

#### **15.11 PLANNING PROPOSAL FOR 100 EDINBURGH ROAD, CASTLECRAIG**

**ATTACHMENTS:**

- 2. COUNCIL DETAILED ASSESSMENT**
  - 3. PLANNING PROPOSAL INCLUDING CONCEPT  
PLANS AND SUPPORTING REPORTS**
  - 4. ADDITIONAL APPLICANT INFORMATION**
  - 5. DRAFT DEVELOPMENT CONTROL PLAN**
  - 6. PROPOSED AMENDMENTS TO WILLOUGHBY  
LOCAL ENVIRONMENTAL PLAN 2012**
  - 7. PREVIOUS TRANSPORT FOR NSW ADVICE**
  - 8. WILLOUGHBY LOCAL PLANNING PANEL ADVICE**
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**DETAILED ASSESSMENT****Background**

This attachment provides a summary of the proposal and a detailed analysis of the proposal against strategic planning considerations, including relevant State and local planning strategies and legislative requirements.

**The Site and Locality**

The site is located within the Castlecrag local centre, on the corner of Edinburgh Road and Eastern Valley Way. The site is a prominent entry point to the Castlecrag suburb and adjoins the Griffin Heritage Conservation Area. The Quadrangle shopping centre currently occupies the site.

**Summary of Proposal**

The existing LEP zone is B1 Neighbourhood Centre, with a strip at the rear of the site zoned RE1 Public Recreation. The Planning Proposal is seeking the following LEP amendments to allow a mixed use development on the site:

- Include an additional permitted land use of “residential flat building” on the site, specifying that land uses facing Edinburgh Road should be non-residential and that a minimum of 18% of total floorspace should be non-residential uses.
- Proposed FSR of 1.8:1, which includes a maximum of FSR of 1.6:1 for the development above Edinburgh Road.
- Heights increased across the site from the current 9m maximum to a site specific clause. The site specific clause proposes a maximum building height not greater than AHD 97.49 which equates to 11m above Edinburgh Road level and 15.8 m above southern boundary.
- Additional height is to be permitted for various specified roof top facilities including a lift tower being a maximum 4.5m above the roof finished floor level.

Site specific DCP provisions are included with the proposal as follows:

- Site planning, including building height, public open space, setbacks, landscape and tree preservation.
- Development controls, including public and communal open space, private open space, building materials and colours, setbacks and visual privacy.

The concept proposal is for a mixed-use development comprising retail/commercial uses and housing units. The essential characteristics of the proposal are:

- Total site area of 5,168 m<sup>2</sup> in single ownership.
- Two storey pavilions above a ground level base storey, equating to a three storey development on Edinburgh Road and four storey development at the rear.
- Total GFA of 9,300m<sup>2</sup> comprising 1,740m<sup>2</sup> retail and commercial space, 6,260m<sup>2</sup> of residential apartments and the balance including corridor areas.
- 53 apartments with a mix of 4% one bedroom, 55% two bedroom, and 42% three-bedroom units.

- Half of all units are capable of meeting the adaptable housing standard.
- Public and communal open space of 2,220m<sup>2</sup>, including approximately 750m<sup>2</sup> of landscaped plaza along the northern boundary of the site adjoining Edinburgh Road.

## DISCUSSION

Consideration of planning aspects of the proposal and the major impacts are outlined below. The primary Council planning strategy relevant to the proposal is the *Willoughby Local Centres Strategy*. The proposal is considered further below in relation to the *Strategy*.

### Willoughby Local Centres Strategy

As noted in the *Willoughby Local Centres Strategy*, the subdivision and layout of Castlecrag was designed by Walter Burley Griffin and the south eastern side of the centre is within the Griffin Conservation Area. The local centre sits on a ridgeline with wide views across the district.

The Griffin Conservation Area includes part of the local centre on the southern side of Edinburgh Road (adjacent to the Quadrangle site). The centre has a predominantly one to two storey built form character with a fine grain street frontage. The built form of the conservation area has a strong heritage character, referencing the original vision for Castlecrag. The centre offers north-facing cafes and associated outdoor dining, complemented by retractable awnings on the southern side of the street and consistent fixed awnings to the north.

The centre has been recently improved with new large unit Urban Stone paving, planting and street furniture. Generally, improvements include additional street trees and planting on the southern side of Edinburgh Road.

There is a strong desire within the community to retain the integrity of the design philosophy of Walter Burley Griffin for Castlecrag.

The vision for Castlecrag as stated in the *Local Centres Strategy* is as follows:

*“The Castlecrag local centre is a thriving historic shopping village in an attractive landscaped setting and offers a range of outdoor spaces for dining and gathering along Edinburgh Road. New development has enhanced the existing scale and pleasant public domain and has reinforced the character of the Conservation Area and strengthened the Walter Burley Griffin legacy.”*

The *Local Centres Strategy* envisaged that some additional height could be considered in relation to The Quadrangle site. General recommendations for the centre include:

- Retain the existing B1 Neighbourhood Centre and R3 Medium Density Residential zones for the centre.
- Introduce a minimum non-residential FSR control in the B1 zone.
- Introduce an active ground floor frontage control in the B1 zone.
- Concentrate increased height to the south of Edinburgh Road to minimise solar access and amenity impacts. Minimum 3m upper level setback (2nd storey) for shop top housing.
- Provide a new publicly accessible open space within the Quadrangle site relating to the Edinburgh Road frontage and achieving good solar access. This may be

achieved by providing a setback in the order of 3.5 - 4m along the frontage of the site.

- Increase heights up to 4 storeys on Eastern Valley Way and up to 3 storeys above Edinburgh Road with an FSR up to 1.6:1 on the Quadrangle site.
- An FSR could be considered to 1.8:1 with an additional storey below the Edinburgh Road frontage to utilise the topography of the site without adversely impacting the streetscape and scale of the centre.

For The Quadrangle site, the site specific clause in the Planning Proposal proposes a maximum building height not greater than AHD 97.49 which equates to 11m above Edinburgh Road level and 15.8 m above southern boundary. The proposed FSR is 1.8:1 with an FSR of not more than 1.6:1 above Edinburgh Road.

In respect to FSR and building height the proposed development is consistent with the *Local Centres Strategy*. Further information in relation to building height and setbacks was requested, and is addressed in the section below.

In relation to the issue of modelling the cumulative impact of the increase in floor space projected under the *Local Centres Strategy* (LCS), it is noted that this concept proposal will be less than the total projected additional residential floor space (6,665sqm) noted under the LCS for the Castlecrag centre, as this proposal is for an additional 6,260 sqm of residential floor space.

The concept proposal will result in a net loss of floor space – the existing Quadrangle Centre is 2,552sm<sup>2</sup> in area, while this proposal will have a total of 1,740m<sup>2</sup> retail. The study by SGS prepared for the LCS forecasts an additional 1,527sqm of non-residential floor space in the Castlecrag centre. This additional floor space may be provided by the redevelopment of other sites elsewhere within the centre, such as part of the shops on the northern side of Edinburgh Road.

### **Urban Design, Height and Built Form Massing**

In response to the requirements of the *Local Centres Strategy*, justification for the proposed variations with the Strategy was requested to be provided in relation to the height of the building at the rear and the upper storey building setbacks. A copy of the additional information provided by the applicant is contained at **Attachment 4**. Part of the information provided is outlined below:

- The concept proposal includes an intention to provide a public right-of-way of an average width of 8m along Edinburgh Road, beyond the public footway.
- The concept proposal states that there is additional overshadowing impact on the rear of the adjoining buildings to the south. Sunlight does penetrate between the two wings to the backyards of adjoining dwellings for a limited time at midwinter's day. However, the additional overshadowing is a consequence of any redevelopment of the site in accordance with the Strategy. It is also noted that the trees on the southern boundary (to be largely retained) already have an overshadowing impact on buildings to the south. Therefore the proponents have stated that the additional overshadowing from the concept proposal will be minor.
- the proposal states that all but two living trees, one of which is failing, on the southern boundary and all the trees on the frontages to Eastern Valley Way and Edinburgh Road will be retained.

As this is a Planning Proposal, building form, detail and character will not be considered

in detail, however consideration has been given to the building setting, scale, mass and proposed base articulation and configuration.

It is considered that adequate justification for consistency with the Strategy has been provided in relation to height, bulk and scale and building setbacks. In particular the following matters have been adequately addressed:

- in relation to rear building height of 15.8m, this is determined (in part) by floor to underside of structure in basement of 4.5m to accommodate garbage trucks plus retail floor to ceiling height of 3.6m
- the applicant's drawings show that the rear boundary setbacks are from 6.0m near the south west site corner to 9.5m at the south western corner of the western pavilion. For the eastern pavilion, the setback varies 6.0m to 7.5m, measured from the rear boundary of the houses to the south. On average, the setbacks meet the WDCP.
- demonstration of minimal additional overshadowing impact to private properties to the south has been provided. The applicant has stated that any additional upper storey rear setback is not required in the LCS and any benefit will be minor.

It is considered that the proposal demonstrates adequate consistency with the *Willoughby Local Centres Strategy*. It is also noted the extensive community engagement undertaken and support that was obtained by Council in developing and finalising the Strategy.

The concept proposal has demonstrated general consistency or potential consistency with the provisions of Willoughby DCP and the criteria of SEPP 65 and the Apartment Design Guidelines (ADG). Additional information has been provided at **Attachment 4** on this issue.

It is recognised that this site will have a prominent visual impact on the context of the Castlecrag suburb, and its busy Eastern Valley Way frontage. It is not unreasonable to consider that any development, of prominent scale, will visibly and clearly define a western edge and entry to Castlecrag. A Visual Impact Assessment has been provided with the proposal at **Attachment 3**.

As the site is a prominent entry point to Castlecrag and the Griffin Heritage Conservation Area it is also important that it is developed in a way that aligns with the scale and nature of materials associated with the architecture of Walter Burley Griffin and Marion Mahoney. This issue is addressed in the draft DCP at **Attachment 5**.

### **Landscape and Vegetation management**

The design rationale provided is comprehensive and addresses important landscape integration principles that have guided the design.

The planning proposal indicates that the majority of mature trees will be retained. The concept plan for the building has been located so as to provide adequate protection to the existing trees. The arborist report states that measures will be put in place to ensure that existing trees will be protected. Existing street trees on Edinburgh Road and mature trees to the southern boundary are proposed to be, protected, managed and maintained. A total of four dead (or dying) trees are proposed to be removed. An additional tree is proposed to be removed as a result of the new development. This tree will be replaced in the landscape plans.

Controls for the protection of existing trees and their root zones have also been included in the draft DCP (refer Fig. 5 Tree Preservation Plan)

The revised Arborist's report (Attachment 4) states that the proposed development will retain all of the street trees located along Edinburgh Road, Eastern Valley Way and all but one healthy tree on the southern boundary of the site. It also concludes the following:

*"Three of the four trees identified to be removed are dead, with the other trees are 90% dead - also recommended for removal,(sic).*

*The trees located on the southern boundary are all located at the bottom of an existing retaining wall and will not be impacted from demolition works for the proposed development. The retention of these trees is possible as the proposed plans have been developed with arboriculturist input. Suitable replacement trees are included in the landscape plans.*

*The area's streetscape amenity will not be altered it and will be enhanced from the new building. Suitable replacement tree plantings in the landscape plan provide further amenity in the area. The trees impacted by the proposed development were planted when the site was developed, and the majority of the trees are not endemic to the area. The retention of as many trees as is possible is important to the community and has been achieved by these plans".*

## **Wind Impact Assessment**

At the request of Council a preliminary Wind Impact Assessment has been undertaken relating to the concept plan to address prevailing winds and relevant controls included in the draft DCP for this proposal.

This report presents an overview on the likely impact of the proposed Quadrangle development located at 100 Edinburgh Road, Castlecrag on the local wind environment at the critical outdoor areas within and around the subject site. The effect of wind activity has been examined for the three predominant wind directions for the region, namely the north-easterly, southerly, and westerly winds. The analysis of the wind effects relating to the proposed development have been carried out in the context of the local wind climate, building morphology and land topography.

No wind tunnel testing has been undertaken for the subject development, and hence this report addresses only the general wind effects and any localised effects that are identifiable by visual inspection of the architectural drawings provided (received 17 September 2020 and 24 September 2020). Any recommendations in this report are made only in-principle and are based on experience in the study of wind environment effects.

The results of this assessment indicate that the development has incorporated several design features and wind mitigating strategies and is expected to be suitable for the intended use for the majority of the outdoor trafficable areas. However, there are some areas that are exposed to the prevailing winds. It is expected that the wind effects identified in the report can be ameliorated with the consideration of the following treatment strategies into the design of the development:

### **Ground Level Trafficable Areas**

- Retention of the existing and proposed trees and landscaping along Edinburgh

Road.

- Retention of the proposed support columns along the northern façade of the development.
- Retention of the existing trees at the south of the site.
- Retention of the existing trees along Eastern Valley Way.

#### Level 3 Communal Rooftop Terrace

- Retention of perimeter landscaping.
- Private Balconies and Terraces
- Inclusion of 1.5-2m staggered planters on the Level 2 western balcony.
- Retention of standard height impermeable balustrades on corner balconies.

The assessment notes that for the landscaping to be effective in wind mitigation throughout the year, plant species are to be of a densely foliating evergreen species.

With the inclusion of the above recommendations in the final design, it is expected that wind conditions for the various trafficable outdoor areas within and around the development will be suitable for their intended uses and their applicable criteria.

#### **Acoustic assessment**

It is noted that an acoustic assessment will be required at development application stage given the proposed development includes residential units adjoining a major road (Eastern Valley Way) as triggered by *SEPP Infrastructure*.

#### **Heritage impact**

The subject site adjoins the Griffin Heritage Conservation Area along its eastern and part southern boundary and is in the vicinity of three (3) heritage items being, 10 The Postern (Community Centre - I48), 136 Edinburgh Road (House - I13) and 140 Edinburgh Road (House - I15). All three (3) heritage items are important for the Griffin area and are listed as having "local significance" in the Willoughby LEP 2012.

In support of the Planning Proposal, the applicant has submitted a Heritage Impact Statement, prepared by Weir Phillips, Heritage and Planning, with a supplementary report on Walter Burley Griffin's Legacy prepared by Heritage21.

The proposed concept development for the mixed use development is considered to be generally acceptable from a heritage point of view, subject to the existing trees being retained. The retention of the trees around the site will provide adequate screening to the adjoining properties and the heritage conservation area as is appropriate.

The proposed development is unlikely to have any adverse impact on the listed heritage items in the vicinity, due to the distance from the subject site and/or topography of the land. The retention of the majority of the trees will also assist to manage any visual impact of the proposed development on the nearby heritage conservation area.

The trees are essential from a heritage point of view to protect and continue the landscape character of the adjoining heritage conservation area. The subject site is the

entry point to the conservation area and requires to be treated as such.

The materials and colours of the proposed development are also very important and should be considered carefully in the development. Materials and colours must blend inconspicuously with the predominant colours of the local bushland. Locally indigenous vegetation is to be used for the landscaped areas, including private open spaces. These issues have been given due consideration in the draft DCP and will be considered in any subsequent development applications following the Planning Proposal.

### **Transport and Traffic Impact Assessment**

It is noted that the site is located adjacent to a number of public transport (bus) stops, with good access to North Sydney Station and Chatswood Station (and Metro). The development proposal is located in an accessible and highly walkable location.

Overall, the concept proposal is unlikely to have significant impact on the surrounding road network. Traffic generation from the commercial component of the proposal will not significantly differ from the existing, similar-sized Quadrangle shopping centre.

Transport for NSW was previously consulted on the planning proposal submitted in 2020. It is anticipated that Transport for NSW will be consulted again at public exhibition stage. At the request of Council and Transport for NSW, a more detailed traffic and transport report was provided to support the earlier planning proposal and inform the draft DCP and any future development application. A copy of the previous Transport for NSW (TfNSW) response is at **Attachment 7**.

The updated traffic report has been provided with the Planning Proposal and it addresses the following:

- Cumulative traffic effects (both residential and retail uses)
- Site access
- Car Park and Loading Dock Design to Comply with Australian Standards.

The additional traffic impact will be from the residential component of the proposal. The traffic assessment forecasts an additional 10 vehicles per hour (two-way) in the weekday morning and 8 additional movements in the afternoon peak periods due to the new residential component. This would have a minimal impact on the Level of Service (LoS) of the Eastern Valley Way / Edinburgh Road intersection.

The revised traffic report has (in part) stated the following:

*The planning proposal for the Quadrangle site envisages some 53 residential units and a decrease of some 772m<sup>2</sup> in retail area. Applying the same generation rates as used in the TTP, the 53 residential units would generate an additional 10 vehicles per hour (two way) in the AM peak hour and an additional 8 vehicles per hour in the PM peak hour. Setting aside the decrease in retail area, the additional AM/PM peak hour traffic generated by the planning proposal (10 and 8 vehicles per hour, two way) is less than that assumed for the Quadrangle site in the TTP report for Castlecrag (17 and 25 vehicles per hour, two way). Thus the cumulative traffic effects of the planning proposal with other future development in Castlecrag have been considered in the TTP report. With regards to queuing on Edinburgh Road at the site access, the minor increase in traffic entering the site in the AM/PM peak hours (4 and 7 vehicles per hour in the AM/PM peak hours respectively) would have a negligible impact”.*



*Generally, it is concluded by the applicant that the parking demand of the proposal is met on site and that the traffic generated will have only a minor impact upon the local traffic system and the intersection of Eastern Valley Way and Edinburgh Road.*

Further traffic matters to note on the proposal include:

- The additional traffic generation will be relatively small and it will have a negligible impact on the Eastern Valley Way/Edinburgh Rd intersection. Although the intersection is already at a poor Level of Service (LoS), this development will only make it slightly worse.
- The largest vehicle that will access the site is proposed to be a 8.8m long medium rigid vehicle (MRV). It is noted that the design of the car park/access is proposed to only cater for such a vehicle. Given it will be a moderately sized supermarket similar to the existing, this approach seems reasonable.
- Compliance with relevant Australian Standards for car park/access design can be confirmed on plans with any future DA.
- Further design details for the carpark and access design can be considered at DA stage, such as a small raised kerb at the driveway entry to separate the entry and exit paths.
- **Car parking:** It is noted 157 car spaces are proposed to be provided in the development. According to the traffic review, a minimum of 147 car parking spaces are required for the proposed development using existing parking rates from Willoughby Development Control Plan (WDCP). According to Council calculations, a minimum of 156 spaces are required
- **Motorcycle parking:** Parking for motorcycles is proposed at Council's DCP rate of 1 motorcycle space per 25 car parking spaces, which would result in 6 motorcycle spaces required. This is supported and can be confirmed at DA stage including on the revised plans.
- **Bicycle parking and end-of-trip facilities (EOTF) and Green Travel Plan:** Indicative calculations for bicycle parking based on Council's existing WDCP rates are given in point 8 of the traffic review. Conversion of some parking spaces to storage cages (which could double as bike storage) may be suggested. The provisional Green Travel Plan provided in the Planning Proposal report is a welcome addition and can be further detailed at DA stage.
- **Access to Eastern Valley Way:** Willoughby Local Centres Strategy includes an indicative master plan for Castlecrag that includes item 14: "Potential for a new left-out (or service) access from the Quadrangle". Point 12 of the traffic review states this is not supported by TfNSW. Council supports this position, given the sight distances and potential for conflict with the driveway to the multi-dwelling residential property to the south (99 Eastern Valley Way).
- **Access / loading arrangements:** Access is proposed to be retained from Edinburgh Road and this is supported. The use of a turntable for a MRV is not a preferred solution, particularly given the plans appear to show adequate space is available for physical truck movements in this location. If a turntable is demonstrated to be the most feasible and practical option, greater justification will be required at DA stage and will need to address any potential safety issues that may arise between vehicle, cyclist and pedestrian movements. A management plan would also be required for the use of the turntable at DA stage. The smaller loading dock for a SRV (e.g. removalist trucks) for residential use is also supported, noting no turntable is required for this bay.
- **Electric vehicles (EVs):** Spaces and charging points for EVs should be given proper consideration and shown on revised plans as part of any future DA. The proponent would be aware that the draft WDCP will include controls relating to this matter.

## **Contamination assessment**

A Preliminary Site Contamination Investigation has been undertaken for the planning proposal being reported to Council.

This report has considered the prior use of the land, including the use as a service station, together with the likelihood of the presence of fill material on the site and the risk that this fill might be contaminated, and the presence of asbestos and other hazardous materials. A preliminary site investigation report has been prepared. Having regard to site history, there is an assessed moderate risk of contamination which will need to be the subject of a detail site investigation.

If the proposal is supported, it is recommended that a detailed site contamination assessment be undertaken prior to public exhibition of the planning proposal.

## **Management of Stormwater**

Stormwater drainage management plans, incorporating water quality systems and on-site detention systems complying with part C.5 of the Willoughby DCP including Technical Standards No. 1 will be required to be submitted with any future DA for the site.

The applicants have stated (**Attachment 4**) that a detailed stormwater management design will be an essential part of the development application. The applicants have also noted that there will be little change to the area of stormwater collection from that existing and that the site has the benefit of connection to the street system by gravity.

## **Management and zoning of public open space**

There is an existing public access way zoned RE1 Public Recreation along the southern boundary of the site and linking through to The Postern. The plans show that this is proposed to be extended with a “public right-of-way” and landscaped area linking through the site to Edinburgh Road.

Further information was requested regarding the future intended ownership and management of this “public open space” as identified on sheet 6007 (public open space area of 1150m<sup>2</sup> including approximately 750m<sup>2</sup> of landscaped plaza along the northern boundary of the site adjoining Edinburgh Road). This included whether there is any proposed change to the existing RE1 Public Recreation zone link to the site (existing public pathway).

The following matters are also noted by Council officers for consideration in the development of the concept proposal and the draft DCP as well as subsequent development applications:

- Edinburgh Road frontage has limited footpath width between the existing street furniture/vegetation and the current boundary. Pedestrians currently use both the current public footpath and the private land in the vicinity as the existing buildings are set back from the boundary. If the development were to restrict public access to the public roadway only, as currently landscaped, there would not be the width required for a footpath. A footpath width available for use that is 2.4m or wider as determined by the pedestrian load of the area and that generated by the development will be required. This may require a public right of way into private land. Any potential outdoor eating areas should be clear of this footway area. Appropriate DCP provisions have been provided addressing this.

- Reconstruction of the streetscape should occur. A public domain landscape plan should be included as a DCP requirement for review by Council. The bus stop in front of the development needs to be a Disability Standards for Accessible Public Transport 2002 (DSAPT) compliant bus stop.
- Any public right of way over private land should be for the public to use but is to be maintained and renewed, insured etc. by the private land holder. Council should not have any responsibilities or liabilities on the private land. This public right of way should be compliant for disabled access and give consideration to Safer By Design principles and guidelines.
- The rear pathway from The Postern (between No.3 and No.5) should be upgraded to a minimum width of 1.5m with a desirable width of 1.8m (for passing wheelchairs). At the moment there are makeshift stairs on private land that provide access to the site from this pathway. This access should be upgraded to allow for disabled access.

The proponents have stated that the public outdoor eating area is contiguous with the public right of way but not part of it. Construction and maintenance of the public right of way over the site is to be the responsibility of the applicant and subject to a publicly accessible area management plan to be agreed with Council. No change to the existing RE1 Public Recreation zone is proposed.

Reconstruction of the footway and the making accessible of the bus stop are part of the public domain works which can be detailed in the DA and, where appropriate, negotiated through the Voluntary Planning Agreement (VPA). Upgrade of the rear pathway will also be considered further as part of the VPA.

### **Draft Development Control Plan (DCP)**

A draft DCP has been submitted for Council consideration to apply to the site (see **Attachment 5**).

The draft DCP has provided objectives and controls for the proposed development on the site, including for the following:

- Masterplan
- Building form and height,
- Open space subject to a public right-of-way
- Building setbacks
- Landscaping and tree preservation
- Communal open space
- Private open space
- Solar access
- Visual privacy
- Materials and colours,

It is recommended that the reference to the nominated architect and design competition in the DCP should be excluded from the DCP, as the choice of architect is a matter for the developer not Council. Further, the project will be subject to Council's *Design Excellence Policy*. It is also noted that where matters are not covered by site specific provisions, the remainder of the *Willoughby Development Control Plan* will apply to the site. Specific recommendations in relation to management of the public open space on private land are also proposed in the draft DCP.

### **Design excellence**

It is acknowledged that there are a number of aspects of the proposal that have design merit, noting that the proposed concept design provided with the Planning Proposal is the outcome of a proponent initiated design competition and community consultation. However it is intended that should the Planning Proposal be supported, it is proposed that the *Willoughby LEP 2012 Design Excellence Clause* will apply to the site, with implementation undertaken in accordance with the *Willoughby City Council Design Excellence Policy (Guidelines)*.

The proponent has indicated that they support the site being subject to the *Design Excellence Clause*, noting the fact that the proponents have had their own design excellence competition.

### **Proposed Voluntary Planning Agreement (VPA)**

There are some items that may be considered in relation to a future VPA, including:

- public domain improvements in the Castlecrag local centre,
- streetscape, including rear access to the site,
- open space on site,
- public end of trip facilities
- public art contribution
- on-site public parking contribution (8 spaces)

Further information has been provided in the form of a draft VPA. This will enable for the matter of public benefit to be considered fully by Council and enable exhibition of the draft VPA in conjunction with the draft Planning Proposal and DCP. The draft VPA is the subject of a separate report to Council.

## Department of Planning Requirements

The Planning Proposal is generally consistent with accordance with the requirements under Clause 33.3 of the Environmental Planning and Assessment Act 1979 and the Department of Planning's requirements set out in "*A guide to preparing planning proposals*" (October 2012). This document establishes six parts for consideration of a Planning Proposal which are addressed below:

### PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to facilitate the development of a mixed-use development in the Castlecrag neighbourhood centre. The development will include commercial and residential uses with associated public domain improvements and additional car parking.

### PART 2 – EXPLANATION OF PROVISIONS

The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to WLEP2012, which will include:

- Increase to 1.8:1 FSR from the current 1:1, with a maximum FSR of 1.6:1 for the building above the Edinburgh Road level.
- Heights increased across the site from the current 9m maximum to a site specific clause. The site specific clause proposes a maximum building height not greater than AHD 97.49 which equates to 11m above Edinburgh Road level and 15.8 m above southern boundary of the site.
- Include an additional permitted land use of "residential flat building" on the site, specifying that land uses facing Edinburgh Road should be non-residential and that a minimum of 18% of total floorspace should be non-residential uses.

### PART 3 – JUSTIFICATION

#### Section A- Need for the Planning Proposal

##### ***1) Is the Planning Proposal a result of any strategic study or report?***

The Planning Proposal did not result from a strategic study or report.

##### ***2) Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The planning proposal facilitates the use of the subject site for mixed use development for an increased building height and floor space ratio than is currently permitted within the B1 Neighbourhood Centre zone.

#### Section B- Relationship to strategic planning framework

##### ***3) Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The planning proposal as submitted is generally consistent with the applicable metropolitan strategies. The strategic planning context of the subject site is established by various State planning documents.

The *North District Plan* includes the following statement and priorities that are relevant for the proposal:

*A place-based and collaborative approach is required to maintain and enhance the liveability of the North District. This can be achieved by the following Planning Priorities:*

*N3. Providing services and social infrastructure to meet people's changing needs*

*N4. Fostering healthy, creative, culturally rich and socially connected communities*

*N5. Providing housing supply, choice and affordability, with access to jobs, services and public transport*

*N6. Creating and renewing great places and local centres, and respecting the District's heritage.*

The submitted planning proposal also states that the proposal is also consistent with relevant productivity and sustainability priorities. It is however noted that the proposal will reduce the commercial space available on the site from the existing 2,552m<sup>2</sup> to 1,740m<sup>2</sup>.

**4) Is the proposal consistent with a council's local strategy or other local strategic plan?**

The proposal for mixed-use development for this site is consistent with the Willoughby *Local Centres Strategy* in respect to building heights and FSR proposed. Further discussion on consistency of the proposal with the *Strategy* is outlined earlier in this report.

It is also consistent with the *Willoughby Community Strategic Plan 2028* and the *Willoughby Local Strategic Planning Statement*. (see **Attachment 3**).

The proposal intends to provide 53 new residential housing units, which includes an apartment mix of 1 bedroom, 2 bedroom and 3 bedroom apartments (including 2 affordable housing units). This is consistent with the *Willoughby Housing Strategy*, which intends to provide additional housing in local centres including Castlecrag, in addition to achieving increased housing yields in the Chatswood CBD and existing medium and high density zoned areas which are in close proximity to centres and with good public transport links.

The *Housing Strategy* recommends that increased development yields in the Castlecrag local centre could result in an additional 90 dwellings (apartments).

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**5) Is the proposal consistent with applicable State Environmental Planning Policies?**

The applicant has provided a Table highlighting consistency with relevant SEPPs that can be viewed at **Attachment 3**. The report notes that the proposal is consistent with the following SEPPs:

*SEPP 19 Bushland in Urban Areas*

*SEPP 55 Remediation of Land*

*SEPP 65 Design quality of Residential Apartment Development*

*SEPP 70 Affordable Housing (Revised schemes)*

*SEPP (Building Sustainability Index: BASIX) 2004*

*SEPP (Housing for Seniors or People with a Disability) 2004*

*SEPP (Infrastructure) 2007*

*SEPP (Vegetation in Non-Rural Areas) 2017*

*SREP (Sydney Harbour Catchment) 2005*

The main SEPP which requires addressing at this stage is *SEPP 55 - Remediation of Contaminated Lands*. The applicant has submitted a Preliminary site investigation which

identified a number of sources of potential contamination. Should a planning proposal be supported for the site, the applicant would be requested to submit a Phase 1 Contamination Assessment prior to the exhibition of the Planning Proposal.

In relation to *SEPP 65*, the applicants have stated that the proposed concept scheme will comply with controls prescribed in the *Apartment Design Guide*. This can be verified at development application stage. The planning proposal application has noted that the shadows due to the proposal largely sit within the existing dense tree shadows at 21 June.

## **6) Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions?)**

The Ministerial Directions issued to councils under s.9.1 of the EP&A Act 1979 require that a planning proposal does not conflict with the Directions. The following is a summary of the planning proposal against the relevant Section 9.1 Directions.

### **1. EMPLOYMENT AND RESOURCES**

#### **1.1 Business and Industrial Zones**

The planning proposal will support continued employment generation and will support the viability of the identified local centre of Castlecrag as the proposal would allow a mixed-use development in the centre including commercial and residential uses. While the proponents state that employment levels will be maintained, the proposal intends to reduce the commercial space available from the existing 2,552m<sup>2</sup> to 1,740m<sup>2</sup>. As there is no change to the existing B1 Neighbourhood Centre zone however, the proposal is therefore consistent with this direction.

### **2. ENVIRONMENT AND HERITAGE**

#### **2.3 Heritage Conservation**

The planning proposal will not impact adversely on items of heritage conservation and the adjoining Griffin heritage conservation area, provided the majority of existing trees are retained on the site and on adjoining streets.

#### **2.6 Remediation of Contaminated Land**

The proposal is considered to be potentially consistent with this direction. Further information on contamination issues is addressed under *SEPP 55* assessment.

### **3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**

#### **3.1 Residential Zones**

The proposal will provide for residential development as part of mixed-use development in a B1 Neighbourhood Centre zone and is therefore consistent with this direction.

#### **3.4 Integrating Land Use and Transport**

The site is well located close to public transport linkages and is therefore consistent with this direction. It is noted that some of the additional uses proposed, including residential uses may encourage additional car-related trips rather than by public transport.

### **4. HAZARD AND RISK**

#### **4.1 Acid Sulfate Soils**

The subject site is identified as Class 5 on the Acid Sulfate Soils Map of WLEP 2012 and is consistent with this direction.

## 5. REGIONAL PLANNING

### 5.10 Implementation of Regional Plans

It is considered that the Planning Proposal is generally consistent with *A Plan for Growing Sydney* and the *North District Plan* with the proposal for mixed uses including retail and residential uses in the Local Centre zone at Castlecrag.

## 6. LOCAL PLAN MAKING

### 6.1 Approval and Referral Requirements

The planning proposal is consistent as it does not contain any provisions which require concurrence, consultation or referral to the Minister.

### 6.3 Site specific provisions

The planning proposal intends to include a specific clause to permit changes to the building height and FSR provisions that apply to the site. A site-specific clause to allow residential flat buildings on the site is also proposed, while incorporating a minimum proportion of non-residential uses in the development and the retention of active uses on the ground floor for parts of the development fronting Edinburgh Road. It is also proposed that Council's LEP clauses 6.8 *Affordable Housing* and 6.23 *Design Excellence* will apply to the site.

## 7. METROPOLITAN PLANNING

### 7.1 Implementation of *A Plan for Growing Sydney*

The planning proposal is consistent with *A Plan for Growing Sydney* as outlined in the report above.

### Section C- Environmental, social and economic impact

#### ***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?***

The subject site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats. The proposal intends to retain the majority of existing trees on the site.

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

The following environmental impacts of the proposal and their proposed management are discussed in this report in the relevant sections above:

- Urban design including bulk and scale.
- Traffic and transport
- Heritage
- Contamination
- Stormwater and drainage
- Landscape and tree protection.
- Public domain management
- Wind impact assessment

#### ***9 Has the planning proposal adequately addressed any social and economic effects?***



The Planning Proposal has adequately addressed social effects of the provision of a mixed use development on the site. It is considered that the proposal will result in economic and social benefits through the revitalisation of a key site in the Castlecrag neighbourhood centre for both commercial and residential uses. Impacts of increased building heights and FSRs on the site on adjoining uses can be managed effectively at the development application stage.

**10 Is there adequate public infrastructure for the planning proposal?**

The subject site is located within an established commercial area serviced by existing utilities infrastructure and public transport within the Castlecrag local centre.

The proponent has prepared a draft VPA offer showing an intention to enter into a Planning Agreement and any necessary supporting information required by Council's policy, as part of the Gateway Planning Proposal process.

Detailed consideration of the draft VPA is being undertaken and will be the subject of a separate report to Council.

**11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Transport for NSW has been consulted on a previous version of the Planning Proposal and has provided a response which is addressed under Traffic and Transport section above.

**PART 4 – MAPPING**

Should it be supported, this Planning Proposal involves amending the Special Provisions Area map. Land use, height of building and the Floor Space Ratio provisions will be the subject of site specific clauses applying to the site. The height of building and floor space ratio maps will be amended to not apply to this site.

**Part 5 - Community Notification**

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

**PART 6 – PROJECT TIMELINE**

<b>Planning Proposal Presented to Council</b>	November 2021
<b>Planning Proposal submitted to Gateway</b>	December 2021
<b>Gateway Determination received by Council</b>	April 2022
<b>Community Consultation (28 days)</b>	June 2022
<b>Outcomes of Community Consultation presented to Council</b>	September 2022
<b>Planning Proposal submitted to Department requesting notification on Government website</b>	October 2022

**Conclusion**

The Planning Proposal is considered to be generally consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*. The Planning Proposal is also consistent with Council's *Local Centres Strategy* and therefore is supported in its current form.

It is considered that adequate justification has been provided for the proposed building height and floor space ratio controls that are generally consistent with those indicated in the *Strategy*. It is also noted the extensive community engagement and support that was undertaken and obtained by Council in developing and finalizing the *Strategy*.

Based on the above, it is recommended that this Planning Proposal should be forwarded to the Department of Planning, Industry and Environment, for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.