

DETAILED ASSESSMENT

The Site

The subject site of the Planning Proposal is 92-96 Victoria Avenue North Willoughby. The site has a legal description of Lots 5, 6 and 7 in DP 809.

The site area is approximately 2,500m², and has frontages to Victoria Avenue to the north and George Brain Lane to the south and west. The site is currently occupied by three (3) detached dwelling houses each being located on individual lots.

The site adjoins land zoned R2 Low Density Residential and B2 Local Centre being the North Willoughby local centre. Existing controls under the *Willoughby Local Environmental Plan 2012* indicate that the lots are currently zoned R2 Low Density Residential and have a floor space ratio of 0.4:1, with a maximum height limit of 8.5 metres and a minimum subdivision lot size of 550m². A two storey aged care housing development is located to the east while low density housing is located to the south and north. The North Willoughby local centre is located adjacent to the west and north-west.

The Locality

The subject site is located in the suburb of North Willoughby, located approximately 9km north of the Sydney CBD. The Chatswood CBD, a Strategic Centre identified in the North District Plan, is located approximately one kilometre to the west. Chatswood CBD incorporates the Chatswood Transport Interchange with buses, trains and North-west Metro station highlighting the site's connectivity and accessibility to metropolitan Sydney. This will be further improved with the extension of the Metro line from Chatswood to the Sydney CBD and south west by 2024.

The adjacent North Willoughby local centre offers a variety of employment, retail, dining and leisure options. The local centre is well serviced by regular buses and is identified for growth in the Council's *Local Centres Strategy*.

Planning Proposal

The Planning Proposal seeks the following written and map amendments to *Willoughby Local Environmental Plan 2012*:

(a) Amend Clause 4.3A Exceptions to height of buildings to the following:

(9) The maximum height of building of multi dwelling housing at 92-96 Victoria Avenue North Willoughby identified as Area 4 on the height of building map is not to exceed 10 metres.

(b) Amend Clause 4.4A Exceptions to floor space ratio to the following:

(25) Despite Clause (1), the maximum floor space ratio of multi dwelling housing at 92-96 Victoria Avenue North Willoughby identified as Area 21 on the floor space ratio map is not to exceed 1:1.

(c) Amend Clause 6.10 Minimum lot sizes for certain residential accommodation to insert the following:

- (6) Despite subclause (2), development consent may be granted to development for the purposes of multi dwelling housing on a lot in an area identified as “Area 15” on the Special Provisions Area Map if the lot size is at least 2,500 square metres.
- (d) Amend LEP Height of Buildings (HOB) Map to nominate the site as “Area 4” and allow for a maximum height of building of 10 metres for multi dwelling housing on the site;
 - (e) Amend LEP Floor Space Ratio (FSR) Map to nominate the site as “Area 21” and allow for a maximum FSR of 1:1 for multi dwelling housing on the site;
 - (f) Amend the LEP Lot Size (LSZ) Map to remove lot size controls from the subject site.
 - (g) Amend the LEP Special Provisions Area (SPA) Map to include the site in Area 9 (Clause 6.8 Affordable Housing) and Area 15 (Clause 6.10 Minimum Lot Sizes).
 - (h) Amendment of Schedule 1 Additional permitted uses to allow for multi dwelling housing on the site:
 - (75) Use of certain land at 92-96 Victoria Avenue North Willoughby
 - (1) This clause applies to certain land at 92-96 Victoria Avenue North Willoughby, being Lots 5, 6 and 7 in DP 809.
 - (2) Development for the purposes of multi dwelling housing is permitted with development consent.

Discussion

Strategic Context

With respect to strategic planning controls, the proposal has been assessed in line with the following strategies outlined below:

Willoughby Local Strategic Planning Statement

The *Willoughby Local Strategic Planning Statement (LSPS)*, *Willoughby Local Centres Strategy and Housing Strategy*, was finalised and endorsed by Council and the Department of Planning, Industry and Environment in 2020. The *LSPS* has also been endorsed by the Greater Sydney Commission.

Willoughby's *LSPS* reflects Willoughby's endorsed and adopted *Housing Strategy* which identifies three main focus areas for additional housing in the LGA:

- Focus area 1: existing medium and high-density zones (R3 and R4) that have not yet been developed to their full potential (estimated potential 1,000 dwellings to 2036 under existing planning controls)
- Focus area 2: the proposed B4 mixed use zone which surrounds the B3 commercial core of the Central Business District as identified in the *Chatswood CBD Planning and Urban Design Strategy to 2036* (estimated total potential housing yield of up to 5,000 dwellings under amended planning controls), and
- Focus area 3: the local centres of Artarmon, Northbridge, North Willoughby, Penshurst Street, Castlecrag, Naremburn and Willoughby South. Changes to planning controls are proposed in some of these centres in order to encourage shop-top housing development (estimated potential housing yield of 1,590 dwellings to 2036 under amended planning controls).

The Willoughby *LSPS* noted the following in relation to additional housing outside the future core areas for future housing growth (2020, P.42):

"The LSPS did not foreshadow that additional housing intensification will be required outside of Willoughby's housing diversity areas to meet strategic planning aspirations. In the longer term if housing intensification is to occur elsewhere it should be in places that are guided by the following principles:

- *Near local centres, schools, open space and community facilities*
- *Free from the natural hazards of bushfire and flooding*
- *Within walking distance of high-quality and frequent public transport*
- *Outside of heritage areas / Environmental Living (C4) areas and areas with a uniform and highly valued suburban character*
- *Highly walkable, with high amenity walking and cycling routes nearby"*

It is noted that the subject site is located just outside the above housing focus areas. Due to the small scale of this proposal and its location adjacent to the North Willoughby local centre and an existing adjoining seniors housing development, it is considered that a small housing uplift on the site is justified. It is considered that the site also meets the other criteria outlined above for additional housing uplift outside of these focus areas.

Willoughby Housing Strategy

The *Housing Strategy* echoes the *Community Strategic Plan – Our Future Willoughby 2028* which has the following vision (in part):

“Our skyline’s silhouette dramatically outlines the transition from modern apartment towers to medium density apartments and houses that span a variety of eras and designs.

Our vibrant economy continues to grow and diversify. The success of global corporations and significant retailers based in our CBD, and of the local businesses that support our villages and neighbourhoods, serves to attract new industries, employers and talent to our City. Many choose to live and work here, able to meet all their needs within a short walk.”

The *Housing Strategy* recognises that the majority of future housing growth will occur in the housing focus areas outlined in the LSPS. The *Strategy* also states the following principles were considered in identifying areas that may have potential to accommodate additional density:

- Capacity to offer a variety of housing types.
- Located close to public transport, including train stations and major bus routes.
- Heritage significance is not compromised.
- The scenic qualities and ecological values of environmentally sensitive natural areas, including foreshores and bushland, are maintained.
- An intensification not to occur in areas of bushfire risk.
- Close proximity to existing educational, transport, health, social, cultural and employment services. New residential development needs to be adequately serviced by infrastructure.
- Adequate existing water supply, stormwater, drainage, open space and community facilities.
- Impacts of development on traffic movements and arterial road networks, and the improvement of public transport services need to be accommodated.
- New pedestrian and cycling linkages planned and provided to increase accessibility both for prospective and existing residents.
- Existing local centres to support local business as recommended in the Willoughby City Strategy.
- Matched by social planning considerations for increased child care, open space, schools, youth services and improved infrastructure.
- Quality of existing housing stock – potential for renewal

The Proposal’s concept design includes a total of 22 multi-unit dwellings on the subject site. While not located in the housing focus areas, it is considered that the Proposal is broadly consistent with the above principles and will allow for a modest housing uplift adjacent to the local centre of North Willoughby. It will contribute to the achievement of a greater range of housing types in the City through the provision of multi-unit medium density development. It is noted that there is a relative shortfall in the provision of medium density housing in Willoughby compared to the rest of the Sydney region.

The provision of a more diverse housing mix will contribute to provision of the supply of medium density dwellings proposed in the draft *Housing Strategy*. The provision of the proposed 4% affordable housing units (measured in GFA) will also assist with housing supply of this type in the Willoughby area.

The proposed provision of affordable housing units is consistent with the requirement under the WLEP 2012 (ie 4%), and is in line with the *Willoughby Community Strategic Plan* which aims to increase this proportion towards 7-10% to align with a target included in the North District Plan. The concept design included a total of 22 dwelling units which would result in a minimum of one dwelling being dedicated for affordable housing purposes.

The proponent has also provided a draft site specific DCP as well as an Urban Design Report and SEPP 65 Design Report. There is also a requirement in the Willoughby DCP for adaptable housing as per the *Housing Strategy*. It is expected that higher thresholds for adaptive housing will be achieved through the development application process.

The site is also in close walkable proximity to Chatswood CBD and North Willoughby local centre which both have good access to transport and other infrastructure and is therefore considered appropriate for a modest residential uplift. It is also adjacent to an existing medium density seniors housing development located in the R2 Low Density Residential zone.

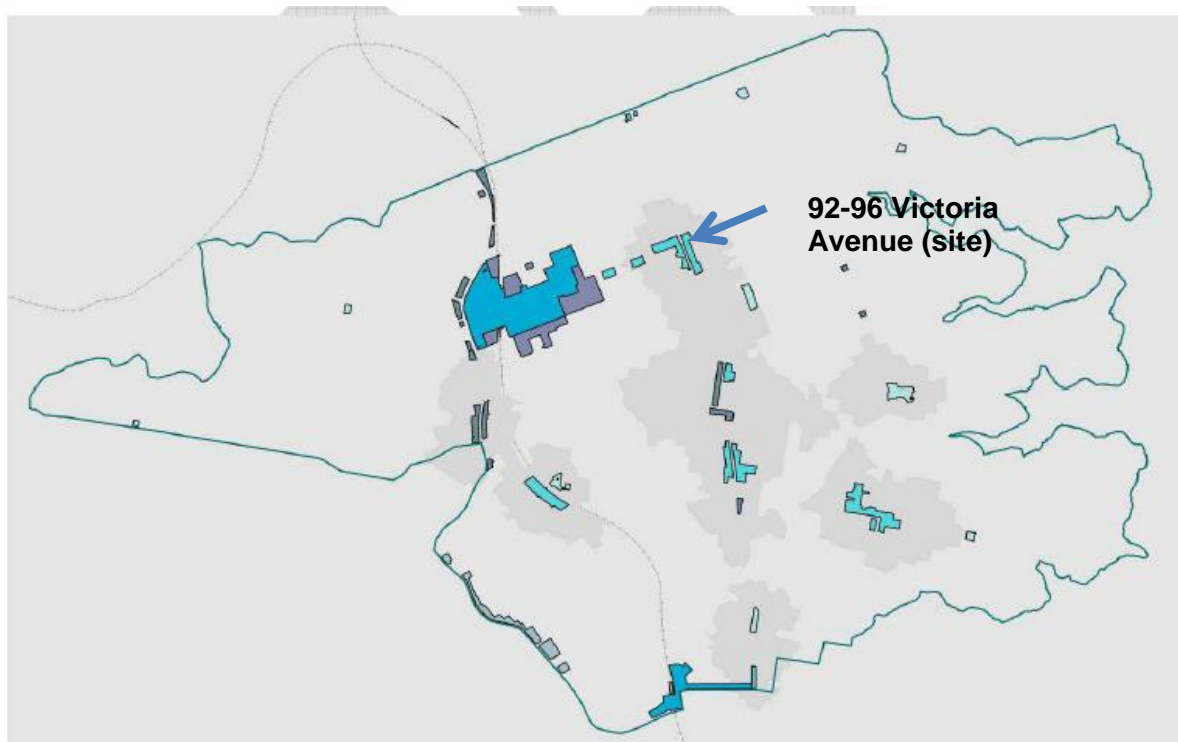


Image 1: From Willoughby Housing Strategy 2020, showing in grey areas with 400m proximity to both bus and commercial areas. The subject site lies within this area.

The Proposal can also assist in contributing to local infrastructure through negotiation by a planning agreement. This could relate to works in the public domain such as active transport linkages including the proposed new pedestrian link through to Penshurst Street from George Brain Lane.

The site is also within 1 km of open space in Chatswood and proposes its own communal open space in terms of draft Development Control Plan provisions.

Willoughby Council Local Centres Strategy

The adjoining B2 Local Centre zone site is part of an identified commercial area of North Willoughby and with good access to major roads and public transport links.

It is considered the additional FSR of 1:1 and height limit of 10m in the proposal is appropriate to provide for a modest housing uplift that will have an acceptable impact on adjacent properties. While this site is not identified as part of a local centre, it is adjacent to commercially zoned land and well located to services and amenities.

A through site pedestrian link from Penshurst Street to George Brain Lane is also shown in the *Local Centres Strategy 2036*. The planning proposal will potentially contribute to this link through a separate Voluntary Planning Agreement (VPA).

North District Plan and Greater Sydney Region Plan

Analysis of the Planning Proposal's consistency with State Government strategic planning documents is provided in **Attachment 3**. The recommended Planning Proposal is consistent with the *North District Plan* and *Greater Sydney Region Plan*.

Apartment Design Guide

The concept massing provided is broadly consistent with the *Apartment Design Guide (ADG)* and demonstrates appropriate massing and height and impacts on adjacent sites. The proposed DCP provisions and ADG controls will ensure an acceptable quality of design is achieved in any future development application.

The applicants have stated that the concept scheme will comply with controls prescribed in the *Apartment Design Guide*, which can be verified at development application stage with the submission of DA level drawings.

Contamination

A Preliminary Site Investigation (PSI) has been undertaken by Greencap and is provided in support of the Proposal. The PSI concludes that site presents a low risk to human health and the environment in its current form, as well as making a number of recommendations for actioning at DA stage. It also identifies potential offsite contamination sources including the BP petrol station located south-west of the site (93.7 m) and historical dry-cleaning activity in 2005 and 2010 west of the site (49.5m). Both sites are noted as moderate risk to human health and the environment, which will also require further targeted groundwater assessment prior to the completion of the planning proposal.

Heritage Considerations

Heritage comments are based on the amended plans by Conybeare Morrison International Pty Ltd, dated August 2021 and the Planning Report by SJB Planning, dated September 2021.

The subject site at 92-96 Victoria Ave, currently contains three detached dwellings, all of which appear to be an altered Federation style/early Twentieth Century cottages. The subject property is not located within a Heritage Conservation Area and the closest heritage items are located at 66 Victoria Ave (I204) and 315 Penshurst Street, Willoughby North, being two houses (including original interiors) and the Hotel Willoughby (including original interiors). The built form generally along the southern side of Victoria Avenue is mixed, in terms of age and styles of buildings, however, the northern side of the road retains a more

consistent low scale older style of dwellings originally constructed in Victoria Avenue in the 1920s. A former Salvation Army citadel building, constructed c.1920s is also located opposite the subject site and presents as a two-storey scale building.

The proposed planning proposal will result in the demolition of three cottages which form the original pattern of development along Victoria Avenue and will result in a further incremental departure from this traditional low density form in this locality. The proposed 10m height however, is considered to be compatible with the existing scale, especially if the majority of the bulk is set back away from Victoria Avenue. It is recommended that building separation, deep soil and landscaping (as indicated in the plans) is retained within the design, in order to break up the massing of the built form and complements the surrounding development.

The subject site and proposed planning alterations would be unlikely to impact on the nearby heritage items, as they are not located within the visual catchment of those items. There are no heritage objections to the proposal.

Fine grain detailing that are consistent with Council's *Design Excellence* policies should be established at the next stage of the proposal. It may be appropriate to reference the materials of the opposite church in Victoria Avenue in the design.

It is anticipated that at development application stage there will be requirements relating to the reuse of materials from the existing dwellings and documenting the historical context of the existing cottages and locality by a suitably qualified heritage consultant.

Landscape and Tree Protection

A preliminary Tree Assessment has been undertaken for the planning proposal. A summary of the assessment undertaken by Consultants Truth About Trees (Dec. 2020) includes the following:

There are thirteen (13) trees within and surrounding the subject properties which meet the definition of a tree as defined within the Willoughby DCP. One (1) tree is located within the adjacent property at 88 Victoria Avenue, the tree is a large mature English Oak tree (1) which is located adjacent to the boundary with 92 Victoria Ave. This tree has an extensive crown and potentially root system and may be a constraint to development. Tree two (2) is a small Alexander Palm of low significance.

Trees 3, 4, 5, 6 & 12 are all mature Cinnamomum camphora (Camphor Laurel). This species is protected under Willoughby Council DCP unless they are under 10m in height. These trees are all greater than 10m so will be protected under the DCP. 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.

Three (3) of the trees are council street trees (8, 11 & 13) located on Victoria Avenue, there is also an additional small dead tree located adjacent to tree #8. 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.

There are some potential concerns from the landscape perspective that the level of development proposed on site may potentially be excessive and have an undesirable impact on existing vegetation and that new landscaping to be provided may not be adequate. While

the development plan presented with the planning proposal is only conceptual at this stage, there are recommendations in relation to amendments of the draft DCP which will ensure landscaping and tree protection is fully considered at the DA stage. The proposed staggered front setback (ranging from 3m to 7.5m along Victoria Avenue) shown in the Urban Design Report that addresses the transition between the R2 Low Density Residential and the B2 Local Centre zones is supported. This will also assist in provision of adequate landscaping and deep soil planting areas.

There is concern that the draft DCP proposes that all trees on the site will be able to be cleared on the site. This would not be supported and should be considered in more detail at DA stage when more precise plans are available. Recommended changes to the DCP are outlined in the section below on the proposed DCP provisions.

Design Excellence and Building Sustainability

The floor space ratio and height limits in the Proposal are 1:1 with a 10 metre height limit. This has potential to generate an urban form and bulk and scale that could be suitable in the context of the surrounding commercial area to the west and north-west, as well as the medium density seniors housing development to the east. Building setbacks are specified in the DCP and are proposed to vary between 2m and 7.5m.

The LEP *Design Excellence* clause, *Willoughby Design Excellence Policy and Guidelines* do not apply to buildings less than 12m in height, therefore *Design Excellence* controls would not apply to the proposal. However, provisions are proposed in the draft DCP to facilitate a design quality approach to any future development to be considered at DA stage.

One of the core outcomes of *Our Future Willoughby 2028* is a city that is green (outcome 1), connected and inclusive (outcome 2) and accountable (outcome 5).

Sitting beneath these core objectives there is a series of measures that could be engaged with by ensuring a level of sustainability measures and imperatives are incorporated into Planning Proposals of this type. Such elements that may be affected by incorporating ecologically sustainable development principles into this Proposal include:

- 1.4 Reduction in greenhouse gas emissions by the Willoughby community (through encouraging active transport and green building design)
- 1.5 Reducing energy, water and resource waste
- 2.1 Enhance transport choices and connections throughout the city
- 2.4 Reduce parking and traffic congestion

Council's support for climate change mitigation and sustainable decision making across more areas of governance is also reflected in the *Willoughby City Council Sustainability Action Plan 2014-18* and the *Willoughby LEP* and *DCP*. Sustainability provisions relating to the proposal will also be considered through the requirements of relevant SEPPs and Willoughby LEP and DCP at the development application stage.

Overshadowing

The proposed massing generates possible increased overshadowing for communal open space and adjacent properties. It is considered that this issue has been satisfactorily addressed in the current Planning Proposal, with more detailed shadow diagrams being provided with the updated Proposal (refer to the *Urban Design Report* submitted with the Planning Proposal). High level shadow diagrams have been provided in the Urban Design report which shows that a minimum of three hours' sunlight between 10 am and 3 pm on 21st June on adjoining properties to the south is achieved.

In order to ensure that solar access and overshadowing controls are satisfactorily addressed, the proposal will also be assessed at development application stage to ensure consistency with SEPP 65 and WDCP provisions.

Minimum Lot Size

The planning proposal seeks removal of minimum lot size and to allow an additional permitted use of multi-dwelling housing on the site.

In order to maximise the development outcomes on the site, a minimum lot size of 2,500m² is recommended for the sites in line with any development proposal for multi-unit housing. This provision would restrict future subdivision for the site which has a total area of approximately 2,500m². The special provision for a minimum lot size in the LEP changes will ensure that any development application proposed for the site that is for multi dwelling housing will include all of the lots considered in the Planning Proposal and will avoid site fragmentation and isolation.

Traffic and Transport

For the purpose of assessing the traffic, parking and transport issues, it is considered that sufficient detail has been provided for the planning proposal stage. Any additional issues raised can be addressed in more detail as part of any future development application (DA). It is also noted that draft provisions are contained in *Part F – Access and Parking* of the draft *Site Specific DCP*.

The following comments are noted for the proposal for consideration in any future DA for the site:

- **Traffic generation:** Overall, the traffic generation from the proposal will result in a minor increase compared to existing volumes. This however could be further reduced by reducing the number of parking spaces (see below).
- **Car parking spaces:** A total of 45 car parking spaces are proposed of which 5 would be visitor spaces.

The traffic report states that 1.5 car parking spaces would be required under existing WDCP parking rates (assuming all dwellings are three-bedroom, which is not confirmed in the traffic or planning proposal reports). Assuming this to be the case (which is unlikely) this would equate to 22 x 1.5 spaces = 33 spaces i.e. below the 45 spaces proposed. As such, the proposed number of 45 is considered excessive, particularly given the location of the site and good active and public transport links.

It is noted that Council is in the process of reviewing its parking rates. Reductions would primarily be in relation to the Chatswood and St Leonards CBDs, however given this site's location close to two identified Major Public Transport Corridors (MPTCs) i.e. Victoria Avenue (west of Penshurst Street) and Penshurst Street (south of Victoria Avenue), a lower number of parking spaces is also considered appropriate.

While one basement parking area is proposed and any reduction in car parking spaces would probably have a negligible effect on overall construction costs, Council's suggestion would be to reconfigure this area to provide larger storage areas (i.e. cages) for residents to store for example bicycles. More disabled/accessible spaces are also strongly suggested given these types of smaller, lower maintenance dwellings would likely be attractive to seniors and disabled/wheelchair-bound residents. These details can be confirmed with any future DA.

- **Motorcycle parking:** Parking for motorcycles is proposed to be addressed as part of any future DA. Approximately two spaces would be required under Council's DCP rates.
- **Bicycle parking and end-of-trip facilities:** Indicative calculations for bicycle parking note that 3 secure bicycle lockers and racks for 2 bicycles are proposed. These are considered very minimal requirements and Council is in the process of revising (i.e. increasing) these requirements. As stated, a bicycle parking space within a secured storage cage is recommended for every dwelling in this basement area.
- **Access / loading arrangements:** Not applicable for residential development however a dedicated space (e.g. for small delivery and moving trucks) in the basement may be considered appropriate if the number of regular car parking spaces are reduced. This however would also have ramifications for access points / aisle widths etc. This can be confirmed at DA stage.
- **Laneway widening:** As noted in the concept plans and traffic report, Council's DCP includes a section relating to laneway widening, one of which is George Brain Lane. Plans with any future DA should have regard to these as per the requirements in this part of the DCP.
- **Electric vehicle (EV) spaces and charging points:** Should be given proper consideration and shown on revised plans as part of any future DA to future-proof the development. The draft revised traffic and parking chapter of WDCP will include controls relating to this matter with exact requirements to be confirmed when the draft WDCP is finalised in late 2022.

Drainage and flooding

No flooding issues have been identified for the site. Stormwater issues will need to be considered at development application stage. Stormwater will need to be controlled by on site detention and water quality systems in accordance with DCP requirements. Stormwater will also be required to be connected to underground storm water systems. Council systems will require to be extended to provide the necessary connection.

Development Control Plan provisions

The proponent has submitted draft site specific *Development Control Plan* provisions as part of the Planning Proposal to reinforce urban design considerations, site amalgamation requirements, setbacks, solar access and overshadowing, landscaping, tree protection and open space as well as access, parking and transport management.

As the LEP *Design Excellence* clause will not apply to this site, it is recommended that some of the provisions in the draft DCP in relation to design excellence be modified.

It is recommended that Part B be renamed *Design Quality*. It is also recommended that the controls relating to the design excellence process below be deleted from this part of the DCP:

1. Before granting development consent for the erection of a new building, Council must consider the quality of the architectural design and the achievement of design excellence in accordance with its Guidelines for Design Excellence Review and Competitions.

2. In considering the quality of the architectural design, Council must consider feedback received from a Design Review Panel required for buildings less than 35 metres above ground level (existing).

The control No. 3 would become control no.1 as per the following:

1. In considering the quality of the architectural design, and notwithstanding a proposed development's compliance with the other provisions of any other part of this DCP, Council must be satisfied that:

(a) the proposed development includes a high level of connectivity to the public domain and achieves building siting that provides street frontage for dwellings to Victoria Avenue and George Brain Lane; and

(b) a high standard of architectural design, external materials and detailing will be achieved appropriate to the building type and location; and

(c) visual interest is achieved when viewed from the public domain including but not limited to the façade design, use of landscaping, and building profile; and

(d) the form and external appearance of the building will improve the quality and amenity of the public domain; and

(e) any amelioration measures for environmental impacts such as architectural elements and landscaping are to be integrated into the design to achieve an overall high standard of design quality.

It is also recommended that some of the provisions in the draft DCP in relation to landscape and tree protection (Part E) be modified. It is noted that the draft DCP includes a significant tree diagram and tree inventory that aims to protect an English Oak tree on the neighbouring property (88 Victoria Avenue) as well as two London Plane trees and one Sweet Gum along Victoria Avenue.

It is recommended however that the following part of the control No.1 (Part E – Open Space and Landscaping) be deleted:

All other trees and vegetation across the amalgamated site may be removed.

Control No.1 would therefore be stated as follows:

The trees nominated on the Significant Tree Diagram and Tree Inventory are to be retained.

It is also recommended that the following proposed control being be removed in the draft DCP:

The redevelopment of the site is to provide the inclusion of soft landscaping however, the site is not required to provide a minimum of 35% landscaping.

It is considered that the 35% requirement for minimum landscaping should still apply to this site consistent with WDCP requirements under *WDCP Part D.2.10.3 - Controls*, however any variation if justified can be considered further at DA stage. This will ensure that adequate landscape area is achieved for future development on the site.

The 3:1 requirement for replacement planting as outlined in *WDCP C.9 Vegetation Management* is generally applied to multi-unit housing and residential flat building developments and it is considered that this control (or justified variation) should also apply to this development. A general requirement is recommended be included in the draft DCP following the General Provisions section that states the following:

- *Relationship to WDCP 2012*

This part is to be read in addition to the parts listed above. Where there is an inconsistency between this Part and any other Part of the DCP in force, the other provisions of WDCP will apply.

The width of George Brain Lane will also be increased as part of any future redevelopment proposal. George Brain Lane is subject to a WDCP requirement of 1.2m dedication from the west side of the west leg and 2m dedication from the north side of the southern leg (the latter dedication will be a requirement of this proposal at DA stage).

Further consideration of the DCP was also undertaken in relation to the matters relating to the advice provided by the Willoughby Local Planning Panel, including:

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

The above matters raised by the Panel and other proposed amendments have been considered and amendments have been made to the draft DCP for public exhibition purposes. This includes a new section being included on solar and daylight access and additional provisions on communal open space. The building setback of dwellings facing George Brain Lane on the western side of the site has also been reduced to 2m in the draft DCP to encourage a mews style development facing the Lane.

With reference to the Panel comments in relation to vehicular access, traffic counts and cumulative traffic impacts the revised Traffic and Transport report addresses these matters. Although the report states that the Victoria Ave / Penshurst St intersection would be expected to operate at a Level of Service (LoS) E after this and other forecast development in the Willoughby North local centre, this is something which is not considered a major issue for the development. Note this forecast LoS is based on Council's existing WDCP parking rates, which are likely to be reduced with the draft new WDCP parking rates as recently exhibited. A reduced parking requirement for all development would decrease traffic generation in this area and thus likely improve the overall LoS. The impact of the proposed Beaches Link tunnel is also a longer-term but important factor which would also likely reduce traffic on the north-south Penshurst St corridor.

Regarding the possibility of a vehicle queue overflowing into the Penshurst St / Victoria Ave into the intersection (i.e. multiple vehicles queuing behind a vehicle(s) waiting to turn into George Brain Lane), this is also likely to be a minor issue and may be ameliorated by creating a no parking or no stopping zone on the kerbside traffic lane (eastbound). This issue could be addressed at DA stage.

Consideration of the Proposal

The *Local Housing Strategy* indicates that residential development targets in the *North District Plan* can be potentially reached through the controls recommended for areas in the *Chatswood CBD Planning and Urban Design Strategy to 2036*, the *Willoughby Local Centres Strategy* and the potential development increase in the existing medium and high density residential zones (R3 and R4) that have not been fully built out. Although this current Planning Proposal does not fall into any of these defined areas, the site meets the principles established in the *LSPS* for sites outside of the Focus Areas.

It is considered that the FSR and height limits proposed will generate an appropriate urban form on a site that adjoins priority areas for residential uplift under Council's current policy framework.

It is considered therefore that the proposal will assist in an acceptable manner to supplement the housing targets of the *North District Plan*. It is also consistent with Council's current LEP provisions for affordable housing being 4% provision with one dwelling to be dedicated for affordable housing.

The proposed FSR of 1:1 for the planning proposal is also considered reasonable, given the site adjoins an existing commercial zone and is also adjacent to the existing multi-unit seniors housing development.

The 1:1 FSR is also considered suitable in the context of the site, allowing an appropriate management of heights and density with adjoining uses, with the North Willoughby commercial sites to the west having an existing FSR of 2:1 and building height of 14m. Increased height and FSR controls are also proposed for some of the adjoining commercial land as a result of the *Willoughby Local Centres Strategy* and proposed *Willoughby LEP* changes. This includes heights and FSRs ranging between three and six storeys and an

increased FSR of 2.8:1 from 2:1 in the North Willoughby local centre. In the draft comprehensive LEP the front part of 335-341 Penshurst Street (adjoining this site to the west) is proposed to increase to 20m (six storeys) while the rear height is to remain at 14m (three storeys). The height of building at 125-127 Victoria Avenue opposite the front of the site is proposed to increase from 14m to 17m (four storeys).

Other Issues to be addressed

Public Benefit

The proponent has indicated that as part of any Planning Proposal a Voluntary Planning Agreement (VPA) will be negotiated with Council. This will be considered in a separate report and exhibited concurrently with the Planning Proposal.

Furthermore, the Planning Proposal will provide a proportion of affordable housing, with a minimum of 4% of residential GFA being proposed. It is also noted that Council is planning moving towards a 7-10% affordable housing target for new residential flat building development as stated in the *Willoughby Housing Strategy*, in line with the *North District Plan's* affordable housing targets of 7-10% for new high and medium density residential development.

It is recommended to place this site on the affordable housing special areas map (area 9), which specifies that the total residential GFA is to include the affordable housing component (Clause 6.8).

Considerations for a contribution to public art that aligns with Councils *Public Art Policy* may be considered as part of any VPA negotiations relating to the Proposal.

Referrals

Internal referrals regarding the proposal were sought for the following:

- Engineering (for flooding/ stormwater and geotechnical potential issues arising)
- Traffic and Transport
- Environment (contamination)
- Urban Design (design issues indicated in massing)
- Landscape and tree protection
- Heritage impact

Council's transport, urban design and heritage officers have responded and are generally supportive of the Planning Proposal. There are no objections from an engineering perspective and comments on contamination state that a groundwater assessment is required to be completed prior to finalisation of the Planning Proposal. Comments on the landscape and tree protection aspects of the draft DCP have been made by Council's landscape specialist. Council's Urban Designer has recommended that DCP references to the *Design Excellence Policy* be removed from the draft DCP.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be in accordance with the requirements under Clause 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal,

which are addressed at **Attachment 3**.

Community Notification

As is normal Council practice, no formal public community consultation has been undertaken to date with regard to this Planning Proposal. The community will be consulted as part of the formal notification period following a Gateway Determination by the Department of Planning and Environment.

Conclusion

The Planning Proposal is considered to be consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*, and Council's own *LSPS*. The Planning Proposal is therefore supported on the basis of land use and strategic planning.

Based on the above, it is recommended that the public exhibition of this Planning Proposal should occur with the amendments recommended by Council Officers, and in accordance with the Gateway Determination provided by the Department of Planning and Environment under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.