

SNPP REF:	PPSSNH-738
COUNCIL	WILLOUGHBY CITY COUNCIL
DA NO:	DAM-2025/105 (Original DA-2024/13)
ADDRESS:	100 EDINBURGH ROAD, CASTLECRAG
APPROVED DEVELOPMENT:	SNPP - Nominated Integrated Development - Construction of a new mixed use building containing retail uses including a supermarket, residential units, basement car parking, with associated landscaping and Stratum subdivision. The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s90 the Water Management Act 2000.
PROPOSED MODIFICATION:	Various modifications to basement levels including expansion in basement size at Basement Level 3, new Basement Level 4, increased basement floor to ceiling heights, modification to storage spaces, structural column changes, inclusion of EV charging facilities, modified stormwater, modification of conditions 1, relocated lift locations.
RECOMMENDATION:	REFUSAL
ATTACHMENTS:	1. SITE DESCRIPTION AND AERIAL PHOTO 2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS, ENVIRONMENTAL PLANNING & ASSESSMENT ACT SECTION 4.15 & 4.55 ASSESSMENT 3. ASSESSMENT UNDER SEPPS, WLEP 2012 & WDCP 4. SUBMISSIONS TABLE 5. REASONS FOR REFUSAL 6. NOTIFICATION MAP 7. SUBMITTED PLANS FOR ASSESSMENT
RESPONSIBLE OFFICER:	APOORVA CHIKKERUR - PLANNING ASSESSMENTS TEAM LEADER
AUTHOR:	PETER WELLS - CONSULTANT PLANNER
REPORT DATE:	24 APRIL 2026
MEETING DATE:	6 MAY 2026

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Sydney North Planning Panel (SNPP) of Modification Application DAM-2025/105 relating to various changes that essentially increases the approved floorplate of Basement Level 3 and introduces a new Basement Level 4.

Further proposed modifications include:

- increased basement floor to ceiling heights, modification to storage spaces, structural column changes, inclusion of EV charging facilities, modified stormwater, modification of conditions 1, relocated lift locations, changes to committee room.

The application is required to be referred to the SNPP for determination because it is a s4.55(2) application where 10 or more unique submissions by way of objections have been received.

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel:

2.1 REFUSE Modification Application DAM-2025/105 for various modifications to basement levels including expansion in basement size at Basement Level 3, new Basement Level 4, increased basement floor to ceiling heights, modification to storage spaces, structural column changes, inclusion of EV charging facilities, modified stormwater, modification of conditions 1, relocated lift locations, for the following reasons:

Insufficient Information

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application has not demonstrated that the proposed development, as modified, is consistent with the relevant provisions and aims of the applicable Local Environmental Plan, including Clause 1.2 Aims of the Plan, due to insufficient and inconsistent documentation which prevents a proper assessment of the development. The submitted plans are incomplete, inconsistent, and insufficiently detailed, including:
 - a. No clear documentation of lift locations above ground level, preventing assessment of building circulation, accessibility, and impacts on upper levels.
 - b. Lack of coordinated plans, sections, and elevations reflecting all proposed changes.

As a result, the consent authority cannot properly understand the full extent of the proposal.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to enable a proper assessment of the proposed development against the relevant provisions of the applicable Local Environmental Plan, including but not limited to provisions relating to site planning, built form, access, and infrastructure, as a result of incomplete and inconsistent architectural documentation.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the consent authority is not satisfied that the environmental impacts of the proposed development have been adequately assessed, having regard to:
 - a. lack of clarity regarding how the changes to the lift locations in the basement floors will co-relate to the ground floor and above.
4. The design verification statement is unacceptable in that it does not sufficiently canvass the implications of the modified basement lift locations on the upper residential floor plates, pursuant to section 102 (2) of the Environment Planning and Assessment Regulations.
5. The design verification statement does not satisfactorily explain how the development addresses the design principles for residential apartment development, the objectives in the Apartment Design Guide, nor verify with sufficient scope that the modification does not diminish or detract from the design quality of the original development, or compromise the design intent of the original development.

6. The modification application does not demonstrate how the modified proposal satisfies the design principles for residential apartment development identified in *SEPP (Housing) 2021* Schedule 9, as follows.

(a) Principle 2 – Built form and scale.

The modification application does not demonstrate that the built form provides internal amenity as identified in Principle 2 (3) (c) because it does not demonstrate acceptable internal residential amenity for residential units disrupted by the proposed modified locations of the lifts.

(b) Principle 6 – Amenity.

The modification application does not demonstrate acceptable internal amenity for residential units disrupted by the proposed modified locations of the lifts.

Public interest

7. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as the application is inadequately documented and would result in an uncertain and unassessable consent outcome.

3. BACKGROUND

On 3 December 2024 development consent was issued for Development Application DA-2024/13 for:

SNPP - Nominated Integrated Development - Construction of a new mixed use building containing retail uses including a supermarket, residential units, basement car parking, with associated landscaping and Stratum subdivision. The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s90 the Water Management Act 2000.

On 25 September 2025 the subject Modification Application DAM-2025/105 was lodged with Council.

On 9 October 2025 Council requested further information regarding waste, vehicle access and parking.

On 22 October 2025 TfNSW confirmed their previous comments of 20 February 2024 remain applicable for this application.

On 5 November 2025 Ausgrid responded with conditions of consent, which are interpreted as additional to the consent's existing comprehensive Ausgrid condition 3.

On 14 November 2025 WaterNSW confirmed their previous GTAs of 15 February 2024 are superseded with fresh GTAs attached to the correspondence.

On 17 December 2025 Council requested further information regarding waste, vehicle access and parking, and a request to clarify the conditions sought for modification.

On 3 February 2026 Council sought clarification on the lack of upper floor plans accompanying the subject modification application. The applicant asserted that the application's scope was limited to the basement levels and declined to provide upper floor plans.

On 6 February 2026 the applicant supplied a sectional detail and a photograph of the site with the statement that: “Excavations are not quite yet at the level approved in the DA”.

On 9 February 2026 Council explained to the applicant that parking in excess of parking rate, which in this case is prescribed by the specific rates specified for 100 Edinburgh Road in WDCP 2023 Part L 13.2.1. The intent of this communication was to gain a clear understanding of the need for additional basement excavation.

On 18 February 2026 the applicant submitted amended plans to the basement levels, primarily to remove excess car wash bays.

On 27 February 2026 the applicant supplied additional information to clarify and justify the parking provision. This submission also included a certificate from Trig Surveys (Ref: 250023-004, dated 27.02.2026) where a Registered Surveyor confirmed this surveyor’s attendance at the site on 4 February 2026 and that “... an average RL of approximately 75.8 was observed across the site”. For reference, the approved finished floor level of Basement Level 3 in the approved plans (DA-2024/13) was RL 76.09.

On 12 March 2026 a separate Modification Application DAM-2026/19 was lodged with Council. It seeks to extend construction hours on Saturdays. This application is still under assessment.

On 15 April 2026 the Department of Planning, Housing and Infrastructure’s (DPHI) Development Coordination Authority (DCA) sought an update regarding the subject Modification Application. Council explained the information was still lacking, and the same day issued correspondence to the applicant through the DCA requesting clarification on FSR, parking, excavation, geotechnical verification, design verification statement, BASIX Certificate and waste.

On 22 April 2025 the applicant lodged amended plans, photographs of the site the applicant advises were taken on 27 March 2026, geotechnical verification, a design verification statement, updated waste management plan. This report includes an assessment of these amended plans and the accompanying updated documentation.

State Significant Development Application

The Department of Planning, Housing and Infrastructure (HDA Housing Department) is currently considering a State Significant Development Application (SSD-90134958) for this site. The Major Projects website describes the proposal as:

- Mixed-use development (up to 13 storeys) comprising:
 - 2 residential towers
 - 150 apartments including 10 affordable housing units)
 - Lower ground & ground floor retail, basement parking & services, rooftop communal open space
 - Strata subdivision

This application is currently on exhibition from 21 April 2026 to 04 May 2026 and is available for viewing by visiting:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mixed-use-development-100-edinburgh-rd-castlecrag>

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

4. DESCRIPTION OF PROPOSAL

The subject Modification Application seeks to increase the floor plate of Basement Level 3 and introduce a new Basement Level 4, as follows:

DA-2024/13	DAM-2025/105
 Approved Basement Level 3	 Proposed Basement Level 3
No Basement Level 4 approved	 Proposed Basement Level 4

- Increased floorplate of Basement Level 3 and new Basement Level 4.
- increased basement floor to ceiling heights, modification to storage spaces, structural column changes, inclusion of EV charging facilities, modified stormwater, modification of conditions 1, relocated lift locations, changes to committee room.

Attachment 2 contains the controls and development statistics that apply to the subject land, referrals and EPAA s4.55 and s4.15 assessment.

Attachment 3 contains an assessment under SEPPs, WLEP and WDCP.

Attachment 4 contains a public submissions table and the assessing officer's response.

Attachment 5 contains the draft reasons for refusal, if the Panel is of a mind to refuse.

Attachment 6 contains a notification map.

Attachment 7 submitted plans for assessment

5. CONCLUSION

The Modification Application DAM-2025/105 has been assessed in accordance with Section 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979*, relevant SEPPs, WLEP 2012, WDCP 2023, and other relevant codes and policies. Refusal is recommended as

there is insufficient information to properly assess the application, primarily due to the uncertainty of the modified basement lift locations on the approved residential units and non-residential floor space above, as specified in the draft reasons for refusal in **Attachment 5**.

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ATTACHMENT 1: SITE DESCRIPTION AND SURROUNDS

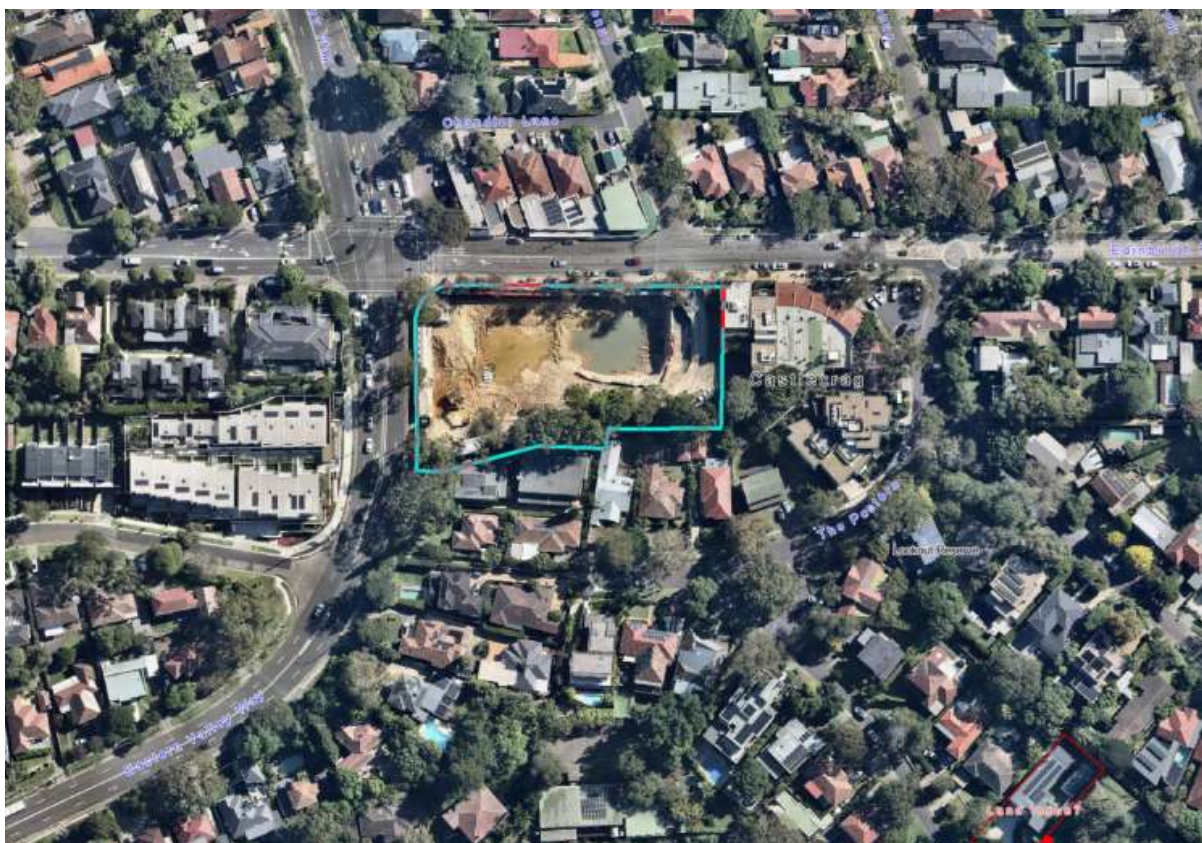


Image 1: Aerial View of the Site. The site is outlined by a faint green line (source: Nearmaps).

The subject land at 100 Edinburgh Castlecrag is legally described as Lot 11 in DP611594 and Lot 1 in DP43691. The site area is approximately 5,166 m².

It is situated on the south-eastern corner of the intersection of Edinburgh Road and Eastern Valley Way. The site is irregularly shaped.

Following the demolition of the existing Quadrangle Shopping Village the site is now an excavated work site. As outlined earlier, a registered surveyor has certified the excavation being "... an average RL of approximately 75.8". This matter discussed later in this report.

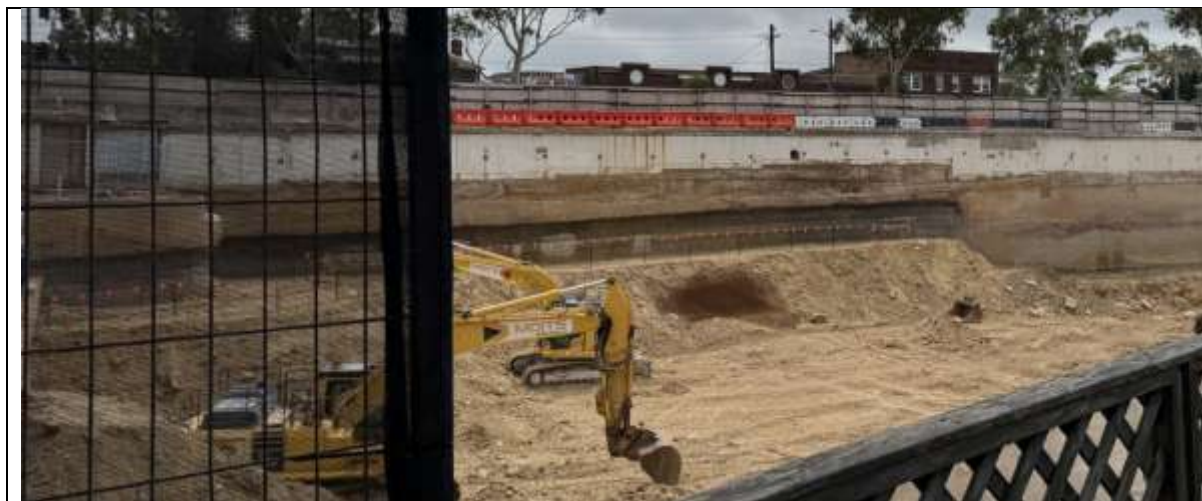


Image 2: The subject site on 19 February 2026.

The site features a primary frontage of 95.3m to Edinburgh Road and a secondary frontage of 52.9m along Eastern Valley Way.

Surrounds

Low-scale residential dwellings are the predominant character of the area. The Griffin Heritage Conservation Area borders the site to the east. A local heritage item (I253) is located nearby at 120 Edinburgh Road, described in *WLEP* Schedule 5 as “Griffin Centre”.

ATTACHMENT 2: DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION AND REFERRALS, ENVIRONMENTAL PLANNING & ASSESSMENT ACT s4.55 & s4.15

<i>Willoughby Local Environmental Plan 2012</i>	
Zoning: HOB: FSR:	E1- Local Centre and RE1- Public Recreation 97.49m (RL) 1.6:1 plus 0.2:1 in bonus as per CI 4.4A (9)
Existing Use Rights	No
Additional Permitted Use	Residential flat buildings permissible pursuant to <i>WLEP</i> clause 2.5 Schedule 1 (section 75) if the consent authority is satisfied— (a) at least 20% of the gross floor area of the building will not be used for the purposes of residential accommodation or serviced apartments, and (b) at least 75% of the gross floor area of the ground floor of the building will not be used for the purposes of residential accommodation or serviced apartments.
Conservation area	No but adjoining HCA (C4)
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	Yes, Local Item - I253 located at 120 Edinburgh Road
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	Yes – Eastern Valley Way adjoins the site to the west and is a classified road
Road/lane widening	No
BASIX <i>SEPP</i>	Yes
Infrastructure <i>SEPP</i> - Rail	No
Infrastructure <i>SEPP</i> - Road	Yes – Development fronting classified road
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No

Other relevant <i>SEPPS</i>	<i>SEPP</i> (Resilience and Hazards) 2021 <i>SEPP</i> (Transport & Infrastructure) 2021 <i>SEPP</i> (Biodiversity and Conservation) 2021 <i>SEPP</i> (Housing) 2021 <i>SEPP</i> (Planning System) 2021
Relevant <i>DCPs</i> policies and resolutions	<i>WDCP</i> 2023

Referrals

Internal referrals

Building	No Certification objection to the S4.55 subject to the original Certification conditions of consent. No additional Certification conditions required. Desktop assessment only
Engineering	A review of the revised drawings for 100 Edinburgh Road has been undertaken. The amended boom gate layout is considered acceptable with the internal aisle width maintained at 6.2 m and the swept-path assessment demonstrating that both B85 and B99 vehicles can undertake turning movements simultaneously without conflict.
Landscaping	The proposed modification includes provision of an additional fourth level basement. The application includes an Arboricultural Review undertaken by Tree Wise Men. The Review indicates that no additional trees are required to be removed and no additional impacts on trees to be retained result from the proposed works. No objections are raised regarding landscape issues. Existing conditions are considered still relevant and adequate.
Waste	The modified plans (CQ studio, Rev 11, Basement 01 and OWMP, Rev F1) are for a 3-storey mixed-use building with 38 residential units and commercial/retail uses. Conditions issued.
Urban Design Specialist	It is inappropriate to present to Design Excellence until there is a cohesive consolidated design including the upper floor plates.
Traffic	No objections subject to conditions relating to: • SIDRA traffic modelling of current and projected traffic increase of the signalised intersection • Upgrade the bus stop along Edinburgh Road outside 100 Edinburgh road with a shelter, design to be approved by Council • Provisions for pedestrian crossing along Edinburgh Road (from previous DA) • Improve the pedestrian/ vehicle interface along Edinburgh road to address the increased pedestrians and vehicle

	traffic along Edinburgh Road on top of the pedestrian crossing.
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External referrals

TfNSW	On 22 October 2025 TfNSW confirmed their previous comments of 20 February 2024 remain applicable for this application.
Ausgrid	On 5 November 2025 Ausgrid responded with conditions of consent, which are interpreted as additional to the consent's existing comprehensive Ausgrid condition 3.
WaterNSW	On 14 November 2025 WaterNSW confirmed their previous GTAs of 15 February 2024 are superseded with fresh GTAs attached to the correspondence.
Police	On 13 October 2024 the NSW Police confirmed it has no further conditions to condition 4 in the consent.

Environmental Planning and Assessment Act 1979 - s4.55(2) EP&A Act - Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Satisfactory ✓ Unsatisfactory × Not Relevant N/A

(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	×
	Comments: Having applied a qualitative and quantitative lens to the plans submitted with the modification application, the application is substantially the same. However, it is not clear if aboveground works that emanate from the altered lift locations would constitute substantially the same.	
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	✓
	Comments: All concurrence bodies have considered the modification application and responded with or without further conditions.	
(c)	it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	✓

	Comments: Notification has taken place in accordance with the Community Participation Plan.	
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	✓
	Comments: Submissions have been addressed in this report.	

Environmental Planning and Assessment Act 1979 - s4.15 EP&A Act – Evaluation

The application has been assessed under the provisions of S.4.15 (79C) of the Environmental Planning and Assessment Act.

The most relevant matters for consideration are assessed under the following headings:

**Matters for Consideration Under S.4.15 (79C) EP&A Act Considered and Satisfactory ✓
Unsatisfactory x and Not Relevant N/A**

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<i>State Environmental Planning Policies (SEPP)</i>	x
	<i>Local Environmental Plans (LEP)</i>	x
	The proposal does satisfy the aims and objectives of these EPIs as outlined in this report. The design verification statement does not satisfactorily explain how the development addresses the design principles for residential apartment development, the objectives in the Apartment Design Guide, nor verify with sufficient scope that the modification does not diminish or detract from the design quality of the original development, or compromise the design intent of the original development.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<i>Draft State Environmental Planning Policies (SEPP)</i>	N/A
	<i>Draft Regional Environmental Plans (REP)</i>	N/A
	<i>Draft Local Environmental Plans (LEP)</i>	N/A
	Comment: There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	Development control plans (DCPs)	x
	Comment: The proposal satisfies the aims and objectives of the DCP as it calls on the ADG – as outlined in this report.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 61 EP&A Regulation-Demolition	✓
	Clause 62 EP&A Regulation-Fire Safety Considerations	✓
	Clause 64 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: The proposal satisfies the aims and objectives of the regulations.	
(b)	The likely impacts of the development	
	Context & setting	✓
	Access, transport & traffic, parking	✓
	Servicing, loading/unloading	✓
	Public domain	✓
	Utilities	✓
	Heritage	✓
	Privacy	✓
	Views	✓
	Solar Access	✓
	Water and draining	✓
	Soils	✓
	Air & microclimate	✓

	Flora & fauna	✓
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards: Overland flowpath	✓
	Safety, security crime prevention	✓
	Social impact in the locality	✓
	Economic impact in the locality	✓
	Site design and internal design	x
	Construction	✓
	Cumulative impacts	✓
	The modification application is incomplete in that it fails to demonstrate acceptable internal amenity for residential units disrupted by the proposed modified locations of the lifts.	
(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
	Comment: The proposal submitted to date – limited to the basement plans - is considered to be sufficiently suitable for the site.	
(d)	Any submissions made in accordance with this Act or the regulations	
	Public submissions	✓
	Submissions from public authorities	✓
	Comment: Submissions have been considered in the assessment of the proposal.	
(e)	The public interest	
	Federal, State and Local Government interests and Community interests	x
	Comment: Approval of the modification application is not in the public interest as it is incomplete. It fails to demonstrate acceptable internal amenity for residential units disrupted by the proposed modified locations of the lifts.	

ATTACHMENT 3: ASSESSMENT UNDER SEPPS, WLEP 2012 & WDCP

State Environment Planning Policy (Resilience and Hazards) 2021

Clause 4.6 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

The original application was accompanied a Limited Detailed Site Investigation (Contamination) report prepared by EI Australia, Ref no. E26044.E02_Rev1, Dated 18 December 2023. The report concluded that the subject site is considered suitable for the proposed use, subject to Hazardous Materials Survey (HMS) and Construction Environmental Management Plan (CEMO). Council's Environmental Health section has reviewed the report and raised no issues with the proposed development subject to conditions of consent.

The application is acceptable with regard to the relevant consideration of *SEPP (Resilience and Hazards) 2021*.

State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 (Infrastructure)

The subject site is adjacent to a classified road to the west. The modification application has been considered pursuant to:

Section 2.119 - Development with frontage to classified road

This section requires consideration to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Relevantly, condition 38 of the development consent requires the submission of a Traffic Management Plan prior to the issue of the Construction Certificate. The applicant will need to address any changes to the TMP arising from the scope of the modification application prior to issue of any amending Construction Certificate.

Section 2.120 – Impact of road noise or vibration on non-road development

This section which deals with acoustic and vibration impacts from the classified road.

As no residential floor plates accompanied the modification, application there was no impetus to provide an updated acoustic report. The Acoustic Report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 2023 (which accompanied the original application) still applies to the approved residential units until an updated acoustic report is provided.

Section 2.122 Traffic-generating development

TfNSW pursuant to EPAR section 109 confirms its previous response remains applicable for this subject modification application.

SEPP (Biodiversity and Conservation) 2021 – Chapter 6

The site is located within the Sydney Harbour Catchment and the water quality requirements of Chapter 6 have been considered and satisfied.

State Environmental Planning Policy (Housing) 2021 – Chapter 4, Schedule 9 and ADG

Chapter 4 of the SEPP (Housing) 2021

Section 147 of the SEPP states:

147 Determination of development applications and modification applications for residential apartment development

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide,
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

Assessment Planner commentary

Schedule 9 - Design principles for residential apartment development

The submitted Design Verification Statement dated 21 April 2026 by CQ Studio states that “no changes are proposed to the approved above-ground built form, dwelling yield, dwelling mix, floor space ratio, building height, landscaping, or publicly accessible areas” and that “modifications are limited entirely to the basement”.

However, the basement plans are incompatible with the approved floor plates above. The proposed lift cores dissect the approved floor plates of the approved residential and non-residential floor plates. The modification application does not demonstrate in what way the upper floor plates accommodate the modified locations for the lifts.

For reference, the assessment planner interpolates that the upper floor plates are disrupted by the relocated lifts as follows:



Image 3: Approved Level 2 superimposed over Basement Level 4 to show the intrusion (in yellow) of the proposed residential lifts into unit 202 and 209. The lifts will similarly impact units 102 and 110.

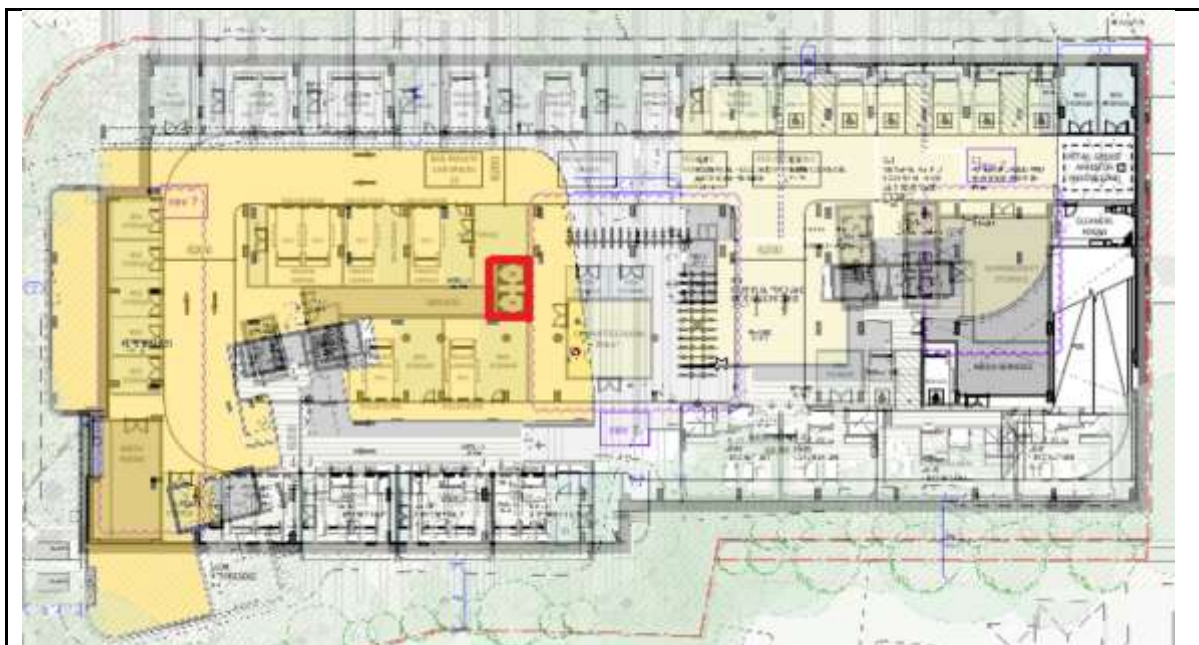


Image 4: Approved ground level plan superimposed over Basement Level 4 to show the intrusion (in red) of the proposed retail lifts into the approved supermarket space.

The Apartment Design Guide

There is insufficient information to properly assess the application under Parts 3 and 4 ADG, particularly compliance or otherwise of the upper residential floor plates with the ADG.

Section 148 of the non-discretionary development standards—

- (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
- (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,
- (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Assessment Planner commentary

The parking satisfies condition 156 of the consent, which reads:

156. On-site Car Parking

The on-site car parking provision of 163 car parking spaces (excluding the loading bays), 18 motorbike spaces and 10 bicycle spaces are to be permanently available for the life of the development.

The car parking spaces shall be distributed as follows:

46 - residential car spaces (of which 19 are adaptable car spaces)
 9 - residential visitor car spaces (of which 2 are accessible car spaces)
 100 - retail car spaces (of which 4 are accessible car spaces) 8 - public car spaces
 2 - loading bays

All spaces must be clearly and visibly marked on site for their intended use as parking for residents, visitors, disabled, office and retail or loading bay.

The basement level/levels comprising of retail, visitors and residential car spaces must be accessible to residents, visitors and retail/business staff and clients at all times.

The basement level/level car parking comprising of residential car parking spaces must only be accessible to residents at all times.
 (Reason: Ensure Compliance)

The internal area for each apartment is affected the subject application but there are no plans to demonstrate how floor plates are modified to accommodate the changes.

Willoughby Local Environmental Plan 2012			
Site Area – 5096.2m² (As per CI 4.5 of the WLEP, total site area for the purpose of applying a floor space ratio is 5096m2 excluding the land zoned RE1)			
WLEP Control	Proposed	Standard	Compliance
CI 2.3 Land Use Tables - E1 Local Centre and RE1 Public Recreation	Basement changes however no upper residential floor plates provided.	The application does not demonstrate that the proposal maintains residential development consistent with the Council's strategic planning for residential development in the area, which includes amenity objectives.	No
CI 2.5 Additional permitted uses	Approved GFA of 9,161m2 unchanged comprised of: Residential – 6,711m2 Commercial – 2,450m2 However it is unclear how the residential component changes following intrusion by the loft cores.	Development for the purposes of residential flat buildings is permitted with development consent if the consent authority is satisfied— (a) at least 20% of the gross floor area of the building will not be used for the purposes of residential accommodation or serviced apartments, and (b) at least 75% of the gross floor area of the ground floor of the building will not be used for the purposes of residential accommodation or serviced apartments.	Not resolved

CI 4.3 and CI4.3A (6) Height		There are no changes to the overall height of the proposal.		Unchanged
FSR CI 4.4A (9)		Proposed FSR = 1.1.79:1 GFA of 9,161m² Comprised of: Residential – 6,711m² Commercial – 2,450m² The maximum floor space ratio for a building on land in Zone E1 Local Centre in Area 21 is 1.8:1 if the floor space ratio of the part of the building located at or above the street level of Edinburgh Road does not exceed 1.6:1. The above ground or above street level FSR was approved at 1.47:1	The maximum floor space ratio for a building on land in Zone E1 Local Centre in Area 21 is 1.8:1 if the floor space ratio of the part of the building located at or above the street level of Edinburgh Road does not exceed 1.6:1. There are no changes to the overall FSR of the proposal.	Unchanged
CI 5.10	Heritage Conservation	The subject site is neither a heritage item nor located in a conservation area but is in proximity to the Griffin Heritage Conservation Area and the heritage item known as “Griffin Centre” at 120 Edinburgh Road (Heritage Item – 253). The modified proposal does not change the satisfaction of the proposal from a heritage perspective.	(5) Heritage assessment The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Yes
CI 6.2	Earthworks	Supplementary geotechnical report (Ref: R.006.Rev0, dated 21.4.2026) by Douglas Partners confirms the “modification is capable of being supported from a geotechnical perspective, subject to detailed design and construction being undertaken	<i>Before granting development consent for earthworks, the consent authority must consider the following matters—</i> <i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,</i>	Yes

		in accordance with the updated geotechnical advice”. The proposed additional quantum of the excavation emanates from (inter alia) the displacement of approved parking spaces due to the modified lift locations and the pedestrian space created around them.	(b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	
CI 6.3	Urban Heat	The development, as modified, does not alter the satisfaction of the proposal with regards to urban heat.	(1) The objective of this clause is to ensure new development incorporates effective design and ongoing operation to— (a) reduce and remove urban heating from the environment, and (b) protect community health and wellbeing.	Yes
CI 6.7	Active Street Frontage	The development, as modified, does not alter the satisfaction of the proposal with regards to Active Street Frontage	The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support and Zone MU1 Mixed Use.	Yes
CI 6.8	Affordable Housing	The development, as modified, does not alter the satisfaction of the proposal with regards to Affordable Housing.	The site is mapped as Area 9. A 4% of the residential GFA to be dedicated as affordable housing.	Yes

CI 6.23 (6) (a)	Design Excellence	It is inappropriate to present to Design Excellence until there is a cohesive consolidated design including the upper floor plates.	Affected by design excellence (Area 5).	No
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Willoughby Development Control Plan 2023(WDCP)				
Part L: Place Based Plans				
Description	Proposed		Controls	Compliance
Section 6 – Castlecrag Local Centre				
6.2 - Performance Criteria	The information supplied is insufficient.		The building design is reflective of the Burley Griffin subdivision pattern, marinating a sense of continuity and architectural heritage within the area.	No
6.3 - Master Plan for Castlecrag local centre and 6.4 – Controls for Castlecrag Local Centre	The information supplied is insufficient.		Master Plan for Castlecrag from Willoughby Local Centres Strategy 2036.	No
Part L: Section13 - Site Specific Controls – 13.2.1 – 100 Edinburgh Road, Castlecrag				
Description	Clause	Proposed	Controls	Compliance
100 Edinburgh Road, Castlecrag	13.2.1	The proposed development is cannot be full assessed under the ADG due to the lack of information about upper floors.	The Apartment Design Guide (ADG, 2015) is the primary document for guiding the design of the residential development at the site. Where there is an inconsistency between the ADG and controls within this part, the provisions of the ADG prevail.	Unresolved
Parking Rates – 100 Edinburgh Road Castlecrag	Figure 57: Applicable	163 spaces (same as approved)	Condition 156 consent	Considered acceptable

ATTACHMENT 4 - SUBMISSIONS TABLE

Council has received **25** submissions in relation to this proposal, from the following properties (where known):

- 12 The Barbette
- 31 The Scarp
- 16 The Rampart
- 46 Raeburn Ave
- 46 Raeburn Ave
- 16 The Postern
- 6 The Barbette
- 48 The Rampart
- 70 The Bulwark
- 44 The Rampart
- 140 Edinburgh Road
- 325 Edinburgh Rd
- 373 Edinburgh Road
- 28 Sunnyside Crescent
- 43 Raeburn Avenue
- 11 Rutland Ave
- 8 The Parapet
- 21 Gorman St
- 27B The Scarp
- 6 The Bulwark

The nature of the concerns and Council's response is provided follows:

Concerns raised	Council assessment planner response
Increase in unit numbers from 38 units to 160 units	This modified proposal does not seek to increase the number of proposed residential units.
Excess parking (traffic congestion)	The applicant has worked with the original modification plans and achieved compliance with condition 156 of the development consent. The extra basement space emanates from a displacement of approved car spaces to lower levels that in part is due to the relocated lift cores and additional plat space, both of which are not satisfactorily addressed in the application.
Proposed increased floor to ceiling levels in basements and clearance for trucks	The floor to floor heights have been increased from 4.9m to 6.4m (Basement Level 1) and from 2.75m to 3.7m for the remaining floors. The recommendation for refusal of the application does not hinge on floor to floor heights.
Fourth basement level was not required under DA-2024/13	Submitters raise concerns that the scope of the modification application is led by the future need of the SSD. It is noted the applicant says: "Assessment of this modification does not determine, constrain or pre-empt any future State assessment, which would be subject to its own statutory process and environmental assessment requirements". The assessment of the subject modification application takes stock of the relevant legislation, codes and guidelines, relevant to an applicant seeking to modify a development consent. For

	the reasons provided in Attachment 5 it is considered unsatisfactory.
Potential destabilisation of land from additional excavation	A supplementary geotechnical report confirms that the excavation can be undertaken to satisfy geotechnical concerns.
Changes to the stormwater	Council's engineers find that the design meets Council's OSD permissible site discharge requirements and onsite storage requirements. Pump out requirement also have strict standards requirements to be met, which have been designed and provided by qualified engineer to ensure compliance.
Increased excavation result in increased noise and vibration	Existing conditions in the consent deal with construction impacts such as these (see conditions 78, 79).
Increase in spoil and movements	Condition 31 of the consent requires the submission of a Construction Management Plan (CMP), which necessitates assessment of such matters. Further, conditions 32, 38 and 60 deal with traffic matters and required approvals. Regarding spoil volume, the applicant advises that it excavated material "... would be running to either rock and dirt recycling or a facility in Kemps Creek". The refusal of the application does not hinge on the additional excavated spoil volume. The applicant acknowledges that: "Requests for additional access points or alternative traffic arrangements represent design changes outside the scope of the modification and would require a separate application.
Hydrological issues / water table / geotechnical concerns	WaterNSW has issued modified GTAs for the modified proposal. A supplementary geotechnical report confirms that the excavation can be undertaken to satisfy geotechnical concerns.
That an "inaccurate boundary for the walkway on the southern at the east, that appear to currently favour 100 Edinburgh Road, is addressed and rectified to ensure there is the required 3 metre setback".	The modification application plans do not alter the setbacks, except of course the new basement areas. The applicant says: The modification does not alter approved above-ground setbacks or the approved building envelope. Boundary definition relevant to basement excavation will be confirmed by a registered surveyor prior to construction. Requests to amend approved setbacks fall outside the scope of this modification.
The modification should be a new DA	As detailed in this report under s4.55(2), the application is considered to be substantially the same development.
Expanded basement comprises new plant rooms and larger servicing and, where no evidence provided to demonstrate how impacts will be ameliorated	Council invited the applicant to justify the extent of plant space by submitting a statement from a suitable qualified BCA specialist, but this was not received.
Inadequate community consultation	The submission raises concerns about community consultation <i>outside</i> Council processes.

ATTACHMENT 5 - REASONS FOR REFUSAL

Insufficient Information

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application has not demonstrated that the proposed development, as modified, is consistent with the relevant provisions and aims of the applicable Local Environmental Plan, including Clause 1.2 Aims of the Plan, due to insufficient and inconsistent documentation which prevents a proper assessment of the development. The submitted plans are incomplete, inconsistent, and insufficiently detailed, including:
 - a. No clear documentation of lift locations above ground level, preventing assessment of building circulation, accessibility, and impacts on upper levels.
 - b. Lack of coordinated plans, sections, and elevations reflecting all proposed changes.

As a result, the consent authority cannot properly understand the full extent of the proposal.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to enable a proper assessment of the proposed development against the relevant provisions of the applicable Local Environmental Plan, including but not limited to provisions relating to site planning, built form, access, and infrastructure, as a result of incomplete and inconsistent architectural documentation.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the consent authority is not satisfied that the environmental impacts of the proposed development have been adequately assessed, having regard to:
 - a. lack of clarity regarding how the changes to the lift locations in the basement floors will co-relate to the ground floor and above.
4. The design verification statement is unacceptable in that it does not sufficiently canvass the implications of the modified basement lift locations on the upper residential floor plates, pursuant to section 102 (2) of the Environment Planning and Assessment Regulations.
5. The design verification statement does not satisfactorily explain how the development addresses the design principles for residential apartment development, the objectives in the Apartment Design Guide, nor verify with sufficient scope that the modification does not diminish or detract from the design quality of the original development, or compromise the design intent of the original development.
6. The modification application does not demonstrate how the modified proposal satisfies the design principles for residential apartment development identified in *SEPP (Housing) 2021* Schedule 9, as follows.
 - (c) Principle 2 – Built form and scale.
The modification application does not demonstrate that the built form provides internal amenity as identified in Principle 2 (3) (c) because it does not

demonstrate acceptable internal residential amenity for residential units disrupted by the proposed modified locations of the lifts.

(d) Principle 6 – Amenity.

The modification application does not demonstrate acceptable internal amenity for residential units disrupted by the proposed modified locations of the lifts.

Public interest

7. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as the application is inadequately documented and would result in an uncertain and unassessable consent outcome.

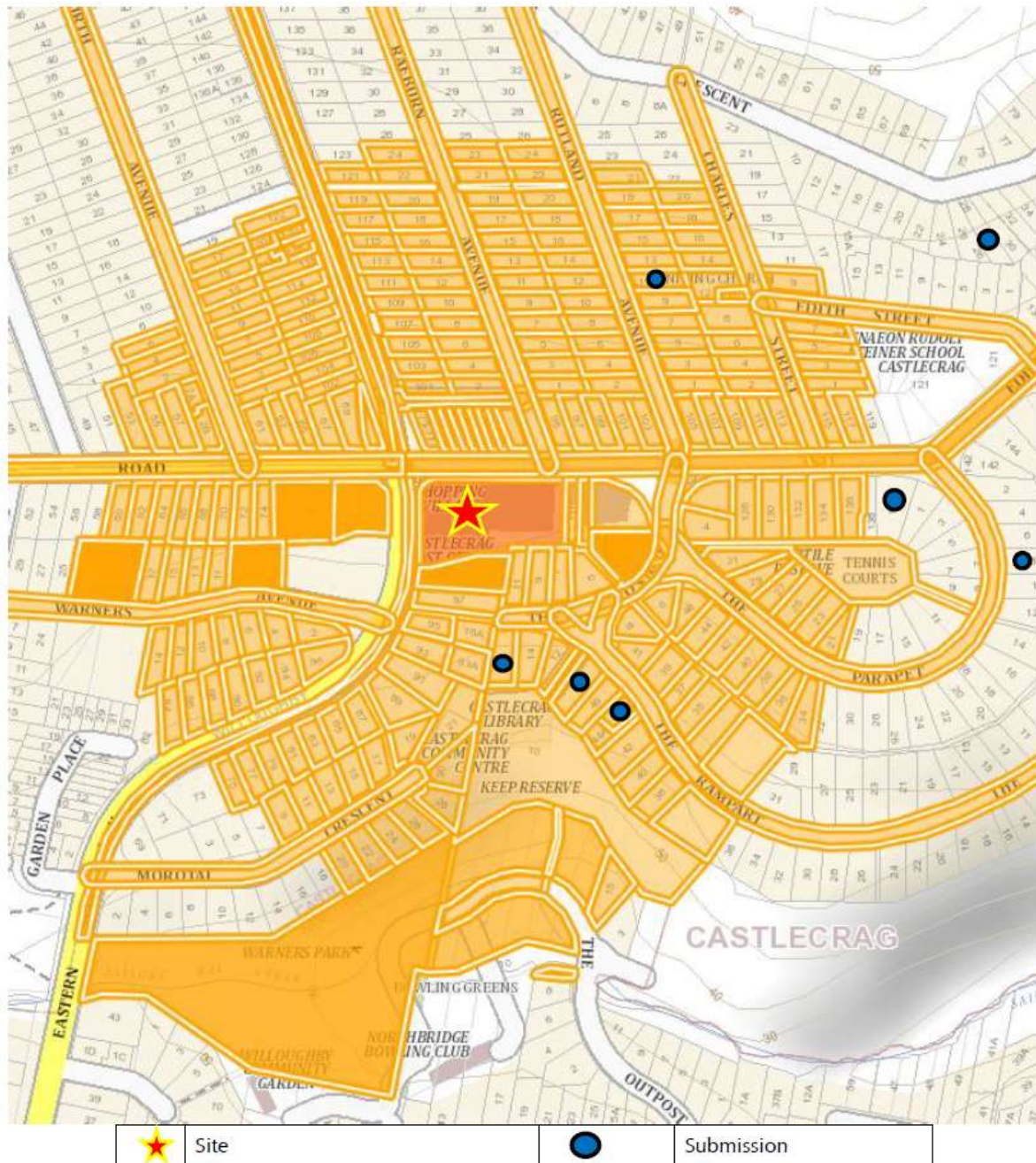
ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DAM-2025/105

At: 100 Edinburgh Road CASTLECRAG NSW 2068



Caveat

The information represented in this map has been provided in good faith. Detailed records relating to this Development Application are recorded in Council's "TechnologyOne" software application and this data should be seen as Council's official source of information relating to this Development Application.

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