



Willoughby Council
PO Box 57
Chatswood NSW 2057

Attn: Ian Shillington

17 March 2022

Re: PP 2021/3 - Planning Proposal 92-96 Victoria Ave North Willoughby - WLPP advice

Dear Ian,

We refer to your correspondence of 15 February 2022 and 8 March 2022 in relation to the abovementioned Planning Proposal Application.

As such, we have reviewed your correspondence detailing the advice provided by the Willoughby Local Planning Panel (WLPP) at its meeting held on 8 February 2022.

We note that the Panel has advised that it is satisfied that the planning proposal is worthy of being forwarded to the Department of Planning & Environment (DP&E) for a Gateway consideration having demonstrated strategic and site-specific merit subject to further consideration of the site specific DCP on a range of matters. Accordingly, we provide a response to each of these matters raised by the Panel below.

- a) Safe and efficient vehicular access is provided to and from George Brain Lane to Victoria Avenue and without impacting on the efficiency of the Victoria Avenue and Penshurst Street intersection. More detailed traffic assessment to be provided including existing traffic counts and consideration of cumulative impacts with surrounding development.***

Response

While such matters would need to be addressed as part of any future development application (DA) on the site, additional traffic information/modelling for both the Victoria Ave/ Penshurst St intersection and the Victoria Ave/ George Brain Ln intersection can be provided post Gateway Determination and ahead of any formal exhibition period.

We note Council's requirements for this to include the predicted traffic generation as part of the uplift of the East Chatswood/North Willoughby local centre (under our Local Centres Strategy) and to ensure that traffic generation does not unduly impact on traffic flow on Victoria Ave due to queuing vehicles.

b) Demonstrate that future development is able to meet the minimum solar access requirements in accordance with the Apartment Design Guide and taking into account the potential development on the opposite side of the lane.

Response

As *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) applies only to development for the purpose of a residential flat building (RFB), shop top housing or mixed use development (with a residential accommodation component), any future DA will not be subject to the SEPP or corresponding Apartment Design Guide (ADG).

While the planning proposal does not seek to introduce RFBs as a permissible land use, we acknowledge the Panels intent to use the ADG as a benchmark for solar access standards.

Accordingly, the draft DCP will be amended to incorporate elements of the following solar access standards alongside a requirement for the incorporation of modelling of the potential adjacent town centre development.

- *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.*
- *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.*
- *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June.*

The amended DCP will be provided post Gateway Determination and ahead of any formal exhibition period.

c) Demonstrate that reasonable solar access to neighbouring properties is able to be maintained in accordance with the Apartment Design Guide.

Response

As stated above, SEPP 65 and the corresponding ADG will not apply to any future development for multi-dwelling housing on the site, however we acknowledge the Panels intent to use the ADG as a benchmark for solar access standards.

While the planning proposal does not seek to introduce RFBs as a permissible land use, we acknowledge the Panels intent to use the ADG as a benchmark for solar access standards.

Accordingly, the draft DCP will be amended to incorporate elements of the following solar access standards with regards to adjoining properties:

- *Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.*
(i.e., a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter), and Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter).
- *Solar access to living rooms, balconies and private open spaces of neighbours should be considered.*

- *Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.*

The amended DCP will be provided post Gateway Determination and ahead of any formal exhibition period.

d) Ensuring the retention of the significant trees on the site, adjoining and the public domain. Require future concept to address ability to retain some existing trees within the site and adjoining sites to improve amenity.

Response

A tree assessment was undertaken by Truth About Trees to support the planning proposal. It made the following assessment on those trees within the site:

“Tree two (2) is a small Alexander Palm of low significance.

Trees 3, 4, 5, 6 & 12 are all mature Cinnamomum camphora (Camphor Laurel). Of these trees one tree (Tree 12) is in poor health and may require removal in the short-term. Three of the trees (4, 5 & 6) are located hard against the property boundary with George Brain Lane and their location will make them unsuitable for long-term retention.

Tree seven (7) is a mature Jacaranda mimosifolia which has been planted in an unsuitable location where it will be unable to achieve mature dimensions.

Tree nine (9) is a semi-mature Kauri Pine with poor structure and an unsuitable location to achieve maturity.

Tree ten (10) is a semi- mature Kentia Palm of low significance.”

Tree three (3) is a Camphor Laurel and is also identified on the site. Along with trees 4, 5, 6 and 12, the tree is protected under the Willoughby DCP being over 10m in height. However, the tree assessment indicates it as having medium landscape significance, medium estimated life expectancy and medium retention value.

We do not agree with the Panels comments regarding the retention of significant trees on site. The trees located on site are not considered to have any retention value and will be better replaced with more appropriate species with respect to future development both on the site and adjoining sites.

However, we acknowledge there may be opportunities to retain trees 9 and 12 given their location within the proposed deep soil front setback. There may also be an opportunity to transplant Trees 2 and 10 into proposed deep soil areas. The success and long-term benefits of any retention or transplanting would need to be referred to the consultant arborist for their professional advice.

e) The streetscape appearance of units facing George Brain Lane taking into account the likely appearance and land use on the opposite side of the lane and Council's strategic plan for this part of George Brain Lane to become a new pedestrian link. Consider residential dwellings that address the Lane in a mews style development with improved activation.

Response

A mews style development outcome would likely require the dwellings to be hard against the lane boundary, resulting in a reduced setback to what has been proposed. This design outcome would certainly require the removal of Trees 4, 5, 6 and 7 which are located on the boundary with the lane.

Furthermore, this design move would reduce opportunities for deep spoil along the boundary with the lane. It may however allow for greater areas of private open space within the centre of the site, which may allow for increased planting opportunities above the basement.

Further modelling would be required to provide an analysis of this design move for incorporation into the draft DCP, including revised setbacks. Furthermore, additional controls would be prepared to manage elements such as streetscape, building appearance, direct pedestrian access, requirements for dwellings to address the street, acoustic requirements, and for low use/sensitive rooms to address the lane.

Subject to such analysis, an amended DCP will be provided post Gateway Determination and ahead of any formal exhibition period.

- f) *Amenity of future dwellings facing George Brain Lane (West side) is compromised by the interface with parking, loading and waste areas associated with the commercial development fronting Penshurst Street.***

Response

Redevelopment of the North Willoughby town centre in line with Council's town centre strategy allows for this issue to be resolved with the future redevelopment of those lots facing Penshurst Street. In the interim a mews style development would bring dwellings closer to the lane and closer to the rear of those commercial establishments. This however could be resolved with appropriate controls requiring any future architectural response, including floorplate designs, to ensure acoustic management is considered and for low use/sensitive rooms to address the lane.

As detailed above, further modelling would be required to provide an analysis of this design move for incorporation into the draft DCP, including revised setbacks. Furthermore, additional controls would be prepared to manage elements such as streetscape, building appearance, direct pedestrian access, requirements for dwellings to address the street, acoustic requirements, and appropriate floorplates.

Subject to such analysis, an amended DCP will be provided post Gateway Determination and ahead of any formal exhibition period.

We trust that the additional information addresses the issues raised and is sufficient to enable you to complete your assessment of the application.

Should you wish to discuss any of the above matters, please do not hesitate to contact me on (02) 9380 9911 or by email at pmanning@sjb.com.au.

Yours sincerely



Paul Manning
Senior Planner