PLANNING PROPOSAL FOR 100 EDINBURGH ROAD, CASTLECRAG

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**

MOTION

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 20% 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:
(1) To proceed as recommended.
(2) To proceed under controls proposed in the Planning Proposal provided.
(3) 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.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR GILES-GIDNEY

CARRIED

Voting
For the Motion: Councillors Giles-Gidney, Eriksson, Fernandez, Norton, Rozos, Saville and Zhu
Against: Councillor Wright
Absent: Councillor Campbell

Notes:

1. Councillors Giles-Gidney, Eriksson declared an interest in this item.

2. Councillor Campbell left the chamber at 7:49pm having declared an interest in this item.