

SCOPING REPORT

37 Archer Street, Chatswood

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Version	Date of issue	Prepared By	Reviewed By
Final 01	10 July 2024	ZG, HM	CC

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1. INTRODUCTION

1.1. OVERVIEW

This Scoping Report has been prepared by Urbis Ltd on behalf of Hyecorp Property Group (**the applicant**) in support of a mixed-use development (including in-fill affordable housing) at 37 Archer Street, Chatswood (**the site**). The project compromises a 27-storey tower fronting Archer Street and an 8-storey tower fronting Bertram Street, including ground level retail and a commercial/residential podium with residential apartments above.

This report seeks industry-specific Secretary's Environmental Assessment Requirement (**SEARs**) for the preparation of an Environmental Impact Statement (**EIS**) that will accompany a State Significant Development Application (**SSDA**).

The proposal satisfies the definition of State Significant Development (**SSD**) under Schedule 1, Section 26A of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**) as it is development to which *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**) Chapter 2, Part 2, Division 1 applies that:

- is not prohibited under an environmental planning instrument (EPI) applying to the land;
- has a residential component that exceeds an estimated development cost of \$75 million;
- meets the 'accessible area' locational requirements of the Housing SEPP; and
- will provide at least 10% of the residential component as affordable housing for at least 15 years.

The Minister is the consent authority for the proposal in accordance with Section 4.5 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). Accordingly, the SSDA will be lodged with Department of Planning, Housing, and Industry (**DPHI**) seeking development consent for a new mixed-use development which includes affordable housing as required under the Housing SEPP.

The site is located within the Willoughby City Local Government Area (**LGA**) and is zoned MU1 (Mixed Use) under the provisions of the *Willoughby Local Environmental Plan 2012* (**LEP**).

The proposal is defined as a mixed-use development comprising 'commercial premises' and 'shop top housing'. These land uses are permitted with consent in the MU1 Mixed Use zone.

It is noted that Clause 1.9(2A) of the LEP was repealed on 1 July 2024, allowing for Chapter 2, Part 2, Division 1 of the Housing SEPP to apply to the land.

This Scoping Report provides an overview of the proposed development and the relevant statutory planning framework that applies to enable the issuance of industry-specific SEARs, which will guide the preparation of the EIS.

The following section identifies the applicant for the project, describes the site and proposed development, outlines the site history, and sets out feasible alternatives explored in the development of the project.

1.2. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Hyecorp Property Group
Postal Address	Heritage House, Suite 1, 256 Victoria Avenue, Chatswood, NSW 2067
ABN	51 077 762 004
Nominated Contact	Mona Chao

Descriptor	Proponent Details
Contact Details	mona@hyecorp.com.au

1.3. PROJECT DESCRIPTION

The applicant is proposing to construct a mixed-use development at 37 Archer Street, Chatswood. Hyecorp Property Group (**Hyecorp**) is the proponent for this application. Hyecorp are a family-owned Australian developer and builder based in Sydney's northern district, with extensive experience delivering high quality apartment developments.

The objectives of the proposed development are described as follows:

- Facilitate the delivery of a high-quality development (including affordable housing), at a well-located and highly accessible site.
- Deliver a built form outcome that is consistent with the desired future character of the Chatswood CBD.
- Capitalise on the site's close proximity to Chatswood CBD and public transport accessibility.
- Provide high quality employment-generating floor space within ground floor retail units, live / work units, and podium commercial uses.
- Deliver active public domain spaces to support a vibrant and lively community.
- Deliver affordable housing to help meet the State Government's targets.

The proposed development has an estimated capital investment value of \$79,666,275 (refer to **Appendix A**). This confirms that the cost for the residential component exceeds \$75,000,000 pursuant to Schedule 1, Clause 26A(1)(a)(i) of the Planning Systems SEPP.

Recent legislation gazetted by the NSW Government introduces a State significant development pathway for large scale residential developments over \$75 million, provided that at least 10% of the residential component of the development will be used for affordable housing for a minimum of 15 years. These provisions allow a 30% uplift in the maximum permitted height and FSR controls that apply to the land.

The site information relevant to the project is provided in the following table.

Table 2 Site Details

Descriptor	Site Details	
Street Address	37 Archer Street, Chatswood	
Legal Description	SP 38065	
Site Area	2,201 sqm	

2. STRATEGIC CONTEXT

This section describes the way in which the proposal addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project which will be explored in further detail within the future EIS.

2.1. PROJECT JUSTIFICATION

The proposed development is aligned with the State, district and local strategic plans and policies applying to the site as outlined below.

2.1.1. NSW Housing Strategy: Housing 2041

In March 2021, the *NSW Housing Strategy: Housing 2041* was released. It sets out a long-term (20 year) strategy for better housing outcomes across NSW. High density housing and affordable housing was identified as an important housing typology to expand housing choice across the state.

This proposal is positioned well to deliver both housing choice and affordability through varied apartment typologies and sizes and the inclusion of 2,146 sqm of affordable housing within the development.

2.1.2. Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Sydney Region Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity, and sustainability. The site is located within the Eastern Economic Corridor. The proposal responds to the Corridor's focus on locating high density housing in a location that is easily accessible through existing and future planned transport facilities.

The proposal aligns with key objectives of the Sydney Region Plan by:

- providing a mixed-use development comprising of a variety of commercial uses and residential accommodation, combining living and working environments; and
- delivering greater housing supply and more diverse and affordable housing options. The proposed development will deliver 2,146 sqm GFA for affordable housing.

2.1.3. Our Greater Sydney 2056: North District Plan

The North District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The District Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The planning priorities and actions likely to have implications for the proposed development are listed and discussed below:

Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport

The proposal will provide commercial and residential uses that will serve the needs of the local area. A mix of apartment typologies will provide for a diverse combination of residential interests, including the live-work model. The site is located within the Chatswood CBD and in close proximity to the North Sydney CBD, allowing future residents to have easy access to jobs and live close to work.

The North District Plan states that communities require housing that meets changing demographic needs over time and that provides stability. The provision of 2,146 sqm of residential floorspace allocated to affordable housing apartments will provide critical housing to support the changing demographic needs over time.

Priority N12 – Delivering integrating land use and transport planning and a 30-minute city.

The proposal integrates commercial and residential uses in proximity to existing transport nodes at Chatswood, Roseville, and Artarmon, and regional connecting roads such as Pacific Highway and the M1.

The proposal maximises opportunities presented by significant State government investment in transport infrastructure, such as the Chatswood Metro Station (within the Chatswood CBD).

2.1.4. Willoughby Local Strategic Planning Statement

The Willoughby Local Strategic Planning Statement (**LSPS**) is consistent with the Sydney Region Plan and North District Plan. It provides a 20-year vision, planning priorities and actions for land use in Willoughby. The LSPS informs future amendments to the Local Environmental Plan and Development Control Plan.

The proposal aligns with key planning priorities, including:

Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers: The proposal will provide a variety of apartment typologies including, one-bedroom, two-bedroom, three-bedroom and four-bedroom apartments, which are suitable for a range of family sizes and occupant expectations.

Priority 2: Increasing the supply of affordable housing: The proposal includes 2,146 sqm GFA of affordable housing within the Chatswood CBD and within walking distance to high frequency public transport, community facilities, and employment opportunities.

Priority 9: Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor: Retail and commercial uses will contribute employment generation and enhance the commercial viability and success of the Chatswood CBD.

Priority 14: Increasing Willoughby's tree canopy coverage: The landscape strategy will provide landscaping and planting coverage, achieving an improved outcome to the existing condition.

2.1.5. Chatswood CBD Strategy

In September 2020, Willoughby City Council adopted the *Chatswood CBD Planning and Urban Design Strategy 2036* (**Chatswood CBD Strategy**). The Strategy establishes a strong strategic planning framework to guide future private and public development over the next 20 years. It aims to provide capacity for future growth, achieve exceptional design, and create and a distinctive, resilient, and vibrant CBD.

The proposal has been designed in accordance with the key built form controls of the Chatswood CBD Strategy, including street setbacks, tower podium setbacks and building separation. A full assessment of the scheme against the Chatswood CBD Strategy will be undertaken in the EIS.

2.2. KEY FEATURES OF SITE AND SURROUNDS

The site is located at 37 Archer Street, Chatswood within the Willoughby LGA. The site is legally described as SP 38065. The key features of the site are summarised in Table 3 below. An aerial photograph of the site is provided in Figure 1 below.

Figure 1 Site Context



Source: Urbis 2024

Table 3 Key Features of Site and Locality

Descriptor	Site Details
Land Configuration	The development site is a consolidated parcel of land comprising SP 38065.
Land Ownership	Bertram Residential Pty Ltd ATF Bertram Residential Trust Bertram Commercial Pty Ltd ATF Bertram Commercial Trust
Existing Development	The existing development within the site consists of a residential development with 14 townhouses and associated landscaping.
Local Context	 North: The site is bounded to the north by low scale residential development including townhouses and single dwelling properties. To the northeast along Bertram Street is the boundary of the South Chatswood Conservation Area. Further north development intensifies as it leads into the heart of the Chatswood CBD. East: The site is directly opposite a locally listed heritage item (34 Neridah Street, item # I103), and the South Chatswood Heritage Conservation Area. There are also other locally listed heritage items along Bertram Street/Neridah Street. South: The low scale residential nature of the of the area continues south into the South Willoughby Conservation Area, the boundary of which is along Johnson Street. There is a locally significant heritage

Descriptor	Site Details
	item at 27 Archer Street. Johnson Street is interface of the zoning change from MU1 Mixed Use to R2 Low Density Residential.
	• West: The site's western frontage adjoins Archer Street. Archer Street contains a number of medium density residential towers of 7 storeys and higher. Further to the west is the Chatswood transport interchange and Pacific Highway, linking to the CBD and wider regions.
Regional Context	The site is located within the suburb of Chatswood, located 6km north of the Sydney CBD within Sydney's Lower North Shore. The site is in proximity and highly accessible to the commercial centres of North Sydney and Macquarie Park.
	The site is located at the south-eastern extent of the Chatswood CBD within convenient walking distance of local amenities, facilities and services. The area is well advanced in its transition from an older style commercial precinct into a thriving mixed-use area characterised by commercial and residential land uses.
Infrastructure	The site is approximately 500m from Chatswood train and Metro station. Chatswood Train Station is located on the T1 North Shore, Northern and West Lines and connects to major centres such as North Sydney, Parramatta and Sydney CBD. The Metro station provides services to Macquarie Park and Epping and from August 2024 will provide services to the CBD and beyond.
Site Access	The site is accessible from Archer Street.
Easements and Covenants	 Easement for drainage 0.915m created by Dealings C951343, C984758 and D476511. 1/19199-Benefited (C984758) SP7331-benefited (C951343) Easement for support 1.83m wide (Created by Dealing F201809) located along the frontage to Bertram Street within the Road Widening dedicated as a Public Road on DP787514. The easement is in favour of the Council of the Municipality of Willoughby to support the soil from Bertram Street by the batter or embankments at present or to be constructed.
Services	Services including electricity, telecommunications, gas, water, and sewage infrastructure are available to the site. These will be extended, expanded, and augmented to meet infrastructure demands.
Acid Sulfate Soils	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.
Contamination	The site is not known to be contaminated.
Stormwater and Flooding	The site is not affected by overland flow.
Bushfire Prone Land	The site is not bushfire prone.

Descriptor	Site Details
Natural Environment	The site is located in an urban context and is not within proximity to any risks such as flooding, land slip, bushfire or coastal hazards.
Aboriginal Heritage	No Aboriginal objects or Aboriginal places are registered within the subject area.
European Heritage	The site is not listed as a local or State heritage item nor is it located within a heritage conservation area.

2.3. CUMULATIVE IMPACTS WITH FUTURE PROJECTS

Consistent with the Chatswood CBD Strategy, the immediate vicinity will experience significant change and redevelopment, marking an expansion of the current CBD footprint. This expansion will facilitate future commercial and residential growth in the area. The proposal will be designed to respond cohesively to the existing and desired future character of the neighbourhood streetscape, with an appropriate built-form and materials palette responsive to the immediate and future context.

Approved and likely future developments which may be relevant in the cumulative impact assessment of the proposal are summarised in the following table.

Table 4 Approved and Likely Future Development

Address	DA Reference	Development Description	Current Status
871- 877 Pacific Highway, Chatswood	DA-2022/161	Demolition of all site structures and construction of 27 storey mixed use residential building consisting of 6 levels of basement car parking, ground level to level 2 commercial premises, level 3 communal open space and facilities, levels 2 to 26 providing 76 residential apartments and associated works.	Approved and under construction
629-637 Pacific Highway, Chatswood	DA-2023/256	Demolition of existing structures and construction of a 27 storey mixed use development consisting of 2 levels of retail/commercial, 25 storeys of 53 residential units, five levels of basement parking and associated works.	Under assessment by Willoughby City Council
58 Anderson Street, Chatswood	DA-2023/150	Demolition of existing structures and construction of 15 storey shop top housing (mixed use) development, site landscaping, public art, public domain works and associated works.	Under assessment by Willoughby City Council
54-56 Anderson Street, Chatswood	DA-2023/152	Consolidation of site, demolition of existing structures, construction of 26 storey shop top housing development comprising commercial/retail, 84 residential units, publicly	Under assessment by Willoughby City Council

Address	DA Reference	Development Description	Current Status
		accessible through-site link, 4 levels of basement carparking.	
44-52 Anderson Street, Chatswood	DA-2023/172	Demolition of existing structures and construction of 26 storey shop top housing development comprising commercial /retail, 95 residential units, 4 levels of basement car parking and associated works.	Under assessment by Willoughby City Council
57-61 Archer Street & 34 Albert Avenue, Chatswood	SSD- 72891212	Mixed-use, shop top housing development with the provision of affordable housing.	An EIS is currently being prepared.
753 Pacific Highway & 15 Ellis Street, Chatswood	DA-2022/166	Demolition of existing structures and construction of 17 storey shop top housing development comprising 2 storeys of commercial/retail use, and residential tower comprising 15 levels containing 49 residential apartments, communal indoor and outdoor facilities, and 5 levels of basement car parking comprising 62 car spaces, landscaping and associated works.	Approved and under construction
763-769 Pacific Highway, Chatswood	SSD- 59805958	Demolition of existing buildings and construction of 198 BTR units within a 27 storey shop-top housing development comprising a total GFA of 15,279m2, ground floor retail, car parking across 3 basement levels and rooftop communal open space.	On exhibition
410-416 Victoria Avenue, Chatswood	SSD- 63324208	Build to Rent tower with ground and first floor retail / business premises, 257 residential apartments and basement parking	An EIS is currently being prepared.
845 Pacific Highway, Chatswood	SSD- 61559214	Mixed-use build-to-rent development comprising of 369 dwellings.	An EIS is currently being prepared.

3. PROJECT

This section outlines the key features of the proposal, including the project area, conceptual physical layout and design (including likely mitigation measures), main land use activities, and likely timing for delivery.

3.1. PROJECT OVERVIEW

The project will deliver a mixed-use residential tower. The project will include bulk excavation, construction of the building, and ancillary landscaping works. Key components of the 30% uplift proposal are detailed in **Table 5**. The architectural concept drawings are provided at **Appendix B**.

Table 5 Project Details

Descriptor	Project Details
Project Area	2,201 sqm
Project Description	Demolition of existing buildings, bulk excavation and construction of a 27 storey tower fronting Archer Street and an 8 storey tower fronting Bertram Street with a mixed-use retail/commercial/residential podium with residential apartments above.
Gross Floor Area	Non-residential: 1,871 sqm (maximum).
	Residential: 12,435.65 sqm (maximum).
Floor Space Ratio	6.5:1
Building Height	Archer Street: 88.4m
	Bertram Street: 29.9m
Apartment Mix	Private apartment:
	 1-bedroom apartments: 26% or approximately 37 units (including SOHO).
	2-bedroom apartments: 32% or approximately 45 units.
	3-bedroom apartments: 37% or approximately 52 units.
	 4-bedroom apartments: 5% or approximately 7 units.
Affordable Housing	2,146 sqm affordable housing provision:
Provision	■ 1-bedroom apartments: 33%
	■ 1-bedroom + study apartments: 33%
	2-bedroom apartments: 33%
Non-residential GFA	1,871 sqm
Communal Open Space	To be provided in accordance with the DCP.
Landscaped area	To be provided in accordance with the DCP.
Deep soil zone	To be provided in accordance with the DCP.

Descriptor	Project Details
Basement and Car Parking	To be provided in accordance with the DCP.
Bicycle parking spaces	To be provided in accordance with the DCP.
Motorcycle parking spaces	To be provided in accordance with the DCP.
Estimated Development Cost	\$79,666,275 (Refer to Cost Estimate at Appendix A).

3.2. DETAILED DEVELOPMENT DESCRIPTION

3.2.1. Site Layout an Urban Design

The project seeks to deliver a 27-storey tower fronting Archer Street and an 8-storey fronting Bertram Street mixed-use residential development. The proposal seeks to maximise the additional 30% height and floor space bonus. The project will include:

- Demolition of the existing buildings and bulk excavation to a depth of approximately 18.2m to accommodate 6 levels of basement.
- Construction of a 27-storey tower along Archer Street that steps down to 8 storeys to the Bertram Street frontage (with a maximum height part 88.4m & part 29.9m), comprising:
 - Residential uses (12,435.65 sqm)
 - Non-residential uses (1,871 sqm).

3.2.2. Bonus Floor Space Ratio and Height

The proposed GFA and building height have been established through the statutory planning incentives provided by the new affordable housing provisions within the Housing SEPP. The following outlines the methodology for calculating the proposed floor space and provision of affordable housing units.

Calculating Floor Space Bonus

"Shop top housing" that provides at least 15% of total overall GFA as affordable housing (in addition to any other required affordable housing under another EPI) for a minimum of 15 years will be eligible for 130% of the permitted FSR control for residential accommodation (in addition to the height bonus described below).

The 130% calculation is based on the maximum permitted FSR on the land (including any other bonus, such as design excellence). Under Clause 4.4 of the LEP, the site has a maximum FSR control of 5:1.

Therefore, the following calculation has been made for maximum allowable FSR: 6.5:1.

Calculating Maximum Building Height

"Shop top housing" that provides at least 15% of total residential GFA as affordable housing (in addition to any other required affordable housing) for a minimum of 15 years will be eligible for 130% of the height of building control for residential accommodation (in addition to the FSR bonus described above).

The 130% calculation is based on the maximum building height for the land. Under Clause 4.3 of the LEP, the site has a maximum building height of 68m and 23m.

Therefore, the following calculations have been made for maximum allowable height: $68m \times 130\% = 88.4m$, $23m \times 130\% = 29.9m$.

3.2.3. Demolition and Bulk Excavation

Demolition of the existing buildings and structures will be undertaken as part of the SSDA, as well as bulk excavation to a depth of approximately 18.2m to provide for a basement of 6 storeys.

3.2.4. Landscape and Deep Soil

The proposal will deliver high quality landscaped open areas and deep soil zones across the site. The proposal is intended to include soft landscaping at a minimum of 20% of the site area.

3.2.5. Car Parking and Access

Only one entry area into and exiting a site is proposed. This is to minimise streetscape impacts, ensure vehicle entry points are rationalised and maximise ground level commercial floor space.

Car parking is to be provided in accordance with the relevant provisions of the DCP.

3.3. FEASIBLE ALTERNATIVES

Clause 192(1)(c) of the Environmental Planning and Assessment Regulation 2021 (the Regulation) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.

The applicant has identified three project alternatives which were considered in respect to the identified need for the residential development. Each of these options is listed and discussed in Table 6.

Table 6 Analysis of Feasible Alternatives

Option	Analysis
Option 1 – Do Nothing	The existing development does not make best use of the site to provide additional affordable and market housing to meet housing supply requirements, in a highly accessible and sustainable location. The existing development is inconsistent with the desired future character identified by the Chatswood CBD Strategy and does not maximise its locational amenity and proximity to Chatswood town centre.
Option 2 – Proceed with market housing	The applicant has considered proceeding the with a development for only market housing however this option would not maximise the delivery of much needed affordable housing in an accessible location, in accordance with the NSW Government's direction to increase the delivery of affordable housing through the new provisions introduced in the Housing SEPP.
Option 3 – The Proposal	The NSW Government has recently gazetted new planning controls which incentivise the delivery of affordable housing. The site qualifies for the locational criteria nominated under the Housing SEPP.
	The applicant has sought to accommodate the additional 30% height and FSR on the site. Accordingly, this option was selected as the most appropriate pathway forward as it delivers the most orderly development outcome, that is both viable for the applicant and delivers significant public benefit through the provision of 15% affordable housing.

The proposal has emerged as the preferred option for the site because it represents the best outcome in respect of urban design, environmental, economic and social considerations. The proposal will deliver on the vision of the relevant strategic planning policies whilst balancing site-specific considerations including solar access and view sharing and achieving a vibrant ground plane.

STATUTORY CONTEXT 4.

This section provides an overview of key statutory requirements relevant to the site and project, including:

- Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999
- NSW Biodiversity Act 2016
- Environmental Planning and Assessment Act 1979
- Environmental Planning Assessment Regulation 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Willoughby Local Environmental Plan 2012
- Willoughby Development Control Plan 2023 (DCP).

STATUTORY REQUIREMENTS 4.1.

Table 7 categorises and summarises the relevant requirements in accordance with the DPHI State Significant Development Guidelines (March 2024).

Table 7 Identification of Statutory Requirements for the Project

Statutory Relevance	Action
Power to grant approval	In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, development to which:
	 Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and
	 Has an EDC of \$75 million+ (for the residential components); and
	 Is not prohibited under an EPI applying to the land; and
	Will provide at least 10% of the residential component as affordable housing for at least 15 years.
	Is to be classified as State significant development.
	The residential component of the proposed works has an EDC greater than \$75,000,000 (refer Appendix A). Accordingly, the proposal is declared as SSD for the purposes of the Planning Systems SEPP.
	In addition to EDC, to qualify for the SSDA pathway, the proposal must not be prohibited development. The proposal is permissible with development consent under the MU1 Mixed Use zone and therefore qualifies as SSD.
Permissibility	The site is zoned MU1 (Mixed Use) in accordance with the LEP. 'Shop top housing' is permitted with consent within the MU1 (Mixed Use) zone.

PRE-CONDITIONS 4.2.

Table 8 outlines the pre-conditions to exercising the power to grant approval which are relevant to the project and the section where these matters are addressed within the Scoping Report.

Table 8 Pre-Conditions

Statutory Reference	Pre-Condition	Relevance	Section of this Report
Housing SEPP	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 for precincts undergoing transition the desired future character of the precinct. Section 21: Development consent must not be granted to development under this division unless for a period of at least 15 years commencing on the day an occupation certificate is issued the development will include the required affordable housing component, managed by a registered community housing provider.	The design of the development will be compatible with the strategic intention for the desired future character of the Chatswood CBD precinct. The 30% affordable housing component will be managed by a registered community housing provider for at least 15 years.	Section 6.1.2 Section 6.1.10
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 the development is proposed to be carried out. Section 4.6 of the SEPP provides a State-wide approach to the remediation of contaminated land. It requires a consent authority to assess the potential for land to be contaminated and the works required to remediate the land to ensure it is suitable for its intended use.	A Preliminary Site Investigation and if required a Detailed Site Investigation will be prepared as part of the EIS and submitted to DPHI as part of the SSDA.	Section 6.1.6
Transport and Infrastructure SEPP	Section 2.122: Traffic-generating development: A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without	Car parking will be provided in accordance with DCP rates. If 200 or more car parking spaces are proposed, the development will be considered traffic-	Section 6.1.4

	written notice of the intention to carry out the development to Transport for NSW in relation to the development, and taken into consideration any response to the notice that is received from Transport for NSW within 21 days after the notice is given.	generating under the Traffic and Infrastructure SEPP, and therefore referred to Transport for NSW.	
Willoughby LEP 2012	Clause 6.23 Design Excellence Clause 6.25 Shop top housing in Zone MU1	In accordance with clause 6.23(6)(b) of the LEP, the proposed development will be subject to a competitive design process. The winning development proposal will deliver the highest standard of architectural urban and landscape design. Consistent with clause 6.25, 17% of the GFA will be used for non-residential purposes.	Section 6.1.3

4.3. **MANDATORY CONSIDERATIONS**

Table 9 outlines the relevant pre-conditions to exercising the power to grant approval and the section where these matters are addressed within the EIS.

Table 9 Mandatory Considerations

Statutory Reference	Mandatory Consideration	
Consideration under the	Consideration under the EP&A Act and Regulation	
Section 1.3	Relevant objectives of the EP&A Act	
Section 4.15	In determining a development application, a consent authority is to take into consideration such matters that are of relevance to the development subject of the development application, as stipulated in section 4.15. These include: Relevant environmental planning instruments Relevant draft environmental planning instruments Relevant planning agreement or draft planning agreement Development control plans 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 suitability of the site for the development The public interest.	

Statutory Reference	Mandatory Consideration
Section 4.38	Section 4.38 contains the provisions for determining a State significant development.
Mandatory relevant consideration under EPIs	
Resilience and Hazards SEPP	Section 4.6 – Contamination and remediation to be considered in determining development application
Transport and Infrastructure SEPP	Section 2.98 – Development adjacent to rail corridors Section 2.122 – Traffic-generating development
Sustainable Buildings SEPP	Section 2.1 – Standards for BASIX development and BASIX optional development
Housing SEPP	Chapter 2, Part 2, Division 1 – In-fill affordable housing Non-discretionary development standards: (a) a minimum site area of 450m², (b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area, (c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at midwinter, (e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space, (f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (iii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing 2 bedrooms—at least 1 parking spaces, (iii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing 3 bedrooms—at least 1 parking space, (iii) for each dwelling containing 4 least 3 bedrooms—at least 1 parking space, (iii) for each dwelling containing 4 least 3 bedrooms—at least 1 parking space, (iii) for each dwelling containing 4 least 3 bedrooms—at least 1 parking space, (iii) for each dwelling containing 5 bedrooms—at least 1 parking space, (iii) for each dwelling containing 6 bedrooms—at least 1 parking space, (iii) for each dwelling containing 6 bedrooms—at least 1 parking space, (iii) for each dwelling containing 6 bedrooms—at least 1 parking space, (iii) for each dwelling containing 6 bedrooms—6 b

Statutory Reference	Mandatory Consideration
	(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,
	(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—
	(i) for each dwelling containing 1 bedroom—65m ² ,
	(ii) for each dwelling containing 2 bedrooms—90m²,
	(iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedroom.

Consideration under other legislation

Biodiversity Conservation Act 2016 (BC ACT) - Section 7.14

The BC Act protects native vegetation, species of threatened flora and fauna, endangered populations and endangered ecological communities and their habitats in NSW. Section 7.9 requires a development application for SSD to be accompanied by a Biodiversity Development Assessment Report (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.

Given the lack of any biodiversity values at (or surrounding) the site and the highly urbanised nature of the surrounding area, a BDAR waiver application is considered appropriate for this assessment and will be submitted following issue of the SEARs.

Development Control Plans

Willoughby **Development Control** Plan 2023

Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the WDCP 2023 for this SSDA. Notwithstanding this, consideration has been given to the following provisions:

- Part B Residential Development
- Part D Commercial Development.

Development Contributions Plans

Willoughby Contributions Plan	Section 7.11 contribution rates will be paid in accordance with the <i>Willoughby Local Infrastructure Contributions Plan 2019</i> .
HPC (regional) development contributions	The Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023 established Housing and Productivity Contributions (HPC). Regional infrastructure includes public amenities or public services, affordable housing, transport infrastructure, regional or State roads and measures to conserve or enhance the natural environment.

COMMUNITY ENAGAGEMENT 5.

The following sections of the report describe the engagement activities that have already been carried out for the project, including preliminary community views, and the engagement to be carried out during the preparation of the EIS.

The following sections of the report describe the engagement activities that have been undertaken during the preparation of the EIS and the community engagement which will be carried out if the project is approved.

5.1. ENGAGEMENT CARRIED OUT

The applicant has undertaken engagement with DPHI on the proposal since January 2024. The applicant also undertook engagement with Willougby Council in late 2023 and the Government Architect NSW (GANSW) in May 2024. Once the SEARs are received, the applicant will proceed with the formal consultation process as part of preparing the Environmental Impact Statement (EIS), as detailed in Section 5.2 below.

5.2. ENGAGEMENT TO BE CARRIED OUT BY THE APPLICANT

Further community and stakeholder consultation will be undertaken in the preparation of the EIS including:

- **Key Stakeholders**: It is proposed to consult with the following stakeholders during the EIS preparation:
 - Department of Planning, Housing, and Infrastructure (including GANSW)
 - Willoughby City Council
 - Agencies
 - Surrounding residents, businesses, and local community groups.
 - Traditional custodians
- Other Interested Stakeholders: Additional stakeholders may be identified during the EIS preparation.
- Key Actions: The following actions will be undertaken to keep the community informed regarding the project, obtain feedback from the community on the project and engaged with stakeholders on the detailed assessment of key matters:
 - A dedicated engagement strategy will be prepared following the issue of SEARs.
 - Additional consultation actions may be identified following further engagement with key stakeholders and DPHI.
 - The EIS and supporting documentation will be placed on public exhibition, providing stakeholders with an additional opportunity to review the Project, including the final development plans and the detailed specialist studies and assessment reports accompanying the final EIS.

The proposed actions are consistent with the community participation objectives in the *Undertaking* Engagement Guidelines for State Significant Projects, March 2024. An engagement consultant will be responsible for monitoring, reviewing, and adapting the effectiveness of the engagement strategy to encourage community participation in the project.

PROPOSED ASSESSMENT OF IMPACTS 6.

This section identifies the key impacts which will be further investigated and assessed within the EIS, including the proposed approach to assessing each of these matters. It also identifies the matters addressed in the scoping phase that are unlikely to result in significant impacts and do not warrant further consideration in the EIS.

MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS 6.1.

The following section describes the relevant matters and impacts which will be addressed in detail within the EIS. It outlines the matters and impacts of particular concern to the community and other stakeholders.

6.1.1. Compliance with Strategic and Statutory Plans

The proposed development is consistent with the surrounding land uses and character of the broader precinct. The EIS will include a detailed assessment of the proposed development against the relevant strategic and statutory provisions previously identified.

6.1.2. Built Form and Urban Design

Concept architectural drawings have been prepared (refer **Appendix B**). These plans provide a preliminary indication of the proposed building footprint and envelope that forms this SSDA. The building will have a maximum height of 88.4m on Archer Street and 29.9m on Bertram Street and a maximum GFA of 14,306.5 sgm (inclusive of the 30% bonuses).

The proposed development scheme will be selected by the Design Competition Jury under the process outlined in Section 6.1.3 below. The final design package will consider architectural appearance, including façade articulation strategies and landscape treatments, to deliver a high-quality built form outcome.

Additional detail regarding the built form and urban design will be submitted as part of the SSDA.

6.1.3. Design Excellence

In accordance with Clause 6.23 (6)(b) of the LEP, the proposed development will be subject to a competitive design process. The winning development proposal will deliver the highest standard of architectural urban and landscape design.

The Design Competition Strategy and Report will be submitted as part of the SSDA.

6.1.4. Amenity

Design Quality and Residential Amenity

The SSDA will demonstrate how the residential apartments have been designed to be accordance with the ADG and will also demonstrate how the building design will deliver a high-quality development with consideration of facade design, articulation, activation, roof design, materials, finishes, and colours.

The SSDA will be accompanies by amenity diagrams demonstrating which apartments achieve the minimum ADG including:

- Solar access:
- Natural and cross ventilation requirements; and
- Visual privacy (building separation distances).

Solar Access and Overshadowing

The SSDA will address how good internal and external environmental amenity is achieved, including access to natural daylight, ventilation, and any potential overshadowing resulting from the application.

Noise and Vibration

A Noise and Vibration Assessment prepared in accordance with the relevant NSW Environmental Protection Authority guidelines and submitted as part of the SSDA. The assessment will detail construction and

operational noise and vibration impacts on nearby sensitive receivers and structures and will outline any proposed management and mitigation measures.

Views and Visual Impact

The SSDA will be accompanied by a Visual Impact Assessment (VIA) to assess the visual effects of the proposed built form on nearby sensitive receivers and public domain views from key locations surrounding the site. The VIA will assess the cumulative impacts of the proposal alongside the other developments proposed in the surrounding area. The nature of the impact is both direct and cumulative and as such consideration will be assessed utilising a detailed level of assessment within the EIS.

The VIA will assess the proposed building and its potential visual impacts when viewed from the surrounding area. It will consider the proposed architectural and landscape treatments of the building and its immediate surrounds, including an assessment of the proposed layout and design in accordance with the following principles and best-practice approaches identified within the following documents (but not limited to):

- Guidelines for Landscape and Visual Impact Assessment Third Edition (LI/IEMA, 2013); and
- The Landscape Institute Advice Note 01 (2011) Photography and Photomontage in Landscape and Visual Assessment.

Wind

Given the maximum height of the proposed building, its impact on the pedestrian wind environment needs to be considered. A Wind Assessment will be prepared to assess impacts on pedestrians and surrounding areas. If required, measures will be incorporated within the detailed design of the building to mitigate impacts.

6.1.5. Traffic, Parking and Access

The EIS will be supported by a Traffic and Transport Impact Assessment prepared by a qualified traffic consultant. A Green Travel Plan will also accompany the EIS. A Construction Traffic Management Plan will be developed to assess impacts during the construction phases of the project.

6.1.6. Hazards and Risks

A Preliminary Site Investigation, and if required a Detailed Site Investigation (DSI), will be prepared as part of the EIS to confirm that the site can be made suitable for the proposed use. If identified by the DSI, remediation measures may be proposed via a Remediation Action Plan.

1.1.1. European Heritage

The site is not listed as a local or State heritage item nor is it located within a heritage conservation area. The site is directly opposite a locally listed heritage item (34 Neridah Street, item # I103), and the South Chatswood Heritage Conservation Area. There are also other locally listed heritage items along Bertram Street/Neridah Street. A Heritage Impact Statement will be prepared as part of the EIS to assess any potential impacts of the proposed development on these local heritage items.

6.1.7. Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) will be prepared for the proposal. The ACHAR will document the process of investigation, Aboriginal community consultation and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology. The assessment will be prepared in accordance with the following guidelines:

- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Department of Environment, Climate Change and Water, **DECCW**).
- Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (Office of Environment and Heritage 2011)
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW)
- The Australia ICOMOS Charter for Places of Cultural Significance.

No Aboriginal objects or Aboriginal places are registered within the site.

6.1.8. Waste Management

The proposal will generate several waste streams that will require management in accordance with relevant legislation and guidelines. It is expected that during demolition and construction, the primary waste generated would consist of excess building products and onsite material.

Operational waste is likely to be constrained to waste associated with human use such as general solid waste and sewerage. A Waste Management Plan will be prepared as part of the EIS. The plan will address both the construction and operation phases of the development and will indicate the collection points and method of removal from the site, include the various waste streams from the different uses proposed.

6.1.9. Infrastructure Services

The site is within an area with established infrastructure and services. The EIS will detail any augmentation works required including extended, expanded, and augmented to meet infrastructure demands.

6.1.10. **Economic and Social Impact**

The site is surrounded by a mix of residential and commercial uses. It is anticipated that the mixed-use development would deliver social and economic benefits associated with the delivery of key site in the planned precinct, in addition to the delivery of affordable housing and the creation of job opportunities. The EIS will be accompanied by a Social Impact Assessment to assess the potential social and economic impacts of the proposal.

This would include an estimation of the employment generation associated with the construction and operational phases, as well as broader economic benefits of this specific development. Other social amenity impacts would be assessed with the relevant amenity impact section of the EIS including noise, landscape and visual impact.

6.1.11. **Environmentally Sustainable Design**

An Ecologically Sustainable Development (ESD) Report will be provided as part of the EIS and include details on how ESD principles will be incorporated within the design and ongoing operational phases of the proposed development.

This assessment will identify potential measures to be implemented into the building design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water and electricity.

6.1.12. **Biodiversity**

Given the lack of any biodiversity values at (or surrounding) the site and the highly urbanised nature of the surrounding area, a BDAR waiver application is considered appropriate for this assessment and will be submitted following issue of the SEARs.

6.1.13. **Aviation**

The proposal will be assessed against the OLS/ PANS-OPS for both Bankstown Airport and Sydney Kingsford Smith Airport. The development is unlikely to penetrate these surfaces however any temporary or permanent structures that protrude into the OLS / PANS-OPS will require approval from the Civil Aviation Safety Authority.

6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT IN THE EIS

6.2.1. Bushfire

The site is not mapped within a bushfire prone area of a buffer zone to a bushfire prone area. As such a bushfire assessment is not considered necessary for this Project due to its setting in a highly urbanised and developed area, devoid of remnant bushland and not within a mapped bushfire prone area.

6.2.2. Air Quality and Odour

The proposal will not generate any consequential air quality impacts related to atmospheric emissions, gases or particulate matter, or any ongoing odour sources.

7. **CONCLUSION**

The purpose of this report is to request SEARs for the preparation of an EIS for the mixed use commercial and residential development of 37 Archer Street, Chatswood. The proposal meets the requirements for SSD in accordance with Planning Systems SEPP Schedule 1, Section 26A.

The proposal will provide high quality residential accommodation including affordable housing in a highly accessible location. The applicant is committed to working with key stakeholders, including State government agencies and Willoughby Council to deliver a high-quality development.

This SEARs request outlines the approval pathway for the application, the legislative framework and the key matters for consideration in the assessment of the application. The EIS will demonstrate how the proposal is suitable for the site and the potential environmental impacts can be appropriately mitigated, minimised or managed to avoid any unacceptable impacts.

We trust that the information detailed in this letter is sufficient to enable the Department to issue the SEARs to guide the preparation of the EIS.

DISCLAIMER

This report is dated 10 July 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (Urbis) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Hyecorp Property Group (Instructing Party) for the purpose of Scoping Report (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ESTIMATED DEVELOPMENT COST

APPENDIX B CONCEPT ARCHITECTURAL PLANS

