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URBIS

SCOPING REPORT

33-37 Herbert Street St Leonards

SSDA & Concurrent Rezoning
Planning Proposal

Prepared for
AQUALAND
10 July 2025

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Report Number	Final



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

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1. INTRODUCTION

1.1. OVERVIEW

This Scoping Report has been prepared on behalf of Aqualand (**the Applicant**). It supports a request for Project-Specific Secretary's Environmental Assessment Requirements (**SEARs**) to guide the preparation of an Environmental Impact Statement (**EIS**) that will accompany a State Significant Development Application (**the SSDA**) and concurrent Planning Proposal (**the planning proposal**) to amend Willoughby LEP 2012 to enable a new shop top housing development (**the project**) at 33-37 Herbert Street, St Leonards (**the site**).

The project will redevelop an underutilised landholding in a well-located position, deliver high-quality residential accommodation (including affordable housing) and employment-generating uses, and activate the public domain, contributing towards a vibrant and lively community. The proposed housing typologies will increase choice and respond to local market demand for household types, tenures, and points.

The project will make a substantial contribution towards the NSW Government's target for 47,800 new high and mid-rise homes within identified transport hubs (such as St Leonards) over the next 15 years and the Commonwealth Government's National Housing Accord target for 377,000 new homes in NSW by 2029.

The purpose of this Scoping Report is to:

- Describe the proposed project and concurrent rezoning;
- Analyse feasible alternatives and identify alternatives that will be investigated further in the EIS;
- Identify key matters requiring assessment in the SSDA and the approach to assessing these matters;
- Identify what engagement will be carried out during the preparation of the EIS, and
- Provide a preliminary strategic and site-specific merit assessment of the concurrent planning proposal.
- This Scoping Report is accompanied by a concept design package prepared by FJC Architects.

1.2. PROJECT

It is anticipated that the SSDA will seek development consent for the following:

- Demolition of the existing buildings on site;
- Site excavation, and other preparatory site works;
- Construction and operation of a new mixed use development with indicative building heights ranging from 58m, 74m and to 110m and a total gross floor area (**GFA**) within the maximum floor space ratio (**FSR**) control of 6.5:1 (approximately 38,701sqm), comprising:
 - **Basement**: three-storey basement, car parking spaces, bicycle and motorcycle spaces, waste rooms, plant rooms, loading docks, and back-of-house areas;
 - **Podium (Ground Level – Level 2)**: Podium form containing retail and commercial land uses, residential and commercial lobbies, basement vehicle entry, waste rooms, and back-of-house areas at Ground Level, commercial tenancies, and dedicated communal amenity spaces at Level 2; and
 - **3 x Residential towers**: containing approximately 300 apartments;
- Landscaping works; and
- Reticulation of site services and infrastructure (electricity, telecommunication, water, and sewer).

1.3. HOUSING DELIVERY AUTHORITY

In accordance with the Housing Delivery Authority (HDA) program, the SSDA will be accompanied by a concurrent planning proposal to rezone the subject site from E4 General Industrial to MU1 (Mixed Use) under the Willoughby Local Environmental Plan 2012 (WLEP). The planning proposal will also amend the floor space ratio (FSR) to 6.5:1 with a minimum 1:1 non-residential FSR and establish a new height of building maximum.

This Scoping Report provides an overview of the strategic and site-specific merit of the concurrent planning proposal and identifies preliminary environmental considerations.

The project is declared as State Significant Development (SSD) in accordance with the *Environmental Planning and Assessment (Housing Delivery Authority) Order 2024 (HDA Order)*, following a positive evaluation of the Applicant’s Expression of Interest (EOI) submitted on 11 February 2025. Pursuant to Section 4.36(3) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the *Minister’s State Significant Development Declaration Order 2025 (No 5)* (dated 14 April 2025) (**the Order**) declared the project (as specified in EOI application 238281) at the subject site as SSD (Schedule 1 of the Order).

1.4. APPLICANT DETAILS

Table 1 identifies the Applicant’s details for the project.

Table 1 Applicant Details

Proponent	Information
Name	Aqualand St Leonard Development Pty Ltd
Address	Level 37, Australia Square, 264 George Street, Sydney
ABN	29 602 539 088
Nominated Contact	Michelle Mason Email: michelle.mason@aqualand.com.au

1.5. PROJECT OVERVIEW

Table 2 Site and Project Overview

Matter	Description
The Site	
Country	Cammeraygal
Street address	33 Herbert Street, St Leonards, Lot 1 & 2 in DP 744175 & Lot 3 in DP 772072 37 Herbert Street, St Leonards, Lot 1 in DP 115615
Local government area	Willoughby Local Government Area (LGA)
Legal description	- Lot 1 & 2 in DP 744175 - Lot 3 in DP 772072 - Lot 1 in DP 115615

Matter	Description
Site area	5,954sqm
Street frontages	- Herbert Street (Primary frontage - west facing) – approx. 135m - Ella Street (Secondary frontage – north facing) – approx. 65m
Existing development	No. 33 currently occupied by a 3-storey commercial building, comprising retail and commercial office tenancies and basement parking while No.37 is a single level retail showroom/warehouse building.
Context	The site is 4.5 km north of the Sydney CBD, 3 km from the North Sydney CBD, and within proximity to the centres of St Leonards, Chatswood, and Macquarie Park. The site is located 400 metres (walking distance) from St Leonards train station and approximately 1km (walking distance) from the Crows Nest Metro station.
The Project	
SSDA Project	The SSDA is anticipated to seek development consent for the following project: - Demolition of the existing buildings on site; - Site excavation, and other preparatory site works; - Construction and operation of a new mixed use development with a maximum height building ranging from 58m, 74m to 110m and a total gross floor area (GFA) of 38,701sqm with the maximum floor space ratio (FSR) control of 6.5:1 comprising: Basement: three-storey basement, car parking spaces, bicycle and motorcycle spaces, waste rooms, plant rooms, loading docks, and back-of-house areas; Podium (Ground Level – Level 2): Podium form containing retail and commercial land uses, residential and commercial lobbies, basement vehicle entry, waste rooms, and back-of-house areas at Ground Level, commercial tenancies, and dedicated communal amenity spaces at Level 2; and 3 x Residential towers: containing approximately 300 apartments - Landscaping works; and - Reticulation of site services and infrastructure (electricity, telecommunication, water, and sewer connections).
Planning Proposal	Amend the WLEP 2012 as follows: - Rezone the subject site from E4 General Industrial to MU1 Mixed Use; and - Establish maximum Height of Building of 110m - Amend maximum FSR from 1:1 to 6.5:1; and - Establish non-residential FSR of 1:1.
Affordable housing	Provide affordable (essential workers) housing apartments (10% of total residential GFA for minimum 15 years).

A site location plan is provided at **Figure 1**.

Figure 1 Site Location



Source: FJC

2. PROPOSED DEVELOPMENT

2.1. DEVELOPMENT OVERVIEW

Table 3 provides an overview of the project and identifies indicative development metrics.

Table 3 SSDA Numerical Overview

Descriptor		Project
Maximum building height		Tower 1: 110m Tower 2: 74m Tower 3: 58m
GFA	Apartments	29,770sqm (market) & 2,977 sqm (affordable rental)
	Retail / commercial	5,954sqm
	Total	38,701sqm
Affordable (Essential Workers) housing contribution		Equivalent to 10% of total residential GFA for minimum of 15 years.

Figure 2 Preliminary Concept Design



Source: FJC

2.2. FEASIBLE ALTERNATIVES

Section 192 of the *Environmental Planning and Assessment Regulation 2021 (the Regulation)* requires an analysis of feasible alternatives to the project, including the consequences of not carrying out the project.

Table 4 identifies and discussed the project alternatives which have been considered.

Table 4 Project Alternatives

Option	Comment
Option 1 – Do Nothing	Not carrying out the development would fail to renew this highly accessible site for a mixed-use development, in a location that has benefitted from significant State government investment in public transport infrastructure. Not carrying out the development would impact consumer choice for high quality and diverse accommodation (including affordable housing) and would result in a severe underutilisation of the site during a nationally declared housing supply crisis. Maintaining the existing commercial uses on this prominently located site represents a misalignment with the high-density planning framework that applies to the site and the objectives of the HDA program to boost housing supply and improve affordability. Mixed use redevelopment will deliver a high-quality place outcome and significant community benefits, including a revitalised ground plane, diverse retail and commercial offerings.
Option 2 – Industrial Scheme	The site is zoned E4 General Industrial, which does not permit the current office use on part of the site. St Leonards has undergone wholesale transition from a traditional suburban scaled commercial centre, with retail, office, light industry business towards a mixed-use environment, generally characterised by retail uses and ground plane activation and high-rise residential towers. This transition reflects the lack of economic viability for large scale commercial and industrial related developments. Over the last five years, St Leonards / Crows Nest has experienced a high increase in office vacancies compared to other Sydney major office precincts. Vacancies have substantially increased from 7% in January 2020 to 30.5% in January 2025. The general objectives of the E4 zone are to encourage employment opportunities and enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers. 'Residential accommodation' which includes shop top housing is prohibited in the E4 Zone. Redevelopment of the site for an industrial land use permissible in the E4 zone is unviable. The primary reason being the site is highly constrained for an industrial use. It has an irregular size meaning that it does not support a flexible range of typical warehouse configurations. Furthermore, the site is not of a scale to feasibly support the redevelopment of the existing office /retail buildings and redevelop the site and attract sufficient market interest. A DA for a permissible land use under the current E4 land use zoning and the applicable LEP controls is thus not economically feasible and cannot be progressed. This scenario would undermine the strategic potential for the site to be redeveloped for a mix of uses.
Option 3 – SSDA Mixed Use Scheme	The HDA has recommended that the project be declared SSDA, for the reasons that it sufficiently satisfied the objectives and criteria of the HDA Expression of Interest. As described in the State Significant Development Declaration Order 2025 (No 5) (14th April 2025), the project is for the purposes of mixed use development comprising commercial premises and residential accommodation with provision for affordable housing. The SSDA proposal will deliver high-quality residential accommodation (including affordable housing), provide employment-generating uses, and activate the public

Option	Comment
	domain, contributing towards a vibrant and lively community. The project will optimise the development potential of the site which is strategically located in walking distance to amenities, services, and public transport. The project will deliver a diverse range of housing typologies (such as one-, two-, and three-bedroom units) that will increase housing choice in St Leonards in response to market demand for household types, tenures, and price points. The proposal would contribute towards realising the NSW Government's target for 47,800 new high and mid-rise homes within identified transport hubs (including the St Leonards / Crows Nest precinct) over the next 15 years and the aspirational targets established in the Commonwealth Government's National Housing Accord for 377,000 new homes in NSW over the next five years.

3. PROPOSED AMENDMENTS TO WILLOUGHBY LEP

3.1. LAND USE REZONING

The applicant is seeking to amend the site's land use zoning from E4 General Industrial to MU1 Mixed Use.

Land within proximity of the site has undergone significant transition from its traditional commercial employment uses to a mixed-use environment, characterised by commercial ground plane activation and high-rise residential towers.

The construction of the high-rise residential towers at St Leonards Square, and The Landmark tower and 88 Christie Street towers signalled the first structural change of land use and density in the centre. More recently, the next wave of land use transition in the centre towards a predominant mixed-use high-rise residential precinct has been facilitated by the following statutory policy changes:

- Permitting shop top housing on land zoned E2 Commercial Core (via Schedule 1 of the LEP), including 617–621 Pacific Highway and 100 Christie Street;
- Land zoned from E2 Commercial Core to MU1 Mixed Use under the Crows Nest TOD rezoning proposal (including 448-456 Pacific Highway and 58-64 Pacific Highway);
- A build-to-rent SSDA at 46-52 Nicholson Street and 59-67 Christie Street (land zoned E2); and
- State-led rezoning proposal and SSD to redevelop the Telstra Exchange site (524-542 Pacific Highway).

The subject site is on the northern edge of the centre and forms the logical northern extension of the existing residential uses on Herbert Street. As outlined earlier given the site characteristics which limit potential use for industrial and the existence of residential apartments at the southern boundary, the rezoning creates the natural northern 'bookend' of residential development to create a clear delineation of uses from the wider adjacent Artarmon employment area to the west.

3.2. HEIGHT OF BUILDING CONTROL

The applicant is seeking to introduce a maximum 110m height of building control across the site.

The building heights will vary across the site to respond to local context considerations.

3.3. AMENDED FSR CONTROL

The applicant seeks to amend the LEP *Floor Space Ratio Map* pursuant to Clause 4.4 as it relates to the subject site. Currently, the site is subject to a maximum FSR of 1:1. The concurrent rezoning will amend this control to maximum FSR 6.5:1.

The amendment to Clause 4.4 will ensure that the development is able to comprise residential and non-residential land uses to contribute housing, employment, place making, and activation outcomes.

3.4. NON-RESIDENTIAL FSR CONTROL

The applicant seeks to establish a new minimum non-residential FSR control of 1:1 pursuant to Clause 4.4 of LEP 2012.

The amendment to Clause 4.4 will ensure that the development is able to comprise residential and non-residential land uses to contribute housing, employment, place making, and activation outcomes.

3.5. APPLICATION OF CLAUSE 6.25

The applicant seeks to amend the LEP 2012 Clause 6.25 Shop top housing in MU1 zone. It is proposed that the provision will be excluded from applying to the site as the proposal is seeking to establish a non-residential FSR control.

4. STATUTORY CONTEXT

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

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**)
- *NSW Biodiversity Conservation Act 2016* (**B&C Act**)
- *Environmental Planning and Assessment Act 1979* (**EP&A Act**)
- *NSW Heritage Act 1979* (**Heritage Act**)
- *Environmental Planning Assessment Regulation 2021* (**the Regulations**)
- *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**)
- *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**)
- *State Environmental Planning Policy (Sustainable Buildings) 2022* (**Sustainable Buildings SEPP**)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**Transport & Infrastructure SEPP**)
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (**Resilience & Hazards SEPP**)
- *State Environmental Planning Policy (Industry and Employment) 2021* (**Industry & Employment SEPP**)
- *Willoughby Local Environmental Plan 2012* (**WLEP 2012**)

The following table categorise and summarises the relevant requirements in accordance with the DPHI guidelines. Each of these matters will be addressed in further detail within the future EIS.

1.1. STATUTORY REQUIREMENTS

Table 5 categorises and summarises the relevant requirements in accordance with the DPHI *State Significant Development Guidelines*.

Table 5 Power to Grant Approval

Statutory Relevance	Action
Declaration of SSD	The project is declared as State Significant Development in accordance with the <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i>, following the positive evaluation of the Applicant's Expression of Interest submitted on 11 February 2025. Pursuant to Section 4.36(3) of the EP&A Act, the Minister, in the <i>State Significant Development Declaration Order 2025 (No 5)</i> (dated 14 April 2025), declared the project at the subject site as SSD (Schedule 1 of the Order).
Permissibility	The proposed development is defined as 'shop top housing'. The proposed land use would be permissible with consent at the site, subject to the concurrent planning proposal to rezone the site to MU1 Mixed Use, within which 'shop top housing' is permissible with consent under the LEP.
Consent authority	In accordance with Section 4.5 of the EP&A Act, the Minister is the consent authority, unless the development is of a kind for which the Independent Planning Commission is declared the consent authority by an environmental planning instrument.

4.1. PRE CONDITIONS

Table 6 outlines the pre-conditions to exercising the power to grant approval as relevant to the project.

Table 6 Pre Conditions

Pre-Conditions to Granting Consent	Comment
Biodiversity Conservation Act 2016	An SSDA will be supported by a Biodiversity Development Assessment Report (BDAR), unless DPHI determine that the development is not likely to have any significant impact on biodiversity values. The applicant intends to submit a BDAR Waiver request on the basis that the project is not likely to have any significant impacts on biodiversity values and a BDAR is not required.
SEPP (Resilience and Hazards)	The SEPP requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and it is satisfied that the land is suitable in its contaminated state or will be suitable (after remediation) for the development. Before determining an application for consent to carry out development, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. A Preliminary or Detailed Site Investigation (PSI or DSI) will be submitted to address the applicable provisions of the Resilience and Hazards SEPP. It is anticipated that an Unexpected Finds Protocol and Hazardous Materials Survey will be submitted prior to a Construction Certificate.
SEPP (Transport and Infrastructure)	Clause 2.122 relates to traffic generating development (as per Schedule 3). The Clause requires that before granting development consent, the consent authority must refer certain development with access to a classified road or to road that connects to classified road to TfNSW. The proposal is traffic generating development in that it comprises more than 75 dwellings and the site has access to a road that connects to Pacific Highway (a classified road). The SSDA will be referred to TfNSW. Clause 2.98 relates to development adjacent to rail corridors. The western boundary of the site adjoins a rail corridor. Clause 2.99 relates to excavation adjacent to rail corridors. The proposed basement will require excavation of more than 2m below ground level (existing) on land that is within 25m of a rail corridor. Therefore, the SSDA will be referred to Sydney Trains for concurrence. Clause 2.100 relates to impact of rail noise or vibration on residential accommodation. As part of the application, impact from rail will be assessed for the residential development, to ensure the development incorporates appropriate measures so that the following LAeq levels are not exceeded— <i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i> <i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i>
SEPP (Sustainable Buildings)	Clause 2.1(5) of the SEPP requires that development consent must not be granted to development to which the standards specified in Schedule 1 (Standards for erection of BASIX buildings) or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

Pre-Conditions to Granting Consent	Comment
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The SSDA will be accompanied by an Embodied Emissions Report and Basix Certificate in relation to the residential component of the project.

4.2. MANDATORY CONSIDERATIONS

Table 7 outlines the relevant mandatory considerations as listed in the EP&A Act.

Table 7 Mandatory Considerations

Statutory Reference	Mandatory Considerations
Section 1.3	The relevant objects of the EP&A Act will be addressed in the EIS.
Section 4.15 (1)(a)(i) Relevant Environmental Planning Instruments (EPIs)	All relevant EPIs will be addressed in the EIS, including: ▪ <i>Willoughby Local Environmental Plan 2012</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ▪ <i>State Environmental Planning Policy (Housing) 2021 Appendix C</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>
Section 4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority	No proposed instruments are of relevance to the proposed development.
Section 4.15 (1)(a)(iii) Development Control Plan	Clause 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. As such, compliance with the DCP is not required. However, the SSDA will address the relevant provisions of the Willoughby Development Control Plan 2023 (DCP) to the extent relevant within the EIS and the proposed development.
Section 4.15 (1)(a)(iiia) Any Planning Agreement or Draft Planning Agreement.	There is no Planning Agreement or Draft Planning Agreement that applies to the site of the proposed development.
Section 4.15 (1)(a)(iv) Relevant matters prescribed by the Regulations.	The EIS will be prepared in accordance with the relevant matters prescribed by the regulations.

Statutory Reference	Mandatory Considerations
Section 4.15(1)(b) 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 have been identified in Section 7 of this Scoping Report. The EIS and accompanying technical documentation will assess these matters to the extent relevant to the site and the proposed development.
Section 4.15(1)(c) Suitability of the site for the development	The site is situated in the St Leonards, a centre which has evolved to a mixed use retail, commercial and residential character. The proposed development is suitable for the site as summarised below. ▪ Built form and scale is consistent with endorsed vision for the site: The project aligns with the strategic vision of the St Leonards / Crows Nest TOD precinct. The bulk and scale will be complementary to a range of newly planned building heights and FSR controls in the centre. The proposed rezoning will unlock the site's residential potential. ▪ Access to public transport: The site is located within walking distance to the St Leonards Train station and the Crows Nest Metro Station. The Metro services provide rapid transit to: Victoria Cross (North Sydney) – 2 Minutes Martin Place – 7 minutes Gadigal (Town Hall) – 9 minutes By delivering residential uses in close proximity to these transport nodes, future residents can be within a 15-minute commute to jobs and services. ▪ Walkable and amenity-rich environment: The site is in close proximity to retail, food and beverage, and services within the St Leonards and Crows Nest centres. The site also benefits from proximity to pedestrian / cycle ways along Atchison Street and the Pacific Highway. ▪ Proximity to employment: The site has easy transport connectivity to the North Sydney CBD and Sydney CBD, ensuring future residents are within close proximity to employment. ▪ Responding to 'Highest and Best Use': The St Leonards commercial office market is in decline and the site is not suitable for industrial use as per the current zoning. As such, by delivering a mix of uses including residential accommodation, an economically viable development aligned with the site's highest and best use can be delivered. Further analysis of the site's suitability will be assessed within the future EIS.
Section 4.15(1)(d) Submissions made in accordance with the Act or regulations.	The SSDA will consider the submissions made during the exhibition period.
Section 4.15(1)(2) Public Interest	The proposal is in the public interest in that it will: ▪ Revitalise a strategically located and currently underutilised site within walking distance of the St Leonards train station and Crows Nest Metro station; ▪ Increase housing supply (including affordable housing); ▪ Contribute to the St Leonards local economy;

Statutory Reference	Mandatory Considerations
	- Enhance the public domain around the site; and - Promote social connectedness and cultural expression through high quality landscaping and an integrated Connecting with Country design. The EIS will assess how the proposal will be in the public interest
Section 4.24 Status of Concept Development Applications and Consents	This SSDA does not relate to or seek approval for a full or partial (staged) concept development consent.
Mandatory Considerations	
Willoughby Local Environmental Plan 2012	The LEP is the principal environmental planning instrument that establishes the permissibility and statutory planning framework for the redevelopment of the site. The SSDA will comply with the relevant provisions of the WLEP 2012, such as: - Clause 4.3 Height of Buildings as amended - Clause 4.4 Floor Space Ratio as amended - Clause 6.25 Minimum non-residential GFA as amended - Part 6 – Local Provisions where relevant Additionally, the proposal is seeking to amend the LEP as follows - Rezone the site from E4 General Industrial to MU1 Mixed Use; - A new maximum height of building of 110m; and - A new maximum FSR of 6.5:1; and - A new minimum non-residential FSR control of 1:1. Further strategic justification for these changes is provided in section 5 below.
SEPP Industry and Employment	Any signage will be required to consider the Schedule 5 criteria under the Industry & Employment SEPP. Signage details will be included in the SSDA unless a separate application(s) for signage will be submitted.
Commonwealth Environment Protection and Biodiversity Conservation Act 1999	An Assessment of significance is not required in accordance with the Significant Impact Guidelines 1.1 – Matters of National Environmental Significance published by the Commonwealth Department of Agriculture, Water and the Environment (DAWE).
Federal Airports Act 1996	The EIS will assess any relevant provisions of the Federal Airports Act 1996.
Water Management Act 2000	Section 91 of the WMA regulates two types of activities: Controlled Activity Approvals and Aquifer Interference Approvals. While a water Use Approval, a Water Management Work Approval, or a Controlled Activity Approval (other than an aquifer interference approval) is not required for SSD, an aquifer interference approval can sometimes be necessary for specified aquifer interference activities. This will be considered in the EIS and addressed as/if required.
Rural Fires Act 1997	The site is not identified as bushfire prone land.

Statutory Reference	Mandatory Considerations
Approvals that do not apply to SSDA	<i>Fisheries Management Act 1994</i> – Permit under Section 201, 205, or 219
Section 4.41 of the EP&A Act	<i>Heritage Act 1977</i> – Approval under part 4 or excavation permit under Section 139
	<i>National Parks and Wildlife Act 1974</i> – Aboriginal Heritage Impact Permit, Section 90
	<i>Rural Fires Act 1997</i> – Bush fire safety authority, under Section 100B

5. STRATEGIC MERIT

The overarching objective for the project is to deliver high-quality, diverse housing with complementary retail and commercial uses at a well-located site, with immediate proximity to St Leonards centre and public transport.

5.1. ALIGNMENT WITH STATE, DISTRICT & LOCAL STRATEGIC PLANS

The project is aligned with the State, district and local strategic plans, policies, and initiatives.

Table 8 Strategic Merit

Strategic Theme	Summary of findings
Housing supply	In 2022, the Australian Government announced the National Housing Accord (Accord). The Accord is a collaborative initiative aimed at addressing Australia's critical housing shortage by bringing together all levels of government, institutional investors, the construction industry, and community organisations. The Accord sets a target agreed by Commonwealth and states and territories to deliver 1.2 million new well-located homes over 5 years to 2029. The Accord focuses on increasing the supply of affordable housing and investment in social and community housing. It seeks to create a more efficient and responsive housing market by promoting innovative construction methods and enhancing infrastructure support. The Accord represents a unified commitment to address the urgent and critical need for housing and ensure that all Australians have access to secure, affordable, and quality accommodation, fostering a more inclusive and resilient society. The <i>Greater Sydney Region Plan (Region Plan)</i> and <i>North District Plan (District Plan)</i> underscore the critical need for increased housing supply and diversity to enhance affordability and quality of life. Planning Priority N5 of the District Plan identifies the importance planning for increasing housing supply, choice and affordability within access to jobs, services and public transport. The <i>Willoughby City Local Strategic Planning Statement (LSPS)</i> project a population growth of 92,000 people by 2036, requiring approximately 6,700 new dwellings. The proposed development will provide high-quality residential accommodation, supporting modern apartment living near the St Leonards CBD, with a 10% affordable housing contribution. This aligns with the prevailing strategic planning policy. The delivery of additional housing at the site, which will be enabled by the proposed amendment to the LEP, is consistent with strategic planning priorities for housing delivery and affordability. Importantly, the applicant has the track record and capability to deliver high density housing and there are no impediments for work to commence in a reasonable timeframe post development consent.
Locating housing at transport nodes	The Region Plan recommends aligning new housing with regional and district infrastructure, emphasising the impact of the new Metro network. The Willoughby City LSPS prioritises providing new housing that is well-located and accessible, and all residents can access the Chatswood CBD, local centres, parks, schools and community facilities within 20 minutes by public transport or high quality walking and cycling paths. The site has its advantageous proximity to public transport, amenity, and services, being located both within 1km of the new Crows Nest Metro Station and within 400m of St Leonards Station. The proposal will result in the delivery of high quality affordable and market apartments with immediate access to existing transport infrastructure and employment opportunities, which will unlock the residential potential of this highly accessible site.
Increasing employment	The proposed mixed use zoning will support uses complementary to the health and residential development adjoining the site. By integrating retail and commercial areas within the podium, the development aligns with the strategic planning objectives to create job opportunities and boost economic activity in St Leonards. The proposed non-residential uses could also support the St Leonards health precinct located to the southwest.

Strategic Theme	Summary of findings
Urban Renewal	The state led Crows Nest TOD Rezoning Proposal updated the previous strategies like the 2036 Plan, to establish approximately 5,900 new dwellings and capacity for 2,500 new jobs in the centre. While the site is well-located and accessible, the site is currently underutilised. Existing buildings comprise a single storey warehouse with showroom and a three-storey commercial office building. These buildings are older style with limited market appeal for these uses and limited scope for expansion given office use is not permitted in the zone. The irregular geometry of the site further limits opportunities for industrial development on the site, with limited scope for high performing industrial floorplates and logistics movements to and from the site. In addition, the site comprises the only industrial land in St Leonards and is separated from the broader Artarmon Employment Area by both Herbert Street and Ella Street. Therefore the site is no longer suitable for industrial or purely urban service uses given its proximity to existing residential uses, regional health facilities and walkability to key transport networks. Accordingly, the proposed rezoning is to recognise that the existing IN1 General Industrial zoning is effectively redundant and rezone the land MU1 Mixed Use, will allow for urban renewal to occur on this strategically important site and support a mix of employment and housing on the site which will boost housing supply, complement surrounding uses and evolving character.
Consideration of public domain amenity	Whilst the site is not located within the Crows Nest Transport Oriented Development Precinct and the Precinct Design Guide strictly do not apply, the proposal recognises the importance of protecting solar amenity to public open space and surrounding residential areas. The proposal will assess the solar amenity requirement under the Design Guide, in relation to nominated Public open spaces, streetscape, conservation area and low-density residential areas. Solar amenity will be managed through considered design with regard to the height and the location of building form.

6. COMMUNITY ENGAGEMENT

A structured and transparent approach to communications and engagement will be undertaken. This will ensure that key stakeholders and the broader community are informed about the project, provided with opportunities for meaningful input, and supported in understanding the planning process.

Engagement will align with DPHI's *Undertaking Engagement Guidelines for State Significant Projects* (March 2024) and *Community Participation Plan* (April 2024).

6.1. ENGAGEMENT APPROACH

Community engagement activities will be designed to:

Provide clarity

- Provide clear and accessible information about the proposal, potential impacts, and benefits.

Enable early and ongoing consultation with stakeholders

- Ensure early and ongoing consultation with key stakeholders, including government agencies, Willoughby City Council, local businesses, and residents.

Encourage meaningful participation

- Encourage meaningful participation and ensure feedback is considered in project planning and assessment.

6.2. ENGAGEMENT ACTIVITIES

While a detailed Communications and Engagement Strategy for this project is in the process of being prepared, it is generally expected that the following activities will be undertaken at appropriate stages:

- Project Newsletter:

Distributed to the surrounding community within an appropriate radius of the site, including elected officials, and key stakeholders to provide updates and engagement opportunities.

- Key Stakeholder Briefings:

Meetings with government authorities, Willoughby Council, local business groups, and major stakeholders to discuss project details and address any key concerns as required.

- Letter to Neighbours:

Direct communication with adjacent property owners and managers to inform them of the project.

- Community Information Sessions:

In-person or virtual sessions to allow residents, businesses, and interest groups to learn more about the proposal and provide feedback.

- Other Activities: Other engagement activities could include:

- Establishing an online information hub with project details, FAQs, and engagement opportunities.
- Establishing an enquiry hotline and/or email address for community stakeholders to ask questions and submit feedback.
- Periodic digital and social media updates as necessary.

The outcomes of community and stakeholder engagement will be summarised in an Engagement Outcomes Report, which will inform the EIS for the SSDA. Further engagement activities can be undertaken as the project progresses, including during the public exhibition phase when formal submissions can be made.

7. PROPOSED ASSESSMENT OF IMPACTS

This section identifies key impacts which will be further investigated and assessed within the EIS, including the 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.

7.1. MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS

The following table outlines 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.

Table 9 Matters requiring assessment in the EIS

Matter	Consideration
Design excellence	Clause 6.23 of WLEP 2012 does not apply to the site or proposed development. That said, the applicant will engage leading architect and landscape practices to deliver high quality development, consistent with Aqualand's consistent track record.
Connection with Country	All future development will consider the Connection to Country Framework prepared by the NSW Government Architect. The design will be informed by Country and will clearly demonstrate how the framework has been implemented and reflected the design.
Urban design Landscaping	The SSDA will deliver an integrated a high quality and landscape-led design. The project will be aiming provide a high-quality landscaped outcome on the site that will maximise tree canopies to optimise shade and reduce urban heat island effects. The urban design will respond to the Connection with Country framework.
Amenity	The SSDA will need to address key environmental amenity matters to ensure the project can provide a high-quality outcome with strong liveability attributes. Key technical studies to inform the EIS will (if required) include overshadowing diagrams, noise and vibration impact assessment, visual impact assessment, and a landscape strategy.
Noise and vibration	The proposed development is expected to have acoustic, and vibration impacts as well as cumulative impacts in relation to surrounding large-scale developments. A Noise and Vibration Impact Assessment will be undertaken to satisfy the Environmental Protection Authority's Noise Policy for Industry, Interim Construction Noise Guideline, and Road Noise Policy. Mitigation, management, and monitoring measures will be documented and implemented over the demolition, construction, and operation of the site.
Visual	Visual impact will be assessed in the EIS. As a part of this, impacts on viewpoints and vistas will be assessed and provide a visual amenity assessment of landscaping, design, and built form. The site's proposed use is suitable in terms of visual amenity.
Air quality	Given the extent of earthworks, an air quality analysis and assessment will be undertaken to ensure air quality throughout the demolition and construction phases of development. Strategies to manage likely impacts such as dust emissions and suppression during construction will be further explored in the EIS.
Access and transport	A Traffic Impact Assessment (TIA) will be prepared to assess key traffic considerations in relation to the site and the development. The TIA will assess the project's impacts on existing and estimated future traffic conditions (including during construction), car parking, and access and impacts on surrounding road capacity and pedestrian/cycling routes.

Matter	Consideration
Water and flooding	Analysis of the site's water and stormwater conditions will be included in the civil infrastructure report and plans. A Soil and Water Management plan will be prepared in conjunction with an Erosion and Sediment Control Plan and Stormwater Management Strategy. These will inform site analysis, surrounding catchment capacity, and irrigation risks. If required, a Flood Impact Risk Assessment will be prepared in accordance with the NSW Floodplain Development Manual 2005 to analyse any potential flood impacts on the site and locality.
Earthworks	Civil plans will be prepared to identify and manage any impacts as a result of the proposed excavation.
Land contamination	The suitability of the site in terms of contamination is expected to be appropriate. A PSI or DSI and Hazardous Buildings Material Survey will be prepared. Any required further investigation will be conducted as recommended in the assessment.
Geotechnical	A Geotechnical Report will provide an assessment of the ground conditions of the site and any risks associated with ground stability or proposed excavation. The report will detail the findings from desktop review of the site and borehole testing where necessary. The report will recommend appropriate temporary and permanent site support and retention measures if required. The Geotechnical Report will also assist to determine any required engineering and earthworks to achieve the proposed development outcome.
Waste	The project is expected to generate waste during the demolition, construction, and operation phases. A Waste Management Plan will be prepared to determine the extent of management required in accordance with waste regulatory frameworks and legislation.
Biodiversity	The applicant intends to request a BDAR Waiver for the proposed development.
Heritage	Consultation with Aboriginal Community representatives will be conducted and assessed in an Aboriginal Cultural Heritage Assessment Report (ACHAR) as part of the SSDA. In terms of European Heritage, there are no heritage items or conservation areas within the vicinity of the site.
Building Code of Australia	A BCA report will be prepared for the development and will present the findings of an assessment of the proposed building against the Performance Requirements of the Deemed-to Satisfy provisions of the Building Code of Australia. The assessment will also identify whether the development will rely on an Alternate Solution based assessment.
Access	An access report will be prepared for the development to ensure that accessibility can be provided in accordance with <i>Disability Discrimination Act 1992</i> . The access report will demonstrate how access for all users is addressed through the development.
ESD	An Ecologically Sustainable Development (ESD) Report will be prepared to provide a sustainability assessment development. The ESD report will provide an assessment of the building design and demonstrate ways in which the development can achieve best practice and compliance with sustainability requirements.
Economic impacts	The economic impacts will be assessed and addressed in the EIS within an accompanying Economic Impact Assessment. The economic impact assessment will assess: - Forecast growth in demand based on future population growth; - Existing supply and vacancy rate for employment floor space;

Matter	Consideration
	- Proposed supply of employment lands; and - Economic benefits of the proposal.
Social impacts & CPTED	A Social Impact Assessment will be prepared to assess social impacts of the project, namely the impacts on affected groups of people and on their way of life, life chances, health, culture, and capacity to sustain these. The SIA will address the positive and negative impacts associated with the project and measures to mitigate these impacts. The SIA will be prepared in line with the NSW Guidelines for Social Impact Assessments. A CPTED Assessment will detail how a development has been designed to reduce opportunities for crime by embedding a variety of design and place management principles into the design.
Community engagement	An Engagement Outcomes Report will be prepared to outline the engagement carried out to date, outcomes of that engagement, and how it has informed the proposal. It will provide evidence of a transparent and collaborative engagement process. The Report will outline: - Issues raised by surrounding landowners and stakeholders; - Project response to issues; and - Future community and stakeholder engagement based on the results of consultation.

8. CONCLUSION

This Scoping Report has been prepared to support a request for Project-Specific SEARs to guide the preparation of a concurrent rezoning and SSDA for a new shop top housing project at 33-37 Herbert St, St Leonards. The Report outlines preliminary information regarding the site and project, identifies the relevant strategic and statutory context, and summarises the approach to engagement with stakeholders.

The project is declared as SSD in accordance with the Environmental Planning and Assessment (Housing Delivery Authority) Order 2024, following a positive evaluation of the applicant's EOI. Pursuant to Section 4.36(3) of the EP&A Act, the Minister's State Significant Development Declaration Order 2025 (No 5) (dated 14 April 2025) declared the project at the subject site as SSD.

The project represents the logical extension of the residential developments on the eastern side of Herbert Street in St Leonards. It will in effect become the natural 'bookend' to the northern extent of the high-density residential precinct as part of the centre.

The proposal will redevelop an underutilised landholding in a strategically located position and deliver high-quality residential accommodation (including affordable housing) and employment-generating uses and activate the public domain, contributing towards a vibrant and lively community. The proposed typologies will increase housing choice and respond to local market demand for household types, tenures, and points.

The project will make a substantial contribution towards the NSW Government's target for 47,800 new high and mid-rise homes within identified transport hubs (such as St Leonards) over the next 15 years and the Commonwealth Government's National Housing Accord target for 377,000 new homes in NSW by 2029.

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