

## ATTACHMENT 6

**Written Amendments to Willoughby Local Environmental Plan 2012**

- a) To amend the Land Use Table, Zone B3 Commercial Core, as follows:
  - In Permitted with consent, delete serviced apartments
  - In prohibited, insert serviced apartments
- b) To add Clause 4.1D 'Minimum lot size for Zone B3.'
  - "(1) The objective of this clause is to ensure a site is of sufficient size to achieve an optimum development outcome in the Chatswood CBD.
  - (2) This clause applies to land in Zone B3 Commercial Core in the Chatswood CBD, identified as Area X on the Lot Size Map."
- c) To add Clause 5.6 'Architectural roof features', (2A) as follows:
  - "(2A) Despite subclause (2), development within Area X on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."
- d) To amend Clause 6.7 'Active Street Frontages', (5) to read:
  - "(5) In this clause, a building has an active street frontage if:
    - a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.
    - b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of commercial premises."
- e) Repeal Clause 6.12 'Size of shops in Zone B3 and Zone B4 in Chatswood.'
- f) To add Clause 6.24 as follows:
  - "(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
  - 2) This clause applies to development that is the erection of a new building on land shown in Area X of the Special Provisions Area Map.
  - 3) Development consent, including modification of development consent, must not be granted to development to which this clause applies unless:
    - a) Where a building will be above 35 metres in height
      - i) an architectural design competition that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and
      - ii) the design of the development is the winner of the architectural design competition, and
      - iii) the consent authority considers and acknowledges that the development exhibits design excellence.

- b) Where a building is or will be higher than 12 metres but not above 35 metres in height
  - i) The design is subject to review by a Design Excellence Review Panel, that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority
  - ii) the consent authority considers and acknowledges that the development exhibits design excellence.
- 4) An architectural design competition is not required under subclause (3) if the Planning Secretary or their delegate is satisfied that:
  - a) such a process would be unreasonable or unnecessary in the circumstances,
- 5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration Clause 3)a)iii) and 3)b)ii).
- 6) In this clause:
  - Design Excellence is a process and an outcome which follows a rigorous procedure including evaluation to achieve subclause (1).
  - Architectural Design Competition means a competitive process conducted in accordance with the Willoughby Design Excellence Clause and Guidelines for Design Excellence Review and Competitions.
  - Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Planning Secretary).
  - Guidelines for Design Excellence Review and Competitions mean Willoughby City Council Guidelines for Design Excellence Review and Competitions 09/12/2019.
  - Design Excellence Policy means the Willoughby City Council Design Excellence Policy 09/12/2019."