

## PLANNING PROPOSAL - 92-96 VICTORIA AVENUE NORTH WILLOUGHBY

ATTACHMENTS:	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. DETAILED COUNCIL ASSESSMENT</li><li>3. COUNCIL ASSESSMENT OF DEPARTMENT GUIDELINES FOR PLANNING PROPOSALS</li><li>4. DRAFT PLANNING PROPOSAL</li><li>5. DRAFT DEVELOPMENT CONTROL PLAN</li><li>6. PROPOSED AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012</li><li>7. WILLOUGHBY LOCAL PLANNING PANEL ADVICE</li></ol>
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	IAN SHILLINGTON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
MEETING DATE:	28 MARCH 2022

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### 1. PURPOSE OF REPORT

To provide Council with an assessment and recommendation on Planning Proposal (PP 2021/03) to allow multi dwelling housing at 92-96 Victoria Avenue, North Willoughby.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

### 2. OFFICER'S RECOMMENDATION

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) Amend Clause 4.3A Exceptions to height of buildings to the following:

(9) The maximum height of building of multi dwelling housing at 92-96 Victoria Avenue North Willoughby identified as Area 4 on the height of building map is not to exceed 10 metres.

(b) Amend Clause 4.4A Exceptions to floor space ratio to the following:

(25) Despite Clause (1), the maximum floor space ratio of multi dwelling housing at 92-96 Victoria Avenue North Willoughby identified as Area 21 on the floor space ratio map is not to exceed 1:1.

(c) Amend Clause 6.10 Minimum lot sizes for certain residential accommodation to insert the following:

(6) Despite subclause (2), development consent may be granted to development for the purposes of multi dwelling housing on a lot in an area identified as “Area 15” on the Special Provisions Area Map if the lot size is at least 2,500 square metres.

- (d) Amend LEP Height of Buildings (HOB) Map to nominate the site as “Area 4” and allow for a maximum height of building of 10 metres for multi dwelling housing on the site;
- (e) Amend LEP Floor Space Ratio (FSR) Map to nominate the site as “Area 21” and allow for a maximum FSR of 1:1 for multi dwelling housing on the site;
- (f) Amend the LEP Lot Size (LSZ) Map to remove lot size controls from the subject site.
- (g) Amend the LEP Special Provisions Area (SPA) Map to include the site in Area 9 (Clause 6.8 Affordable Housing) and Area 15 (Clause 6.10 Minimum Lot Sizes).
- (h) Amendment of Schedule 1 Additional permitted uses to allow for multi dwelling housing on the site:

(75) Use of certain land at 92-96 Victoria Avenue North Willoughby

(1) This clause applies to certain land at 92-96 Victoria Avenue North Willoughby, being Lots 5, 6 and 7 in DP 809.

(2) Development for the purposes of multi dwelling housing is permitted with development consent.

2. **Subject to 1. above, Council endorse for public exhibition the Planning Proposal as outlined in 1.**
3. **Council endorse the draft site specific *Development Control Plan* provisions being placed on public exhibition with the draft Planning Proposal, subject to further amendments including consideration of advice provided by the Willoughby Local Planning Panel at its meeting of 8 February 2022.**
4. **Note that following public exhibition the Planning Proposal and site specific Development Control Plan 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 in this report.**
  - (2) **To proceed with amended controls in the Planning Proposal and Development Control Plan to that exhibited.**
  - (3) **To not proceed with the Planning Proposal and Development Control Plan.**
5. **Request that the Department of Planning 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 to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.**
6. **Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and Development Control Plan which does not alter the intent.**

### 3. BACKGROUND

The proposal lies outside but adjacent to the North Willoughby Local Centre endorsed by Council for height and FSR uplift as part of the *Willoughby Local Centres Strategy* in 2019. This planning proposal was originally lodged in March 2021 with an FSR of 1.32:1 and building height of 12m across the site. The proposal also sought to allow multi dwelling housing as an additional permitted use on the site. The development proposed is for three storeys with a fourth storey setback on the western section of the site transitioning down to two storeys with a third storey setback on the eastern section of the site. The concept plans lodged with the proposal envisaged 22 multi-dwelling housing units (townhouses) on the site.

Council officers provided feedback indicating the FSR and height was excessive given the immediate context of lower density building forms typical of a R2 Low Density Residential zoning. In line with initial Council feedback regarding the Proposal, the proponent reduced the FSR to 1:1 and maximum height to 10m as part of an amended Planning Proposal lodged in September 2021.

### 4. DISCUSSION

The concept design submitted with the amended proposal included 22 multi-dwelling housing units ranging in height between three and two storeys. The applicant has submitted building massing and height plans to support the scheme.

The site is in close walkable proximity to Chatswood CBD and North Willoughby Local Centre, included in the *Willoughby Local Centres Strategy*. Both these centres have good access to transport and other infrastructure and the site is therefore considered appropriate for some residential uplift. It is also adjacent to an existing medium density seniors housing development located in the R2 Low Density Residential zone.

It is noted that the subject site is located just outside identified housing focus areas in the *Willoughby Local Strategic Planning Statement (LSPS)* and *Housing Strategy*. Due to the small scale of this proposal and its location adjacent to the North Willoughby Local Centre and an existing adjoining seniors housing development, it is considered that a small housing uplift on the site is justified. It is considered that the site also meets the prescribed criteria outlined for additional housing uplift identified in the *LSPS* outside of nominated focus areas.

The proponent has submitted draft site specific *Development Control Plan (DCP)* provisions to support the Planning Proposal to reinforce urban design considerations, site amalgamation requirements, setbacks, solar access and overshadowing, landscaping, tree protection and open space as well as access, parking and transport management. A copy of the draft DCP is at **Attachment 5**.

It is considered that a number of elements of the concept plan and draft DCP require further review. The *LEP Design Excellence* clause will not apply to this site, due to the maximum building height proposed being 10 m which is less than the 12 m minimum height for this clause to apply. Therefore, it is recommended that some of the provisions in the draft DCP in relation to design excellence be modified. Amendments are also recommended in relation to landscaping and tree protection in order to ensure that this aspect is thoroughly considered at development application stage. Council's DCP includes an existing requirement relating to laneway widening for the adjoining George Brain Lane. Any future development proposal should have regard to these and other relevant DCP requirements.

A detailed assessment of the Proposal is included at **Attachment 2**. A copy of the planning proposal submitted by the applicant is at **Attachment 4**.

Amendments to *Willoughby Local Environmental Plan 2012* have been prepared to support the Planning Proposal. These amendments are included at **Attachment 6**. The Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' and is consistent or potentially consistent in a number of areas (**Attachment 3**).

An offer to enter into a voluntary planning agreement (VPA) has been made. Discussions regarding an agreement have not been finalised with Council officers and details of the proposed VPA are to be put to Council in a separate report. It is proposed that the draft VPA be placed on public exhibition with the draft Planning Proposal and DCP.

The Planning Proposal and draft DCP were submitted to the Willoughby Local Planning Panel on 8 February 2022 for their advice. While the planning proposal is supported by the Panel in strategic and site specific terms, the Panel considered that further attention is required relating to aspects of the concept plan and draft DCP. The Panel considered that further review of the draft DCP and concept plan may be appropriate, particularly in relation to tree preservation, traffic management, solar access and the relationship of the site to the expected future development in the adjoining North Willoughby Local Centre. In light of the advice provided above by the Panel, it has been decided to consider further review of the draft DCP prior to exhibition of the planning proposal. A copy of the Panel's advice is at **Attachment 7**.

If the planning proposal is supported by Council and subsequently issued with a Gateway determination, the draft DCP (with any modifications) can then be exhibited concurrently with the planning proposal. Following public exhibition, both the planning proposal and DCP will be reported to Council for consideration.

## **5. CONCLUSION**

The Planning Proposal will contribute to housing supply planned under the *Willoughby Housing Strategy*. Whilst located just outside a housing focus area, a modest housing uplift in the form of multi dwelling housing on a site adjoining the North Willoughby local centre and a seniors housing development is considered to be justified.

It is considered that adequate justification has been provided to demonstrate consistency with the *LSPS*, which was the result of extensive community engagement in relation to finalising the *Statement*.

It is recommended that Council support the planning proposal as submitted with amendments in line with WLPP advice on the concept plan for public exhibition. The draft DCP will be reported to Council for adoption following public exhibition of the planning proposal and draft DCP.

IMPLICATIONS	COMMENT
City Strategy Outcome	1.2 – Promote sustainable lifestyles and practices
Business Plan Objectives, Outcomes / Services	<p>To ensure this Planning Proposal is in line with the Greater Sydney Commission's <i>North District Plan</i>, which aims to accommodate future growth needs in relation to commercial and residential uses.</p> <p>To ensure consistency with the <i>Willoughby Local Strategic Planning Statement 2020</i> and <i>Willoughby Local Centres Strategy to 2036</i>.</p>
Policy	<p>Council's <i>Willoughby Local Strategic Planning Statement 2020</i> includes the following Priorities relevant to the planning proposal:</p> <p>6.1 Housing the City;  Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers  Priority 2: Increasing the supply of affordable housing</p> <p>6.2 A City for People  Priority 3: Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features  Priority 4: Ensuring that social infrastructure caters to the population's changing needs and is accessible to foster healthy and connected communities</p> <p>6.3 A City of Great Places.  Priority 5: Respecting and enhancing heritage and local suburban character  Priority 6: Planning for local centres which are vibrant places that meet the everyday needs of the population</p> <p>The Amendment of the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i>.</p>
Consultation	<p>Prior to endorsement by Council, the draft <i>Willoughby Local Strategic Planning Statement</i> was publicly exhibited between 15 August and 14 October 2019. The <i>Willoughby Local Centres Strategy to 2036</i> was endorsed by Council in December 2019 following community consultation between February and May 2019.</p> <p>This Planning Proposal would also be publicly exhibited following Gateway Determination if supported.</p>
Resource	No additional operating resources beyond budget required.
Risk	Risk of not achieving the endorsed <i>Community Strategic Plan 2028</i> and <i>Local Strategic Planning Statement 2020</i> objectives and accommodating future economic and residential growth requirements.
Legal	Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i> , which would provide the basis for future development application assessment. In addition, <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment.

**Legislation** Under *Environmental Planning and Assessment Act 1979* provisions.

**Budget/Financial** No additional financial or budget implications.

[Attachment 2 - Detailed Assessment 92-96 Victoria Avenue.pdf](#)

[Attachment 3 - Council Assessment of Department Guidelines 92-96 Victo...](#)

[Attachment 4 - PP 2021/3 - Planning Proposal - 92-96 Victoria Ave Nort...](#)

[Attachment 5 - PP2021/3 - Site Specific DCP-updated - 92-96 Victoria A...](#)

[Attachment 6 - PP2021/3 - LEP Amendments 92-96 Victoria Ave.pdf](#)

[Attachment 7 - PP 2021/3 - WLPP Record of Advice - 92-96 Victoria Ave ...](#)