

REZONING REVIEW – Briefing Report

Date of Referral:	28 March 2018	
Department Ref. No:	RR_2018_WILLO_001_00	
LGA:	Willoughby	
LEP to be amended	Willoughby Local Environmental Plan 2012	
Address:	3-31 Walter Street and 462 Willoughby Road, Willoughby	
Reason for review:	<input checked="" type="checkbox"/> Council notified the proponent that it will not support proposed amendment	<input type="checkbox"/> Council failed to indicate support for proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: The application states that there are no reportable political donations or gifts to disclose.	

SUMMARY OF THE PROPOSAL

Background

The rezoning review request seeks to amend the Willoughby Local Environmental Plan 2012 (WLEP 2012) to rezone the proposed lots at 3-31 Walter Street and 462 Willoughby Road (**Attachment B**), Willoughby by:

- rezoning the site from R3 Medium Density Residential to R4 High Density Residential;
- increasing the maximum building height control from 12m to 28m; and
- increasing the permitted floor space ratio control from 0.9:1 to 2:1.

To date, Willoughby City Council has issued development consents for residential flat developments at 5-9 Walter Street, 11-13A Walter Street, 15-17 Walter Street and 21-27 Walter Street that collectively comprise 101 units. None of these consents have been commenced.

On 6 March 2017, Architecture Urbaneia on behalf of Walter Projects Pty Ltd (the proponent) submitted a planning proposal to Council detailing an original concept masterplan for the site.

On 4 August 2017, Council sought external urban design advice from Architectus that concluded the proposal is not supported in its current form. A further revised scheme was requested in accordance with a list of recommendations.

On 15 November 2017, the proponent submitted an amended planning proposal to Council to address the urban design advice.

The concept plan submitted to Council as part of the amended planning proposal included the following alterations in response to Architectus's recommendations:

- deletion of the townhouses at 3-13A Walter Street (Site A) and redesigned with a U-shaped building as recommended;
- a reduction of the overall FSR (2:1 including affordable housing);
- adhering to a lower street wall height of three storeys;
- reflecting the recommended building heights of 7-8 storeys for most of the site; and
- reflecting six storeys over 462 Willoughby Road (instead of the recommended four storeys).

On 12 March 2018, Council resolved not to support the planning proposal.

On 22 March 2018, Council wrote to the proponent stating that it did not support the planning proposal.

On 28 March 2018, the proponent submitted a rezoning review request as Council had resolved not to support the planning proposal.

Locality and context

The site is known as 3-31 Walter Street and 462 Willoughby Road, Willoughby.

The site is within 3km of Chatswood strategic centre and between the town centres of Willoughby and Artarmon (**Attachment C**).

Walter Street is characterised by low-density attached and detached residential dwellings, with a significant tree-lined and landscaped setting. To the south of Walter Street is the Gore Hill Freeway.

To the east are six single-storey detached residential dwellings subject to an approved development application for a child care centre catering for 207 children (1-1A Walter Street and 452-460 Willoughby Road).

Three-storey to nine-storey residential flat buildings and the Channel 9 site (6-30 Artarmon Road) front Artarmon Street to the north, and Walter Street Reserve is located to the west.

The Channel 9 site has yet to be redeveloped in accordance with a current Part 3A Concept Plan approval. This approval (as amended) provides for the residential redevelopment of the site for up to 400 residential dwellings with non-residential uses.

A modification for this approval is with the Department to replace the approved residential masterplan with a revised masterplan for 510 dwellings across eight residential flat buildings ranging in heights from four to nine storeys, with two buildings up to 11-12 storeys.

Site description

The site comprises of 19 allotments legally described as:

- 3 Walter Street (Lot 2 DP 1161181);
- 5-9 Walter Street (Lots 1-3 DP 150607);
- 11-11a Walter Street (Lots 1-2 DP 590018);
- 13-13a Walter Street (Lots 361-362 DP 1032203);
- 15 Walter Street (Lot 35 DP 1037751);
- 17 Walter Street (Lot 34 DP 1037751);
- 19 Walter Street (Lot 33 DP 508777);

- 21-23 Walter Street (Lots 1-2 DP 166910);
- 25 Walter Street (Lot 1 DP 168467);
- 27 Walter Street (Lot 30 DP 977055);
- 29-29a Walter Street (Lots 100-101 DP 857252);
- 31 Walter Street (Lot 28 DP 977055); and
- 462 Willoughby Road (Lot 2 DP 586037).

The site is occupied by attached and detached low-density residential dwellings and a vacant road reserve.

The site has a combined primary street frontage to Walter Street of approximately 200m and has a depth of approximately 54m. The site has a secondary street frontage to Willoughby Road of approximately 43m.

The site comprises a total area of approximately 12,256m². A site map is provided at **Attachment B**.

Although the planning proposal documentation prepared and submitted to Council illustrates LEP amendments to adjoining sites at 1-1A Walter Street and 450 Willoughby Road, these sites are not included as part of the land to which the proposal relates.

Current planning provisions

The site is zoned R3 Medium Density Residential under the WLEP 2012, has a maximum building height of 12m and a maximum FSR of 0.9:1.

The current zoning, maximum building height and FSR maps are provided at **Attachment C**.

Proposed planning provisions

The rezoning review request seeks to rezone from the site from R3 Medium Density Residential to R4 High Density Residential, increase the maximum building height from 12m to 28m and increase the permitted floor space ratio control from 0.9:1 to 2:1,

The table below outlines the comparison of the current and proposed amendments for the site and Council's recommended amendments.

	Existing WLEP 2012	Rezoning review request	Council officer recommendation
Zoning	R3 Medium Density Residential	R4 High Density Residential	R4 High Density Residential
Height	12m	28m	24m – 3-13A Walter St (Site A) 27m – 15-31 Walter St (Sites B-D) It is noted the site at 462 Willoughby Road (Site E) is recommended to be deleted
FSR	0.9:1	2:1	1.5:1
Affordable housing units	4%	5%	5%

	Existing WLEP 2012	Rezoning review request	Council officer recommendation
(excluded from FSR)			
Approx. number of units assuming all medium size (80m ²) for comparison	142.5 units (incl. 5.5 affordable housing units)	321 units (incl. 15 affordable housing units)	241.5 units (incl. 11.5 affordable housing units) 208 units (incl. 10 affordable housing units), if 462 Willoughby Road is excluded as recommended by Council.

Table 1: Summary of existing and possible development control options.

The proposed amendments of the WLEP 2012 will enable the development of five residential flat buildings ranging from six to eight storeys. The concept of the indicative design scheme (**Attachment F – Appendix B**) includes the following:

- Building A – 3-13A Walter Street: 6-7-storey building;
- Building B – 15-19 Walter Street: eight-storey residential flat building;
- Building C – 21-27 Walter Street: eight-storey residential flat building;
- Building D – 29-31 Walter Street: eight-storey residential flat building; and
- Building E – 462 Willoughby Road: six-storey residential flat building.

The proposed zoning, maximum building height and FSR maps are provided at **Attachment D**. However, these proposed map amendments inadvertently include LEP amendments to 1-1A Walter Street and 450 Willoughby Road. These sites are not included as part of the planning proposal.

The proposed development could yield 269 apartments and have a total gross floor area of 23,901m².

INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

No. The proposal seeks to amend the Willoughby LEP 2012, which was gazetted on 31 January 2013.

STRATEGIC MERIT TEST

Consistency with the relevant regional plan outside of the Greater Sydney Region, district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied upon.

North District Plan

The North District Plan was adopted on 18 March 2018. The site is not identified in the plan as a strategic or local centre.

Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport outlined in the plan confirms that it requires Council to prepare a local housing strategy that addresses the delivery of 1250 dwellings within a five-year housing supply target. Council has not yet commenced preparation of this strategy.

The rezoning review application states that the proposal meets Council's housing supply targets required by the plan in a location identified as being well located to local centres, public transport, public open space and regional walking and cycling networks.

Consistency with a relevant local strategy that has been endorsed by the Department.

There are no Department-endorsed local growth strategies that apply to the site.

Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The rezoning review application notes that the planning proposal responds to the state government infrastructure investment program and the strategic connections through the Eastern Economic Corridor. Chatswood is noted as the focus of a public transport hub with improved connections to the north and north-west through the Metro line and heavy rail.

SITE-SPECIFIC MERIT TEST

The natural environment (including known significant environmental values, resources or hazards).

The planning proposal includes technical studies that have been undertaken to assess the environmental impacts of the proposed development. The impacts discussed in these supporting documents include site amalgamation, bulk and scale (solar access and ventilation) and traffic. The studies conclude that, based on preliminary findings, higher density is possible however further investigation is recommended particularly in the eastern site areas.

Natural environment

The proponent considers the proposal is consistent with the environmental value, resources and hazards of the site. No habitat tree hollows were recorded and the habitat on-site is not considered to provide critical breeding habitat resources.

The site is within a landscape corridor, which extends generally west to east incorporating Artarmon Reserve, the Gore Hill Freeway corridor, Flat Rock Gully, Tunks Park, Northbridge Park and Memorial Reserve to Middle Harbour.

The flora and fauna report prepared by Fraser Ecological Consulting and submitted with the planning proposal states that the habitat tree impacts are largely limited to the removal of predominantly exotic or non-locally native trees (**Attachment F – Appendix I**).

Council's landscape officer has recommended emphasising the importance of replacement planting and the provision of landscape areas and soil volume to accommodate taller trees commensurate with the building heights and landscape character of the area and corridor.

Site amalgamation

The proponent's concept plan indicates the amalgamation to create five separate development sites: four along Walter Street and the remainder at 462 Willoughby Road. This lot consolidation pattern includes sites currently not owned by the proponent.

Council recommended that should the Panel support the planning proposal, the Willoughby Development Control Plan 2006 be amended to require a minimum development allotment size of 2000m² be applied to the site and other sites in the wider precinct (i.e. sites not the

subject of this rezoning review application), including 1-1A Walter Street and 450 Willoughby Road.

Bulk and scale (solar access and ventilation)

The proponent submitted a solar analysis of the development on the site, taking into consideration the potential overshadowing from the approved and proposed modified development at the nearby Channel 9 site (**Attachment F – Appendix B**).

The analysis indicates that all except Concept Building C (21-27 Walter Street) can achieve 70% of habitable rooms receiving greater than two hours sunlight between 9am and 3pm in midwinter.

The proponent has provided shadow impact diagrams (**Attachment F – Appendix C**) that provide the potential overshadowing of the proposed development on the immediate surroundings.

The proponent provided an analysis of cross-ventilation testing (**Attachment F – Appendix D**). Council's assessment has confirmed compliance with the Apartment Design Guide standards.

Council has stated that some of the recommendations from the external urban design advice have been adopted in the proponent's amended plans. Council is of the view that the proposed FSR and height of buildings are not commensurate with the revised concept masterplan.

Traffic

The planning proposal is accompanied by a traffic study prepared by The Transport Planning Partnership (**Attachment F – Appendix E**). The assessment recommends that traffic signals be provided at the Walter Street intersection. The consultant is of the view that this outcome would provide more than adequate network capacity for a good level of service in the future following the completion of all known developments in the area.

The study notes that Roads and Maritime Services has provided in-principle approval for the Walter Street intersection to be upgraded with traffic signals.

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

The planning proposal states that although the area is characterised by low-density residential in the form of single-formed detached dwellings, the subject sites are zoned R3 Medium Density Residential.

The wider precinct has a medium to high-density character with substantial existing and proposed development (Figure 1, next page) including:

- 6-30 Artarmon Road, Willoughby (Channel 9 site) – approved Part 3A redevelopment of the site for up to 400 residential dwellings with non-residential uses to support the new population. The site is subject to a modification seeking to permit high residential densities up to 510 dwellings across eight residential flat buildings ranging in height from four to nine storeys, with two buildings up to 11-12 storeys; and
- 2-4 Artarmon Road, Willoughby – existing high-density residential development with heights ranging from nine storeys to five storeys, and three storeys on the Willoughby Road frontage.

A two-storey child care centre has been approved for the adjoining site at 1-1A Walter Street and 452-460 Willoughby Road (Figure 1).

The rezoning review application notes that the planning proposal is consistent with the existing uses and likely future uses in the vicinity of the site.

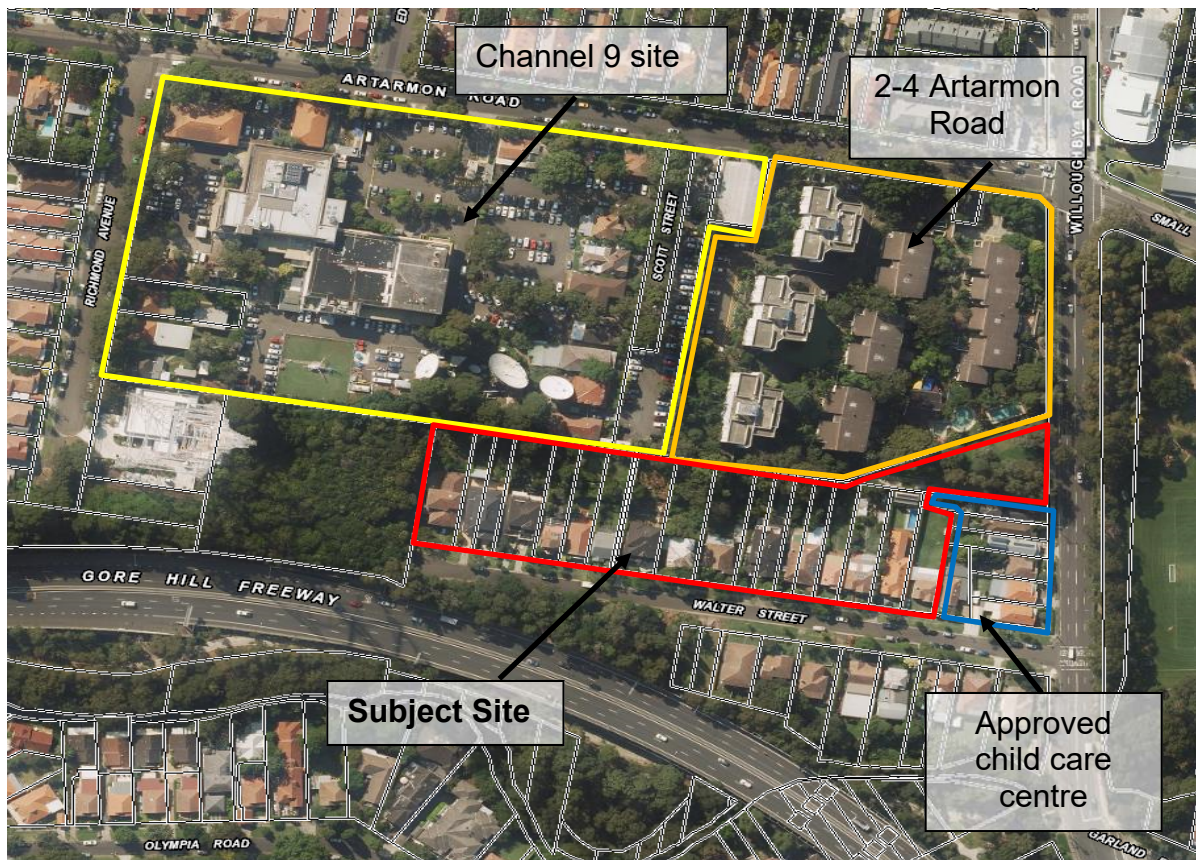


Figure 1: Existing and approved uses within the immediate vicinity.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The rezoning review application states that the proposal provides an opportunity to redevelop an existing highly accessible low-density residential precinct by retaining and upgrading the existing infrastructure and facilities to satisfy contemporary access, safety and amenity standards and integrate them into a larger site redevelopment.

The proposal proposes to forward-fund the intersection upgrade of Willoughby Road and Walter Street to operate under traffic signal control and upgrade the carriageway to allow for two lanes of traffic and parking.

COUNCIL VIEWS

On 2 April 2018, the Department wrote to Council advising of the request for a rezoning review for the proposal. The Department received Council's comments on 23 April 2018 (**Attachment E**).

Council has confirmed that the documents provided by the applicant for the rezoning review application are the same that were reviewed and considered at its meeting of 12 March 2018.

Although Council resolved not to support the proposal, the resolution did not list reasons for refusal. Council has indicated that the following key issues were discussed at its meeting and that its concerns included the following:

- the proposal has the potential to contribute to traffic congestion in Walter Street and Willoughby Road, particularly given the future redevelopment of the Channel 9 site;

- Council recently (2012) amended the zoning of the subject site from R2 Low Density to R3 Medium Density and has subsequently issued several development consents in Walter Street in accordance with the R3 zone;
- Council is reviewing its comprehensive local environmental plan and there is no justification to pre-empt the outcomes of the review by supporting an R4 zone in Walter Street; and
- there is no clarification of the future uses of the adjoining SP2-zoned land located south of Walter Street and the subject site.

Council confirms that should the planning proposal be determined to have strategic merit and be recommended for Gateway determination, the proposal be amended as follows:

- the land zoning map (Sheet LZN_004) for 3-31 Walter Street, Willoughby be amended from R3 Medium Density Residential to R4 High Density Residential;
- the height of buildings map (Sheet HOB_004) be amended to 24m for 3-13A Walter Street and 27m for 15-31 Walter Street, Willoughby;
- the FSR map (Sheet FSR_004) for 3-31 Walter Street, Willoughby be amended from 0.9:1 to 1.5:1 (excluding affordable housing);
- to amend clause 6.10(g) of the WLEP 2012 to require a minimum development lot size of 2000m² for 1-31 Walter Street and 450-462 Willoughby Road, Willoughby (noting that this includes additional sites not referred to as part of the planning proposal);
- the proposal includes revised concept plans and demonstrates compliance with an FSR of 1.5:1 (excluding affordable housing) and the deletion of 462 Willoughby Road;
- include support for site-specific controls in Section D.2.16.17 of the Willoughby DCP;
- submit a further geotechnical investigation report and Stage 2 Environmental Assessment verifying the suitability of the site for R4 High Density prior to public exhibition;
- advise the applicant that rezoning of 1-1A Walter Street and 450-462 Willoughby Road to R4 High Density Residential is not supported at this time; and
- refer the planning proposal to Transport for NSW – Sydney Buses and the NSW Department of Education during exhibition, seeking consideration of the need for increased bus services and additional student capacity as a result of increased development potential in the precinct beyond Walter Street and including the development potential for the Channel 9 site.

Despite the above Council recommendations, the planning proposal does not seek to include or amend the WLEP 2012 in relation to the sites at 1-1A Walter Street and 450 Willoughby Road, Willoughby.

ATTACHMENTS

- Attachment B – Site map
- Attachment C – Current LEP maps and locality map
- Attachment D – Proposed LEP maps
- Attachment E – Council comments
- Attachment F – Rezoning review application package
 - Application form
 - Cover letter – Rezoning review request
 - Cover letter Council
 - Draft planning proposal
 - Appendix A – Rezoning review site, site ownership and strategic and site-specific merit
 - Appendix B – Masterplan, masterplan set and masterplan sun view diagrams
 - Appendix C – Shadow impact p
 - Appendix D – Cross-ventilation diagram
 - Appendix E – Traffic study and traffic modelling report
 - Appendix F – Arboricultural impact assessment
 - Appendix G – Environmental contamination investigation
 - Appendix H – Noise impact assessment
 - Appendix I – Flora and fauna report
 - Appendix J – Landscape plans
 - Appendix K – Civil drawings
 - Appendix L – Geotechnical report
 - Appendix M – RMS submissions
 - Appendix N – Voluntary planning agreement
 - Appendix O – Urban design advice, final urban design concepts and final SEPP65 assessment matrix
 - Appendix P – Council minutes

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