
Planning Proposal

1-31 Walter St and 452-462
Willoughby Rd, Willoughby

Following recommendation of
Sydney North Planning Panel that
the Proposal be forwarded for
Gateway Determination

Planning Proposal

Draft amendment to Willoughby Local Environmental Plan 2012

452 - 462 Willoughby Road and 1 - 31 Walter Street, Willoughby

This Planning Proposal has been prepared to explain the intent of and justification for an amendment to *Willoughby Local Environmental Plan 2012* WLEP 2012 as it applies to 452 - 462 Willoughby Road and 1 - 31 Walter Street, Willoughby.

• Lot 1 DP1084753	1 Walter Street
• Lot 12 DP129153	1A Walter Street
• Lot 2 DP1161181;	3 Walter Street
• Lot 1-3 DP150607;	5 – 9 Walter Street
• Lot 1-2 DP590018;	11 – 11a Walter Street
• Lot 361-362 DP1032203;	13 – 13a Walter Street
• Lot 35 DP1037751;	15 Walter Street
• Lot 34 DP1037751;	17 Walter Street
• Lot 33 DP508777;	19 Walter Street
• Lot 1-2 DP166910;	21 - 23 Walter Street
• Lot 1 DP168467;	25 Walter Street
• Lot 30 DP977055;	27 Walter Street
• Lot 101 DP857252;	29 Walter Street
• Lot 100 DP857252;	29A Walter Street
• Lot 28 DP977055;	31 Walter Street
• Lot 11 DP129153;	452 Willoughby Road
• Lot 1 DP178525;	454 Willoughby Road
• Lot 1 DP75133;	456 Willoughby Road
• Lot 1 DP81135;	458 Willoughby Road
• Lot 1 DP1161181;	460 Willoughby Road
• Lot 2 DP586037;	462 Willoughby Road
• Lot 1 DP 1239384	Remnant strip of reserve between 19 and 21 Walter St

The Planning Proposal has been prepared following a request by the proponent to amend the zoning from R3 Medium Density Residential to R4 High Density Residential, the floor space ratio from 0.9:1 to 1.5:1 (including affordable housing) and the maximum height on the three proposed parcels

indicated in Fig 9 from 12m to 17m; 24m and 27m respectively to facilitate a high density residential development on the site.

Specifically, the Planning Proposal presents an opportunity to redevelop an existing highly accessible medium density residential precinct by retaining and upgrading the existing infrastructure and facilities to satisfy contemporary access, safety and amenity standards and integrate them into a larger site redevelopment, creating pedestrian linkages and dealing with traffic and parking demands on site. The site provides the opportunity for the provision of additional pedestrian networks linking the area, through the site, between Artarmon and Willoughby South local centres. The amalgamation of the site offers the opportunity for all vehicle access to be from Walter Street and for vehicle access points to be rationalised and minimised.

The proposed amendments will enable redevelopment of the site to provide a diversity of high density housing types and sizes and an improved and more efficient urban form and streetscape appearance. This would result in clear benefits for the adjoining and surrounding residents in improved traffic infrastructure, pedestrian linkages, extended semi-public open spaces but more importantly providing a residential transitional scale to the adjoining residential uses on a more elevated site to the north.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines published by the Department of Planning and Environment including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'. The Planning Proposal is accompanied by a site specific Development Control Plan that guides future development on the site.

BACKGROUND

Site Description

The Planning Proposal relates to 452 - 462 Willoughby Road and 1 - 31 Walter Street, Willoughby , as legally described above (refer **Figure 1** below). The site has an area of 14,579m² and comprises an irregular site that adjoins open space to the west, Walter Street to the south, Willoughby Road to the east and high density residential to the north of the site.



Figure 1 Site Location (Source: Architecture Urbaneia 2019)

The extent of the land for the rezoning does not include the land on the south side of Walter Street which is zoned SP2 for a public purpose because of its operational nature.

The site comprises 22 contiguous allotments and accommodates a mix of low density residential development. The site is legally described as follows:

- Lot 1 DP1084753 1 Walter Street
- Lot 12 DP129153 1A Walter Street
- Lot 2 DP1161181; 3 Walter Street
- Lot 1-3 DP150607; 5 – 9 Walter Street
- Lot 1-2 DP590018; 11 – 11a Walter Street
- Lot 361-362 DP1032203; 13 – 13a Walter Street
- Lot 35 DP1037751; 15 Walter Street
- Lot 34 DP1037751; 17 Walter Street
- Lot 33 DP508777; 19 Walter Street
- Lot 1-2 DP166910; 21 - 23 Walter Street
- Lot 1 DP168467; 25 Walter Street

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- | | |
|---------------------|--|
| • Lot 30 DP977055; | 27 Walter Street |
| • Lot 101 DP857252; | 29 Walter Street |
| • Lot 100 DP857252; | 29A Walter Street |
| • Lot 28 DP977055; | 31 Walter Street |
| • Lot 11 DP129153; | 452 Willoughby Road |
| • Lot 1 DP178525; | 454 Willoughby Road |
| • Lot 1 DP75133; | 456 Willoughby Road |
| • Lot 1 DP81135; | 458 Willoughby Road |
| • Lot 1 DP1161181; | 460 Willoughby Road |
| • Lot 2 DP586037; | 462 Willoughby Road |
| • Lot 1 DP 1239384 | Remnant strip of reserve between 19 and 21 Walter St |

The site has two (2) street frontages, with the main frontage being to Walter Street comprising approximately 244 metres along the southern boundary, and a frontage of 98 metres to Willoughby Road along the eastern boundary. The common northern frontage comprises approximately 239 metres adjoining high density residential development. The western boundary to the public open space is approximately 54 metres.

The site is located approximately 2.5km south-east of the Chatswood CBD and within 400m of Artarmon local centre and 1200m from Artarmon local centre and railway station through a network of open spaces on the Artarmon to Middle Harbour Walking Track.



Figure 2 Locality and Context (Source: Architecture Urbaneia 2019)

The site is located within the medium density zoned residential precinct bounded by open space to the east and west, high density residential to the north and the Gore Hill Freeway to the south. The area is generally characterised by a mix of low density residential dwellings of varying ages and styles. The immediate area is developed with residential low density residential uses and the lands north of the site have approval for high rise high density residential development. The properties on the southern side of Walter Street are currently low density single dwellings but are zoned SP2 Infrastructure in conjunction with the Gore Hill Freeway.

There have been development consents issued for a 204 place childcare centre on 1-1A Walter street and 452 – 460 Willoughby Road and for medium density development on 5 – 9 Walter Street (22 dwellings); 11 – 13A Walter Street (24 dwellings); 15 – 17 Walter Street (28 dwellings); 21 – 27 Walter Street (28 dwellings). All of these consents remain active.

The site is located approximately 145m from bus stops on Willoughby Road that are served by regular services to the Sydney Central Business District and other centres. The site is within walking distance to the neighbourhood shops at Naremburn to the south and Willoughby Road to the north.

The Channel 9 site at 6-30 Artarmon Road, Willoughby was the subject of a Part 3A Concept Plan Approval that was approved by the Planning Assessment Commission on 23 December 2014. The Concept Plan Approval provides for the residential redevelopment of the site for up to 400 residential dwellings with small-scale non-residential uses to support the new population. A modification to the concept plan was approved by the Independent Planning Commission on 31 January 2019 for 460 dwellings across nine residential flat buildings ranging in height from 4 to 9 storeys.

The site located to the north of the subject site, at 2 Artarmon Road (Castle Vale) comprises a high density residential development oriented north-south on the site in three rows of buildings. The buildings are set in extensive landscaped gardens and are accessed from Artarmon Road. The buildings are graduated in height decreasing from west to east. These range in height from 9 storeys to 5 and three storeys on the Willoughby Road frontage.

While the local area is relatively low density residential uses it is characterised by good access to local facilities and public open space. The local context is also relatively good in terms of pedestrian connectivity and the occurrence of local centres. The local and neighbourhood centres within the Willoughby Local Government Area are located to the north-east and north-west with good retail precincts and community facilities within close proximity to the site.

The subject site is located immediately to the north of the Gore Hill Freeway and between two major north-south arterials being Willoughby Road and Hampden Road. This system offers excellent access to the metropolitan road network north and south. These are high traffic routes which offer little pedestrian amenity and the current local road network and walking track attempts to offer alternative pedestrian and bicycle routes between these corridors.

The site accommodates a number of buildings of various ages and styles which are used as low density dwellings. On-site parking is available on most sites but on-street parking remains in demand. The buildings comprise traditional single and two storey freestanding dwellings.

The land to the immediate south of the site has been significantly modified by its use as the major freeway north of the Sydney CBD. The freeway corridor is located below the

level of the subject site within acoustic walls and for the most part screened by significant landscaping and open space.

The site slopes from the highest point in the north-west corner to the south-eastern corner frontage adjoining the intersection of Walter Street and Willoughby Road.

Heritage

The subject site does not contain any heritage listed items on Schedule 5 of the Willoughby Local Environment Plan (LEP) 2012, nor is it located within a Heritage Conservation Area (HCA) or in the vicinity of heritage listed items on the LEP. It is considered none of the buildings or structures contain any historic and aesthetic value. The existing dwellings and structures do not meet the criterion for local heritage listing and they do not form a part of any *Heritage Conservation Area*.

The site in itself does not meet the criterion for local heritage significance nor does the history of use, contribution to the local character or the community require any building or structure to be retained and integrated into the redevelopment of the site.

Acoustic Environment¹

A report prepared by VIPAC Engineers and Scientists, dated 13 September 2019 advises that; the site is located approximately 30 metres from the Gore Hill Freeway and 7.5 metres from Willoughby Road to the nearest proposed dwelling. Therefore, the traffic noise impact from both of these roads on the proposed development will be considered to satisfy the indoor noise requirement.²

All internal noise levels within the development will be less than the required criteria within the Australian Standards and will result in an acceptable acoustic amenity for future tenants. It is noted that many buildings within the Sydney region have included suitable acoustic treatments to ensure internal noise levels comply with the relevant council and Australian Standards and additional treatments to the external balconies or gardens of residential buildings with exposure to environmental noise sources, greater than that of the proposed development. The report concludes that carrying out the development consistent with the recommendations in the report will achieve compliance with the required internal noise levels.

Traffic and Parking Environment³

A report prepared by The Transport Planning Partnership (TPPP) dated 29 August 2019 advises that;

¹ VIPAC Engineers and Scientists Willoughby Road Noise Impact Assessment September 2019

² Ibid. p7

³ Transport Planning Partnership Walter Street Planning Proposal Traffic and Parking Review August 2019

“growth in the background traffic alone would result in the Willoughby Road intersection with Walter Street operating with poor performance. A new traffic signal at the Walter Street intersection with Willoughby Road would provide sufficient capacity to accommodate future development traffic in the growth in the background traffic alone would result in the Willoughby Road intersection with Walter Street operating with poor performance. A combination of traffic generated by the subject development zoned as R3, the Channel 9 site and proposed childcare centre would trigger the need to upgrade the Walter Street intersection.

However, a new traffic signal at the Walter Street intersection would provide sufficient capacity to accommodate development traffic from all known developments (including the subject site rezoned to permit R4 residential development) plus growth in the background traffic.”

“Roads and Maritime has reviewed the TTPP’s August 2017 traffic study including the VISSIM traffic model. Following their review, the traffic model has been deemed “fit for purpose” by Roads and Maritime. Roads and Maritime also granted approval for the provision of traffic signals at the Willoughby Road intersection with Walter Street subject to a number of requirements including right turn movements from Willoughby Road into Walter Street to be prohibited during the peak periods”⁴

Council’s Traffic and Transport Team leader has advised that the proposed development is unlikely to require traffic lights and the most appropriate traffic management into/out of Walter St from Willoughby Rd is left in and left out only for motor vehicles. Consultation with the Roads and Maritime Services on this issue will be required should the planning proposal proceed to Gateway.

The TTPP report assesses the parking, bicycle and motorcycle provision against the WDCP provisions and concludes that it is compliant and can achieve the relevant Australian Standards.

Geotechnical Environment⁵

The JK Geotechnics Geotechnical dated 23 August 2019 advises; the *“site observations have confirmed that there are sandstone bedrock outcrops on the site and within some of the neighbouring properties to the north and south of the site.*

The previous 2016 investigation disclosed a subsurface profile comprising relatively shallow fill overlying natural clayey sands and sandy clays. The tests have inferred sandstone bedrock surface at

⁴ Ibid. p7

⁵ JK Geotechnics Geotechnical Assessment Residential Planning Proposal 1 – 31 Walter Street & 452 - 462 Willoughby Road, Willoughby August 2019

the test locations ranges between 0.7m to 2.8m depth. We note that since the DCP tests do not provide sample recovery, the material on which refusal has occurred has not been confirmed.”⁶

“Following demolition of the existing buildings and pavements and removal of vegetation within the development footprint, any deleterious fill should be stripped and disposed appropriately off-site. Reference should be made to the JKE report for guidance on the off-site disposal of soil.

Excavation of fill, natural soils and sandstone bedrock up to very low strength may be carried out using a bucket attached to a hydraulic excavator, with assistance using a ripping tyne to break any low or medium strength bands that are no thicker than about 0.3m. Sandstone bedrock of low or higher strength will require the use of rock excavation equipment, such as hydraulic rock hammers, rotary grinders, rock saws or ripping tynes. Such equipment would also be required for trimming rock faces and for detailed rock excavations, such as for footings, trenches, lift pits, etc.

For the larger common basement below proposed buildings A, B, C and D, it may also be feasible to rip the sandstone using a large dozer, but to increase excavation productivity particularly if the rock is of at least high strength, a generous allowance should be made for hydraulic rock hammer assistance in conjunction with the ripping. As a guide, ripping of Class II and III sandstone bedrock will be possible with a Caterpillar D10 dozer. Confirmation on the dozer size should be made following completion of the geotechnical investigation.

Rock excavations using hydraulic rock hammers will need to be strictly controlled as there may be direct transmission of ground vibrations to nearby structures and buried services. We recommend that quantitative vibration monitoring be carried out whenever hydraulic rock hammers are used during demolition and excavation on this site, as a precaution against possible vibration induced damage. The vibration limits should be set by the structural engineer following their review of the dilapidation reports so that any particular sensitivities of the nearby structures can be accounted for. However, unless any of the structures are particularly sensitive, we expect that a peak particle velocity of 5mm/sec would be applied. It should be noted that when vibration limits are exceeded, they should be assessed against the attached Vibration Emission Design Goals sheet, as higher vibrations may be acceptable depending on the associated vibration frequency.

If it is confirmed that transmitted vibrations are excessive, it would be necessary to change to alternative equipment, such as a smaller rock hammer, rotary grinders, rock saws or ripping tynes.”⁷

⁶ Ibid. p3

⁷ Ibid. p5

“Further advice on groundwater inflows and managing those inflows should be provided as part of the detailed geotechnical investigation yet to be completed. However, assuming seepage does occur, it is likely that in most areas it will be of a small flowrate and controlled during construction by sump and pump methods or gravity drainage to divert it to the stormwater system for disposal.

In the long term, drainage should be provided behind the basement retaining walls and below the basement floor slabs. The completed excavation should be inspected by the hydraulic consultant to assess if the designed drainage system is adequate for actual seepage flows.

Following completion of the detailed investigation, it may be necessary to undertake seepage analysis and obtain a dewatering licence from Water NSW. If such a licence cannot be obtained, it may be necessary to “tank’ the basements.”⁸

The report identifies specific issues to be addressed at development application stage but concludes that the site is appropriate to the proposed use.

Arboricultural Environment ⁹

The Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural, dated 29 August 2019 advises that a detailed assessment of the condition of the trees on the proposed development sites of Walter Street and Willoughby Road has been undertaken noting trees to be removed and identifying impacts on trees to be retained and includes recommendations to minimise any adverse impacts, that demolition, construction activities may have on the trees to be retained. Secondly a Tree Inventory was implemented to assess the existing street trees and includes recommendations of the trees suitability for the proposed developments.

“This report considers 133 trees, 109 trees within the site, 4 trees on a neighbouring property and 20 trees on the adjacent road reserve.

As the proposed excavation for the retaining wall is on down slope or across slope side of trees the potential is increased for tensile roots to the north of the site; therefore root mapping is recommended to ascertain if significant woody (above 30mm) would be impacted by the retaining wall otherwise redesign within the TPZ to reduce the encroachment to minor would be required.

The boundary fences and retaining wall within the tree protection zone of the retained specimens are to be constructed using tree sensitive excavation and construction techniques such as pier and

⁸ Ibid. p6

⁹ Redgum Horticultural Arboricultural Impact Assessment and Tree Management Plan Walter Street & Willoughby Road, Willoughby August 2019

beam construction with suspended sections to reduce any impact on their stability, with piers to be dug by hand using non-motorised machinery to further assist in their protection.

*If associated infrastructure (pipe works) are to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project arborist. Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009)."*¹⁰

The report concludes that "One hundred and four (104) trees are nominated for removal and replacement with species in accordance with the associated Landscape documentation for the development. The twenty-nine (29) trees to be preserved will be retained and protected through the implementation of adequate measures for their integration into the development by the application of appropriate technology as detailed in this report. Where appropriate, the Landscape Plan will include planting with new trees including street tree/s.

*It is often a consequence of redevelopment, and subject to the nature of the proposed land use that some or all the trees present on the site prior to that redevelopment may be required to be removed and replaced with new tree plantings in different locations. This may be dependent upon the type of development and its design constraints and the requirements of the local planning instruments and any Landscape Design Codes if existing. Where tree removal is required for this development, it is considered that those trees identified within this report are not sustainable within the context of the proposed development. Where tree retention has been considered, those trees are expected to survive the redevelopment process and remain stable and viable. The retention and protection of existing trees on site is a significant aspect of the development process, allowing those trees as components of the current curtilage to be transferred to the new development for incorporation into the landscaping works for the site. The retention of some or all the existing trees contributes to: the preservation of local amenity, screening of views to and from the site, and a balance to the scale and bulk of buildings, while maintaining elements of a continuous landscape, providing a more harmonious integration and transition of the use of the land."*¹¹

Ecological Environment ¹²

The Flora and Fauna report prepared by Fraser Ecological Consulting, dated September 2019, assesses the ecological impacts of the planning proposal in accordance with State legislation (Environmental Planning and Assessment Act 1979) which requires that actions judged to

¹⁰ Ibid. p4

¹¹ Ibid. p45

¹² Fraser Ecological Consulting Flora and Fauna Assessment Planning Proposal Walter Street & Willoughby Road Willoughby September 2019

significantly impact upon threatened species, populations or ecological communities, or their habitats listed under the Biodiversity Conservation Act (2016) trigger the preparation of a Species Impact Statement. The report states;

“The proposal does not trigger the requirement for a Biodiversity Assessment Report for the following reasons:

- The total area of native vegetation (locally indigenous vegetation) does not exceed the BOS threshold.*
- The site is not listed under the Sensitive Biodiversity Values Map.*

The major conclusion arising from this Assessment is that the proposed development is unlikely to result in a significant impact on any listed species or communities providing that the applicant actively implements the recommendations from this assessment. Therefore in accordance with the EPA Act (1979), BC Act (2016) and FM Act (1994), a Species Impact Statement is not required.”¹³

The site for the proposed development comprises of introduced trees and landscaped gardens. The understorey plantings are typical garden planting characteristic of the North Shore including small areas of grass turf amongst hard surface areas within existing private open space areas. Some planted native tree species were observed, and therefore, this ecological assessment has been undertaken as a precautionary measure.¹⁴

The rear yards (southern property boundaries) of houses numbered 2-18 Walter Street are connected to native vegetation occurring within Council - managed bushland of Flatrock Creek which is a combination of a planted bushland buffer adjoining a man-made drainage canal. Introduced plantings with mowed understory dominate both the road frontage and rear yards of 2-18 Walter Street.¹⁵

The subject site essentially comprises urban backyards that contains an upper canopy (both native and non-native trees) and introduced horticultural shrubs and groundcovers). The most significant fauna habitat present on site is primarily marginal foraging and roosting habitat resources for mobile fauna groups including birds, bats and other mammals including Common Brushtail Possum.

The trees throughout all lots of the subject site provide upper canopy inter-connectivity including canopy contact with introduced and remnant trees on the adjacent property.

No habitat hollows were recorded on site, and therefore, the habitat on-site is not considered to

¹³ Ibid. p2

¹⁴ Ibid. p11

¹⁵ Ibid. p11

provide critical breeding habitat resources.

From the review of databases and other records in relation to species habitat requirements, it is considered that the threatened fauna species likely to occur in the study area do not rely upon habitats on site that form critical breeding resources that are essential to maintain the lifecycle of a local population, and therefore, Assessments of Significance ('seven part tests') were not required as part of this assessment.

The tree impacts of the proposal are limited to the removal of predominantly exotic or the occasional non locally native tree species. No trees containing significant habitat occur on site or are proposed for removal.

The vegetation on site does not provide an important connective function between other patches of adjacent native vegetation and does not form part of important habitat corridor. The removal of this vegetation will not further fragment other local populations of threatened species, communities or ecological communities and will not exacerbate edge effects to other areas of native vegetation in the locality. Mobile vectors required for the cross-pollination and exchange of genetic material between similar isolated areas of native vegetation and fauna habitats will not have their ability to perform these functions disrupted as a result of the proposal.¹⁶

The report concludes that the planning proposal is unlikely to result in a significant impact on any listed species or communities.

Environmental Site Assessment¹⁷

A Stage 1 Environmental Site Assessment has been prepared by JK Environments, dated 23 August 2019. The report advises that *"the historical aerial photographs review identified a former quarry to the east of the site which was filled to create the existing recreational area. Considering the filling history of the adjacent land immediately to the east of the site, the recreational areas closest to the site are more likely to have been filled using soil and similar materials, as opposed to the area being landfilled with putrescible waste (however it is possible that the areas further to the east may have been filled with other waste).*

Considering the above, and based on a qualitative assessment of various lines of evidence as discussed throughout this report, JKE are of the opinion that there is a moderate potential for site contamination across the wider site. There is considered to be a relatively higher potential for

¹⁶ Ibid. P17

¹⁷ Environmental Investigation Services Preliminary Desk Top Environmental Site Assessment Walter Street and Willoughby Road, Willoughby January 2017

contamination in the 462 Willoughby Road portion of the site (former industrial land use) and in the eastern site area where elevated zinc and benzo(a)pyrene was identified during the previous EIS (2016) assessment.

The primary contamination-related risks for future development are likely to include fill soil and potentially contaminated groundwater. Disposal costs for fill soil can be significant and should be considered early in the planning process, particularly where basements are to be constructed. The site inspection and the EIS (2016) investigation has identified the presence of fill at the site, particularly in the eastern areas.

Based on the scope of work undertaken for the assessment, JKE are of the opinion that the historical land uses and potential sources of contamination identified would not preclude the proposed re-zoning and future high density residential development of the site.¹⁸

It is noted that a Stage 2 Environmental Site Investigation has been initiated and the results would support any future development applications for the site.

Current Planning Controls

The site is zoned R3 Medium Density Residential under LEP 2012 (**Figure 3**), while the adjoining properties to the north and east are zoned R4 High Density Residential. The objectives of the zone pursuant to Clause 2.3 of LEP 2012 are:

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To accommodate development that is compatible with the scale and character of the surrounding residential development.*

¹⁸ Ibid. p4

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- *To allow for increased residential density in accessible locations, while minimising the potential for adverse impacts of such increased density on the efficiency and safety of the road network.*
 - *To encourage innovative design in providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.*

Uses permitted with consent in the R3 zone in item 3 of Clause 2.3 of LEP 2012 include *Attached dwellings; Boarding houses; Child care centres; Community facilities; Group homes; Home businesses; Home occupations; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing.*

The maximum FSR for the site is 0.9:1 pursuant to Clause 4.4 of LEP 2012 as the site is located within “L”, under FSR Map 01 (**Figure 4**).

The Maximum Building Height for the site is 12m pursuant to Clause 4.3 of LEP 2012 as the site is located within “M”, under FSR Map 01 (**Figure 5**).

Pursuant to Clause 5.10 of LEP 2012, the site is not located within any *Heritage Conservation Area*. The site is also not in close proximity to any local heritage item (**Figure 6**).

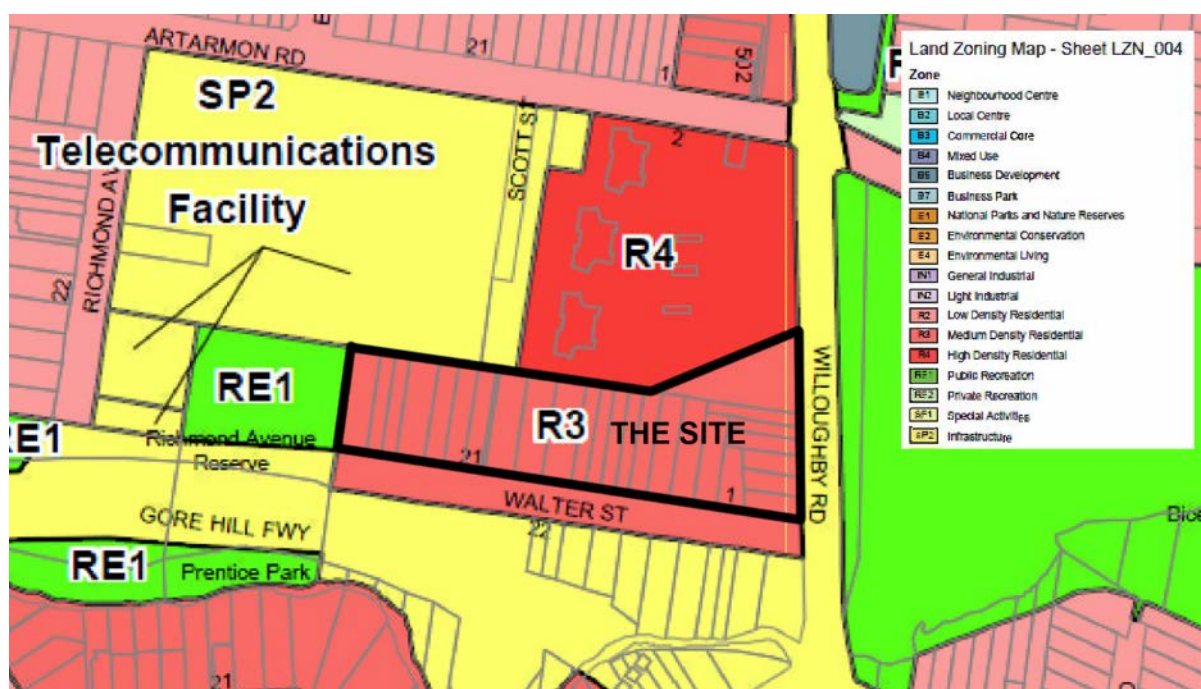


Figure 3 Extract from the Zoning Map (WLEP 2012) showing land affected by the Planning Proposal

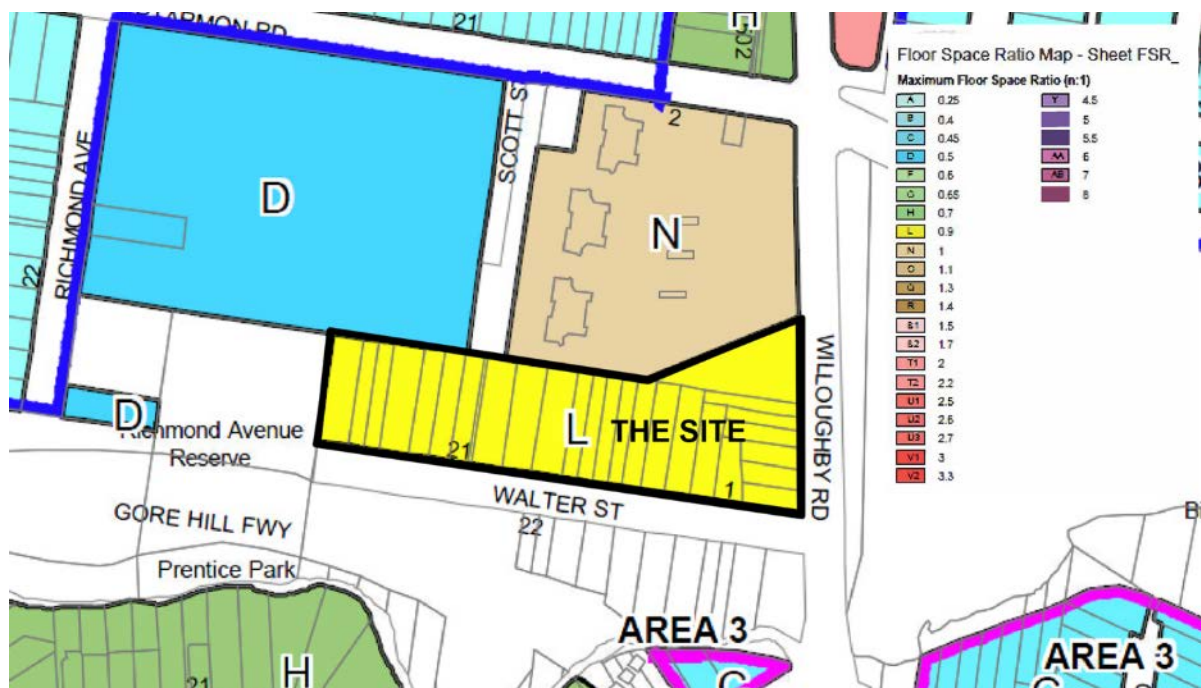


Figure 4 Extract from the Floor Space Ratio Map (WLEP 2012) showing land affected by the Planning Proposal

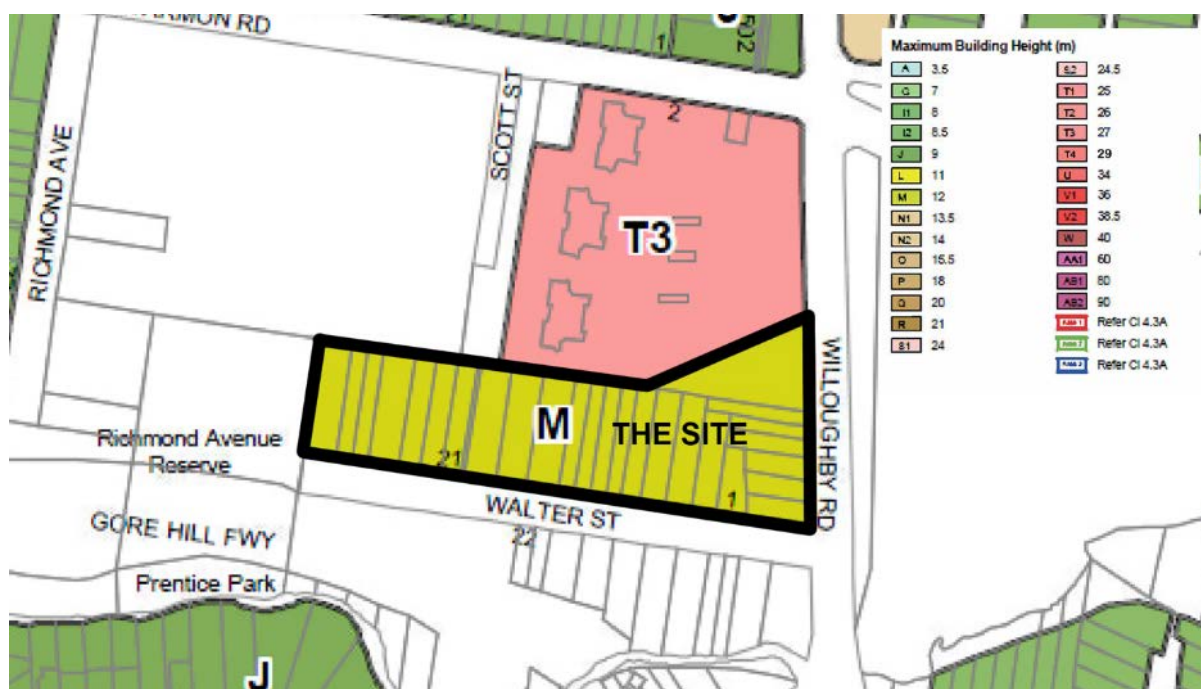


Figure 5 Extract from the Building Height Map (WLEP 2012) showing land affected by the Planning Proposal

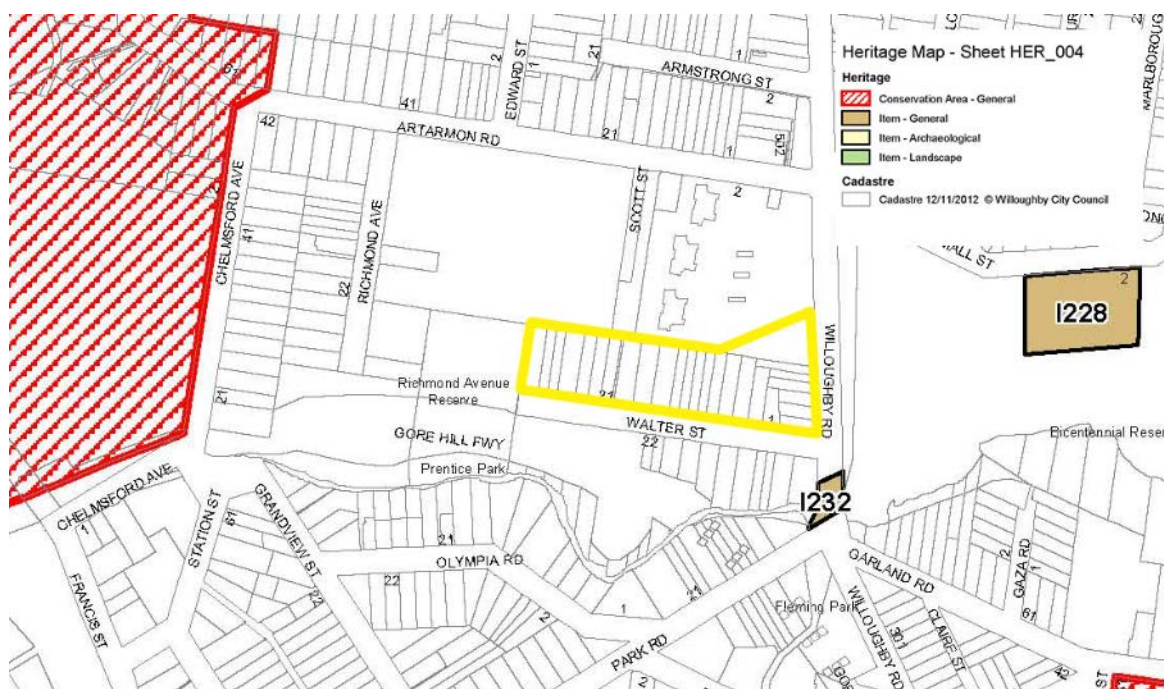


Figure 6 Extract from the Heritage Map (WLEP 2012) showing land affected by the Planning Proposal

It is also noted that the Walter St roadway is currently zoned R3 medium density and is identified as land to be acquired for classified road (SP2) under WLEP 2012.

Other controls relevant to the site under Willoughby Development Control Plan would be considered at Development Application stage.

Any future development Application would need to satisfy the requirements of *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65) and the associated *Apartment Design Guide* (ADG) and are also relevant to the Planning Proposal.

Request to amend the planning controls

Two Planning Proposals, prepared by Mersonn, on behalf of Walter Projects, were lodged with Council on 27 July 2018- one relating to 3-31 Walter St and the other planning proposal relating to 1-1A Walter St and 452-462 Willoughby Rd. (The Sydney North Planning Panel subsequently recommended that the two applications be consolidated into a single Planning Proposal). Accordingly, the consolidated planning proposal seeks to amend WLEP 2012 as it applies to 452 - 462 Willoughby Road and 1 - 31 Walter Street, Willoughby to facilitate redevelopment of the site for the purpose of high density residential development on the site that will:

- be able to accommodate approximately 255 apartment dwellings;
- provide all vehicle access to the site from Walter Street;
- provide for necessary junction upgrade at the intersection of Walter Street and Willoughby Road;
- provide for an upgrade to Walter Street carriageway including widening, landscaping, cycleway and pedestrian footpaths ;

The proposal intends to amend the Willoughby WLEP 2012 by:

- rezoning the site from R3 Medium Density Residential to R4 High Density Residential;
- increasing the FSR for the site from 0.9:1 to 1.5:1 (including affordable housing);
- increasing the maximum building heights across the site from 12m (approximately 4 storeys) to 17m for 452 – 462 Willoughby Road and 1 and 1A Walter Street (5 storeys) , 24m for 3 – 13A Walter Street (approximately 8storeys) and 27m for 15 – 31 Walter Street (approximately 9 storeys);
- introducing a new Design Excellence clause;

The proposal is not a result of a strategic study; however, in its current form it is the result of the recommendations made by the Sydney North Planning Panel. The proposal to amend the LEP and maps is the best means of achieving the intent of the proposal and will enable high density residential housing supply targets.

As stated previously, the planning proposals were first submitted to Council on 27 July 2018. On 29 October 2018, the proponent lodged rezoning review applications for the planning proposals with the Department because Council had failed to indicate its support within 90 days. On 1 November 2018, the Department wrote to Council seeking comments. The Council advised that the assessment of the planning proposals were delayed due to a request for a site specific DCP and requested an extension. The Department advised Council that an extension would not be granted. On 8 April 2019 the Council resolved not to support the planning proposals. (refer to Appendix 1 for Council's reasons for refusal).

The rezoning review was put to the Sydney North Planning Panel on 6 June 2019. The panel recommended that the proposal has merit and should proceed for a Gateway Determination and be amended as follows:

- that the two sites 1 – 1A Walter Street and 452 - 462 Willoughby Road and 3 - 31 Walter Street, Willoughby should be considered as an amalgamated site for rezoning;
- that the heights and proposed floor space ratios across the integrated site be master planned to better respond to the site circumstance, including at the corner of Willoughby Road and Walter Street;
- that an amalgamated DCP be prepared prior to the matter going to Gateway; and;
- that any DCP ensure that all vehicular access for the amalgamated site occur from Walter Street and not Willoughby Road.

By letter dated 25 June 2019, the Sydney North Planning Panel requested whether Council wished to be the Planning Proposal Authority (PPA) for the proposal and if so, prepare the documentation for referral to the Gateway. At its meeting of 22 July 2019 Council agreed to be involved in the planning process for the site as the relevant Planning Proposal Authority (PPA). This would ensure that drafting of controls for the site were overseen by Council.

A draft Development Control Plan has been developed for the site together with updated site concept plans in response to the Sydney North Planning Panel on 6 June 2019 recommendation. The draft DCP incorporates a master plan for the integrated site which ensures that the site is amalgamated and the development is complimentary to the scale and character of development in the area. The corner of Willoughby Road and Walter Street is addressed through amalgamating 452 – 462 Willoughby Road and 1 – 13 Walter Street with a single vehicular access from Walter Street and a height transition south on Willoughby Road to the intersection but retaining the overall 1.5:1 FSR for the amalgamated allotment.

PLANNING PROPOSAL

The proposal intends to amend the Willoughby LEP 2012 by:

- rezoning the site from R3 Medium Density Residential to R4 High Density Residential (Figure 7);
- increasing the FSR for the site from 0.9:1 to 1.5:1 (including affordable housing) (Figure 8);
- introducing a range of maximum building heights across the site from 17m (5 storeys) to 24m (8 storeys) and to 27m (9 storeys) (Figure 9);
- introducing a new Design Excellence clause;
- introducing minimum lot sizes for the precinct.

Part 3 of the Planning Proposal demonstrates that the amendments have strategic merit, and that the bulk and scale of development that would be facilitated under the proposed amendment to the FSR and height is appropriate for the site. The Proponent advises that the Planning Proposal is considered consistent with SEPP 65 and the ADG.

The proponent's Planning Proposal is accompanied by supporting documentation, including concept architectural plans and sketch as well as ADG compliance tables, an Urban Design Report, Traffic Impact Assessment, Heritage Impact Assessment, Geotech Investigation, Arboriculture report, Fauna and Flora report, Environmental Site Assessment, survey plans, and a letter of offer to enter into a Voluntary Planning Agreement.

Walter Projects have provided a Voluntary Planning Agreement (VPA) Deed of Offer. This VPA should be progressed in response to the letter of offer. It is envisaged that the VPA will be exhibited for community consultation at the same time as the Planning Proposal.

PART 1 – Objectives and Intended Outcomes

This section sets out the objectives or intended outcomes of the planning proposal and comprises a statement of what is planned to be achieved, not how it is to be achieved.

The objectives to support the Planning Proposal to amend Willoughby Local Environmental Plan 2012 (WLEP) are as follows;

- (a) To promote urban consolidation and support Council's Housing Strategy by increasing residential density in an area close to public transport and Willoughby and Naremburn local centres;

-
- (b) To ensure that the form and scale of development on the land is compatible with the character of surrounding residential development.

The intended effect of this planning proposal is to amend the *Willoughby* LEP 2012 to apply a higher density zoning, height and FSR provisions to the land known as 452 - 462 Willoughby Road and 1 - 31 Walter Street, Willoughby, legally described as Lot 1 DP1084753, Lot 12 DP129153, Lot 2 DP1161181, Lot 1-3 DP150607, Lot 1-2 DP590018, Lot 361-362 DP1032203, Lot 34 & 35 DP1037751, Lot 33 DP508777, Lot 1-2 DP166910, Lot 1 DP168467, Lot 30 DP977055, Lot 100 & 101 DP857252, Lot 28 DP977055, Lot 11 DP129153, Lot 1 DP178525, Lot 1 DP75133, Lot 1 DP81135 & Lot 1 DP1181181, Lot 2 DP586037, Lot 1 DP 1239384.

The intended outcome is to increase the residential density and amenity on the subject site to provide opportunities for additional dwellings, in accordance with Council's housing strategy and to promote urban consolidation objectives set by the NSW State Government.

By rezoning and increasing the maximum height and FSR, the development potential of the site and housing opportunities also increase. Increased densities around and near transport nodes, particularly Artarmon Rail Station (1.2km) and near Willoughby Road bus transitway, is consistent with good planning practice with regard to transport oriented development.

PART 2 – Explanation of Provisions

The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to the Willoughby Local Environmental Plan 2012 which will include amendments to the relevant Zoning, Height of Building, Floor Space Ratio and Special provisions Maps and written instrument as follows:

- a) To amend the Land Zoning Map (Sheet LZN_004) for 1-31 Walter St and 452-462 Willoughby Rd, Willoughby from R3 Medium Density Residential to R4 High Density Residential.
- b) To amend the Height of Buildings Map (Sheet HOB_004) to 17m for 1-1A Walter St and 452-462 Willoughby Rd, 24m for 3-13A Walter St and 27m for 15-31 Walter St, Willoughby.
- c) To amend the Floor Space Ratio Map (Sheet FSR_004) for 1-31 Walter St and 452-462 Willoughby Rd, Willoughby from 0.9:1 to 1.5:1 (including affordable housing).
- d) To amend Clause 6.10(g) of the written instrument to require a minimum lot size of 7960 sqm consolidating 1-13A Walter St and 452-462 Willoughby Rd, Willoughby, a minimum lot size of 4,969sqm consolidating 15-27 Walter St and a minimum lot size of 1,640sqm consolidating 29-31 Walter St.

d) To amend Clause “6.8 Affordable Housing” to ensure that the proposed increase in floor space ratio from 0.9:1 to 1.5:1 includes 4% of the gross floor area to be provided as affordable housing for the subject land.

e) To add Clause 6.24 as follows:

"6.24 Design excellence

1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

2) This clause applies to the following development:

a) development that is the erection of a new building on land covered by the Design Excellence Policy, and shown in Area 12 on the Special Provisions Area Map, Note.

In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 96 (3) of the Act).

3) Development consent must not be granted to development to which this clause applies unless:

a) Where a building will be >35m in height

i) an architectural design competition that is consistent with Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and

ii) the design of the development is the winner of the architectural design competition, and

iii) the consent authority considers and acknowledges that the development exhibits design excellence.

b) Where a building will be up to 35m in height

i) The design is subject to review by a Design Excellence Review Panel, that is consistent with Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority

ii) the consent authority considers and acknowledges that the development exhibits design excellence.

4) An architectural design competition is not required under subclause (3) if the Minister or their delegate is satisfied that:

(a) such a process would be unreasonable or unnecessary in the circumstances,

5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration the results of the architectural design competition.

6) In this clause:

Design Excellence is a process and an outcome achieved through the comparative evaluation of different design approaches.

Architectural Design Competition means a competitive process conducted in accordance with the Guidelines for Design Excellence Review and Competitions.

Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Secretary).

Guidelines for Design Excellence Review and Competitions means the Government Architects Design Excellence Competition Guidelines or, Guidelines endorsed by the NSW Government Architects Office (Secretary).

Design Excellence Policy means the Willoughby City Council Design Excellence Policy

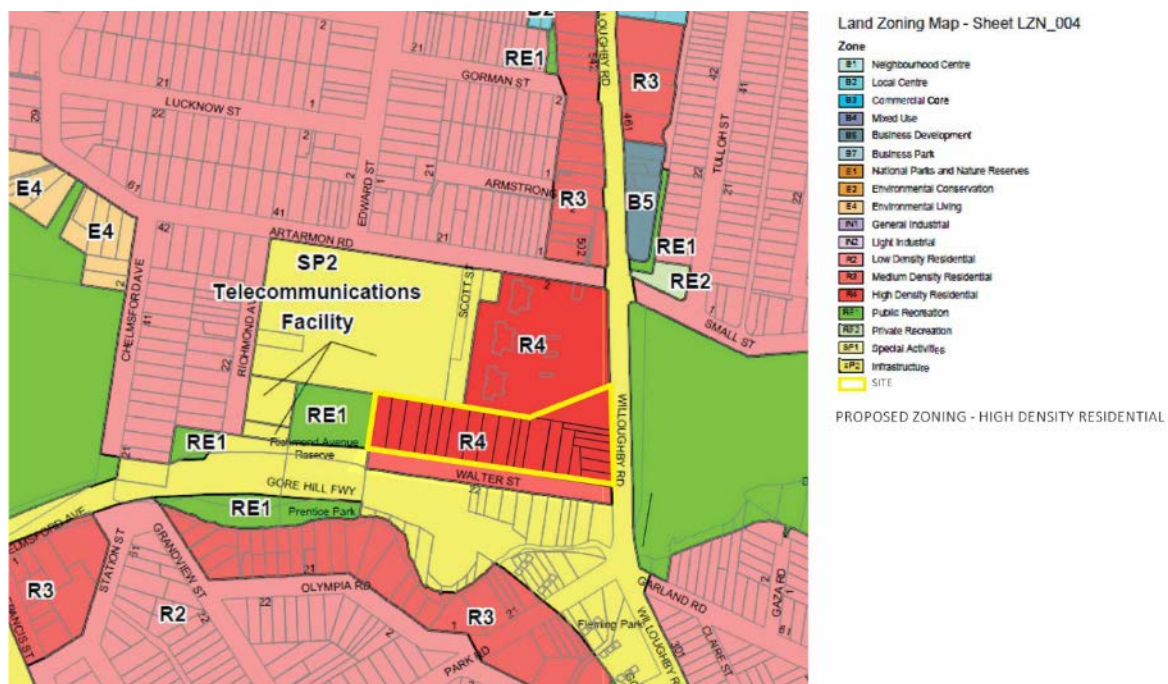


Figure 7 Extract from the Proposed Zoning Map (WLEP 2012) showing land affected by the Planning Proposal



Figure 8 Extract from the Proposed Floor Space Ratio Map (WLEP 2012) showing land affected by the Planning Proposal

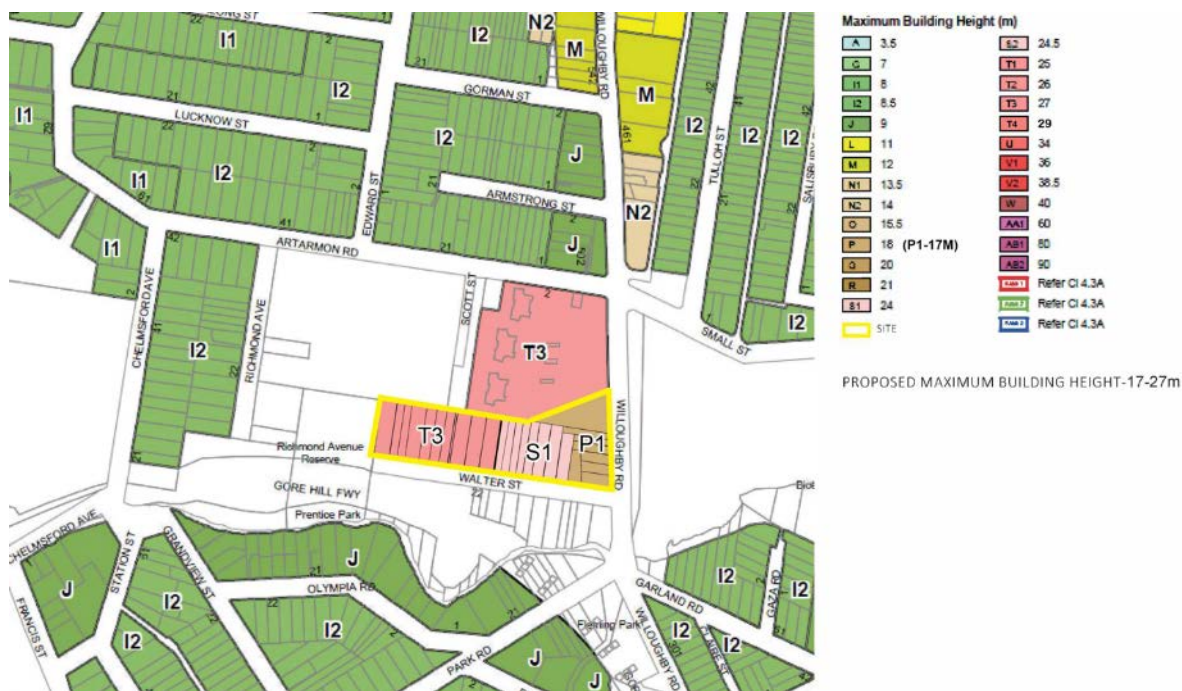


Figure 9 Extract from the Proposed Height of Buildings Map (LEP 2012) showing land affected by the Planning Proposal

PART 3 – Justification

This section assesses the planning proposal against the matters contained in the NSW DPIE Guide to Preparing Planning proposals, in its **clause 2.3 - Part 3 –Justification**, which requires a response to specific questions indicated below.

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The proposal is not a result of a strategic study or report.

However, the planning proposal is considered to have strategic merit as it involves increasing residential densities in a highly accessible location and is consistent with the direction of the revised Willoughby Council Housing Position Statement as part of its review of the Willoughby City Strategy. The proposed redevelopment has the potential to provide significant community benefit through public domain improvements, road widening, intersection upgrade, improved pedestrian and cycle linkages and affordable housing.

Willoughby Council has recently completed its Housing Position Statement and exhibited its draft Housing Strategy to 2036 as part of its review of the Willoughby City Strategy and preparation of its draft Local Strategic Planning Statement (LSPS). The North District Plan (March 2018) requires Council to deliver a 5 year housing target of 1,250 dwellings to 2021 and requires the development of 20 year strategic housing targets identifying investigation areas for additional housing capacity.¹⁹

The land was within an “Area of Investigation” identified in the *Willoughby Housing Position Statement* to be considered for higher density as it is located near the Willoughby South and Naremburn business centres, close to public transport and open space with good bicycle and pedestrian linkages. However, the *draft Housing Strategy* supported by Council on 26 November 2018 for exhibition, has concluded that Council does not rely on the additional density proposed in this Planning Proposal to achieve its housing targets. Rather, it has recommended that future housing be provided by:

- existing medium (R3) and high density (R4) zones being developed to their current capacity under *Willoughby Local Environmental Plan 2012 (WLEP 2012)*,
- the Chatswood CBD proposed B4 Mixed Use zone
- and by increasing shop top housing in nominated Local Centres.

¹⁹ Willoughby Council Willoughby Housing Position Statement 2016 p4

Notwithstanding, there is merit in supporting the Planning Proposal, the subject site being located adjacent to high density sites (Channel 9 and existing Castle Vale development in Artarmon Rd). It has previously been considered appropriate for increased (medium) density in *WLEP 2012* and is located close to public transport, local centres and substantial open space. There could therefore be opportunities for synergies with the Channel 9 site to create a high amenity precinct including facilities like improved vegetation, open space, pedestrian linkages and cycle ways. In addition, the increased density would contribute to addressing any shortfall in meeting the nominated dwelling targets.

The subject site presents a unique opportunity to redevelop an existing highly accessible low density residential precinct by retaining and upgrading the existing infrastructure and facilities to satisfy contemporary access, safety and amenity standards and integrate them into a larger site redevelopment, creating pedestrian linkages and dealing with traffic and parking demands on site. A significant portion of the site creates the opportunity for a residential interface providing a buffer to the open space uses adjoining and the high density residential uses to the north and providing a local population to support and enhance the broader Willoughby south local town centre. The site provides the opportunity for the provision of additional pedestrian networks linking the area, through the site, between Artarmon and Willoughby town centres.

It is considered reasonable to amend the controls for the subject site where it is an isolated medium density residential site surrounded by high density residential uses particularly to the north and at a higher elevation which are compromised by the edge effects. The redevelopment of this site will experience a tangible positive effect on the quality of the lives of the occupants and residents as a result of the introduction of higher density residential uses and the amended height and FSR control within close proximity to services, transport infrastructure and amenities.

In relation to the proposal for the subject site, it is generally consistent with the design study prepared by Architecture Urbaneia where it identified the preferred built form. To achieve the preferred built form option for the subject site, it is necessary to amend the LEP through a Planning Proposal.

The proposal to amend the LEP and maps is the best means of achieving the intent of the proposal and will enable high density development in a highly accessible location consistent with the direction N1 of the North District Plan.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, implementation of the objectives and intended outcomes requires amendments to the Land Use zonings and Development Standards of the Willoughby LEP 2012.

The Planning Proposal facilitates the site specific changes to planning controls that have been requested in a form consistent with the integrity of the Willoughby LEP 2012.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan

The Greater Sydney Region Plan was released on 18 March 2018 and seeks to manage growth and change and guide infrastructure delivery across the region. It sets a strategy for Greater Sydney that district plans implement at a local level. The plan was developed with the Metropolitan Transport Plan, Future Transport 2056 and the State Infrastructure Strategy. These plans identify state infrastructure to support broad-scale land-use planning.

The planning proposal is consistent with the objectives and actions of the plan, particularly Objective 10: Greater housing supply, Objective 11: Housing is more diverse and affordable and Objective 12: Great places that bring people together.

To achieve these goals, the Plan sets out directions and actions as well as priorities for each subregion. The relevant directions with respect to this Planning Proposal are outlined below, which the Planning Proposal is considered to be consistent with.

Table 1 Consideration of Greater Sydney Region Plan: “A Metropolis of Three Cities”

Direction	Response
Part 3 – Infrastructure and collaboration	
Objective 1 – Infrastructure supports the three cities	The proposal supports east-west connections consistent with Strategy 1.2 through the upgrade to a portion of the Artarmon to Middle Harbour Walking Track project linking directly to Artarmon rail station (1.2km) and Willoughby Road bus transitway promoting walking,

	cycling and public transport usage and integrating it to the existing rail and public transport infrastructure.
Objective 4 – Infrastructure use is optimized	The proposal maximises the utility of the existing infrastructure assets to reduce the demand for new infrastructure through the provision of a linkage to the Artarmon to Middle Harbour Walking Track project, connecting infrastructure and transport modes and supporting it through co-located high-density residential development.
Part 4 – Liveability Housing the city	
Objective 6 – Services and infrastructure meets communities changing needs	The proposal improves public domain linkages between the existing facilities and transport infrastructure.
Objective 7- Communities are healthy, resilient and socially connected	The proposal creates and dedicates a pedestrian and cycleway connection providing a walkable place at a human scale with active street life prioritizing opportunities for people to walk, cycle and use public transport consistent with Strategy 7.1.
Objective 10 - Greater Housing Supply	The proposal will provide more housing supply, in proximity to the existing centre to create more walkable neighbourhoods.
Objective 11- Housing is Diverse and Affordable	The proposal ensures a supply of housing in a location well supported by existing services and amenity with an emphasis on public transport access. The proposal includes the opportunity for a diversity of housing sizes and price points of universal design and adaptability to peoples changing needs.
A city of great places	
Objective 12- Great places that bring people together	The proposal uses a place-based and collaborative approach and prioritises a people-friendly public realm and open spaces as a central organising design principle. The

	<p>dual function of streets as places for people and movement are recognized and balanced, providing fine grain urban form, diverse land use mix, high amenity and walkability within a 10-minute walk of the existing centre. The proposal recognises and celebrates the character of a place and its people consistent with Strategy 12.1.</p>
Part 5 – Productivity A well connected city	
Objective 14- Integrated land use and transport creates walkable and 30- minute cities	<p>The site is a 5 minutes walk to the Naremburn and Willoughby Road local centres and nearby local public primary and high schools. The proposal is within walking distance of local parks and facilities.</p> <p>The proposal will serve to attract housing around the existing centre to create walkable, cycle-friendly neighbourhood.</p> <p>The proposal serves to improve connections between public transport modes to enable people to reach more destinations by transferring between walking, cycling and bus and rail services.</p> <p>The proposal serves to enhance walkability in and around the local centre with direct, safe and accessible routes to local destinations and is located within 10 minutes of the local centre.</p> <p>The proposal facilitates improvements to the street environment to encourage walking and cycling achieved through place-based planning.</p>
Part 6 Sustainability A city in its landscape	
Objective 30 Urban tree canopy	Whilst acknowledging removal of existing

cover is increased.	trees, in the long term, it is anticipated the proposal will deliver an improvement in the urban tree canopy, where the domestic garden character of the subject site currently provides low levels of native landscaping and tree planting and the proposal significantly improves landscape character.
Objective 31 Public Open Space is accessible, protected and enhanced, and	The proposal will improve pedestrian and cycleways with improved carriageways and landscape improvements consistent with the desired character of Council's Artarmon to Middle Harbour Walking Track project.
Objective 32 .The Green Grid links paths, open spaces, bushland, and walking and cycling paths.	The proposal will improve the pedestrian link between Artarmon Station and Willoughby Road that will enable improved access to the rail station.

North District Plan

The GSC released the North District Plan on 18 March 2018, which supports the implementation of the Greater Sydney Region Plan at a district level. The district plan contains planning priorities and actions to guide the growth of the North District while improving its social, economic and environmental assets. The proposal is consistent with the planning priorities. The planning proposal is therefore considered to be broadly consistent with the district plan.

Table 2 Consideration of North District Plan

Direction	Response
Part 2 – Directions for Infrastructure and collaboration	
Planning Priority N1: Planning for a city supported by infrastructure;	The proposal better aligns growth with the existing infrastructure by identifying place-based opportunities that take into account the capacity of existing infrastructure. This equitably enhances local opportunities for connection to services, aligning land use and maximising the use of existing infrastructure

	assets and providing linkages to influence behavior changes to attract walking and cycling and , to reduce the demand for new infrastructure consistent with this priority.
Objective 4 – Infrastructure use is optimized	The proposal makes use of the existing infrastructure by increasing densities so that the infrastructure can be optimized.
Part 3 – Directions for Liveability	
Planning Priority N3: Providing services and social infrastructure to meet peoples changing needs;	The proposal improves public domain linkages between the existing facilities and transport infrastructure.
Planning Priority N4: Fostering healthy, creative, culturally rich and socially connected communities;	The proposal creates a pedestrian and cycleway connection to the walkway providing a walkable place at a human scale with active street life prioritizing opportunities for people to walk, cycle and use public transport consistent with this priority.
Planning Proposal N5: Providing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal allows an increase in the housing density (supply) in the subject area and offers a mix of housing choice by allowing a range of dwelling sizes across the site from 4-5 storey up to 8-9 storeys. In line with the current LEP new development will include the requirement of 4% of the gross floor area to be provided as affordable housing.</p> <p>The site is well located in terms of access to jobs, services and bus transport and is within walking distance to Artarmon railway station. Future residential development will contribute to a liveable, walkable neighbourhood with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport consistent with this priority.</p>
Planning Priority N6: Creating and	The proposal will provide more housing supply,

renewing great places and local centres, and respecting the District's heritage;	in proximity to the existing centre to create more walkable neighbourhoods. The proposal will create high density zoned land for residential development served by adequate infrastructure and ready for development consistent with this priority.
Part 3 – Directions for Productivity	
A well connected city Planning Priority N10: Delivering integrated land use and transport planning and a 30-minute city	<p>The proposal is within close vicinity to the Willoughby Road bus transitway and relatively close to Artarmon rail station.</p> <p>The proposal will contribute to pleasant and safe environments for walking and cycling where people can choose to locate and invest. Direct, safe and accessible routes to local destinations and services are provided within a 10-minute walk of centres.</p> <p>The proposal will allow for a future redevelopment of the site providing a range of housing supply and affordability with access to public transport consistent with this priority.</p>
Part 4 – Directions for Sustainability	
A city in its landscape Planning Priority N17: Increasing urban tree canopy cover and delivering Green Grid connections.	<p>The existing site and its current single dwelling uses have high proportions of hard surface areas and domestic gardens with correspondingly low levels of tree canopy cover. The proposal will contribute additional open space, tree canopy and green connections to the community ensuring the urban tree canopy cover is increased consistent with this priority.</p> <p>The proposed walkway and cycleway will make a significant contribution to the Greater Sydney Green Grid linking open spaces with walking and cycling paths.</p>

Planning Priority N18: Delivering high quality open space.	The proposal improves open space areas that establish physical links that support social networks and create a sense of community by delivering connected walking and cycling trails the character of a place and its people consistent with this priority.
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The Planning Proposal is consistent with North District Plan.

Assessment Criteria

'A guide to preparing planning proposals' establishes Assessment Criteria to be considered in the justification of a Planning Proposal, which is considered below.

Table 3 Consideration of the Planning Proposal against the Assessment Criteria of 'A guide to preparing planning proposals'

Criteria	Assessment
(a) Does the proposal have strategic merit? Is it:	
<ul style="list-style-type: none"> Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; 	As outlined above, the Planning Proposal is consistent with the North District Plan as it will increase densities, allow greater housing choice and provide affordable housing close to public transport and will assist the area in meeting its housing targets under the Plan.
<ul style="list-style-type: none"> Consistent with the relevant local council strategy that has been endorsed by the Department; or 	The proposal is consistent with the Willoughby City Strategy as it seeks to locate additional residential development close to an existing centre with good access to public

	<p>transport and services.</p> <p>The proposal is consistent with the quality of living amenity provisions ensuring access to adequate infrastructure and services and providing universally accessible measures in design.</p> <p>The proposal is consistent with the Transport and Mobility provisions promoting active and public transport and the integration between transport modes. The proposal provides the opportunity for a pedestrian and cyclist focus within the local centre.</p> <p>The proposal supports the local centre by increasing densities in proximity to Willoughby.</p> <p>The Proposal is consistent with the local council's "Our Future Willoughby 2028".</p>
<ul style="list-style-type: none"> Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends what have not been recognised by existing planning controls. 	<p>The Planning Proposal responds to changing circumstances of the surrounding high density residential development and the edge effects.</p>
(b) Does the proposal have site-specific merit, having regard to the following:	
<ul style="list-style-type: none"> The natural environment (including known significant values, resources or hazards), 	<p>The Planning Proposal is located within existing urban land and does not have any significant environmental values or hazard constraints which have not been considered in this assessment. Further consideration of additional landscaping opportunities on the site will be undertaken at DA stage.</p>

<ul style="list-style-type: none"> The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and 	<p>The Planning Proposal has considered the potential impacts on the built environment and adjoining properties in its Urban Design Report. The Planning Proposal urban design report has been further revised to ensure it is that a future Development Application will be able to comply with the ADG and reduces potential adverse impacts on adjoining properties while providing additional housing opportunities in the area.</p>
<ul style="list-style-type: none"> The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<p>There are existing services to the site for the Planning Proposal, which will be augmented by the applicant, where required, at DA stage. It is not anticipated that the density increases will create substantial additional demand for infrastructure and services at the site.</p>

Accordingly, it is considered that the Planning Proposal has strategic merit as well as site-specific merit in accordance with this assessment criteria subject to the requested amendments to the urban design scheme for the site under the Planning Proposal.

Q4. Is the planning proposal consistent with the council's local strategy or other local strategy plan?

There a number of local strategies and plans (including those adopted by Willoughby Council) that are relevant to the Planning Proposal, which are considered below:

Community Strategic Plan- “Our Future Willoughby”

The Community Strategic Plan was adopted by Council in 2018. The strategy established a vision and coordinated direction addressing a range of planning, community and environmental issues to guide short, medium and long-term strategic planning policies for job and dwelling creation in the former Willoughby LGA to 2028.

It identifies the varied and rich aspects of community living, Willoughby’s heritage, the natural environment and commercial centres, providing a clear direction for the City. Council’s vision for Willoughby as outlined in Willoughby’s local strategy is as follows:

Willoughby is a City of Diversity, diverse landscapes, people and businesses.

The proposal is consistent with the Council's vision identified in the Community Strategic Plan in that it promotes a cohesive and inclusive community by locating housing close to existing facilities and making provision for affordable housing to accommodate the vulnerable. It is consistent with the quality living amenity provisions ensuring access to adequate infrastructure and services and providing universally accessible measures in design. The proposal promotes activity and public transport and the integration between transport modes. It provides the opportunity for a pedestrian and cyclist focus within the local centre and supports the local centre by increasing densities in proximity to Willoughby.

The proposal is also consistent with the Community Strategic Plan as it seeks to locate additional residential development close to an existing centre, with good access to public transport and services. In addition, the planning proposal supports the relevant priorities and actions of the draft Willoughby Local Strategic Planning Statement (LSPS) particularly the priorities of Housing the city, A city for people, A city of great place, a well- connected city and A city in its landscape.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as shown in the table below.

Table 4 Assessment of the Planning Proposal against the relevant SEPPs

State Environmental Planning Policy (SEPP)	Comment
SEPP 55 – Remediation of Land	The Planning Proposal does not contradict or hinder the application of this SEPP. The Planning Proposal includes Stage 1 which recommends a Stage 2 report but concludes that the land can reasonably be expected to be suitable for the use.
SEPP 64 - Advertising and Signage	The Planning Proposal does not contradict or hinder the application of this SEPP. The Planning Proposal does not include any advertising and signage. The

	Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP 65 - Design Quality of Residential Apartment Development	The Planning Proposal does not contradict or hinder the application of this SEPP. The Urban Design Report provided with the Planning Proposal investigated the implications of the design quality principles in the SEPP and also included an indicative compliance against the provisions of the ADG, which has been considered.
	<p>The ADG controls relate to amenity issues such as open space, solar access and ventilation, privacy and streetscape. There is general compliances of the Planning Proposal with these controls, but it is noted that some aspects of the Planning Proposal will develop through the detailed design of the development application and will ensure that any future proposal on the site is consistent with the provisions of the ADG.</p> <p>Furthermore, the future DA will need to demonstrate consistency with this SEPP.</p>
SEPP 70 - Affordable Housing (Revised Schemes)	The Planning Proposal does not contradict or hinder the application of this SEPP. The future development can provide an appropriate mix and number of dwellings which could contribute to affordable housing in the locality.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal does not contradict or hinder the application of this SEPP.
BASIX SEPP	The Planning Proposal does not contradict or hinder the application of this SEPP. A future development application for any BASIX Affected development must comply with its provisions.
SEPP (Exempt and Complying Development) 2008	The Planning Proposal does not contain any proposed new uses or other provisions which would be contrary to the provisions of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal does not contradict or hinder the application of this SEPP.

SEPP (Infrastructure) 2007	<p>The site is located adjacent to the public transport corridor on Willoughby Road.</p> <p>The Planning Proposal does not contradict or hinder the application of this SEPP. Concurrence from the RMS will also be required.</p>
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Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal has been assessed against each of the Section 9.1 directions. Consistency with relevant directions are discussed in the table below.

Table 5 Assessment of the Planning Proposal against the relevant s9.1 Directions

Direction title	Requirement	Comments	Consistent
1. Employment And Resources			
1.1 Business and Industrial Zones	N/A	Not applicable	N/A
1.2 Rural Zones	N/A	Not applicable	N/A
1.3 Mining, Petroleum production and Extractive Industries	N/A	Not applicable	N/A
1.4 Oyster Aquaculture	N/A	Not applicable	N/A
1.5 Rural Lands	N/A	Not applicable	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	N/A	Not applicable	N/A
2.2 Coastal Protection	N/A	Not applicable	N/A
2.3 Heritage	(4) A planning proposal	The objective of this direction is to	Yes

Conservation	<p>must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site is located is not located in a heritage conservation zone, contains no heritage items and is not in close proximity to a local heritage item.</p> <p>The Planning Proposal is generally consistent with this direction.</p>	
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2.4 Recreation Vehicle Areas	N/A	Not applicable	N/A
2.5 Application of E3 and E3 zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable	N/A
3. Housing, Infrastructure and urban Development			
3.1 Residential Zones	<p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is</p>	<p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.</p> <p>The Planning Proposal encourages a variety of housing sizes with an affordable housing component. The Planning Proposal also utilises existing infrastructure by maximising the permitted density on the site by making more efficient use of existing resources. The Planning Proposal will generally minimise adverse impacts on adjoining development.</p>	Yes

	adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and not contain provisions which will reduce the permissible residential density of land.		
3.2 Caravan Parks and Manufactured Home Estates	N/A	Not applicable	N/A
3.3 Home Occupations	N/A	Not applicable	N/A
3.4 Integrating Land Use and Transport	(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).	See detail commentary below.	Yes
3.5 Development Near Licensed Aerodromes	(4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:	The objectives of this direction are to ensure the effective and safe operation of aerodromes, to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to	Yes

	<p>(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>(c) for land affected by the OLS:</p> <p>(i) prepare appropriate development standards, such as height, and</p> <p>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(5) A planning proposal</p>	<p>aircraft flying in the vicinity, and to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>The site is outside of the 20ANEF contour.</p>	
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	<p>must not rezone land:</p> <p>(a) for residential purposes, nor</p> <p>increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or</p> <p>(b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or</p> <p>(c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.</p> <p>(6) A planning proposal that rezones land:</p> <p>(a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or</p> <p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior</p>		
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	noise levels.		
3.6 Shooting ranges	N/A	Not applicable	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<p>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</p> <p>such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning</p>	<p>The site is identified as being Class 5 acid sulfate soils. The future DA will be subject to the provisions of Clause 6.1 of the LEP 2012.</p> <p>The Planning Proposal does not contradict or hinder application of the acid sulfate soils provisions in LEP 2012.</p>	Yes

	<p>Guidelines.</p> <p>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid</p>		
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	Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).		
4.2 Mine subsidence and unstable land.	N/A	Not applicable	N/A
4.3 Flood Prone Land	The land is not flood affected.	Not applicable	N/A
4.4 Planning for Bushfire Protection	The land is not bushfire affected.	Not applicable	N/A
Local Plan Making			
6.1 Approval and Referral Requirements	(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a	The Planning Proposal does not involve any concurrence, consultation or referral provisions.	Yes
6.2 Reserving Land	(4) A planning proposal must	The Planning Proposal does not	Yes

for Public Purposes	<p>not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use</p>	involve any changes to land for public purposes.	
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	<p>or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with</p>		
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	<p>respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>		
6.3 Site specific provisions	<p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on,</p>	<p>The Planning Proposal involves an amendment to WLEP 2012, to rezone the site to existing zones.</p>	Yes

	<p>or</p> <p>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> <p>Consistency</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director- General of the Department of Planning (or an officer of the Department nominated by</p>		
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	the Director-General that the provisions of the planning proposal that are inconsistent are of minor significance.		
1. Metropolitan Planning			
7.1 Implementation of Greater Sydney Region Plan	(4) Planning proposals shall be consistent with: (a) the NSW Government's Greater Sydney Region Plan	The Planning Proposal will achieve the vision and desired outcomes of the Plan by increasing the supply of housing and affordable housing in close proximity to the CBD and public and active transport infrastructure while maintaining the amenity of the local area.	Yes

Consideration of Specific Ministerial Directions

B2.0 - Direction 3.4 – Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objectives of this direction are stated, inter alia:

- (a) Improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) Increasing the choice of available transport and reducing dependence on cars, and*
- (c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) Supporting the efficient and viable operation of public transport services, and*
- (e) Providing for the efficient movement of freight.*

The proposal is consistent with the objectives of Direction 3.4 due to the site's close proximity to public transport. Artarmon Rail Station (1.2km), is located within walking distance of the site whilst bus services are easily accessible along Willoughby Road. The site's accessibility to a variety of public transport options satisfies the objectives of the direction as it reduces the dependence on cars. The proposal is consistent with this direction.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal??

There is no known critical habitat, threatened species, populations or ecological communities or their habitats located on the subject site. The subject site currently has mostly domestic gardens resulting from its low density residential uses located on the site.

The street trees which exist on the Walter Street frontage have been reviewed and it is considered that the redevelopment can progress with the retention of these trees.

The proposal does not trigger the requirement for a Biodiversity Assessment Report for the following reasons:

- The total area of native vegetation (locally indigenous vegetation) does not exceed the BOS threshold.
- The site is not listed under the Sensitive Biodiversity Values Map.

The major conclusion arising from this Assessment is that the proposed development is unlikely to result in a significant impact on any listed species or communities providing that the applicant actively implements the recommendations from this assessment. Therefore in accordance with the EPA Act (1979), BC Act (2016) and FM Act (1994), a Species Impact Statement is not required.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Urban Design and Built Form Can you add more about the design components and the DCP in this section?

The Proponent's Planning Proposal seeks to amend the FSR-up to 1.5:1 and to introduce a maximum height control ranging from 17m to 27m. The capacity of the site to accommodate this proposed additional floor space and height, while achieving compliance with the ADG, has been adequately demonstrated in the revised Urban Design Study. However, the planning proposal is not a

Development Application and a complete assessment against SEPP 65 and the ADG has not been undertaken.

A preliminary analysis of the Planning Proposal against the provisions of SEPP 65 and the ADG indicates that a future development can be accommodated on the site without significant adverse impacts on the amenity of adjoining properties. In particular, it is demonstrated that potential overshadowing to the adjacent properties to the south can be resolved through the proposed massing of the building. Similarly, the potential privacy impacts for adjacent properties to the south of the site have been resolved through the orientation of the dwellings along this interface.

The concept plans submitted with the Proponent's Planning Proposal illustrates a building form with varying heights and setbacks. The urban design report states that this form is considered appropriate for the site in terms of building alignment, proportion and setbacks. The scale of the intended development is reflected in a range of maximum heights being specified for the site and considers the potential amenity impacts on adjoining properties as well as ensures an appropriate built form outcome when viewed from the street and other areas of the public domain.

A draft Development Control Plan has been developed for the site together with updated site concept plans in response to the Sydney North Planning Panel on 6 June 2019 recommendation. The draft DCP incorporates a master plan for the integrated site which ensures that the site is amalgamated and the development is complementary to the scale and character of development in the area. The corner of Willoughby Road and Walter Street is addressed through amalgamating 452 – 462 Willoughby Road and 1 – 13 Walter Street with a single vehicular access from Walter Street and a height transition south on Willoughby Road to the intersection but retaining the overall 1.5:1 FSR for the amalgamated allotment.



Figure 9 Montage view – Corner of Walter Street and Willoughby Road



Figure 10 Montage view – Walter Street

Acoustic Environment²⁰

A report prepared by VIPAC Engineers and Scientists, dated 13 September 2019 advises that; the site is located approximately 30 metres from the Gore Hill Freeway and 7.5 metres from Willoughby Road to the nearest proposed dwelling. Therefore, the traffic noise impact from both of these roads on the proposed development will be considered to satisfy the indoor noise requirement.²¹

All internal noise levels within the development will be less than the required criteria within the Australian Standards and will result in an acceptable acoustic amenity for future tenants. It is noted that many buildings within the Sydney region have included suitable acoustic treatments to ensure internal noise levels comply with the relevant council and Australian Standards and additional treatments to the external balconies or gardens of residential buildings with exposure to environmental noise sources, greater than that of the proposed development. The report concludes that carrying out the development consistent with the recommendations in the report will achieve compliance with the required internal noise levels.

Traffic and Parking Environment²²

A report prepared by The Transport Planning Partnership dated 29 August 2019 advises that;

“growth in the background traffic alone would result in the Willoughby Road intersection with Walter Street operating with poor performance. A new traffic signal at the Walter Street intersection with Willoughby Road would provide sufficient capacity to accommodate future development traffic in the growth in the background traffic alone would result in the Willoughby Road intersection with Walter Street operating with poor performance. A combination of traffic generated by the subject development zoned as R3, the Channel 9 site and proposed childcare centre would trigger the need to upgrade the Walter Street intersection.

However, a new traffic signal at the Walter Street intersection would provide sufficient capacity to accommodate development traffic from all known developments (including the subject site rezoned to permit R4 residential development) plus growth in the background traffic.”

“Roads and Maritime has reviewed the TTPP’s August 2017 traffic study including the VISSIM traffic model. Following their review, the traffic model has been deemed “fit for purpose” by Roads and Maritime. Roads and Maritime also granted approval for the provision of traffic signals at the Willoughby Road intersection with Walter Street subject to a number of requirements including right turn movements from Willoughby Road into Walter Street to be

²⁰ VIPAC Engineers and Scientists Willoughby Road Noise Impact Assessment September 2019

²¹ Ibid. p7

²² Transport Planning Partnership Walter Street Planning Proposal Traffic and Parking Review August 2019

prohibited during the peak periods”²³

The report assesses the parking, bicycle and motorcycle provision against the WDCP 2016 provisions and concludes that it is compliant and can achieve the relevant Australian Standards.

Geotechnical Environment ²⁴

The JK Geotechnics Geotechnical dated 23 August 2019 advises; the *“site observations have confirmed that there are sandstone bedrock outcrops on the site and within some of the neighbouring properties to the north and south of the site.*

The previous 2016 investigation disclosed a subsurface profile comprising relatively shallow fill overlying natural clayey sands and sandy clays. The tests have inferred sandstone bedrock surface at the test locations ranges between 0.7m to 2.8m depth. We note that since the DCP tests do not provide sample recovery, the material on which refusal has occurred has not been confirmed.”²⁵

“Following demolition of the existing buildings and pavements and removal of vegetation within the development footprint, any deleterious fill should be stripped and disposed appropriately off-site. Reference should be made to the JKE report for guidance on the off-site disposal of soil.

Excavation of fill, natural soils and sandstone bedrock up to very low strength may be carried out using a bucket attached to a hydraulic excavator, with assistance using a ripping tyne to break any low or medium strength bands that are no thicker than about 0.3m. Sandstone bedrock of low or higher strength will require the use of rock excavation equipment, such as hydraulic rock hammers, rotary grinders, rock saws or ripping tynes. Such equipment would also be required for trimming rock faces and for detailed rock excavations, such as for footings, trenches, lift pits, etc.

For the larger common basement below proposed buildings A, B, C and D, it may also be feasible to rip the sandstone using a large dozer, but to increase excavation productivity particularly if the rock is of at least high strength, a generous allowance should be made for hydraulic rock hammer assistance in conjunction with the ripping. As a guide, ripping of Class II and III sandstone bedrock will be possible with a Caterpillar D10 dozer. Confirmation on the dozer size should be made following completion of the geotechnical investigation.

Rock excavations using hydraulic rock hammers will need to be strictly controlled as there may be direct transmission of ground vibrations to nearby structures and buried services. We recommend that quantitative vibration monitoring be carried out whenever hydraulic rock hammers are used during demolition and excavation on

²³ Ibid. p7

²⁴ JK Geotechnics Geotechnical Assessment Residential Planning Proposal 1 – 31 Walter Street & 452 - 462 Willoughby Road, Willoughby August 2019

²⁵ Ibid. p3

this site, as a precaution against possible vibration induced damage. The vibration limits should be set by the structural engineer following their review of the dilapidation reports so that any particular sensitivities of the nearby structures can be accounted for. However, unless any of the structures are particularly sensitive, we expect that a peak particle velocity of 5mm/sec would be applied. It should be noted that when vibration limits are exceeded, they should be assessed against the attached Vibration Emission Design Goals sheet, as higher vibrations may be acceptable depending on the associated vibration frequency.

If it is confirmed that transmitted vibrations are excessive, it would be necessary to change to alternative equipment, such as a smaller rock hammer, rotary grinders, rock saws or ripping tynes.²⁶

“Further advice on groundwater inflows and managing those inflows should be provided as part of the detailed geotechnical investigation yet to be completed. However, assuming seepage does occur, it is likely that in most areas it will be of a small flowrate and controlled during construction by sump and pump methods or gravity drainage to divert it to the stormwater system for disposal.

In the long term, drainage should be provided behind the basement retaining walls and below the basement floor slabs. The completed excavation should be inspected by the hydraulic consultant to assess if the designed drainage system is adequate for actual seepage flows.

Following completion of the detailed investigation, it may be necessary to undertake seepage analysis and obtain a dewatering licence from Water NSW. If such a licence cannot be obtained, it may be necessary to “tank” the basements.²⁷

The report identifies specific issues to be addressed at development application stage but concludes that the site is appropriate to the proposed use.

Arboricultural Environment ²⁸

The Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural, dated 29 August 2019 advises that a detailed assessment of the condition of the trees on the proposed development sites of Walter Street and Willoughby Road has been undertaken noting trees to be removed and identifying impacts on trees to be retained and includes recommendations to minimise any adverse impacts, that demolition, construction activities may have on the trees to be retained. Secondly a Tree Inventory was implemented to assess the existing street trees and includes recommendations of the trees suitability for the proposed developments.

²⁶ Ibid. p5

²⁷ Ibid. p6

²⁸ Redgum Horticultural Arboricultural Impact Assessment and Tree Management Plan Walter Street & Willoughby Road, Willoughby August 2019

“This report considers 133 trees, 109 trees within the site, 4 trees on a neighbouring property and 20 trees on the adjacent road reserve.

As the proposed excavation for the retaining wall is on down slope or across slope side of trees the potential is increased for tensile roots to the north of the site; therefore root mapping is recommended to ascertain if significant woody (above 30mm) would be impacted by the retaining wall otherwise redesign within the TPZ to reduce the encroachment to minor would be required.

The boundary fences and retaining wall within the tree protection zone of the retained specimens are to be constructed using tree sensitive excavation and construction techniques such as pier and beam construction with suspended sections to reduce any impact on their stability, with piers to be dug by hand using non-motorised machinery to further assist in their protection.

If associated infrastructure (pipe works) are to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen’s structural integrity with works to be undertaken in consultation with the project arborist. Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009).”²⁹

The report concludes that “ One hundred and four (104) trees are nominated for removal and replacement with species in accordance with the associated Landscape documentation for the development. The twenty-nine (29) trees to be preserved will be retained and protected through the implementation of adequate measures for their integration into the development by the application of appropriate technology as detailed in this report. Where appropriate, the Landscape Plan will include planting with new trees including street tree/s.

It is often a consequence of redevelopment, and subject to the nature of the proposed land use that some or all the trees present on the site prior to that redevelopment may be required to be removed and replaced with new tree plantings in different locations. This may be dependent upon the type of development and its design constraints and the requirements of the local planning instruments and any Landscape Design Codes if existing. Where tree removal is required for this development, it is considered that those trees identified within this report are not sustainable within the context of the proposed development. Where tree retention has been considered, those trees are expected to survive the redevelopment process and remain stable and viable. The retention and protection of existing trees on site is a significant aspect of the development process, allowing those trees as components of the current curtilage to be transferred to the new development for incorporation into the landscaping works for the site. The retention of some or all the existing trees contributes to: the preservation of local amenity, screening of views to and from the site, and a balance to the scale and bulk of buildings, while maintaining elements of a continuous landscape, providing a more harmonious integration and transition of the

²⁹ Ibid. p4

*use of the land.*³⁰

Ecological Environment³¹

The Flora and Fauna report prepared by Fraser Ecological Consulting, dated September 2019, assesses the ecological impacts of the planning proposal in accordance with State legislation (Environmental Planning and Assessment Act 1979) which requires that actions judged to significantly impact upon threatened species, populations or ecological communities, or their habitats listed under the Biodiversity Conservation Act (2016) trigger the preparation of a Species Impact Statement. The report states;

“The proposal does not trigger the requirement for a Biodiversity Assessment Report for the following reasons:

- The total area of native vegetation (locally indigenous vegetation) does not exceed the BOS threshold.*
- The site is not listed under the Sensitive Biodiversity Values Map.*

*The major conclusion arising from this Assessment is that the proposed development is unlikely to result in a significant impact on any listed species or communities providing that the applicant actively implements the recommendations from this assessment. Therefore in accordance with the EPA Act (1979), BC Act (2016) and FM Act (1994), a Species Impact Statement is not required.*³²

*The site for the proposed development comprises of introduced trees and landscaped gardens. The understorey plantings are typical garden planting characteristic of the North Shore including and small areas of grass turf amongst hard surface areas within existing private open space areas. Some planted native tree species were observed, and therefore, this ecological assessment has been undertaken as a precautionary measure.*³³

*The rear yards (southern property boundaries) of houses numbered 2-18 Walter Street are connected to native vegetation occurring within Council - managed bushland of Flatrock Creek which is a combination of a planted bushland buffer adjoining a man-made drainage canal. Introduced plantings with mowed understorey dominate both the road frontage and rear yards of 2-18 Walter Street.*³⁴

The subject site is essentially comprises urban backyards that contains an upper canopy (both native and non-native trees) and introduced horticultural shrubs and groundcovers). The most significant

³⁰ Ibid. p45

³¹ Fraser Ecological Consulting Flora and Fauna Assessment Planning Proposal Walter Street & Willoughby Road Willoughby September 2019

³² Ibid. p2

³³ Ibid. p11

³⁴ Ibid. p11

fauna habitat present on site is primarily marginal foraging and roosting habitat resources for mobile fauna groups including birds, bats and other mammals including Common Brushtail Possum.

The trees throughout all lots of the subject site provide upper canopy inter-connectivity including canopy contact with introduced and remnant trees on the adjacent property.

No habitat hollows were recorded on site, and therefore, the habitat on-site is not considered to provide critical breeding habitat resources.

From the review of databases and other records in relation to species habitat requirements, it is considered that the threatened fauna species likely to occur in the study area do not rely upon habitats on site that form critical breeding resources that are essential to maintain the lifecycle of a local population, and therefore, Assessments of Significance ('seven part tests') were not required as part of this assessment.

The tree impacts of the proposal are limited to the removal of predominantly exotic or the occasional non locally native tree species. No trees containing significant habitat occur on site or are proposed for removal.

The vegetation on site does not provide an important connective function between other patches of adjacent native vegetation and does not form part of important habitat corridor. The removal of this vegetation will not further fragment other local populations of threatened species, communities or ecological communities and will not exacerbate edge effects to other areas of native vegetation in the locality. Mobile vectors required for the cross-pollination and exchange of genetic material between similar isolated areas of native vegetation and fauna habitats will not have their ability to perform these functions disrupted as a result of the proposal.³⁵

The report concludes that the planning proposal is unlikely to result in a significant impact on any listed species or communities.

Environmental Site Assessment³⁶

A Stage 1 Environmental Site Assessment has been prepared by JK Environments, dated 23 August 2019. The report advises that *"the historical aerial photographs review identified a former quarry to the east of the site which was filled to create the existing recreational area. Considering the filling history of the adjacent land immediately to the east of the site, the recreational areas closest to the site are more likely to have been filled using soil and similar materials, as opposed to the area being*

³⁵ Ibid. P17

³⁶ Environmental Investigation Services Preliminary Desk Top Environmental Site Assessment Walter Street and Willoughby Road, Willoughby January 2017

landfilled with putrescible waste (however it is possible that the areas further to the east may have been filled with other waste).

Considering the above, and based on a qualitative assessment of various lines of evidence as discussed throughout this report, JKE are of the opinion that there is a moderate potential for site contamination across the wider site. There is considered to be a relatively higher potential for contamination in the 462 Willoughby Road portion of the site (former industrial land use) and in the eastern site area where elevated zinc and benzo(a)pyrene was identified during the previous EIS (2016) assessment.

The primary contamination-related risks for future development are likely to include fill soil and potentially contaminated groundwater. Disposal costs for fill soil can be significant and should be considered early in the planning process, particularly where basements are to be constructed. The site inspection and the EIS (2016) investigation has identified the presence of fill at the site, particularly in the eastern areas.

Based on the scope of work undertaken for the assessment, JKE are of the opinion that the historical land uses and potential sources of contamination identified would not preclude the proposed re-zoning and future high density residential development of the site.³⁷

It is noted that a Stage 2 Environmental Site Investigation has been initiated and the results would support any future development applications for the site.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will result in positive social and economic effects as high density housing with an affordable component is proposed as well as increased stimulation of the local economy during construction. The Planning Proposal is likely to result in a housing yield of approximately 255 units, comprising a mix of one, two and three bedroom units, providing additional housing opportunities in a well serviced location.

The Planning Proposal will have a positive economic effect by stimulating redevelopment and encouraging residential development to improve the economy of the surrounding area. The site is currently poorly used with low densities, with the Planning Proposal allowing the redevelopment of the site in a consolidated and efficient manner.

³⁷ Ibid. p4

The proposed improvements to Walter Street, in contrast to the current poor level of service along this frontage, will improve the functionality of the site and connection to the local centre and significantly improve the presentation to the streetscape. The provision of the consolidated vehicular access on the southern frontage (Walter Street) will improve the public space interface of the site. The activation of the site will also improve casual surveillance opportunities afforded from the site, particularly along the southern cycleway, which will improve safety in the general area.

The proposed development of the site will support the current and future social character of the locality, as well as supporting the local economy by increasing densities. The proximity of the site to public transport, services and infrastructure makes the site an ideal location for a high density residential development. Accordingly, it is considered that the Planning Proposal will have a positive effect on the local economy and community.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is located in an area well serviced by necessary services and infrastructure including public transport, telecommunications, electricity, water and sewer. The additional demand created under the Planning Proposal will be minimal, thereby ensuring the efficient use of, but not overburdening, existing services and infrastructure.

Consultation with relevant authorities during public exhibition of the Planning Proposal will confirm the capacity of existing utilities to service the site. The increased demand on stormwater created by the future development of the site will be assessed as part of a future development application.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant state and Commonwealth public authorities will be undertaken in accordance with a Gateway determination.

PART 4 – Mapping

The Planning Proposal seeks to amend the *Zoning, Floor Space Ratio and Height of Buildings Maps* of the *Willoughby Local Environmental Plan* and are included at Figures 7 - 9 showing the relevant changes for the site.

PART 5 – Community Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination, the Department of Planning's 'A guide to preparing local environmental plans' and Council's Community Engagement Framework. No formal public community consultation on the planning proposal has been undertaken to date.

It is expected that the Planning Proposal will be exhibited for a period of not less than 28 days and that this will include notification of the public exhibition:

- on the Willoughby City Council website;
- in the North Shore Times; and
- in writing to the owners of adjoining and nearby properties.

The exhibition material will be made available on the Willoughby City Council website and in the Council Customer Service Centre at 31 Victor St Chatswood.

PART 6 – Project Timeline

Milestone	Timeframe
Date of Gateway determination)	14 February 2020
Public exhibition and public authority consultation	May 2020-June 2020
Timeframe for Council consideration of proposal post exhibition	September 2020
Drafting of instrument and finalization of mapping	November 2020
Date of submission to the Department to finalise the LEP	December 2020
Anticipated date RPA will make the plan	February 2021

APPENDIX 1

Council's reasons for refusal of two Planning Proposals for 3-31 Walter St and 1-1A Walter St and 452-462 Willoughby Rd, Willoughby:

- **In relation to 3-31 Walter St:**

At its meeting of 8 April 2019 Council considered the Council Officers' report at <http://www.willoughby.nsw.gov.au/council-meetings/general-council-meetings/> and resolved:

"That Council advise the Department of Planning and Environment that it does not support the planning proposal for 3-31 Walter Street, Willoughby for the following reasons:

- 1. The need for increased bus services*
- 2. School capacity issues*
- 3. Inadequate infrastructure*
- 4. Loss of natural rocky outcrop*
- 5. Energy efficiency issues*
- 6. Overdevelopment of the site*
- 7. Floor space ratio Council previously objected to which was 1.5:1 irrespective of affordable housing*
- 8. Safety and traffic management along Willoughby Road".*

- **In relation to 1-1A Walter St and 452-462 Willoughby Rd:**

At its meeting of 8 April 2019 Council considered the Council Officers' report at <http://www.willoughby.nsw.gov.au/council-meetings/general-council-meetings/> and resolved:

"That Council

- 1) Does not support Planning Proposal 2018/008 relating to 1-1A Walter Street and 452-462 Willoughby Road as:*
 - a) The Planning Proposal is contrary to Council's comprehensive draft Housing Strategy which has concluded that with a focus on the provision of housing around the Chatswood CBD, in existing local centres and on development under existing medium density controls, there is sufficient land available for Willoughby Council to meet its 20 year housing forecasts without the need to increase the potential of the subject site.*
 - b) To date, Council has issued consent for residential flat developments at 5-9 Walter St, 11-13A Walter Street, 15 -17 Walter Street and 21-27 Walter Street under the current R3 Medium Density Residential planning controls of Willoughby Local Environmental Plan 2012. This indicates viability for development under the current zoning.*