

24 September 2020

Luke Downend
Acting Director Sydney Region East
NSW Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Luke,

**Re: Amendment to Willoughby Local Environmental Plan 2012 at 1-31
Walter Street and 452-462 Willoughby Road, Willoughby -
Department Ref: PP_2019_WILLO_002_00**

On 14 September 2020, Council considered a report regarding the public exhibition of a Planning Proposal to rezone the properties at 1-31 Walter Street and 452-462 Willoughby Road, Willoughby. Council's endorsement has now been obtained to forward the proposed amendments to *Willoughby Local Environmental Plan (WLEP2012)* to the Department of Planning, Industry and Environment and to adopt changes to *Willoughby Development Control Plan (WDCP)*.

Specifically, Council resolved the following at its meeting:

1. Notify the Department of Planning, Industry and Environment that it supports amendments to Willoughby Local Environmental Plan 2012 (WLEP2012) relating to 1-31 Walter Street and 452-462 Willoughby Road, Willoughby as exhibited.
2. Endorse amendments to the site specific controls in Section D.2.16.17 of Willoughby Development Control Plan (Willoughby DCP) as modified.
3. Recognise the need for increased bus services and additional school capacity and seek State Government support in addressing these needs in order to cater for increased density in line with the North District Plan.
4. Request that the Department of Planning, Industry and Environment require the surrender of Development Consent 2016/263 for a Child Care Centre at 1-1A Walter Street and 452-460 Willoughby Road, Willoughby prior to making the Planning Proposal relating to 1-31 Walter Street and 452-462 Willoughby Road.

On that basis, it was resolved to notify the Department of Planning, Industry and Environment of the Proposal to finalise the draft amendments to Willoughby Local Environmental Plan 2012 (See Tag A Council Resolution).

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The exhibited Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* to:

- Change the zoning from R3 Medium Density Residential to R4 High Density Residential.
- Increase the maximum permissible floor space ratio from 0.9:1 to 1.5:1 (including 4% of gross floor area for affordable housing).
- Increase the height on 452-462 Willoughby Road and 1-1A Willoughby Road to 17m (approximately five storeys); on 3-13A Walter Street to 24m (approximately eight storeys) and on 15-31 Walter Street to 27m (approximately nine storeys). (The current height allows 12m (four storeys) across the site).
- Amend the minimum allotment size for development of the site
- Include a design excellence clause.

No changes are proposed to the draft amendment as a result of the exhibition.

Exhibition

The Planning Proposal was placed on exhibition from 14 May 2020 until 22 June 2020. A copy of the Updated Planning Proposal and background reports is at Tag D.

Details of submissions are included in the Council Report at Tag B.

Thirty One (31) submissions were received from the Naremburn Progress Association and residents of the surrounding area which have been summarised and assessed at Attachment 6 of the Council report. There was one letter of support and another with conditional support. The remaining 29 submissions did not support the Planning Proposal.

The issues raised in the submissions related to:

- Overdevelopment of the site especially in conjunction with the approved masterplan for the former Channel 9 site to the north;
- Safety of pedestrians and potential for increases in accidents on Willoughby Road;
- Increased traffic delays along Willoughby Road especially with additional traffic from development on the Channel 9 site;
- Inconvenience for drivers if there is a restriction requiring no Right turn into Walter Street from Willoughby Road and no Right turn into Willoughby Road from Walter Street;
- Increased car parking in local streets which is already a problem.
- Issues regarding the analysis of the proposal in the Proponent's Traffic Report prepared by TTP Traffic and Transport Planning;
- Insufficient access to Public Transport including poor bus service;

Reference: Amendment to Willoughby Local Environmental Plan 2012 at 1-31 Walter Street and 452-462 Willoughby Road, Willoughby

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- Impact on properties zoned SP2 Infrastructure located on the southern side of Walter Street;
- Pressure on local Infrastructure, in particular schools and open space;
- Loss of rocky outcrops in the northern part of the site;
- Energy Efficiency Issues, site contamination and garbage truck access;
- The importance of site amalgamation and surrender of the Child Care Centre approval at 1,1A Walter Street and 452-460 Willoughby Road.

Issues relating to traffic and perceived over development were the main issues raised in submissions. In relation to traffic, TfNSW have advised that the current proposal without the inclusion of a child care centre significantly reduces the traffic generation compared to the earlier proposal. It now advises that traffic signals on Willoughby Road at the Walter Street intersection are not warranted. Instead, TfNSW advises that it supports right turn movements at the intersection being prohibited in the weekday peak periods (6-10am and 3-7pm) on road safety and network efficiency grounds via regulatory signposting. It advises that a Traffic Management Plan (TMP) for review by Council and TfNSW to identify the impact (if any) of displaced traffic movements on the adjacent road network and the need (if any) for mitigation measures should be provided at Development Application stage.

Gateway determination

The Gateway Determination was issued on 14 February 2020 (Tag C). The timeframe for completing the LEP is 14 February 2021. Council does not have delegation to make this planning proposal. The Planning Proposal was updated to address the conditions of Gateway prior to exhibition (TAG D).

Community consultation

The Planning Proposal was placed on public exhibition for 38 days from 14 May 2020 until 22 June 2020. A notification was placed on Council's website. Owners of properties within the affected site and adjoining owners were separately notified. A public hearing was not required as part of the Planning Proposal

Views of public authorities

The Gateway Determination required that Transport for NSW (TfNSW), Sydney Water and Ausgrid be consulted. Ausgrid and Sydney Water did not respond. No objections were received from TfNSW, however TfNSW noted that the warrants for the provision of traffic control signals on Willoughby Road at the Walter Street intersection will no longer be met. A copy of the TfNSW submission can be viewed at Tag E.

Consistency with S9.1 Directions and other strategic planning documents

The Planning Proposal is consistent with all relevant S9.1 Directions, SEPPs, the Greater Sydney Region Plan – A Metropolis of Three Cities 2018, the North District Plan 2018, Willoughby LSPS 2020 and Our Future Willoughby 2028.

Other relevant matters

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There was one representation from the State Local Member for Willoughby (The Hon Gladys Berejiklian MP) on behalf of a constituent of Lumsden Road, Cammeray. This matter has been addressed.

An opinion by Parliamentary Counsel has not been requested by Council. The Planning Proposal should be named Amendment No 15. Council's draft amendment to Schedule 5 including the item number is included at Tag F

Mapping

The replacement maps have been uploaded to the Department's FTP Directory (Amendment No 15) and comprises the following:

- Zoning Map 4
- Floor Space Ratio Map 4
- Height of Building Map 4
- Special Provisions Area Map 4

Recommendation

Council recommends that the plan be made. It is also requested that the Department of Planning, Industry and Environment require the surrender of Development Consent 2016/263 for a Child Care Centre at 1-1A Walter Street and 452-460 Willoughby Road, Willoughby prior to making the Planning Proposal relating to 1-31 Walter Street and 452-462 Willoughby Road.

Attached Information

The following information, including a copy of this letter is included in the Share Willoughby link provided by e-mail.

TAG A	Council resolution 14 September 2020
TAG B	Council report 14 September 2020
TAG C	Gateway Determination dated 14 February 2020 and Council Response
TAG D	Updated Planning Proposal
TAG E	Response from Transport for NSW
TAG F	Proposed wording changes to WLEP 2012, Schedule 5

If you have any further enquiries please contact Ian Shillington, Strategic Planner on 9777 7620 or ian.shillington@willoughby.nsw.gov.au

Yours faithfully



IAN ARNOTT
PLANNING MANAGER

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