

PLANNING & INFRASTRUCTURE
Planning Unit

18 January 2023

Ms Michael Neustein
Director
City Planning Works
PO Box 636
Bondi Junction NSW 2022

Dear Michael,

**PP-2021-5395 DRAFT PLANNING PROPOSAL – 100 EDINBURGH RD CASTLECRAG –
RESPONSES TO SUBMISSIONS**

I am writing in relation to public submissions received for the above Planning Proposal and DCP and acknowledge your responses to the submissions dated 14 October 2022.

I am currently reviewing the submissions received during the exhibition and preparing the report to Council on the planning proposal and DCP. I wish to advise of some potential changes to the LEP and DCP that it is proposed to recommend to Council in response to submissions.

There were a number of submissions including impact of bulk and scale, overshadowing, increased nominated setbacks to include balconies, height of rooftop facilities (lift 4.5m) and overall height changes. The following issues raised in submissions and amendments that may affect either the draft LEP or DCP are:

Proposed LEP changes

Building heights

While the proposed building height at the rear (16.3m) is in excess of the height proposed in the draft comprehensive LEP 2022 (14m), the planning proposal states that the additional height is to take into account the varying height of the site (maximum proposed across the site of AHD 97.490) and the need to accommodate two levels of parking including additional height required for a garbage truck access.

Additional amendments are proposed to reduce the impact of the proposed bulk and scale of development. This includes a reduction in the additional height proposed for a lift tower

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from 4.5m to 3.5m as stated in the LEP clause. It is therefore proposed to amend the LEP control to the following:

a) Insert the following at Clause 4.3A Exceptions to height of buildings:

(9) The height of any building at 100 Edinburgh Road, Castlecrag being Lot 11, DP 611594 and Lot 1, DP 43691 shall not exceed AHD 97.490. For the purposes of this clause, the height of building does not include the following elements:

(a) any balustrade which is less than 1.2m height,

(b) any lift tower allowing disabled access to communal areas on the building roof and access to the lift, not to exceed 3.5m above the roof finished floor level,

(c) any stair enclosure allowing access to the roof, not to exceed 3.5m above the roof finished floor level,

(d) any services installations which are less than 2m in height including but not limited to air conditioning, solar panels, skylights,

(e) any communal facilities such as barbeques, seating and tables, planter boxes,

(f) disabled facilities such as toilets, not to exceed 3.5m above the roof finished floor level.

Public walkway at rear of the site

Concerns about certainty around the public walkway linking The Postern being retained was also raised in a number of submissions. It is considered that the proposed rezoning from RE1 Public Recreation to RE2 Private Recreation of this walkway link will provide greater certainty about its future use including retention of the public pathway. It is noted that in the submission by City Planning Works on the draft Willoughby LEP 2022, it was requested that the existing RE1 zone be rezoned to the adjoining zone which is B1 Neighbourhood Centre.

The existing RE1 Public Recreation strip of land at the rear of the site is used for landscaping and public access to the Quadrangle. As this site is privately owned, it is therefore proposed to rezone the strip to RE2 Private Recreation. This will remove the burden on Council of future acquisition while maintaining its current use to provide public access to the site.

There is also a need to clarify public and private open space areas on the concept plan drawings and confirm on amended drawings that there is no encroachment of adjoining private properties to south.

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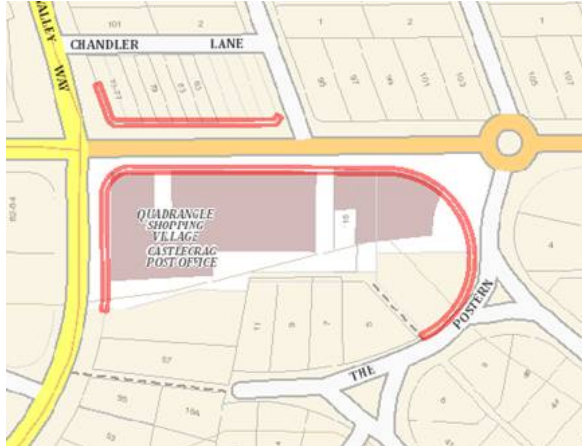
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Active street frontages

It is also proposed to amend the draft Willoughby LEP 2022 active street frontage (ASF) map as it applies to 100 Edinburgh Road. The draft ASF map is currently proposed in draft LEP 2022 is as follows:



It is proposed to retain the draft active street frontage so as to apply to the Edinburgh Road frontage but to exclude Eastern Valley Way frontage from the map. This will ensure consistency with the proposed LEP amendments that will apply specifically to the site.

Proposed DCP changes

Boundary setbacks

The concept plan for the proposal does not comply with the *SEPP 65 Apartment Design Guide (ADG)* in relation to setbacks to rear and side boundaries (*ADG control 3F Visual Privacy* specifies setbacks as 6m for habitable rooms and balconies and 3m for other rooms for 4 storey or up to 12m high buildings). However, it is noted that for buildings up to 25m the respective setbacks should be 9m and 4.5m. Setbacks can be considered in more detail on their merit at DA stage, however the DCP is proposed to be amended to ensure the nominated DCP setbacks include any balconies.

In relation to building setbacks, it is also proposed that the draft DCP should be amended to the following:

- *setbacks are to comply with the building envelope plan identified by the red box outlines in Fig. 4a and Fig. 4b. (Part 5.3 Site Planning – setbacks)*
- *Amend Fig. 4b note to state that setbacks are to **include** balconies.*

Private open space, solar access and visual privacy

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It is also proposed to remove the following sections on private open space, solar access and visual privacy from the draft DCP:

Private open space

Objective

- a. *Design private open space in a way that contributes to the building design and the privacy of ground floor apartments.*

Control

1. *Private open space should achieve, to the extent possible having regard to Building Height and FSR permissible, the design criteria of section 4E- 1 of the Apartment Design Guide (ADG).*

Solar access

Objective

- b. *Maximise the amenity possible for all dwellings within a high density environment.*

Control

1. *Solar access should achieve, to the extent possible having regard to Building Height and FSR permissible, the design criteria of section 4A- 1 of the Apartment Design Guide (ADG).*

Visual privacy

Objective

- c. *Provide separation between windows and balconies to ensure visual privacy is achieved.*

Control

1. *Visual privacy should achieve, to the extent possible having regard to Building Height and FSR permissible, the design criteria of section 3F-1 of the Apartment Design Guide (ADG).*

It is considered that these sections are redundant as SEPP 65 and the ADG will prevail over any Council DCP controls. These are performance-based controls which will need to be justified at DA stage based on amenity and off-site impacts.

Colours and materials

The DCP controls for the following are also proposed to be amended as the control as drafted is not a control and should be a note. The control is proposed to be amended as follows:

Colours and Materials:

- *The materials and colours are proposed to meet the stated objectives as identified in Indicative Material Palette.*

An additional control is proposed in this section that states the following:

- *The use of coloured panels or cladding to achieve visual interest is not permitted.*

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Landscaping and tree preservation:

It is proposed to amend the DCP to state that *landscaping and tree preservation control No. 1* is to be amended to state that landscaping to be provided as per the “*Landscaping Concept*” specified in “*Planning Proposal Architecture and Landscape Report*” by FJMT Studios (Aug. 2021).

It is also proposed to recommend the amendments to the DCP landscaping and tree preservation controls as follows:

2. *Street trees adjoining the site on Eastern Valley Way and Edinburgh Road are to be retained as shown in Tree Preservation Plan (Fig. 5).*
3. *Trees on the southern boundary, other than trees specified in the report of the arborist for removal, are to be retained as shown in Tree Preservation Plan (Fig. 5). Trees subject to pruning are to be re-assessed at DA stage.*

Traffic and parking:

Although not included in the specific DCP proposed for 100 Edinburgh Road, this issue is considered in the Willoughby DCP 2012 as well as the draft Willoughby DCP that has recently been on public exhibition. In relation to the issue of the loss of parking, a number of submissions have raised issues with the proposed loss of parking. These include the loss of car spaces at the corner of the Postern. It has been proposed that eight additional car spaces will be provided within the Quadrangle to compensate for the loss of spaces at the corner of the Postern to make way for a small public park. It is noted that the Castlecrag Progress Association considers that, at least in the shorter term, there be a compromise in which only the spaces on the southern side of the Postern carpark be lost. This is because of the important facility these spaces provide to elderly and less mobile residents. Council is currently considering this issue further.

In addition, Transport for NSW (TfNSW) has requested that further traffic modelling be undertaken in relation to future development on the site. Clarification is currently being sought from TfNSW on this issue given that additional modelling was undertaken as part of the revised traffic assessment dated September 2021.

Other matters that it is requested be clarified in response to a number of submissions include:

- In relation to the reduction in commercial space for retail and community uses, it is noted that there is a decrease in commercial space from 2552m² to 1740m² which is a decrease of some 812m² in retail area. There are a number of submissions which have expressed concern about the reduction in commercial area and have also sought retention of the existing post office. The existing post office is not shown on the concept plans for the planning proposal. Could you confirm whether any consideration has been given to the proposed retention of the post office in the new development?

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- Can you identify the proposed width of balconies as per the concept plan for the planning proposal?
- Some submissions have stated that development does not meet the definition of shop top housing (part of ground floor at rear proposed for residential uses – residential flat building definition proposed) and therefore some submissions have stated that the proposal is not consistent with the *Willoughby Local Centres Strategy*. Can you confirm that the proposed concept plans meet the minimum 20% GFA to be used for non-residential uses. Can you also confirm the actual proposed proportion of residential uses on the ground floor as shown in the concept plans?
- Can you also confirm the size of the current supermarket compared to the proposed supermarket (including proportion of areas on the ground and lower ground floors)?
- Can you also confirm whether or not the Lower Ground apartments' private open space encroach on the strip which is reserved for public open space?
- In relation to the submission received on behalf of the owners of the adjoining sites of 114/116 and 118 Edinburgh Road, it was requested that the proposed controls for 100 Edinburgh Road could also apply to these sites. It was claimed that this development form could be applied to these sites and not have a detrimental impact on the amenity or heritage significance of the Griffin Centre. It was also stated that vehicle access to these sites is via a shared driveway at 100 Edinburgh Road. Are you able to confirm that access to and from these sites will not be affected by the proposed changes for 100 Edinburgh Road?

Voluntary planning agreement (VPA)

A number of submissions on the planning proposal and DCP have raised issues and made requests that are also relevant to the VPA which it is appreciated is still on exhibition. These include:

- Some submissions have requested that a dedicated community meeting space (for a minimum of ten people) be included in the plans, as well as a display area for Walter Burley Griffin puppets. There is no provision for the community meeting space or display area shown on the concept plans. Can you provide comments in relation to this issue?
- It is also noted that The Griffin Society requested in its submission that the contribution for public art is significantly increased to at least \$375,000 so that a piece of public art such as the Bim Hilder sculpture can be produced and installed to a quality that will be worthy of the unique suburb of Castlecrag and its Griffin heritage. Comments on the additional amount requested is sought.

Comments that you may have in response to these proposed changes to the LEP and DCP, as well as responses to the additional questions that have arisen from the submissions including matters raised in relation to the VPA are also requested.

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If you would like to discuss any aspects of Council's request on this matter, please do not hesitate to contact Ian Shillington in the first instance on 9777 7620 or Ian.Shillington@Willoughby.nsw.gov.au. On matters relating to the VPA please contact Sylvania Mok on 9777 7890 or Sylvania.Mok@Willoughby.nsw.gov.au or myself.

Yours sincerely



NORMA SHANKIE-WILLIAMS
STRATEGIC PLANNING TEAM LEADER

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