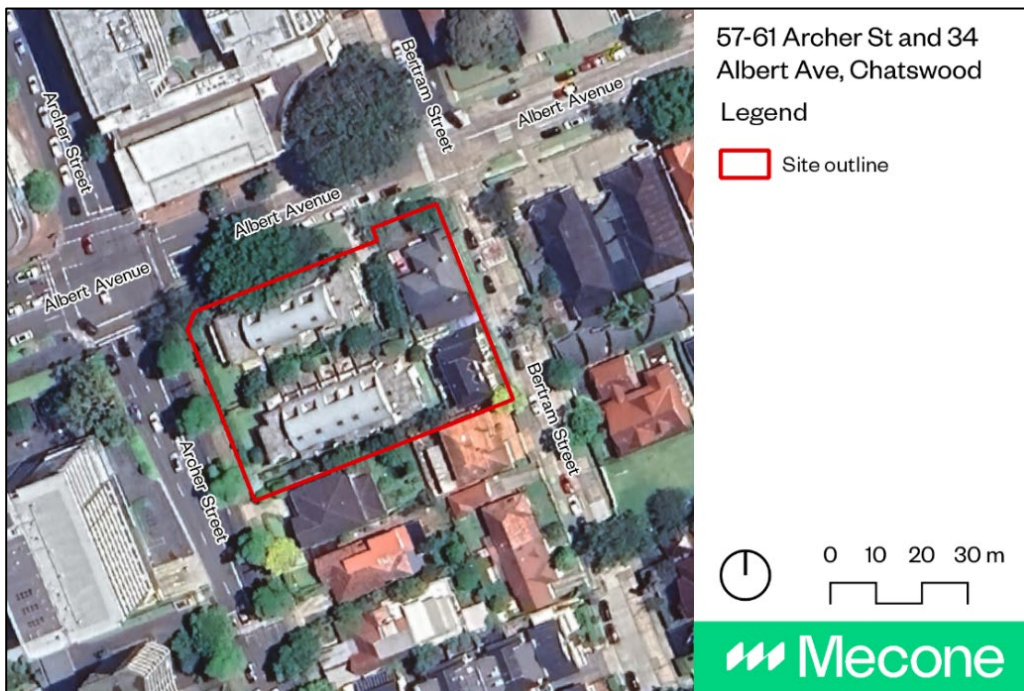


FIGURE 1 SUBJECT SITE

Source: Mecone

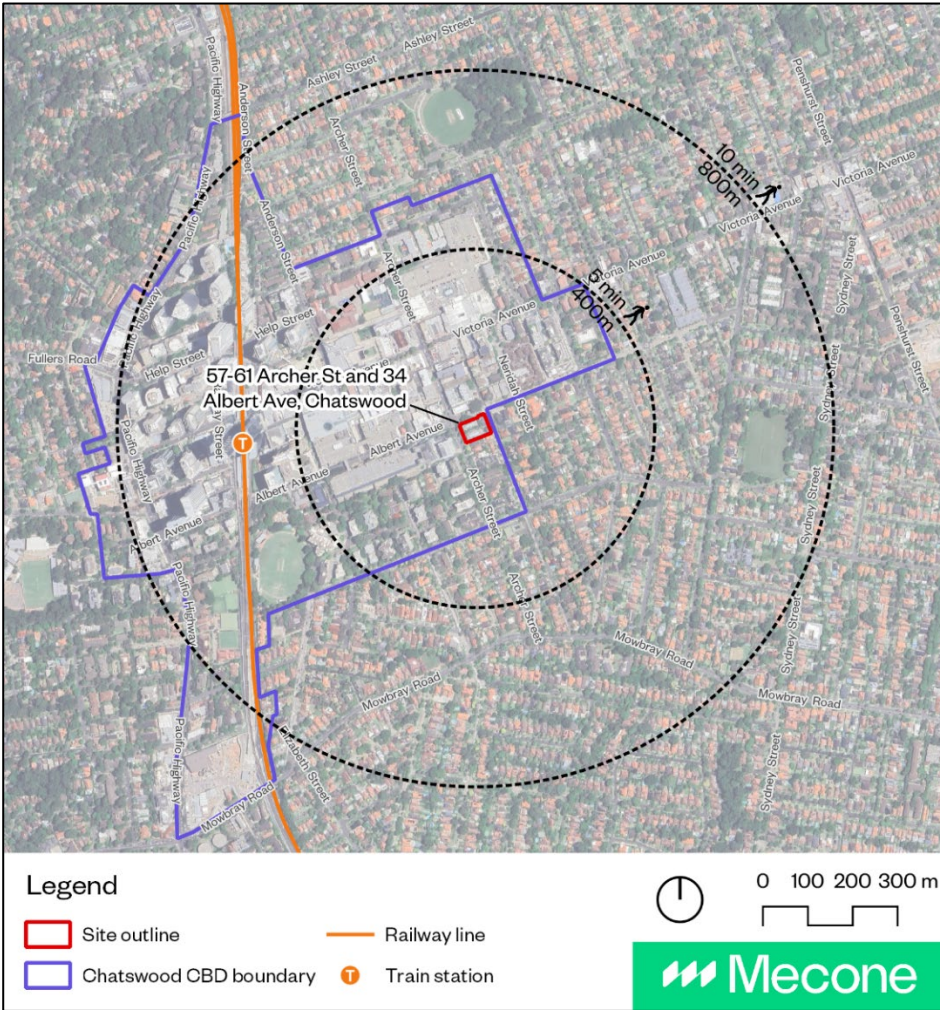


FIGURE 2 LOCAL CONTEXT
Source: Mecone

3. DESIGN EXCELLENCE PROCESS

3.1 ARCHITECTURAL DESIGN COMPETITION

A Council-led Architectural Design Competition (**DC**) was undertaken for the site between 10 July 2023 and 21 September 2023. The DC was undertaken in accordance with Clause 6.23(6)(b) of the LEP.

The DC was undertaken as an invited process where the proponent sought three competitors to respond to a Competitive Process. The three selected architectural competitors were:

- Fender Katsalidis
- PBD Architects
- Woods Bagot (Winning scheme)

An Architectural Design Competition Report which was prepared at the conclusion of the competition. The report outlines the DC process, architectural submissions, and the competition jury's deliberations, decision, and recommendations. The Jury unanimously considered that the Woods Bagot scheme provided the best response to the Design Competition Brief and concluded it was capable of achieving design excellence.



FIGURE 3 WINNING SCHEME BY WOODS BAGOT
Source: Woods Bagot 2023



3.2 DESIGN INTEGRITY

Mecone has been working with Government Architect NSW (**GANSW**) in developing the Bridging Design Excellence Strategy to establish the process that transitions a recently completed local design competition to a revised in-fill affordable housing SSDA.

The Proponent will commence the design integrity process following endorsement of the Bridging Design Excellence Strategy by GANSW. A Design Integrity Report will be submitted as part of the EIS to summarise the outcomes and recommendations of the Design Integrity Panel in accordance with the GANSW Design Competition Guidelines dated September 2023.

4. CURRENT DEVELOPMENT APPLICATIONS WITH COUNCIL

4.1 DEMOLITION DEVELOPMENT APPLICATION – DA-2023/328

On 15 December 2023, a Development Application (**DA**) was lodged with Council seeking consent for the demolition of existing non-significant buildings and retention of the existing heritage item. Demolition of the existing non-significant buildings is proposed to facilitate the future construction of the proposed mixed use development.

A Request for Further Information (**RFI**) response was submitted to Council and it is understood that draft conditions have been prepared by Council, which are expected to be issued to the Proponent for review. The Demolition DA is expected to be determined within the next 1-2 weeks.

4.2 EARLY WORKS DEVELOPMENT APPLICATION – DA-2023/320

On 5 December 2023, a DA was lodged with Council seeking consent for site establishment works, bulk excavation, shoring works and removal of four trees.

The proposed early works will allow for the site to be suitably prepared to enable a seamless progression to construction of the mixed-use development on the site at the completion of its DA process.

A RFI response was submitted to Council on 7 June, with supplementary information submitted on 27 June. The Early Works DA is expected to be determined in mid to end of July.

4.3 DISPLAY SUITE DEVELOPMENT APPLICATION – DA-2024/68

On 28 March 2024, a Display Suite DA was lodged for the proposed temporary use of the local heritage item as a display suite with an ancillary café. The proposal includes the partial demolition of non-significant additions to the heritage building, alterations and additions to the building, conservation works to the heritage item and other associated works. The temporary display suite is intended to be repurposed into a food and drink premises as part of the proposed mixed use development.

The DA is currently under assessment with no RFIs issued and no objections received to date. The Display Suite DA is expected to be determined in mid to end of July.

The abovementioned DAs lodged are intended to facilitate the proposed redevelopment of the site for a mixed use shop housing development and align with the winning scheme of the DC.

5. PROPOSAL OVERVIEW

The SSDA will seek development consent for redevelopment of the site for a 32-storey mixed use shop top housing development including in-fill affordable housing. The proposal is consistent with the outcome of the DC and comprises the following key components:

- A three-storey podium comprising non-residential uses between ground level and Level 2;
- Adaptive reuse of the heritage item as a restaurant/café and creation of a pocket park;
- A 29-storey residential tower comprising 152 units
- Five-level basement providing a total of 164 parking spaces;
- Communal facilities on Level 1 and 2 including a swimming pool and a gym/yoga space;
- Associated landscaping; and
- Services and infrastructure improvements as required.

The affordable housing component is proposed to be provided on Levels 3 to 7, with a total GFA of 2,579m², equivalent to 15% of the GFA of the development. Chapter 2, Part 2, Division 1, section 16 of the Housing SEPP enables the maximum permissible FSR of the land under the LEP to be increased by up to 30% with the provision of an affordable housing component of 15%.

Detailed calculations of the affordable housing component remain to form part of an ongoing discussion with DPHI's Assessment and Housing Policy teams. Final calculations of the affordable housing component will be reflected in the SSDA submission.

The indicative site layout plan, prepared by Woods Bagot is shown in **Figure 4** below.

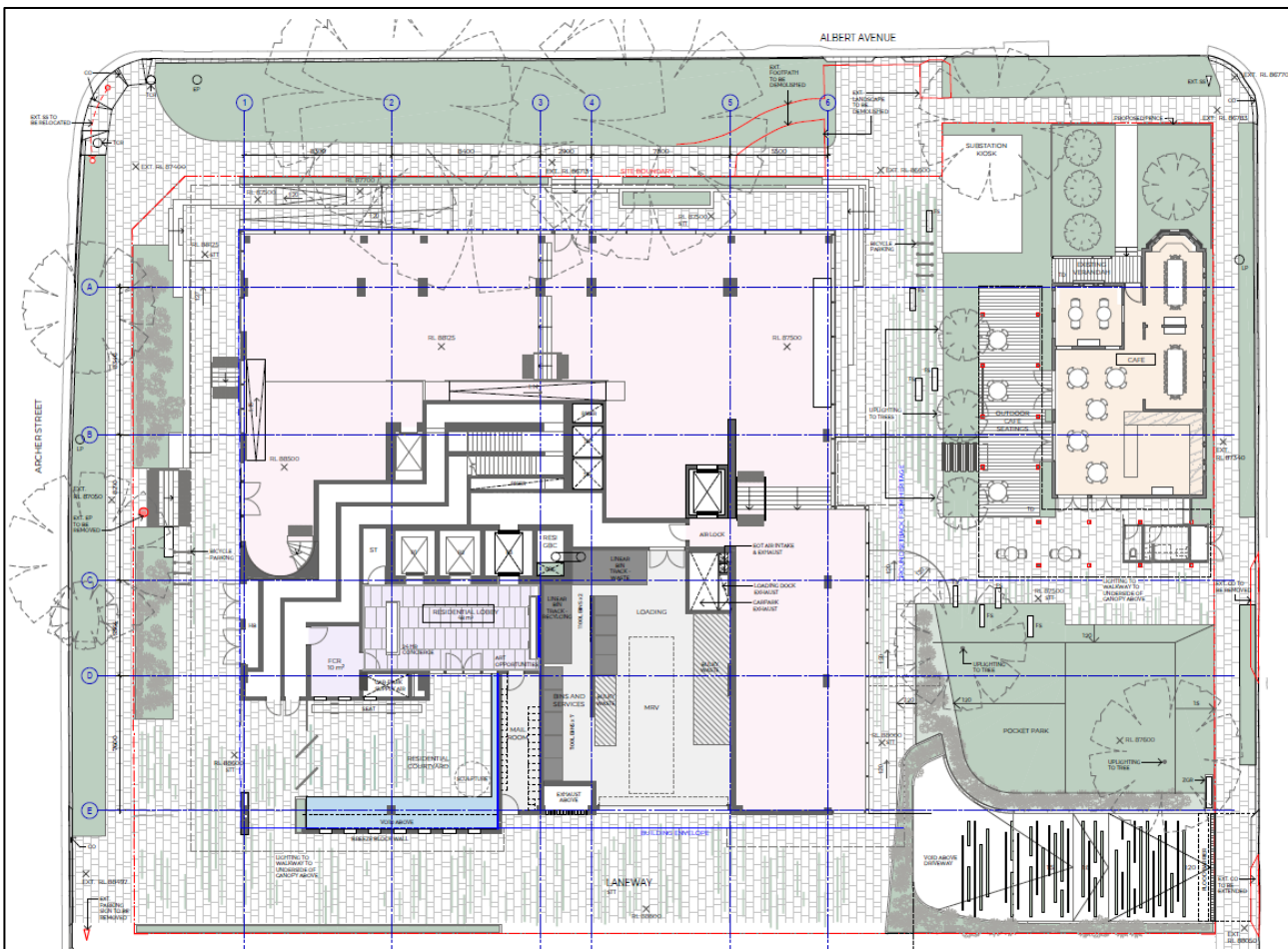


FIGURE 4 SITE LAYOUT PLAN – TO BE UPDATED UPON RECEIPT OF FINAL PLANS

Source: Woods Bagot



Sections of the proposal and a typical residential floor plan are provided in **Figures 5 and 6**.

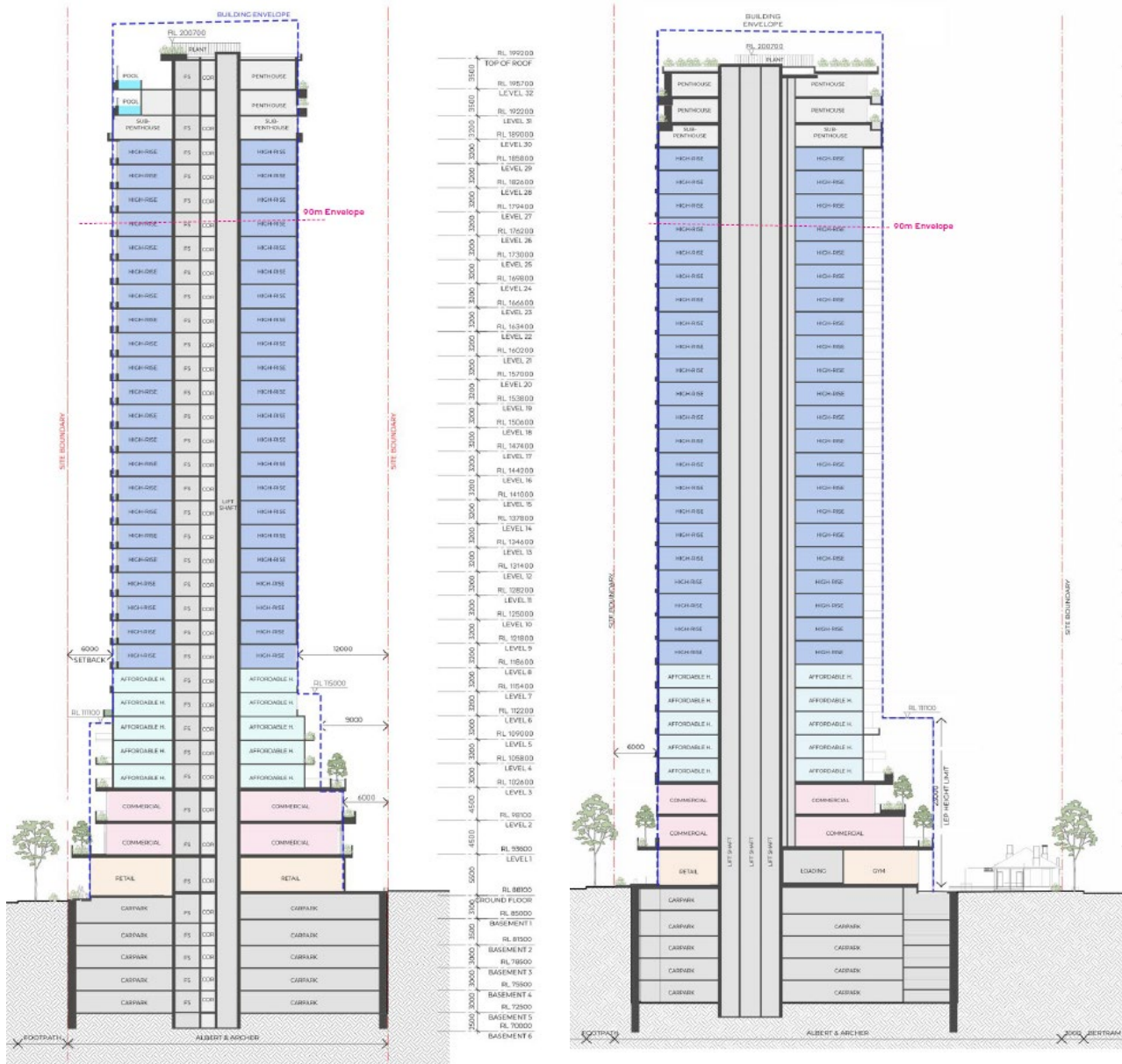


FIGURE 5 INDICATIVE SECTIONS

Source: Woods Bagot

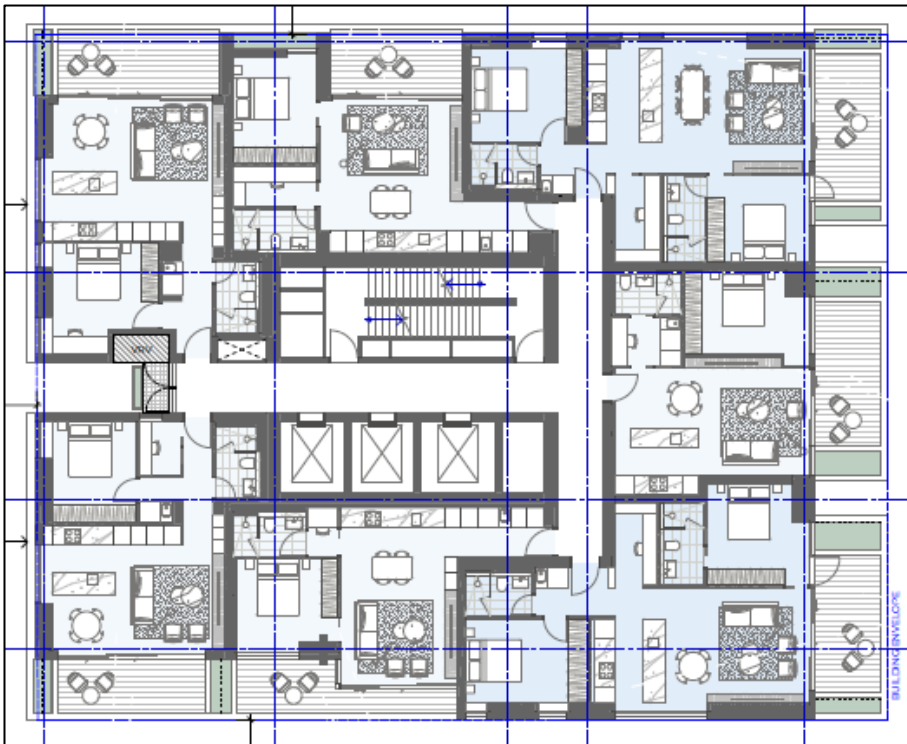


FIGURE 6 PROPOSED TYPICAL RESIDENTIAL FLOOR PLAN

Source: Woods Bagot

6. SITE SUITABILITY

The site is suitable for the proposed development as it forms part of the Chatswood CBD under the *Chatswood CBD Planning and Urban Design Strategy 2036*, which identifies capacity for future growth and employment in the Chatswood CBD and informed changes to the Willoughby LEP and the Willoughby Development Control Plan (**the DCP**).

The site is in a highly accessible location being within 600m walking distance from the Chatswood Transport Interchange, which promotes the use of public transport and a sustainable lifestyle. The site is located within an 'accessible area' as stipulated in section 15C of the Housing SEPP, which will facilitate the delivery of in-fill affordable housing in an accessible location and assist in meeting the need for more homes from the growing population by boosting housing supply.

The site is also not inhibited by any significant environmental constraints that would prevent the provision of a shop top housing development. The potential environmental impacts associated with the proposal will be adequately managed through the implementation of mitigation measures. These will be further addressed in the EIS.



7. STATUTORY PLANNING FRAMEWORK

A summary of the key provisions of the statutory planning framework is provided in **Table 1** below.

TABLE 1 STATUTORY CONSIDERATIONS OF PROPOSAL

ITEM	COMMENT																											
SSD eligibility	<p>Pursuant to Schedule 1 section 26A of the Planning Systems SEPP, for development on land in the Eastern Harbour City, the part of the development that is residential development has an EDC of more than \$75 million and does not involve development prohibited under an EPI is SSD.</p> <p>The QS Letter (Attachment 1) confirms that the residential component of the proposal has an EDC of more than \$75 million. The proposal located in the Eastern Harbour City also does not involve development that is prohibited under an EPI. Therefore, the proposal constitutes SSD under the Planning Systems SEPP.</p>																											
Land use permissibility	<p>The site is located within the MU1 Mixed Use zone and the proposal for 'shop top housing' and 'commercial premises' is permitted with consent within the MU1 zone under the LEP.</p>																											
Key LEP planning controls	<p>An assessment against the key LEP development standards is provided below.</p> <p>Table 1.1 – Willoughby LEP Development Standards</p> <table border="1"> <thead> <tr> <th>Provision</th> <th>Control</th> <th>Comment</th> </tr> </thead> <tbody> <tr> <td>4.3 Height of building</td> <td>90m (western portion), 23m (eastern portion)</td> <td>The proposal has a height of 110.9m, which is 23.2% of additional height. Refer to Table 1.2 for further details.</td> </tr> <tr> <td>4.4 Floor space ratio</td> <td>5:1</td> <td>The proposal seeks to apply for an additional 30% of FSR, being an FSR of 6.5:1 under Clause 16 of the Housing SEPP. Refer to Table 1.2 for further details.</td> </tr> <tr> <td>5.10 Heritage conservation</td> <td>Local heritage item 152 – “House (including original interiors)” at 34 Albert Ave</td> <td>Adaptive reuse of the heritage item is proposed.</td> </tr> <tr> <td>6.7 Active street frontages</td> <td>Applies to Archer St, Albert Ave and Bertram St frontages</td> <td>Complies – An active frontage will be provided on each street frontage.</td> </tr> <tr> <td>6.8 Affordable housing</td> <td>10% of the residential component</td> <td>The required affordable housing under the LEP will be satisfied via monetary contribution.</td> </tr> <tr> <td>6.15 Sun access</td> <td>Development consent must not be granted to development that results in a dwelling on land identified as “Area 3” on the <i>Sun Access Protection Map</i> receiving less than 3 hours of direct sunlight between 9am and 3pm at mid-winter.</td> <td>As demonstrated in the Shadow Diagrams (Attachment 2), the proposal will not result in a dwelling receiving less than 3 hours of sunlight between 9am and 3pm.</td> </tr> <tr> <td>6.16 Minimum lot sizes for commercial and mixed use development in Chatswood CBD</td> <td>1,200m²</td> <td>Complies – the site has an area of 2,644.7m².</td> </tr> <tr> <td>6.25 Shop top housing in Zone MU1</td> <td>17% of total GFA</td> <td>The proposal will provide 2,249m² of non-residential GFA, equivalent to 17% of the 5:1 FSR under the LEP.</td> </tr> </tbody> </table>	Provision	Control	Comment	4.3 Height of building	90m (western portion), 23m (eastern portion)	The proposal has a height of 110.9m, which is 23.2% of additional height. Refer to Table 1.2 for further details.	4.4 Floor space ratio	5:1	The proposal seeks to apply for an additional 30% of FSR, being an FSR of 6.5:1 under Clause 16 of the Housing SEPP. Refer to Table 1.2 for further details.	5.10 Heritage conservation	Local heritage item 152 – “House (including original interiors)” at 34 Albert Ave	Adaptive reuse of the heritage item is proposed.	6.7 Active street frontages	Applies to Archer St, Albert Ave and Bertram St frontages	Complies – An active frontage will be provided on each street frontage.	6.8 Affordable housing	10% of the residential component	The required affordable housing under the LEP will be satisfied via monetary contribution.	6.15 Sun access	Development consent must not be granted to development that results in a dwelling on land identified as “Area 3” on the <i>Sun Access Protection Map</i> receiving less than 3 hours of direct sunlight between 9am and 3pm at mid-winter.	As demonstrated in the Shadow Diagrams (Attachment 2), the proposal will not result in a dwelling receiving less than 3 hours of sunlight between 9am and 3pm.	6.16 Minimum lot sizes for commercial and mixed use development in Chatswood CBD	1,200m ²	Complies – the site has an area of 2,644.7m ² .	6.25 Shop top housing in Zone MU1	17% of total GFA	The proposal will provide 2,249m ² of non-residential GFA, equivalent to 17% of the 5:1 FSR under the LEP.
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In recent discussions, DPHI officers agreed to consider a Clause 4.6 Variation Request to the minimum 17% non-residential floor space standard to 'lock in' calculation at the 5:1 FSR standard applicable under the LEP. The formal variation request will be submitted with the EIS.

Application of the in-fill affordable housing provisions

Section 15C of the Housing SEPP stipulates that Chapter 2 Part 2 Division 1 applies to development that includes residential development if the development is permitted with consent, the affordable housing component is at least 10% and the development is carried out in an accessible area.

The proposal satisfies above criteria for the following reasons:

- The proposal involves shop top housing which is a type of residential development as defined as section 15B.
- The proposal will provide an affordable housing component of 15%.
- The proposal is located in an accessible area (within 800m of a railway and Metro station) as defined in Schedule 10.

Key Housing SEPP controls

An assessment against the key Housing SEPP controls is provided below.

Table 1.2 – Key Housing SEPP controls

Provision	Control	Comment
16 Affordable housing requirements for additional floor space ratio	Maximum 30% additional FSR (6.5:1 total FSR) with a minimum of 15% affordable housing component	Complies – The proposal will provide a total FSR of 6.5:1 with a 15% of affordable housing component (2,578.6m ²).
18 Affordable housing requirements for additional building height	Maximum 30% additional height (117m in the west and 29.9m in the east)	Complies – The proposal has a height of 110.9m.
21 Must be used for affordable housing for at least 15 years	Affordable housing component to be provided for at least 15 years and to be managed by a registered community housing provider	The Proponent is in discussion with Evolve and several other community housing providers. Further details will be provided in the EIS.

Other statutory and planning matters

Other statutory matters relevant to the SSDA, to be addressed in the application and EIS will include the following:

- State Environmental Planning Policy (Planning Systems) 2021*
- State Environmental Planning Policy (Housing) 2021*
- State Environmental Planning Policy (Resilience and Hazards) 2021*
- State Environmental Planning Policy (Sustainable Buildings) 2022*

Biodiversity Conservation Act 2016 – a waiver for a Biodiversity Development Assessment Report (BDAR) has been prepared is provided at **Attachment 5**.

National Parks and Wildlife Act 1974 – an Aboriginal Cultural Heritage Assessment Report will be prepared as part of the EIS.

Apartment Design Guide (ADG) – a high-level assessment against the key ADG design criteria is provided at **Attachment 4**. A detailed ADG assessment will be provided as part of the EIS.



8. ENGAGEMENT

Preparation of this SEARs request has been informed by an early scoping meeting undertaken with DPHI and GANSW on 4 April 2024 and informal phone discussions with DPHI senior executives in January 2024.

A pre-DA meeting was also held with Willoughby City Council on 25 March 2024 to discuss the progression of the design since the completion of the DC and other considerations to be taken into account as part of a future DA.

Further consultation with the relevant government agencies and engagement with the community will be carried out throughout the project in accordance with the DPHI guidance *Undertaking Engagement Guidelines for State Significant Projects (2021)*, to inform the formulation and detailed design of the proposal for the SSDA.

9. MATTERS FOR ASSESSMENT IN THE EIS

This section provides a high-level assessment of the likely impacts associated with the proposal, key matters requiring further assessment in the EIS and proposed approach to assessing these matters.

9.1 BUILT FORM AND URBAN DESIGN

The proposal benefitting from the FSR and building height uplifts under the Housing SEPP will maintain the design intent of the winning scheme from the DC by translating the core design principles into the proposed scheme. The proposed building footprint remains largely unchanged, with adjustments made primarily to include additional floorspace and building height to accommodate additional market and affordable within the development.

As illustrated in the Shadow Diagrams (**Attachment 2**), the proposal with the building height uplift will not result in a dwelling in “Area 3” (low-density dwellings in the South Chatswood Heritage Conservation Area) receiving less than 3 hours of direct sunlight between 9am and 3pm at mid-winter in accordance with section 6.15 of the LEP.

9.2 TRAFFIC AND TRANSPORT

The site is identified for a 3m land dedication at the corner of Albert Avenue and Bertram Street for local road widening. Council have confirmed in writing that the building height and FSR applicable to this land would be retained, with the development potential to be utilised on the site excluding this land to be dedicated to Council.

The EIS will be informed by a Traffic and Accessibility Impact Assessment and Green Travel Plan to assess the impacts of the proposal during construction and operation and outline measures to mitigate any traffic impacts.

9.3 HERITAGE

A local heritage item I52 – “House (including original interiors)” is located at 34 Albert Avenue. The proposal will repurpose the heritage item for a food and beverage offering as part of the mixed use development. Any potential impacts to the heritage item will be assessed in the EIS and through a Heritage Impact Statement.

9.4 FLOOD

Preliminary flood statement indicates that the site is susceptible to overland flows from the upstream catchment. A Flood Impact Statement will be prepared to provide a comprehensive flood assessment as part of the EIS.



CONCLUSION

As outlined in this letter, the proposed shop top housing development including in-fill affordable housing is declared as SSD under Schedule 1 section 26A of the Planning Systems SEPP.

A summary of the proposal is provided, together with other relevant statutory provisions, and an outline of the proportionate approach to be taken to the EIS and engagement.

We trust this is sufficient to enable the Industry-Specific SEARs to be issued, but should any further details or clarification be required, please do not hesitate to contact the undersigned.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Ian Cady', written over a light blue rectangular background.

Ian Cady
Director