

Keeping Castlecrag Special: Our DA Policy

Background

An objective of the Castlecrag Progress Association (“CPA”) is *“To conserve the natural and human heritage of Castlecrag for the benefit of future generations”*.

Castlecrag **is** a special place. If we are to meet the above objective and conserve the special qualities of Castlecrag, then ideally the CPA should review all Development Applications (“DAs”) relating to Castlecrag and comment without fear or favour on those DAs having the potential to impact adversely, whether environmentally or socially, on our community.

It is the practice of Willoughby City Council (“WCC”) to notify each Progress Association of DAs within its area and the CPA is sent all DAs relating to Castlecrag. With usually less than two weeks to comment on a DA, it is clear that the CPA Committee (“Committee”), despite its best endeavours, cannot exhaustively consider all DAs received, or consult with other members of the CPA, before commenting on a DA by the relevant deadline. The Committee therefore welcomes the community in general and CPA members in particular alerting it to those DAs that may adversely impact on our community.

In recognition of the need to further redefine policy guidelines so as to improve transparency and consistency in its approach to commenting on DAs, the Committee put the following draft policy to the August 2005 CPA general meeting where it received unanimous endorsement. The CPA Policy is now posted on the web site to facilitate transparency and understanding of the processes that are followed.

DA Policy - a framework for comment on Development Applications

An important first step in assessing whether a DA has the potential to have an adverse social or environmental impact on our Castlecrag community is to review the DA in terms of compliance against the list of planning controls applying to the particular DA.

The planning controls currently relevant to the whole or part (as the case may be) of Castlecrag, pursuant to the Environmental Planning and Assessment Act 1979 (“EPA Act”) and Regulations are:

- Willoughby Local Environmental Plan 1995 (“WLEP”);
- State Environmental Planning Policy No 1 – Development Standards – (“SEPP 1”);
- State Environmental Planning Policy No 19 – Urban Bushland – (“SEPP 19”);
- Sydney Regional Environmental Plan No 23 – Sydney and Middle Harbours - (“SREP 23”), and
- Willoughby Development Control Plan (“WDCP”).

As the Committee cannot possibly monitor all DAs notified for strict compliance with all numerical requirements of the relevant planning controls, it will focus on those DAs that fail to meet the objectives and aims of these controls and will pay particular attention to those requiring a SEPP1 objection. The Committee will object to a DA if it is clear that the variation in terms of the SEPP1 is not justified in the circumstances of the case. In fact, unless absolutely certain that the variation is justified, the CPA may comment on (while not necessarily objecting to) such a DA, if only to remind WCC that the discretion provided by a SEPP1 should not be exercised lightly.

Although adhering to its previously expressed policy of responding to a DA only if it is of clear community rather than private interest, the Committee recognises that a DA that has the potential to impact upon the amenity of one property only may still be of community interest. There is indeed a real risk (and this has been recognised by the courts) of a non complying development establishing a precedent that is readily invocable by prospective developers of other land in the vicinity. Acquiescence to such development will incrementally damage the special character of Castlecrag and reduce the enforceability of the planning controls.

Finally, the courts on a number of occasions have recognised, as does the Committee, that development should make a commensurate contribution to those principles and qualities that give Castlecrag its special character. The Committee believes therefore that while the planning controls are minimum controls that are likely to meet these objectives, strict compliance with the controls does not necessarily guarantee that these objectives will be met.

Whether or not it complies with the numerical requirements of the planning controls, a DA may also be considered to be of concern where it has one or more of the following potential effects:

- direct impact on a listed heritage item or indirect impact on the item by a neighbouring development;
- direct impact on vegetation and urban bushland, including removal of significant tree(s), significant reduction in vegetative cover or impact on other natural landscape features such as rock faces and outcrops;
- impact on adjacent urban bushland through changes to vegetative cover, wildlife corridors, runoff or natural drainage;
- view loss to and from the public domain or from neighbouring property(s), particularly where the proposed development fails to meet the objective of appropriate view sharing;
- impeding the movement and/or safety of Castlecrag residents through generating significant increases in traffic movements;
- generation of significant noise impact, either by on-site activities or from additional traffic;
- air and water-based discharges from a site, particularly hazardous discharges or discharges into bushland and/or waterways;
- reduction of access to and amenity of public open space, eg Griffin Reserves and Walkways;
- impact on the public domain;
- change to aesthetic and heritage character of the suburb (eg by virtue of aerial cabling and by the effect of dominant building(s) on streetscape, particularly in the Conservation Area);
- impact on the range of services and community amenities in the shopping centre;
- potential impact on health where scientific knowledge is uncertain, and
- light pollution (eg tennis court lights).

Submissions made in response to a DA will be framed in terms of the relevant planning controls and the previously mentioned objective of the CPA, namely *“To conserve the natural and human heritage of Castlecrag for the benefit of future generations”*. Submissions may include constructive suggestions to ameliorate the potential impact of a development proposal.