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Willoughby LEP 2012 Comprehensive Review – Gateway Determination Report (PP-2021-6242)

Greater Sydney, Place and Infrastructure

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Table 1 Reports and plans supporting the planning proposal**Relevant reports and plans**

Planning Proposal – October 2021

Willoughby Local Strategic Planning Statement March 2020 (Willoughby City Council)

Willoughby Local Housing Strategy May 2020 (Willoughby City Council)

Chatswood CBD Planning and Urban Design Strategy to 2036 (September 2020)
(Willoughby City Council)

Willoughby Local Centres Strategy June 2020 (Willoughby City Council)

Willoughby Industrial Lands Strategy October 2020 (Willoughby City Council)

St Leonards / Crows Nest Plan to 2036 August 2020 (DPIE)

Willoughby Integrated Transport Strategy August 2020 (Willoughby City Council)

Willoughby Affordable Housing Feasibility Study (SGS 2021)

Heritage Impact Statement Artarmon Bowling Club (September 2019)

Heritage Nomination Griffin Centre Castlecrag (May 2019)

Glossary

| Abbreviation | Reference |
|-----------------|---|
| ADG | Apartment Design Guide |
| CASA | Civil Aviation Safety Authority |
| CBD | Central Business District |
| Codes SEPP | State Environmental Planning Policy (Exempt and Complying Development) 2008 |
| Council | Willoughby City Council |
| DA | Development Application |
| DCP | Development Control Plan |
| Department/DPIE | Department of Planning, Industry and Environment |
| DIRDC | Department of Infrastructure Regional Development and Cities |
| FSR | Floor Space Ratio |
| GFA | Gross Floor Area |
| GSC | Greater Sydney Commission |
| HCA | Heritage Conservation Area |

| Abbreviation | Reference |
|--------------|--|
| HIS | Heritage Impact Statement |
| HOB | Height of Buildings |
| LEP | Local Environmental Plan |
| LGA | Local Government Area |
| LHS | Local Housing Strategy |
| LPP | Local Planning Panel |
| LSPS | Local Strategic Planning Statement |
| PANS-OPS | Procedures for Air Navigation Services – Aircraft Operations |
| PPA | Planning Proposal Authority |
| RL | Reduced Level |
| SACL | Sydney Airport Corporation Limited |
| SEPP | State Environmental Planning Policy |
| TfNSW | Transport for NSW |

Summary

Table 2 Planning proposal details

| | |
|-----------------------------|--|
| Local Government Area | Willoughby LGA |
| Planning Proposal Authority | Willoughby City Council |
| Planning Proposal Name | Willoughby Comprehensive LEP |
| Planning Proposal Number | PP-2021-6242 |
| Dwellings and Jobs | 6,700 dwellings 10,600 jobs (estimated) |
| LEP to be Amended | Willoughby Local Environmental Plan 2012 Intended to create a new Willoughby LEP |
| Address | LGA-wide |
| Description | Comprehensive review of Willoughby LEP |
| Date Received | 14 October 2021 |
| File Number | IRF21/4948 |
| Political Donations | There are no donations or gifts to disclose and a political donation disclosure is not required. |
| Lobbyist Code of Conduct | There have been no meetings or communications with registered lobbyists with respect to this proposal. |

1. Introduction

1.1 Description of planning proposal

The planning proposal (**Attachment A**) revises the planning controls under the Willoughby LEP 2012 for the Willoughby Local Government Area (LGA) (**Figures 1, 2** and **Attachment B**), including rezoning land, changing development standards, particularly in the Chatswood CBD and other local centres and making other housekeeping amendments. A new LEP is intended to be created.

The planning proposal has been prepared with the intent to give effect to the Greater Sydney Region Plan and North District Plan and local plans including:

- Willoughby Local Strategic Planning Statement (LSPS) – March 2020 (**Attachment C**)
- Willoughby Housing Strategy (LHS) – May 2020 (**Attachment D**)
- Chatswood CBD Planning and Urban Design Strategy 2036 – September 2020 (**Attachment H**)
- St Leonards Crows Nest 2036 Plan – August 2020 (**Attachment I**)

- Willoughby Local Centres Strategy – June 2020 (**Attachment E**)
- Willoughby Industrial Lands Strategy – October 2020 (**Attachment F**)
- Willoughby Integrated Transport Strategy – August 2020 (**Attachment G**).

The planning proposal intends to increase the requirement for the provision of affordable housing from the current rate of 4% of accountable total floor space under Willoughby LEP 2012 to 10% of the total floor space for new developments in certain areas. A report accompanies the planning proposal outlining the feasibility of increasing the affordable housing contribution for each of the centres affected by this proposed change (**Attachment J**).

Additionally, the planning proposal was submitted with documentation with the intention to list the Artarmon Bowling Club at Artarmon and the Griffith Centre at Castlecrag as local heritage items in Schedule 5 of the LEP (**Attachments N and O**). The planning proposal also incorporates a number of updates to improve the LEP and miscellaneous housekeeping amendments.

Council intends to exhibit the draft Willoughby Development Control Plan 2021 (DCP) in conjunction with the planning proposal (**Attachment R**).

1.2 Site description

The proposed amendments will apply throughout the Willoughby LGA which is approximately 10kms north of the Sydney CBD and covers an area of approximately 22.6km².

It is bounded to the north by Ku-ring-gai LGA, to the east by Middle Harbour, to the south by North Sydney LGA, to the south-west and west by Lane Cove LGA (**Figures 1 and 2**).

The Willoughby LGA is home to over 79,000 residents. Approximately 83% of the population work in the LGA with Chatswood alone providing employment for over 20,000 people.

The North District Plan identifies the Chatswood CBD (**Figures 2 and 3**) as a strategic centre. The District Plan also identifies St Leonards Crows Nest (**Figures 2 and 4**) as a strategic centre and a planned health and education precinct. Both are located within the Eastern Economic Corridor, a major contributor towards NSW's economic growth.

The Willoughby LGA contains three industrial areas located in Artarmon, East Chatswood and Epping Rd, Lane Cove North (**Figure 2**). These areas employ approximately 16.7% of jobs in Willoughby and play a vital role in servicing the lower North Shore and the North District.

The Willoughby LGA also contains eight local centres (**Figure 2**) which are important to providing services and jobs close to residential dwellings.

The local strategic Plan *Our Future Willoughby 2028* states that there will be over 90,000 people living in the Willoughby LGA by 2036. This will increase the need for a better outcome for amenity and sustainability to maintain and enhance liveability for existing and future residents.

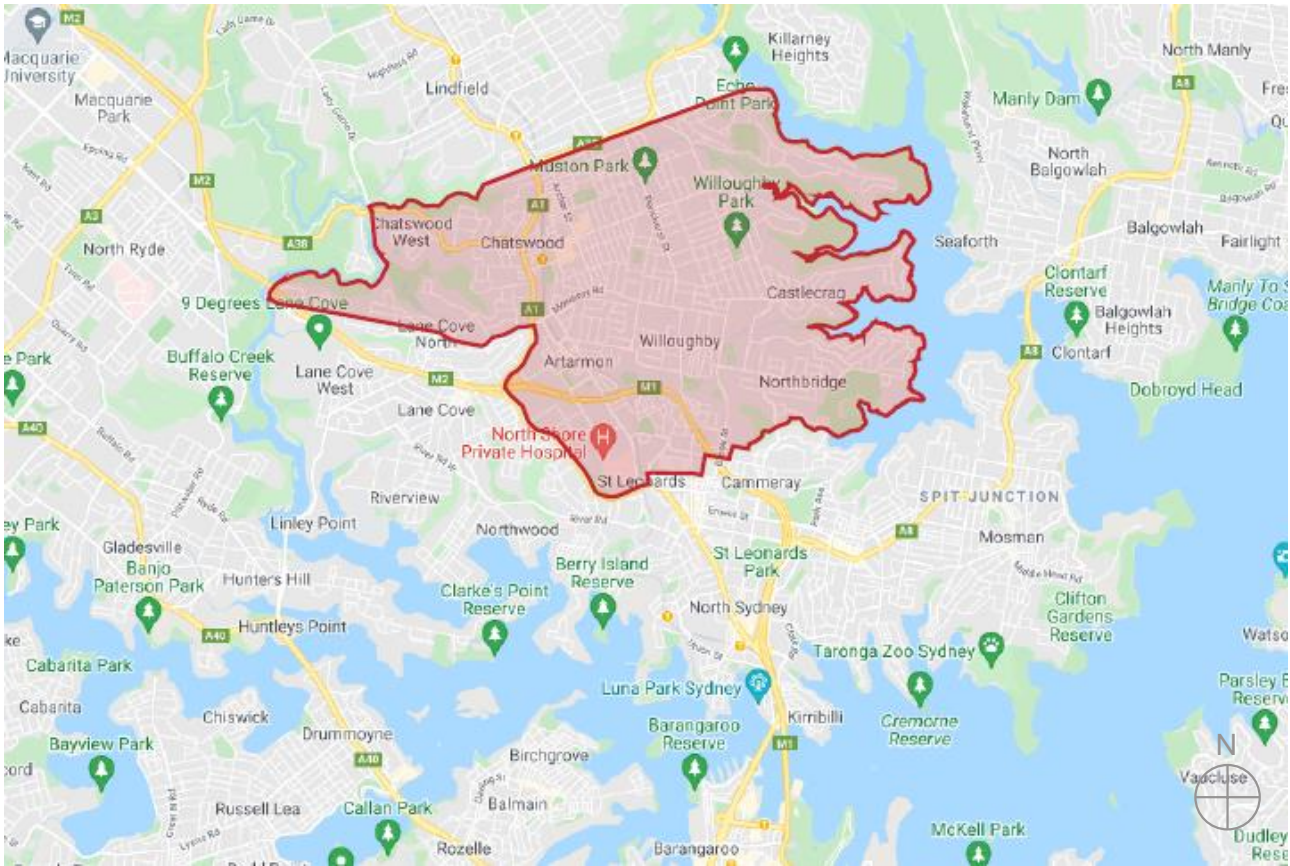


Figure 1: Willoughby LGA context (source: Google Maps, overlay by the Department)

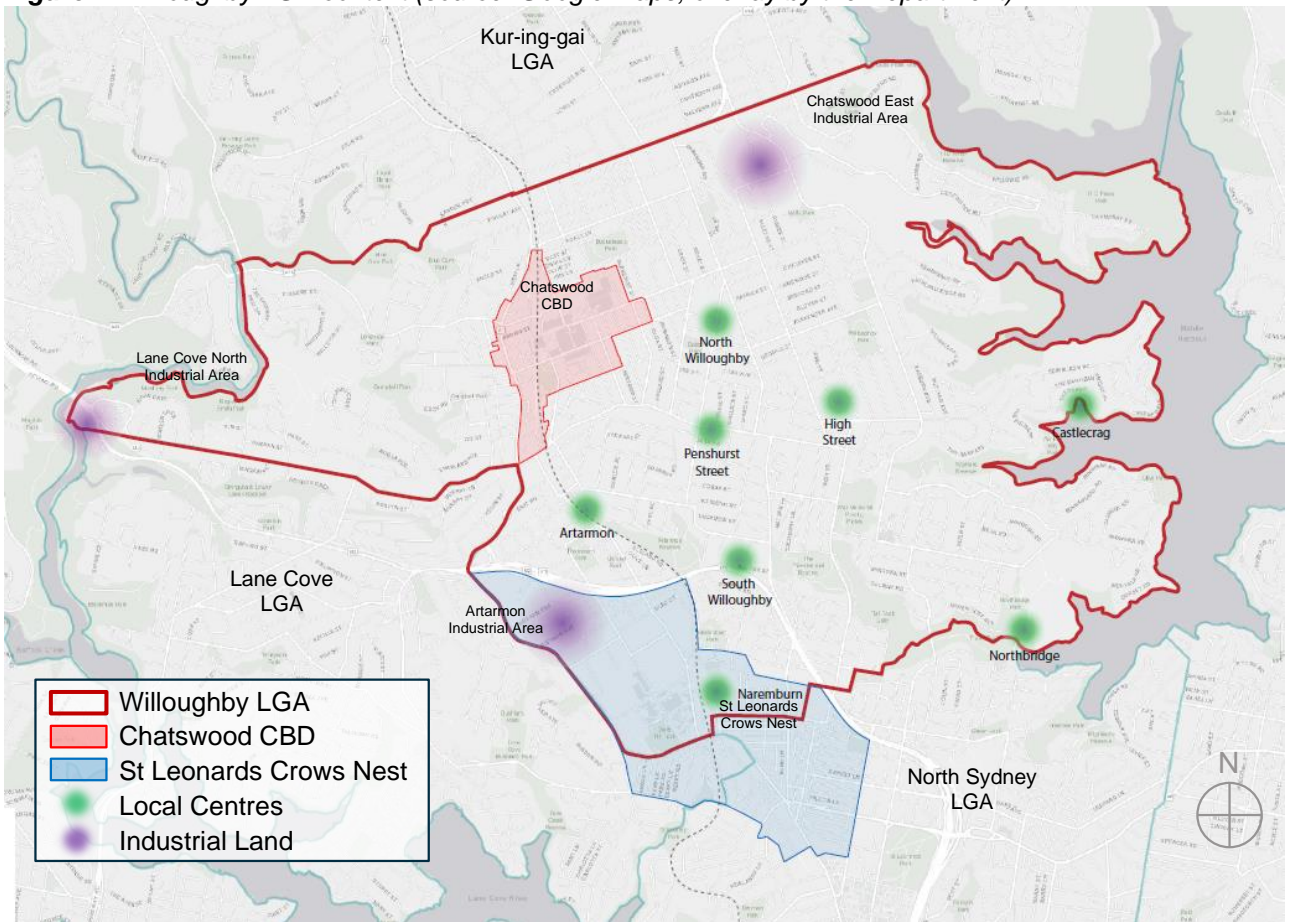


Figure 2: Willoughby LGA (source: The Department)



Figure 3: Expanded Chatswood CBD (source: Council, overlay by the Department)

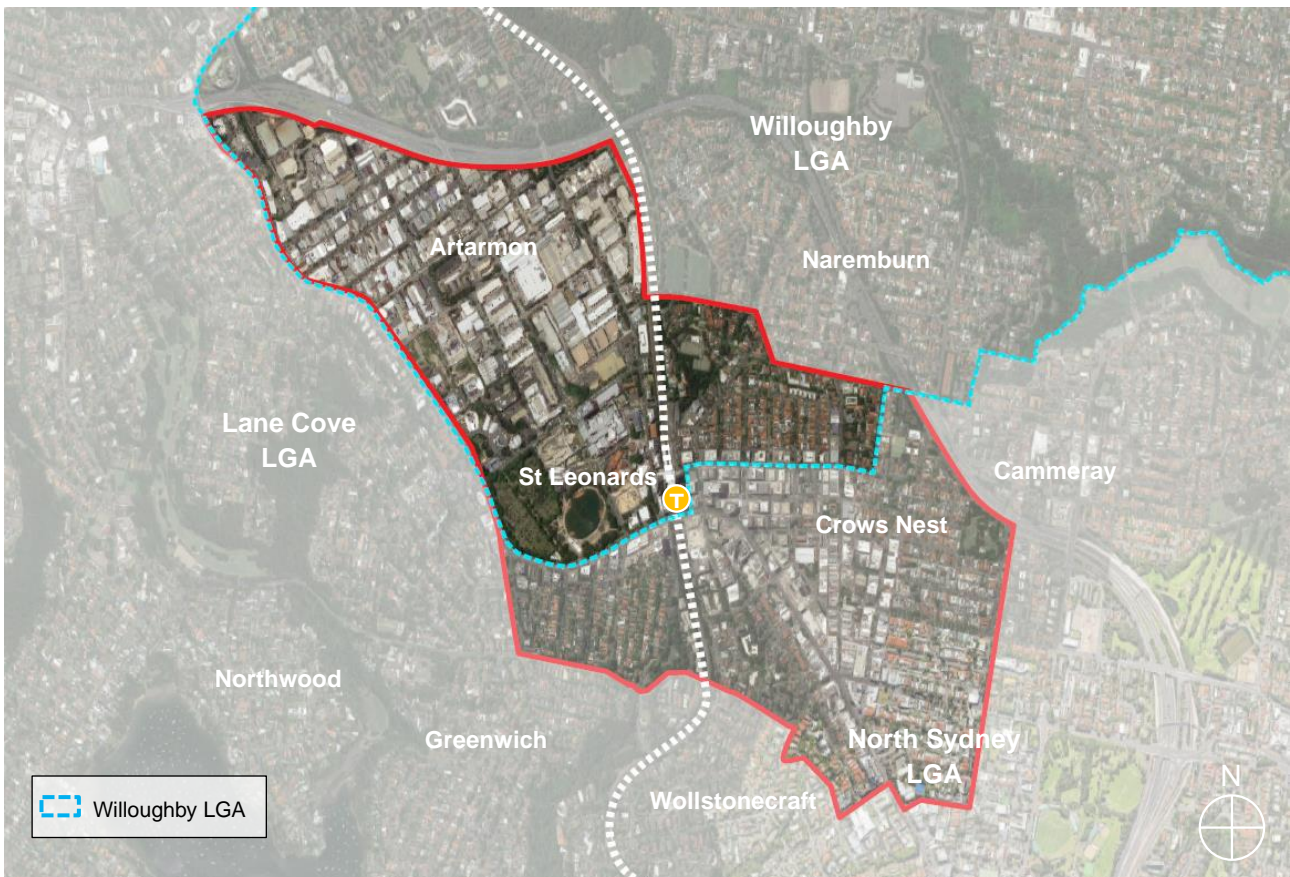


Figure 4: St Leonards Crows Nest 236 (source: Council, overlay by the Department)

1.3 Current planning controls

The Willoughby LEP 2012 came into force on 31 January 2013 implementing the Standard Instrument Order. Section 3.8(3) of the *Environmental Planning & Assessment Act 1979* requires Council's to undertake a review of their LEPs following the making of the District Plan to give effect to the district strategic plan. The planning proposal will also give effect to the Willoughby LSPS, which was endorsed by the Greater Sydney Commission on 20 March 2020.

The current LEP has been reviewed and Council seeks to create a new LEP which will specifically update:

- the Chatswood CBD and include an expanded boundary area;
- the local centres of Artarmon, North Willoughby, Naremburn, Castlecrag, Northbridge, Penhurst Street and Willoughby South;
- land within the Willoughby LGA of the St Leonards Crows Nest 2036 Plan;
- land within the industrial zones of Artarmon, East Chatswood and Lane Cove North;
- land within the R2 Low Density Residential zone (not in conservation areas);
- affordable housing requirements under Clause 6.8 of the LEP;
- improvements to sustainability including provisions for reducing urban heat;
- reclassification of council land at Northbridge Local Centre;
- removing land reservations no longer needed and under the Acquisition (LRA) Map and inclusion of land requiring acquisition;
- land owned and used by schools to be all zoned SP2 Infrastructure;
- additional permitted uses under Schedule 1;
- the proposed heritage listing of two sites; and
- general housekeeping updates and improvements.

An overview/summary of all of the changes as a result of the planning proposal is provided in Section 2.2 of this report.

Willoughby Council is currently in the process of retiring all hardcopy PDF maps and transitioning to digital mapping. It is intended that this will occur 14 January 2022 to allow Council's exhibition to use digital mapping for agency and community consultation. The current planning controls of the Willoughby LEP 2012 for all sites can be viewed on the NSW e-planning Spatial Viewer at: planningportal.nsw.gov.au/spatialviewerlite/#/find-a-property/address?ppnumber=PP-2021-6136

Council's transition to digital mapping is discussed further in Section 2.3 of this report.

1.4 Summary of recommendation

The Department has considered the submitted documentation for the draft Comprehensive LEP proposal and concludes that there is sufficient strategic merit to proceed to exhibition, subject to conditions as:

- the proposal is generally consistent with the North District Plan, Council's local strategies and relevant SEPPs and Section 9.1 directions;
- the proposal will implement the priorities and actions of the Local Strategic Planning Statement and give effect to the North District Plan;

- the proposal will provide increased employment within the commercial core of the Chatswood CBD and local centres that supports the 30-minute city outcomes sought by the North District Plan;
- it is consistent with the actions of the North District Plan for the Chatswood CBD by providing additional residential accommodation and commercial floor space for business or retail uses in a mixed-use zone;
- it is consistent with the key elements of the Council and Department endorsed:
 - Willoughby LSPS;
 - Willoughby LHS;
 - Chatswood CBD Strategy; and
 - St Leonards Crows Nest Plan 2036.
- the proposal will enable the delivery of additional residential accommodation and commercial floor space for small business or retail uses, supporting jobs growth in local centres of the Willoughby LGA; and
- the amendments will simplify the planning process, update controls and provide more certainty to the local community.

2. Planning Proposal

2.1 Objectives or intended outcomes

The planning proposal contains objectives and intended outcomes that explain the intent of the proposal.

The objectives of the planning proposal are to review the Willoughby LEP 2012 to update the planning controls to implement the planning priorities and actions of the North District Plan, Willoughby LSPS (**Attachment C**), the Willoughby LHS (**Attachment D**) and various other strategic studies and will include:

- Rezone land and amend the planning controls in the following strategic centres:
 - Chatswood CBD and expanded area;
 - St Leonards;
- Rezone land and amending the planning controls for height and FSR in the following local centres:
 - Artarmon;
 - North Willoughby;
 - Naremburn;
 - Castlecrag;
 - Northbridge (including the reclassification of council owned land);
 - Penshurst Street, Willoughby; and
 - Willoughby South.
- amending the planning controls for FSR and permissible uses for certain sites in the industrial areas of Artarmon, East Chatswood and Lane Cove North;
- ensuring adequate affordable housing is provided where residential density is increased as supported by the feasibility study (SGS Economic and Planning);

- addressing and encouraging sustainable and resilient development;
- ensuring that the amenity of existing public open space is maintained;
- ensuring that places that have been identified as having heritage significance as given adequate protection;
- efficiency improvements to the LEP including:
 - the alignment of controls in the R2 Low Density Residential zone (not in conservation areas) with the Exempt and Complying Codes SEPP by introducing equivalent GFA controls for dwellings and dual occupancies;
 - new landscaping controls in the LEP for R2 Low Density Residential and E4 Environmental Living zones;
 - updating dual occupancy controls and new terms including ‘manor houses’ to align with Codes SEPP;
 - update to airspace operations (clause 6.6);
 - updates to design excellence (cl 6.23);
 - include new urban heat clauses;
 - rezone land for schools to SP2 Infrastructure;
 - removal of properties identified for land acquisition that have been acquired and inclusion of properties identified for land acquisition; and
- housekeeping LEP amendments including:
 - corrections to LEP clauses and removing superseded clauses;
 - updating map anomalies for heritage, dual occupancy restriction, land reservations; and
 - removal of additional permitted uses where they are superseded by updated controls.

The objectives of the Comprehensive planning proposal will require updating to provide a more concise overview of the objectives and intended outcomes.

Section 4.3 provides a detailed explanation of Council’s local strategic studies which supports the planning proposal.

An explanation of provisions is provided in Section 2.2 which outlines the key changes as a result of recommendations of these studies.

2.2 Explanation of provisions

The key elements that the planning proposal (**Attachment A**) seeks to amend in the Willoughby LEP 2012 are outlined in **Table 3**.

Table 3: Explanation of provisions – key elements

| Proposed amendment | Explanation of amendment/Clause |
|---|--|
| 1. Implementation of the Chatswood CBD Planning and Urban Design Strategy 2036 | <p>Changes to the planning controls align with the Chatswood CBD Planning and Urban Design Strategy 2036 (Attachment H, Figures 3, 5 and 6).</p> <p>The aim of the CBD Strategy is to promote employment and protect the core of Chatswood, providing the opportunity for high density residential development surrounding the core in an expanded CBD area.</p> <p>The CBD Strategy will accommodate future growth and development be required to achieve a high level of design excellence. The amendments translate the strategy</p> |

| Proposed amendment | Explanation of amendment/Clause |
|--------------------|---------------------------------|
|--------------------|---------------------------------|

recommendations into planning controls to help achieve the vision for a competitive, vibrant and accessible Chatswood CBD.

The existing and proposed planning controls for every lot can be accessed on the planning portal.

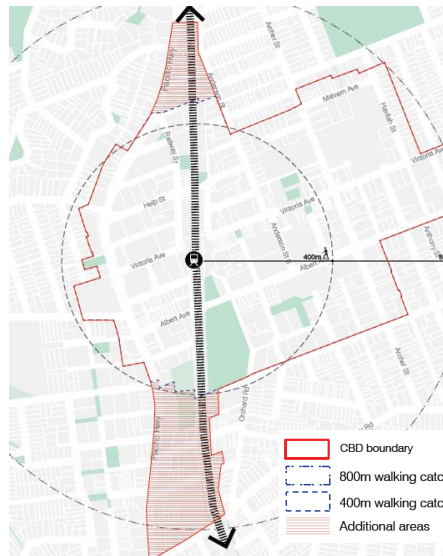


Figure 5: Expanded Chatswood CBD (source: Council)

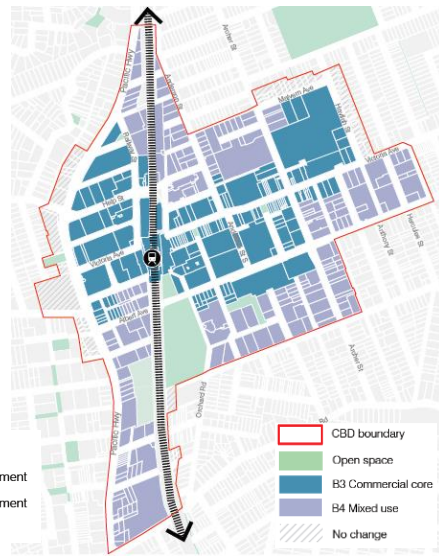
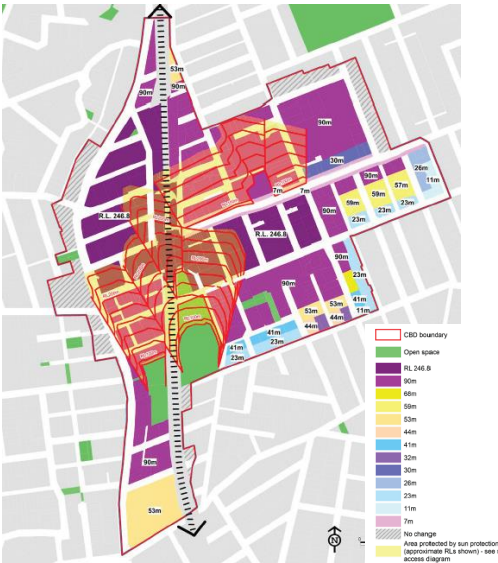
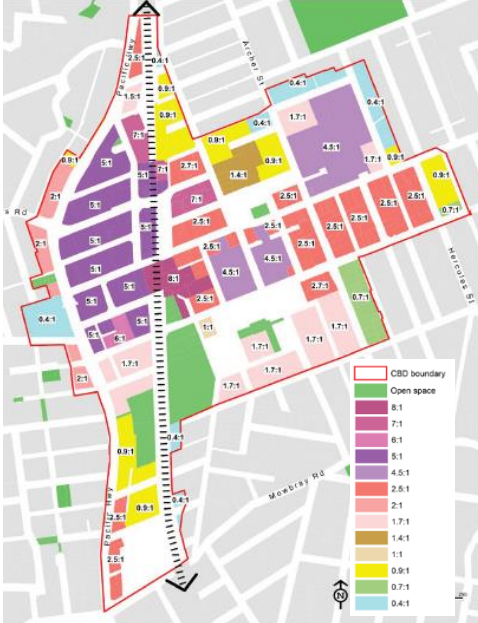
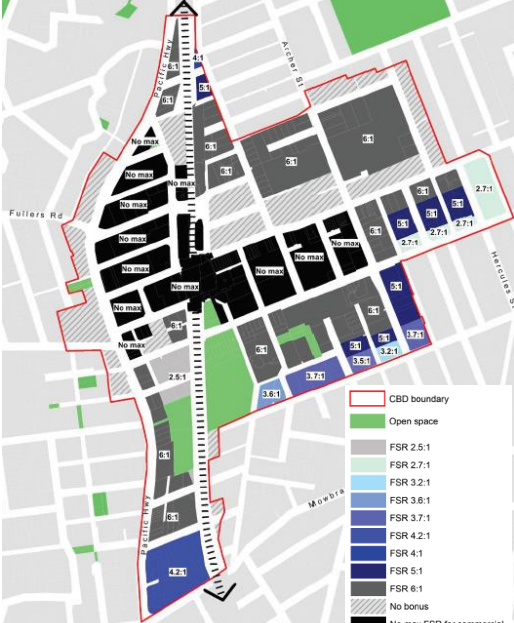


Figure 6: Recommended zoning (source: Council)

The proposed controls are summarised below.

| Chatswood CBD Controls | Current | Proposed |
|--------------------------|---|--|
| (i) Zone | <p>B3 Commercial Core</p> <p>B4 Mixed Use</p> <p>B5 Business Development</p> <p>R3 Medium Density Residential</p> <p>R4 High Density Residential</p> | <p>The Chatswood CBD zones will be consolidated into a:</p> <p>B3 Commercial Core</p> <p>B4 Mixed Use</p> |
| (ii) Height of buildings | <p>Current heights up to maximum of 60-90m in current B3 Commercial Core zone. Maximum heights are also indicated in RL in B3 Commercial Core.</p> <p>Heights range from 8m to 34 m in other zones within current CBD area and the proposed expanded area CBD area.</p> | <p>Proposed heights in the Chatswood CBD are nominated up to 90m in the B4 Mixed Use zones; with increased heights in B3 Commercial Core based on RLs (to max RL246.8) (Figure 7).</p> <p>Maximum building heights proposed under the Chatswood CBD Strategy are subject to the airspace limits (PANS OPS plane) except as reduced to meet the sun access protection planes as indicated by the maps.</p> |

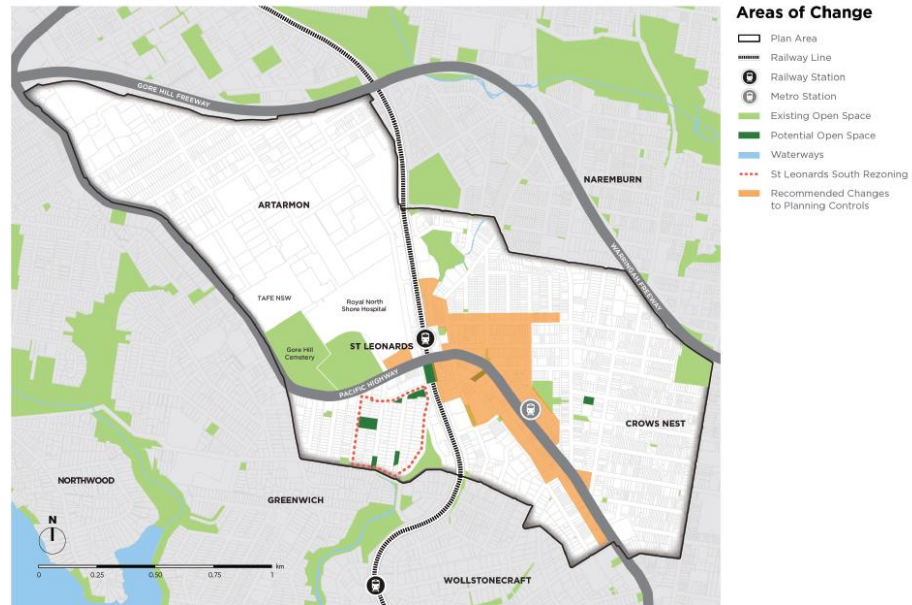
| Proposed amendment | Explanation of amendment/Clause | |
|------------------------|--|--|
| | | <p>Individual sites are detailed in the planning proposal (p18-38) indicating height.</p> <p>Street wall heights are included on the height maps indicating 7m street wall heights along Victoria Avenue for 6m of building.</p> |
| | |  <p>Figure 7: Recommended HOB controls (source: Council)</p> |
| (ii) Floor space ratio | <p>Current FSR in the Chatswood CBD area ranges from 0.4:1 to 8:1.</p> <p>Existing B3 commercial core is predominately 5:1 with lower FSRs of 0.4:1 to 4.5:1 in the surrounding zones (Figure 8).</p> | <p>A range of FSR maximums in the B4 zone from 2.5:1 to 6:1. No maximum FSR in the B3 zone for some commercial development (Figure 9).</p> <p>Individual sites are detailed in the planning proposal (p18-38) indicating FSR</p> <p>Deletion of Area 8, 9, 11, 14 from Floor Space Ratio map as strategy provides updated controls for CBD.</p> |

| Proposed amendment | Explanation of amendment/Clause |
|--|---|
| | <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Figure 8: Existing FSR controls (source: Council)</p> </div> <div style="text-align: center;">  <p>Figure 9: Recommended FSR controls (source: Council)</p> </div> </div> |
| (iv) Minimum non-residential floor space in the mixed use zone | <p>Introduce a new provision that Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. The specified 1:1 FSR in the strategy equates to 17% of FSR. This is supported by SGS Planning advice for unrestricted commercial in B3 zone and 17% in B4 zone.</p> <p>The Department notes that the 1:1 equates to 17% where the overall FSR is 6:1.</p> |
| (v) Minimum lot size | <p>Site amalgamation is encouraged through minimum lot size requirements.</p> <p>The plan proposes to introduce minimum lot sizes for commercial and mixed use development in the Chatswood CBD:</p> <p style="padding-left: 40px;">B3 Commercial Core 1,800 square metres</p> <p style="padding-left: 40px;">B4 Mixed Use 1,200 square metres</p> <p>This is to enable the development site to:</p> <ul style="list-style-type: none"> (i) be of sufficient size to provide for adequate drainage, landscaping and separation between buildings; (ii) ensure that adequate provision is made for privacy and solar access; and (iii) Reduce the instances of isolated lots being left with reduced development potential. |

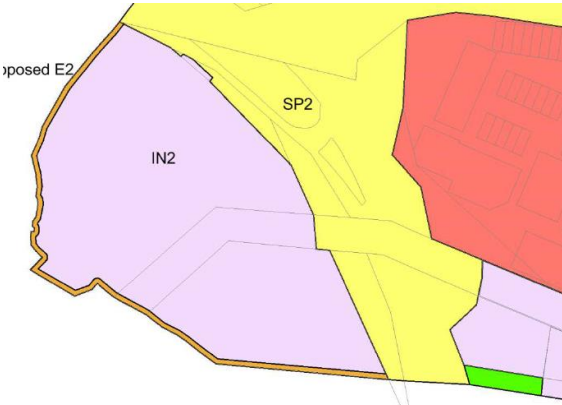
| Proposed amendment | Explanation of amendment/Clause |
|---|---|
| (vi) Sun access protection | <p>Ensure development will not result in additional overshadowing during mid-winter between 12 noon and 2pm of:</p> <ul style="list-style-type: none"> a) Victoria Avenue (between interchange and Archer St) b) Concourse Open Space c) Garden of Remembrance d) Tennis and croquet club e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park) <p>Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid-winter.</p> <p>The clause will protect certain key public spaces in Chatswood CBD from excessive overshadowing and protect properties in South Chatswood Conservation Area from a reduction in solar access.</p> <p>Refer to sect 6.2 and Figure 20 for further information.</p> |
| (vii) Active street frontages | <p>To update the Active Street frontage (clause 6.7) to change the reference to an active street frontage to refer to:</p> <ul style="list-style-type: none"> • B3 Commercial Core zone, all premises on the ground floor of the building facing the street are used for the purposes of <i>business premises or retail premises</i>. • 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 <i>non-residential premises</i>. |
| (viii) Land Use Table | <p>Deletes serviced apartments as a permissible use in the B3 Commercial Core zone and included as prohibited land use.</p> <p>Includes additional objectives into the B3 Commercial Core Zone related to Eastern Economic Corridor, North District Plan and St Leonards.</p> |
| (ix) Architectural Roof features (clause 5.6) | <p>The clause only currently applies in the Chatswood CBD areas and is proposed to be removed from the plan, as it is superseded by maximum height under the Chatswood CBD Strategy. There are no buildings that would be able to achieve 60m or more other than in the CBD.</p> <p>The objectives of this clause are:</p> <ul style="list-style-type: none"> (a) to encourage innovative and high quality architectural design for buildings with a height of 60 metres or more, (b) to reinforce the distinctive skyline profile of the city centre of Chatswood when viewed from other parts of Sydney. |
| (x) Removal of Additional Permitted uses in Chatswood CBD area – Schedule 1 | <p>Removal of additional permitted uses are proposed as the controls proposed to be implemented based on the Chatswood CBD Strategy will remove and supersede them. Pacific Highway and Thomas St Chatswood – superseded by CBD Strategy controls.</p> |

| Proposed amendment | Explanation of amendment/Clause |
|--|---|
| | <ul style="list-style-type: none"> • 28 Archer St additional permitted use for attached dwellings and multi-unit dwellings not needed as site to be rezoned to B4 Mixed Use. • Cambridge Lane additional permitted use for business and office premises not required as site to be rezoned B4 Mixed Use. • Certain land at Victoria Ave (B3 zoned land) additional permitted use for shop top housing to be removed consistent with the Chatswood CBD Strategy (& delete corresponding Area 5 on Special Provisions Map). • Certain land in Chatswood CBD in B3 with additional permitted use for shop top housing for specific sites to be deleted. |
| (xi) Strata Subdivision in B3 zone | Update Area 1 of Minimum Lot size map to include expanded B3 Commercial Core zone sites to limit strata subdivision, delete associated clause allowing strata subdivision of shop top housing. |
| (xii) Site specific provisions | <p>Remove provision for size of shops in Zone B3 and B4 in Chatswood as Strategy supersedes this clause. This clause currently requires maximum GFA of a shop not to exceed 100m².</p> <p>Additional clause for Certain B4 Land in Chatswood for ground level for non-residential purpose, 17% minimum FSR provided for non-residential purposes, no residential dwelling is located at the ground floor.</p> |
| 2. Implementation of the St Leonards and Crows Nest 2036 Plan | <p>Changes to the planning controls align with the St Leonards Crows Nest 2036 Plan in the LGA (Attachment I, Figures 2 and 4).</p> <p>Site specific controls are consistent with the SLCN 2036 Plan for the following sites which are included in the recommended areas for change to planning controls:</p> <ul style="list-style-type: none"> • 207 Pacific Highway, St Leonards • 2-10 Chandos Street, St Leonards • 110-120 Christie Street, St Leonards • 7-13 Herbert Street, St Leonards • Removes 201-205 Pacific Highway (Forum site) from clause 4.4A Exceptions to Floor Space Ratio subclause (10) as the development is complete (Note: this site has no proposed changes as a result of the SLCN Plan). |

| Proposed amendment | Explanation of amendment/Clause |
|--------------------|---------------------------------|
|--------------------|---------------------------------|



| St Leonards Crows Nest Controls | Current | Proposed |
|--|--|---|
| <ul style="list-style-type: none"> 207 Pacific Highway, St Leonards | HOB 15.5m/24m/38.5m FSR 3:1 | HOB 77m (25 storeys) FSR 10.1 (10:1 with non-residential) |
| <ul style="list-style-type: none"> 2-10 Chandos Street, St Leonards | HOB 26m FSR 3:1 | HOB 41m (13 storeys) FSR 4.5:1 (4.5:1 non-residential) |
| <ul style="list-style-type: none"> 110-120 Christie Street, St Leonards | HOB 14m FSR 1.5:1 | HOB 20m (6 storeys) FSR 3:1 (3:1 non-residential) |
| <ul style="list-style-type: none"> 7-13 Herbert Street, St Leonards | HOB (including exceptions to building height under 'Area 2') <ul style="list-style-type: none"> RL 98 RL 130 RL 140 FSR 3:1, but up to 4:1 with exception to FSR under 'Area 4' | Delete 'Area 2' (exceptions to height) and include these heights in the HOB map Delete 'Area 4' (exception to FSR) and include this FSR on FSR map |

| Proposed amendment | Explanation of amendment/Clause |
|--|---|
| 3. Implementation of the Willoughby Industrial Lands Strategy | <p>Changes to the planning controls align with the Willoughby Industrial Lands Strategy (Attachment F, Figures 2 and 11) (Part 2 Land Use).</p> <p>There are three industrial areas in the Willoughby LGA – Artarmon, East Chatswood and Lane Cove North.</p> <p>The recommendations from the Industrial Strategy are included in this planning proposal. These are primarily focussed on strengthening and protecting industrial uses and include:</p> <ul style="list-style-type: none"> • new objectives, • changes to permitted uses in the land use table; • increase the FSR from 1.5:1 to 2:1 in IN2 zoned areas for sites greater than 1,000 sqm. |
| Industrial Lands Controls | Proposed |
| (i) Aims and Objectives | <ul style="list-style-type: none"> • Add 'retain and manage industrial land' in aims of plan. • Update the objectives of the IN1 General Industrial and IN2 Light Industrial zones to include reference to the Eastern Economic Corridor. |
| (ii) Land Use Table | <ul style="list-style-type: none"> • Prohibit centre-based child care facilities in the IN1 and IN2 zones. |
| (iii) Floor space ratio | <ul style="list-style-type: none"> • Increase FSR from 1.5 to 2:1 in IN2 Light Industrial zone greater than 1,000m² in East Chatswood and Artarmon. The Strategy also applies this change to Lane Cove North. It is noted the planning proposal will need to clarify/update this throughout. |
| (iv) Additional Permitted Uses | <ul style="list-style-type: none"> • In East Chatswood and Roseville IN2 zone: <ul style="list-style-type: none"> ○ add 'pet daycare' as a new defined land use and local clause; ○ remove 'garden centres' and 'hardware and building supplies' as additional permitted uses and these uses have been added to SI LEP as permitted uses in IN2 zone. |
| (v) Foreshore Land at Lane Cove North Industrial Area | <p>The planning proposal proposes to create a foreshore link at 168-170 Epping Road by rezoning a strip of land along the foreshore from IN2 to E2 Environmental Conservation.</p>  <p>168-170 Epping Road, Lane Cove (Source – Planning proposal)</p> |

| Proposed amendment | Explanation of amendment/Clause | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|--------------|--------------------------------------|-------------|----------------------|--|----------|----------|----------|----------|----------|-------|--------|-----|-----|-----------|--------|--------|-------------|-------------|------------------|--------|-----|-------------|-----------|--------------|--------|--------|-------|-------|--------------|----------|---------|-----------|-------------|-------------|----|-----|-------------|-------------|------------------|--------|--------|-------|-----|------------|----|-------|-----|-----------|
| 4. Implementation of the Willoughby Local Centres Strategy | <p>The Local Centres Strategy recommends changes to the planning controls for 7 local centres, consistent with the North District Plan, LSPS and LHS. The Local Centres Strategy looked at the function and character of the local centres in Willoughby having regard to opportunities for growth in housing and jobs.</p> <p>Changes to the planning controls (pages 46-63) in line with the recommendations Willoughby Local Centres Strategy (Attachment E). Proposed changes to maximum height, FSR and location specific controls for the following centres: Artarmon, Castlecrag, North Willoughby, Naremburn, Northbridge, Penshurst Street, Willoughby South (Figure 2).</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Local Centres Strategy Controls | Proposed | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (i) Zones | Adds additional objectives to B1 and B2 zones to reflect Local Centres Strategy, which encourage employment in walking distance to dwellings, maintaining active street frontages at street level, and ensuring good urban design. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (ii) Land zoning, Height of buildings and FSR | <p>Various changes to Height of Buildings and FSRs.</p> <p>In summary, the ranges in heights and FSRs for local centres are:</p> <table><tr><th rowspan="2">Local Centre</th><th colspan="2">Summary Height of Buildings (range)*</th><th colspan="2">Summary FSR (range)*</th></tr><tr><th>Existing</th><th>Proposed</th><th>Existing</th><th>Proposed</th></tr><tr><td>Artarmon</td><td>8-14m</td><td>17/20m</td><td>2:1</td><td>3:1</td></tr><tr><td>Naremburn</td><td>11/12m</td><td>14/20m</td><td>0.9:1/1.5:1</td><td>1.1:1/1.9:1</td></tr><tr><td>North Willoughby</td><td>11/12m</td><td>17m</td><td>0.9:1/1.5:1</td><td>2:1/2.8:1</td></tr><tr><td>Victoria Ave</td><td>12/14m</td><td>20/25m</td><td>0.9:1</td><td>2.1:1</td></tr><tr><td>Penshurst St</td><td>14/15.5m</td><td>17m/20m</td><td>1.5:1/2:1</td><td>2.1:1/2.8:1</td></tr><tr><td>Northbridge</td><td>9m</td><td>16m</td><td>0.5:1/0.7:1</td><td>1.1:1/2.5:1</td></tr><tr><td>Willoughby South</td><td>11/14m</td><td>14/17m</td><td>1.5:1</td><td>2:1</td></tr><tr><td>Castlecrag</td><td>9m</td><td>9-11m</td><td>1:1</td><td>1:1/1.6:1</td></tr></table> <p>*Note: these provide a summary range for each local centre (site specific controls are in the planning proposal)</p> <p>Northbridge – rezones land from B2 to R4; and B2 to R3</p> <p>Naremburn – rezones land from R3 to B1</p> | Local Centre | Summary Height of Buildings (range)* | | Summary FSR (range)* | | Existing | Proposed | Existing | Proposed | Artarmon | 8-14m | 17/20m | 2:1 | 3:1 | Naremburn | 11/12m | 14/20m | 0.9:1/1.5:1 | 1.1:1/1.9:1 | North Willoughby | 11/12m | 17m | 0.9:1/1.5:1 | 2:1/2.8:1 | Victoria Ave | 12/14m | 20/25m | 0.9:1 | 2.1:1 | Penshurst St | 14/15.5m | 17m/20m | 1.5:1/2:1 | 2.1:1/2.8:1 | Northbridge | 9m | 16m | 0.5:1/0.7:1 | 1.1:1/2.5:1 | Willoughby South | 11/14m | 14/17m | 1.5:1 | 2:1 | Castlecrag | 9m | 9-11m | 1:1 | 1:1/1.6:1 |
| Local Centre | Summary Height of Buildings (range)* | | Summary FSR (range)* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Existing | Proposed | Existing | Proposed | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Artarmon | 8-14m | 17/20m | 2:1 | 3:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Naremburn | 11/12m | 14/20m | 0.9:1/1.5:1 | 1.1:1/1.9:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| North Willoughby | 11/12m | 17m | 0.9:1/1.5:1 | 2:1/2.8:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Victoria Ave | 12/14m | 20/25m | 0.9:1 | 2.1:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Penshurst St | 14/15.5m | 17m/20m | 1.5:1/2:1 | 2.1:1/2.8:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Northbridge | 9m | 16m | 0.5:1/0.7:1 | 1.1:1/2.5:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Willoughby South | 11/14m | 14/17m | 1.5:1 | 2:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Castlecrag | 9m | 9-11m | 1:1 | 1:1/1.6:1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Proposed amendment | Explanation of amendment/Clause |
|--|---|
| | North Willoughby – rezones land from R3 to B2; Rezones land at 316 Penshurst from R3 to RE1 and adds to the LRA map. |
| (iv) Additional local provisions for sites | <ul style="list-style-type: none"> • Active Street frontages • Minimum non-residential controls • Increased height and FSR for certain amalgamated sites • Height incentive for additional storey if 2 storeys are used for commercial purposes to height of 17m (134-160 & 159-177 Sailors Bay Road) • FSR incentive may exceed 2:1 if site area exceeds 1,500 sqm (Willoughby South 481-515 Willoughby Road, 60 Frenchs Road & 1 Prentice Lane) |
| (vi) Reclassification of council land | <p>Northbridge Local Centre- Includes Eastern Valley Way Northbridge in Part 2 of Schedule 4 to reclassify to operational land and discharge interests as a recommendation of the Local Centres Strategy (Attachment E).</p> <p>Council's land is proposed to be rezoned from B2 Local Centre to part R3 Medium Density Residential and part R4 High Density Residential. This will enable development of up to 3-5 storeys with underground carparking and increased public open space.</p> <p>Reclassification to discharge interests of a statutory trust which limits the land to the public purpose of parking and baby health centre, will require the approval of the Governor.</p> <p>The reclassification of land is discussed further in section 5.3.</p> |
| 5. Rezoning of certain school sites to SP2 Infrastructure (Educational Establishment) | <ul style="list-style-type: none"> • St Thomas Primary School 2 Horsley Avenue (corner High Street), Willoughby North • Naremburn School 250 Willoughby Road, Naremburn • Willoughby Girls High School 151 Mowbray Road, Willoughby • Willoughby Public School Oakville Road, Willoughby • Artarmon Public School 1 Abbott Road, Artarmon • Chatswood Public School 5 Centennial Avenue, Chatswood • Castle Cove Public School Holly Street, Castel Cove • Northbridge Public School Sailors Bay Road, Northbridge • Glenaeon Rudolf Steiner School 5 Glenroy Avenue, Middle Cove • Shore Preparatory School Sailors Bay Road, Northbridge • Mowbray Public School 635 Mowbray Road West Lane Cove North • St Philip Neri School 65-71 Baringa Road, Northbridge • Glenaeon Rudolf Steiner School 121 Edinburgh Road, Castlecrag |
| 6. Changes to align to Low Rise Housing Diversity Code as part of the SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP) | <p>A comprehensive outline is provided in section 5.</p> <p>Changes to the R2 Low Density Residential zone include:</p> <ul style="list-style-type: none"> • Add 'secondary dwellings' as permitted with consent. • remove the FSR controls (not in a heritage conservation area) and replace with a gross floor area (GFA) control. • introduce landscaping requirements including a new LEP map. • allow subdivision of dual occupancies at any time. |

| Proposed amendment | Explanation of amendment/Clause | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|------------------------|-------------|--|-------------------------------------|--------------------------------------|-------------------|---------------------------------------|-----------------|---------------------------------------|-------------------|---------------------------------------|-------------------------------------|---------------------------------------|-------------------|---------------------------------------|-------------------------------------|---------------------------------------|-------------------|---------------------------------------|-------------------------------------|---------------------------------------|-------------------|---|-------------------------------------|----------------------|-------------------|
| Amendments clause 6.10 minimum lot size for dwelling house, dual occupancies | <ul style="list-style-type: none"> stipulates the configuration of the dwellings on the site. <p>Changes to the R3 Medium Density Residential zone include:</p> <ul style="list-style-type: none"> Add 'Manor Houses' to the land use table as permitted with consent in R3 (Dictionary) Require a minimum lot size of 1,100m² for Manor Houses (Part 6 Additional Local Provisions). <p>Changes to R4 High Density Residential zone include:</p> <ul style="list-style-type: none"> Add "Manor Houses' to the land use table as prohibited | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (i) FSR controls replaced by GFA controls in the R2 zone for dwelling houses | <p>Proposes to include a provision to determine maximum gross floor area of all buildings on a lot for certain R2 zoned land (not located in a Heritage Conservation area) to provide equity to that provided in the Codes SEPP.</p> <table border="1"> <thead> <tr> <th>Lot area</th><th>Maximum GFA</th></tr> </thead> <tbody> <tr> <td>Under 200m²</td><td>65%</td></tr> <tr> <td>200m²–250m²</td><td>78% of lot area</td></tr> <tr> <td>>250m²–300m²</td><td>75% of lot area</td></tr> <tr> <td>>300m²–350m²</td><td>235m²</td></tr> <tr> <td>>350m²–450m²</td><td>25% of lot area + 150m²</td></tr> <tr> <td>>450m²–560m²</td><td>290m²</td></tr> <tr> <td>>560m²–600m²</td><td>25% of lot area + 150m²</td></tr> <tr> <td>>600m²–740m²</td><td>335m²</td></tr> <tr> <td>>740m²–900m²</td><td>25% of lot area + 150m²</td></tr> <tr> <td>>900m²–920m²</td><td>380m²</td></tr> <tr> <td>>920m²–1,000m²</td><td>25% of lot area + 150m²</td></tr> <tr> <td>>1,000m²</td><td>400m²</td></tr> </tbody> </table> <p>The GFA includes all attached and detached buildings but excludes the area of one car space (18m²) (within a garage).</p> | Lot area | Maximum GFA | Under 200m ² | 65% | 200m ² –250m ² | 78% of lot area | >250m ² –300m ² | 75% of lot area | >300m ² –350m ² | 235m ² | >350m ² –450m ² | 25% of lot area + 150m ² | >450m ² –560m ² | 290m ² | >560m ² –600m ² | 25% of lot area + 150m ² | >600m ² –740m ² | 335m ² | >740m ² –900m ² | 25% of lot area + 150m ² | >900m ² –920m ² | 380m ² | >920m ² –1,000m ² | 25% of lot area + 150m ² | >1,000m ² | 400m ² |
| Lot area | Maximum GFA | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Under 200m ² | 65% | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 200m ² –250m ² | 78% of lot area | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >250m ² –300m ² | 75% of lot area | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >300m ² –350m ² | 235m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >350m ² –450m ² | 25% of lot area + 150m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >450m ² –560m ² | 290m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >560m ² –600m ² | 25% of lot area + 150m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >600m ² –740m ² | 335m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >740m ² –900m ² | 25% of lot area + 150m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >900m ² –920m ² | 380m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >920m ² –1,000m ² | 25% of lot area + 150m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >1,000m ² | 400m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (ii) Minimum GFA for dual occupancies. | <p>Proposes a minimum gross floor area for attached and detached dual occupancies in the R2 Zone, (in the case of attached dual occupancy where no part of a dwelling is located above any part of another dwelling).</p> <table border="1"> <thead> <tr> <th>Lot area of parent lot</th><th>Maximum GFA</th></tr> </thead> <tbody> <tr> <td>700m²–2,000m²</td><td>25% of lot area + 300m²</td></tr> <tr> <td>>2,000m²</td><td>800m²</td></tr> </tbody> </table> <p>Minimum gross floor area for dual occupancies in the R2 zone where part of a dwelling is located above part of another dwelling.</p> <p>The maximum gross floor area of all buildings on a lot is 25% of the lot area plus 150m², to a maximum of 400m².</p> | Lot area of parent lot | Maximum GFA | 700m ² –2,000m ² | 25% of lot area + 300m ² | >2,000m ² | 800m ² | | | | | | | | | | | | | | | | | | | | |
| Lot area of parent lot | Maximum GFA | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 700m ² –2,000m ² | 25% of lot area + 300m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| >2,000m ² | 800m ² | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (iii) Include new provisions for landscaped areas in R2 Low Density Residential and E4 Environmental Living zones | <p>Residential R2 Low Density Residential Zone Areas</p> <p>Site Area(m²) Soft landscaping (m²) required minimum</p> <p>Under 200 0.25 x site area</p> <p>200-400 (0.35 x site area) -20m²</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Proposed amendment | Explanation of amendment/Clause |
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| | <p>401-600 (0.6 x site area) - 120m²</p> <p>601-1000 (0.525 x site area) - 75m²</p> <p>1001-1500 (0.6 x site area) - 150m²</p> <p>Over 1500 (0.5 x site area)</p> <p>Residential E4 Environmental Living Zone Areas Site Area (m²) Soft landscaping (m²) required minimum</p> <p>Under 400 0.35 x site area</p> <p>400-600 (0.5 x site area) - 60m²</p> <p>601-1000 (0.65 x site area) - 150m²</p> <p>1001-1500 (0.65 x site area) - 150m²</p> <p>Over 1500 (0.55 x site area)</p> <p>A 'soft landscaped area' means a component of recreational open space, and means that part of a site which is not occupied by any building, structure or work (such as swimming pools, tennis courts, driveways etc.) and which is vegetated with gardens, lawns, shrubs or trees, but does not include any paved areas.</p> <p>This is discussed further in Section 5.</p> |
| <p>7. Affordable Housing Provisions</p> | <p>Under current controls, clause 6.8 of Willoughby LEP 2012 requires a 4% total floor space contribution for affordable housing where developments propose an uplift in residential floor space.</p> <p>The planning proposal for the comprehensive LEP amendment includes changes to planning controls that will result in uplift in some areas including the Chatswood CDB Strategy area and local centres. The planning proposal seeks to increase the current floorspace requirement for affordable housing from the existing 4% of GFA to 10% of GFA and extend the application of this provision to additional areas being rezoned. The LSPS sets a baseline of having four per cent of GFA with housing uplift as affordable housing, with a target increase to 7%-10% with new housing uplift by 2036.</p> <p>A feasibility analysis has been prepared by SGS (Attachment J) and supports a rate of 10% of GFA for residential uplift in the areas of:</p> <ul style="list-style-type: none"> • Chatswood CBD Strategy area as a larger scale of development is permitted under the proposed controls; • central area of North Willoughby where FSR is 2.8:1 • land zoned B1 in Castlecrag, • land to be rezoned R4 or with an FSR of 2.5:1 in Northbridge; <p>A rate of 7% is supported for B2 zoned land in to be rezoned in Artarmon Local Centre. The remaining areas are supported to retain the current 4% rate which applies.</p> <p>Affordable housing is discussed further in Section 5.</p> |

| Proposed amendment | Explanation of amendment/Clause |
|--|---|
| 8. A new Urban Heat clause to reduce urban heating from the environment | <p>The Urban heat clause will apply to all commercial premises; industry and residential accommodation developments.</p> <p>The clause will introduce considerations at DA stage to require to satisfaction of consent authority that:</p> <ul style="list-style-type: none"> the building roof, paved surfaces and podium have been designed to reflect and re-radiate absorbed solar heat away from urban areas and to maximise user comfort of roofing, paved surfaces and podium areas; and the building facades minimise solar heat being reflected downward towards private open space and or the public domain; and the awnings and eaves are designed to provide shelter from the sun and improve user comfort at street level; and the buildings' heating and cooling systems minimise heat rejection to private open space and the public domain; and the buildings maximise the use of green infrastructure; and the development is capable of accommodating adequate open space and deep soil zones to achieve urban cooling benefits; and the buildings are designed to improve thermal performance e.g.: insulation, glazing, drought proofing and renovations to apply passive design principles to reduce the need for heating or cooling. <p>Proposes new definitions for Green infrastructure; Urban heat; Urban heat island effect; and Solar heat.</p> |
| 9. Design Excellence | <p>Design excellence provisions were introduced in Amendment 15 of Willoughby LEP 2012.</p> <p>Minor amendments will update the provisions to:</p> <ul style="list-style-type: none"> introduce a minimum of 12m but not greater than 35m for design excellence provisions to apply for referral to Design Review Panel. This is currently a minimum of 35m. Provide for a waiver of the control if the consent authority is satisfied that a design excellence requirement is not necessary or reasonable for an external building alteration. Extend the mapping so that design excellence provisions will apply to: <ul style="list-style-type: none"> Chatswood CBD St Leonards and Crows Nest 2036 plan area Centres included the Willoughby Local Centres Strategy B5 Business Development zone R4 High Density Residential zone |
| 10. Air space Operations | <p>Updated wording in the LEP to ensure the protection of airspace around airports (Attachment P).</p> |
| 9. Site specific provisions | <ul style="list-style-type: none"> Remove reference to site specific provisions for land at Herbert Street, St Leonards and Victoria Ave, Chatswood. |

| Proposed amendment | Explanation of amendment/Clause |
|--|--|
| (i) Exceptions to height of buildings 4.3A | <ul style="list-style-type: none"> • Include new clause for certain site in the Northbridge local Centre 134-160 Sailors Bay Road and 177 Sailors Bay Road, Northbridge to allow increase in height to 17m. |
| (ii) Exceptions to Floor space 4.4A | <ul style="list-style-type: none"> • Remove subclauses superseded by the Chatswood CBD controls. • Remove subclauses superseded by new controls for dual occupancy. • Remove current calculation of floor space in R2 zone Area 1, Area 3, Area 4 and for dual occupancy not included in HCA. • Remove subclause superseded by the controls proposed by the Local Centres Strategy. • Delete Area 4 in all FSR maps. • Remove subclauses superseded by the controls in the St Leonards Crows Nest 2036 Plan |
| iii) Local provisions/Site specific provisions | <ul style="list-style-type: none"> • Removes bonus height provisions for Pacific Highway, Freeman Road and Oliver Road Chatswood as height and FSR are now included in the maps. • Removes Willoughby Market Gardens Clause as development on this site has now been completed. • Removes bonus height and floor space for Pacific Highway and Thomas Street Chatswood which have been superseded by the Chatswood CBD Strategy planning controls. • Includes FSR provisions (4.4A) for 481-515 Willoughby Road, 60 Frenchs Road and 1 Prentice Lane and 100 Edinburgh Road Castlecrag as height and FSR are now included in the maps. |
| 10. Schedule 1 Additional Permitted Uses | <p>Removes garden centre, hardware and building supplies as additional permitted uses for land at Herbert, Cleg and Fredrick Streets and Reserve Road, Artarmon</p> <p>Corrects address at Albert Avenue to refer to 18 Thomas Street.</p> <p>Removes Additional Permitted Uses (APU) for 28 Archer St Chatswood (CBD strategy) and Shops 1 and 2, 1 Cambridge Lane Chatswood, Victoria Avenue, Chatswood. – listed above in CBD Strategy.</p> |
| 11. Schedule 2 Exempt development | <p>Make minor amendments to remove clothing bins and replace signage (generally) provisions with temporary signage provisions in the exempt development schedule.</p> |
| 12. Schedule 4 Classification and Reclassification of Public Land | <p>Refer to Implementation of the Willoughby Local Centres Strategy – Reclassify council owned land at Northbridge Local Centre (number 4).</p> |
| 13. Schedule 5 Environmental Heritage | <ul style="list-style-type: none"> • Amend listing for item I25 233 Edinburgh Road Castlecrag to include 233A and minor anomalies to other heritage items. • List Artarmon Bowling Club at 1A Burra Road Artarmon as a local heritage item (I254) (refer to Section 5 for further details and Attachment M and N). • List Griffin Centre, 120 Edinburgh Road Castlecrag as a local heritage item (I253) (refer to Section 5 for further details and Attachment O) |

2.3 Mapping

The planning proposal does not include PDF mapping showing the proposed changes to the Willoughby LEP 2012.

Council is in the process of transitioning to digital mapping and this planning proposal is in conjunction with the transition of the Willoughby LEP 2012 hardcopy PDF maps to digital mapping as the legal map reference.

Council was formally invited to participate in transition to Digital Mapping of Environmental Planning Instruments (EPI) by the Department on 29 September 2021, with Council indicating its support for the transition on 1 October 2021.

Moving to digital mapping removes the need to prepare PDF map sheets resulting in benefits for Council, the community and other stakeholders such as:

- improve efficiency by bringing all of Council's spatial data together on a single spatial cadastre;
- removing duplication of work by both Council and the NSW Government,
- increasing the accessibility of the local environmental plan to the community and other stakeholders by enabling access to accurate information and removing the need to navigate separate map sheets;
- reduction in the risk of human error by reducing the number of changes required and only amending the data that is subject to change.

All mapping changes associated with the Comprehensive LEP will be available for viewing on the NSW Planning Portal.

Proposed changes are to be made to the following maps:

- Land Zone Map
- Maximum Height of Buildings Map
- Maximum Floor Space Ratio Map
- Dual Occupancy Restriction Map
- Special Provisions Area Map
- Heritage Map
- Land Reservation Acquisition Map
- Lot Size Map
- Active Street Frontages Map

The planning proposal intends to introduce a new Design Excellence Map to apply the clause 6.23 Design Excellence to land within the:

- Chatswood CBD;
- St Leonards priority precinct land;
- All Local Centres included in the Local Centres Strategy;
- B5 Business Development zone; and
- R4 High Density Residential zone.

The planning proposal also intends to introduce a Gross Floor Area (GFA) map in lieu of the current FSR map to apply to the R2 Low Density Residential areas not in a heritage conservation area (HCA).

A condition has been attached to require that Council submit the digital mapping for the Comprehensive LEP planning proposal in the spatial viewer for approval/agreement of the Department prior to public exhibition. This will include all mapping details of the land reservations proposed to be removed or added in the LEP.

3. Need for the planning proposal

The planning proposal has been prepared as the Environmental Planning and Assessment Act 1979 requires all Councils to review their LEPs periodically to reflect changing circumstances. The planning proposal is a comprehensive amendment to the LEP to align with the North District Plan.

The planning proposal will give effect to a number of strategic reports and studies which underpin the Willoughby Local Strategic Planning Statement (LSPS) which was endorsed by Council in March 2020. These will introduce new and amend existing planning controls.

The reports and studies include:

- Willoughby Housing Strategy (LHS) (**Attachment D**);
- Chatswood CBD Planning and Urban Design Strategy 2036 (**Attachment H**);
- St Leonards Crows Nest Plan to 2036 (**Attachment I**);
- Willoughby Local Centres Strategy (**Attachment E**);
- Willoughby Industrial Lands Strategy (**Attachment F**);
- Willoughby Integrated Transport Strategy (**Attachment G**);
- Willoughby Affordable Housing Feasibility Report (**Attachment J**)

Additionally, the planning proposal outlines a series of minor and housekeeping matters such as the correction of anomalies and/or errors that have arisen and to include the listing of some local heritage items (**Attachment N and O**) and minor amendments to others.

The planning proposal to amend the Willoughby LEP is the best means of achieving the objectives and intended outcomes to alter the existing clauses and to amend the current zoning and development standards.

4. Strategic Assessment

4.1 Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP) was released in March 2018 and provides a vision for the growth and development of Greater Sydney by instilling the idea of the 30 minute city where people live no further than 30 minutes from their jobs, education, health facilities, services and great places.

Chatswood is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a strategic centre being a major commercial precinct.

The Greater Sydney Region Plan establishes a series of directions to ensure planning proposals are consistent with the intended vision of Sydney. Directions relevant to this planning proposal are included in **Table 4**.

Table 4: Consistency of planning proposal with Greater Sydney Region Plan directions.

| Region Plan Direction | Consistency |
|-------------------------------------|--|
| A City for People | The proposal will increase the ability to live and work in Chatswood and reduce the reliance on private vehicles. Increased requirements for landscaping will result in better local amenity for residents and visitors. |
| A City of Great Places | Providing higher density in certain areas of the LGA will protect the existing low density residential areas and heritage conservation areas (HCA) while providing a more diverse choice of dwellings. This will cater to a future increase in population and a changing demographic. |
| A Well-Connected City | The LGA is well-connected to the neighbouring strategic centres of Macquarie Park and St Leonards Crows Nest via the Chatswood interchange with a variety of transport options. Maximising the use of public transport assets will help reduce the need for additional infrastructure and private vehicle usage. |
| Jobs and Skills for the City | <p>The provision of services close to existing public transport will enable people to access jobs easily within the LGA and other areas. Maintaining the B3 Commercial Core for commercial/retail purposes will increase the importance of Chatswood as a strategic centre.</p> <p>Measures in the planning proposal to protect the erosion of industrial land in the Willoughby LGA is an important consideration with over 12,380 jobs equating to 16.7% of the jobs in Willoughby.</p> |
| A City in its Landscape | <p>The draft Comprehensive planning proposal intends to update the aims of the LEP to include references to resilience and urban heat especially in areas earmarked for growth and new residential dwellings with a proposed landscaping controls for the R2 Low Density Residential and E4 Environmental Living zone. All development will be required to retain existing trees and plant mature trees where appropriate.</p> <p>This will provide greater protection to significant bushland adjoining Middle Harbour and Lane Cove River.</p> |
| A Collaborative City | The planning proposal has been prepared in response to Council's strategic studies and reports. The planning proposal is consistent with the Council and the Department endorsed LSPS, LHS, Chatswood CBD Planning and Urban Design Strategy 2036 and the St Leonards Crows Nest Plan 2036. |
| Housing the City | <p>The planning proposal will facilitate the provision of high-density residential dwellings with a range of dwelling sizes to meet the needs of the community in local centre and the Chatswood CBD close to existing infrastructure and services.</p> <p>A variety of dwelling typologies will cater to a changing demographic in the Willoughby LGA and the proposed increase to the affordable housing contribution will enable key workers to live close to jobs, transport and services.</p> |

The proposed increase in density in key areas will protect the existing low density residential neighbourhoods while helping to meet the LGA targets of approximately 6,758 new residential dwellings by 2036.

4.2 North District Plan

The Willoughby Local Government Area (LGA) is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Table 5 includes an assessment of the planning proposal against relevant directions and actions.

Table 5: Consistency of planning proposal with North District Plan priorities.

| District Plan Priority | Consistency |
|--|--|
| Infrastructure | |
| N1 Planning for a city supported by infrastructure | The planning proposal is consistent with this priority, which seeks to align increased residential and commercial density with access to and use of existing infrastructure, including public transport, cultural, education, health, community and utilities, jobs and services. |
| Liveability | |
| N3 Providing services and social infrastructure to meet people's changing needs | <p>The proposal is consistent with this priority because it:</p> <ul style="list-style-type: none"> locates and concentrates a variety of new housing options and commercial uses in close proximity to transport and other services such as hospitals and education, to improve accessibility, social inclusion and economic participation; and encourages new large developments to plan for increased amenity with landscaping, communal open space and consideration of the amenity to existing key public open spaces as fundamental. |
| N4 Fostering healthy, creative, culturally rich and socially connected community | <p>The planning proposal will enable increased development to provide additional services and residential dwellings close to proposed and existing public transport.</p> <p>This will encourage active transport reducing the reliance on private vehicle usage and short trips. Increased landscaping requirements, pedestrian throughfares and connection to cycling route will increase the overall amenity and help to create a healthy, vibrant LGA.</p> |

| District Plan Priority | Consistency |
|--|---|
| N5 Providing housing supply, choice and affordability with access to jobs, services and public transport | <p>The proposal is consistent with this priority because it:</p> <ul style="list-style-type: none"> will amend the planning controls to allow a more diverse housing supply and align with the targets identified in the Willoughby Local LSPS and LHS to contribute to 6,000 to 6,700 new dwellings forecast to be required to meet the population growth by 2036; and responds to the need for housing choice and by increasing the affordability contribution from 4% to 10% in certain areas with access to transport, shops, services and employment. |
| N6 Creating and renewing great places and local centres, and respecting the District's heritage | <p>The planning proposal is consistent with this priority as it will amend the planning controls in areas such as the Chatswood CBD and seven (7) of the local centres enabling increased development potential. This will enable people to live and work in close proximity to existing infrastructure and services.</p> <p>Increased development in certain areas will preserve the existing HCAs and low density residential zones. The planning proposal intends to list sites at Artarmon and Castlecrag which have been identified as local heritage items for the enjoyment of the community.</p> |
| Productivity | |
| N8 Eastern Economic Corridor is better connected and more competitive | <p>Chatswood is well-connected to the neighbouring strategic centres of Macquarie Park and St Leonards and Crows Nest. Enabling increased development in locations such as the Chatswood CBD will maximise the use of public transport assets and reduce the need for additional infrastructure.</p> <p>Retaining the industrial lands at Artarmon, Chatswood East and Lane Cove.</p> |
| N9 Growing and investing in health and education precincts | <p>By increasing the development controls especially in St Leonards Crow Nest which will support the expanding health and education precinct nearby. The increase to the affordable housing component will help key workers to live and work in close proximity to existing services, jobs and infrastructure.</p> |
| N10 Growing investment, business opportunities and jobs in strategic centres | <p>The proposal facilitates increased commercial/retail in the strategic centres of the Chatswood CBD, St Leonards Crows Nest and local centres by increasing the development standards. Protecting the B3 Commercial Core zone for retail/commercial uses and the provision of a required floor space ratio for retail/commercial in the B4 Mixed Use zone will increase investment, business opportunities and jobs.</p> <p>Retaining and protecting industrial land will also protect jobs and services, not only for the LGA but for the entire North District.</p> |
| N11 Retaining and managing industrial and urban services land | <p>As the North district has the least amount industrial land in Greater Sydney, it is increasingly important to protect this land use to continue the business that are required to service the population.</p> <p>The planning proposal intends to protect the industrial land at Artarmon, Chatswood East and Lane Cove Industrial areas which support the efficient operation of the strategic centres, the North district and the Eastern Harbour City.</p> <p>The Industrial Lands Strategy (Attachment F) outlines a future vision for the industrial lands in Willoughby to 2036. The strategy recognises that these areas</p> |

| District Plan Priority | Consistency |
|--|---|
| | need to respond to the challenges of the technological change and the digital economy as well as improved access to open space, walking and cycling networks to support the wellbeing of workers. |
| N12 Delivering integrated land use and transport planning and a 30-minute city | Increased development in the Chatswood CBD and St Leonards Crows Nest is consistent with this priority and development will leverage off the proposed and existing public transport options supporting the 30-minute city. |
| Sustainability | |
| <p>N15 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways</p> <p>N16 Protecting and enhancing bushland and biodiversity</p> <p>N17 Protecting and enhancing scenic and cultural landscapes</p> <p>N19 Increased urban tree canopy cover and delivering Green Grid connections</p> <p>N20 Delivering high quality open space</p> <p>N21 Reducing carbon emissions and managing energy water and waste efficiency</p> <p>N22 Adapting to the impacts of urban and natural hazards and climate change</p> | <p>The planning proposal adopts a holistic approach to protect, encourage resilience and adaptability of the environment by amendment to the LEP to include:</p> <ul style="list-style-type: none"> • higher standards to minimise the any effects on the environment such as increasing standards in the design process to reduce carbon emissions; • to identify and implement measure to establish multi-purpose green corridor to open spaces; • introduce increased landscaping requirements as an important consideration to reduce the urban heat island effect; • require the retention of mature trees and the planting of mature trees in future DAs; • introduce a design excellence map to support the design excellence requirements of the LEP to deliver the highest standard of architectural, urban and landscape design in areas proposed for more dense development; • increasing density close to accessible public transport, encouraging active modes of transport to reduce the reliance on private vehicles; and • introducing sun access requirements to protect key public open spaces from overshadowing; |

4.3 Local Strategic Studies

4.3.1 Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) (**Attachment C**) brings together and builds on community feedback concerning the Local Centres and Housing Strategies and Chatswood CBD Planning and Urban Design Strategy. It guides the quantity, location and type of future residential development within Willoughby City. It plans for an increase of approximately 6,700 dwellings between 2016-2036 (an average of 335 per year).

Key points in the LSPS are to:

- increase housing diversity to cater to families, the aging population, diverse household types and key workers;
- increasing the supply of affordable housing; and
- enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features and open spaces to increase the amenity and the health of the community.

The planning proposal intends to increase the affordable housing component of 4% of GFA to 10% in some parts of the Willoughby LGA, supporting key workers in areas such as Royal North Shore Hospital, Artarmon and North Willoughby industrial areas and other retail and hospitality sectors.

The planning proposal also introduces new landscaping requirements, new sun access requirements to protect key public spaces and the application of the design excellence requirements aiming to improve the sustainability of development in the Willoughby LGA.

4.3.2 Willoughby Local Housing Strategy 2036

The Willoughby Local Housing Strategy (LHS) (**Attachment D**) was adopted by Council in December 2019 and endorsed by the Department in May 2021. This strategy outlines planning for future housing needs, responding to a growing and changing population in Willoughby over the next 20 years.

The LHS seeks to provide an increase in housing growth and diversity in and around strategic and local centres. Focusing growth in these areas will protect the low density zones and offer varied housing types for a changing demographic.

The LHS identifies three focus areas (**Figure 10**) to accommodate an approximate additional 6,700 dwelling to 2036:

- Focus Area 1 – existing R3 Medium and R4 High Density Residential zones that have not been fully developed to the full zone potential;
- Focus Area 2 – the proposed B4 Mixed Use zone, surrounding the B3 Commercial Core of the Chatswood CBD as identified in the Chatswood CBD Strategy; and
- Focus Area 3 - seven of the local centres identified in the LHS.

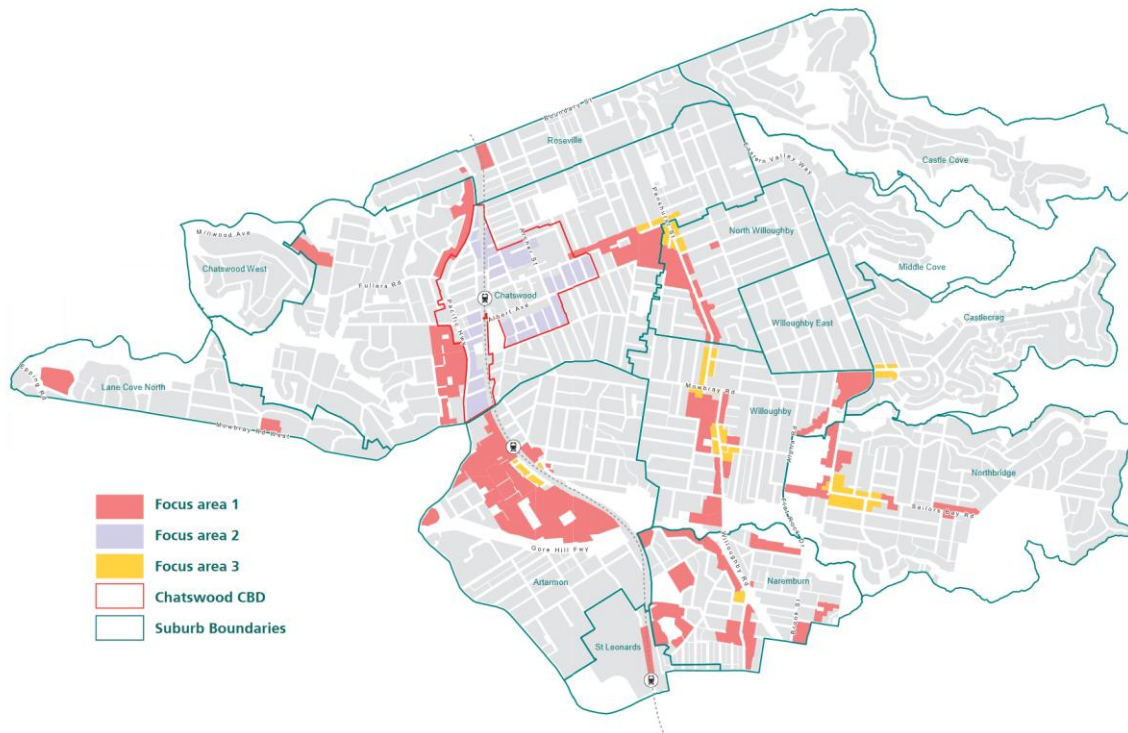


Figure 10: Local Housing Strategy focus Areas (source: Council)

In approving the LHS, the Department noted Council's commitment to implementing its LHS through a comprehensive LEP to implement the strategic plans for Chatswood CBD, St Leonards Crows Nest, the Willoughby local centres and its affordable housing contribution scheme and updates to dual occupancy controls.

4.3.3 Chatswood CBD Planning and Urban design Strategy 2036

The now finalised and endorsed Chatswood CBD Strategy (**Attachment H**) represents Council's 20-year development and land use vision for the future of the Chatswood CBD (**Figure 3**). The strategy has been designed to give strategic merit to site specific planning proposals and to align Council's strategic planning work in regard to its Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and Comprehensive LEP amendment with the actions and priorities of the North District Plan.

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. Key elements promote an employment core with surrounding mixed use development providing the opportunity for high density residential development in an expanded CBD area.

The planning proposal will support this plan with changes to the planning controls in the Chatswood CBD to facilitate growth in an area close to existing services and infrastructure. The plan also contains recommendations to increase amenity and protect public open spaces.

On 9 August 2019, the Department issued a partial endorsement of the Chatswood CBD Strategy (**Attachment H1**) advising that further work was required to inform some the Strategy's key approaches particularly with the proposed B4 mixed Use area on the edge of the Chatswood CBD.

The strategy as it relates to the CBD core area was endorsed subject to conditions including:

- no residential development is to be permitted in those area of the CBD Core area west of the North shore railway line to preserve the opportunity for office space growth;
- mixed use development can be permitted east of the North Shore rail line but only where it results in demonstrable, significant and assured jobs growth to align with the key objectives of the North District Plan to support jobs growth;
- no significant increases in traffic or transport impacts as a result of any planning proposals due to accessibility to Chatswood rail and bus interchange; and
- Council's appropriate utilisation of mechanisms to support new development such as revisions to its section 7.12 or section 7.11 plans or new clauses in the LEP for the delivery of essential infrastructure. No value capture mechanism or the like will be supported.

On 9 July 2020, the Department issued its full endorsement of the Chatswood CBD strategy (**Attachment H2**) subject to the following recommendations for Council to consider in its preparation of its final strategy, Council:

- is to continue progressing its traffic and transport study with Arup and Transport for NSW;
- should consider minimum non-residential FSR's for any land in the B4 Mixed Use area which obtains a max FSR of less than 6:1;
- is to implement the built form recommendations as suggested by GMU into its revised strategy;
- should consider if a minimum lot size of 1,200m² for the B4 Mixed Use area is sufficient;
- should continue the progression and finalisation of its Chatswood CBD public realm strategy; and
- should implement the heritage interface recommendations as suggested by Weir Phillips.

On 14 September 2020, Council adopted its final Chatswood CBD Strategy following amendments to the original strategy as recommended by the Department. The Comprehensive LEP will implement the Chatswood CBD Strategy, however noting that the Department's conditions of the endorsement of the strategy, remain as considerations for future planning proposals, should they be progressed.

A number of planning proposals for sites in the Chatswood CBD have already been submitted to the Department for Gateway determination and are at various stages of the planning proposal process. A condition has been attached to require a list of these to be attached to the planning proposal.

4.3.4 St Leonards Crows Nest 2036 Plan

The St Leonards and Crows Nest 2036 Plan (SLCN 2036 Plan) (**Attachment I**) was finalised on 29 August 2020. It requires that future planning proposals within the St Leonards and Crows Nest investigation area (**Figure 4**) reflect the SLCN 2036 Plan vision, design principles and recommended planning controls. Urban renewal at St Leonards and Crows Nest will leverage off the new Metro Station at Crows Nest and provide increased employment and residential dwellings as outlined in the North District Plan.

This will facilitate growth for homes and jobs while increasing services and amenity with open space, upgrades to roads and pedestrian and cycleways and protecting heritage and local character.

The planning proposal intends to implement the SLCN 2036 plan through updated planning controls consistent with those recommended under the areas of changes in the 2036 plan. Specifically, the planning controls for the following sites will be updated:

- **207 Pacific Highway, St Leonards**
 - Increase maximum building height to 77m (25 storeys)
 - Increase maximum FSR (and minimum non-residential FSR) to 10:1
 - Delete additional permitted use of shop top housing under Schedule 1
- **2-10 Chandos Street, St Leonards**
 - Increase maximum building height to 41m (13 storeys)
 - Increase maximum FSR (and minimum non-residential FSR) to 4.5:1
- **110-120 Christie Street, St Leonards**
 - Increase maximum building height to 20m (6 storeys)
 - Increase maximum FSR (and minimum non-residential FSR) to 3:1

The planning proposal also identifies changes to the site at **7-13 Herbert Street, St Leonards** to update FSR controls.

The site currently has a maximum FSR of 4:1 under Clause 4.4A:

(4) The maximum floor space ratio for a building on land identified as “Area 4” on the Floor Space Ratio Map may exceed 3:1 if—

- (a) the former substation brick building is retained for adaptation, and*
- (b) the floor space ratio does not exceed 4:1.*

As the development at 7-13 Herbert Street, St Leonards has now occurred, the subclause is proposed to be deleted with all the applicable FSR to be included in the FSR Map. It is noted that although the maximum FSR indicated on the 2036 plan for this site is 3:1, this change is considered minor and is justifiability inconsistent as the 4:1 maximum FSR is effectively an existing control under the LEP.

Additional area of change – Chandos Street

It is noted that additional land to the north of Chandos Street which has been recommended as an area for change, has not been included in the Comprehensive planning proposal. Although the zoning and height are generally consistent with the current LEP controls, the FSR has increased from 2:1 to 3:1 and should be reflected in the draft LEP.

Figure 11 shows the land subject to the area of change in the SLCN 2036 Plan. The sites located along the north of Chandos Street have not been included in the planning proposal for any proposed changes. The current maximum FSR for these sites under the LEP is 2.5:1.

Figures 12 and 13 illustrates how these sites are recommended for a maximum FSR of 3:1 and a minimum non-residential FSR of 2:1 under the 2036 Plan.

A Gateway condition has been included to require these recommended changes in the 2036 Plan to be updated as part of the Comprehensive planning proposal.

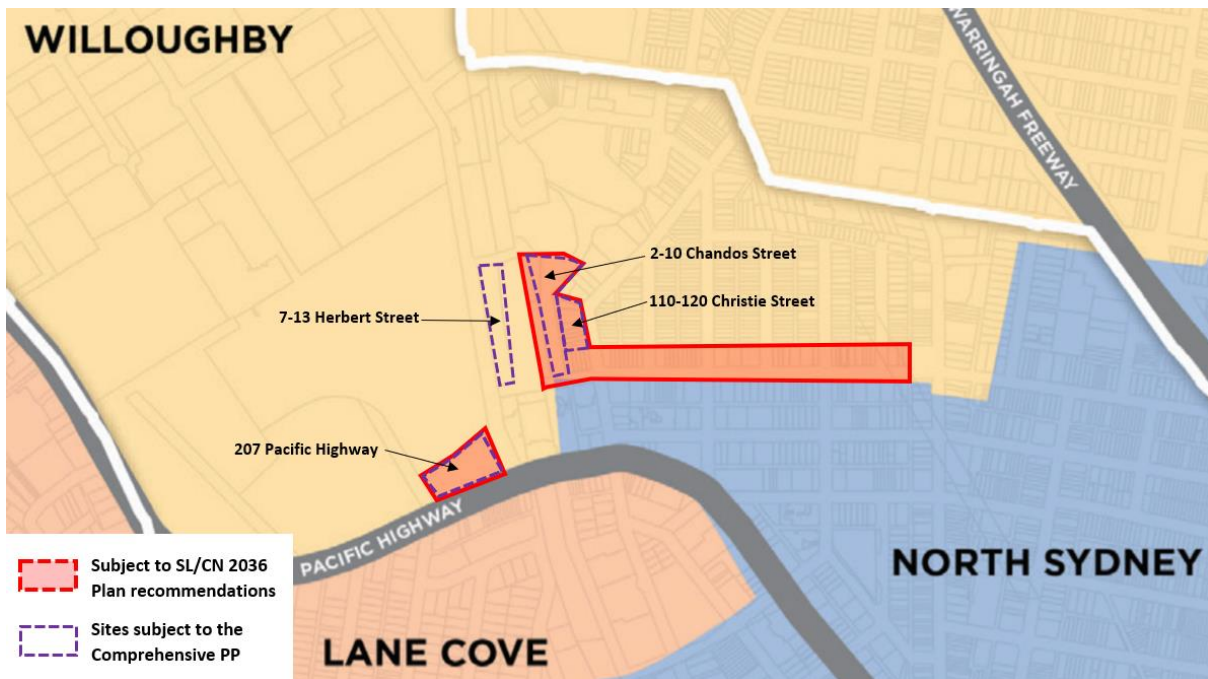


Figure 11: Sites located within the Willoughby LGA and subject to recommended changes in the St Leonards Crows Nest 2036 Plan highlighted in red (source: DPIE)



Figure 12: Recommended maximum FSR for sites along Chandos Street highlighted in red (source: DPIE)



Figure 13: Recommended minimum non-residential FSR for sites along Chandos Street highlighted in red (source: DPIE)

4.3.5 Willoughby Local Centre Strategy 2036

Council adopted the Willoughby Local Centres Strategy (**Attachment E**) on 9 December 2019 which was published in June 2020. The aim of this strategy is to promote a network of eight village centres throughout Willoughby by providing a framework for future planning controls and increased amenity in preparation for growth and renewal for the next 20 years.

The LHS supports the Local Centres Strategy 2036 by focusing new housing growth within walking distance of the local centres. The strategy includes new recommended LEP controls for the 7 local centres which will provide for following estimated uplift in dwellings and employment floor space (**Table 6**).

The planning proposal will support this plan with changes to the planning controls to facilitate growth for homes and jobs in all local centre with the exception of High Street Local Centre. The planning controls are largely site specific and include changes to zoning, height and FSR controls, active street frontage provisions, minimum non-residential FSR controls and incentive clauses for amalgamation of sites.

Table 6: Estimated Dwelling and non-residential floor space for local centres

| Local Centre | Dwellings | Non-residential floor space |
|------------------|-----------|-----------------------------|
| Artarmon | 170 | 5,723m ² |
| Castlecrag | 74 | 1,527m ² |
| North Willoughby | 318 | 5,585m ² |
| Naremburn | 55 | 4,951m ² |
| Northbridge | 467 | 8,209m ² |
| Penshurst Street | 239 | 2,208m ² |
| Willoughby South | 237 | 1,219m ² |

Objectives are to be added to the Land Use Table for the B1 Neighbourhood Centre and B2 Local Centre zones to reflect the objectives of the Local Centres Strategy.

4.3.6 Willoughby Industrial Lands Strategy

The Willoughby LGA industrial land being strategically located are fundamental in supporting the day to day functioning of this locality as well as a source of local jobs. The loss of these lands, with no other substantial industrial areas in the vicinity, could affect the local and regional economies including associated businesses and the wider community.

There are three industrial areas in the Willoughby LGA, Lane Cove North and two main areas at Artarmon and East Chatswood supporting approximately 12,380 jobs equating to 16.7% of the jobs in Willoughby.

There is limited industrial land in the North District and the demand is likely to increase in the future and therefore, important to retain.

The Willoughby Industrial Lands Strategy (**Attachment F**) is informed by the directions and objectives in the Greater Sydney Region Plan, the North District Plan and the LSPS.

The Department's Employment Lands Development Monitor tracks the status of industrial land. Since 2019 the economic analysis has been expanded to report of Sydney's commercial, industrial and retail activity in recognition of industrial land uses to generate significant economies and investments for the state and essential to the effective functioning of urban areas.

As a result of land being rezoned and developed and with a loss of land for industrial use and urban services, the Region Plan contains the objective, '*industrial and urban services land is planned, retained and managed*'. The planning proposal changes will affect the IN1 General Industrial zone at Artarmon and IN2 Light Industrial zone in Lane Cove North, Artarmon and East Chatswood (**Figure 14**).

It is considered that the planning proposal should be updated to clarify whether the increase to FSR from 1.5:1 to 2:1 in IN2 Light Industrial zone for sites greater than 1,000m² will apply to land in Lane Cove North. It is stated in the Industrial Lands Strategy, however the planning proposal in refers to it applying in Artarmon and East Chatswood.

Additionally, it is considered that more discussion should also be provided in the planning proposal on the impacts of the proposal on the capacity of the local road network and how it will be managed in the surrounding areas for the proposed uplift in FSR of 1.5:1 to 2:1 for land zoned IN2 Light Industrial.



Figure 14: Local Industrial Areas (source: Council)

4.3.7 Willoughby Integrated Transport Strategy 2036

The Willoughby Transport Strategy 2036 (**Attachment G**) details how the transport system is developed into the future that caters for a changing population in the Willoughby LGA and supports a liveable city. This strategy supports the community strategic plan *Our Future Willoughby 2028* and is supported by a framework of State and local policies and plans.

The anticipated growth in the Willoughby will significantly impact on transport services and infrastructure and it will be important to understand the community's priorities for future transport planning. The environmental impact of existing and increased transport will require greater focus for liveability and sustainability. It is noted that the recommendations support the draft Comprehensive planning proposal however there are no planning controls recommended in the Integrated Transport Strategy to be implemented.

Reviewing this strategy on an annual basis with a substantial review in 2025 will enable an agile response to disruption and embrace new technology, studies and innovation in the transport sector.

4.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 7**.

Table 7: Section 9.1 Ministerial Direction assessment

| Directions | Consistency | Reasons for Consistency or Inconsistency |
|------------------------------------|-------------|--|
| 1.1 Business and Industrial Zones | No | <p>The planning proposal promotes and provides incentives for employment growth in the business and industrial zones. Council's assessment concludes that the proposed increased FSR for larger sites is consistent with the objectives of Clause 1.1 by providing strong support to industrial zones in Willoughby.</p> <p>The planning proposal notes a small section of industrial land adjoining the Lane Cove River is proposed to be rezoned to E2 for riparian protection, in conjunction with pedestrian access improvements. The proposed foreshore link along the Lane Cove River as proposed in Lane Cove River Coastal Zone Management Plan and Mowbray Park Reserve Action Plan.</p> <p>Council has addressed this amendment noting that the proposal is consistent with the direction as it will not result in the loss of developable industrial land. The E2 zoning will provide a protection buffer between the industrial site and the Lane Cove River.</p> <p>The direction refers to retaining areas and locations of existing business and industrial zones and not reducing the total potential floor space area for employment uses in business zones, or for industrial uses in industrial zones.</p> <p>The Department considers this will result in a minor reduction of land zoned industrial, however it will not result in the loss of developable industrial land as the land is within the existing foreshore building line. A condition has been included to require this to be updated in the planning proposal to further address consistency with this direction.</p> |
| 2.1 Environmental Protection Zones | Yes | <p>The planning proposal seeks to protect environmentally sensitive areas by rezoning a small part of the industrial land along the Lane Cove River.</p> <p>However, this land is afforded protection under Ministerial Direction 2.2 Coastal Management.</p> <p>The new landscaping clause will provide the ability to enforce controls to maintain and enhance the significant bushland adjoining Middle Harbour and the Lane Cove River.</p> <p>The planning proposal does not specifically state the land that is protected under this Direction.</p> <p>The planning proposal will be required to be updated to indicate where the environmentally sensitive areas that may be affected/protected by any changes proposed.</p> |

| | | |
|---------------------------|-----|--|
| 2.2 Coastal Management | Yes | <p>The planning proposal includes the proposed rezoning of industrial land (IN2 zone) to E2 Conservation. This land is identified on the Coastal Wetlands and Littoral Rainforests Area Maps as part of the SEPP (Coastal Management). This land adjoins coastal wetlands as represented in these maps and is shown as a 'Proximity Area for Coastal Wetlands'.</p> <p>It is also identified as a foreshore area in the Foreshore Building Line Map (FBL_002). Clause 6.4 Limited development on foreshore area. This clause does not prevent development but places limits on the proposed uses and size including height.</p> <p>Part 2 of the SEPP states that development must not be granted if it will result in a significant impact on the adjacent wetlands or rainforest.</p> <p>The planning proposal is consistent with this Direction.</p> <p>Any changes to land identified as coastal management must be not be made without the recommendation of the relevant state Minister.</p> <p>The rezoning of the land is discussed further in Section 5.</p> |
| 2.3 Heritage conservation | Yes | <p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage. This direction applies to the planning proposal as two sites have been identified to be of heritage significance in the Willoughby LGA; the Griffin Centre and the Artarmon Bowling Club site.</p> |
| 3.1 Residential Zones | Yes | <p>The objective of this Direction is to encourage a variety of choice of housing types for existing and future housing needs with the efficient use of existing infrastructure and services. It is also to minimise the impact of residential development on the environment and resource lands.</p> <p>This Direction applies to land affected by a planning proposal within an existing residential zone.</p> <p>The planning proposal is consistent with this Direction as it will not reduce the permissibility of residential development.</p> <p>The planning proposal will enable a choice of dwellings to provide for existing and future housing needs. The B3 zone does not permit dwellings. However, currently for some sites in the B3 zone in Chatswood and St Leonards, shop top housing is permissible by a Schedule 1 provision. The planning proposal includes a deletion of these Schedule 1 provisions in order to strengthen the employment role of these centres and are consistent with the Chatswood CBD Strategy and St Leonards Crows Nest 2036 Plan.</p> <p>As outlined in the Department's endorsement letter for the strategy, some mixed use development may be permitted east of the North Shore rail line but only where it results in demonstrable, significant and assured jobs growth to align with the North District Plan to support the jobs growth. These conditions would be considered for future planning proposals should they be progressed.</p> <p>The planning proposal states that the loss of dwelling potential on these sites is more than compensated by the uplift in zoning in other</p> |

| | | |
|---|-----|--|
| | | <p>parts of Chatswood, St Leonards and the local centres. It does not affect dwelling potential and targets to 2036. The planning proposal also allows a more generous floor space controls to residents in the R2 zone.</p> <p>Additional changes are proposed consistent with housing diversity as part of the SEPP (Exempt and Complying Codes).</p> <p>Reference to Direction 3.2 on page 81 of the planning proposal should be revised to 3.1.</p> |
| 3.4 Integrating Land Use and Transport | Yes | <p>The planning proposal will aid residential growth in centres to improve accessibility to existing transport and services.</p> |
| 3.5 Development Near Regulated Airports and Defence Airfields | Yes | <p>Direction 3.5 aims to ensure the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>The maximum height of buildings in the Chatswood CBD is partially based on the airspace limits. The application of this clause will also apply to land at St Leonards and other part of the Willoughby LGA.</p> <p>An updated clause is proposed to be introduced as recommended by Sydney Airport relating to heights, as recommended by Sydney Airport to ensure aircraft clearance and safety from tall buildings. This clause has been included in recently made LEPs including Bayside LEP.</p> <p>A condition has been attached to require the planning proposal to be updated to address this direction.</p> |
| 4.1 Acid Sulfate Soils | Yes | <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Land zoned IN2 is proposed to be rezoned to E2 adjoining the Lane Cove River and is identified as class 2 on the Acid Sulfate Soil map. No construction is proposed and there will be no adverse impacts as a result of the rezoning.</p> |
| 4.3 Flood Prone Land | Yes | <p>The objectives of this policy are to ensure that flood prone land is consistent with the relevant NSW Government policies and manuals. It is also to ensure that any provisions of an LEP applying to flood prone land reflect the conditions and potential impact on and off the subject land.</p> <p>“Upzoned” land which is identified in any flood studies will be subject to water management controls within the Willoughby DCP.</p> |

| | | |
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| 4.4 Planning for Bushfire Protection | Yes | <p>The aim of this direction is to protect life, property and the environment by discouraging incompatible land uses in bush fire prone areas and to encourage the appropriate management of bush fire prone areas.</p> <p>The planning proposal aims to target new development away from natural hazards such as bushfire prone land.</p> <p>The planning proposal will introduce new wording in the Aims of the Plan to elevate resilience for natural hazards.</p> |
| 6.1 Approval and Referral Requirements | Yes | <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Agencies will be consulted as outline in the Gateway determination.</p> |
| 6.2 Reserving Land for Public Purposes | No | <p>The aim of this direction is to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required.</p> <p>The planning proposal updates the Land Reserved for Acquisition Map in that it removes sites that have been acquired and amends and adds new sites.</p> <p>The proposal also intends to reclassify land at Northbridge from 'community' to 'operational' and rezone the land from B2 Local Centre to part R3 Medium Density and part R4 High Density Residential.</p> <p>Under this Direction 6.2, a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purpose without the approval of the relevant public authority and the Secretary of the Department of Planning, Industry and Environment.</p> <p>It is recommended that Council request the Secretary of the Department of Planning, Industry and Environment consider the inconsistency against this Direction following the completion of public exhibition.</p> <p>The relevant documents relating to titles or if any Crown Lands are included in the lots. Consultation will be required with the Department of Lands prior to community consultation if any land is Crown Land. These will be required prior to community consultation.</p> |
| 6.3 Site Specific Provisions | Yes | <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Any site-specific provisions are in accordance with previously exhibited and approved strategic studies such as those within the Chatswood Planning and Urban Design Study 2036.</p> |

| | | |
|---|-----|---|
| 7.11 Implementation of St Leonards and Crows Nest 2036 Plan | Yes | <p>The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan.</p> <p>This direction must be considered as the land included in the St Leonards and Crows Nest area will be subject to this planning proposal.</p> <p>A condition will be attached to require the planning proposal to be updated to address this direction and to update the area of change along Chandos Street to be included in the planning proposal.</p> |
|---|-----|---|

4.5 State Environmental Planning Policies (SEPPs)

The planning proposal is to be updated to ensure all of the relevant SEPPs are addressed and remove reference to repealed SEPPs. A list of all current SEPPs are available on the NSW Legislation website at <https://legislation.nsw.gov.au/browse/inforce#/epi/title/s>

With exception of SEPP (Exempt and Complying Development Codes) 2008, the planning proposal is consistent with all relevant SEPPs as they apply to the Willoughby LGA, which are discussed in **Table 8**.

Table 8: Assessment of the planning proposal against the relevant SEPPs

| SEPPs | Requirement | Proposal | Complies |
|--|--|---|----------|
| SEPP No 19 – Bushland in Urban Areas | The general aim of this Policy is to protect and preserve bushland within the Willoughby because of its value to the community, aesthetic value, and its value as a recreational, educational and scientific resource. | <p>The proposal intends to introduce a new landscaping clause to apply to the R2 Low Density Residential and E4 Environmental Living zones. This will provide statutory protection to land adjoining Middle Harbour and along the Lane Cove River to maintain and enhance significant bushland areas.</p> <p>The planning proposal will require updating to include further information relating to this SEPP.</p> | Yes |
| SEPP No 65 – Design Quality of Residential Apartment Development | The aim of this policy is to improve the design quality of residential apartment development in NSW. | <p>The LEP also contains clause 6.23 Design excellence at certain sites in Willoughby. This clause aims to improve the quality of developments over 35m and will be subject to an architectural design competition. Buildings between 12 and 35m will be subject to a Design Excellence Review Panel. A new Design Excellence Map is proposed.</p> <p>Future DA for buildings with a residential component will still be required to comply with the ADG and any requirements of this SEPP.</p> | Yes |

| SEPPs | Requirement | Proposal | Complies |
|--|---|--|----------|
| SEPP (Infrastructure) 2007 | The aim of this policy is to facilitate the effective delivery of infrastructure across the State and the potential impacts on the development in the vicinity of significant infrastructure. | <p>The planning proposal does not contain any provisions that would affect the application this SEPP.</p> <p>The proposed uplift in areas such as the Chatswood CBS and St Leonards Crows Nest will leverage off proposed and existing public transport and services.</p> <p>Concurrence with other agencies will ensure that the infrastructure needs are not compromised.</p> | Yes |
| SEPP (Exempt and Complying Development Codes) 2008 | This policy aims to provide streamlined assessment processes for development that complies with specified standards. | <p>Most relevant is Part 3 Housing Code of the Codes SEPP.</p> <p><u>Calculation of developable area.</u></p> <p>The planning proposal is to introduce GFA controls for the R2 Low Density Residential zone for sites not located in a conservation area, that are consistent with the GFA controls in the Codes SEPP.</p> <p>The GFA controls applied will be based on the requirements of this SEPP.</p> <p>This is considered consistent with this SEPP.</p> <p><u>Dual occupancy configuration</u></p> <p>The planning proposal intends to prohibit dual occupancies other than corner lots. This is not in-line with the Codes SEPP provisions as the SEPP allows dual occupancies on sites that are not corner lots.</p> <p>The proposal intends to prohibit dual occupancies on battle-axe sites. This is in line with the Codes SEPP. However, Council should consider permitting dual occupancies on battle-axe sites on a merit-based assessment through the DA process. Conditions have been attached for Council to update the planning proposal to address these matters.</p> <p><u>Subdivision of dual occupancies</u></p> <p>The current controls in the LEP will be amended to allow subdivision at any time, aligning with the Codes SEPP. The planning proposal states that attached dual occupancies will need to both have street frontages.</p> | No |

| SEPPs | Requirement | Proposal | Complies |
|---|--|--|----------|
| | | <p>However, Part 6 of the Codes SEPP allows Torrens Title subdivision of dual occupancies where the dual occupancies have been approved under Part 3B.</p> <p><u>New definitions</u></p> <p>Manor houses will be defined as a new land use, permitted in the R3 Medium Density Residential zone.</p> <p><u>Temporary event signage</u></p> <p>The planning proposal intends to allow a longer lead in time and removal date for signage. This change is considered unnecessary as the provisions under the SEPP will prevail. This is discussed further in Section 5.</p> | |
| SEPP (Educational Establishments and Child Care Facilities) 2017 | The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. | <p>The planning proposal intends to rezone land currently used for educational purposes to SP2 Infrastructure (Educational Establishment) to reflect their current primary use.</p> <p>This is consistent with other Councils such as North Sydney. Future development for such sites will be in accordance with this SEPP or based on a site-specific merit. This is further addressed in Section 5.</p> <p>Child care centres will be removed from the industrial zone land use table as it is not considered consistent with this clause. This is further addressed in Section 5.</p> | Yes |
| SEPP (Affordable Rental Housing) 2009 <i>*It is noted that this SEPP has since been superseded by SEPP (Housing) 2021, which came into effect on 26 November 2021.</i> | The aim of this policy is to facilitate the effective delivery of new affordable rental housing. | <p>Clause 6.8 of the LEP requires that 4% affordable housing be provided within the accountable total floorspace in certain areas of the LGA. Council's intention is to increase this to 10% by 2026 in line with Council's local strategic plan – Our Future Willoughby.</p> <p>A feasibility study submitted with the planning proposal indicates that this may be achieved in certain areas with an increase of 7% more practical for others.</p> <p>This is further discussed in Section 5 of this report.</p> | Yes |

| SEPPs | Requirement | Proposal | Complies |
|---|---|--|----------|
| SEPP (Housing for Seniors or People with a Disability) 2004 <i>*It is noted that this SEPP has since been superseded by SEPP (Housing) 2021, which came into effect on 26 November 2021.</i> | The aim of this policy is to increase the supply, diversity and design of housing for seniors and people with a disability in appropriate locations. | The proposal does not contain any provisions that would affect the application of this SEPP. | Yes |
| SEPP (Housing) 2021 | The aim of this policy is to incentivise the supply of diverse housing (including affordable and seniors housing) in appropriate locations, and consolidate five existing housing related SEPPs. This policy came into effect on 26 November 2021. | As previously noted, Clause 6.8 is proposed to be amended to include a blanket 10% affordable housing requirement in key locations across the LGA. It is noted that a blanket 10% requirement may not be feasible based on the findings of the Willoughby Affordable Housing Feasibility Report (Attachment J). This is further discussed in Section 5 of this report. Both 'Manor house' definitions in the planning proposal and the Housing SEPP are consistent with the definition under the SEPP (Exempt and Complying Development Codes) 2008. The proposal does not contain any provisions that would further affect the application of this SEPP. A Gateway condition has been included to ensure Council updates the planning proposal address the new Housing SEPP prior to public exhibition. | Yes |
| SEPP (Building and Sustainability Index: BASIX) 2004 | This SEPP aims to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use. | An action of the LSPS is to ensure higher sustainability and resilience targets for all new dwellings. Part 1.2 of the LEP is to be amended to strengthen the aims regarding sustainability. The LEP also contains clause 6.23 Design excellence at certain sites in Willoughby. This clause aims to improve the quality of developments over 35m and will be subject to an architectural design competition. Updates will be made to apply the clause to buildings between 12m | Yes |

| SEPPs | Requirement | Proposal | Complies |
|--------------------------------------|---|---|----------|
| | | <p>and 35m to be subject to a Design Excellence Review Panel. A new Design Excellence Map is proposed to update the areas to which it will apply.</p> <p>Development applications for all future residential development will need to comply with the targets established under BASIX.</p> | |
| SEPP (Coastal Management) 2018 | The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area. | <p>The land at 168-170 Epping Road is currently zoned IN2 Light Industrial. This land is mapped as being in the proximity of land identified as Coastal Wetlands on the Lane Cove River as indicated in the NSW Spatial Viewer.</p> <p>It is proposed to rezone this land to E2 Environmental Conservation to be in line with this SEPP. Rezoning to E2 will prohibit most uses including residential, industries, retail, warehouses and distribution centres.</p> <p>This SEPP does not prevent development but requires careful assessment and management to ensure that development is not granted that will compromise the wetlands.</p> | Yes |
| SREP (Sydney Harbour Catchment) 2005 | The aim of this plan is to ensure that catchment, foreshore, waterways and the islands of Sydney Harbour are recognised, protected, enhanced and maintained. | The Willoughby LGA is identified as within the Sydney Harbour Catchment. There are no provisions in the planning proposal that will affect the application of this SREP. | Yes |

4.6 Other Environmental Planning Instruments (EPIs)

4.6.1 Employment Zones Reform – Standard Instrument

The Department is currently undertaking a suite of reforms which includes the delivery of a simplified employment zones framework that will support jobs growth and productivity.

A key outcome will be to ensure employment zones provide clear strategic intent, include clarity around their application and increase flexibility around land uses.

The existing Business (B) and Industrial (IN) zones are intended to be replaced with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP). The implementation of the new employment zones is proposed to be finalised mid-2022.

This framework intends to:

- maximise productivity while minimising land use conflicts and ensuring they are fit for purpose;
- address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt; and
- better support councils in the delivery of the strategic vision contained in their Local Strategic Planning Statements and background studies.

A condition will be included in the Gateway determination to amend the planning proposal to include information regarding the changes for any zones listed in **Table 9** relating to:

- rezoning of land;
- amended or introduced provisions;
- Schedule 1 Additional permitted uses; and
- changes to the land use table.

Further information on the proposed changes to the employment zones is available at <https://www.planning.nsw.gov.au/Employment-Zones-Reform>.

The changes proposed by the reform to the existing zones is outlined in **Table 9**.

Table 9: Proposed changes to the employment zones

| Existing zone | Direct translation zone |
|-------------------------|--|
| B1 Neighbourhood Centre | E1 – Local centre |
| B2 Local Centre | E1 – Local centre |
| B3 Commercial Core | E2 – Commercial centre |
| B4 Mixed Use | MU1 – Mixed use |
| B5 Business Development | E3 – Productivity support |
| B6 Enterprise Corridor | E3 – Productivity support |
| B7 Business Park | E3 – Productivity support |
| B8 Metropolitan Centre | Contact the employment zones reform team |
| IN1 General Industrial | E4 – General Industrial |
| IN2 Light Industrial | E4 – General Industrial |
| IN3 Heavy Industrial | E5 – Heavy Industrial |
| IN4 Working Waterfront | W4 – Working Waterfront |

As a consequence of the changes to the employment zones, the Environment zones (E zones) have been updated to Conservation zones (C zones) in the Standard Instrument. The planning proposal should be updated to reflect the changes to the Environment and equivalent Conservation zones.

5. Site-specific Assessment

5.1 Heritage impact

The planning proposal will facilitate more dense development protecting low density residential neighbourhoods and HCAs.

The planning proposal intends to list two new heritage items and make minor amendments in the LEP and minor amendments to mapping for others.

The heritage listing at a local level will give public recognition to places identified as of heritage significance and is recognised by law. It will help the owners of such properties understand and manage their property.

Properties are assessed against the seven (7) criteria to determine heritage significance as outlined in the NSW Heritage Office Guidelines.

5.1.1 Artarmon Bowling Club

A DA was received for demolition and as the club is located within the Artarmon Heritage Conservation Area, the DA required a Heritage Impact Statement (HIS). The nomination was received after consent for its demolition had been issued.

Council states that a nomination was received in March 2020 for the listing of the Artarmon Bowling Clubhouse as a local heritage item but not in time to be part of Council's comprehensive heritage review. Council has considered that the listing of the Artarmon Bowling Club (**Attachment N**) could be carried out in conjunction with the Comprehensive LEP review.

The first heritage assessment considered the building for its contribution to the HCA. Council commissioned an independent peer review of the HIS submitted with the DA to ensure transparency.

This nomination refers to the club considering notable members and occurrences. The comprehensive assessment involves 'the club' – the clubhouse, greens and landscaping.

The significance of 'the club' was assessed against the seven (7) criteria in the NSW Heritage Office Guidelines. This nomination is to list the club as a local heritage item and goes beyond the physical fabric of the building, considering other factors such as social significance.

The independent review recommended that the Artarmon Bowling Club be listed as an item of local heritage significance as it found that it met at least one of the criteria in the NSW Heritage Guidelines (**Table 10**).

- historic significance due to its importance in the progression of the local area's cultural history;
- social significance with its strong association with a particular community in the area; and
- representative significance due to its importance in demonstrating the principle characteristics of a class of the area's cultural places.

The recommendation for heritage listing does not prevent the adaption and/or modification of the clubhouse building.

Council's resolution to include the Artarmon Bowling Club, the bowling green, club house and surrounding landscaping as a local heritage item in schedule 5 of the LEP is in

Attachment M. The heritage nomination form, HIS accompanying the DA, peer review and heritage interpretation are included in **Attachment N.**

Table 10 Preliminary assessment of the site against the NSW Heritage Office Guidelines

| Criterion | Assessment | Criterion Satisfied |
|--|--|---------------------|
| Criterion a – historical significance | The site has importance in the progression of the local area's cultural history. | Yes |
| Criterion b – historical association | Does not satisfy this criterion. | No |
| Criterion c – aesthetic significance | Does not satisfy this criterion. | No |
| Criterion d – social significance | The site has a strong association with a particular community in the area. | Yes |
| Criterion e – technical or scientific significance | Does not satisfy this criterion. | No |
| Criterion f – rarity | Does not satisfy this criterion. | No |
| Criterion g – representativeness | The site has importance in demonstrating the principle characteristics of a class of the area's cultural places. | Yes |



Figure 15: Artarmon Bowling Club site nominated for heritage listing (source: Six Maps)

5.1.2 Griffin Centre

The planning proposal was accompanied by a nomination to list the site known as the 'Griffin Centre' shops located at 120 Edinburgh Road, Castlecrag as a local heritage item (**Figure 16** and **Attachment O**). The site is within the Griffin Heritage Conservation Area (**Figure 17**).

In March 2019, Robertson and Hindmarsh Pty Ltd, architects were engaged by the Walter Burley Griffin Society to research the group of shops at 120 Edinburgh Road, Castlecrag.

Documentary evidence confirms that a prominent local citizen, Sydney Arkell Spargo was the owner, builder and architect of the 'Griffin Centre' and Secretary and active member of the Castlecrag Progress Association that met on the site. As the group of shops is within the original Castlecrag Estate, it is considered that Walter Burley Griffin would have approved the design in his role as the architect for the Greater Sydney Development Association (GSDA).

The report does not provide an assessment specifically assessment against the seven criteria (7) for determining heritage significance as outlined in the NSW Heritage Office Guidelines. The nomination does provide a statement of significance indicating that the site meets at least three (3) of the criteria for local heritage listing.

For a site to be considered for heritage listing, only one of the criteria requires to be met.

Table 11 outlines the Department's indicative assessment against the criteria.

Table 11: Preliminary assessment of the site against the NSW Heritage Office Guidelines

| Criterion | Assessment | Criterion Satisfied |
|--|---|---------------------|
| Criterion a – historical significance | The site has importance in the progression of the local area's cultural history and are the only surviving original shops dating from the beginning of the Castlecrag Estate. | Yes |
| Criterion b – historical association | The site is associated with a Sydney Arkell Spargo who was a prominent person in the community. Arkell was an active member of the Castlecrag Progress Association that met in the basement of the group of shops. The design would have been approved by Walter Burley Griffin in his roles at the architect for the GSDA. | Yes |
| Criterion c – aesthetic significance | The site has undergone alterations to the fabric. However, the original design with respect to height, form, bulk and scale have been essentially retained. The shops follow the original subdivision and follow the curve of The Postern. | Yes |
| Criterion d – social significance | The group of shops were an early component of the Castlecrag Estate community facilities and maintain a visual link to the early days of the centre. | Yes |
| Criterion e – technical or scientific significance | No argument has been provided that suggests the site demonstrates any technical or scientific significance. | No |
| Criterion f – rarity | No argument has been provided that suggests the site demonstrates any technical or scientific significance. | No |

| | | |
|----------------------------------|---|----|
| Criterion g – representativeness | No argument has been provided that suggests the site demonstrates any technical or scientific significance. | No |
|----------------------------------|---|----|



Figure 16: Griffin Centre, 120 Edinburgh Road, Castlecrag (source: Google Maps)

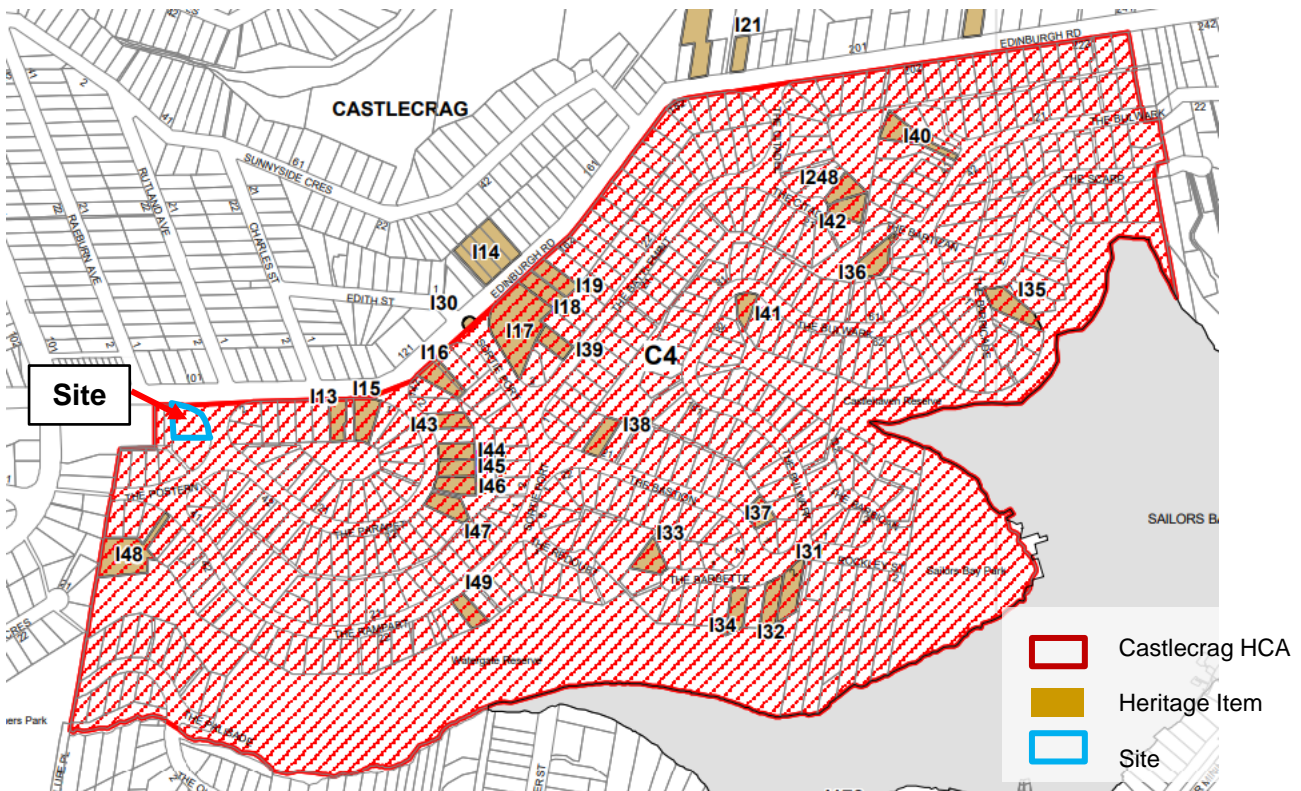


Figure 17: Castlecrag HCA (C4) with the subject site to be heritage listed at left (source: NSW Legislation, overlay by the Department)

5.2 Social and economic

The planning proposal states that it seeks to ensure that consideration is given to the social, economic, health and wellbeing of residents and visitors in the future development and growth of Willoughby.

The planning proposal will provide greater certainty to the community and result in increased jobs and housing choice ensuring increased amenity and a healthier built environment.

5.2.1 Economic

The proposal is informed by Council's planning studies (**Attachments C to H**) which identify the need to:

- protect and intensify commercial uses to ensure a competitive CBD now and into the future;
- provide housing in close proximity to existing services, infrastructure and jobs;
- facilitate development to leverage off existing and proposed public transport; and
- protect and maintain industrial land into the future.

Employment Zones Reform

As part of the Department's Employment Zones Reform, the existing Business (B) and Industrial (IN) zones are intended to be replaced with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP). This will apply to the Willoughby LEP once the new employment zones are finalised mid-2022. Refer to discussion in Section 4.6 above.

A Gateway condition has been included to amend the planning proposal to include information regarding the changes for any 'B' and 'IN' zones relating to:

- rezoning of land;
- amended or introduced provisions;
- Schedule 1 Additional permitted uses; and
- changes to the land use table.

In addition to the consideration of employment zones and land uses, the proposed use of 'pet-day care' as a stand-alone permitted use is recommended to be removed and instead the use of 'animal boarding or training establishment' may be included. This definition allows for a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

Savings Provisions

The Willoughby LEP 2012 contains clause 1.8A Savings provisions relating to development applications (DA). This means that if a development application has been made before the commencement of this LEP and the application has not been determined the application must be determined as if this LEP had not commenced. As a standard instrument clause this will apply for the Comprehensive planning proposal.

5.2.2 Social

The proposal supports housing supply to meet the 6-10 years housing target as outlined in the LHS (**Attachment D**) to be provided in the right locations in a manner that encourages diversity, density and affordability to cater for a varied changing population.

The focus of growth is within the Chatswood CBD and local centres for medium to high density housing. This is adoptive of a place-based approach that considers accessibility to transport, employment and other services protecting lower density neighbourhoods.

Childcare centres

The Industrial Lands Strategy (**Attachment F**) recommends that the permissibility of childcare centres is to be prohibited in the IN1 General Industrial and IN2 Light Industrial zone industrial zones.

The changes outlined in the planning proposal reflect this recommendation which may impact the number of spaces available to the community.

Council states that childcare is not considered appropriate in these areas due to potential hazards such as noise, pollution and heavy vehicular activity and are best placed in residential zones, neighbourhood or local centre zones. However, the existing rights use rights would continue.

The Department considers that the permissibility of childcare centre in industrial zones can be further considered after community consultation and as part of the finalisation of the proposal.

Affordable housing

Clause 4.4 Floor space ratio of the LEP refers to affordable housing in subclause (2A)(b). The planning proposal is to amend this subclause so that affordable housing is included as part of the gross floor area of the building for determining the maximum floor space ratio. The requirement to provide affordable housing applies currently to sites as identified on the Special Provisions Area Map.

The planning proposal also intends to amend the Clause 6.8 Affordable housing to increase the affordable housing requirement from 4% to 10% of floorspace as resolved by Council at their meeting of 14 December 2020 (**Attachments K and L**).

This is proposed to be extended to include rezoned areas in areas such as those covered by the Chatswood CBD Strategy and the Local Centres Strategy.

The Willoughby Affordable Housing Feasibility Report by SGS Economics and Planning, dated 30 August 2021 (**Attachment J**), submitted with the planning proposal found that the increase to 10% affordable housing may not be viable in all key centres of the LGA.

SGS's testing results indicate that:

- the greater the FSR the greater the feasibility for the affordable housing contribution;
- higher contribution rates of 10% contribution rate are more feasible when applied to:
 - the Chatswood CBD due to the increased density permitted under the planning controls;
 - parts of other centres where the proposed FSR is greater such as:
 - B1 Neighbourhood Centre zone in Castlecrag;
 - proposed R4 High Density Residential zone in Sailors Bay Road, Northbridge with a proposed FSR to 2.5:1; and
 - the central area of North Willoughby at the corners of the intersection of Victoria and Penshurst Streets with a proposed FSR to 2.8:1.
- other areas should remain at the current rate of 4% as the higher rates of 6%, 7% or 10% is not viable.

The suggested rates are outlined in **Table 12**. The existing areas where there current affordable housing contributions apply under clause 6.8 are shown in **Figure 18**. The proposed contribution areas and suggested rates as outlined in the feasibility study are shown in **Figure 19**.

Table 12: Suggested affordable housing contributions

| Centre | Suggested Affordable Housing Contribution |
|------------------|---|
| Chatswood | 10% |
| North Willoughby | 10% |
| Northbridge | 10% |
| Castlecrag | 10% |
| Artarmon | 7% |
| Other centres | No change |

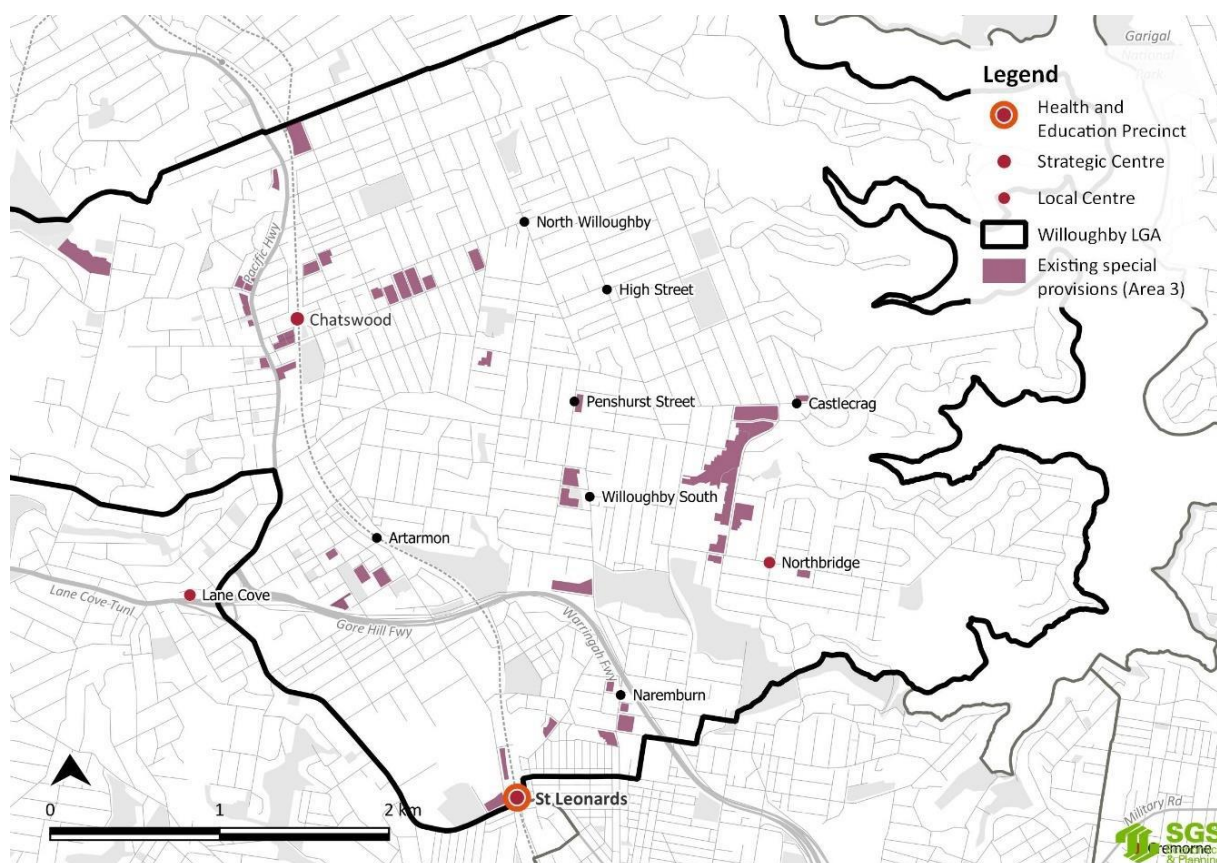


Figure 18: Existing areas where affordable housing contributions under clause 6.8 of the LEP as 'Area 3'
(source: SCG)

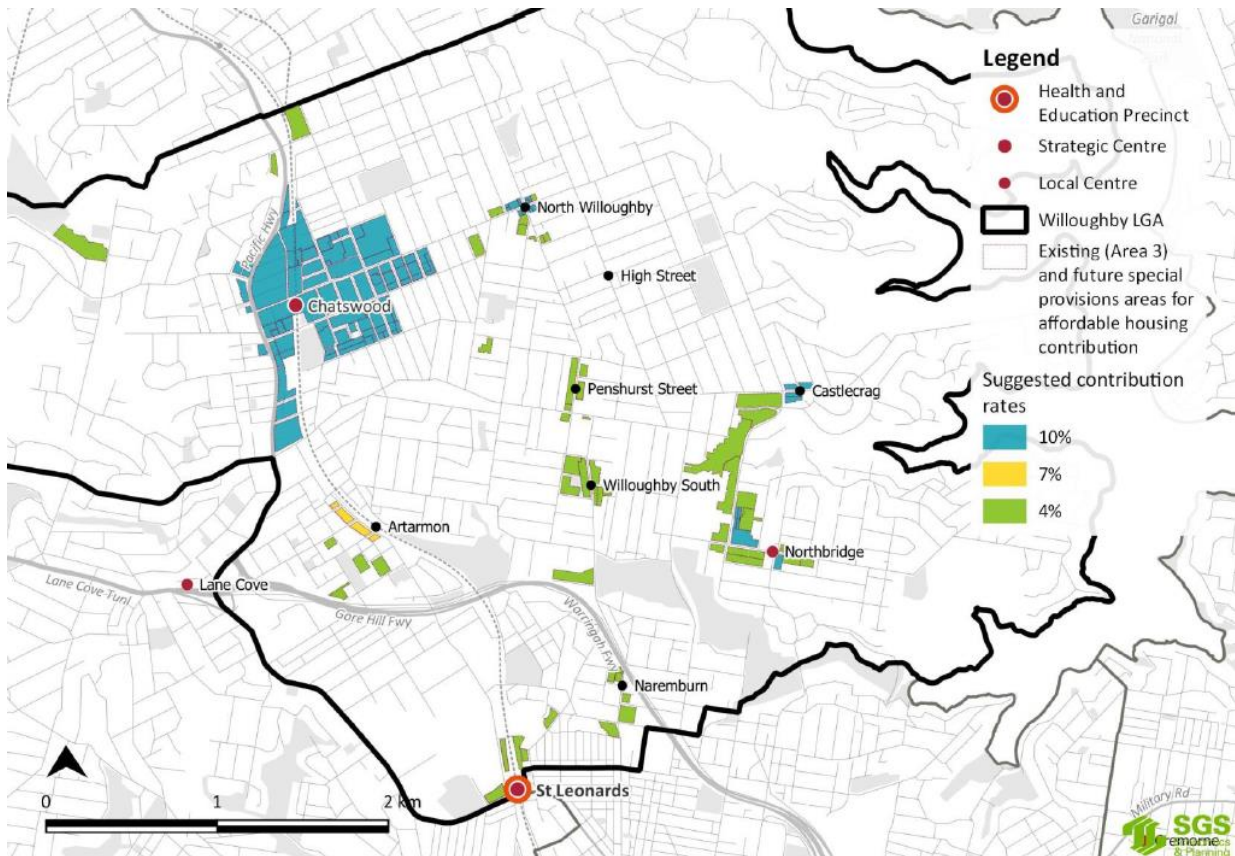


Figure 19: Feasibility of the proposed increase in affordable housing contributions (source: SCG)

The planning proposal is to mandate a 10% affordable housing contribution for the Chatswood CBD and all of the Local Centres.

As the report by SCG has found that this may not be viable in all areas, a Gateway condition requires that contribution rates should align with the feasibility study instead of the blanket increase to a rate 10% for all areas.

Exempt and Complying Development Codes

Dual Occupancies and GFA in R2 zones

The planning proposal outlines changes to be made in the LEP relating to dual occupancy development as complying development under the SEPP (Exempt and Complying Development Codes) 2018 (Codes SEPP).

It is proposed to update the provisions in the Willoughby LEP to align with the provisions in the Codes SEPP.

The amendments proposed in line with the Codes SEPP are outlined in **Table 13**.

Table 13: Items in the planning proposal concerning the Codes SEPP

| Proposed Amendment | Justification/explanation | Department Comment |
|--|--|--|
| Dual occupancy configurations | Detached dual occupancy configuration can only be achieved under the Codes SEPP on a corner block. | <p>The planning proposal intends to prohibit dual occupancies other than corner lots. This is not in-line with the Codes SEPP provisions as the SEPP allows dual occupancies on sites that are not corner lots.</p> <p>The planning proposal will require updating to provide the corrected provisions under the SEPP.</p> |
| | <p>The battle axe site configuration is currently permitted in the LEP. The Codes SEPP does not allow for this type of arrangement.</p> <p>The planning proposal intends to amend the LEP to be consistent the SEPP to specify that each detached and attached dual occupancy must face a public road.</p> | <p>This change is not supported. Although not permitted under the Codes SEPP, it is considered that Council should still permit dual occupancies in a battle-axe configuration. This configuration can be determined on a merit-based assessment through the DA process.</p> <p>A Gateway condition has been included to remove this provision from the planning proposal.</p> |
| Subdivision of attached dual occupancies | The planning proposal states that the current controls in the LEP will be amended to allow subdivision at any time, aligning with the Codes SEPP. The planning proposal also states that attached dual occupancies will need to both have street frontages. | <p>The Department notes that Part 6 of the Codes SEPP allows Torrens Title subdivision of dual occupancies where the dual occupancies have been approved under Part 3B.</p> <p>The planning proposal will require updating to provide the corrected provisions under the SEPP.</p> |
| Calculation of developable area and minimum landscaped areas | <p>The planning proposal intends to introduce GFA controls for R2 Low Density Residential zones outside of heritage conservation areas.</p> <p>This is due to the differences in maximum GFA achievable under the Willoughby LEP and the Codes SEPP – (i.e. the Codes SEPP generally enables a greater maximum GFA on an R2 zoned site when compared to the FSR provisions under the LEP). Refer to GFA comparison at Attachment U.</p> <p>The GFA controls proposed are based on the requirements under clause 3D.20 Maximum gross floor area of all buildings (for dwelling houses and attached development) of the Codes SEPP.</p> | <p>The intent of these proposed amendments is supported as they will facilitate housing diversity by supporting potentially larger detached dwellings and dual occupancies, as well as provide more equity to landowners in the R2 zone.</p> <p>The transfer of the GFA clause into the LEP for R2 zones will align the achievable GFA under the Codes SEPP with the LEP.</p> <p>However, the introduction of the GFA map is not considered to be in line with the Standard Instrument. It is advised that Council should explore an alternative to this proposed change such as the consideration of a new clause to provide equity in development whether for a single</p> |

| Proposed Amendment | Justification/explanation | Department Comment |
|--------------------|---|---|
| | <p>It is intended these GFA controls will provide continuity with what can be achieved under both EPIs.</p> <p>The proposal intends to introduce a new GFA map in lieu of the FSR map.</p> <p>Existing FSR controls would remain in R2 zones within heritage conservation areas.</p> | <p>dwelling or dual occupancy, and to investigate a less complex approach in enabling a slightly greater GFA/FSR for R2 sites.</p> <p>A Gateway condition has been included to require a review of the approach or consideration of an alternate mechanism for this amendment.</p> |
| | <p>In response to the proposed changes in maximum GFA/FSR for R2 zones (outside of conservation areas) discussed above, Council's DCP landscaping provisions are proposed to be included as part of the LEP.</p> <p>It is considered these provisions will ensure greater compliance with landscape controls by ensuring any variation is justified in accordance with the requirements of Clause 4.6 of the LEP.</p> | <p>The intent of the application of this provision is to manage development, protect and enhance biodiversity, as well as the landscape and visual character of the Willoughby LGA. This will contribute to increasing the urban tree canopy and reduce the urban heat effect.</p> <p>Refer to further discussion in Section 5.3.</p> |

Temporary Signage

The proposal intends to amend the LEP clause applying to signage for the advertising of temporary community events to be inline with the requirements of the Codes SEPP but with a longer lead in time of 28 days and removal within 14 days.

This is not supported as the Codes SEPP in Division 2 Advertising and Signage Exempt Development Code relating to temporary event signs requires that signage must not be displayed earlier than 14 days and removal within two (2) days after the event.

The SEPP will prevail over the LEP and this change is unnecessary.

New definitions

Manor houses will be defined as a new land use, permitted in the R3 Medium Density Residential zone.

Changes to the R2 Low Density Residential zone FSR controls

Council intends to remove the existing FSR controls and replace them with the calculated on the GFA for the R2 Low Density Residential zone not located with a HCA.

These changes are based on the controls outlined in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) as it applies to dual occupancies. This is considered by Council to provide equity to landowners.

The changes proposed are outlined in Table X. The GFA in the table includes all attached and detached buildings but excludes the area of one car space (18m²) within a garage.

Table 14 Proposed changes to remove the FSR from R2 zoned land (not within a HCA)

| Lot Area | Maximum GFA |
|---|---|
| Under 200m ² | 65% |
| 200m ² - 250m ² | 78% of the lot area |
| >250m ² - 300m ² | 75% of the lot area |
| >300m ² - 350m ² | 235m ² |
| >350m ² - 450m ² | 25% of the lot area + 150m ² |
| >450m ² - 560m ² | 290m ² |
| >560m ² - 600m ² | 25% of the lot area + 150m ² |
| >600m ² - 740m ² | 335m ² |
| >740m ² - 900m ² | 25% of the lot area + 150m ² |
| >900m ² - 920m ² | 380m ² |
| >920m ² - 1000m ² | 25% of the lot area + 150m ² |
| >1000m ² | 400m ² |

Minimum GFA for dual occupancies

Proposes a minimum gross floor area for attached and detached dual occupancies in the R2 Zone, (in the case of attached dual occupancy where no part of a dwelling is located above any part of another dwelling).

Lot area of parent lot Maximum GFA

700m²–2,000m² 25% of lot area + 300m²

>2,000m² 800m²

Minimum gross floor area for dual occupancies in the R2 zone where part of a dwelling is located above part of another dwelling. The maximum gross floor area of all buildings on a lot is 25% of the lot area plus 150m², to a maximum of 400m².

These changes have been discussed in the table above and a Gateway condition has been included to require a review of the approach or consideration of an alternate mechanism for this amendment. This will include the consideration of a new clause to provide equity in development whether for a single dwelling or dual occupancy, and to investigate a less complex approach in enabling a slightly greater GFA/FSR for R2 sites to align with the Codes SEPP.

5.3 Environmental

Council states that the planning proposal intends to result in a better environmental outcome particularly with greening the Chatswood CBD and the local centres by increasing landscaped areas and the reduction of urban heat.

Sun Access Protection – Key Public Open Spaces

The Comprehensive planning proposal intends to introduce a new Sun Access protection clause in Part 6 Additional Local Provisions of the LEP (refer to **Table 1**). This clause will apply in the B3 Commercial Core and B4 Mixed Use zone to protect public open space from additional overshadowing in mid-winter between 12pm and 2pm (**Figure 20**).

This will affect the maximum height of buildings able to be achieved in certain areas and provide protection for public open space such as Chatswood Oval, Victoria Mall, the Garden of Remembrance, Tennis and Croquet Club and HCAs particularly the South Chatswood HCA.

A new map to indicate the areas to be afforded protection will be introduced into the updated DCP (**Attachment Q**).



Figure 20: Recommended sun access protection for public open spaces (source: Council)

Urban Heat

The planning proposal intends to introduce a new Urban Heat clause in Part 6 Additional Local Provisions of the LEP (refer to **Table 3**) to encourage the reduction of urban heat and the maintain and increase the wellbeing of the community.

The new clause will apply to the whole of the LGA and ensure new development incorporates measures to reduce and remove urban heat by integrating natural and man-made solutions for sustainable principles in design and the inclusion of green infrastructure.

The clause will introduce considerations at DA stage to require to satisfaction of consent authority that require:

- building roof, paved surfaces and podium designed to reflect and re-radiate absorbed solar heat away from urban areas and to maximise user comfort of roofing, paved surfaces and podium areas;
- building facades minimise solar heat being reflected downward towards private open space and or the public domain;
- awnings and eaves are to provide shelter from the sun for user comfort at street level;
- buildings' heating and cooling systems minimise heat rejection to private open space and the public domain;
- buildings maximise the use of green infrastructure;
- development can accommodate adequate open space and deep soil zones to achieve urban cooling benefits; and
- buildings apply passive design principles to reduce the need for artificial heating or cooling and designed to improve thermal performance with the appropriate utilisation of insulation, glazing and drought proofing.

The intent of the proposed Urban Heat clause is supported as it facilitates the sustainability principles set out in the North District Plan in relation to the resilience of communities to natural and urban hazards, shocks and stresses. It is noted that a similar local provision has been included in the recently notified Cumberland LEP 2021.

As a result of the increased requirements for sustainability and resilience targets introduced in the Willoughby LEP, Council has proposed four new definitions to be included within the Urban Heat clause. It is noted that the Standard Instrument does not include these definitions in its Dictionary. The definitions of Solar heat and Green Infrastructure have been included in Clause 6.12 Urban Heat of the Cumberland LEP 2021. A condition has been attached to the Gateway to require the proposed clause for Urban Heat provisions be aligned with Clause 6.12 Urban Heat in the Cumberland LEP 2021 and to remove references to the proposed definitions of 'urban heat' and 'urban heat island effect' which have not been included in this agreed clause.

Landscaped Areas

The planning proposal intends to introduce a new Landscape Area clause in Part 6 Additional Local Provisions of the LEP (refer to **Table 1**). This clause is a result of proposed changes to the FSR clauses in the R2 Low Density Residential zone to provide consistency with the Codes SEPP as outlined in Section 4.5. The introduction of this new clause will enable the transfer of the existing landscaping controls from the DCP.

This new clause will apply to all new residential dwellings and dual occupancy developments in the R2 Low Density Residential zone. It will also apply to the E4 Environmental Living zone.

The intent of the application of this clause is to manage development, protect and enhance biodiversity and the landscape and visual character of the Willoughby LGA. This will contribute to increasing the urban tree canopy and reduce the urban heat effect. It will provide measures to ensure that areas of significant bushland adjoining Middle Harbour and Lane Cove River are maintained and enhanced.

The new clause requirements are outlined in **Table 15** for the R2 Low Density Residential and E4 Environmental Living zones.

Table 15: Proposed requirements in the new landscaping controls

| Zone | Landscaping Requirements | |
|--|--------------------------|---|
| | Site Area | Minimum Soft Landscaping* (m ²) |
| R2 Low Density Residential Zone | Under 200 | 025 x site area |
| | 200-400 | (0.35 x site area) - 20m ² |
| | 401-600 | (0.6 x site area) - 120m ² |
| | 601-1000 | (0.525 x site area) - 75m ² |
| | 1001-1500 | (0.6 x site area) - 150m ² |
| | Over 1500 | (0.5 x site area) |
| E4 Environmental Living Zone | 400-600 | (0.5 x site area) - 60m ² |
| | 601-1000 | (0.65 x site area) - 150m ² |
| | 1001-1500 | (0.65 x site area) - 150m ² |
| | Over 1500 | (0.55 site area) |

*‘soft landscaped area’ means a component of recreational open space, and means that part of a site which is not occupied by any building, structure or work (such as swimming pools, tennis courts, driveways etc.) and which is vegetated with gardens, lawns, shrubs or trees, but does not include any paved areas.

Land Reservation Acquisition

The proposal intends to remove properties identified on the current Land Reservations Acquisition map for acquisition which have now been acquired by the relevant authority and includes additional properties identified for land acquisition as well as boundary amendments.

Details of the acquisitions and amendments are outlined on page 121- 130 of the planning proposal, however these will need to be confirmed when the digital mapping is prepared prior to public exhibition.

Reclassification of Land

The Local Centres Strategy (**Attachment E**) outlined recommendation for Council owned land currently utilised as a carpark and a vacant baby health centre (located near the western boundary) to the rear of the Northbridge Plaza, Eastern Valley Way, Northbridge. The planning proposal intends to:

- reclassify Council from ‘community’ to ‘operational’ land; and
- rezone the site from B2 Local Centre to part R3 Medium Density Residential and part R4 High Density Residential.

The site to be reclassified and rezoned comprises of six (6) lots is legally known as Lot 2 DP200094, Lot 4 DP200099, Lot 6 DP200096, Lot 8 DP200098, Lot 15 DP4409 and Lot B DP323172.

Following the commencement of the *Local Government Act 1993* numerous carparks were automatically classified as community land. Reclassification from community to operational land will remove the restrictions that apply to community land under the *Local Government Act 1993*. Changing the classification of the car park to operational and the removal of the statutory trust will enable development.

The change to the development controls will facilitate a potential increase of height of buildings up to three (3) to five (5) storeys with underground carparking and increased public open space.

A copy of the Department's Practice Note PN16-001 *Classification and reclassification of public land through a local environmental plan* must be included in the public exhibition material.

As the planning proposal seeks to reclassify public land from ‘community’ to ‘operational’, Council will also be required to hold a public hearing under the requirements of the *Local Government Act 1993*. This will give the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum. The reclassification to discharge interests will also require the approval of the Governor.



Figure 21: Council land to be reclassified and rezoned (source: Google Maps, overlay by the Department)



Figure 22: Part of the carpark looking north-west towards the Northbridge Plaza (source: Google Maps, overlay by the Department)

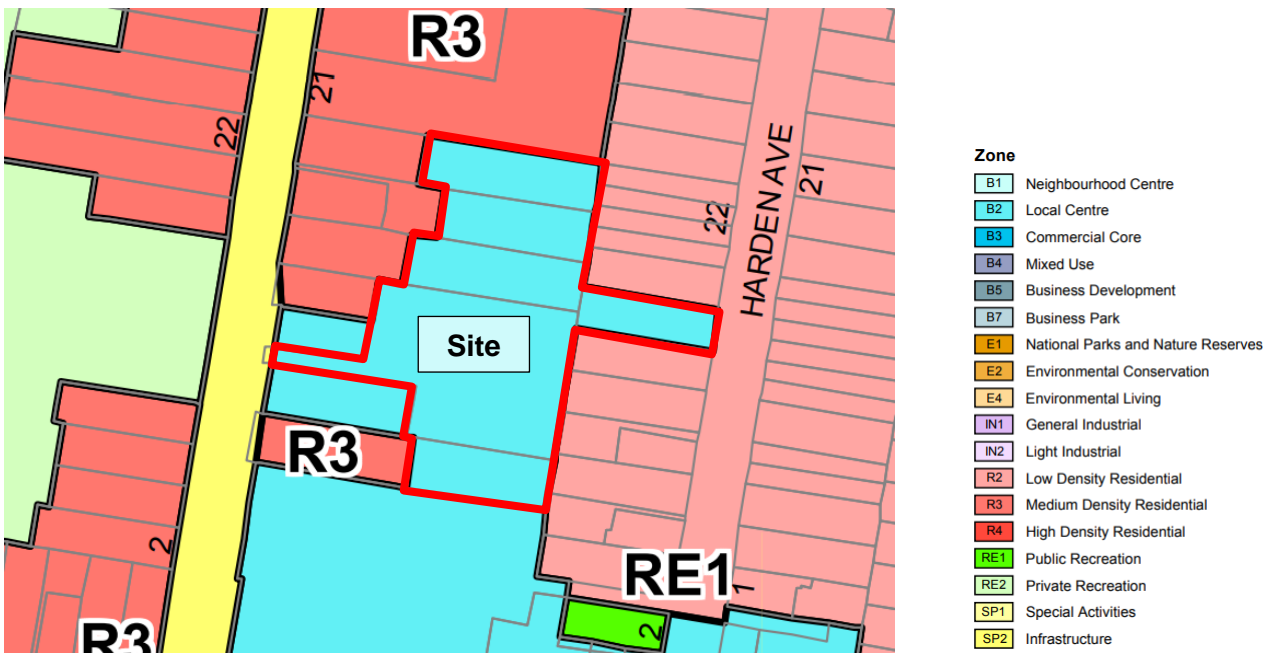


Figure 23: Existing land zoning map LZN_007 showing the current zone as B2 Local Centre. Small sections along the Eastern Valley Way are identified for acquisition by TfNSW in the Land Acquisition Map (source: Google Maps, overlay by the Department)

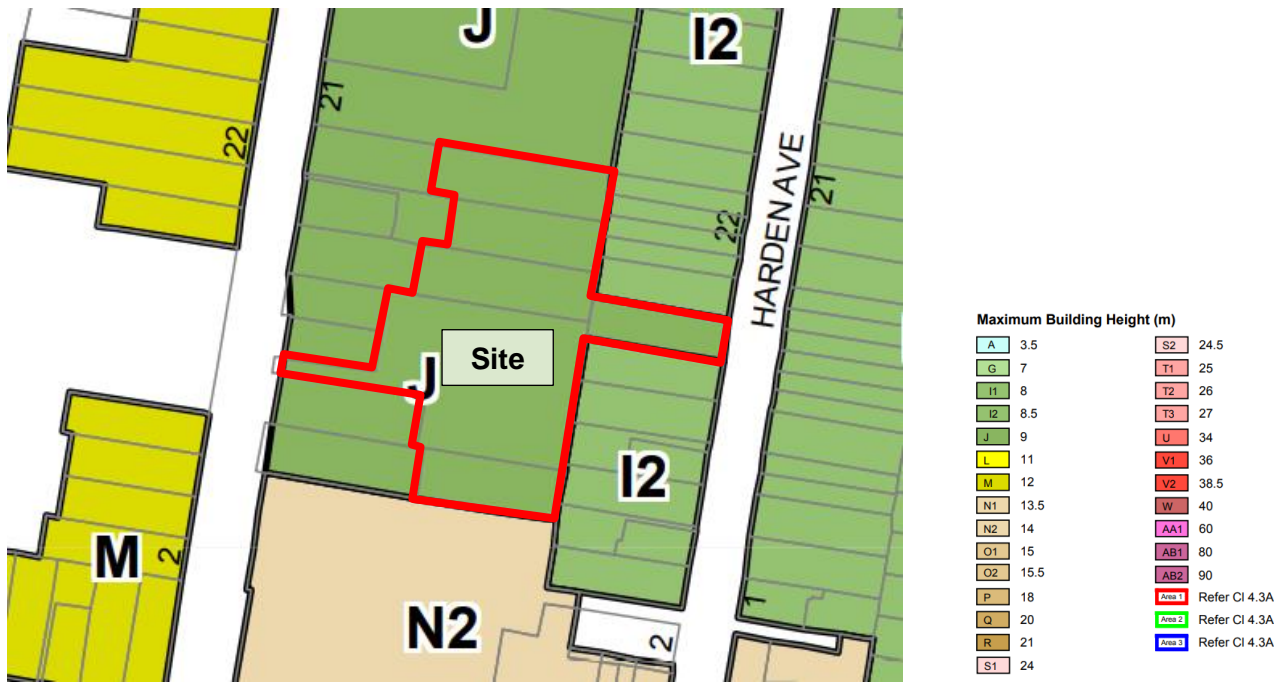


Figure 24: Existing height of buildings map HOB_007 showing the maximum height permitted as 9m (source: Google Maps, overlay by the Department)

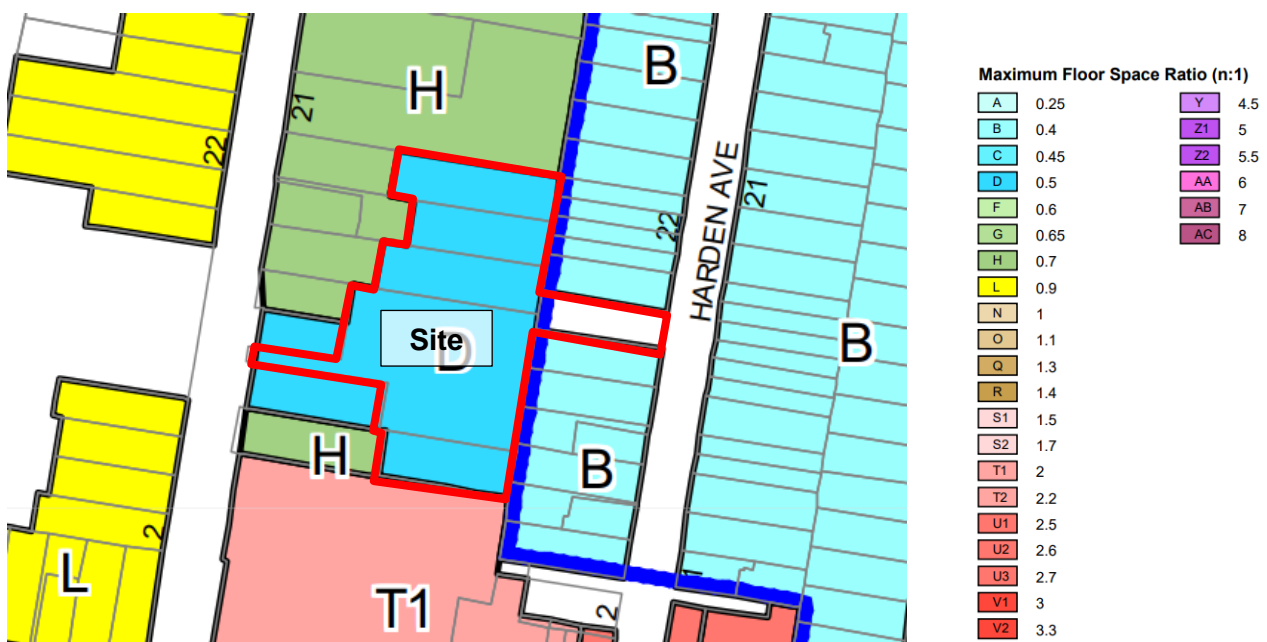


Figure 25: Existing FSR map FSR_007 showing the maximum FSR permitted as 0.5:1 for most of the site (source: Google Maps, overlay by the Department)

5.4 Infrastructure

Public transport

The Willoughby LGA is well serviced by public transport. However, future development may require the review such as bus services in local centres.

The planning proposal will require consultation with TfNSW and will be included as a condition of the Gateway.

Infrastructure and services

Future development may require utility services to be upgraded and/or augmented to support the proposed increase in development as a result of the planning proposal. The Gateway determination will require consultation with utility providers including Sydney Water and Ausgrid.

The Willoughby LGA is well serviced by public transport including the Chatswood Interchange with transport options such as bus, rail and Metro. However, future development may require additional public transport. The Gateway determination will require consultation with TfNSW.

Educational establishments

Currently, in the Willoughby LGA, schools are zoned consistent with the adjoining zone. The planning proposal intends to rezone school sites in the LGA to SP2 Infrastructure (Educational Establishment) to reflect their current primary use. A list of the schools and their current planning controls is at **Table 3**.

The SP2 Infrastructure (Educational Establishment) is a prescribed zone in the SEPP (Educational Establishments and Child Care Facilities) 2017 and a 'special purpose' zone to provide infrastructure and related uses such as schools, hospitals and roads. The objectives of this zone are to protect infrastructure from development that is not compatible with or that may undermine the provision of infrastructure.

Development in the SEPP will allow minor works such as pedestrian paths and sports facilities, demountable classrooms among others to be undertaken as exempt development without approval or assessment by Council. It also includes provisions to ensure the impacts are minimised on neighbouring properties are minimised with respect to height and minimum setbacks from neighbouring property boundaries.

It will also mean that certain low impact developments will be permitted as complying development with authorisation by a private certifier if the development complies with the heights and setbacks requirements. This will streamline and expedite the development process and delegate the authority to the educational establishment.

Development under the SEPP as complying or exempt cannot be carried out if there is there is a proposed increase to staff or student numbers.

The provisions in the SEPP will override the LEP.

6. Consultation

6.1 Community

The planning proposal provides a timeframe for community consultation of three (3) months.

The Department recommends a 28-day consultation. However, a three (3) month timeframe is considered appropriate due to the complexity and extent of the changes proposed. This is adequate for the purposes of this plan.

Council has stated in the planning proposal that an extensive program of public engagement will be undertaken including the use of social media.

All affected property owners and adjoining landowners will be notified as well as the local area progress associations. The planning proposal will be advertised in the North Shore Times and available to view on Council's website.

6.2 Agencies

The planning proposal states that consultation with public authorities will be undertaken according to the Gateway determination requirements.

Council states that consultation has commenced with TfNSW concerning land acquisitions for specific purposes such a road widening.

The Department recommends that consultation is to be undertaken with the relevant public agencies and adjoining landowners. Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

It is recommended that consultation with the following agencies are recommended for the purposes of this Gateway:

- Transport for NSW;
- Greater Sydney Commission/Greater Cities Commission;
- Environment, Energy and Science (EES);
- Sydney Water;
- Department of Health;
- Department of Education – SINSW;
- Department of Premier and Cabinet – Heritage for NSW;
- Civil Aviation Safety Authority (CASA);
- Sydney Airport Corporation Limited (SACL);
- DPIE - Crown land NSW
- Aboriginal Local Metropolitan Land Council
- Ausgrid;
- Neighbouring local government areas
 - North Sydney Council;
 - Lane Cove Council;
 - Ku-ring-gai Council;
 - Ryde Council;
 - Mosman Council;
 - Northern Beaches Council.

7. Timeframe

The planning proposal provides an indicative project timeline of approximately 24 months with an anticipated completion date for the LEP amendment by November 2023.

The Department considers that an 18-month timeframe is appropriate for this planning proposal. However, the timeline should be updated to reflect the date of the Gateway determination not from when the planning proposal was presented to Council.

An updated timeline for completion will be required to align with the date of the issuing of the Gateway determination.

8. Local Plan Making Authority

Council have not requested to be the plan making authority. It is recommended that Council should not be given plan making authority as the planning proposal is a Comprehensive LEP and includes the reclassification of council owned land.

9. Conclusion

The planning proposal has strategic merit as it responds to the Environmental Planning and Assessment Act 1979 which requires all metropolitan councils to review and amend their LEPs to give effect to the District Plans.

It is considered that this proposal gives effect to the North District Plan as it enables a review and updating of Council's planning controls to facilitate improved future delivery of jobs, housing, amenity and public open spaces within the LGA. The changes are informed and supported by numerous local strategic plans and a feasibility study.

The Department has considered the submitted documentation as part of the proposal and concludes that there is sufficient strategic merit in issuing a Gateway determination as:

- it is consistent with the actions of the Sydney Region Plan and the North District Plan by facilitating additional residential dwellings and commercial/retail floorspace, maximising public transport patronage and promoting employment growth in accessible locations;
- it will provide statutory protection to sites identified as of local heritage significance;
- it is generally consistent with the key elements of the endorsed local strategic plans; and
- the increase in development controls is consistent with the desired character of the Willoughby LGA.

The Department considers that there are no site specific concerns that would prohibit the proposal not proceeding. The proposal will bring about planning clarity for the Willoughby LGA, the community and stakeholders.

The Department has recommended a number of conditions that require updates to the planning proposal prior to exhibition.

10. Recommendation

It is recommended that a Gateway determination be issued, subject to the following conditions:

It is recommended that the delegate of the Secretary:

1. Note that the inconsistency with the following section 9.1 Directions requires justification.

- (a) 1.1 Business and Industrial Zones;
- (b) 2.6 Remediation of Contaminated Land;
- (c) 3.5 Development Near Regulated Airports and Defence Airfields;
- (d) 6.2 Reserving Land for Public Purposes; and
- (e) 7.11 Implementation of St Leonards and Crows Nest 2036 Plan.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

2. Prior to community consultation the proposal is to be updated and amended to address the following:
 - (a) Department's Employment Zones Reform Framework
 - (i) Include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:
 - a) the rezoning of land
 - b) the amendment or introduction of a local provision
 - c) Schedule 1 Additional Permitted Uses
 - d) for changes to the land use table.
 - (b) Section 9.1 Directions
 - (i) Provide further discussion and address consistency with:
 - a) 2.1 Environmental protection zones to include the location of land that may be protected or affected as a result of the proposed changes
 - b) 2.2 Coastal management in relation to the land to be rezoned from IN2 to E2 at 168-170 Epping Road.
 - c) 3.1 Residential zones to provide a quantitative analysis (where possible) in relation to housing diversity and supply for the changes to FSR in the R2 Zone to indicate, as follows:
 - (i) the number of lots affected by the rezoning or amendment to the development controls; and
 - (ii) the number of dwelling approvals for the existing control in the past five years.
 - d) 3.4 Integrating land use and transport to provide discussion on how the requirements of this direction are informed by the Willoughby Integrated Transport Strategy.
 - e) 3.5 Development near licensed aerodromes to address its relevance to the height of buildings in the Chatswood CBD Strategy and requirements for consultation.
 - f) Provide comment to address consistency with:
 - (i) 2.6 Remediation of contaminated land, and
 - (ii) *7.11 Implementation of St Leonards and Crows Nest 2036 Plan.*

- g) Remove reference to revoked Section 9.1 Ministerial Directions and include any new directions.
- (c) State Environmental Planning Policies
 - (i) Provide further comment to address consistency with the following:
 - a) SEPP No 19 Bushland in Urban Areas to discuss any proposed changes affecting bushland areas such as Middle Harbour and land adjoining the Lane Cove River.
 - b) SREP (Sydney Harbour Catchment) 2005 to include the location of land that may be protected, enhanced or affected as a result of any proposed changes, and reference to SREP.
 - c) Exempt and Complying SEPP (Codes SEPP) in relation to the changes proposed and:
 - i. update the statement that detached dwellings are only permitted on corner lots as the Codes SEPP permits detached dual occupancies on lots other than corner lots;
 - ii. amend the statement that subdivision of attached dual occupancies will be required to have both street frontages to reflect that Part 6 of the Codes SEPP allows Torrens Title subdivision of dual occupancies that have been approved under Part 3B of the SEPP;
 - iii. retain dual occupancies in a battle-axe configuration as permitted with consent. This type of development is not permitted under the CODES SEPP as complying development as it should be subject to a merit merit-based assessment as part of a development application.
 - iv. remove changes to signage lead in and removal times as the Codes SEPP will override the LEP
 - d) SEPP (Housing) 2021
 - e) Draft SEPP (Design and Place) 2021
 - f) Include advisory note of the commencement of the Consolidated SEPPs in March 2022
 - g) Remove references to repealed SEPPs.
- (d) Include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy.
- (e) Update the planning proposal to align with all the areas of change under the St Leonards Crows Nest 2036 Plan and include the land to the north of Chandos Street.
- (f) Update the objectives and intended outcomes of the planning proposal to include a concise summary of the proposal upfront.
- (g) Clarify throughout the planning proposal whether the increase to FSR from 1.5 to 2:1 in IN2 Light Industrial zone for sites greater than 1,000m² will apply to land in Lane Cove North, as well as Artarmon and East Chatswood.
- (h) Include an assessment on the impacts of the proposal on the capacity of the local road network for the proposed uplift in FSR of 1.5:1 to 2:1 for land zoned IN2 Light Industrial.

- (i) Include an advisory note that the draft clauses (in Council's tracked changes attachment) are indicative only and will be subject to drafting by Parliamentary Counsel as part of the drafting of the final LEP should the planning proposal proceed to finalisation.
 - (j) Include all strategies and studies as attachments to the planning proposal for public exhibition.
 - (k) Include a list of planning proposals that are running concurrently to this planning proposal.
 - (l) Update the proposed affordable housing provision rates for the areas it applies to align with the feasibility findings of the Affordable Housing Feasibility Report.
 - (m) Align the proposed clause for Urban Heat provisions with Clause 6.12 Urban Heat in the Cumberland LEP 2021 (in Council's track changes attachment) and provide a plain English explanation. Remove references to the proposed definitions of 'urban heat' and 'urban heat island effect'.
 - (n) Consider alternative mechanisms in implementing the proposed GFA map provisions for R2 zones outside of heritage conservation areas.
 - (o) Remove 'pet-day care' as a stand-alone permitted use and include as 'animal boarding or training establishment'.
 - (p) For the reclassification of land from 'community' to 'operational' at Eastern Valley Way, Northbridge:
 - (i) Include the Information Checklist for Proposals to Classify or Reclassify Public Land Through an LEP in the Department's Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan.
 - (ii) Provide title documentation relating to this site including the nature of the interests being discharged.
 - (q) update the planning proposal to reflect the changes to the LEP as a result of the planning proposal for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood;
 - (r) include an updated project timeline based on the issuing of this Gateway determination.
2. Council is to submit the digital mapping for the Comprehensive LEP planning proposal in the spatial viewer for approval/agreement of the Department prior to the public exhibition.
 3. Prior to public exhibition, consultation is required with the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications (DTIRDC) to comply with Section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields.
 4. Consultation is required with the following public authorities:

- Transport for NSW;
- Greater Sydney Commission/Greater Cities Commission;
- Environment, Energy and Science (EES);
- Sydney Water;
- Department of Health;
- Department of Education – SINSW;
- Department of Premier and Cabinet – Heritage for NSW;
- Civil Aviation Safety Authority (CASA);
- Sydney Airport Corporation Limited (SACL);
- Crown land NSW
- Aboriginal Local Metropolitan Land Council
- Ausgrid;
- Neighbouring local government areas
 - North Sydney Council;
 - Lane Cove Council;
 - Ku-ring-gai Council;
 - Ryde Council;
 - Mosman Council;
 - Northern Beaches Council.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. Prior to finalisation, Council should undertake an assessment of any land proposed to be rezoned from non-residential to residential uses in accordance with the requirements of Section 9.1 Direction 2.6 – Remediation of Contaminated Land.
6. Council must conduct a public hearing for the proposed reclassification of land under the Local Government Act 1993. Council must provide the community with an additional opportunity to present to an independent person after Council's planning proposal report has gone on exhibition.
7. The planning proposal should be made available for community consultation for a minimum of 28 days.
8. The planning proposal must be exhibited **3 months** from the date of the Gateway determination.
9. The planning proposal must be reported to council for a final recommendation **12 months** from the date of the Gateway determination.
10. The time frame for completing the LEP is to be **18 months** from the date of the Gateway determination.

11. Given the planning proposal is a comprehensive LEP Council should not be authorised to be the local plan-making authority to make this plan.



Charlene Nelson
Manager, Place and Infrastructure, North District



Brendan Metcalfe
Director, North District
Eastern Harbour City

Assessment officer: Christina Brooks
Planning Officer, North District
Phone: 9274 6045

Geoff Kwok,
A/Senior Planning Officer, North District
Phone: 8275 1472

Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council advising of decision

Attachment A – Amended planning proposal

- **A1** – Letter to the Department – request for Gateway
- **A2** – Planning proposal application

Attachment B – Current land application map

Attachment C – Willoughby Local Strategic Planning Statement

Attachment D – Willoughby Local Housing Strategy

Attachment E – Willoughby Local Centres Strategy

Attachment F – Willoughby Industrial Lands Strategy

Attachment G – Willoughby Integrated Transport Strategy

Attachment H – Chatswood CBD Planning and Urban Design Strategy

- **H1** – Partial Endorsement letter of Chatswood CBD Strategy
- **H2** – Full Endorsement letter of Chatswood CBD Strategy

Attachment I – St Leonards Crows Nest 2036 Plan

Attachment J – Willoughby Affordable Housing Feasibility Report

Attachment K – Council Report - Comprehensive

Attachment L – Council Resolution

Attachment M – Council Resolution – Artarmon Bowling Club

Attachment N – Artarmon Bowling Club Heritage Nomination

Attachment O – Griffin Centre Nomination

Attachment P – Letter to Sydney Airport

Attachment Q – Council Report – DCP

Attachment R – Willoughby DCP

Attachment S – Willoughby Local Planning Panel Comment

Attachment T – Employment zones transition template

Attachment U – R2 Zone GFA: Willoughby LEP and Codes SEPP comparison