

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 3-31 WALTER ST AND 462 WILLOUGHBY RD, WILLOUGHBY - PLANNING PROPOSAL

ATTACHMENTS:

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'
4. PLANNING PROPOSAL CONCEPT PLANS (SEPARATELY DISTRIBUTED)
5. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS AND FLOOR SPACE RATIO MAPS
6. PROPOSED AMENDMENTS TO SITE SPECIFIC DEVELOPMENT CONTROL PLAN PROVISIONS
7. ROADS AND MARITIME SERVICES (RMS) ADVICE DATED 7 NOVEMBER 2017

RESPONSIBLE OFFICER: IAN ARNOTT-PLANNING MANAGER

AUTHOR: JANE HOSIE-STRATEGIC PLANNER

CITY STRATEGY LINK: 3.1.1 PLAN FOR HOUSING CHOICE

MEETING DATE: 12 MARCH 2018

1. PURPOSE OF REPORT

To seek Council determination to refer a Planning Proposal for 3-31 Walter St and 462 Willoughby Rd, Willoughby to the Department of Planning and Environment for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda item.

2. OFFICER'S RECOMMENDATION

That Council:

1. Support for public exhibition Planning Proposal 2017/1 relating to 3-31 Walter St, 462 Willoughby Rd, Willoughby and draft amendments to *Willoughby Local Environmental Plan 2012*, as modified:
 - a) To amend the Land Zoning Map (Sheet LZN_004) for 3-31 Walter St, Willoughby from R3 Medium Density Residential to R4 High Density Residential.
 - b) To amend the Height of Buildings Map (Sheet HOB_004) to 24m for 3-13A Walter St and 27m for 15-31 Walter St, Willoughby.

- c) To amend the Floor Space Ratio Map (Sheet FSR_004) for 3-31 Walter St, Willoughby from 0.9:1 to 1.5:1 (excluding affordable housing).
 - d) To amend Clause 6.10(g) of the written instrument to require a minimum lot size of 2,000sqm for 1-31 Walter St and 450-462 Willoughby Rd, Willoughby.
2. Forward the Planning Proposal as modified to the Department of Planning and Environment seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.
 3. Request the proponent provide revised concept plans prior to referral for Gateway Determination that demonstrate compliance with a floor space ratio of 1.5:1 (excluding affordable housing) and the deletion of 462 Willoughby Road.
 4. Support for public exhibition amendments to the site specific controls in Section D.2.16.17 of *Willoughby Development Control Plan (WDCP)*.
 5. Submit a further geotechnical investigation report and Stage 2 Environmental Assessment verifying the suitability of the site for R4 High Density Residential prior to public exhibition.
 6. Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott is nominated as delegate to process and finalise the Planning Proposal.
 7. Advise the Applicant that rezoning of 1,1A Walter St and 450-462 Willoughby Road to R4 High Density Residential is not supported at this time.
 8. Council 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 school capacity as a result of increased development potential in the precinct beyond Walter St and including the Channel 9 site.

3. BACKGROUND

Willoughby Local Environmental Plan (WLEP) 2012 rezoned the subject properties (3-31 Walter St, Willoughby) from Low Density Residential 2(a) to Medium Density Residential (R3). The site at 462 Willoughby Rd, Willoughby was rezoned from Proposed County Road Reservation to Medium Density Residential (R3) at the same time.

A Development Application for a child care centre adjoining the site at 1, 1A Walter St and 452-460 Willoughby Rd, Willoughby catering for up to 207 children was approved on appeal to the Land and Environment Court.

To date, Council has issued consent for residential flat developments at 5-9 Walter St, 11-13A Walter St, 15 - 17 Walter St and 21-27 Walter St under the current R3 Medium Density Residential planning controls of WLEP 2012. This equates to a total of 101 units. None of the consents have been activated.

More recently (June 2016), Council endorsed a *Housing Position Statement* that included the subject land as an area for investigation to enable higher density. This is consistent with the *Draft Greater Sydney Region Plan and Revised Draft North District Plan* which recommend that councils consider increasing housing supply in areas close to public transport and Local Centres.

The Planning Proposal request as submitted seeks rezoning of 3-31 Walter St and 462 Willoughby Road to R4 High Density. It also requests that *Willoughby Local Environmental Plan 2012* be amended to permit development having a floor space ratio of 2:1 and a height of 28m on the subject sites.

4. DISCUSSION

The subject site is located within an area of investigation for higher density housing recommended in Council's endorsed *Housing Position Statement*. It is also consistent with the objectives of the *Draft Greater Sydney Region Plan* and revised *Draft North District Plan*.

Components of the Planning Proposal are discussed in the Detailed Assessment at Attachment 2. Council Assessment against the criteria provided in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' is at Attachment 3.

Concept plans at Attachment 4 have been provided for the site to demonstrate a potential design outcome complying with the parameters of the Planning Proposal request.

The Planning Proposal was referred to external urban design consultants to assist with assessment and to the Roads and Maritime Service (RMS) for preliminary traffic advice.

The urban design advice generally supported an increase in density for Walter St recognising that the wider precinct to the north (Channel 9) is undergoing change. It recommended height and setback controls to reinforce the character of the area and reduce the impact of future high rise buildings on properties located on the southern side of Walter St and Willoughby Rd.

Having regard to the urban design advice, a floor space ratio of 1.5:1 (excluding affordable housing) is supported for 3-31 Walter St and will be more likely to achieve the preferred urban design outcome than a 2:1 floor space ratio as requested in the Planning Proposal.

Rezoning of 462 Willoughby Rd is not supported nor is rezoning of 1A-1 Walter St and 450-460 Willoughby Rd, which the Proponent has also informally requested to be rezoned to R4 High Density Residential. The existing R3 Medium Density zone on Willoughby Rd allows for a diversity of housing type (including townhouses) in the precinct. It is also compatible in scale to the existing three storey development to the north fronting Willoughby Rd at 2 Artarmon Rd (Castle Vale).

Revised concept plans prior to referral to the Department of Planning for a Gateway Determination will be required should Council support the modifications recommended in this report.

Roads and Maritime Services (RMS) have recommended the provision of traffic signals at the intersection of Willoughby Rd and Walter St. This is supported by Council's Traffic and Transport Team Leader.

Mapping amendments to the Land Zoning, Height of Buildings and Floor Space Ratio controls of *Willoughby Local Environmental Plan 2012* are at Attachment 5 as well as proposed amendments to Section 6.10 (g) of the written instrument to require a minimum Lot size of 2,000sqm for 1A,1-31 Walter St and 450-462 Willoughby Rd.

Amendments to the site specific provisions of Section D.2.16.17 of *Willoughby Development Control Plan* have been included at Attachment 6.

At this stage discussions regarding a Voluntary Planning Agreement (VPA) have not been resolved. Once progressed further, this matter will be separately reported to Council.

5. CONCLUSION

The Planning Proposal is consistent with the strategic objectives of *A Plan for Growing Sydney*, the *Draft Greater Sydney Plan* and the *Revised Draft North District Plan*, as well as Council's endorsed Housing Position Statement (June 2017).

The Planning Proposal is supported subject to:

- i) a reduction in the proposed floor space ratio to 1.5:1;
- ii) a reduction in the proposed height to allow 24m for 3-13A Walter St and 27m for 15-31 Walter St, Willoughby;
- iii) the deletion of 462 Willoughby Road, Willoughby;
- iv) a requirement for a minimum Lot size of 2,000sqm for 1A,1-31 Walter St and 450-462 Willoughby Rd;
- v) adoption of amendments to the site specific controls to *Willoughby Development Control Plan* (WDCP) as outlined in Attachment 6.

It is considered that the relevant requirements under Section 55 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

Amended plans are requested to demonstrate a better design outcome in accordance with the modifications recommended in this report including analysis against the proposed site specific controls of *Willoughby Development Control Plan* (WDCP) prior to public exhibition.

Based on the above, it is therefore recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 1

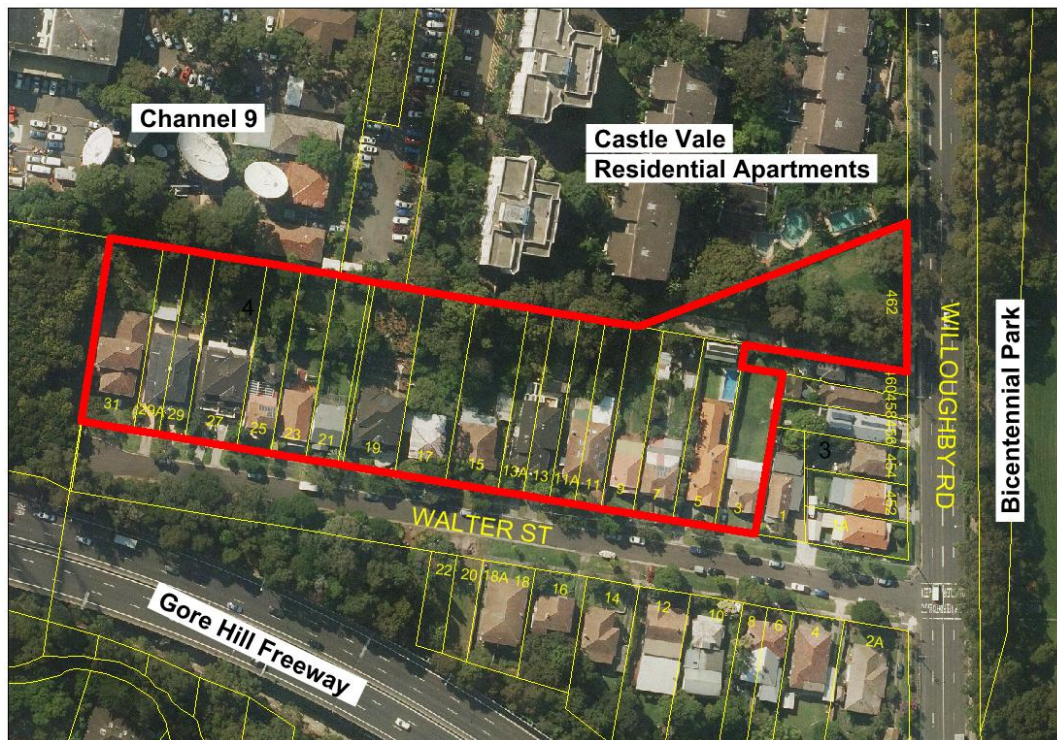
IMPLICATIONS	COMMENT
City Strategy Link:	3.1.1 PLAN FOR HOUSING CHOICE
Business Plan Objectives, Outcomes/ Services	To ensure this Planning Proposal is in line with the <i>Council's Housing Position Statement and the Draft Sydney Region Plan and Draft North District Plan</i> and to accommodate future growth needs.
Policy	This Planning Proposal is in line with the <i>Council's Housing Position Statement and the Draft Sydney Region Plan and Draft North District Plan</i> . This Planning Proposal will result in amendments to the Zoning, Height of Building and Floor Space Ratio Maps of Willoughby Local Environmental Plan 2012 as well as to Clause 6.10(g) of the written instrument relating to minimum site area. Site specific development controls in <i>Willoughby Development Control Plan</i> will also apply to the site.
Consultation	This Planning Proposal would be publicly exhibited following Gateway Determination.
Resource	Operating resources used to prepare report but additional consultant resources were required to undertake the urban design analysis.
Risk	Risk of not achieving the objectives of the Housing Position Statement and accommodating future growth requirements.
Legal	The Planning Proposal should amend <i>Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan</i> .
Legislation	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
Budget/Financial	The work completed by the Urban Design Consultant is within the budget. Future development following rezoning is subject to Section 94A Contributions under the <i>Willoughby City Section 94A Contributions Plan 2011</i> . The Proponent has also submitted a letter of VPA offer.

ATTACHMENT 2**DETAILED ASSESSMENT****The Site**

The Planning Proposal request relates to 3-31 Walter St and 462 Willoughby Rd, Willoughby. This land is located at the southern end of Willoughby and includes 19 residential lots comprising a mix of one and two storey single and attached dwellings - all located on the northern side of Walter St, Willoughby. The property at 462 Willoughby Rd is undeveloped and triangular in shape located on the western side of Willoughby Rd opposite Bicentennial Reserve. The land has a total site area of 12,255sqm. Refer below to Figure 1- Site Plan.

The topography of the Walter St properties falls steeply from the Channel 9 site (to the north west) down towards Walter St and Willoughby Rd. Significant rock outcrops are located at the rear of some properties (particularly 17-31 Walter St). The vacant site at 462 Willoughby Rd is undulating.

Figure 1 Site Plan

**The Locality**

Walter St is a cul de sac with Richmond Reserve (owned by Council) at its western end and Flat Rock Creek and the Gore Hill Freeway located to the south.

The site is within a wider precinct bounded by Willoughby Rd/ Artarmon Rd/ Richmond Rd and the Gore Hill freeway which is characterised by a mix of low and medium to high density development.

The wider precinct includes Castle Vale residential apartments (3-9 storeys) and the Channel 9 site (currently approved by the Land and Environment Court for development up to a maximum building height of 8 storeys).

The site is located close to public bus transport to the City and is within walking distance to the neighbourhood shops at Naremburn and to Willoughby Rd. Excellent open space facilities (Bicentennial Reserve and Hallstrom Park) are located nearby and the site is also well connected to the regional cycle network and walking paths.

Background

Willoughby Local Environmental Plan (WLEP) 2012 rezoned the subject properties in Walter St from Low Density Residential 2(a) to Medium Density Residential (R3). The site at 462 Willoughby Rd was rezoned from Proposed County Road Reservation to Medium Density Residential (R3) at the same time. There are site specific development controls in *Willoughby Local Environmental Plan 2012* requiring minimum areas for site consolidation. In addition the *Willoughby Development Control Plan (WDGP)* requires all properties with vehicular access off Willoughby Road to be left in/left out only and, if appropriate, reinforced with a raised median in Willoughby Road.

A Development Application for a child care centre at 1,1A Walter St and 452-460 Willoughby Rd catering for up to 207 children was recently approved by the Land and Environment Court.

To date, Council has issued consent for residential flat developments at 5-9 Walter St, 11-13A Walter St, 15 -17 Walter St and 21-27 Walter St under the current R3 Medium Density Residential planning controls of WLEP 2012. This equates to a total of 101 units. None of the consents have been activated.

More recently (June 2016), Council endorsed a Housing Position Statement that included the subject land as an area for investigation to enable higher density.

The location of the site is consistent with the criteria and principles for considering sites for increased residential density endorsed by both Council in the *Willoughby Housing Position Statement* and the *Greater Sydney Commission (GSC)- Revised Draft North District Plan*. (Refer to further discussion on strategic planning context in [Attachment 3](#))

Ownership

The Proponent currently owns 3-13A, 17-19 and 21-27 Walter St and has advised that it is negotiating agreement to acquire 15, 29 and 31 Walter St subject to the outcome of this Planning Proposal. The Proponent has also applied to the Department of Land and Information for Possessory Title over a remnant strip of land located between 19 and 21 Walter St currently available for drainage from Scott St. They have also advised of interest in acquiring 1, 1A Walter St and 452-460 Willoughby Rd and have requested that those sites also be included in this Planning Proposal. The property at 462 Willoughby Road is not owned by the Proponent.

The southern side of Walter St (2A-20 Walter St) comprises 11 properties zoned SP2 Infrastructure which are owned by Roads and Maritime Services (RMS) with the exception of 4,6 and 12 Walter St which are in private ownership. These three properties as well as Walter St itself are identified in WLEP 2012 as land reserved for future acquisition. Should Council support this proposal, consultation about the future of these properties with the RMS will be undertaken.

Planning Proposal Request

The Planning Proposal as submitted seeks to:

- amend the zoning of the site from R3- Medium Density Residential to R4 High Density Residential;
- amend the height on the site from 12m to 28m;
- amend the floor space ratio on the site from 0.9:1 to 2:1 (excluding affordable housing).

Walter St currently has a carriageway width of only 7 metres and with two sided on-street car parking this only allows for single lane traffic movement. The road reserve is approximately 20 metres wide with compromised footpaths given the changing topography of the street.

As part of the Planning Proposal the Proponent proposes to forward fund the upgrade of the carriageway to allow for compliant footpaths, street tree planting and a carriageway which will allow for two lanes of traffic and parking on each side within the existing road reserve for the length of Walter St.

Public Benefit

The Proponent has submitted a letter of offer proposing a public benefit through a Voluntary Planning Agreement (VPA) based on the following:

1. an affordable housing unit contribution of 1% of the value of GFA above the 4% required under WLEP 2012; and
2. a works contribution for upgrading works to:
 - create a new pedestrian and cycle connection from the centre of Walter St to under the freeway connecting to the existing cycle way; and
 - a monetary contribution depending on the final endorsed floor space ratio.

The public benefits proposed by the Proponent are supported however further detail is required to demonstrate that the design for road widening can accommodate the requirements for traffic lights, cycle way, pedestrian footpath, kerb parking and vegetation.

Consultation and support of the RMS will also be required to utilise its land on the southern side of Walter St for an improved bike path link with the regional network.

Original Concept Plans

Concept plans accompanying the Planning Proposal provide for 5 amalgamated parcels as outlined below (Figure 2 below)- four in Walter St (sites A- D) and the triangular site at 462 Willoughby Rd (site E). The Proponent originally submitted concept plans (masterplan) for the subject land to demonstrate a potential design outcome complying with the proposed height (28m) and floor space ratio (2:1 excluding affordable housing) as requested in the Planning Proposal.

Figure 2 Original Proposed Walter St Concept Plan- showing proposed development and heights identified as sites A-E. Note: includes outline of proposed Channel 9 modification 1/ Castle Vale and proposed childcare centre (Corner Walter St and Willoughby Rd).



The concept plans proposed demolition of existing dwellings and construction of 278 units with a mix of 1, 2 and 3 bedroom units and including 7 town houses.

The plans for the Walter St sites proposed four similarly scaled eight/nine storey buildings with two of the buildings (sites B and C) incorporating five storey wings and the eastern most linear site (site A) incorporating three storey town houses. The triangular site at 462 Willoughby Rd proposed a building of seven storeys plus penthouse.

Four hundred (400) car spaces including 63 visitor spaces were proposed in underground basements.

The properties at 1,1A Walter St and 450-460 Willoughby Rd (Child care centre) were not included in the concept plans as residential flat buildings and the report accompanying the original Planning Proposal was unclear whether rezoning was being requested for these properties.

Council sought external urban design advice to assist assessment including consideration of the Planning Proposal with regard to *Willoughby Development Control Plan (WDCCP)* and *State Environmental Planning Policy (SEPP 65)- Design Quality of Residential Flat Development (Apartment Design Guide) (ADG)* standards.

Urban Design Advice

The urban design advice noted that the land is well suited for higher density housing however further consideration of the existing topography and acknowledgement of the existing and future scale ("morphology") of the precinct (Artarmon Rd/ Richmond Rd/ Willoughby Rd and Walter St) was required. Solar access and cross ventilation was noted as also requiring further analysis.

With regard to the context of the site, it was noted that:

“The residential precinct fronting Artarmon Rd to the north dates from the late 1970’s or early 1980’s. While it includes a number of buildings up to nine storeys, a distinctive stepping of built form and setback gardens achieves a much lower three storey scale along Willoughby Rd. With its dominance of landscape, this creates a residential character that is distinctive, finely tuned to its topography and complements its fine grain of single dwellings. With the advent of new development on the Channel 9 site this stepped morphology is going to become more pronounced: This provides the opportunity for the subject proposal to align its scale and massing to achieve similar ends.

The urban design advice recommended that future development in the Walter St precinct acknowledge the existing and future character of the area and provide a gradation in the scale of buildings from the adjoining proposed Channel 9 development and existing Castle Vale apartments stepping down towards Walter St and Willoughby Rd.

It also proposed that a “fine grain” row house typology be introduced for Walter St to contrast the larger massing above. This would activate the street and reduce the apparent scale of development and would be more responsive to the existing lower density cottages located on the southern side of Walter St.

The key urban design recommendations were as follows:

1. The properties at 1,1A Walter St and 450-460 Willoughby Rd should not be included in the Planning Proposal.
2. The townhouses are not supported as they have little amenity and are not permitted in an R4 High Density Residential zone.
3. The proposed built form needs to respond to the predominant stepped typology of the block, with a lower street wall (three-storeys) and reduced scale to Willoughby Road and single dwellings to the south of Walter Street.
4. Subject to further assessment, a maximum height of buildings control in the WLEP 2012 that facilitates a built form of up to eight-storeys on Sites B – D, seven-storeys (six plus penthouse) for Site A, and four-storeys (three plus penthouse) for Site E could be appropriate for the site.
5. Appropriate floor space ratio controls should be subject to further testing (solar access and cross ventilation) and based on the onus of the Proponent.
6. Design outcomes for appropriate street wall height, upper level setbacks and treatment of the ground floor apartment typology should be addressed as part of a Stage 1 DA or implemented as additional site specific controls to Section D.2.16.17 of the WDCP.
7. Further testing should be undertaken to demonstrate the built form outcome based on existing lot pattern or a varied amalgamation pattern, and the minimum lot size requirement under the LEP and DCP should be reviewed based on the outcomes of this testing.

Amended Plans

The Proponent submitted an amended concept plan that partly addresses the above urban design advice. The amended plans slightly reduce the overall floor space ratio (2:1 including affordable housing) and reduces yield to 269 units being a mix of 1, 2 and 3 bedroom. The buildings designed for Walter St have been amended to provide a lower street wall height and a reduced scale to the street and to the single dwellings located on the southern side of Walter St.

The amended built form shown in Figure 3 below shows the site in the context of existing development to the north at Castle Vale and the proposed modification 1 at Channel 9. The amended concept plan retains eight storeys on Sites B-D. The town houses have been deleted in Site A, the building reduced to part 6/ part 7 storeys plus penthouse along the Walter St frontage and redesigned as a U-shaped building. The building on Site E (462 Willoughby Rd) has been reduced to 6 storeys, not 4 storeys as recommended. The amended plans propose 410 car spaces including 66 visitor spaces. The amended concept plans are at [Attachment 4](#) and an extract is included in Figure 3 below.

Figure 3 Amended Proposed Walter St Concept Plan- showing revised heights for sites A-E.
Note: Plan shows proposed layout of Modification 1 on Channel 9 site, existing Castle Vale and proposed child care centre



Discussion

Issues considered in assessment of the Planning Proposal and amended concept plans are as follows:

Strategic Context

The land is within an “Area of Investigation” identified in the Willoughby Housing Position Statement to be considered for higher density as it is located near the Willoughby and Naremburn business centres, close to public transport and open space with good bicycle and pedestrian linkages. Analysis supporting the strategic justification for the rezoning has been provided with documentation accompanying the Planning Proposal.

A change in zoning of 3-31 Walter St, Willoughby to R4 High Density residential is supported from a strategic planning perspective however as outlined below in this report, the 28m height and floor space ratio of 2:1 that is requested in the Planning Proposal is not supported nor is the inclusion of 462 Willoughby Rd, Willoughby. In terms of urban design this is likely to create a building bulk and scale inappropriate at the lower end of Walter St and facing Willoughby Rd. In addition, housing diversity and an area of potential medium density building form would be reduced if 462 Willoughby Rd was rezoned.

Built Form, Scale, Solar access and Ventilation

Some of the recommendations from the external urban design advice have been adopted in the Proponent's amended plans. The Proponent has submitted a solar analysis for the amended concept considering the impact of proposed development to the north at Channel 9 under approved and proposed future building envelope scenarios (modification 1). The analysis indicates that all except one unit in building C (21-27 Willoughby Rd) can comply with the SEPP 65 requirement that 70% of habitable rooms receive greater than 2 hours sunlight between 9am and 3pm in mid- winter.

Significant overshadowing from Sites A and B will affect the existing cottages located on the southern side of Willoughby Rd in the mornings in mid- winter however the rear yards of these properties will remain unaffected. However, given the current SP2 zoning and acquisition reservation of the properties not owned by RMS, it is likely that they will not remain as single dwellings in the long term.

The Proponent has also provided analysis of cross ventilation testing which indicates compliance with *Willoughby Development Control Plan (WDCP)* and *State Environmental Planning Policy (SEPP 65)- Design Quality of Residential Flat Development (Apartment Design Guide) (ADG)* standards.

Overall, the amended plans result in a more compliant development when assessed against WDCP and SEPP 65 numerical controls however there are still significant non-compliances with WDCP particularly relating to site cover, landscaping and some setbacks.

Comment

The Proponent's response to the urban design advice indicates that the scale of development proposed at a ratio of 2:1 is an overdevelopment of the precinct. In particular the proposed development of Sites A and E is excessive particularly in the context of the existing three storey units fronting Willoughby Rd in the Castle Vale complex to the north and its landscaped setting.

To better reflect the topography and character of the precinct it is recommended that 462 Willoughby Rd (Site E) remain as medium density (12m height) and not be rezoned as part of this Planning Proposal. In addition it is recommended that the scale of building on Site A be reduced by stepping down in height towards its eastern boundary. Consideration should also be given to a design that minimises its wide southern facade – possibly by designing two separate buildings on the site with greater opportunity for landscaping in between. A future Development Application could address this issue.

A lower density of 1.5:1 floor space ratio is more likely to result in a development that is in keeping with the surrounding context and allowing a better interface with the neighbouring properties to the north and south. It will also allow opportunity for greater setbacks as well as more landscaping provision and open space.

Should Council support the Planning Proposal it is recommended that the Proponent submit revised concept plans deleting 462 Willoughby Rd and demonstrating development of 3-31 Walter St at a 1.5:1 floor space ratio (excluding 5% affordable housing) prior to the Planning Proposal being forwarded to the Department of Planning for a Gateway Determination.

A comparison of the yield for various development scenarios discussed in this report is outlined below in Table 1 below.

Table 1 – Summary of Existing and Possible Development Control Options

	Existing WLEP 2012	Planning Proposal Request	Council Officer's Recommendation in this report
Zoning	R3 Medium Density	R4 High Density	R4 High Density
Height	12m	28m	3-13A Walter St-6 storey plus penthouse (24m) 15-31 Walter St- 8 storey (27m)
Floor Space Ratio	0.9:1 (excluding 4%affordable housing)	2:1 (excluding 5% affordable housing)	1.5:1 (excluding 5% affordable housing)
Approx number of units assuming all medium size @80sqm for comparison and excluding child care centre site (1,1A Walter St and 450-460 Willoughby Rd)	137 units plus 5.5 affordable units Site area=12,256sqm including 462 Willoughby Rd	306 units plus 15 affordable units Site area=12,256sqm including 462 Willoughby Rd	198 units plus 10 affordable units where Site are site area=10,574sqm excluding 462 Willoughby Rd. If site area is increased to 12,256sqm: 230 units plus 11.5 affordable units.

Site Amalgamation

The Proponent's concept plan indicates amalgamation to create five separate development sites- four along Walter St and the vacant land at 462 Willoughby Rd. This lot consolidation pattern includes sites currently not in the ownership of the Proponent.

Willoughby Development Control Plan (WDGP) currently requires a minimum site area of 1,100sqm for sites at 3-31 Walter St and 462 Willoughby Rd and 2,000sqm for 1,1A Walter St and 450-460 Willoughby Rd (child care site). The proposed development sites (A-E) indicated in the concept plans range in area from 1,641sqm to 4,030sqm.

It is recommended that should Council support the Planning Proposal, the 2,000sqm minimum allotment size should be applied to all the sites in the Planning Proposal as well as in the precinct including 1, 1A-31 Walter St and 450-462 Willoughby Rd. This will ensure that sufficient site area is available to achieve development potential, allow for adequate provision of landscaping and open space as well as provide for the appropriate location of vehicular access to the sites. The larger minimum Lot size will require the site at 462 Willoughby Rd (1,682sqm) to amalgamate with an adjacent site/s.

The revised minimum Lot size control (2,000sqm) will require an amendment to Clause 6.10(g) of *Willoughby local Environmental Plan (WLEP) 2012*.

Traffic Generation

Traffic studies prepared by The Transport Planning Partnership (TTPP) on behalf of the Proponent recommended the provision of traffic lights at the Walter St intersection. TTPP concluded that growth in the background traffic alone would result in the Walter St intersection with Willoughby Rd operating poorly. Additional traffic arising from the redevelopment of Walter St in accordance with the current R3 zoning for Walter St as well as traffic from the Channel 9 site and the proposed Walter St childcare centre would trigger the need to upgrade the Walter St intersection.

According to the Traffic report, traffic signals at the Walter St intersection would provide more than adequate capacity to provide a good level of service in the future following the completion of all known developments. The traffic report states that if the Walter St intersection was to be upgraded to operate under signal control, widening of Walter St would also be necessary to provide two-way independent flows to improve the efficiency of the new traffic signal at Willoughby Rd.

Council's Traffic and Transport Team Leader had no objections to the report and advised:

The report indicates that the proposed new traffic control signals with all movements provided will operate with an acceptable level of service and Willoughby Road (including key intersections modeled) will also continue to operate with a similar level of service to the existing situation for the greatest level of development on the site for 10 years into the future (with forecast regional traffic growth and that generated by large developments planned nearby and assuming an upgrade at Willoughby Road/ Artarmon Road is completed).

- Roads and Maritime Service Advice

RMS advice ([Attachment 7](#)) supports the installation of traffic lights with restrictions on right turn movements from Willoughby Rd in peak hours and other requirements including updated road design to provide two lanes exiting from Walter St and one lane entering Walter St. The RMS requires the proposed traffic lights and associated civil works to be at the cost of the Proponent and to be included in a Planning Agreement executed prior to the gazettal of the Planning Proposal.

The RMS advice is noted and supported however the mechanism for providing the traffic lights should be a requirement in a condition of consent for the first Development Application for R4 High Density Residential in Walter St rather than as a Planning Agreement. The provision of traffic lights is not a public benefit but a consequence of the density increase facilitated by the Planning Proposal.

Car parking

The Proponent's Planning Proposal indicates provision of car parking at the rate required for developments not located on a major public transport corridor (MPTC). The Willoughby Development Control Plan (WDCP) identifies Willoughby Rd as a MPTC. It stipulates where any part of the street block adjoins a MPTC, the whole block is considered to be included as a MPTC. Therefore a lower rate of car parking is applicable to the Planning Proposal. Future Development Applications in the precinct would need to comply with the lower car parking requirement.

Bicycle Improvement opportunities

The Proponent has offered to fund a new pedestrian and cycle connection from the centre of Walter St to under the freeway connecting to the existing cycle way. Walter St connects to

Willoughby's largest cycling thoroughfare and improvements to accommodate cyclists are supported and would be likely to experience a fairly large flow of cyclists according to Council's Sustainable Projects Officer- Transport. Further design detail will be required to separate cyclists from street parking in Walter St and to formalise a shared path connection to Flat Rock Creek.

Internal referrals

- **Geotechnical Advice**

Significant rock outcrops are located at the rear of some of the Walter St properties which will require excavation in order to achieve the future development envisaged by the Planning Proposal. The Proponent submitted a report of the geotechnical environment by JK Geotechnics that recommends further investigation should the site be developed for higher density. This is mainly because of the anticipated shallow depth to sandstone bedrock. A geotechnical investigation would need to be submitted prior to exhibition should the Planning Proposal be supported by Council.

- **Environmental Health Considerations**

As the site is located close to the Gore Hill Freeway and Willoughby Rd, the impact from traffic noise will require consideration in future Development Applications should the Planning Proposal be supported. A Noise Impact Assessment Report prepared by Vipac Engineers and Scientists submitted with the rezoning request establishes the relevant criteria and provides appropriate recommendations to minimise noise impact from traffic as well as mechanical plant from proposed buildings. Sound reduction measures would be considered at Development Application stage.

A preliminary environmental site assessment report prepared by EIS considered potential site contamination on behalf of the Proponent. The report concludes that, based on preliminary findings, higher density is possible however further investigation is recommended particularly in the eastern site areas. A stage 2 – Detailed investigation report will therefore be required prior to exhibition should the Planning Proposal proceed to Gateway.

- **Landscaping Comments**

Council's Landscape Officer reviewed the concept plans and noted that in broad terms, the Walter St sites are located within an important landscape corridor which extends generally west to east incorporating Artarmon Reserve, the Gore Hill Freeway corridor, Richmond Avenue Reserve, Prentice Park, Fleming Park, Bicentennial Reserve, Flat Rock Gully, Tunks Park, Northbridge Park and Memorial Reserve to Middle Harbour.

It was noted that provision of adequate landscape areas and soil volume to accommodate taller trees commensurate with the building heights and landscape character of the area and corridor is important. It was also noted that site development for higher buildings with increased floor space ratio will need to address provision of adequate landscape planting within the site and certainly minimum setbacks should be adhered to, whether based on existing or site specific controls for the sites.

Initial assessment indicates 31 trees to be removed across the site, with a further estimated 10 trees removed to accommodate the path along the southern side of Walter St emphasising the need for adequate replacement planting.

It was noted that overall, the Planning Proposal to rezone and conceptual plans provided have some merit subject to improved opportunity for significant tall planting on the site and adequate landscape setbacks.

Council's Landscape Officer noted that the Voluntary Planning Agreement (VPA) offer provides for a wider public benefit beyond the requirements of the development through a monetary contribution. Further discussions will occur progressing the VPA and will be reported back to Council. It was also noted that the proposal includes construction of 80 metres of pathway between Walter St and the Gore Hill Freeway cycleway. The path appears on the plans to be 1.5 m wide. This may not be adequate for a cycleway link, however no cycleway standards assessment has been made at this stage and referral to RMS will be required.

- **Engineering Comments**

Council's Engineer reviewed the Planning Proposal and made comments which generally relate to a future Development Application and included a requirement that the Planning Proposal make provision for storm water drainage from the property (Channel 9) to the north. This is a matter to be considered in conjunction with future development of the site.

Wider Infrastructure

i) Public Transport

A justification for the Planning Proposal is the convenience of the location of Walter St to the City via a regular bus service. Consultation with Transport for NSW- Sydney buses during the Gateway process will advocate for sufficient capacity to cater for the additional demand especially given the additional housing density proposed both in Walter St and at the Channel 9 site. Council will need to approach the state government to support the need for an increase in the number of bus services along the corridor to cater for future demand as a result of the additional housing density from this site and in the precinct generally.

ii) Education

School capacity in the north district is an acknowledged concern and despite recent upgrades to both Willoughby and Artarmon Public School urban consolidation in this precinct will add to existing pressure on resources. Should Council support this Planning Proposal, consultation with the NSW Department of Education's School Infrastructure unit will occur as part of the Gateway Process. It is noted that according to The Draft North District Plan, the NSW Department of Education is planning for the future and estimates that an extra 21,900 students will need to be accommodated in the North District by 2036.

Development Control Plan Amendments

Draft Amendments to section D.2.16.17 of *Willoughby Development Control Plan* (WDCP) that specifically relate to 1A,1-31 Walter St and 452-462 Willoughby Rd have been proposed at [Attachment 5](#) to reinforce the urban design recommendations, site amalgamation requirements, front setbacks, access and landscaping.

The Development Control Plan amendments will be exhibited with the Planning Proposal if supported by Council.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Clause 55(2) of the *Environmental Planning and Assessment Act 1979* and the *Department of Planning and Environment (August 2016) 'A Guide to Preparing Planning Proposals'*. This document establishes six parts for consideration of a Planning Proposal, which are addressed at [Attachment 3](#).

Community Notification

No formal public community consultation has been undertaken to date in regards this Planning Proposal. The community will be consulted on the Planning Proposal as part of the formal notification period following Gateway Determination.

Request to include 1,1A Walter St and 450-462 Willoughby Rd in Planning Proposal.

The child care centre at the above properties was recently approved by the Land and Environment Court. The Proponent has advised that they are acquiring the child care centre site and has verbally requested that it also be included in this Planning Proposal and rezoned to R4 High Density. Whilst there may be a benefit in terms of reduced traffic implications if the site is not developed for a 207 place child care centre, increasing the existing planning controls to allow increased height and density for 1,1A Walter St and 450-462 Willoughby Rd is not supported. As previously discussed in this report, respecting the topography and existing "morphology" and scale of development in the wider precinct is desirable and recommended by the external urban design advice. The existing R3 Medium Density Residential control achieves that urban design objective.

Further, providing a diversity of housing types as well as increasing the supply of housing are objectives in both Council's Housing Position Statement and the *Draft Greater Sydney Region Plan* and *Revised Draft North District Plan*. The R4 High Density zone does not allow attached dwellings or townhouses which offer a different housing option for residents to high rise residential flat buildings.

Conclusion

The Planning Proposal is supported for public exhibition subject to amendments as outlined in this report as follows:

- reduction in the proposed floor space ratio from 2:1 to 1.5:1 (excluding affordable housing);
- reduction in proposed height from 28m to 24m (six storey plus penthouse) for 3-13A Walter St and 27m (eight storey) for 15-31 Walter St;
- deletion of 462 Willoughby Road, Willoughby;
- additional site specific controls to Section D.2.16.17 of *Willoughby Development Control Plan* that address
 - i) site amalgamation;
 - ii) design outcomes for appropriate street wall height, upper level setbacks and treatment of ground floor apartments for Walter St;
 - iii) requirements for a further Geotechnical report;
 - iv) landscaping and vegetation requirements.

The Proposal is consistent with the strategic objectives of the *Draft Greater Sydney Region Plan* and the *Revised Draft North District Plan*, and supports increased housing targets for the City. It allows for improvements to the regional bike network, additional affordable housing and a monetary contribution towards works for a public benefit.

Support for the Planning Proposal is subject to submission of amended concept plans that respond to the reduced floor space ratio recommended in this report. It is considered that the relevant requirements under Section 55 of the *Environmental Planning & Assessment Act* and the matters identified in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' have been adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

The Planning Proposal will require an amendment to the Zoning, Height of Buildings and Floor Space Ratio Maps and the minimum lot size clause 6.10(g) of Willoughby Local Environmental Plan 2012.

It is therefore recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 3

Department of Planning and Environment Requirements Assessment (Council)

The Planning Proposal is considered to be generally in accordance with the requirements under Clause 55(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives to support the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* (WLEP) are as follows:

- (a) To promote urban consolidation and support Council's Housing Strategy by increasing residential density in an area close to public transport and Willoughby and Naremburn local centres;
- (b) To ensure that the form and scale of development on the land is compatible with the character of surrounding residential development.

PART 2 – EXPLANATION OF PROVISIONS

The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to *Willoughby Local Environmental Plan 2012* which will include amendments to the relevant Zoning, Height of Building and Floor Space Ratio Maps as follows:

- (a) Land Zoning Map (Sheet LZN_004) to R4 High Density Residential for 3-31 Walter St, Willoughby
- (b) Height of Buildings Map (Sheet HOB_004) to 24m for 3-13A Walter St and 27m for 15-31 Walter St, Willoughby
- (c) Floor Space Ratio Map (Sheet FSR_004) to 1.5:1 for 3-31 Walter St, Willoughby.

PART 3 – JUSTIFICATION**Questions to consider when demonstrating the justification****Section A - Need for the Planning Proposal****1) Is the Planning Proposal a result of any strategic study or report?**

The Planning Proposal is consistent with Council's *Housing Position Statement* endorsed in June 2017 which is a background document informing a future Willoughby Housing Strategy. The Position Statement discusses planning for the future housing needs of Willoughby City residents over the next 20 years in response to growing and changing population. The Planning Proposal is consistent with the underlying principle of the Position Statement that states "*focus new housing growth in larger centres and areas of medium and high density with access to public transport to protect lower density neighbourhoods.*"

The Housing Position Statement identifies the land within an area of investigation for increased density as it is located near the Willoughby and Naremburn business centres, close to public transport and open space with good bicycle and pedestrian linkages.

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

It is considered that the Planning Proposal is the best means of achieving the objectives and outcomes discussed above.

Section B - Relationship to Strategic Planning Framework

3) Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

A Plan for Growing Sydney (Metropolitan Plan) was released by the Department of Planning and Environment in December 2014 as the NSW Government's plan for the future of the Sydney Metropolitan area over the next 20 years. It sets four goals for Sydney to be:

- A competitive economy with world-class services and transport.
- A city of housing choice, with homes that meet Sydney's needs and lifestyles.
- A great place to live with communities that are strong, healthy and well connected.
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Within *A Plan for Growing Sydney (Metropolitan Plan)*:

- A priority for the north subregion is:
 - A competitive economy.
 - Accelerate housing supply, choice and affordability and build great places to live. This is to be achieved by working with Councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services along key public transport corridors.

A Plan for Growing Sydney (Metropolitan Plan) is superseded by *The Draft Greater Sydney Region Plan- A Metropolis of three cities* which is the NSW Government's revised plan for the future of the Sydney Metropolitan area to 2056.

The Revised *Draft Greater Sydney Region Plan* sets ten directions for Sydney to be:

1. A City Supported by Infrastructure
2. A collaborative city
3. A city for people
4. Housing the City
5. A city of great places
6. A well connected city
7. Jobs and skills for the city
8. A city in its landscape
9. An efficient city
10. A resilient city.

The plan encourages Council's to accelerate housing supply, choice and affordability and build great places to live. This is to be achieved by working with Councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services along key public transport corridors.

The Revised *Draft North District Plan* October 2017 implements the vision and directions of the *Draft Greater Sydney Regional Plan* through Planning Priorities and Actions.

Planning Priority N5 of the Draft Plan *Providing housing supply, choice and affordability, with access to jobs and services* is the main initiative that is relevant to this Planning Proposal. It requires Willoughby Council to prepare a local housing strategy that addresses the delivery of 1,250 dwellings within 5 years and plans for the capacity to deliver further dwellings within a 10-20 year period.

The Planning Proposal is considered consistent with *A Plan for Growing Sydney* (Metropolitan Plan) and the revised *Draft North District Plan* for the following reasons:

- The proposal will assist in meeting the housing supply targets required in the *Draft North District Plan* in a location identified as being well located to local centres, public transport, public open space and regional walking and cycle networks.

The Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*' establishes specific assessment criteria to assist a Relevant Planning Authority.

Assessment Criteria

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant 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;

Comment:

The Planning Proposal is considered consistent with the revised *Draft North District Plan*.

- Consistent with a relevant local council strategy that has been endorsed by the Department;

Comment:

Council is in the process of preparation of Draft Housing, Local Centres and Industrial Strategies which are anticipated to be exhibited in mid- 2018 for community comment. The Planning Proposal is consistent with the Council endorsed *Housing and Local Centres Position Statements* that are the background documents to the strategies and set the underlying principles for planning for the future needs of housing and jobs for Willoughby residents.

- 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.

Comment:

The Planning Proposal responds to the Housing targets for Willoughby Local Government Area as included in the Revised *draft North District Plan* and future growth predicted to 2036.

- b) Does the proposal have site-specific merit, having regard to the following:
- The natural environment (including known significant environmental values, resources or hazards)

Comment:

There is a significant fall in topography from the north-west corner of Walter St to the opposite south-east corner and extensive excavation will be required to develop the site in accordance with the Planning Proposal. A geotechnical report prepared by JK Geotechnics notes that the main issue associated with developing the site to R4 High Density Residential will be the anticipated shallow depth to sandstone bedrock.

According to the report submitted with the Planning Proposal, whilst the sandstone bedrock will provide suitable founding material and can generally be excavated with vertical batters, hard rock excavation conditions must be anticipated for any proposed basements, as well as the need to control sound vibrations. The Geotechnical report recommends further investigation which will be required to be undertaken prior to exhibition should the Planning Proposal proceed to Gateway Determination.

The site is also located within an important landscape corridor which extends generally west to east incorporating Artarmon Reserve, the Gore Hill Freeway corridor, Richmond Avenue Reserve, Prentice Park, Fleming Park, Bicentennial Reserve, Flat Rock Gully, Tunks Park, Northbridge Park and Memorial Reserve to Middle Harbour.

The site is currently zoned for medium density which will result in removal of vegetation and the Planning Proposal is likely to result in the further removal of a significant number of existing trees.

A tree inventory identifies that initial assessment indicates 31 trees to be removed across the site, with a further estimated 10 trees removed to accommodate the path along the southern side of Walter St.

The flora and fauna report prepared by Fraser Ecological consulting submitted with the Planning Proposal advises that the habitat tree impacts are largely limited to removal of predominantly exotic or non- locally native trees. It identifies the site as comprising mainly typical North Shore garden planting and urban back yards. The trees throughout the site provide an upper canopy inter-connectivity including contact with introduced and remnant trees on the adjacent property to the south. No habitat hollows were recorded and the habitat on-site is not considered to provide critical breeding habitat resources.

The major conclusion of the flora and fauna assessment is that the proposed development is unlikely to result in a significant impact on any listed species or communities providing the recommendations of the report are applied to future development.

Council's Landscape Officer has made recommendations emphasising the importance of replacement planting and provision of landscape areas and soil volume to accommodate taller trees commensurate with the building heights and landscape character of the area and corridor is important.

Although it is close to the M2- which abuts the southern boundary of properties to the south side of the street, traffic noise is relatively contained by large acoustic barriers, landscaped setbacks and existing dwellings.

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

Comment:

Although the Planning Proposal concerns an area characterised by low density residential in the form of single detached dwellings, the subject sites are currently zoned R3 Medium Density Residential and the wider precinct has a medium to high density character with substantial development existing and proposed. It is located in a precinct currently undergoing transition with the Channel 9 site having approval for redevelopment for high density residential development and the existing Castle Vale apartments (up to 9 storeys) located directly to the north of the site.

- 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.

Comment:

This issue is discussed in the supporting Council report under Public Benefit.

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

The *Willoughby City Strategy 2013-2029* is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

The Strategy sets out six broad themes, with the relevant sub- theme regarding this Planning Proposal being Homes: Housing choice, quality and character with the goal *"To be a place with housing that is liveable, sustainable and enhances urban character."*

The following relevant strategies are identified:

3.1.1 Plan for housing choice

- a) Investigate changing demographics of the Willoughby area and review planning controls to encourage new housing types to meet community and intergenerational needs.
- b) Facilitate, provide and advocate for affordable housing.
- c) Protect important employment areas (industrial, commercial land) from incursion by residential development and other uses that affect the long term integrity of those areas.

3.1.2 Quality living amenity for residents

- a) Ensure future development can be provided with adequate infrastructure and services.
- b) Assess development for its quality, sustainability and amenity for living.

The Planning Proposal is considered consistent with the *Willoughby City Strategy 2013-2029*.

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

The following State Environmental Planning Policies are applicable, with comment provided.

SEPP Title	Comment
SEPP 55 – Remediation of Land	An Environmental Site Assessment has been provided with the Planning Proposal. The report concludes that, based on preliminary findings, higher density is possible however further investigation is recommended particularly in the eastern site areas. A stage 2 – Detailed investigation report will therefore be required prior to exhibition should the Planning Proposal proceed to Gateway.
SEPP (BASIX) 2004	This SEPP will apply to future proposed dwellings/units and appropriate BASIX documentation will be required with any future Development Application for redeveloping the site.
SEPP (Exempt and Complying Codes) 2008	The Planning Proposal does not contain provisions that contradict the application of the SEPP.
SEPP 65 – Design Quality of Residential Flat Development	This SEPP will apply to future development. The concept plan has been submitted having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Code. The recommendation to reduce the floor space ratio and introduce site specific Development Control Provisions will further support appropriate compliance with SEPP 65. Refer to Detailed Assessment Council report for discussion.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal will not contain provisions that will contradict or hinder application of this SEPP.
SEPP(Housing for Seniors or People with a Disability)	The Planning Proposal will not contain provisions that will contradict or hinder application of this SEPP.
SEPP (Infrastructure) 2007	The Planning Proposal will not contain provisions that will contradict or hinder application of this SEPP
SEPP (Sydney Harbour Catchment)	The Planning Proposal will not contain provisions that will contradict or hinder application of this SEPP

6) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions?)

The Section 117 Directions issued to councils under s.117(2) of the EP&A Act 1979 require that a Planning Proposal does not conflict with the Directions. The following is a summary of the planning proposal against the relevant Section 117 Directions in this instance.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Not Applicable		

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	No	Not Applicable	The site and adjoining lands are not local heritage items or within conservation areas.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The Planning Proposal is consistent with the objectives of the direction because it will improve housing choice, accessibility and distribution of housing stock. It is consistent with the objectives of the direction because it provides for housing in close proximity to employment centres and established public transport reducing travel demand with environmental benefits.

Direction	Relevant?	Consistent	Comment
3.3 Home Occupations	Yes	Yes	Home occupations will continue to be permissible development on the site.

Direction	Relevant?	Consistent?	Comment
3.4 Integrating Land Use and Transport	Yes	Yes	The site is close to public transport linkages and employment.

4. LOCAL PLAN MAKING

Direction	Relevant?	Consistent?	Comment
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not contain any provisions which require concurrence, consultation or referral to the Minister

5. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	The Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> and the <i>draft Sydney Region Plan</i> as outlined in the report above.

Section C- Environmental, social and economic impact

- 7) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

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

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

- Consistency with external urban design advice
- Zoning
- Floor space
- Height
- Bulk and scale
- Solar Access
- Traffic and car parking
- Public Benefit

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

It is considered that the Planning Proposal has adequately addressed social and economic effects.

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

The subject site is located within an existing urban area and it is considered that existing public infrastructure will adequately serve the area. The Planning Proposal will improve provision of regional cycle linkages through a Voluntary Planning Agreement.

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

Council has not notified any public authorities. It is expected that any Gateway Determination would establish which government authorities would be required to be included in the public exhibition.

PART 4 – MAPPING

This Planning Proposal involves amending *Willoughby Local Environmental Plan 2012* zoning, height and floor space ratio maps applying to the site as follows:

- (a) Land Zoning Map (Sheet LZN_004) to R4 High Density Residential for 3-31 Walter St, Willoughby
- (b) Height of Buildings Map (Sheet HOB_004) to 24m for 3-13A Walter St and 27m for 15-31 Walter St, Willoughby
- (c) Floor Space Ratio Map (Sheet FSR_004) to 1.5:1 for 3-31 Walter St, Willoughby

PART 5 – COMMUNITY CONSULTATION

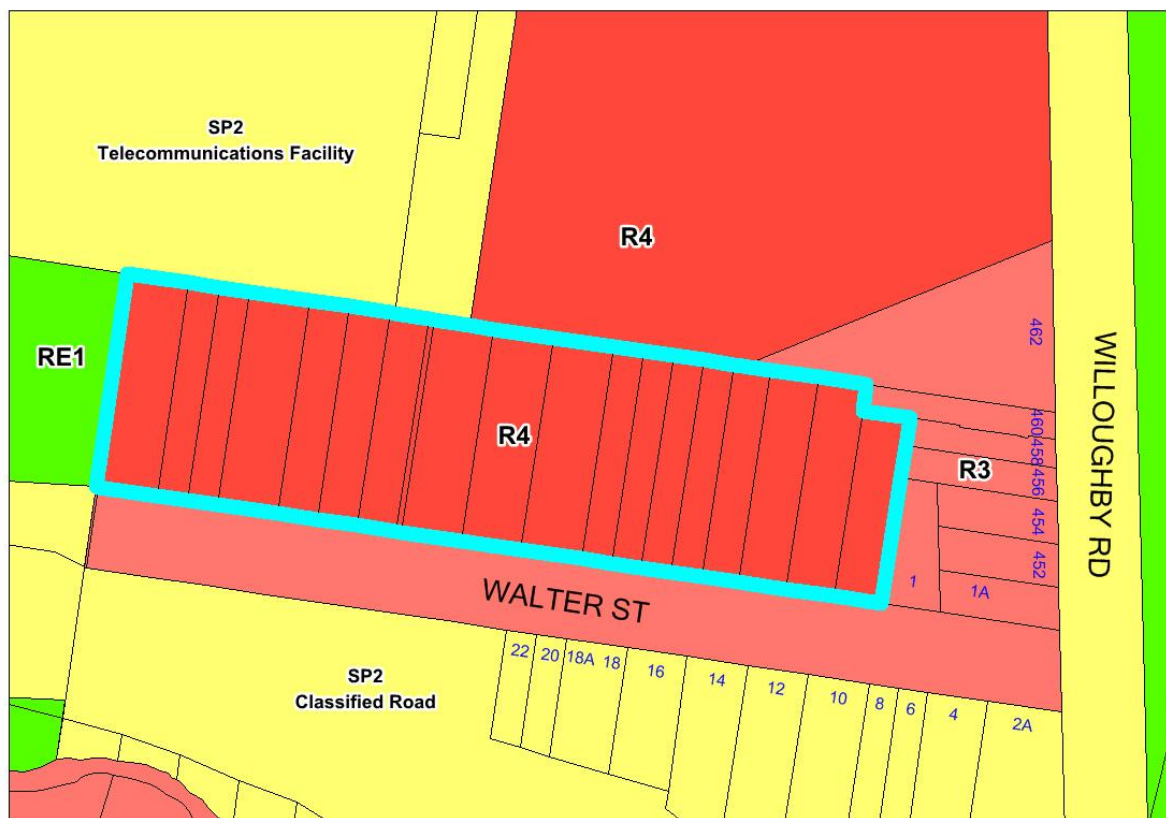
Should Council support the Planning Proposal, it will proceed to the Department of Planning and Environment 'Gateway' process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning and Environment's Gateway Determination requirements and should include the draft *Willoughby Local Environmental Plan 2012* map amendments. This would involve appropriate notification and receipt of submissions from relevant state agencies and the general community.

PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	12 March 2018
Planning Proposal submitted to Gateway	Late April 2018
Gateway Determination received by Council	3 months July 2018
Community Consultation (28 days)	September 2018
Outcomes of Community Consultation presented to Council	December 2018
Planning Proposal submitted to Department requesting notification on Government website	February 2019

ATTACHMENT 5

ZONING MAP



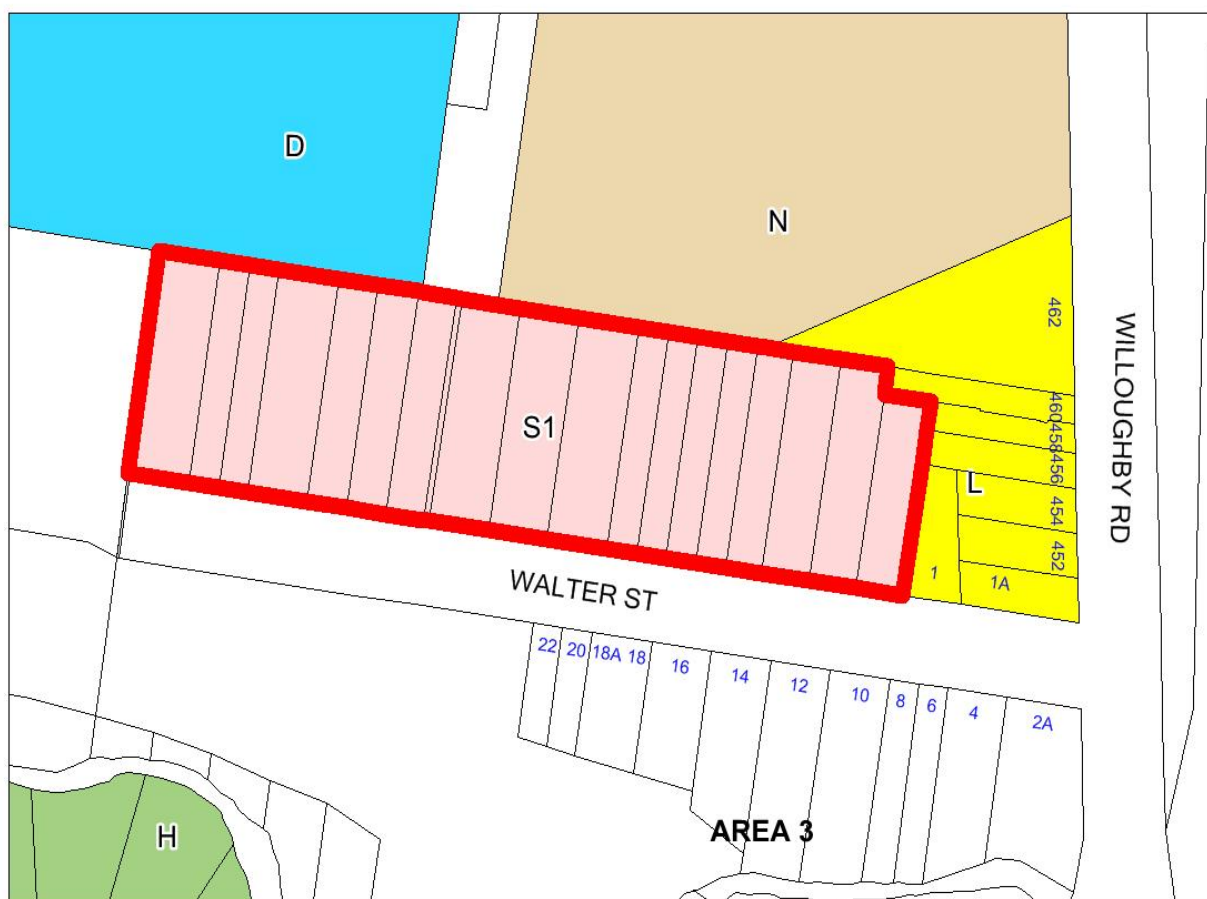
ZONING:

R4 R4 (High Density Residential)

Scale: 1 : 1500



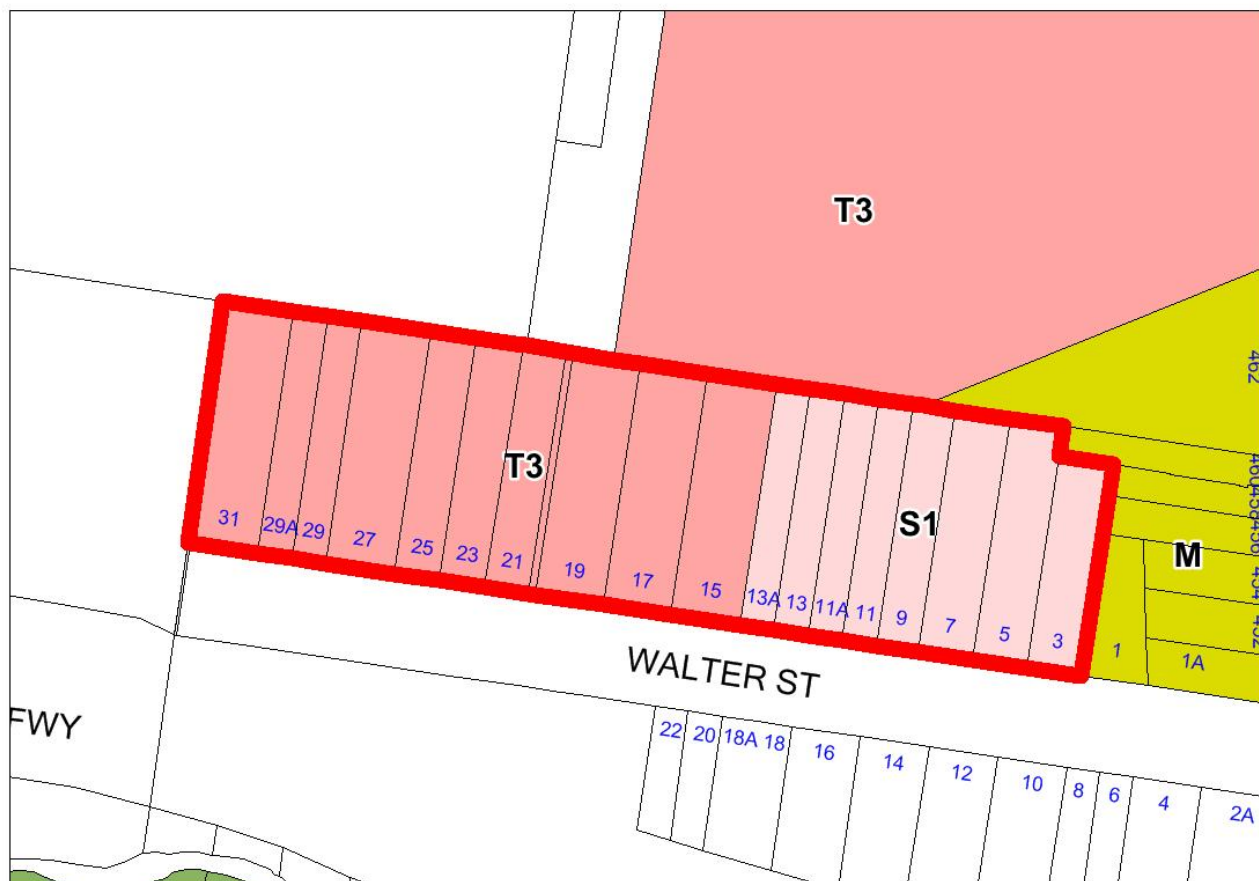
FLOOR SPACE RATIO MAP



FSR:

S1	1.5 : 1
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HEIGHT OF BUILDING MAP



HOB:

S1	24m
T3	27m
M	12m

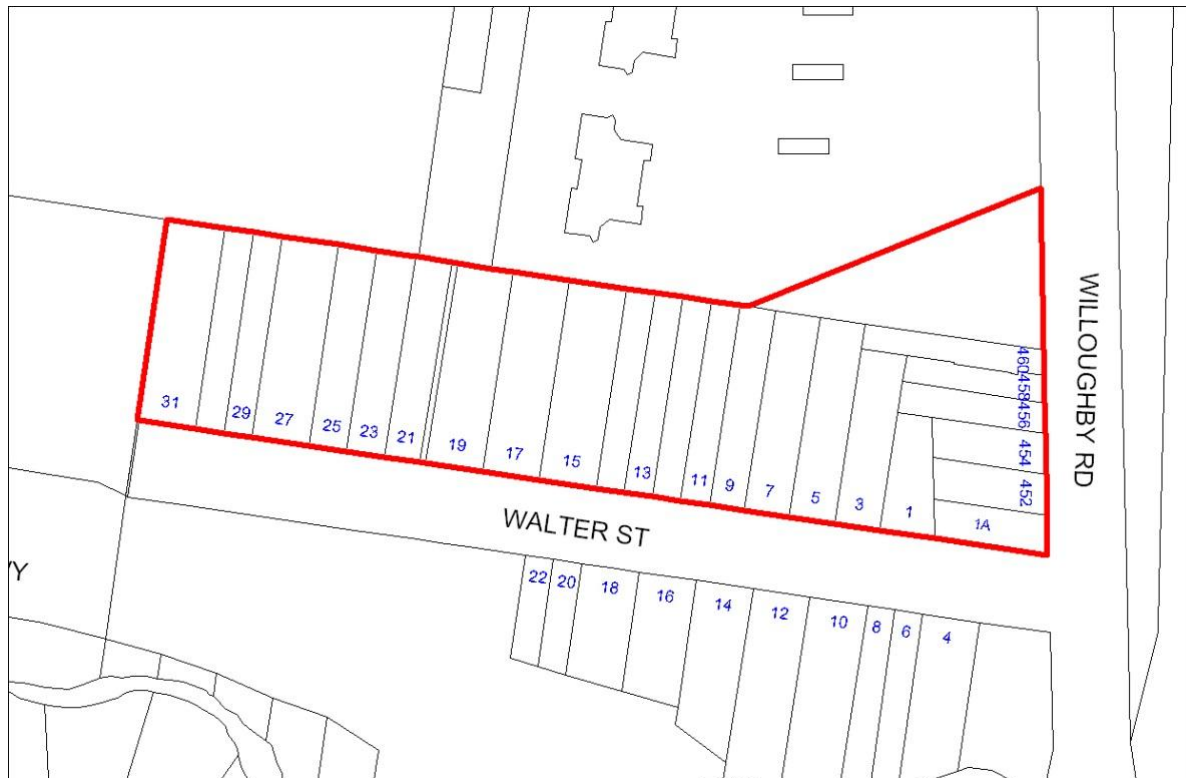
Scale: 1 : 1500



ATTACHMENT 6

PROPOSED AMENDMENTS TO WILLOUGHBY DEVELOPMENT CONTROL PLAN.**D.2.16.17 1A, 1-31 Walter Street and 452-462 Willoughby Road**

These special controls apply to development of the subject land, which is identified on the map below.

**Vision for the precinct**

A residential community comprising a co-ordinated mix of “good designed” medium and high density housing connected to regional open space, walking and cycling routes and which is close to public transport and local centres.

Allotment Size and Lot Consolidation Objectives*Intent*

1. Allotments should be amalgamated in order to ensure that:
 - sufficient site area is available to achieve the stated development potential;
 - there is adequate provision for landscaping and recreational open space;
 - development potential of any residual allotments following a consolidation is still feasible by consolidation with other lots;
 - development on any residual allotment can be satisfactorily achieved by having regard to efficient solar access design; and
 - development does not require vehicular access from Willoughby Rd.

2. Applications that do not comply with minimum Lot size will need to demonstrate that the above objectives will be satisfied.
3. For proposals involving larger lot consolidations, the applicant should consider the option of 2 or more buildings on the site in order to mitigate the scale and mass of one large building of greater bulk.

Controls

1. The minimum site area for development of residential flat buildings is
 - (a) 2,000 square metres as set out in Clause 6.10(g) of Willoughby Local Environmental Plan 2012.
 - (b) Site consolidation of properties referred to in 1(a) above are to provide access from Walter St only
 - (c) No vehicular access should be provided from Willoughby Rd.

Site coverage

Intent

Variation to site coverage

1. Variations to the maximum site coverage requirements can be considered as long as the recreational open space and the natural landscape requirements, privacy, solar access and overshadowing considerations are complied with.

Controls

In order to achieve a high standard of amenity with usable open space, site landscaping and privacy between buildings, the following site coverage requirements apply:

No. of storeys erected above the highest part of the land	Maximum site coverage
2	35%
3	30%
4	28%
5	26%
6+	24%

Height

Intent

1. Development in the precinct is to be compatible to the massing of existing and future character of development located to the north. The height of buildings is to provide a gradation in the scale of development from the adjoining proposed Channel 9 development and existing Castle Vale apartments stepping down towards Walter St and Willoughby Rd.

Controls

- a) 1,1A Walter St, 450-462 Willoughby Rd: Max 3 storey plus penthouse (12m)
- b) 3-13A Walter St: Max 6 storey plus penthouse (24m)
- c) 15-31 Walter St: Max 8 storey (27m)

Front Setbacks

Intent

- 1. Respond to the predominant stepped typology of the block. Activate the street and reduce the apparent scale of development by designing buildings with a three storey street presentation with further setbacks for levels above.
- 2. Ground floor apartments are encouraged to provide a “terrace-style” typology with front gardens around separate ground floor entries to provide a street address, amenity and diversity of housing.

Controls

- 1. 3-13A Walter St:
Ground floor - 9m from front boundary
1st-2nd storey - 6m from front boundary
3rd-5th storey - 9m from front boundary
Penthouse - 11m from front boundary
(No balcony encroachments other than use of the roof of the level below will be permitted into front setbacks.)
- 2. 15-31 Walter St:
Ground floor- 9m from front boundary
1st-2nd storey-6m from front boundary
3rd-7th storey-11m from front boundary
(No balcony encroachments other than use of the roof of the level below will be permitted into front setbacks.)
- 3. 1,1A Walter St and 450-462 Willoughby Rd
Refer to Clause 2.8

Side and Rear Setbacks

Refer to Clause 2.8

Landscaping

Intent

- 1. Landscaping should acknowledge that the area is located within an important landscape corridor which extends generally west to east incorporating Artarmon Reserve, the Gore Hill Freeway corridor, Richmond Avenue Reserve, Prentice Park, Fleming Park, Bicentennial reserve, Flat Rock Gully, Tunks Park, Northbridge Park and Memorial Reserve to Middle Harbour.

Controls

1. Significant trees are encouraged to be retained with any development of the sites or to be replaced with advanced indigenous trees able to achieve similar height at maturity.
2. Provision of adequate landscape areas and soil volume to accommodate taller trees commensurate with the building heights and landscape character of the area and corridor is required.
3. A native tree buffer at least 6.6m wide is to be provided along the rear boundary of Lots.

Trees to the street

1. Street tree planting will be required for new development. The location and species of new planting will be nominated by Council as part of any development consent.

Roof Top Gardens

1. Opportunities for additional landscaping should be considered by the inclusion of roof top gardens where appropriate. This will assist in providing a green buffer and assist to reduce the urban heat effects from development of the precinct.

Geotechnical Requirements*Intent*

1. Ensure the suitability of the site for high density housing
2. Existing rock outcrops should be retained where possible
3. The reuse of sandstone within the development is encouraged.

Controls

1. Future development is to be accompanied by a geotechnical report that examines all aspects of the geotechnical environment and the suitability of the site for high density housing as well as opportunities for reuse of sandstone.

Vehicular access, traffic and linkages*Intent*

1. Provide safe traffic movement at the intersection of Willoughby Rd and Walter St.
2. Provide a safe pedestrian and cycle path connecting to Regional open space and regional cycle way

Controls

1. Installation of traffic lights at the intersection of Walter St and Willoughby Rd is required and is to be in accordance with the requirements of Roads and Maritime Services (RMS) and Council's Traffic and Transport Team Leader.
2. A separated bike path linking Walter St to the Regional cycle network on Flat Rock Creek and to Regional open space at Bicentennial Reserve is encouraged.
3. No vehicular access should be provided from Willoughby Rd.



Transport
Roads & Maritime
Services

ATTACHMENT 7

7 November 2017

Roads and Maritime Reference: SYD16/01432

Planning Manager
Willoughby City Council
PO Box 57
Chatswood NSW 2057

Attention: Jane Hosie

PROPOSED PLANNING PROPOSAL - LOCAL ENVIRONMENTAL PLAN AMENDMENT FOR NO. 3 THROUGH TO NO. 31 WALTER STREET, WILLOUGHBY FROM RESIDENTIAL MEDIUM DENSITY (R3) TO HIGH DENSITY (R4)

Dear Mr Arnott,

I refer to Willoughby City Council's letter of 24 May 2017 seeking comment from Roads and Maritime Services on the abovementioned planning proposal, in particular the proposal for the provision of traffic control signals on Willoughby Road at the Walter Street intersection. Roads and Maritime appreciates the opportunity to provide comment on the planning proposal.

As Council would be aware, Roads and Maritime provided 'in principle' support to the provision of traffic control signals (TCS) at the subject intersection in a letter of 6 February 2017 (**TAB A**), subject to a number of requirements including traffic modelling demonstrating (to Roads and Maritime satisfaction) that this traffic management measure will not have a detrimental impact on traffic flows and travel times for motorists and buses on Willoughby Road.

Roads and Maritime were of the view that the optimum tool to identify any detrimental impact from the proposed TCS on traffic flows and travel times on Willoughby Road was micro-simulation modelling (VISSIM software).

Micro-simulation modelling was submitted and deemed 'fit for purpose' by Roads and Maritime (following calibration adjustments requested by Roads and Maritime) to determine whether the provision of the proposed TCS will result in detrimental impacts on traffic flows and travel times for motorists and buses on Willoughby Road.

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

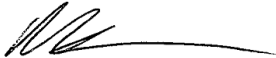
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Roads and Maritime upon review of the traffic modelling provides approval to the provision of the traffic signals at the signalised intersection of Willoughby Road and Walter Street as part of the planning proposal, subject to the following requirements:

- Right turn movements from Willoughby Road into Walter Street shall be prohibited in the AM (6-10AM and PM (3 – 7PM) peak periods through the provision of regulatory signage that legally prohibits this movement.
- Two approach lanes for a minimum distance of 20 metres (vehicle storage) from the stop line on the Walter Street approach to the proposed TCS and one departure lane on Walter Street shall be designed and constructed in accordance with AUSTROADS and RMS Supplements.
- An updated geometric road design plan illustrating full road design dimensions (i.e. land widths, footpath widths etc) shall be submitted to Council and referred to Roads and Maritime for 'in principle' endorsement of the full geometric footprint of the signalised intersection, prior to the gazettal of the planning proposal.
- It is noted that a small parcel of land at the south-east corner of No. 450 Willoughby Road is required to facilitate the construction of the signalised intersection. As Council would be aware, any land components required from No. 450 Willoughby Road for the provision of the TCS and associated civil works will require land owners consent and ideally provided, prior to the gazettal of the planning proposal.
- All costs associated with the civil and signal hardware (including utility relocation) shall be at no cost to Roads and Maritime.
- The proposed traffic signals and associated civil works should be included in a Planning Agreement and executed, prior to the gazettal of the subject planning proposal.
- The above Planning Agreement should include a trigger point for the construction of the signalised intersection and linked to a specific residential unit yield. The nominated residential yield should be agreed between the land owners and Council (with advisory input from Roads and Maritime).

Any inquiries in relation to this planning proposal can be directed to James Hall – Senior Land Use Planner, Strategic Land Use on 8849 – 2047 or james.hall@rms.nsw.gov.au

Yours sincerely



Mary Whalan
Director Network North Precinct