100 EDINBURGH ROAD, CASTLECRAG - PLANNING PROPOSAL

ATTACHMENTS:	**1. IMPLICATIONS** **2. COUNCIL DETAILED ASSESSMENT** **3. PLANNING PROPOSAL INCLUDING CONCEPT PLANS AND SUPPORTING REPORTS** **4. ADDITIONAL APPLICANT INFORMATION** **5. DRAFT DEVELOPMENT CONTROL PLAN** **6. PROPOSED AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012** **7. PREVIOUS TRANSPORT FOR NSW ADVICE** **8. WILLOUGHBY LOCAL PLANNING PANEL ADVICE (ATTACHMENTS 2-8 PROVIDED SEPARATELY)**
RESPONSIBLE OFFICER:	**HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR**
AUTHOR:	**IAN SHILLINGTON - CONSULTANT STRATEGIC PLANNER, PLANNING & INFRASTRUCTURE**
CITY STRATEGY OUTCOME:	**4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR VILLAGE CENTRES**
MEETING DATE:	**3 NOVEMBER 2021**

1. PURPOSE OF REPORT

To provide Council with an assessment and recommendation on Planning Proposal (PP 2021/06) to allow a mixed-use development including commercial and residential development at 100 Edinburgh Road, Castlecrag.

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. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to Willoughby Local Environmental Plan 2012:

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

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

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

(b) any lift tower allowing disabled access to communal areas on the building roof and access to the lift, not to exceed 4.5m above the roof finished floor level,

(c) any stair enclosure allowing access to the roof, not to exceed 3.5m above the roof finished floor level,
(d) any services installations which are less than 2m in height including but not limited to air conditioning, solar panels, skylights,
(e) any communal facilities such as barbeques, seating and tables, planter boxes,
(f) disabled facilities such as toilets, not to exceed 3.5m above the roof finished floor level.

b) Insert the following at Clause 4.4A Exceptions to floor space ratio:

(25) The floor space ratio of any building on the land at 100 Edinburgh Road shall not exceed 1.8:1 of which not more than 1.6:1 shall be above the level of Edinburgh Road.

c) Insert the following at *Schedule 1 Additional permitted uses*:

75 Use of certain land at 100 Edinburgh Road, Castlecrag
(1) This clause applies to land at 100 Edinburgh Road, Castlecrag, being Lot 11, DP 611594 and Lot 1, DP 43691.
(2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
(a) Those uses at ground level facing Edinburgh Road are used for non-residential purposes and
(b) A minimum of 18% of the total FSR is provided for non-residential purposes.

d) To amend the Height of Buildings Map (Sheet HOB_007) to remove height controls for the site at 100 Edinburgh Road, Castlecrag.

e) To amend the Floor Space Ratio Map (Sheet FSR_007) to remove floor space ratio controls for the site at 100 Edinburgh Road, Castlecrag.

f) To amend the Special Provisions Area Map (Sheet SPA_007) to show 100 Edinburgh Road, Castlecrag, as Area 9 (Clause 6.8 Affordable Housing applies), and Area 12 (Clause 6.23 Design Excellence applies).

2. Subject to 1. above, Council endorse for public exhibition the Planning Proposal as outlined in 1.

3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:

Remove the following section in Part 9.2 Application of this Part:

Relationship to Planning Proposal design
This DCP governs the architectural design, prepared by FJMT Studio, lodged with the Planning Proposal for the site, subject to any changes adopted with the Planning Proposal. In accordance with the provisions of the Planning Proposal, the design architect is to be FJMT Studio. No alternative architect may be substituted without the agreement of Council.

Amend 5.3 Site Planning - Building height section to state the following:

Building height
Development of the site is to be carried out in accordance with clause 4.3A of the Willoughby LEP.

Amend 5.4 Development Controls for Public Open Space to include the following additional controls*:*

(b) Any public right of way over private land should be for the public to use but is to be maintained by the private land holder. This public right of way should be compliant for disabled access and give consideration to Safer By Design principles and guidelines.

(c) A management plan for public open space areas is to be prepared by the applicant and approved by Council prior to approval of a development application on the site. The management plan is to address future management arrangements of areas in private ownership to be accessed by the public, including outdoor dining, landscaping, public access and on-going maintenance responsibilities.

(d) A footpath width on Edinburgh Road and Eastern Valley Way adjacent to the development that is 2.4m or wider as determined by the pedestrian load of the area and that generated by the development will be required. Any potential outdoor eating areas should be clear of this footway area.

4. Endorse preparation by the applicant of a detailed site contamination assessment of the site prior to public exhibition of the Planning Proposal.

5. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
   a) To proceed as recommended.
   b) To proceed under controls proposed in the Planning Proposal provided.
   c) To not proceed with the Planning Proposal

6. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.

7. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which does not alter the policy intent.

3. BACKGROUND

A planning proposal was previously lodged with Council in 2020 for a mixed use development for 100 Edinburgh Rd Castlecrag. This proposal was subsequently refused by Council on 8 February 2021 as it was inconsistent with the *Willoughby Local Centres Strategy.* The applicants lodged a rezoning review with the Department of Planning, Industry and Environment and the proposal was considered by the Sydney (North) Planning Panel on 14 April 2021 and was subsequently refused by the Panel. A revised planning proposal has now been submitted to Council.

4. DISCUSSION

The current proposal is considered to be consistent with the *Willoughby Local Centres Strategy*, with the major elements of the proposal being the following:

- Two storey pavilions above a ground level base storey, with a maximum building height not greater than AHD 97.49 which equates to 11m above Edinburgh Road level and 15.8 m (four storeys) at the rear.
- Proposed FSR of 1.8:1, which includes an FSR of 0.25:1 for the section below Edinburgh Road level and an FSR of 1.55:1 for the building above the Edinburgh Road level.
- Total GFA of 9,300m2 comprising 1,740m2 ground floor retail and commercial space, 6,260m2 of residential apartments and including additional corridor areas.
- 53 apartments with a mix of 4% one bedroom, 55% two bedroom, and 42% three-bedroom units.
- Half of all units are capable of meeting the adaptable housing standard.
- Public and communal open space - 2,220m2, including approximately 750m2 of landscaped plaza along the northern boundary of the site adjoining Edinburgh Road.

The Planning Proposal as submitted is consistent with Council's *Willoughby Local Centres Strategy (LCS),* which proposes a Floor Space Ratio (FSR) of up to 1.8:1 with up to three storeys on Edinburgh Road and up to four storeys on the southern side of the site on Eastern Valley Way. It is considered that the proposal potentially offers a quality urban design outcome and will increase the vibrancy of the Castlecrag local centre on a key site. This is discussed in the Detailed Assessment (**Attachment 2**).

Furthermore, the *LCS* states in relation to future development of The Quadrangle site:

"• 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 Rd 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."

The Council report has considered the proponent's documentation supporting the Planning Proposal, including concept plans showing a redevelopment plan for the site (**Attachment 3**) and detailed draft Development Control Plan provisions (**Attachment 5**).

The Planning Proposal has been internally referred to landscape, urban design, compliance (environmental health), heritage, asset management, traffic and drainage engineers to assist

with assessment. Issues raised as a result of these referrals have been outlined in **Attachment 2**.

As a result of Council's request, additional information was provided by the proponent in support of the proposal (refer **Attachment 4**), although the overall original proposal has remained unchanged. The previous planning proposal was also referred to Transport for NSW. A copy of their previous response is at **Attachment 7**. As the proposal is for a reduced development proposal compared to the previous application, it has not been referred to Transport for NSW at this time but will be referred if the proposal proceeds to exhibition.

In relation to contamination assessment, 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 detailed site investigation. If the Planning Proposal is supported, it is recommended that a detailed site contamination assessment be undertaken prior to public exhibition of the Planning Proposal.

Draft site specific *Development Control Plan (DCP)* provisions have been prepared by the applicant. Some amendments are recommended in relation to the draft DCP and it is intended that the amended DCP be supported to go to public exhibition. It is recommended that the reference to the nominated architect and design competition in the DCP should be excluded from the DCP, as the choice of architect is a matter for the developer not Council and the project will be subject to Council's *Design Excellence Policy* (*Guidelines)*. It is also noted that where matters are not covered by site specific provisions, the remainder of the *Willoughby Development Control Plan* will apply to the site. Additional controls are also recommended in relation to future development and management of privately owned public open space on the site.

Amendments to *Willoughby Local Environmental Plan 2012* have been prepared to support the Planning Proposal. These amendments are included at **Attachment 6**. The Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals'* and is consistent or potentially consistent in a number of areas (**Attachment 2**).

An offer to enter into a potential voluntary planning agreement (VPA) has been made, Discussions regarding an agreement have not been held with Council officers and details of the proposed VPA will be put to Council in a separate report. It is proposed that the draft VPA be placed on public exhibition with the draft Planning Proposal and DCP.

The Planning Proposal was considered by the Willoughby Local Planning Panel on 26 October 2021 for their advice. A copy of the Panel's advice is at **Attachment 8**.

5. CONCLUSION

The Planning Proposal is considered to be consistent with development and built form outcomes endorsed in the *Willoughby Local Centres Strategy (LCS)* and will contribute to housing supply planned under the *Willoughby Housing Strategy.*

It is considered that adequate justification has been provided to demonstrate consistency with the *LCS,* which was the result of extensive community engagement in relation to finalizing the *Strategy*.

It is recommended that Council support the Planning Proposal as submitted and the draft development control plan with amendments for public exhibition.

IMPLICATIONS	COMMENT
City Strategy Outcome	4.6 – Facilitate the viability and vibrancy of our village centres
Business Plan Objectives, Outcomes / Services	To ensure this Planning Proposal is in line with the Greater Sydney Commission's *North District Plan,* which aims to accommodate future growth needs in relation to commercial and residential uses. To ensure consistency with the *Willoughby Local Strategic Planning Statement 2020* and *Willoughby Local Centres Strategy to 2036*.
Policy	Council's *Willoughby Local Strategic Planning Statement 2020* includes the following Priorities relevant to the planning proposal: 6.1 Housing the City; Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers Priority 2: Increasing the supply of affordable housing 6.2 A City for People Priority 3: Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features Priority 4: Ensuring that social infrastructure caters to the population's changing needs and is accessible to foster healthy and connected communities 6.3 A City of Great Places. Priority 5: Respecting and enhancing heritage and local suburban character Priority 6: Planning for local centres which are vibrant places that meet the everyday needs of the population The Amendment of the Planning Proposal will lead to amendments to *Willoughby Local Environmental Plan 2012* and *Willoughby Development Control Plan*.
Consultation	Prior to endorsement by Council, the draft *Willoughby Local Strategic Planning Statement* was publicly exhibited between 15 August and 14 October 2019. The *Willoughby Local Centres Strategy to 2036* was endorsed by Council in December 2019 following community consultation between February and May 2019. This Planning Proposal would also be publicly exhibited following Gateway Determination if supported.
Resource	No additional operating resources beyond budget required.
Risk	Risk of not achieving the endorsed *Community Strategic Plan* 2028 and *Local Local Strategic Planning Statement 2020* objectives and accommodating future economic and residential growth requirements.
Legal	Amendments are proposed to the *Willoughby Local Environmental Plan 2012*, which would provide the basis for future development application

assessment. In addition, *Development Control Plan* provisions are proposed to further guide future development application assessment.

Legislation Under *Environmental Planning and Assessment Act 1979* provisions.

Budget/Financial No additional financial or budget implications.