

**DETAILED ASSESSMENT****Background**

This attachment provides a summary of the proposal and a detailed analysis of the proposal against strategic planning considerations, including relevant State and local planning strategies and legislative requirements.

**The Site and Locality**

The site is located within the Castlecrag local centre, on the corner of Edinburgh Road and Eastern Valley Way. The site is a prominent entry point to the Castlecrag suburb and adjoins the Griffin Heritage Conservation Area. The Quadrangle shopping centre currently occupies the site.

**Summary of Proposal**

**The existing LEP zone is B1 Neighbourhood Centre, with a strip at the rear of the site zoned RE1 Public Recreation.** · The Planning Proposal is seeking the following LEP amendments to allow a mixed use development on the site:

- Increase to 2:1 FSR from the current 1:1
- Heights increased across the site from the current 9m maximum to between 18.5 metres and 22.5 metres

Site specific DCP provisions are included with the proposal as follows:

- Site planning, including building height, public open space, front setback, landscape and tree preservation.
- Development controls, including public open space, communal open space, private open space, solar access and visual privacy.

The concept proposal submitted with the application includes the following:

- 67 new residential housing units - an apartment mix of 1 bedroom, 2 bedroom, 3 bedroom and 4 bedroom apartments
- 1942m<sup>2</sup> of retail/commercial floor space for a variety of uses including a supermarket, restaurants, cafes, shops and local services
- a total of 166 parking spaces located at lower ground and basement levels
- 2,150m<sup>2</sup> of communal and public open space that can be accessed by residents, the community and retail visitors
- a range of heights between 3 and 4 storeys on Edinburgh Road, stepping down to 5 storeys (plus an additional level of basement parking) on the southern side of the block on Eastern Valley Way.

## DISCUSSION

Consideration of planning aspects of the proposal and the major impacts are outlined below. The primary Council planning strategy relevant to the proposal is the *Willoughby Local Centres Strategy*. The proposal is considered further below in relation to the *Strategy*.

### Willoughby Local Centres Strategy

As noted in the *Willoughby Local Centres Strategy*, the subdivision and layout of Castlecrag was designed by Walter Burley Griffin and properties adjoining the south eastern side of the centre are within the Griffin Conservation Area. The local centre sits on a ridgeline with wide views across the district.

The Griffin Conservation Area includes part of the local centre on the southern side of Edinburgh Road. The centre has a predominantly one to two storey built form character with a fine grain street frontage. The built form of the conservation area has a strong heritage character, referencing the original vision for Castlecrag. The centre offers north-facing cafes and associated outdoor dining, complemented by retractable awnings on the southern side of the street and consistent fixed awnings to the north.

The centre has been recently improved with new large unit Urban Stone paving, planting and street furniture. Generally, improvements include additional street trees and planting on the southern side of Edinburgh Road.

There is a strong desire within the community to retain the integrity of the design philosophy of Walter Burley Griffin for Castlecrag.

The vision for Castlecrag as stated in the *Local Centres Strategy* is as follows:

*“The Castlecrag local centre is a thriving historic shopping village in an attractive landscaped setting and offers a range of outdoor spaces for dining and gathering along Edinburgh Road. New development has enhanced the existing scale and pleasant public domain and has reinforced the character of the Conservation Area and strengthened the Walter Burley Griffin legacy.”*

The *Local Centres Strategy* envisaged that some additional height could be considered in relation to The Quadrangle site. General recommendations for the centre include:

- Retain the existing B1 Neighbourhood Centre and R3 Medium Density Residential zones for the centre.
- Introduce a minimum non-residential FSR control in the B1 zone.
- Introduce an active ground floor frontage control in the B1 zone.
- Concentrate increased height to the south of Edinburgh Road to minimise solar access and amenity impacts.
- Minimum 3m upper level setback (2nd storey) for shop top housing. Provide a new publicly accessible open space within the Quadrangle site relating to the Edinburgh Road frontage and achieving good solar access. This may be achieved by providing a setback in the order of 3.5 - 4m along the frontage of the site.
- Increase heights up to 4 storeys on Eastern Valley Way and up to 3 storeys above Edinburgh Road with an FSR up to 1.6:1 on the Quadrangle site. An FSR could be considered to 1.8:1 with an additional storey below the Edinburgh Road frontage to utilise the topography of the site without adversely impacting the streetscape and

scale of the centre.

It is considered that for The Quadrangle site, a height of 3 storeys equates to 11m on Edinburgh Road, while 4 storeys at the rear equates to 14m. In the B1 Neighbourhood Centre zone north of Edinburgh Road, it is proposed that the building height be retained at 11m, however an increase in FSR from 1.3:1 to 1.6:1 is proposed.

The proposal is therefore considered to be inconsistent with the building heights and bulk and scale proposed in the *Local Centres Strategy* for the site.

### **Urban Design, Height and Built Form Massing**

In response to the requirements of the *Local Centres Strategy*, justification for the proposed variations with the Strategy was requested to be provided in relation to height, bulk and scale and building setbacks. A copy of the additional information provided by the applicant is contained at Attachment 4. Part of the information provided is outlined below:

*“- The FSR of the proposal at 2.0:1 is marginally above that postulated in the Strategy (1.8:1) as is the height of the proposal above Edinburgh Road.*

*- Council at first accepted and put on exhibition a draft strategy of five storeys above Edinburgh Road. At a Council convened community meeting, Council's manager accepted that further research might require adjustment of height and FSR. The applicant has carried out this research and refined a scheme very close to the Strategy in height and FSR.*

*- The lower part of the proposal, three storeys above Edinburgh Road, is on the eastern side, close to the heritage conservation area. The four storey wing is on the corner of Edinburgh Road and Eastern Valley Way, at the suburb gateway and higher as recommended in the Willoughby DCP for corner sites (Part E 1.3, WDCP).*

*- The planning proposal includes an intention to provide a public right-of-way varying from 4.5m to 7.2m width along Edinburgh Road, beyond the public footway.*

*- The proposal states that there is additional impact on the rear of the adjoining buildings to the south, but this is somewhat hidden by the considerable shadowing of the trees along the southern boundary. Sunlight does penetrate between the two wings to the backyards of adjoining dwellings for a limited time at midwinter's day. However, the additional overshadowing is a consequence of any redevelopment of the site in accordance with the Strategy.*

*- the proposal states that all but two living trees, one of which is failing, on the southern boundary and all the trees on the frontages to Eastern Valley Way and Edinburgh Road will be retained.”*

Although this is a Planning Proposal, and building form, detail and character will not be considered in detail, consideration has been given to the building setting, scale, mass and proposed base articulation and configuration.

It is considered that adequate justification for the proposed variations to the Strategy has not been provided in relation to height, bulk and scale and building setbacks. In particular the following matters have not been adequately addressed:

- building heights, FSR and proposed 2<sup>nd</sup> storey setbacks
- demonstration of minimal additional overshadowing impact to private properties to the south has not been provided

Whilst the stepping down in the height of the building from west to east and from north to south has merit, the proposal needs to demonstrate greater consistency with the *Willoughby Local Centres Strategy*. It is considered that inadequate justification has been provided for the proposed height controls that are well in excess of those indicated in the Strategy. It is also noted the extensive community engagement and support was undertaken and obtained by Council in developing and finalizing the Strategy.

The proposal also needs to demonstrate further consistency with the provisions of *Willoughby DCP* and the criteria of SEPP 65 and the *Apartment Design Guide (ADG)*. In particular, the impact of the proposed development on neighbours in relation to overshadowing requires further justification in relation to the *ADG*.

In relation to overshadowing, both the *ADG* and *Willoughby Development Control Plan* has a requirement that states that any new development generally must not reduce solar access to adjoining properties by more than 20%. Detailed information of the impact of overshadowing of the proposed development has not been provided at this stage.

It is recognised that this site will have a prominent visual impact on the context of the Castlecrag suburb, and its busy Eastern Valley Way frontage. It is not unreasonable to consider that any development, of prominent scale, will visibly and clearly define a western edge and entry to Castlecrag.

As the site is a prominent entry point to Castlecrag and the Griffin Heritage Conservation Area it is also important that it is developed in a way that aligns with the scale and materials associated with the architecture of Walter Burley Griffin and Marion Mahoney.

### **Landscape and Vegetation management**

The design rationale provided is comprehensive and addresses important landscape integration principles that have guided the design.

However, the planning proposal indicates that the majority of mature trees will only be retained 'where reasonably possible'. No further description is provided to add clarity to how 'reasonably possible' is determined. Existing street trees on Edinburgh Road and mature trees to the southern boundary are proposed to be protected, managed and maintained.

Council raised concerns regarding impacts on existing street trees along Edinburgh Road forward of the development. The existing building is set back from the property boundary; however the new basement carpark is excavated up to the property boundary. Insufficient assessment of the impacts of excavation into the trees' root zones is provided in the Arborist's Report as there is clearly deep excavation required in currently non-excavated areas adjacent to the structural root zones of the trees.

The proposal initially indicates removal of twenty seven (27) trees along the southern boundary. It is noted that four of these trees are dead or dangerous. However the removal of twenty three (23) significant trees (the majority of which are approximately 20m in height) is not supported. The trees form an important backdrop to the centre and are a prominent landscape feature when viewed from both the north and south. The principles espoused in the design explanation are at odds with the removal of this significant line of trees. It is surprising that they are being removed from the only area of deep soil indicated on the site. The plans and sections indicate that the trees could be retained (the sections actually incorporate the trees). The design should therefore be amended to enable retention of the trees, or at least the majority of the trees. It is also

noted in the Heritage Impact Statement that the trees are proposed to be retained (see further comments on heritage below).

The original Arborist's Report indicated the trees on the Edinburgh Road frontage to be of High significance, but the trees along the southern boundary which are taller and have more visual catchment, are indicated to be of Medium significance in the landscape. Council does not agree with this assessment for the reasons stated above.

The Arborist's Report did not include other trees along the Edinburgh Road frontage of the site, presumably due to their size. However, given that they are public trees (some of which appear to be 4m height) forming part of the streetscape improvements forward of the development, they should be included in the assessment.

It was requested that the concept design be amended to protect the structural root zone of trees and ensure retention of the majority of existing trees on site and all the trees on the adjoining public space on Edinburgh Road. The Arborist's report should also be amended to include assessment of all the trees on Edinburgh Road. Further the report should reassess the significance of the trees on the southern boundary and potential impact on the structural root zone of the trees due to the proposed excavation.

Controls for the protection of existing trees and their root zones will also need to be included in the draft DCP if the proposal is supported.

The revised Arborist's report (**Attachment 4**) states that the proposed development will retain all of the street trees located along Edinburgh Road and Eastern Valley Way and all but one healthy tree on the southern boundary of the site. It also concludes the following:

*"Three of the four trees identified to be removed are dead, with the other trees are 90% dead - also recommended for removal.*

*The trees located on the southern boundary are all located at the bottom of an existing retaining wall and will not be impacted from demolition works for the proposed development. The retention of these trees is possible as the proposed plans have been developed with arboriculturist input. Suitable replacement trees are included in the landscape plans.*

*The area's streetscape amenity will not be altered and will be enhanced from the new building. Suitable replacement tree plantings in the landscape plan provide further amenity in the area. The trees impacted by the proposed development were planted when the site was developed, and the majority of the trees are not endemic to the area. The retention of as many trees as is possible is important to the community and has been achieved by these plans".*

## **Wind Impact Assessment**

At the request of Council a preliminary Wind Impact Assessment has been undertaken relating to the concept plan to address prevailing winds and relevant controls included in the draft DCP for this proposal (refer **Attachment 4**).

This report presents an overview on the likely impact of the proposed Quadrangle development located at 100 Edinburgh Road, Castlecrag on the local wind environment

at the critical outdoor areas within and around the subject site.

The report concludes that provided certain design parameters are met, the development will be suitable from a wind assessment perspective. Should the planning proposal be supported, further assessment of this issue would be required at development application stage.

### **Acoustic assessment**

It is noted that an acoustic assessment will be required at development application stage given the proposed development includes residential units adjoining a major road (Eastern Valley Way) as triggered by SEPP Infrastructure.

### **Heritage impact**

The subject site adjoins the Griffin Heritage Conservation Area along its eastern and part southern boundary and is in the vicinity of three (3) heritage items being, 10 The Postern (Community Centre - I48), 136 Edinburgh Road (House - I13) and 140 Edinburgh Road (House - I15). All three (3) heritage items are important for the Griffin area and are listed as having "local significance" in the Willoughby LEP 2012.

In support of the Planning Proposal, the applicant has submitted a Heritage Impact Statement, prepared by Weir Phillips, Heritage and Planning, with a supplementary report on Walter Burley Griffin's Legacy prepared by Heritage21.

The proposed concept development for the mixed use development is considered by Council to be generally acceptable from a heritage point of view, but this is highly dependent on the existing trees being retained. The retention of the trees around the site will provide adequate screening to the adjoining properties and the heritage conservation area as is appropriate.

The proposed development is unlikely to have any adverse impact on the listed heritage items in the vicinity, due to the distance from the subject site and/or topography of the land.

The proposed stepping down of height of the buildings from the corner of Edinburgh Road and Eastern Valley Way to Nos. 116 and 118 Edinburgh Road is considered positive.

In keeping with the heritage nature of the area, an issue of concern is whether there is adequate provision of deep soil to protect the trees to the north of the site as has been raised above by the arborist's comments. These trees are essential from a heritage point of view to protect and continue the landscape character of the adjoining heritage conservation area. The subject site is the entry point to the conservation area and requires it to be treated as such.

The materials and colours of the proposed development are also very important and should be considered carefully in the development. Materials and colours must blend inconspicuously with the predominant colours of the local bushland. Locally indigenous vegetation is to be used for the landscaped areas, including private open spaces. These issues are to be given due consideration in the draft DCP and any subsequent development applications following the Planning Proposal.

As part of the additional information provided by the applicant, the following information has been provided on colours and materials proposed for the development (see **Attachment 4**):

*“Required to blend with bushland setting, all proposed materials and colours reflect the Griffin legacy which is to complement the natural material and colours of the Castlecrag bush. Whilst the materials and colours shown on the drawings are preliminary, they already fulfil the function sought by Council.”*

The concept plans do not indicate any plant rooms or lift over-runs on the roof top. Any such additions would be required to be contained within the permitted height control and DCP controls should include requirements for screening and appropriate integration into the building form.

### **Transport and Traffic Impact Assessment**

It is noted that the site is located adjacent to a number of public transport (bus) stops, with good access to North Sydney Station and Chatswood Station (and Metro). The development proposal is located in an accessible and highly walkable location.

The initial Traffic Review provided with the planning proposal stated that the additional impact will be from the residential component. It concluded that this would likely have a minimal impact on the Level of Service (LoS) of the Eastern Valley Way / Edinburgh Rd intersection.

At the request of Council and Transport for NSW, a more detailed traffic and transport report has been provided to support the planning proposal and inform the draft DCP and any future development application (see **Attachment 4**). A copy of the Transport for NSW (TfNSW) response is at **Attachment 5**.

The additional traffic report has been provided and it addresses the following:

- Cumulative traffic effects (both residential and retail uses)
- Site access
- Car Park and Loading Dock Design to Comply with Australian Standards.

The revised traffic report has (in part) stated the following:

*“The planning proposal for the Quadrangle site envisages some 67 residential units and a decrease of some 610m<sup>2</sup> in retail area. Applying the same generation rates as used in the Cardno report (prepared as part of Willoughby Local Centres Strategy), the 67 residential units would generate an additional 13 vehicles per hour (two way) in the AM peak hour and an additional 10 vehicles per hour in the PM peak hour.*

*Setting aside the decrease in retail area, the additional AM/PM peak hour traffic generated by the planning proposal (13 and 10 vehicles per hour, two way) is less than that assumed for the Quadrangle site in the TTP report for Castlecrag (17 and 25 vehicles per hour, two way). Thus the cumulative traffic effects of the planning proposal with other future development in Castlecrag have been considered in the Cardno report.*

*With regards to queuing on Edinburgh Road at the site access, the minor increase in traffic entering the site in the AM/PM peak hours (4 and 7 vehicles per hour in the AM/PM peak hours respectively) would have a negligible impact”.*

Generally, it is concluded by the applicant that the parking demand of the proposal is met on site and that the traffic generated will have only a minor impact upon the local traffic system and the intersection of Eastern Valley Way and Edinburgh Road.

While the revised traffic assessment has not been referred to TfNSW as the proposal is not supported, Council engineers have assessed the additional information on the traffic and transport-related issues and have stated as follows:

- The additional traffic generation will be relatively small and it will have a negligible impact on the Eastern Valley Way/Edinburgh Rd intersection. Although the intersection is already at a poor Level of Service (LoS), this development will only make it slightly worse.
- The largest vehicle that will access the site is proposed to be a 8.8m long medium rigid vehicle (MRV). It is noted that the design of the car park/access is proposed to only cater for such a vehicle. Given it will be a moderately sized supermarket similar to the existing, this approach seems reasonable.
- Compliance with relevant Australian Standards for car park/access design can be confirmed on plans with any future DA.
- Further design details for the carpark and access design can be considered at DA stage, such as a small raised kerb at the driveway entry to separate the entry and exit paths.

In relation to the issue of modelling the cumulative impact of the increase in floor space projected under the *Local Centres Strategy* (LCS), it is noted that this development will exceed the total projected additional residential floor space (6,665sqm) under the LCS, as this proposal is for an additional 7,053sqm of residential floor space.

For the commercial space proposed, it will actually result in a net loss of floor space – the existing Quadrangle Centre is 2,552sqm in area, while this proposal will have a total of 1,942sqm. The LCS forecasts an additional 1,527sqm of non-residential floor space for the Castlecrag local centre could be provided by the indicative scale of future growth in the centre. Therefore to achieve the LCS forecast, this additional floor space may need to be provided by the redevelopment of other sites elsewhere within the centre, such as part of the shops on the northern side of Edinburgh Road.

Overall, traffic generation as a result of the proposal is expected to be relatively minor. Therefore it is not considered to be a relevant issue for refusal of the proposal. Further consideration of these issues will be required should the proposal proceed to development stage.

### **Contamination assessment**

A Preliminary Site Contamination Investigation has been undertaken for the planning proposal being reported to Council.

This report has considered the prior use of the land, including the use as a service station, the likelihood of the presence of fill material on the site and the risk that this fill might be contaminated, and the presence of asbestos and other hazardous materials. A preliminary site investigation report has been prepared. Having regard to site history, there is an assessed moderate risk of contamination which will need to be the subject of a detail site investigation.

If the proposal is supported, it is recommended that a detailed site contamination assessment be undertaken prior to public exhibition of the planning proposal.



## **Management of Stormwater**

Preliminary stormwater management advice has been provided for this proposal. Detailed stormwater drainage management plans, incorporating water quality systems and on-site detention systems complying with part C.5 of the Willoughby DCP including Technical Standards No. 1 shall be submitted with any future development application for the site.

It is noted that onsite stormwater detention tank (OSD) systems shall be located in a common area of a future development. Access to OSD tanks shall be designed to enable ready access for inspections and maintenance and comply with confined spaces regulations. The OSD outlet shall be connected to the stormwater drainage system in Eastern Valley Way, which is under the control of TfNSW (former RMS). In this regard, the stormwater management plans need to be referred to TfNSW and shall also comply with their requirements.

## **Management and zoning of public open space**

There is an existing public access way zoned RE1 Public Recreation along the southern boundary of the site and linking through to The Postern. The plans show that this is proposed to be extended with a “public right-of-way” linking through the site to Edinburgh Road.

Further information was requested regarding the future intended ownership and management of this “public open space” as identified on sheet 6007 (public open space area of 1350m<sup>2</sup> and public right of way area of 970m<sup>2</sup>). This included whether there is any proposed change to the existing RE1 Public Recreation zone link to the site (existing public pathway).

The following matters are also noted by Council officers for consideration in the development of the concept proposal and the draft DCP as well as subsequent development applications:

- Edinburgh Road frontage has limited footpath width between the existing street furniture/vegetation and the current boundary. Pedestrians currently use both the current public footpath and the private land in the vicinity as the existing buildings are set back from the boundary. If the development were to restrict public access to the public roadway only, as currently landscaped, there would not be the width required for a footpath. A footpath width available for use that is 2.4m or wider as determined by the pedestrian load of the area and that generated by the development will be required. This may require a public right of way into private land. Any potential outdoor eating areas should be clear of this footway area. Appropriate DCP provisions should be provided addressing this.
- Reconstruction of the streetscape should occur. A public domain landscape plan should be included as a DCP requirement for review by Council. The bus stop in front of the development needs to be a Disability Standards for Accessible Public Transport 2002 (DSAPT) compliant bus stop.
- Any public right of way over private land should be for the public to use but is to be maintained and renewed, insured etc. by the private land holder. Council should not have any responsibilities or liabilities on the private land. This public right of way should be compliant for disabled access and give consideration to Safer By Design principles and guidelines.
- The rear pathway from The Postern (between No.3 and No.5) should be upgraded to a minimum width of 1.5m with a desirable width of 1.8m (for passing wheelchairs). At the moment there are makeshift stairs on private land that provide access to the site from this pathway. This access should be upgraded to allow for disabled access.

The proponents have subsequently submitted the following additional information on the above matters (see Attachment 4):

- *“Amended plans provided on 25 September 2020 shows the extension to the Edinburgh Road footway by a large area of public right of way with an area of 970sqm. The Local Centres Strategy shows 350sqm of public space where the proposal provides 1,350 sqm. Public outdoor eating area is contiguous with the public right of way but not part of it.*
- *Construction and maintenance of the public right of way over 970sqm of the site is to be the responsibility of the applicant and subject to a publicly accessible area management plan to be agreed with Council. No change to the existing RE1 Public Recreation zone is proposed.*
- *Reconstruction of the footway and the making accessible of the bus stop are part of the public domain works which will be detailed in the DA and, where appropriate, negotiated through the VPA.*
- *Making accessible for wheelchairs the rear pathway from the shops to The Postern is neither required by any code nor practical having regard to the slope and vegetation.”*

It is noted that the proposed provision of open space appears to generally comply with LCS requirements. It is also noted that the LCS does not specify a minimum quantum of open space to be provided, apart from the statement repeated below:

- *“Provide a new publicly accessible open space within the Quadrangle site relating to the Edinburgh Road frontage and achieving good solar access. This may be achieved by providing a setback in the order of 3.5 - 4m along the frontage of the site.”*

Further consideration of open space provision and management and access requirements will need to be considered at development application stage, should this proposal be supported.

### **Draft Development Control Plan (DCP)**

A draft DCP has been submitted to apply to the site (see **Attachment 3**) and as requested by Council an amended DCP has also been submitted (**Attachment 4**).

The draft DCP has provided objectives and controls for the proposed development on the site, including for the following:

- Masterplan
- Building form and height,
- Open space subject to a public right-of-way
- Side setbacks
- Landscaping and tree preservation
- Communal open space
- Private open space
- Solar access

- Visual privacy
- Materials and colours
- Traffic and parking,
- Stormwater management,

Should the planning proposal be supported, the current draft DCP will require further consideration and review by Council prior to public exhibition.

### **Design excellence**

It is acknowledged that there are a number of aspects of the proposal that have design merit, noting that the proposed 'design' provided with the Planning Proposal is the outcome of a proponent initiated design competition and community consultation. However it is intended that should the Planning Proposal be supported, it will include the Willoughby LEP 2012 Design Excellence Clause, with implementation undertaken in accordance with the Willoughby City Council Design Excellence Policy (Guidelines).

The proponent has indicated that they do not support the site being subject to the design excellence clause, due to the fact that the proponents have had their own design excellence competition.

### **Proposed Voluntary Planning Agreement**

The proponent would be invited to enter into a Voluntary Planning Agreement (VPA) with Council, should the planning proposal be supported. Council has suggested that there are some items that may be considered in relation to a future VPA, including:

- public domain improvements in the Castlecrag local centre,
- streetscape, including rear access to the site,
- open space on site,
- public end of trip facilities
- public art contribution

The following items have been offered by the proponent as part of a potential VPA (Attachment 4):

- Public right of way over 970sqm of the site with all costs, including maintenance, to be the responsibility of the applicant and subject to a publicly accessible area management plan to be agreed with Council.
- Public domain improvements to be agreed with the Council but possibly including the renewal of the Edinburgh Road footway adjoining the site.
- Landscaping and preparation of the rear walkway access to the centre from The Postern, to a design by FJMT, at a cost not exceeding \$400/sqm.
- Public art on the site to a cost of \$100,000.

Consideration for a contribution to public art that aligns with Councils Public Art Policy may be considered as part of any VPA negotiations due to the scale and location of the Proposal. Should the planning proposal be supported, further consideration of public benefit would need to be considered by Council to enable exhibition of the draft VPA

with the draft Planning Proposal and DCP.

## **Department of Planning Requirements**

The Planning Proposal is considered to have some inconsistencies in accordance with the requirements under Clause 33.3 of the Environmental Planning and Assessment Act 1979 and the Department of Planning's requirements set out in "*A guide to preparing planning proposals*" (October 2012). This document establishes six parts for consideration of a Planning Proposal which are addressed below:

### **PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

The objective of this planning proposal is to facilitate the development of a mixed-use development in the Castlecrag neighbourhood centre. The development will include commercial and residential uses with associated public domain improvements and additional car parking.

### **PART 2 – EXPLANATION OF PROVISIONS**

The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to WLEP2012, which will include:

- Increase to 2:1 FSR from the current 1:1
- Building heights increased across the site from the current 9m maximum to between 18.5 metres and 22.5 metres across the site.

### **PART 3 – JUSTIFICATION**

#### **Section A- Need for the Planning Proposal**

##### ***1) Is the Planning Proposal a result of any strategic study or report?***

The Planning Proposal did not result from a strategic study or report.

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

The planning proposal facilitates the use of the subject site for mixed use development for an increased building height and floor space ratio than is currently permitted within the B1 Neighbourhood Centre zone.

#### **Section B- Relationship to strategic planning framework**

##### ***3) Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The planning proposal as submitted is generally consistent with the applicable metropolitan strategies. The strategic planning context of the subject site is established by various State planning documents.

The *North District Plan* includes the following statement and priorities that are relevant for the proposal:

*A place-based and collaborative approach is required to maintain and enhance the liveability of the North District. This can be achieved by the following Planning Priorities:*

*N3. Providing services and social infrastructure to meet people's changing needs*

*N4. Fostering healthy, creative, culturally rich and socially connected communities*

*N5. Providing housing supply, choice and affordability, with access to jobs, services and public transport*

*N6. Creating and renewing great places and local centres, and respecting the District's heritage.*

The submitted planning proposal also states that the proposal is also consistent with relevant productivity and sustainability priorities. It is however noted that the proposal will reduce the commercial space available on the site from the existing 2,552m<sup>2</sup> to 1,942m<sup>2</sup>.

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

The proposal for mixed-use development for this site is inconsistent with the Willoughby *Local Centres Strategy* due to the building heights and FSR proposed. Further discussion on consistency of the proposal with the *Strategy* is outlined earlier in this report.

The proposal also states that it is consistent with the *Willoughby Community Strategic Plan 2028* and the *Willoughby Local Strategic Planning Statement*. (see Attachment 3).

The proposal intends to provide 67 new residential housing units, which includes an apartment mix of 1 bedroom, 2 bedroom, 3 bedroom and 4 bedroom apartments (including 3 affordable housing units). This is consistent with the *Willoughby Housing Strategy*, which intends to provide additional housing in local centres including Castlecrag, in addition to achieving increased housing yields in the Chatswood CBD and existing medium and high density zoned areas which are in close proximity to centres and with good public transport links.

The draft *Housing Strategy* recommends that increased development yields in the Castlecrag local centre could result in an additional 90 dwellings (apartments) in the centre.

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

The applicant has provided a Table highlighting consistency with relevant SEPPs and can be viewed at Attachment 3. The report notes that the proposal is consistent with the following SEPPs:

SEPP 19 Bushland in Urban Areas  
SEPP 55 Remediation of Land  
SEPP 65 Design quality of Residential Apartment Development  
SEPP 70 Affordable Housing (Revised schemes)  
SEPP (Building Sustainability Index: BASIX) 2004  
SEPP (Housing for Seniors or People with a Disability) 2004  
SEPP (Infrastructure) 2007  
SEPP (Vegetation in Non-Rural Areas) 2017  
SREP (Sydney Harbour Catchment) 2005

The main SEPP which requires addressing at this stage is SEPP 55 - Remediation of Contaminated Lands. The applicant has submitted a Preliminary site investigation which identified a number of sources of potential contamination. Should a planning proposal be supported for the site, the applicant would be requested to submit a Phase 1 Contamination Assessment prior to the exhibition of the Planning Proposal.

In relation to SEPP 65, the applicants have stated that the proposed concept scheme will comply with controls prescribed in the Apartment Design Guide. Some potential

inconsistencies with the Guide have been identified, including impacts on adjoining properties. This can be verified at development application stage.

Further consideration of the relevant SEPPs may be required should the proposal be supported to be forwarded for gateway determination.

## **6) Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions?)**

The Ministerial Directions issued to councils under s.9.1 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 9.1 Directions.

### **1. EMPLOYMENT AND RESOURCES**

#### **1.1 Business and Industrial Zones**

The planning proposal will support continued employment generation and will support the viability of the identified local centre of Castlecrag as the proposal would allow a mixed-use development in the centre including commercial and residential uses. While the proponents state that employment levels will be maintained, the proposal intends to reduce the commercial space available from the existing 2,552m<sup>2</sup> to 1,942m<sup>2</sup>. As there is no change to the existing B1 Neighbourhood Centre zone however, the proposal is therefore consistent with this direction.

### **2. ENVIRONMENT AND HERITAGE**

#### **2.3 Heritage Conservation**

The planning proposal will not impact adversely on items of heritage conservation and the adjoining Griffin heritage conservation area, provided the majority of existing trees are retained on the site and on adjoining streets.

#### **2.6 Remediation of Contaminated Land**

The proposal is considered to be potentially consistent with this direction. Further information on contamination issues is addressed under SEPP 55 assessment.

### **3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**

#### **3.1 Residential Zones**

The proposal will provide for residential development as part of mixed-use development in a Neighbourhood Centre zone and is therefore consistent with this direction.

#### **3.4 Integrating Land Use and Transport**

The site is well located close to public transport linkages and is therefore consistent with this direction. It is noted that some of the additional uses proposed, including residential uses may encourage additional car-related trips rather than by public transport.

### **4. HAZARD AND RISK**

#### **4.1 Acid Sulfate Soils**

The subject site is identified as Class 5 on the Acid Sulfate Soils Map of WLEP 2012 and is consistent with this direction.

## 5. REGIONAL PLANNING

### 5.10 Implementation of Regional Plans

It is considered that the Planning Proposal is generally consistent with *A Plan for Growing Sydney* and the *North District Plan* due to the proposal to introduce mixed uses in the Local Centre zone at Castlecrag.

## 6. LOCAL PLAN MAKING

### 6.1 Approval and Referral Requirements

The planning proposal is consistent as it does not contain any provisions which require concurrence, consultation or referral to the Minister.

### 6.3 Site specific provisions

The planning proposal intends to permit changes to the building height and FSR provisions that apply to the site. It is proposed that Council's LEP Design Excellence clause will apply to the site, however no other site specific provisions are proposed.

## 7. METROPOLITAN PLANNING

### 7.1 Implementation of *A Plan for Growing Sydney*

The planning proposal is not consistent with *A Plan for Growing Sydney* as outlined in the report above.

### Section C- Environmental, social and economic impact

#### ***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. The proposal intends to retain the majority of existing trees on the site.

#### ***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 in the relevant sections above:

- Urban design including bulk and scale.
- Traffic and transport
- Heritage
- Contamination
- Stormwater and drainage
- Landscape and tree protection.
- Public domain management
- Wind impact assessment

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

Due to the proposed increased building heights and FSRs, it is considered that the Planning Proposal has not adequately addressed social effects of the provision of a mixed use development on the site, due to excessive bulk and scale and overshadowing on properties

to the south. Adverse impacts may also include increased reliance on private transport options and intensified land-use and traffic conflicts with existing commercial uses.

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

The subject site is located within an established commercial area serviced by existing utilities infrastructure and public transport within the Castlecrag local centre.

The proponent has prepared a draft VPA offer showing an intention to enter into a Planning Agreement and any necessary supporting information required by Council's policy, as part of the Gateway Planning Proposal process.

Detailed consideration of the draft VPA has not been undertaken at this stage. Details of the VPA offer is included in **Attachment 4**.

Should Council support the planning proposal, an updated letter of offer will be required as a basis of further consideration and reporting to Council.

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

Transport for NSW has been sent an initial consultation on the Planning Proposal and has provided a response which is addressed under Traffic and Transport section above.

**PART 4 – MAPPING**

Should it be supported, this Planning Proposal involves amending the Floor Space Ratio and Height of Buildings maps.

**Community Notification**

As is normal Council practice, no formal public community consultation has been undertaken by Council to date with regard to this Planning Proposal. The community will be consulted as part of the formal notification period as part of a standard condition of a Gateway Determination by the Department of Planning and Environment, acting as a delegate to the Greater Sydney Commission.

**Conclusion**

The Planning Proposal is considered to be generally consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*. However the Planning Proposal is not consistent with Council's *Local Centres Strategy* due to its excessive height and bulk and scale and therefore is not supported in its current form.

It is considered that inadequate justification has been provided for the proposed building height controls that are well in excess of those indicated in the *Strategy*. It is also noted the extensive community engagement and support that was undertaken and obtained by Council in developing and finalizing the *Strategy*.

Based on the above, it is recommended that this Planning Proposal should not be forwarded to the Department of Planning and Environment, for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.