Department of Planning, Housing and Infrastructure

Our ref: Mixed Use Development – 100 Edinburgh Road Castlecrag (SSD-90134958)

Vivacity Property
C/- G Lam
Level 1
15 George Street
BURWOOD NSW 2134

11 June 2026

Subject: Request for Information

Dear Glenda,

The exhibition of the development application and environmental impact statement (EIS) for the Mixed Use Development – 100 Edinburgh Road Castlecrag (SSD-90134958) ended on 7 May 2026.

The Department is now seeking additional information as set out in Appendix A. All agency advice received to date is available via the Major Projects page. Please note that this request is in addition to the Response to Submissions (RtS) request dated 14 May 2026.

The Department requests a single consolidated response to this RFI request and the previous RtS letter by **Thursday 16 July 2026.**

Note that the time between the date of this letter and the date the Planning Secretary receives your response is not included in the 'assessment period' under section 94(1) of the Environmental Planning and Assessment Regulation 2021.

If you have any questions, please contact Fiona Dowler on 02 4904 2705 or via email at fiona.dowler@dphi.nsw.gov.au.

Yours sincerely,

Keiran Thomas
Director Housing Delivery Assessments
as delegate for the Planning Secretary

Appendix A

1. Concurrent rezoning

The Department has significant concerns over the proposed development standards in the concurrent rezoning and their resulting impacts:

i. Height

Future development of the site is required to satisfy the objectives of the E1 Local Centre, in particular:

- to enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- to generally conserve and enhance the unique sense of place of local centres by ensuring new development—
  (a) displays architectural and urban design quality, and
  (b) integrates with the desired character and cultural heritage of local centres.

The proposed maximum height of 48.96m is to be reduced to maintain an appropriate height, bulk and scale, taking into account the current and future streetscape and character in the immediate and broader surrounding area. It is recommended that the height be reconsidered in combination with point (ii) below.

ii. FSR

The proposed FSR results from an excess in height, bulk and scale and is to be reduced to ensure the development is compatible with the current and future streetscape.

Information required

- Reconsider Height and FSR of the proposed development to satisfy the objectives of the E1 Local Centre and the design excellence requirements. The development needs to be compatible with the current and future streetscape and character of the immediate and broader surrounding area.
- Updated urban design analysis to justify the proposed built form and how it responds to the context, site characteristics, urban streetscape and the character of the immediate and broader surrounding area. It should also address the

concerns raised in the submissions regarding the height, bulk and scale of the development.

2. Built form & urban design

Design review

The Department has assessed the proposal against the Design Review Panel (DRP) advice and the Design Excellence (DE) requirements under Clause 6.23 of the Willoughby Local Environmental Plan 2012 (WLEP) and considers that the proposal does not currently exhibit design excellence.

The DRP also identified that it will be difficult for the proposal in its current form to achieve design excellence in relation to the following clauses:

- (4)(b) Whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain
- (5)(c) Heritage and streetscape constraints
- (5)(d) The relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form
- (5)(e) Bulk, massing and modulation of buildings
- (5)(f) Street frontage heights
- 5)(g) Environmental impacts such as sustainable design, overshadowing, wind and reflectivity
- (5)(k) The impact on special character areas.

Significant changes are required to the proposal to address height, bulk and scale and DE requirements. A meeting can be arranged with the Department to discuss options to achieve Design Excellence and to positively contribute towards the current and future streetscape and the character of the immediate and broader surrounding area. The amended proposal will then be required to be reviewed by the DRP as part of the preparation of the RTS/RFI.

Podium setback and height

The podium height is inconsistent with the Master Plan for the Castlecrag local centre and is to be reduced. Podium setbacks should be increased to support privacy and amenity to neighbouring residents, allow for tree retention, tree

growth and maintenance, and reduce overshadowing to living rooms, balconies and private open spaces of neighbouring sites.

Apartment Design Guide

The Department has conducted an assessment of the proposal against the Apartment Design Guide (ADG). The site is not constrained by surrounding development and should be able to achieve compliance with the following ADG criteria:

i. Natural ventilation (4B)

At least 60% of apartments are required to be naturally cross ventilated.

The proposed development relies on skylights to five apartments on Level 3 to meet the ADG criteria. It is noted that the skylight to the northern apartment appears on Level 4 inside the circulation corridor. A specialist consultant is to be engaged to demonstrate that cross ventilation can be achieved in apartments with skylights. Alternatively, the proposal is to be amended to meet the ADG criteria for natural ventilation.

ii. Solar and daylight access (4A)

70% of apartments in the building are to receive a minimum of two hours of direct sunlight to habitable rooms between 9am and 3pm in midwinter. A maximum of 15% of apartments may receive no direct sunlight during these hours.

30% of apartments in the proposed development receive no direct sunlight, which is double the ADG criteria. It is noted that none of the proposed affordable housing receives direct sunlight. The proposal is to be amended to meet the ADG criteria for solar access and significantly increase the proportion of affordable housing dwellings that receive at least two hours of sunlight to habitable rooms between 9am and 3pm in midwinter.

iii. Orientation (3B)

Solar access to living rooms, balconies and private open spaces of neighbours should be considered. Where an adjoining property does not currently receive the

required hours of solar access, the proposed development should not reduce solar access to neighbouring properties by more than 20%.

The shadow diagrams are required to be revised to clearly depict the current surrounding built form and identify living areas and private open space of sites impacted by the proposed development. Additional shadow diagrams, including a comparison overshadowing analysis of a WLEP compliant building envelope are required.

An analysis of the total loss or gain of solar access to neighbouring sites of a compliant envelope compared to the proposed envelope is required.

iv. Deep soil (3E)
On sites greater than 1500m^2 a deep soil zone of 15% is recommended to support healthy plant and tree growth, improve residential amenity and promote management of water and air quality.

The site has an area of 5099m^2 and there are inconsistencies between the deep soil provision detailed in the Design Report (10%) and the ADG Compliance Report (11%).

It is recommended that the development provide at least 15% deep soil to support built form and existing and additional mature trees, with wide tree canopies to improve the streetscape and reduce urban heat whilst respecting the streetscape and the character of the immediate area and the surrounding natural environment.

v. Visual Privacy (3F)
Adequate separation distances from buildings to the side and rear boundaries are required to achieve reasonable levels of visual privacy. To resolve potential amenity impacts, apartment buildings should have increased building separation distances when adjacent to a different zone that permits lower density residential development.

The site is adjacent to R2 Low Density Residential and C4 Environmental Living zoned land. The proposal is to provide building separation distances from the building to the rear boundary that address the following:

Building height	Habitable rooms and balconies	Non-habitable rooms and balconies
Up to 12m (4 storeys)	9m (6m + 3m)	6m (3m + 3m)
Up to 25m (5-8 storeys)	12m (9m + 3m)	7.5m (4.5m + 3m)

Any variations to setbacks need to be justified in terms of built form, visual privacy and overshadowing impacts.

vi. Communal open space (3D)
Communal open space should be equal to 25% of the site area to enhance residential amenity and provide opportunities for landscaping, noting that areas of public open space should not be included in the calculation of communal open space.

The proposed communal open space is to be increased to achieve a minimum of 25% of site area and be designed and located with consideration for the design guidance contained in ADG objective 3D-1.

Information required

- Amended architectural plans to address the above built form & urban design requirements.
- Updated urban design analysis demonstrating how the proposed development responds to the context, site characteristics, urban streetscape and character of the immediate and broader surrounding area, and of the adjoining Heritage Conservation Area.
- Updated ADG compliance table demonstrating compliance.
- Revised arborist report confirming tree protection zones to ensure retention of trees, tree growth and maintenance.

3. Additional permitted uses clause

Schedule 1 Clause 75 of the WLEP applies to the proposed development and requires:

(a) at least 20% of the gross floor area of the building will not be used for the purposes of residential accommodation or serviced apartments, and

(b) at least 75% of the gross floor area of the ground floor of the building will not be used for the purposes of residential accommodation or serviced apartments.

Additional information is required to demonstrate compliance or justification for any variation.

4. Heritage impact

The site is located adjacent to the Griffin Heritage Conservation Area (HCA), and the proposed development should provide an appropriate transition to the HCA, with a built form which is subordinate to the natural landscape. Primary views from nearby and adjoining dwellings and public reserves, roadways, pathways and drainage reserves should not be obstructed.

The proposed building height bulk and scale needs to be reduced to provide an appropriate transition to the adjacent HCA and mitigate unreasonable visual impacts from viewpoints along Edinburgh Road and adjacent roads within the HCA.

The consolidated RTS/RFI response is also to address advice from Willoughby Council and the concerns raised in submissions regarding the impact to the HCA.

5. Visual Impact

The Visual Impact Assessment is to reconsider the assessment of the visual impact from additional viewpoints along Eastern Valley Way and should include additional locations to the south and south-east, and other locations within the vicinity where existing trees do not obstruct the view. The assessment should not solely rely upon future development to justify reasonableness or severity of impact.

The assessment should also address the concerns raised in submissions, and the advice from Willoughby Council regarding the visual impact of the development.

6. Transport & parking

A review of the Transport Impact Assessment (TIA) and associated documentation has identified the following:

Network constraints

The existing conditions assessment identifies unsatisfactory intersection level of service (LoS) at the following locations:

- Edinburgh Road / Eastern Valley Way (AM peak only)
- Eastern Valley Way / Sunnyside Crescent (AM and PM peaks).

The assessment indicates that Edinburgh Road / Eastern Valley Way is operating under constrained conditions, with limited capacity to accommodate additional traffic demand, including that generated by the proposed development.

The retail and supermarket components are estimated to generate 282 AM and 380 PM peak hour trips (following a 25% linked trip reduction). This level of traffic generation is significant in the context of the constrained performance of the adjoining network. While the TIA concludes that post-development LoS remains unchanged, this appears to be attributed to the LoS already operating at its lowest category. The modelled results indicate further deterioration in average delays and queue lengths.

Model accuracy

The TIA indicates that the analysis of the Edinburgh Road / Eastern Valley Way intersection was undertaken using a user-given cycle time, allowing SIDRA to optimise performance. This approach is not consistent with standard model calibration practices. Signal phasing and cycle times should instead be based on SCATS data.

The reported LoS, delays and queue lengths are likely to be understated. Given the role of Eastern Valley Way as a state road corridor, it is typically prioritised during peak periods to maintain corridor performance. This is likely to result in greater delays and queueing for Edinburgh Road than indicated in the model. The overall intersection performance may therefore be worse under actual operating

conditions. Further clarification of the modelling inputs and phasing setting is required.

Traffic analysis

The traffic generation estimate approach should be reviewed to ensure they reflect current travel behaviour. Recent data suggests that supermarket developments may generate lower traffic rates than those adopted in the TIA. A benchmarking approach using comparable developments and recent survey data is recommended to validate and refine the traffic generation estimates.

It is noted that the existing background traffic peak does not coincide with typical commuter peak periods. This raises concern that the TIA may have assumed a direct alignment between network peak demand and development-generated peaks. The TIA should therefore reassess the adopted peak periods and demonstrate that the analysis captures the true worst-case operating scenario. This should explicitly consider the potential for staggered peak demand across land uses. Appropriate justification, supported by data, is required where peak alignment is assumed.

Parking provision

Parking provision is to be calculated in accordance with the car parking rates detailed in Willougby Council Development Control Plan *Part L Section 13 Controls for Specific Sites*. Variations to the number of spaces need to be justified and is to include an assessment of likely demand for parking spaces, and whether it is appropriate to allow a variation in the supply of spaces.

Information required:

i. Address network constraints

The Edinburgh Road / Eastern Valley Way intersection is operating under constrained conditions with limited spare capacity. The development, particularly the retail/supermarket component introduces a significant level of traffic generation that is not supported by the existing network. Where impacts cannot be appropriately mitigated, a reduction in development scale (particularly high traffic generating uses) should be considered.

ii. Improve modelling accuracy

Intersection modelling should be reviewed to ensure it is fit for purpose, particularly in relation to signal phasing setting. Updated modelling must demonstrate realistic intersection performance, including representative delays and queue lengths.

iii. Refine traffic analysis approach

The retail and supermarket traffic generation should be reviewed using benchmark, evidence-based rates (e.g. recent surveys or comparable developments).

The analysis should identify and test the true worst-case scenario, accounting for differing peak profiles of residential and retail uses as well as network peaks. Peak alignment assumptions should be justified and supported by data.

iv. Review parking rates and manage demand

Parking rates are to be reviewed to align with Willoughby Council's DCP requirements. Lower parking provision is considered appropriate to manage traffic demand, particularly given the constrained network and limited mitigation options. A clear and robust justification is required for any parking provision exceeding DCP requirements, particularly given the existing network constraints.

Additional information is also required to address the submission provided by Willoughby Council.

7. Wind study

The environmental wind study makes recommendations for the provision of screens to the outdoor dining areas, and the ground, first, fourth and eleventh floors. The architectural drawings are to be revised to incorporate the recommended mitigation measures of the environmental wind study. It should be noted that the extent of the recommended ground floor screening will also need to be considered and justified from an urban design perspective.

8. Waste management

Willoughby Council advises there are issues and inconsistencies that require addressing for waste management.

The waste management plan is to be updated to address advice from Willoughby Council.

9. Easements

The proposed plans are to clearly demonstrate that the proposed development does not encroach on or obstruct any existing easements. A copy of the deposited plans for all subject lots is required to clarify details of any encumbrances.