



IRF22/496

Gateway determination report – PP-2021-5395

100 Edinburgh Road, Castlecrag - Quadrangle
Shopping Village

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Glossary

Table 1: Reports and plans supporting the proposal

Abbreviation	Reference
ADG	Apartment Design Guide
AHD	Australian Height Datum
APU	Additional Permitted Use
Council	Willoughby City Council
DA	Development Application
DCP	Development Control Plan
Department/DPE	Department of Planning and Environment
DSI	Detailed Site Investigation
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
GTP	Green Travel Plan
HCA	Heritage Conservation Area
HIS	Heritage Impact Statement
HOB	Height of Buildings
LEP	Local Environmental Plan
LGA	Local Government Area
LHS	Local Housing Strategy
LPP	Local Planning Panel
LSPS	Local Strategic Planning Statement
PPA	Planning Proposal Authority
PSI	Preliminary Site Investigation
RFB	Residential Flat Building
SACL	Sydney Airport Corporation Limited
SEPP	State Environmental Planning Policy
TfNSW	Transport for NSW
TPZ	Tree Protection Zone
VPA	Voluntary Planning Agreement

1 Planning proposal

1.1 Overview

Table 2: Planning proposal details

LGA	Willoughby
PPA	Willoughby City Council
NAME	100 Edinburgh Road, Castlecrag (53 dwellings, 90 jobs)
NUMBER	PP-2021-5395
LEP TO BE AMENDED	Willoughby Local Environmental Plan 2012
ADDRESS	100 Edinburgh Road, Castlecrag
DESCRIPTION	Lot 11, DP 611594 and Lot 1, DP 43691
RECEIVED	15/12/2021
FILE NO.	EF21/16879
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) prepared by City Planning Works on behalf of Greycliff Castlecrag Pty Ltd seeks to amend the Willoughby LEP 2012 for land at 100 Edinburgh Road, Castlecrag to facilitate a mixed-use development in line with the Willoughby Local Centre Strategy (LCS) (**Attachment C10**).

The intended outcome of this planning proposal is to enable the redevelopment of the Quadrangle Shopping Village, Castlecrag to accommodate a 3-4 storey mixed-use development scheme comprising a total of 9,300m² gross floor area (GFA) and maximum FSR of 1.8:1 (with an FSR of less than 1.6:1 along Edinburgh Road). This development will rejuvenate the local shopping village and provide a supermarket, local shops and cafes/restaurants, 53 residential dwellings above, and 1,150m² of public open space plus a 750m² public plaza. The concept proposes to deliver 2 affordable housing dwellings.

The proposed increase in the development standards will accommodate approximately 90 jobs and potentially 18 service contractors associated with the residential component.

The proposal also includes 157 parking spaces for the use of future residents and visitors to the commercial/retail areas.

The existing and proposed planning controls are summarised in **Table 3** and a summary of the existing, previous scheme and the planning proposal is in **Table 4**.

The objectives of this planning proposal are generally clear and adequate. However, it is recommended that prior to exhibition, the planning proposal be updated to provide a plain English explanation of the objectives and intended outcomes and to include the number of dwellings proposed and jobs created as a result of the increase to the development standards on the site.

The planning proposal is accompanied by a draft voluntary planning agreement (VPA) (**Attachment A27**) outlining a number of proposed public benefits and a draft Development Control Plan (DCP) (**Attachment A28**) to guide development.

1.3 Explanation of provisions

The land is largely zoned B1 Neighbourhood Centre (Lot 11, DP 611594) and with a 70m² strip of land on the southern boundary zoned RE1 Public Recreation (Lot 1, DP43691) under Willoughby LEP 2012. There is no change proposed to the zoning.

The planning proposal states that the changes to the development standards will be provided by amending the various clauses and relevant schedule in the LEP to:

- include the site in Schedule 1 Additional permitted uses to allow 'residential flat buildings' as an additional permitted use;
- introduce a new clause 6.24 to increase the height of buildings from 9m to a maximum of RL 97.49 Australian Height Datum (AHD), and allowing exceptions in height for roof top services and access to the communal open space; and
- amend the maximum floor space ratio (FSR) map from 1:1 to 1.8:1 (FSR of 1.55:1 above Edinburgh Road and 0.25:1 below).

As outlined in Council's resolution (**Attachment C2** and **C8**), the planning proposal will require updating to provide a plain English explanation (in the explanation of provisions section) to indicate that the proposed changes on site will also be subject to:

- Clause 4.3A Exceptions to heights of buildings (as 'Area 4' on the height of buildings Map) that the height of any building on the land shall not exceed 97.490 AHD and allow exceptions to height of buildings with regard to limiting heights for balustrade, lift overrun, stair access, roof elements and use of the communal roof top area;
- Clause 4.4A Exceptions to floorspace ratio (as 'Area 21' on the FSR Map) and that FSR shall not exceed 1.8:1, of which not more than 1.6:1 shall be above the level of Edinburgh Road;
- Clause 6.8 Affordable housing and amend the Special Provisions Area Map to include as Area 9; and
- Clause 6.23 Design excellence at certain sites in Willoughby and amend the Special Provisions Area Map to include as Area 12.
- Schedule 1 Additional permitted uses to allow a residential flat building (RFB) on both lots and requiring:
 - the ground floor facing Edinburgh Road is used for non-residential purposes; and
 - a minimum of 20% of the total floorspace is provided for non-residential uses.
- Amend the Height of Building map and the FSR map to remove height controls and FSR controls for the site.

The planning proposal seeks to amend the Willoughby LEP 2012 as outlined in **Table 3**.

Table 3: Current and proposed controls

Control	Current	Proposed
Zone	B1 Neighbourhood Centre	B1 Neighbourhood Centre
	RE1 Public Recreation*	RE1 Public Recreation*
Maximum height of the building	9m	97.49m AHD (proposed new subclause in 4.3A Exceptions to height of buildings for roof top lift access and communal area and identify the site as 'Area 4')
Floor space ratio	1:1	1.8:1 and not more than 1.6:1 above Edinburgh Road (proposed new subclause in 4.4A Exceptions to floor space ratio and identify the site as 'Area 21')
Schedule 1 Additional permitted uses	N/A	Residential flat building (RFB) permitted with consent with non-residential uses: <ul style="list-style-type: none"> at ground level facing Edinburgh Road; a minimum of 20% of the total FSR
Special provisions	N/A	<ul style="list-style-type: none"> Clause 6.8 Affordable housing and identify the site as 'Area 9' Clause 6.23 Design excellence at certain sites at Willoughby and identify the site as 'Area 12'
Number of dwellings	0	53
Number of jobs	102	90

**note: the RE1 Public Recreation zoned land does not form part of the developable area*

The floor plans and landscape plan show the RE1 zone land (Lot 1 DP 43691) will be landscaped. Therefore, the RE1 Public Recreation zoned land does not form part of the developable area of the proposal.

The draft VPA notes that the developer will design, construct and commission the pathway on the southern side of the site which links with the Council section of the path to The Postern. The pathway will be a natural meandering path and will remain in the ownership of the future owner's corporation.

It is considered the following conditions should be included on the Gateway determination to clarify the following aspects of the proposal:

- the reference to new Clause 6.24 should be removed as this clause has been taken up in another LEP amendment for the Mandarin Centre;

- the planning proposal should be updated to provide a clear explanation of the provisions sought to be amended by the planning proposal including the amendments made by the Council resolution;
- clarification as to what is proposed on the land zoned RE1 Public Recreation zone; and
- the additional permitted use of 'residential flat building' for land at 100 Edinburgh Road Castlecrag should be limited only to the B1 Neighbourhood Centre zoned land on Lot 11, DP611594.

1.4 Site description and surrounding area

The site is an irregular shaped block known as 100 Edinburgh Road, Castlecrag (**Figure 2 and Attachment B**) comprising two lots with a total area of approximately 5,168m². The site has two street frontages, approximately 101m to Edinburgh Road to the north and 60m to Eastern Valley Way to the west. To the south is a pedestrian through site link that connects to The Postern.

The topography of the site slopes between 5.1m and 5.8m from the north to south, relatively flat east to west along the north boundary and an approximate 2m fall along the southern boundary.

Adjoining the east boundary of the site are commercial properties and directly adjoining the south and on the west side of Eastern Valley Way are residential dwellings (**Figure 8**).

The site is the location of the existing 'Quadrangle Shopping Village' which includes a supermarket and a number of local shops (**Figures 3 to 7**). The 'Quadrangle' is single storey along Edinburgh Road, with an under-croft car park located under towards the rear of the site accessed via Edinburgh Road.

The existing development, which opened in 1979, acts as the main commercial anchor for local services within the Castlecrag neighbourhood centre.

The site does not contain any heritage items and is not within a heritage conservation area (HCA). However, it adjoins the Griffin Heritage Conservation Area (HCA) (C4) and in the vicinity of the local heritage item I48 'Community Centre' at 10 The Postern, Castlecrag. The location of the site with respect to the HCA is located at **Figure 2 and 13**.



Figure 1: Locality map (source: Nearmap, overlay by the Department)



Figure 2: Site map (source: Nearmaps, overlay by the Department)



Figure 3: View of the site from Edinburgh Road looking south (source: Google Maps)



Figure 4: View of the site from the corner of Edinburgh Road and Eastern Valley Way looking south-east (source: Google Maps)



Figure 5: View of the site from Eastern Valley Way looking east (source: Weir Phillips)



Figure 6: View of the southern boundary (source: Weir Phillips)

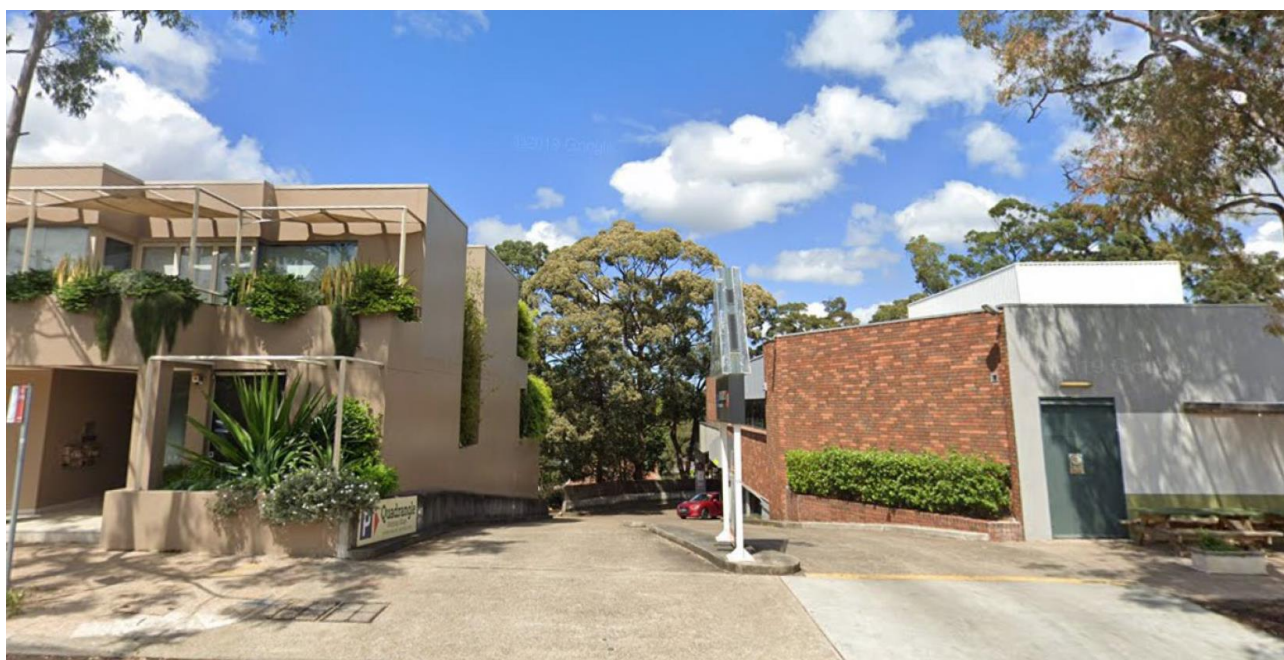


Figure 7: Looking south from Edinburgh Road, view of the vehicular entry to the undercroft parking. An existing mixed-use development adjoining the site to the east is visible to the left. (source: Google Maps)



Figure 8: Subject site and surrounding development (source: fjmt)

1.5 Proposed and current mapping and planning controls

The planning proposal includes mapping showing the proposed changes to the Willoughby LEP 2012 maps. It should be noted that the Willoughby LGA transitioned to digital mapping. This replaced all hardcopy PDFs with all maps now available on the NSW Planning Portal and any pending amendments available on the NSW Spatial Viewer. Draft mapping has been provided in the spatial viewer for the purposes of exhibition.

Under the Willoughby LEP 2012 the site is subject to the following planning provisions:

- B1 Neighbourhood Centre and RE1 Public Recreation zones (**Figure 9**);
- For the B1 Neighbourhood Centre zone:
 - maximum HOB of 9m (**Figure 10**);
 - maximum FSR of 1:1 (**Figure 11**);
- For the RE1 Public Recreation zone:
 - No HOB or FSR applicable (**Figures 10 and 11**).

The land zoned RE1 Public Recreation is approximately 70m² will remain public open space and is not land included to be developed.

The subject site is not currently subject to any special provisions (**Figure 12**). The heritage map is shown at **Figure 13**.

The proposal notes the draft HOB and FSR maps are to be amended to remove the current applicable controls (**Figures 14 and 15**). The proposed increase to the maximum HOB and FSR is to be provided within the LEP by:

- amending Clause 4.3A Exceptions to height of buildings so that the maximum height of buildings does not exceed 97.490 and to indicate the site as 'Area 4' on the HOB map;
- amending Clause 4.4A Exceptions to floor space ratio so that the maximum FSR does not exceed 1.8:1 of which not more than 1.6:1 will be above the level of Edinburgh Road and to indicate the site as 'Area 21' on the FSR map; and
- inserting a new clause in Schedule 1 Additional permitted uses to permit RFBs with development consent and that a minimum of 20% (in accordance with the Council resolution) of the total FSR is for purpose of non-residential floorspace.

Council has provided the intended draft amendments to the LEP (**Attachment C8**). These amendments maybe subject to change as a result of the drafting of the final LEP should the planning proposal proceed to finalisation.

The planning proposal will require updating to with regard to the proposed maps provided and:

- provide the existing and proposed Special Provisions Map indicating the relevant 'Area' to apply Clause 6.8 Affordable Housing and Clause 6.23 Design excellence at certain sites at Willoughby; and
- provide the proposed FSR and HOB provisions and related maps as outlined by Council and referring to the applicable clauses and 'Areas'.

The existing and propose maps can be accessed via a login at:

<https://www.planningportal.nsw.gov.au/spatialviewerlite/#/find-a-property/address?ppnumber=PP-2021-5395>

The current and proposed planning controls are summarised in **Table 3** and **Table 4**.

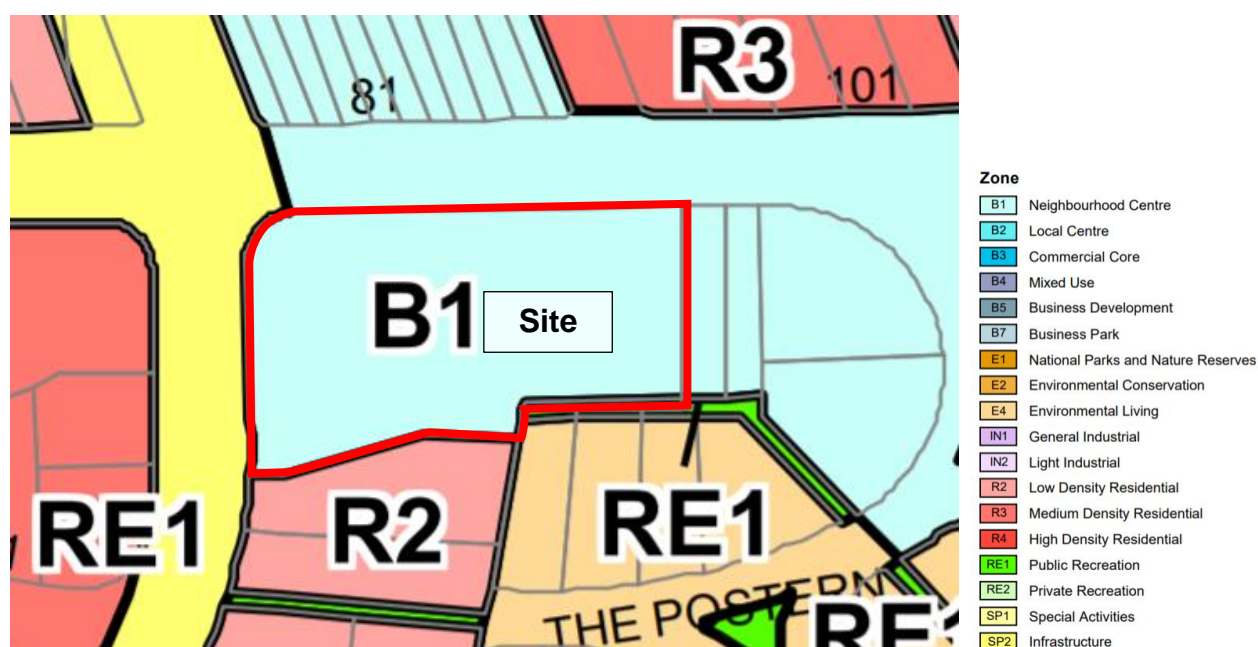


Figure 9: Willoughby LEP 2012 Land zoning map LZN_007 indicating the site as zoned B1 Neighbourhood Centre (source: NSW Planning Portal)

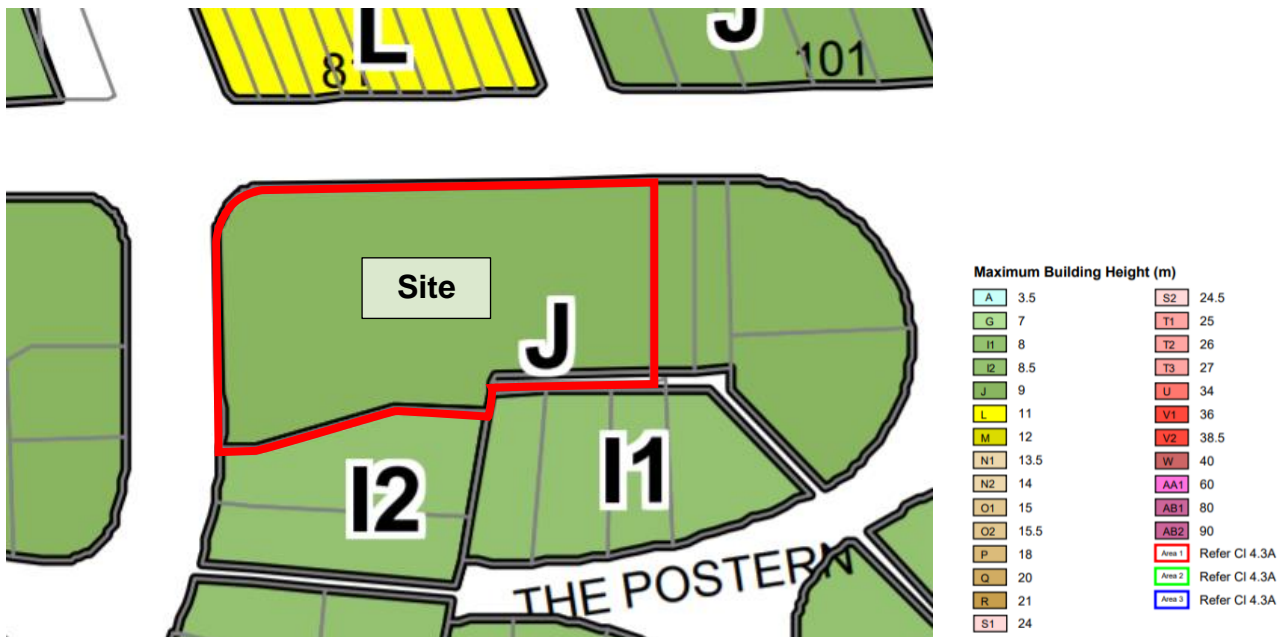


Figure 10: Willoughby LEP 2012 Maximum building height map HOB_007 indicating a current maximum height of 9m (source: NSW Planning Portal)

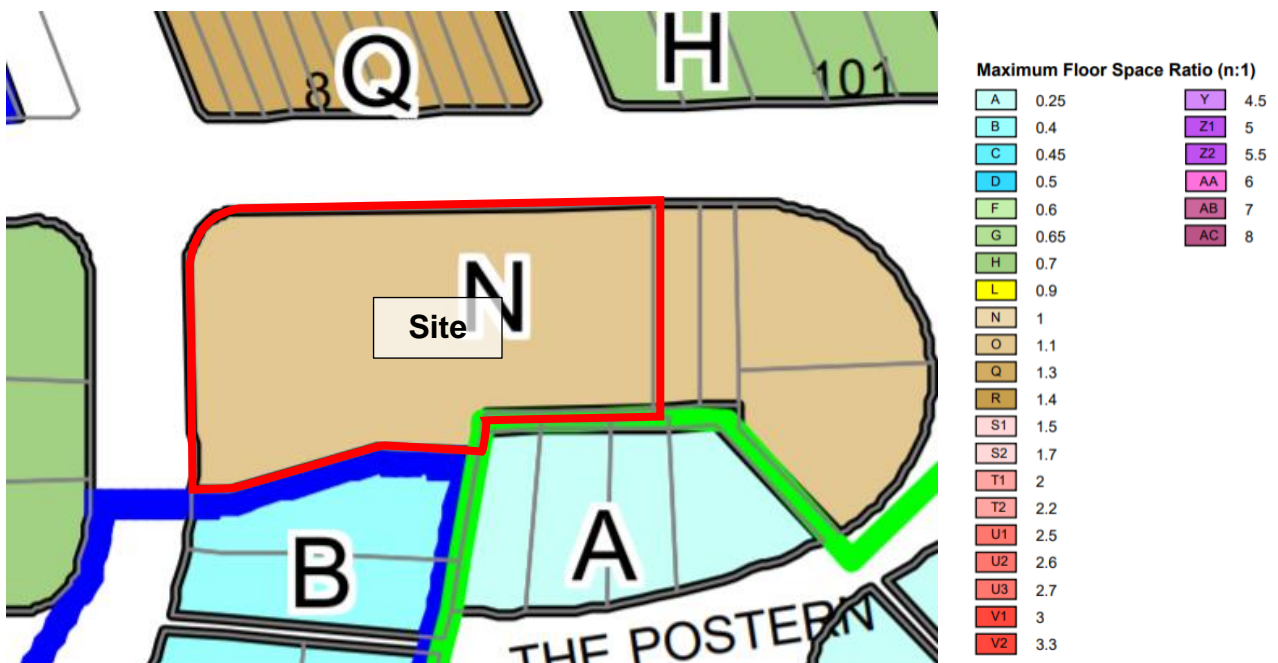


Figure 11: Willoughby LEP 2012 Maximum FSR map FSR_007 indicating a current maximum FSR of 1:1 (source: NSW Planning Portal)

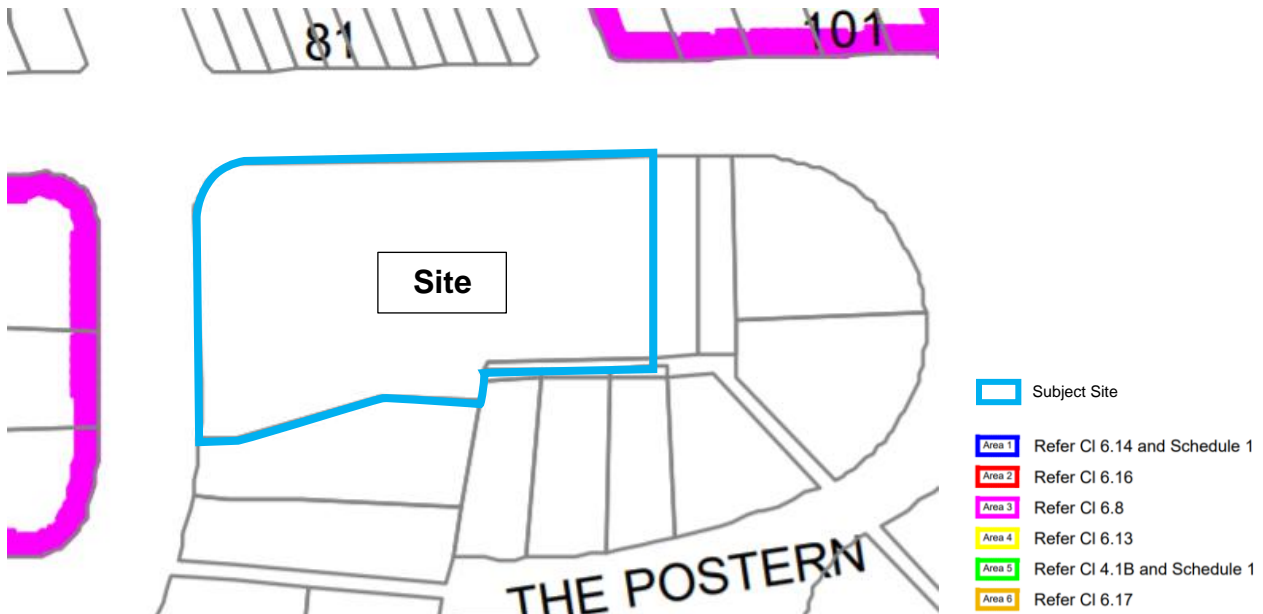


Figure 12: Existing Willoughby LEP 2012 Special Provisions Area map indicating that no special provisions currently apply (source: NSW Planning Portal)

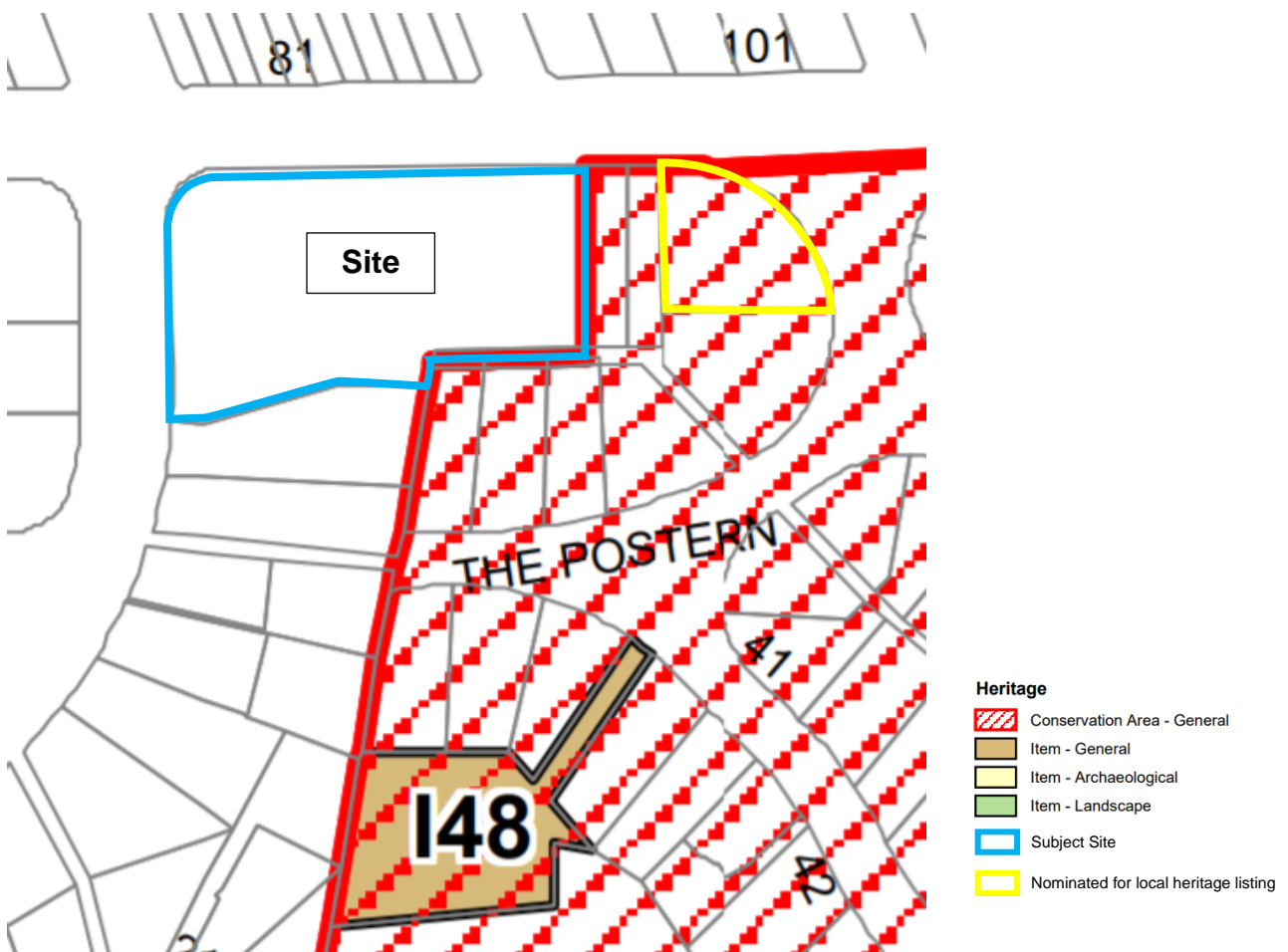


Figure 13: Willoughby LEP 2012 Heritage map HER_007 indicating the site as adjoining the Griffin Heritage Conservation Area (C4) (source: NSW Planning Portal)

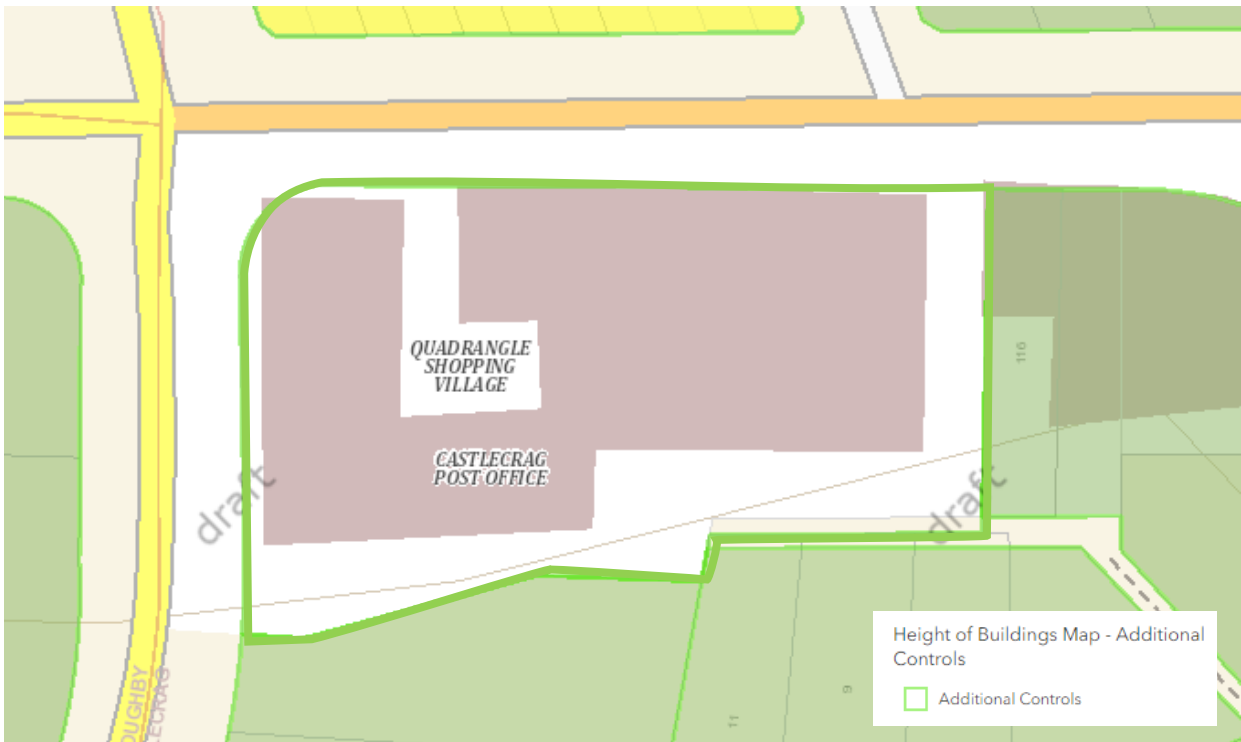


Figure 14: Draft proposed Willoughby LEP 2012 Maximum HOB map HOB_007 indicating the maximum HOB has been removed and will be subject to site-specific controls in the LEP (source: NSW Spatial Viewer)

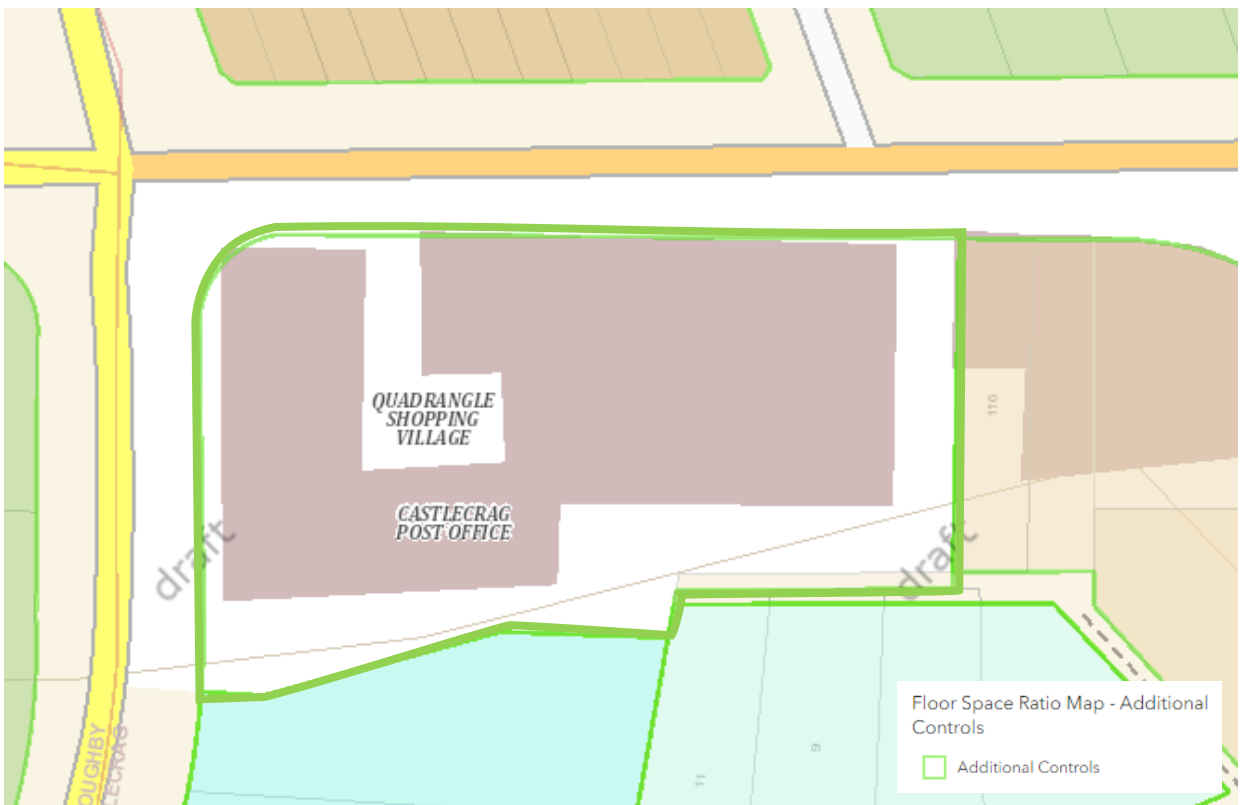


Figure 15: Draft proposed Willoughby LEP 2012 Maximum FSR map FSR_007 indicating the FSR has been removed and will be subject to site-specific controls in the LEP (source: NSW Spatial Viewer)

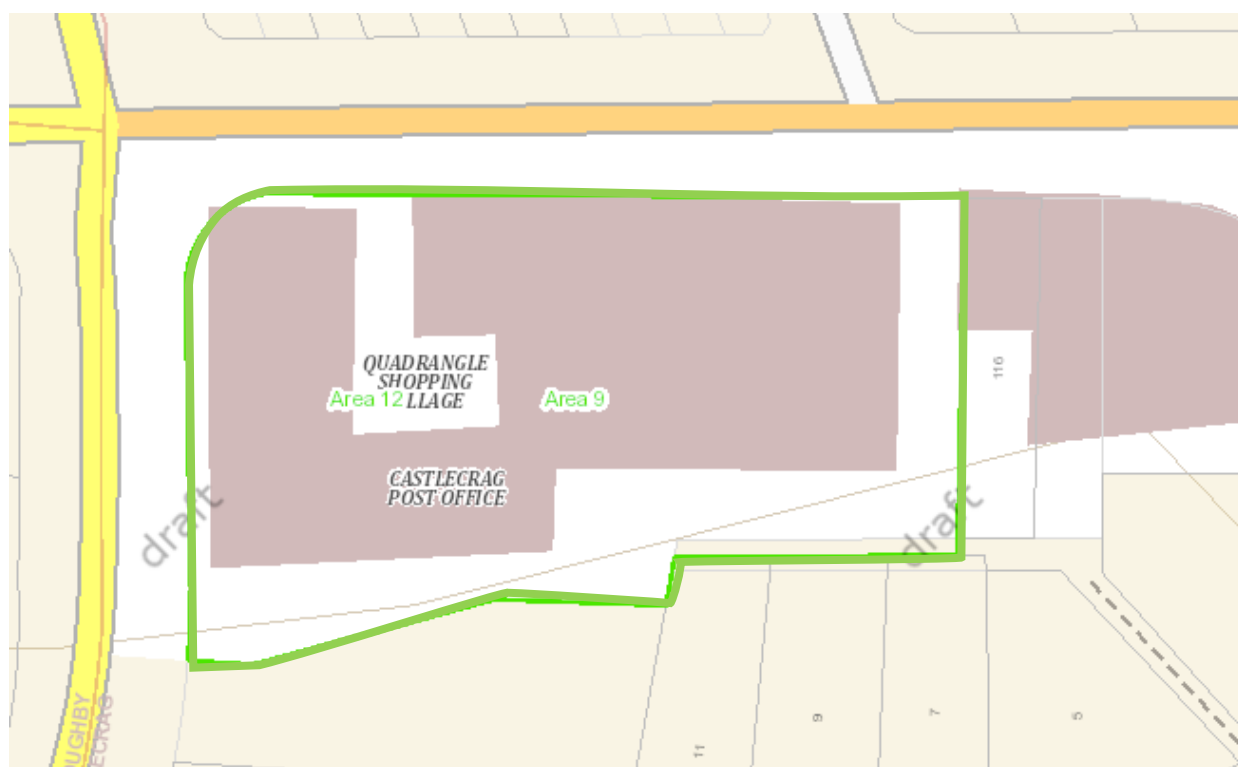


Figure 16: Draft proposed Willoughby LEP 2012 Special Provisions Area map SPA_007 indicating the site is subject to additional clauses in the LEP 'Area 9' for Clause 6.8 Affordable Housing and 'Area 12' Clause 6.23 for Design excellence at certain site in Willoughby (source: NSW Spatial Viewer)

1.6 Background

On 26 June 2020, a planning proposal was lodged by Greycliff Castlecrag Pty Ltd with Council to amend the Willoughby Local Environmental Plan (LEP) 2012 by:

- increasing the maximum FSR for the site from 1:1 to 2:1; and
- increasing the maximum building height from 9m to a range of heights from 18.5m to 22.5m.

The proposed amendment was accompanied by a concept for a three (3) to five storey (5) mixed-use development (**Figure 17**) comprising:

- three (3) to four (4) storeys along Edinburgh Road and four (4) to five (5) storeys along the southern elevation to the R2 Low Density Residential zone;
- a total GFA of approximately 10,332m² with 1,942m² of retail/commercial space and 7,053m² of residential floor space;
- 67 new shop top housing units;
- 166 parking spaces located at lower ground and basement levels; and
- 2,150m² of communal and public open space, including approximately 750m² of landscaped plaza to the northern boundary of the site adjoining Edinburgh Road.

On 13 October 2020, the proponent submitted a rezoning review request to the Department following Council's failure to indicate support for the planning proposal within 90 days.

On 8 February 2021, at their meeting, Council resolved to:

- *Not support the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012 at 100 Edinburgh Road Castlecrag (being lot 1 DP 43691 and lot 11 DP 611594) to allow mixed development including commercial and residential*

development with a floor space ratio of 2:1 and maximum height limit ranging from 18.5m to 22.5m.

- Notify the proponent of Council's decision with advice that a reduced scheme in line with the Willoughby Local Centres Strategy could be supported.

On 14 April 2021, the Sydney North Planning Panel (SNPP) considered the planning proposal and determined that it should not be submitted for a Gateway determination as it did not demonstrate strategic merit (**Attachment E**).

In their decision, the SNPP agreed with Council that the planning proposal was inconsistent with the scale for the site as proposed in the Willoughby Local Centres Strategy (LCS). However, the SNPP indicated that the concept demonstrated merit on a key site.



Figure 17: Concept design – north elevation (Edinburgh Road), subject of the rezoning review (source: fjmt)

1.7 Concept design

The current revised proposal as provided in this planning proposal addresses issues raised in the previous concept design concerning bulk and scale and compliance with the Willoughby LCS. The LCS is discussed further in Section 3.4.4.

The planning proposal is accompanied various reports and diagrams (**Attachments A5 to A11** and shown in **Figures 18 to 23**) demonstrating that the proposal could potentially deliver a mixed-use development of up to 3 storeys to Edinburgh Road comprising of 53 new residential dwellings and 1,150m² of upgraded non-residential floorspace and revitalised public open spaces.

Table 4 summaries the current provisions applicable to the B1 Neighbourhood Centre zoned land and the proposed changes.

The planning proposal is accompanied by a draft DCP for the site (**Attachment A28**). The DCP is to provide guidelines for development and ensure the impact on the surrounding area is minimised.

The planning proposal was also accompanied by a draft VPA (**Attachment A27**) to provide public benefits such as upgrades to the public domain such as paving, the dedication of public open space to the Edinburgh Road frontage and public art.

Table 4: Comparison of the current, the concepts and Council' planning controls

Control	Current	Previous concept	Revised concept	Council's Proposed changes to the WLEP
HOB	9m	18.5 to 22.5m 3 to 4 storeys above Edinburgh Road	11m to 15.8m 3 storeys above Edinburgh Road and 4 storeys to the rear.	Amend clause 4.3A Exceptions to height of buildings to require a maximum height of 97.49m AHD

Control		Current	Previous concept	Revised concept	Council's Proposed changes to the WLEP
FSR		1:1	2.2:1	1.8:1 with 1.6:1 above Edinburgh Road	Amend clause 4.4A for a maximum FSR to require 1.8:1 and not more than 1.6:1 above the level of Edinburgh Road
GFA	Residential	0	7,053m ²	6,260m ²	Schedule 1 Additional permitted uses to allow RFBs and require 20% non-residential floorspace
	Commercial/retail	2,552m ²	1,942m ²	1,740m ²	
	Public open space	N/A	1,350m ² plus 750m ² public plaza	1,150m ² plus 750m ² public plaza	
	Total		10,332m ²	9,300m ²	
Number of dwellings		0	67	53	
Parking		N/A	166	157	



Figure 18: Revised concept design – north elevation (Edinburgh Road) (source: fjmt)



Figure 19: Revised concept design – east elevation (Edinburgh Road) (source: fjmt)

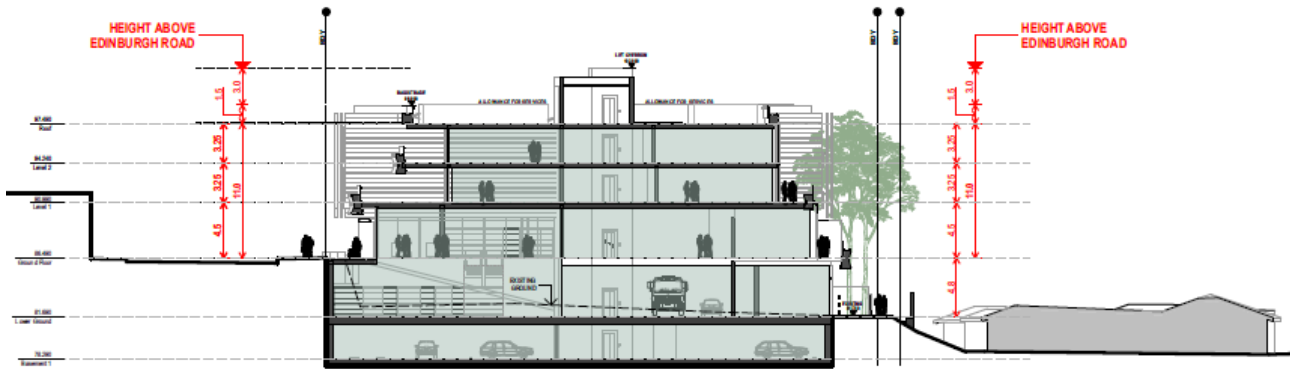


Figure 20: Revised concept design – north-south section elevation (source: fjmt)

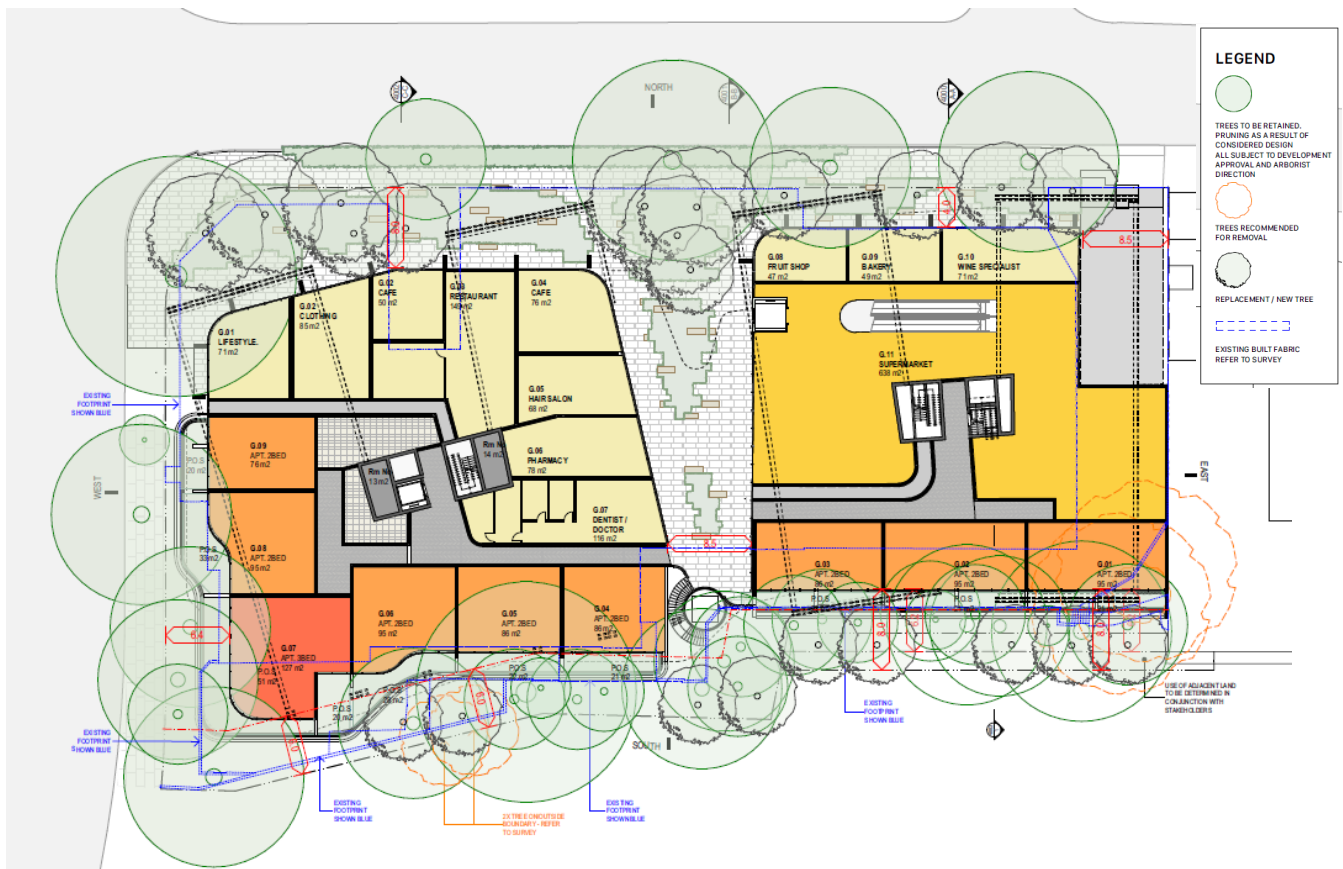


Figure 21: Ground floor plan (source: fjmt)

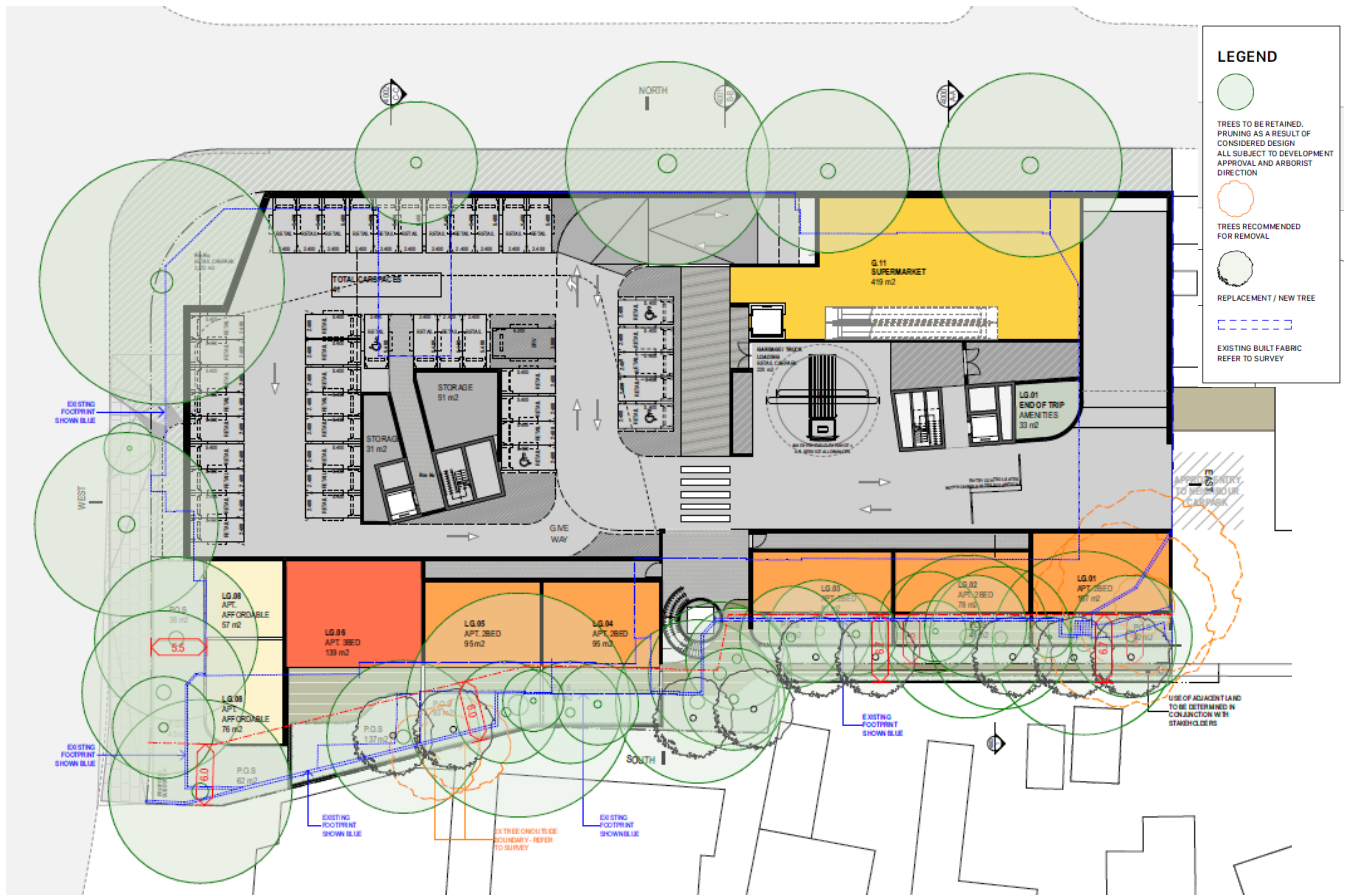


Figure 22: Lower ground floor plan (source: fjmt)



Figure 23: Revised concept design – view from Edinburgh Road (source: fjmt)

2 Need for the planning proposal

The planning proposal states that it is informed by the relevant state and local strategic plans and the opportunity to provide upgraded commercial and retail floorspace and new residential dwellings in an established urban area.

The subject site is identified as being within the Castlecrag Local Centre and the Department considers that the intent of the proposal is generally consistent with the Local Centre Strategy (LCS) (**Attachment C10**) and the Local Housing Strategy (LHS).

The proposed changes to the planning controls will facilitate a direction of LCS to consider the redevelopment of the Quadrangle with the indicative master plan for Castlecrag outlining shop-top housing as a key feature on the site.

Castlecrag was identified in the LHS as requiring growth in local centres resulting in a diversity of housing choices but protecting low density zones.

The planning proposal states that the increase to the development standards by amending various clauses and additional permitted uses in the proposal is the best means for achieving the intended outcomes. This will facilitate renewal of a local centre and increase housing diversity in an existing urban environment while preserving the density and character of the surrounding area.

However, Ministerial Direction 6.3 Site-Specific Provisions contains objectives to discourage unnecessarily restrictive site-specific planning controls. This includes not imposing any development standards or requirements in addition to those already contained in the principle environmental planning instrument being amended.

Specific clauses are proposed to permit changes to the HOB and FSR provisions that apply to the site with the relevant development standards removed for the maps.

The Department considers the amendment to the HOB and FSR via LEP clauses rather than the instrument to be unnecessary site-specific provisions.

It is recommended that the planning proposal be updated to nominate base height of building on the map with a maximum RL also indicated on the map; and the FSR be nominated on the map as 1.6:1 with the specified Area providing for a maximum of 1.8:1 as specified in the clause (refer to **Figure 26**).

3 Strategic assessment

3.1 Greater Sydney Region Plan

The Greater Sydney Region Plan establishes a series of directions to ensure planning proposals are consistent with the intended vision of Sydney.

The Department is satisfied the planning proposal gives effect to the Greater Sydney Region Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 5** includes an assessment of the planning proposal against relevant directions.

Table 5: Consistency of the planning proposal with the Greater Sydney Region Plan directions

Regional Plan Objectives	Justification
A City for People	The site has a bus stop directly to the north on Edinburgh Road providing an accessible service to Chatswood and North Sydney with interchanges to various other major locations. The proposal will provide an increased choice of dwellings close to existing services and public transport.
A City of Great Places	<p>The planning proposal will renew a commercial/retail area catering to the existing and future population. Increasing the density in the identified local centre will help preserve the low-density surrounding areas and HCA while providing increased residential dwellings.</p> <p>The existing tree canopy will be largely retained with increased landscaping and public open spaces.</p>
A Well-Connected City	The site is located adjacent to an existing bus stop that provides connection to major centres such as Chatswood within 30 minutes. The major centres provide connections to other major centres and beyond.
Jobs and Skills for the City	The planning proposal seeks to enable redevelopment to increase residential uses and renewed commercial and retail floor space and

	employment. Increasing local housing and retail will support growth in an identified local centre.
A City in its Landscape	The planning proposal seeks to retain mature trees and the tree canopy maintaining the leafy character of the area. The proposal intends to provide 1,150m ² of landscaping. Setbacks with a through site link will improve pedestrian amenity and local connectivity.
A Collaborative City	<p>The planning proposal has been prepared in response to and is generally consistent with Council's Local Centres Strategy, Local Housing Strategy and other local strategies. Council has worked with the applicant to provide a development that is compatible with the existing and future character of the area and is generally consistent with the pre-planning proposal lodgement meeting (Attachment C6 and C7).</p> <p>Extensive community engagement (Attachment A29) was undertaken to inform the concept design for the redevelopment of the centre.</p>
Housing the City	<p>The concept development will facilitate the provision of additional residential dwellings with a range of dwelling sizes to meet the needs of the community in an area close to existing infrastructure and services.</p> <p>Adaptable dwellings will provide occupants to age in place within their existing community. An affordable housing component will also create additional housing options in the Willoughby LGA.</p>

3.2 North District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives effect to the North District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 5** includes an assessment of the planning proposal against relevant priorities.

Table 5 District Plan assessment

District Plan Priorities	Justification
N1 Planning for a city supported by infrastructure	The planning proposal states that the site is serviced by existing infrastructure with capacity to support additional demand that may result from the proposed increase to the development standards on the site.
N2 Working through collaboration	The planning proposal states that the current proposal is a result of extensive community consultation including Willoughby Council staff and the community.
N3 Providing services and social infrastructure to meet people's changing needs	The planning proposal states that most local residents and future users of the centre are or will be seniors. The design and planning of the proposal have been directed towards responding to their needs. These strategies include accessible sun oriented outdoor spaces, provision of on-site parking, and the possibility of making half of all units adaptable.
N4 Fostering healthy, creative, culturally rich	The planning proposal states that the impact on the cultural life of the suburb will be significant as a renewed centre can act as a social hub for residents of Castlecrag. The project will create a new public open space on Edinburgh

and socially connected community	Road, large enough to stage community events such as a school fair or art show.
N5 Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>The proposed 53 new units including 50% with the possibility of being adaptable and 2 will be provided as affordable housing dwellings, assisting to increase the housing choice and supply for the suburb.</p> <p>The site is serviced by existing public transport and services.</p>
N6 Creating and renewing great places and local centres, and respecting the District's heritage	<p>Social and cultural aspects of the proposal include the public plaza along the front boundary of the site that can accommodate community activity as discussed above.</p> <p>The proposal acknowledges and respects Walter Burley Griffin's legacy for the Castlecrag suburb by prioritising landscaping and applying his approach to the design of the building and the use of natural building materials.</p>
N12 Delivering integrated land use and transport planning and a 30-minute city	The site is serviced by two bus stops, one at its northern frontage and the other less than 30m north along Eastern Valley Way. Residents and visitors can access frequent bus services to Chatswood and the City from these two stops.
N15. Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	Separated by 200m from Sailors Bay Creek by residential development, the proposal is not likely to affect the waterway. Rainwater recycling and natural stormwater filtration through landscaping are part of the proposal.
N17. Protecting and enhancing scenic and cultural landscapes	The Griffin legacy in the cultural landscape is preserved by the materials chosen for the proposal as well as the landscape design. The reduced scale of the proposal will better complement the character of the surrounding area.
N19. Increasing urban tree canopy cover and delivering Green Grid connections	The area of landscaped open space at ground level will be significantly increased by the proposed scheme and will provide greater opportunities for walking through the site. The site has been designed to reduce the urban heat island effect by extensive landscaping and maintaining a majority of the existing mature trees.
N20. Delivering high quality open space	To cater for the aging population of Castlecrag, accessibility of the significantly expanded open space area has been prioritised. The open space areas located within the site will be well lit and monitored.
N21 Reducing carbon emissions and managing energy water and waste efficiency	<p>The proposal satisfies the sustainability benchmarks through the use of renewable energy sources (solar panels on the roof) and implementation of rainwater recycling system for irrigation purposes.</p> <p>Waste generation and transfer from the site will be managed and monitored through compliance with the waste management regulations and policies established by Council.</p>
N22. Adapting to the impacts of urban and	<p>The site is not within bushfire prone land and is not affected by flooding.</p> <p>However, the extensive landscaping and greenery proposed for the site will reduce the potential urban heat effect.</p>

natural hazards and
climate change.

3.3 The Future Transport Strategy 2056

The Future Transport 2056 Strategy is a 40 year plan to improve infrastructure to unlock investment with a customer centric focus. The Strategy builds on the Long Term Transport Masterplan Plan (LTTMP) and aligns with the Greater Sydney Region Plan to support the 30-minute city for access to jobs, services and infrastructure. It recognises that transport is fundamentally entwined with land use, tourism and economic development.

The planning proposal is consistent with this Strategy as it will provide 53 additional residential dwellings in a local centre close to existing public transport, specifically bus services with direct connections to major centres such as Chatswood and North Sydney, reducing private vehicle usage.

3.4 Local

The proposal states that it is consistent with the following local plans and endorsed strategies.

3.4.1 Local Strategic Planning Statement (LSPS)

Council adopted the final Willoughby LSPS on 10 February 2020. The LSPS sets out the 20-year vision for land use in the LGA, the special character and values that are to be preserved and how change will be managed into the future.

The Greater Sydney Commission (GSC) endorsed the LSPS on 20 March 2020 and the Department published it on the NSW Planning Portal on 31 March 2020.

The LSPS includes priorities and actions relevant to the planning proposal and notes that the most appropriate locations for affordable housing is near existing facilities, services and frequent public transport.

The planning proposal:

- will provide 53 new dwellings, increasing and variety of housing for an existing and future aging and changing population;
- is consistent with the focus area outcomes for the Castlecrag Local Centre;
- will provide increased landscaping and amenity and not adversely impact on the heritage significance of the Griffin HCA directly adjoining the subject site to the east;
- will renew an existing declining commercial/retail area in an area identified as a local centre;
- intends to provide 2 dwellings as affordable housing;
- is well serviced by public transport and a renewed commercial/retail area will provide shops and facilities contributing to the area's social needs and reducing the dependency on private vehicles;
- will provide public domain improvements, a landscaped plaza and through site link improving the existing publicly accessible domain;
- will match the design principles of Walter Burley Griffin's design philosophy such as incorporating nature, landscaping and increasing communal open space to enhance amenity and the compliment the adjoining Griffin HCA;
- will not have any adverse impact on the Sailors Bay Creek due to a proposed stormwater management plan that included stormwater treatment and recycling; and

- will reduce the use of artificial heating and cooling with the use of energy efficient building materials, insulation, cross ventilation, increased access to sunlight, solar panels and street level and more than 1000m² of green roof and rooftop landscaping.

3.4.2 Local Housing Strategy to 2036

The LHS was adopted by Council in December 2019 and endorsed by the Department in May 2021. This strategy outlines planning for future housing needs, responding to a growing and changing population in Willoughby over the next 20 years.

The LHS seeks to provide an increase in housing growth and diversity in and around strategic and local centres. Focusing growth in these areas will protect the low-density zones and offer varied housing types for a changing demographic.

The LHS identifies 3 focus areas to accommodate an approximate additional 6,700 dwellings to 2036. Of these areas, Castlecrag is within Focus Area 3 (**Figure 24**), one of the seven local centres identified for uplift in the LHS. The LHS encourages shop top housing. Castlecrag is estimated to have a potential yield of approximately 1,500m² of non-residential floor space and 6,654m² of residential floorspace equating the 74 dwellings to 2036.

The planning proposal does not address the LHS. A Gateway condition is recommended requiring the planning proposal to be updated to provide an assessment of the consistency with the LHS. The planning proposal will also require updating to remove 'draft' as the LHS has now been endorsed by Council and the Department.

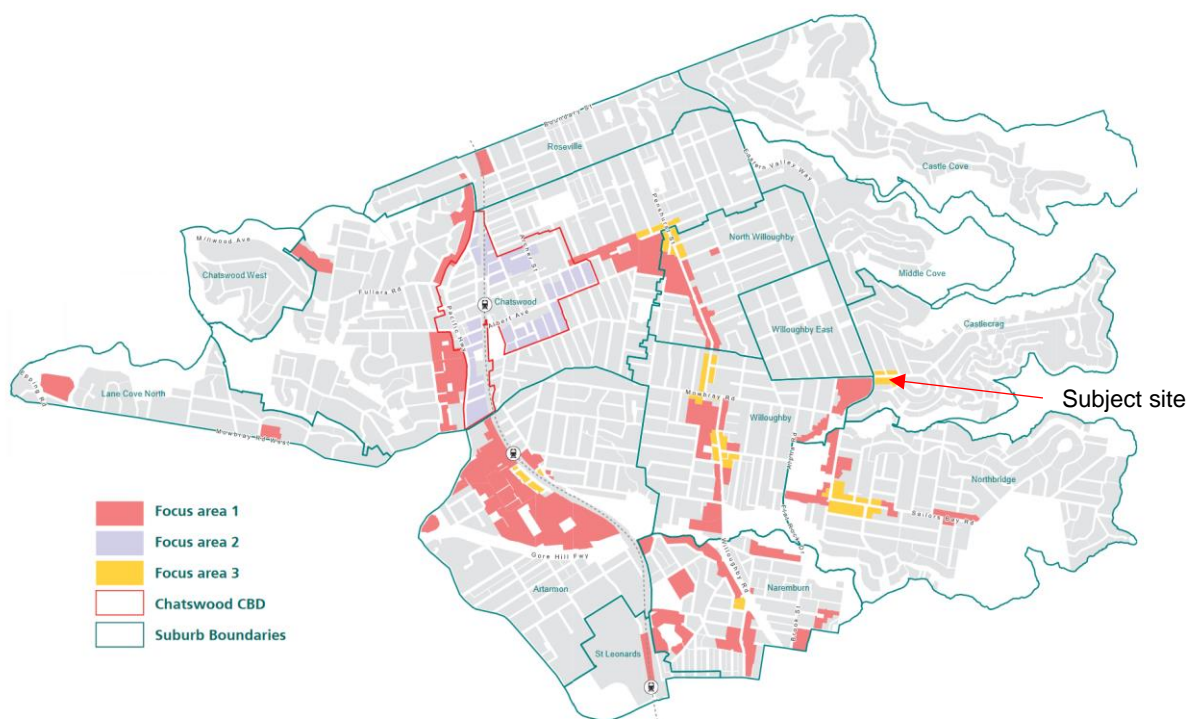


Figure 24: Local Housing Strategy focus areas indicating the subject site in Focus Area 3 (source: Council)

3.4.3 Our future Willoughby 2028 Community Strategic Plan

Our Future Willoughby 2028 is not endorsed by the Department but is Council's community strategic plan that expresses the main priorities and aspirations of the community and sets out clear strategies to achieve this vision of the future over a 10 year period and beyond.

The Plan outlines five key strategic outcomes and priority areas for the next 10 years in order to achieve the community's vision of a 'diverse, liveable and prosperous City'.

The planning proposal states that it is consistent with this Plan as it will:

- increase the green spaces and the opportunity for social interaction with a 750m² plaza and a through site link will provide easy access;
- minimise short trips and promote a sustainable lifestyle for local residents by providing services such as a supermarket on the site and by using renewable energy, recycling rainwater and solar energy;
- follow the legacy of Walter Burley Griffin with landscape design and the use of materials;
- provide 1,740m² of renewed retail floorspace for a local supermarket, cafes and restaurants and retail shops that will benefit residents and the local community and help revitalise the night-time economy; and
- provide 53 residential apartments of which 50% will be adaptable units responding to the changing needs of the community with 2 as affordable housing.

3.4.4 Willoughby Local Centres Strategy 2036

Council adopted the Willoughby Local Centres Strategy (LCS) (**Attachment C10**) on 9 December 2019 which was published in June 2020. This strategy has not been endorsed by the Department.

The aim of this strategy is to promote a network of 8 village centres throughout Willoughby by providing a framework for future planning controls and increased amenity in preparation for growth and renewal for the next 20 years.

The LHS supports the LCS by focusing new housing growth within walking distance of the local centres. The strategy includes new recommended LEP controls for the 7 of the 8 local centres which will provide an uplift in dwellings and employment floor space.

The LCS identifies Castlecrag as a local centre with a strong community desire to retain the integrity of the design philosophy of Walter Burley Griffin. The LCS outlines the strengths of this centre with the key elements being heritage character, range of dining venues and retail amenity, undercover pedestrian areas, landscaping and parking.

Key directions of the LCS for Castlecrag include the consideration of the redevelopment of the Quadrangle, retaining the existing mature trees, improvement of pedestrian and cycling conditions and consideration of the heritage Griffin Centre.

The LCS recommends that:

- the B1 Neighbourhood Centre zone be retained;
- a minimum non-residential FSR control be introduced in the B1 zone;
- an active ground floor frontage control be introduced in the B1 zone;
- increased height be concentrated to the south of Edinburgh Road;
- increase heights up to 4 storeys on Eastern Valley Way and up to 3 storeys above Edinburgh Road with an FSR of up to 1.6:1 on the Quadrangle site; and
- an FSR on 1.8:1 could be considered with an additional storey below the Edinburgh Road frontage utilising the topography.

This strategy estimates an increase of 6,654m² (74 dwellings) and 1,527m² of non-residential floor space facilitating growth for homes and jobs within the centre (**Figure 25**).

Willoughby's Comprehensive planning proposal commenced public exhibition from 15 March 2022 for 3 months, until 7 June 2022 and contains objectives to be added to the Land Use Table for the B1 Neighbourhood Centre and B2 Local Centre zones to reflect the objectives of the Local Centres Strategy.

These objectives include encouraging employment within walking distance of residential dwellings, maintain, active frontages at street level and ensuring good urban design.

Council considers that the revised planning proposal is consistent with the LCS (**Attachment C5**). The planning proposal will increase the HOB and FSR to facilitate development to provide employment and increased dwellings in an area identified as a Local Centre and in line with the recommendations of the LCS.

However, the planning proposal will require updating to remove 'draft' and refer to the final adopted LCS in the proposal, and revise the proposed height to 4 storeys rather than 5.

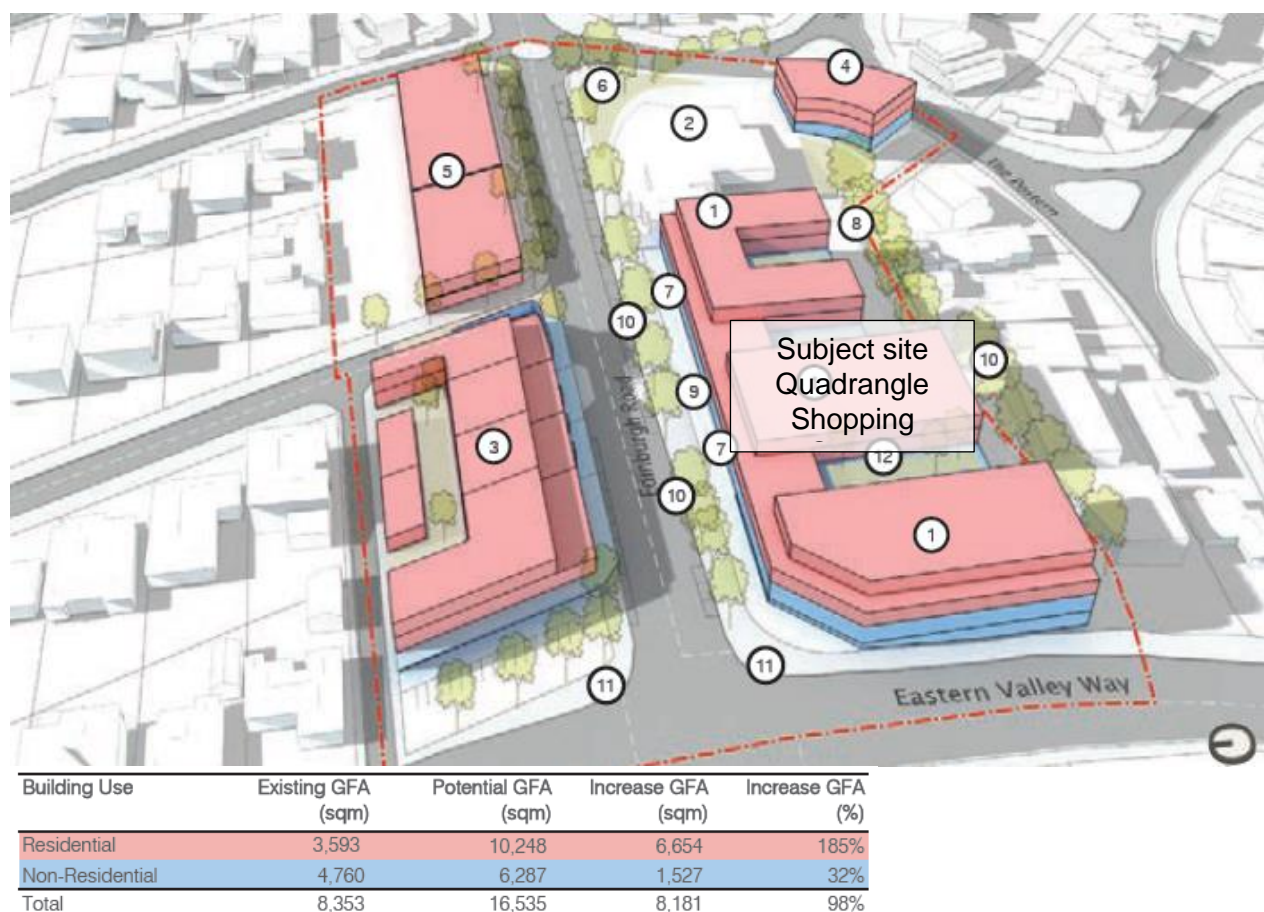


Figure 25: Floor space summary for Castlecrag Local Centre (source: Council)

3.4.5 Willoughby Economic Development Study

This study, published in 2016, was prepared for Council to report on the commercial, retail and industrial precincts in the LGA. An extract of the study summarising Castlecrag is at **Attachment C11**.

The study identified there will be a demand for an additional 1,073m² of retail floorspace within Castlecrag to 2031, the proponent does not believe that such additional floorspace is viable.

The proposal reduces the existing commercial space from 2,552m² to 1,740m². Employment in the GFA proposed is estimated to be about 90 persons plus daily contractors which may increase the total to 15 to service the apartments above.

3.4.6 Draft Comprehensive Willoughby Local Environmental Plan

The draft Comprehensive Willoughby LEP was issued a Gateway determination on 24 December 2021 and commenced exhibition on 15 March 2022. The draft LEP will be on exhibition for 3 months until 17 June 2022.

The draft LEP is a review of the current LEP controls and seeks to implement local strategic planning studies including the Local Centres Strategy. With regard to the site at 100 Edinburgh Road the draft Comprehensive LEP provides the following controls:

- The maximum Floor Space Ratio on land identified as “Area 4” (being 100 Edinburgh Road, Castlecrag) on the Floor Space Ratio Map may exceed 1.6:1 if —
 (a) additional floorspace is located below the Edinburgh Road Frontage and
 (b) the FSR will not exceed 1.8:1 and the building does not exceed the height on the Height of Building Map.
- The height of buildings is noted as being increased from 9m to 11m and a height of 14m south of the dotted line.

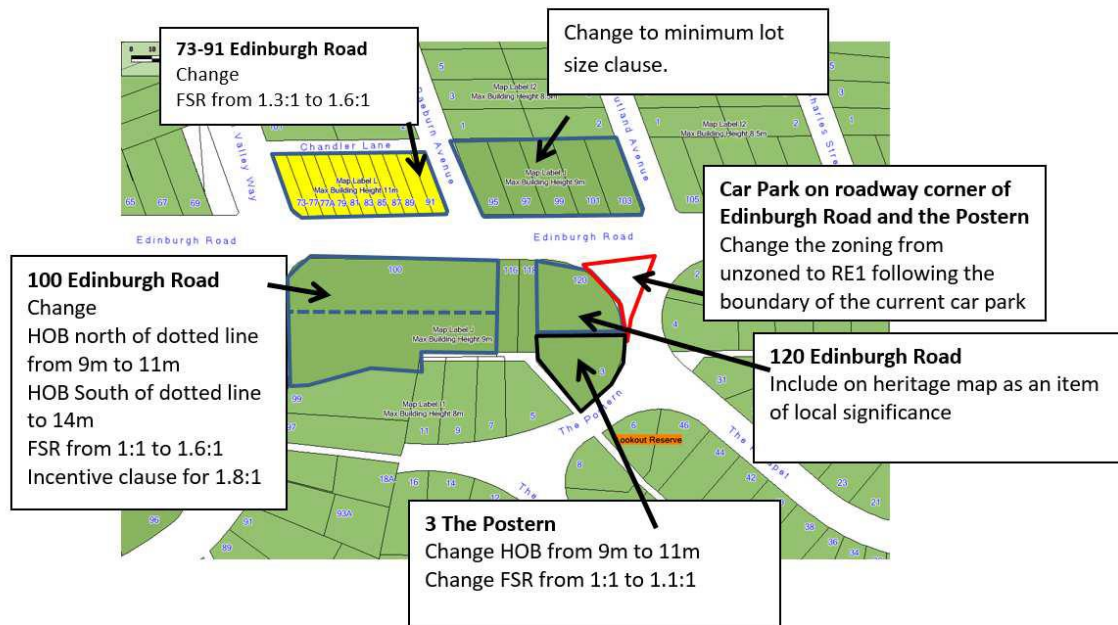


Figure 26: Controls as exhibited in Planning Proposal for draft Comprehensive LEP (Source: Planning proposal)

The draft Comprehensive LEP intends to implement the LCS to apply an increase in FSR to 73-91 Edinburgh Road, on the northern side of Edinburgh Road and increase height from 9m to 11m and FSR from 1:1 to 1.1:1 for 3 The Postern.

The comprehensive LEP also lists 120 Edinburgh Road (The Griffin Centre) as a heritage item.

A condition will be attached to the Gateway to require the planning proposal to be updated to refer to the draft Comprehensive LEP and clarify updates to the draft controls in the planning proposal.

3.5 Local planning panel (LPP) recommendation

On 26 October 2021, the Willoughby Local Planning Panel (LPP) (**Attachment D**) provided advice to Council on the planning proposal for the site. The planning proposal sought to include site specific provisions to facilitate a mixed-use development.

The LPP were supportive of the planning proposal, however, considered that further setbacks be negotiated as part of the DCP to mitigate overshadowing of properties on the south boundary.

Additionally, the LPP recommended that the commercial floorspace should be provided at ground level facing Edinburgh Road and the new plaza.

3.6 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 7**.

Table 7: 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 (previously 1.1) Business and Industrial Zones	No	<p>This direction refers to retaining areas and locations of existing business and industrial zones and not reducing the total potential floor space area for employment uses in business zones, or for industrial uses in industrial zones.</p> <p>Although there is no change proposed to the B1 zoning, the proposal will retain 1,740m² of retail space. However, this is a reduction on the existing commercial floorspace which is 2,552m².</p> <p>The study prepared by SGS (Attachment C11) forecast that the Castlecrag Centre will require an additional 1,527m² of non-residential floorspace. Council acknowledged the net loss of commercial floorspace on the site (812 m²) and that the additional floorspace may be provided by the redevelopment of other sites such as shops on the northern side of Edinburgh Road. This is also included in the draft Comprehensive LEP (see Section 3.4.6 in this report).</p> <p>However, employment is estimated to be approximately 90 persons and possibly increasing to service the apartments.</p> <p>The planning proposal notes the reduction of commercial floorspace, and it is considered further justification in relation to this direction should be required in the planning proposal as a condition of the Gateway determination.</p>
3.2 (previously 2.3) Heritage conservation	Yes	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage.</p> <p>The planning proposal is supported by a research report by Heritage 21 (Attachment A14a) providing background on the legacy of Walter Burley Griffin and a Heritage Impact Statement (HIS) prepared by Weir Phillips (Attachment</p>

		<p>A24b) which considers the impact of a new mixed-use development on the adjoining HCA.</p> <p>The report concludes that the proposal would have an acceptable impact on the Griffin Conservation Area and the nearby heritage listed Community Centre.</p> <p>The heritage impact is discussed in Section 4 of this report.</p>
4.4 (previously 2.6) Remediation of Contaminated Land	Yes	<p>This Direction was introduced on 17 April 2020 and aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>A preliminary site investigation (PSI) dated August 2020 was submitted with the planning proposal (Attachment A25).</p> <p>The report states that based on the history there is potential for moderate site contamination.</p> <p>The report stated a Detailed Site Investigation (DSI) be undertaken in order to assess the suitability of the site for the proposed development, ideally after the demolition of the existing buildings. This would likely be a condition of a future development consent.</p> <p>The council resolution has required that the proposal provide a detailed site investigation prior to the exhibition of the planning proposal.</p> <p>The contamination impact is discussed further in Section 4 of this report.</p> <p>The detail provided in SEPP 55 should be updated with reference to this Direction and to have regard to SEPP (Resilience and Hazards) 2021 that SEPP 55 was rolled into.</p>
6.1 (previously 3.1) Residential Zones	Yes	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p> <p>The B1 Neighbourhood centre zoning allows shop top housing as a permitted use.</p> <p>An Additional Permitted Use is also proposed to permit an RFB in the B1 zone to provide residential dwellings.</p> <p>The planning proposal will broaden housing choice including adaptable dwellings and increase supply in an established urban area, well serviced</p>

		by public transport, local shops and existing infrastructure.
5.1 (previously 3.4) Integrating Land Use and Transport	Yes	<p>The planning proposal will aid residential growth in a centre to improve accessibility to existing transport and services.</p> <p>The site is adjacent to two public bus routes with connections to Chatswood and North Sydney. The site will provide local services reducing the need for private vehicle use.</p> <p>It is proposed to provide a green travel plan and end of journey facilities including bicycle spaces encouraging active transport.</p>
4.5 (previously 4.1) Acid Sulfate Soils	Yes	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Council's Acid Sulfate Soils Map indicates that the site is in a "Class 5" area and acid sulfate soils are not typically found in the area.</p> <p>However, the site is within a 500m buffer zone of an area classified as "Class 2" where acid sulfate soils is likely to be found below the natural ground surface.</p> <p>The planning proposal has not addressed this Direction and will require updating as a condition of the Gateway determination.</p>
5.2 (previously 6.2) Reserving Land for Public Purposes	Yes	<p>The aim of this direction is to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required.</p> <p>The direction applies to all relevant planning authorities when preparing a planning proposal and should be addressed with regard to the land zoned RE1.</p> <p>A condition has been included to require the proposal to address this direction.</p>
1.4 (previously 6.3) Site Specific Provisions	No	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. This includes not imposing any development standards or requirements in addition to those already contained in the principle environmental planning instrument being amended.</p> <p>Specific clauses are proposed to permit increases to the HOB and FSR provisions that apply to the site. A site-specific clause is also proposed to:</p>

- allow RFBs;
- to incorporate a minimum proportion of non-residential floorspace in the development; and
- the retention of active uses on part of the ground floor fronting Edinburgh Road.

This Direction has not been addressed and although Council is supportive of the site-specific provisions, no justification has been provided in the planning proposal.

3.7 State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

On 26 November 2021, SEPPs relating to housing were consolidated into the new SEPP (Housing) 2021. On 1 March 2022, the new SEPPs which have been rationalised and consolidated came into effect. The planning proposal is to be updated to ensure all of the relevant SEPPs and SREPs are addressed and remove reference to repealed SEPPs. A list of all current SEPPs is available on the NSW Legislation website at <https://legislation.nsw.gov.au/browse/inforce#/epi/title/s>

The planning proposal is generally consistent with all relevant SEPPs as they apply to the Willoughby LGA with the exception of SEPP (Housing) 2021 and SREP (Sydney Harbour Catchment) 2005 (now consolidated under SEPP (Biodiversity and Conservation) 2021) which have not been addressed in the planning proposal. The consistency with the SEPPs is discussed in **Table 8**.

Table 8: Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021 (formerly SEPP 19 – Bushland in Urban Areas)	The general aim of this Policy is to protect and preserve bushland within the Willoughby because of its value to the community, aesthetic value, and its value as a recreational, educational and scientific resource.	Yes	SEPP 19 has been repealed and is now consolidated into the new SEPP (Biodiversity and Conservation) 2021. The whole site area had been cleared previously to allow for the construction of the service stations and the shopping centre. No bushland or significant native flora and fauna remained on site. An Arborist Report (Attachment A23) confirms that any trees impacted were planted when the site was developed and not endemic to the area. This environmental impact is discussed further in Section 4 of this report. The planning proposal will require updating to address the new consolidated SEPP and remove reference to the repealed SEPP.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
(former SREP (Sydney Harbour Catchment) 2005)	The aim of this plan is to ensure that catchment, foreshore, waterways and the islands of Sydney Harbour are recognised, protected, enhanced and maintained.	Yes	<p>The Harbour SREP has been repealed and is also now consolidated into the new SEPP (Biodiversity and Conservation) 2021.</p> <p>The Willoughby LGA is identified as within the Sydney Harbour Catchment. The site is within 200m of Sailors Bay Creek. The planning proposal states that the impact of the proposal on the environment is to be minimised by water filtration and recycling.</p> <p>The planning proposal was submitted with a Stormwater Management Memo (Attachment A32) that states that the new development would be an improvement on the existing conditions.</p> <p>Further assessment can be undertaken at the DA stage.</p> <p>The planning proposal will require updating to address this SREP.</p>
SEPP (Resilience and Hazards) 2021 (formerly SEPP 55 Remediation of Land)	<p>The overarching objective of this SEPP I areas to provide a State-wide approach for the remediation of land to reduce the risk of harm to human health and the environment.</p> <p>Clause 6 of the SEPP has been repealed and now forms part of Ministerial Direction 2.6 Remediation of Land. An assessment against the provisions of Direction 2.6 is provided in Table 7.</p>	Yes	<p>SEPP 55 Remediation of Land has been repealed and is now consolidated into the new SEPP (Resilience and Hazards) 2021.</p> <p>A PSI dated August 2020 was submitted with the planning proposal (Attachment A25) identifying the potential for moderate site contamination.</p> <p>The report recommended a DSI be undertaken in order to assess the suitability of the site for intended mixed use.</p> <p>It is recommended that the planning proposal be updated to provide more detail in Ministerial Direction 2.6 Remediation of Contaminated Land.</p> <p>The planning proposal will also require updating to address the new consolidated SEPP and remove reference to the repealed SEPP.</p>
SEPP No 65 – Design Quality of Residential	The aim of this policy is to improve the design quality	Yes	The site will be identified on the Special Provisions Area (SPA) map as subject to

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Apartment Development	of residential apartment development in NSW.		<p>Clause 6.23 Design excellence at certain sites at Willoughby.</p> <p>Buildings between 12m and 35m will be subject to a Design Excellence Review Panel.</p> <p>Future DA for buildings with a residential component will still be required to comply with the ADG and any requirements of this SEPP.</p> <p>The provision of the existing and proposed SPA map will be a condition of the Gateway determination.</p>
SEPP (Transportation and Infrastructure) 2021 (formerly SEPP (Infrastructure) 2007)	The aim of this policy is to facilitate the effective delivery of infrastructure across the State and the potential impacts on the development in the vicinity of significant infrastructure.	Yes	<p>The Infrastructure SEPP 2007 has been repealed and is now consolidated into the new SEPP (Transportation and Infrastructure) 2021.</p> <p>The planning proposal does not contain any provisions that would affect the application this SEPP.</p> <p>The proposed uplift in Castlecrag will leverage off existing public transport and services.</p> <p>Consultation with agencies will ensure that the infrastructure needs are considered and will be a condition of the Gateway determination.</p> <p>The planning proposal will require updating to address the new consolidated SEPP and remove reference to the repealed SEPP.</p>
SEPP (Affordable Rental Housing) 2009	The aim of this policy is to facilitate the effective delivery of new affordable rental housing.	Not Applicable	<p>This SEPP has been repealed. The SEPP (Housing) 2021 came into effect on 26 November 2021 contains the provisions for affordable rental housing.</p> <p>The planning proposal will require updating to address the new SEPP (Housing) 2021 and remove reference to the repealed SEPP.</p>
SEPP (Housing for Seniors or People with a	The aim of this policy is to increase the supply, diversity and design of housing for seniors and	Not Applicable	<p>This SEPP has been repealed. The SEPP (Housing) 2021 came into effect on 26 November 2021 contains the provisions for affordable rental housing.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Disability) 2004	people with a disability in appropriate locations.		The planning proposal will require updating to address the new SEPP and remove reference to the repealed SEPP.
SEPP (Housing) 2021	<p>The aim of this policy is to incentivise the supply of diverse housing (including affordable and seniors housing) in appropriate locations and consolidate five existing housing related SEPPs.</p> <p>This policy came into effect on 26 November 2021.</p>	Yes	<p>Clause 6.8 Affordable housing of the LEP requires that 4% affordable housing be provided within the accountable total floorspace in certain areas of the LGA. Council's intention is to increase this to 10% by 2026 in line with Council's LSPS.</p> <p>A feasibility study for affordable housing and the draft comprehensive planning proposal is being exhibited by Council until 7 June 2022. Castlecrag is identified as being able to achieve 10% of total floorspace to be dedicated to affordable housing while other areas may only achieve 7%.</p> <p>The planning proposal was not submitted under this SEPP but proposes 50% of the apartments will be adaptable and 2 X 1 bedroom (3.8%) apartments will be dedicated to affordable housing.</p> <p>The planning proposal will require updating to address the new SEPP.</p>
SEPP (Building and Sustainability Index: BASIX) 2004	This SEPP aims to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.	Yes	<p>An action of the LSPS is to ensure higher sustainability and resilience targets for all new dwellings. Part 1.2 of the LEP is to be amended to strengthen the aims regarding sustainability.</p> <p>The LEP also contains clause 6.23 Design excellence at certain sites at Willoughby. This clause aims to improve the quality of developments over 35m and will be subject to an architectural design competition. Updates will be made to apply the clause to buildings between 12m and 35m to be subject to a Design Excellence Review Panel.</p> <p>A new Design Excellence Map is proposed in the pending Willoughby Comprehensive planning proposal to indicate the areas to which it will apply.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			DAs for all future residential development will need to comply with the targets established under BASIX.

3.8 Other Environmental Planning Instruments (EPIs)

3.8.1 Standard Instrument - Employment Zones Reform

The Department is currently undertaking a suite of reforms which includes the delivery of a simplified employment zones framework that will support jobs growth and productivity.

A key outcome will be to ensure employment zones provide clear strategic intent, include clarity around their application and increase flexibility around land uses.

The existing Business (B) and Industrial (IN) zones are intended to be replaced with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP) (**Table 9**). The implementation of the new employment zones is proposed to be finalised mid-2022.

This framework intends to:

- maximise productivity while minimising land use conflicts and ensuring they are fit for purpose;
- address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt; and
- better support councils in the delivery of the strategic vision contained in their Local Strategic Planning Statements and background studies.

The changes will apply to the site as the land is zoned B1 Neighbourhood Centre. It is proposed that B1 Neighbourhood Centre will be translated to E1 Local Centre in the translation of the employment zones.

A condition will be included in the Gateway determination to amend the planning proposal to include information regarding the translation of the B1 Neighbourhood zone to the E1 Local Centre.

Further information on the proposed changes to the employment zones is available at <https://www.planning.nsw.gov.au/Employment-Zones-Reform>.

Table 9: Proposed changes to the employment zones

Existing zone	Direct translation zone
B1 Neighbourhood Centre	E1 – Local centre
B2 Local Centre	E1 – Local centre
B3 Commercial Core	E2 – Commercial centre
B4 Mixed Use	MU1 – Mixed use
B5 Business Development	E3 – Productivity support

Existing zone	Direct translation zone
B6 Enterprise Corridor	E3 – Productivity support
B7 Business Park	E3 – Productivity support
B8 Metropolitan Centre	Contact the employment zones reform team
IN1 General Industrial	E4 – General Industrial
IN2 Light Industrial	E4 – General Industrial
IN3 Heavy Industrial	E5 – Heavy Industrial
IN4 Working Waterfront	W4 – Working Waterfront

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

4.1.1 Contamination

The planning proposal was accompanied by a PSI, conducted Douglas Partners, dated August 2020 (**Attachment A25**) and a Geotechnical Report (**Attachment A26**), also conducted by Douglas Partners.

The report states that:

- no notices of any type were found for the site or in the Castlecrag suburb on the NSW EPA website;
- there were no Council records on the former service station or other historical retail / commercial land uses which could potentially cause contamination issues on site, however there is anecdotal and photographic evidence that a service station was previously on the site (**Figure 27**); and
- SafeWork NSW records indicated that there has been no storage of hazardous chemicals at the site.

The PSI notes that the topography of the site slopes downwards towards Sailors Bay creek approximately 200m to the south with the potential for surface water contamination. Based on the site history review and site walkover, the report considered that there is a moderate potential for site contamination from one or more of the identified potential contamination sources.

Council stated that if the planning proposal is supported, a DSI be undertaken prior to public exhibition. However, the PSI recommends that the DSI be undertaken after demolition of the existing structures.

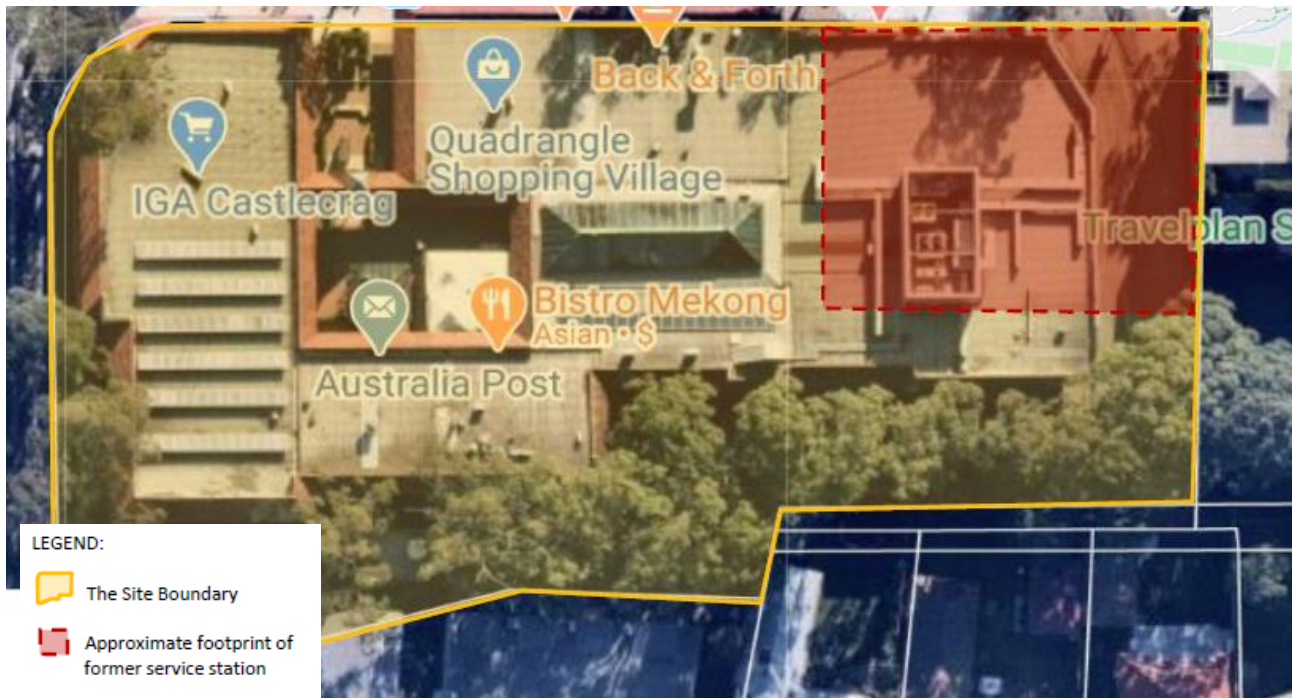


Figure 27: Location of a former service station (source: Douglas Partners)

4.1.2 Overshadowing

The revised planning proposal states that there is additional overshadowing to the south to the adjacent residential dwellings. However, Council states in their detailed assessment (**Attachment C1**) that the overshadowing is in accordance with the LCS and that the existing trees on the southern boundary, which will mostly be retained, already have an overshadowing impact on these dwellings. As such the additional overshadowing will be minor. The planning proposal is supported by shadow diagrams at **Attachment 18** and **Figures 28 to 35**.

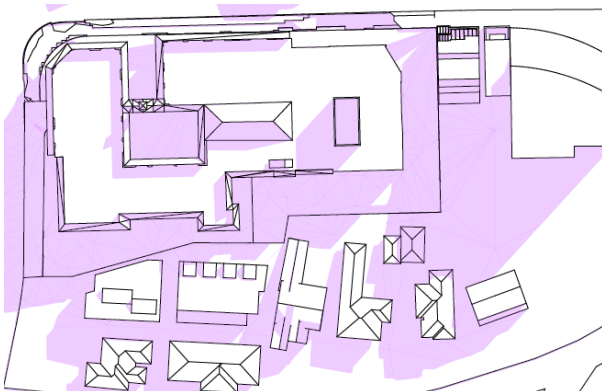


Figure 28: Existing site shadows 9am 21 June (source: fjmt)



Figure 29: Proposed shadow diagram 9am 21 June with trees (source: fjmt)

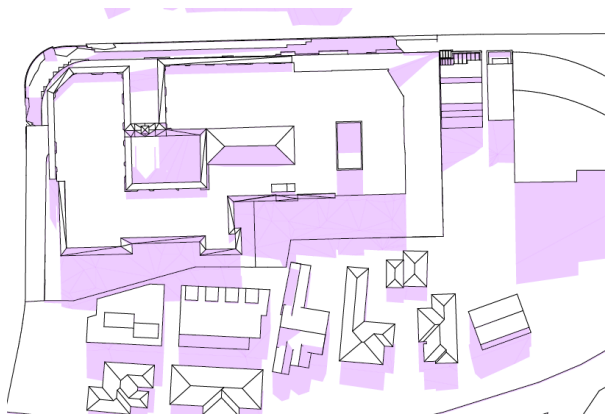


Figure 30: Existing site shadows 12pm 21 June (source: fjmt)



Figure 31: Proposed shadow diagram 12pm 21 June with trees (source: fjmt)



Figure 32: Existing site shadows 3pm 21 June (source: fjmt)

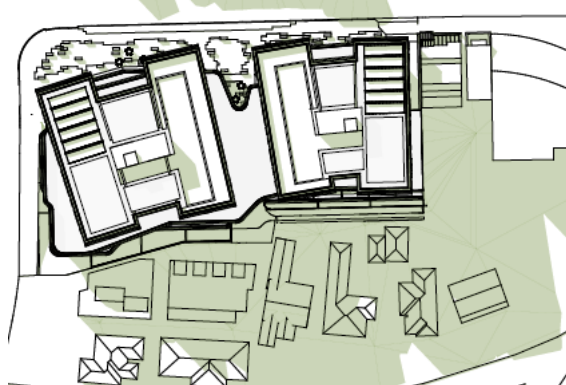


Figure 33: Proposed shadow diagram 3pm 21 June (source: fjmt)



Figure 34: Existing site shadow with trees on the site 3pm 21 June (source: fjmt)



Figure 35: Proposed shadow diagram with trees on the site 3pm 21 June (source: fjmt)

4.1.3 Solar Access and Ventilation

The revised architectural drawings indicate that the concept scheme could achieve the solar access and natural ventilation requirements of the ADG. Solar Analysis (**Attachment A12**) indicates that compliance is achieved between 9am and 3pm.

The Natural Ventilation Report (**Attachment A21a**) and cross ventilation diagrams (**Attachment 21b**) submitted with the proposal indicates that a total of 35.8% (19 out of 53) of the residential apartments will meet the "deemed to satisfy" requirements of SEPP 65 for natural cross ventilation. The report states that with design changes that a total of 60.4% (32 of 53 residential apartments) are expected to satisfy the ADG requirements for natural cross-ventilation.

A detailed assessment of the solar access, ventilation and residential amenity aspects can be undertaken at the DA stage.

4.1.4 Visual Impact and Built Form

The proposal states that the visual impact assessment of the proposal will have very limited visibility due to the heavily treed nature of the wider locality of the site. In all views, the building sits within the tree canopy height and its impact will be minimal.

It is not unreasonable to consider that any development, of prominent scale, will visibly and clearly define a western edge and entry to Castlecrag.

The breakdown of the built form and the applicant's diagrams indicates that on average, the setbacks meet the WDCP:

- a rear building height of 15.8m, determined partly by floor to underside of structure in basement of 4.5m to accommodate garbage trucks plus retail floor to ceiling height of 3.6m;
- 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.
- 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.

4.1.5 Wind Impact

The planning proposal was accompanied by a Pedestrian Wind Environment Statement conducted by Windtech (**Attachment A22**). The concept design was assessed on the local wind environment, in and around the site and the report only addresses the general wind effects and any localised effects that are identifiable by visual inspection.

The assessment states 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 alleviated with the treatment strategies in the design and further assessed at the DA stage such as:

- retention of trees along Edinburgh Road and to the south of the site;
- new trees along Edinburgh Road, along the south of the site and through site link;
- appropriate positioning of impermeable balustrades and offset columns from the façade;
- the inclusion of perimeter landscaping to the rooftop area to a height of up to 1.5m; and
- impermeable balustrades on corner balconies.

4.1.6 Arboricultural Impact

A revised Arboricultural Impact Assessment (AIA) (**Attachment A23**) was submitted with the planning proposal and 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. Any other trees identified to be removed are dead or 90% dead (**Figure 36**).

The trees to be removed have been assessed as being unsuitable to be retained or they have an unacceptable impact from the proposed development.

The planning proposal (**Attachment A**) states that the trees are not endemic and the removal of trees will be compensated with the planting of indigenous trees and native landscaping.

The AIA advises that the project arborist must supervise all demolition and construction works in the tree protection zones (TPZs) of retained trees.

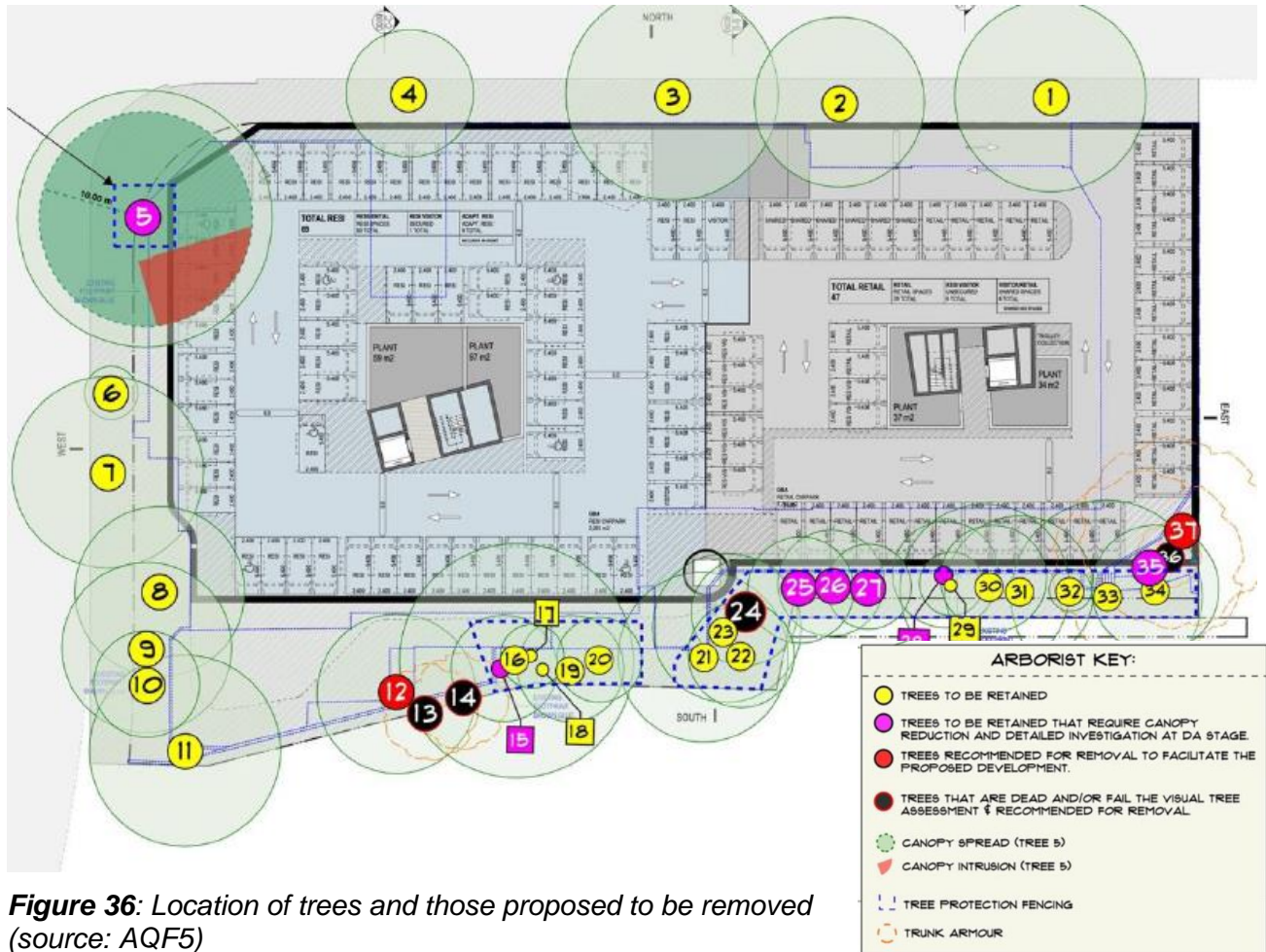


Figure 36: Location of trees and those proposed to be removed (source: AQF5)

4.1.7 Heritage Impact

The site is not listed as a heritage item and is not with the Griffin HCA (**Figure 13**).

Heritage 21 provided a research report (**Attachment A24a**) on Walter Burley Griffin and his contribution as an architect to the Castlecrag area. This report discusses the ways of integrating Griffin's influence and style in the proposal and that any development on the subject site should not dominate the surroundings including the natural environment. The new development should respect the historic context of Edinburgh Road.

Griffin's geometric format, materials and detailing reflected and respected the surrounding landscape.

The planning proposal was accompanied by a Heritage Impact Statement (HIS) conducted by Weir Phillips (**Attachment A24b**). The HIS was undertaken as the subject site is

adjacent to the Griffin HCA (**Figures 2 and 13**) and within the vicinity of the Community Centre, both listed in Schedule 5 of the LEP.

The HIS stated that the proposal will have an acceptable impact on the Griffin HCA as:

- the site continues to be used as a local shopping centre;
- the proposed built forms reflect the subdivision pattern of the HCA providing a better transition than the existing conditions on the site;
- the reduction in scale better respects the scale of the buildings of the HCA;
- densely planted built form and public domain soften the boundary between public and private space in line with the Griffin's vision for the area; and
- the materiality of the scheme compliments the HCA with an emphasis on natural materials such as sandstone and hardwood.

The Willoughby Comprehensive LEP includes a nomination for the 'Griffin Centre' shop located at 120 Edinburgh Road to list this site as a local heritage item.

4.1.8 Traffic and Transport Impact

The planning proposal (**Attachment A**), supporting Traffic Review (**Attachment A20**) and Council's detailed assessment (**Attachment C1**) states that the traffic conditions on the site will not significantly differ from the current conditions and will have minimal impact on the operation of the intersection of Eastern Valley Way and Edinburgh Road. The traffic review notes this intersection currently operates at Level E, 'At capacity and incidents could cause delays'. It is projected that the proposed development will generate an additional 20 vehicles per hour which would not change the current level of operation and result in minor increases in queue lengths.

Vehicular access is to be maintained from Edinburgh Road. This will include access for medium rigid trucks (MRV) to a loading dock and a turntable will be utilised so that access and egress are in a forward direction. Council states that the turntable option is not preferred and a greater justification will be required at the DA stage.

Council is supportive of a left-out from Eastern Valley Way, however, this was not supported by TfNSW. Parking for residents will be on the lower level of the basement carpark. The proposed car parking is summarised in **Table 10**. Council notes that a minimum of 147 car spaces are to be provided using the existing Willoughby DCP (WDCP). However, Council calculates that a minimum of 156 car spaces are required.

The development will provide motorcycle space as required by the WDCP recommendations with 7 motorcycle space, bicycle lockers and bicycle racks for residents and visitors.

The planning proposal includes a Green Travel Plan (GTP) outlining actions which can be implemented to ensure access to public transport is integrated with the concept.

Table 10: Carparking and bicycle rates

Purpose			Area	WDCP – car spaces	Car spaces
Existing shopping centre			2,552m ²		117
Proposed	Supermarket	1,057m ²	1740m ²	6 per 100m ² of selling area	75
	Shops	549m ²		1 space per 25m ² of selling area	
	Restaurant (major transport corridor)	134m ²		1 space per 75m ²	

Purpose		Area	WDCP – car spaces	Car spaces
	Residential (major transport corridor)	6,260m ²	1 space per 1 and 2 bed unit	59 13 visitors
Proposed minimum total (applying the existing Willoughby DCP recommendations)				147
Planning proposal				157

Transport for NSW Response

Council invited Transport for NSW (TfNSW) to provide advice on the planning proposal (**Attachment C9**). In their response dated 7 August 2020, TfNSW stated that the proposal will generate a low traffic impact on its own, however, recommended that the traffic review:

- be revised to include a cumulative traffic and transport impacts as a result of the rezoning of land in the Castlecrag local centre;
- should further examine the impact to 2036 as it has only considered base traffic flows (2017 and 2019); and
- should demonstrate consideration has been given to the traffic arrangement in the Master Plan in the local strategies regarding the sweep path analysis of various types of vehicles entering the site.

The Traffic review by Colston Budd Rogers & Kafes Pty Ltd, dated 1 September 2021 (**Attachment A20**) has responded to the matters raised by TfNSW as follows:

- the site represents approximately 50% of the development potential in the Castlecrag Local Centre and consideration of the cumulative impact has been provided in the Traffic Review and note that the Traffic and Transport Plan (TTP) report prepared by Cardno for Willoughby Local Centres has considered this development with other future development in Castlecrag;
- sweep paths indicate that the vehicular access and egress can be accommodated in a forward direct. A turntable for large rigid trucks in the loading dock is considered appropriate and is utilised for supermarkets in Beecroft and Manly; and
- access to the site is provided from Edinburgh Road as access from Eastern Valley Way was not supported by TfNSW, as it is a classified road.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10: Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The Quadrangle site is a social hub for the community and renewed commercial/retail floorspace and communal open space will increase amenity and space for residents and cultural events.</p> <p>The planning proposal states that the revised concept has been developed with extensive community and stakeholder engagement.</p>

	<p>The planning proposal would increase housing supply and broaden housing choice in a location which is close to public transport and future retail services.</p> <p>The concept scheme shows that the proposal could deliver approximately 53 dwellings with 50% adaptable catering for an aging population to downsize and enabling residents to age in place. The concept contains a mix of one, two and three bedroom apartments (Attachment A17).</p> <p>The proposal states that the site is not currently subject to Clause 6.8 Affordable housing. However, the proposal is to provide 2 apartments (or 3.8%) of the 53 residential dwellings as affordable housing.</p> <p>It should be noted that the draft Willoughby Comprehensive LEP planning proposal currently on exhibition intends to increase the requirement for the provision of affordable housing from the current 4% of accountable total floor space to 10% for new developments in certain areas by 2026. The Affordable Housing Feasibility Report suggests that the Local Centre of Castlecrag could increase to 10% contribution for new dwellings. This is in line with the Priority 2 of the LSPS.</p>
Economic	<p>A Capital Investment Value Report (CIV) dated 2 September 2021 (Attachment A33) was submitted with the planning proposal. This report estimated that the CIV is estimated at \$63,932,406.</p> <p>The planning proposal states that it is unlikely to compete with the nearby Northbridge Plaza and will not have an impact on the floorspace in that centre. The renewed development on the site will service the local Castlecrag community.</p> <p>The concept represents a reduction of 812m² of commercial/retail floorspace from the existing. The existing site supported approximately 102 retail employees and an additional 12 contractors. However, the Planning proposal states that the centre is in a declining state.</p> <p>The new centre will support approximately 90 jobs in retail and up to 18 service contractors associated with the residential component of the site.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11: Infrastructure assessment

Infrastructure	Assessment
Public transport	The site is well serviced by regular public transport with bus stops directly adjacent to the site connecting to Chatswood and North Sydney. No additional transport infrastructure is required.
Utilities	The site is in an established urban area that is well serviced by electricity, telecommunications, water and sewerage infrastructure. Any additional demand will be minimal compared to the existing conditions. Consultation can occur with the relevant authorities as a condition of the Gateway.
VPA	A draft VPA (Attachment A27) was submitted with the planning proposal which offered a range of public benefits including:

- upgrade of the footpath to the Edinburgh Road and Eastern Valley Road frontages;
- approximately 1,150m² designated to public access and to be maintained by the owner;
- public end of journey facilities;
- additional car spaces if requested by Council to replace those displaced from the site of a nearby pocket park; and
- contribution of \$75,000 for public art.

Full details of the VPA have yet to be finalised between Council and the proponent.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW (TfNSW)
- Ausgrid;
- Sydney Water Corporation; and
- NSW Department of Health.

6 Timeframe

Council proposes a 12 month time frame to complete the LEP by October 2022.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

The planning proposal is to be amended to provide a timeline for completion. It is recommended that a 9 month timeframe is appropriate for this planning proposal from the date of the Gateway determination allowing completion before the end of 2022. It is noted that the planning proposal was not updated prior to being submitted for Gateway determination making assessment more complex and delaying the determination being made.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the revised planning proposal is able to demonstrate consistency with the key elements of local strategies and is supported by Council, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is generally consistent with the Local Centre Strategy, Local Housing Strategy and Local Strategic Planning Statement;
- it is generally consistent with the actions of the Greater Sydney Region Plan and North District Plan by facilitating additional residential dwellings and maximising public transport patronage;
- the increase to the planning controls on the site will facilitate an increase and a variety of residential dwellings in Castlecrag; and
- the HIS states that the concept development will not impact on the adjacent Griffin HCA and local heritage items.

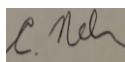
9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated and returned to the Department for endorsement prior to public exhibition to:
 - provide clarification as to what is proposed on the land zoned RE1 Public Recreation zone;
 - provide a plain English description of the intended provisions in the LEP and include the number of dwellings and jobs that will result in the changes to the planning controls on the site;
 - the planning proposal should be updated to provide a clear explanation of the provisions sought to be amended by the planning proposal including the amendments made by the Council resolution;
 - the additional permitted use of 'residential flat building' for land at 100 Edinburgh Road Castlecrag should apply only to the B1 Neighbourhood Centre zoned land on Lot 11, DP611594;
 - provide discussion on the relationship with the draft Comprehensive planning proposal and clarify updates to the draft controls in the planning proposal;
 - update the 9.1 Ministerial Directions to refer to the most recently issued directions (1 March 2022) and as follows:
 - remove reference to revoked former Direction 7.1 Implementation of a Plan for Growing Sydney;
 - address the following Local Planning Directions:
 - 4.4 Remediation of Contaminated Land;
 - 4.5 Acid and Sulfate Soils as the site is within a 500m buffer zone of an area classified as "Class 2"; and
 - 5.2 Reserving Land for a public purpose
 - provide further justification for the inconsistency with:
 - 1.4 Site Specific Provisions as the increased height and FSR are to be provided by site-specific provisions; and

- 7.1 Business and Industrial Zones as the employment floorspace is to be reduced by approximately 812m².
 - update the SEPPs references:
 - address the following SEPPs
 - SEPP (Housing) 2021;
 - SEPP (Biodiversity and Conservation) 2021;
 - SEPP (Resilience and Hazards) 2021; and
 - SEPP (Transportation and Infrastructure) 2021;
 - remove reference to following repealed SEPPs:
 - SEPP (Affordable Rental Housing) 2009;
 - SEPP 70 - Affordable Housing (Revised Schemes);
 - SEPP (Housing for Seniors or People with a Disability) 2004
 - SREP (Sydney Harbour Catchment) 2005;
 - SEPP 19 – Bushland in Urban Areas; and
 - SEPP (Infrastructure) 2007.
 - remove ‘draft’ from the Local Centre Strategy and Local Housing Strategy and update to address the adopted strategies;
 - include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:
 - the amendment or introduction of a local provision; and
 - Schedule 1 Additional Permitted Uses.
 - update the draft mapping in the spatial viewer for the purposes of exhibition including:
 - the provision of a base maximum height of buildings and base maximum FSR maps and reference to clauses 4.3A Exceptions to height of buildings and 4.4A Exceptions to floor space ratio for additional controls;
 - the existing and proposed Special Provisions Area map to indicate that the land is subject to Clause 6.8 Affordable housing and 6.23 Design excellence for certain sites in Willoughby;
 - remove reference to Clause 6.24 as this clause has been taken up in another planning proposal; and
 - provide a timeline based on the issuing of the Gateway determination.
2. It is recommended that a copy of the Local Housing Strategy and the Local Centres Strategy be exhibited with the planning proposal.
 3. Consultation is required with the following public authorities:
 - Transport for NSW (TfNSW);
 - Ausgrid;
 - Sydney Water Corporation; and
 - NSW Department of Health.
 4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. The planning proposal must be exhibited 3 months from the date of the Gateway determination.

6. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



7/04/2022

Charlene Nelson
Manager, Place and Infrastructure



13 April 2021

Brendan Metcalfe
Director, North District

Assessment officer

Christina Brooks
Planning Officer, North District
9274 6045

Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council advising of decision

Attachment A –Planning proposal

- **A1** – Planning proposal application
- **A2** – Planning portal submission
- **A3** – Survey Plan
- **A4** – Site analysis
- **A5** – Architectural and landscape design report
- **A6** – Envelope diagrams
- **A7** – Photomontage
- **A8** – Floor plans
- **A9** – Elevations
- **A10** – Sections
- **A11** – Height zones
- **A12** – Solar analysis
- **A13** – Average setbacks
- **A14** – Gross floor area
- **A15** – Retail areas
- **A16** – Communal open space
- **A17** – Apartment mix
- **A18** – Shadow diagrams
- **A19** – Eye of the sun
- **A20** – Amended traffic review
- **A21** – Ventilation
- **A22** – Wind effects
- **A23** – Arborist report
- **A24** – Heritage reports
- **A25** – Contamination report
- **A26** – Geotechnical report
- **A27** – Draft Voluntary Planning Agreement
- **A28** – Draft Development Control Plan
- **A29** – Community engagement report

- **A30** – Owners consent
- **A31** – Building services concept report
- **A32** – Stormwater management memo
- **A33** – Capital Investment Value

Attachment B – Site map

Attachment C – Council documents

- **C1** – Council meeting – 3 November 2021 (full)
- **C2** – Council resolution – 3 November 2021
- **C3** - Council meeting – 3 November 2021
- **C4** – Agenda - Council meeting – 3 November 2021
- **C5** - Agenda - Council meeting – 3 November 2021 (full)
- **C6** - Pre-planning proposal WCC notes - 4 August 2021
- **C7a** - Response matrix to WCC RFI of - 30 Sep 2021
- **C7b** - Reply to Council RFI v4_PP-2021-5395
- **C8** - Amendments to the WLEP 2012 updated - 8 Feb 2022
- **C9** - TfNSW response Willoughby - The Quadrangle
- **C10** - Willoughby Local Centres Strategy
- **C11** - Willoughby Economic Development Study

Attachment D – Willoughby Local Planning Panel record of advice

Attachment E – Sydney North Planning Panel record of decision – 14 April 2021