

12.7 HOUSEKEEPING PLANNING PROPOSAL FOR WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012

ATTACHMENTS:	1. HOUSEKEEPING PLANNING PROPOSAL (4) 2. PANEL ADVICE JUNE 2024
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CITY STRATEGY OUTCOME:	5.5 MAKE IT EASY FOR CITIZENS TO ENGAGE AND PARTICIPATE IN DECISION MAKING.
MEETING DATE:	22 JULY 2024

1. PURPOSE OF REPORT

This report makes recommendations to amend the *Willoughby Local Environmental Plan 2012* (WLEP 2012) to correct anomalies and provide clarity on a number of administrative and housekeeping issues.

Members of the Sydney (North) Planning Panel are not required to retire from Council Chambers during consideration of the Agenda Item as this is a Council led Planning Proposal.

2. OFFICERS RECOMMENDATION

That Council:

- 1. Supports the Planning Proposal.**
- 2. Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.**
- 3. Subject to 2 above, Council endorse the Planning Proposal for public exhibition.**
- 4. Delegate authority to the General Manager to make any amendments to the Planning Proposal which do not alter the policy intent or result in material changes.**

3. BACKGROUND

On 30 June 2023, WLEP 2012 Amendment No 34 was made. Amendment No 34 was known as the Comprehensive LEP. These amendments included major planning changes throughout the local government area including Chatswood CBD and various local centres. Since then, some minor anomalies and mapping errors have been found that need correction, and elements that need refinement to achieve their intended intent. This report

highlights these proposed changes.

The objective of this Planning Proposal is to amend WLEP 2012 by correcting anomalies and inconsistencies to existing provisions and maps, updating property descriptions and clarifying existing clauses where uncertainty has arisen.

The Planning Proposal can be viewed at **Attachment 1** and includes changes to both the written instrument and the mapping.

4. DISCUSSION

Proposed changes to the written instrument

The following summarises the proposed changes to specific clauses in the written instrument:

Clause 6.8 Affordable Housing

This clause defines the Willoughby Affordable Housing Principles. Along with sites identified on the Affordable Housing Map, the clause specifies the percentages of gross floor area required to be dedicated to Council as affordable housing.

Clause 6.8 (1) Willoughby Affordable Housing Principles

To comply with terminology in Clause 7.32 of the Environmental Planning and Assessment Act 1979 (the EPA Act), it is proposed to change the wording in Clause 6.8 from Willoughby Affordable Housing “Principles” to Affordable Housing “Scheme.”

Clause 6.8(1) (d) How Council uses Affordable Housing funding

It is also proposed to delete Subclauses 6.8 (1) d(i) and (ii) as they refer to the operational aspects of how Council manages the resultant affordable housing funding. Council can only use such funding for affordable housing purposes as defined in 7.33 of the EPA Act and this does not need to be itemised in the LEP. The subclauses are not necessary for meeting the requirements of a development proposal.

Subclause (3)(b) – impact on the existing and future mix of residential accommodation

There is no doubt about the crucial need for affordable housing within the Willoughby local government area. This is thoroughly supported by studies and investigations, especially concerning housing affordability for essential workers. The subclause is, therefore, not required, and merely complicates the control and increases the potential for misinterpretation.

A site is only identified in the WLEP for affordable housing if it has undergone a rezoning process where it has benefited from receiving residential uplift. Part of that “benefit” is conditioned on the requirement to provide something back to the Willoughby community in the form of a dwelling(s) which is rented to essential workers. Consideration of existing and future mix of residential development in Willoughby is irrelevant to the requirement to provide affordable housing on a site-by-site basis.

Removal of the subclause is not considered to significantly alter the assessment process and will not alter the Affordable Housing requirements. As such it is recommended that subclause (b) be removed from the LEP.

Subclause (6) requiring a monetary contribution paid to Council

It is proposed to reword the option of providing a monetary contribution as an alternative to providing unit(s) on site. It has always been a Council preference for developers to provide affordable housing units on site rather than provide a monetary contribution. The wording of

the existing clause seems to be offering a choice of monetary or provide units on site. Council adopted its current Affordable Housing Policy on 11 December 2023, which clarified the preference for on-site units. The policy states in its definitions:

"...Affordable Housing Contributions – Council's policy is to obtain affordable housing contributions principally through the allocation of complete dwellings, resorting to monetary contributions only in cases where the remaining portion of that contribution falls below the dimensions of the smallest dwelling¹ within the approved development.

¹ must have a gross floor area of at least 50m²..."

It is intended that this be reflected in Subclause (6).

Clarifying affordable housing percentage requirements

It is proposed clarify the percentage requirements for Areas 1, 2 and 3 (being 4%, 7% and 10% respectively) in the written instrument. Currently, the percentages are only located on the Affordable Housing Map.

Clause 4.1C Minimum subdivision lot size for dual occupancies

This clause provides criteria when a dual occupancy is proposed by to be subdivided into two separate lots.

The need for clarification regarding the subdivision of an attached dual occupancy has arisen. An attached dual occupancy is defined in the WLEP as being two dwellings on one lot of land. However, when an attached dual occupancy is approved for subdivision, the resultant 2 lots cease to adhere to the definition of dual occupancy. Each becomes a dwelling on its own lot of land and is attached to only one dwelling. This is consistent with the definition of a semi-detached dwelling. As semi detached dwellings are not a permissible use in any zones, it is proposed to clarify this in Clause 4.1C subdivision clause for dual occupancy. This clarifies the current practice to ensure the clause achieves its intent.

Clause 6.7 Active Street Frontages

This clause (in conjunction with Active Street Frontages Map) promotes uses that attract pedestrian traffic along the ground floor street frontages in commercial areas. The wording of the clause currently refers to "commercial" uses at ground level. However, it should also include any "non-residential" uses, for example community facilities do not fall under the definition of commercial. It is proposed to add "non-residential" premises to be included in the wording of this clause.

Schedule 1 Additional Permitted Uses

Schedule 1 lists specific sites where particular uses are allowed, even if they are otherwise prohibited according to the zoning Land Use Table. The Schedule includes addresses of sites along with lots and DPs. Over the years, some lots have been consolidated and the proposed amendment is simply to update address details including lots and DPs.

Dictionary Definition of Gross Floor Area

Council's Development Planners have cited examples both from Willoughby and other councils where development sites gain additional bulk by excluding certain areas from the floor space ratio calculation. This has been done by interpretation of the definition of gross floor area in relation to the dictionary of the WLEP:

"...gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor..."
(what is included and excluded is subsequently listed).

The issue arises from interpretation of what constitutes an “external wall” and whether the external space is identified as a breezeway or a corridor. Therefore, an area described as a “breezeway” might be interpreted as excluded from the Gross Floor Area (GFA) calculation.

At the Court case of HPG Mossman Projects Pty Lot v Mosman Municipal Council, Commissioner O’Neil concluded that “... *The definition of GFA should be clarified or amended so that common horizontal circulation in multi-residential developments, such as corridors or breezeways, is explicitly included in the definition of GFA...*”

It is considered that this should apply to all developments and a clarification is proposed to be added to the Dictionary definition that GFA calculations include

- common horizontal circulation, such as corridors or breezeways,
- areas that include walls made up of louvres or other materials that can be closed to result in the room being weatherproof.

Proposed Mapping Changes

All Willoughby’s maps are found on the NSW Spatial Viewer. The following summaries proposed mapping changes.

Lot size map

Certain sites are included on the lot size map. If they do not appear on the Map, the minimum lot size is described in a clause.

Clause 6.16 of WLEP 2012 provides a minimum lot size for development in Chatswood CBD, being 1200m² for mixed use development in the MU1 mixed Use zone.

However, the following MU1 zoned sites have been identified in the CBD to require a larger minimum lot size in order to produce a better design outcome including the facilitation of pedestrian and cycle links and the minimisation of traffic impacts on the surrounding road network.

- 641-653 Pacific Highway and 655A Pacific Highway Chatswood – increase minimum lot size to 5,500m²
- 689 Pacific Highway – increase minimum lot size to 2,000m²
- 691-693 Pacific Highway – increase minimum lot size to 2,000m²
- 695 Pacific Highway and 699 Pacific Highway Chatswood - increase minimum lot size to 2,000m²
- 701-705 Pacific Highway and 745 Pacific Highway Chatswood - increase minimum lot size to 2,000m²

Map location of above properties:



This follows a recently exhibited change to Willoughby Development Control Plan which was finalised and approved at the Council Meeting of 25 March 2024. This included development controls for the proposed amalgamation of these sites to produce better design outcomes.

Following consideration of a Development Application at the MU1 zoned site surrounded by McIntosh, Anderson and Day Streets, it is considered that this block would also benefit from a larger minimum lot size which includes the entire block.

This will better reflect the outcomes envisaged by the Chatswood Urban Design Strategy. Should this proposal receive a Gateway determination and proceed to public exhibition, affected landowners would have the opportunity to review and provide submission, noting that landowners are already aware of Council's envisioned lot arrangement through the exhibition of the DCP amendments that were approved in March 2024.



These changes are now proposed to be included on the Lot Size Map.

Design Excellence Map

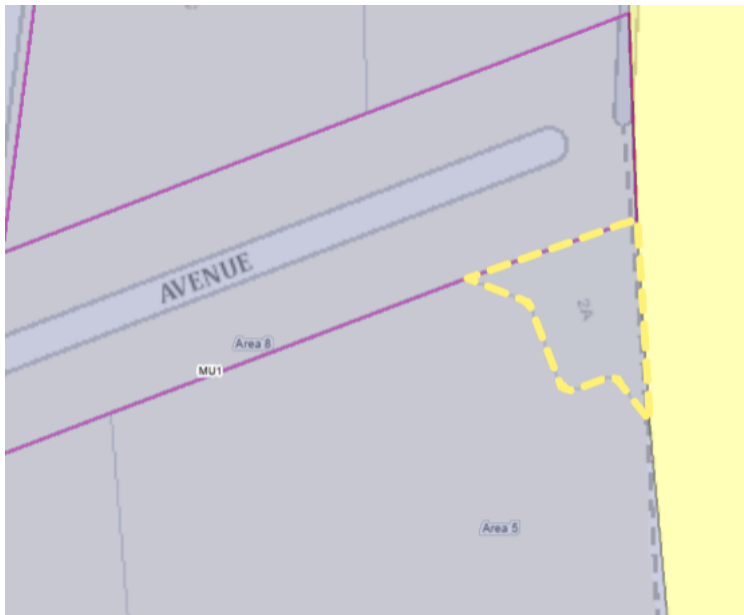
As part of the comprehensive review of WLEP 2012, it was decided to include all the then business zones (now employment zones) as part of the Design Excellence Map. One former business zone was inadvertently omitted and is proposed to be included as part of this Housekeeping Planning Proposal.

E1 zoned land located at 174 -220 Willoughby Road Naremburn.



Zoning anomaly at 2A Gordon Avenue Chatswood

The Council owned site on the top corner 2A Gordon Avenue Chatswood is a public open space site. In the Comprehensive LEP it was incorrectly included in the adjacent MU1 zoning along with the associated height and FSR controls. This should be corrected by rezoning the land to RE1 Public Open Space with no associated building controls.



Miscellaneous map amendments

Further map amendments are included in the Housekeeping Proposal where map shading does not align with the cadastre. These are minor amendments and can be viewed in detail in the Planning Proposal at **Attachment 1**.

Willoughby Local Planning Panel

The Planning Proposal was discussed at the Willoughby Local Planning Panel Meeting on 18 June 2024. The Panel recommended the Planning Proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination. The Panel's recommendation can be viewed at **Attachment 2**.

Public exhibition

Once a Gateway Determination is received, the Planning Proposal will be placed on exhibition for 28 days.

After public exhibition, a further report on submissions will be considered by Council. As this Planning Proposal is Council initiated, it would be finalised by the Department of Planning, Housing and Infrastructure.

5. RISKS AND OPPORTUNITIES

The proposed changes will reduce the risk of misinterpretation of existing clauses and mapping.

6. CONCLUSION

The Housekeeping Planning Proposal seeks to clarify existing provisions in *Willoughby Local Environmental Plan 2012* as well as correcting minor errors. It does not seek to amend any key principles.

The intended outcome is an up to date and clearer WLEP 2012 which will improve the Plan's overall operation and understanding.

7. IMPLICATIONS COMMENT

City Strategy Outcome	5.5 Make it easy for citizens to engage and participate in decision making.
Business Plan Objectives, Outcomes / Services	The to ensure this Planning Propose is in line with the <i>Local Strategic Planning Statement</i> , the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> , <i>A Metropolis of Three Cities</i> and the <i>North District Plan</i> in that it clarifies provisions within <i>Willoughby Local Environmental Plan 2012</i> .
Policy	The proposal is consistent with Council's <i>Local Strategic Planning Statement</i> , the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> , <i>Willoughby Local Environmental Plan 2012</i> , <i>Willoughby Development Control Plan</i> , and the <i>Willoughby Affordable Housing Policy</i> .
Consultation	Public consultation will take place following receipt of a Gateway Determination.
Risk	Should Council resolve not to proceed with the proposal, the LEP will continue to contain the identified errors and anomalies and will be open to misinterpretation. This increases the risk of compromised development outcomes and legal challenge to development determinations.
Resource	The proposed LEP changes were drafted, and can be progressed, under Council's existing Operational Budget.
Legal	The Planning Proposal will amend <i>Willoughby Local Environmental Plan 2012</i> .
Legislation	Should Council decide to proceed with this Planning Proposal, it will be progressed in line with the <i>Environmental Planning and Assessment Act 1979</i> and associated Regulations.
Budget/Financial	Progressing this Planning Proposal would not have any financial implications for Council and can be undertaken within council's existing Operational Budget.

PLANNING PROPOSAL

Housekeeping Amendments to Willoughby Local Environmental Plan 2012

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Part 1 Objectives and intended outcomes

[Making and amending LEPs | Planning \(nsw.gov.au\)](#)

Introduction

This Planning Proposal (PP) seeks to amend Willoughby Local Environmental Plan 2012 (WLEP 2012) to respond to a number of administrative and housekeeping issues and associated mapping that have arisen since the commencement of WLEP 2012 (Amendment No 34).

The changes will improve the efficiency and accuracy of the plan.

Background

WLEP 2012 commenced on March 2013.

Amendment No 34 included a comprehensive review of WLEP 2012 and incorporated a number of changes including significant rezoning, uplift in heights and Floor Space Ratio (FSR). This PP is to address housekeeping matters that have arisen since the commencement of Amendment No 34 on 30 June 2023.

The corrections to the written instrument are intended to provide clarification of the intent of certain clauses in instances where uncertainty has arisen including:

- the subdivision of dual occupancy (Clause 4.1)
- unit and monetary contributions regarding Affordable Housing along with other considerations (Clause 6.8).
- active street frontage uses (Clause 6.7)
- clarification of Gross Floor Area Calculation (Dictionary)
- an update of property descriptions in Schedule 1 Additional Permitted Uses

The corrections to the Maps include:

- an update to the minimum lot size plan regarding certain sites in Chatswood CBD,
- an inclusion of an Employment zoned site into the Design Excellence section of the Special Provisions Area Map
- the correction of zoning regarding a Council owned open space site
- minor cadastre adjustments on the Height of Building and Floor Space Ratio Map for certain sites.

Objective and intended outcome

Objective

The objective of this Planning Proposal (PP) is to amend WLEP 2012 by correcting anomalies and inconsistencies to existing provisions and maps, updating property descriptions and clarifying existing clauses where uncertainty has arisen.

Intended outcome

The intended outcome of this PP is an up to date and clearer WLEP 2012 to improve the Plan's overall operation and understanding.

Part 2 Explanation of provisions

To achieve the objectives and intended outcomes, the PP proposes to amend WLEP 2012 by a number of written and mapping amendments.

The Table below provides an explanation of the changes proposed to WLEP 2012.

Note proposed written changes will be subject to review by Parliamentary Counsel.

Written changes

Description and Location	Proposed change
Item W1 - Clause 6.8 Affordable Housing.	
<p>Clause 6.8 Affordable Housing. To comply with terminology in Clause 7.32 of the Environmental Planning and Assessment Act 1979 (the EPA Act), it is proposed to change the wording in Clause 6.8 from Willoughby Affordable Housing “Principles” to Affordable Housing “Scheme.”</p> <p>It is also proposed to delete Subclauses 6.8 (1) d(i) and (ii) as they refer to the operational aspects of how Council manages the resultant affordable housing funding. Council can only use such funding for affordable housing purposes as defined in 7.33 of the EPA Act and this does not need to be itemised in the LEP. The subclauses are not necessary for meeting the requirements of a development proposal.</p> <p>Since the inception of Clause 6.8, Council has negotiated the provision of units over monetary contributions. In recent years, developers have interpreted the clause as an “either or option” which was never the intent of the Clause. A monetary contribution was only intended in cases where the remaining portion of that contribution falls below the dimensions of the smallest dwelling (the affordable housing must have a gfa of at least 50m²</p> <p>This was recently clarified by an update of Council’s Affordable Housing Policy which was adopted by Council on 11 December 2023.</p> <p>Council resolved that affordable housing contributions are defined as:</p>	<p>6.8 Affordable housing (1) In this clause, the Willoughby Affordable Housing Scheme is Principles are as follows— (a) affordable housing must be provided and managed to make accommodation for a diverse residential population representative of all income groups available in Willoughby, (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income, (c) dwellings provided for affordable housing must be managed to maintain their continued use for affordable housing,</p> <p>(d) the Council must use the funds following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in Willoughby— (i) rent from affordable housing, excluding landlord’s expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings, (ii) money from the disposal of affordable housing,</p> <p>(e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development, particularly in relation to internal fittings and finishes, solar access and privacy.</p>

Description and Location	Proposed change
<p>“Affordable Housing Contributions - Council’s Policy is obtaining affordable housing contributions principally through the allocation of dwellings, resorting to monetary contributions only in cases where the remaining allocated space falls below the dimensions of the smallest dwelling¹ within the approved development.” ¹ must have a gross floor area of at least 50m²”</p> <p>In addition a recent court case (Blanc Black Projects Pty Ltd v Willoughby City Council) questioned how subclause (3)(b) is interpreted and subsequently challenged the necessity of providing the affordable housing requirement</p> <p>Since the clause’s commencement in 1999, this issue had never been questioned. There is no doubt about the crucial need for affordable housing within the Willoughby local government area. This is supported by statistics, especially concerning housing affordability for essential workers.</p> <p>A site is only identified in the LEP for affordable housing if it has undergone a rezoning process where it has benefited from receiving residential uplift. Part of that “benefit” is conditioned on the requirement to provide something back to the Willoughby community in the form of a dwelling(s) which is rented to essential workers. Consideration of existing and future mix of residential development in Willoughby is irrelevant to the requirement to provide affordable housing on a site by site basis.</p> <p>As the practise for assessing development applications has not changed since 1999, it is recommended that (b) be removed from the LEP.</p> <p>For clarification purposes, it is also proposed to add the values of the percentage amount in the clause.</p>	<p>(2) This clause applies to the erection of residential accommodation on land identified as “Area 1 = 4%”, “Area 2 = 7%” or “Area 3= 10%” on the Affordable Housing Map, other than development for the purposes of boarding houses, community housing, group homes, hostels and public housing.</p> <p>(3) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following- (a) the Willoughby Affordable Housing Scheme Principles. (b) the impact of the development on the existing mix and likely future mix of residential accommodation in Willoughby.</p> <p>Note— The matters set out in State Environmental Planning Policy (Housing) 2021, section 15 may also apply to the development.</p> <p>(4) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (5).</p> <p>(5) The contribution for development on land is the amount of gross floor area equivalent to the mapped percentage shown on the Affordable Housing Map of the gross floor area of the residential component of the development.</p> <p>(6) A condition imposed under this clause must permit a person to satisfy the contribution by— (i)(a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and ((ii) (b) if the value of the dedication under subclause paragraph (5) is less than a dwelling size of 50m², a</p>

Description and Location	Proposed change
	<p>monetary contribution paid to the Council.</p> <p>(b) a monetary contribution paid to the Council.</p> <p>(7) A monetary contribution must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.</p> <p>(8) In this clause— community housing has the same meaning as in the Community Housing Providers National Law (NSW).</p> <p>mapped percentage, in relation to development on land, means the percentage shown on the <u>Affordable Housing Map</u> for the land.</p> <p>public housing has the same meaning as in the Housing Act 2001.</p>
Item W2 - Clause 4.1C Minimum subdivision lot size for dual occupancies.	
<p>Clause 4.1C Minimum subdivision lot size for dual occupancies.</p> <p>Clarification regarding the interpretation of Clause 4.1C regarding subdivision of an attached dual occupancy development.</p> <p>The question relates to the fact that after subdivision, the resultant 2 lots are more in line with the definition of a semi-detached dwelling.</p> <p><i>dual occupancy (attached)</i> means 2 dwellings <u>on one lot of land</u> that are attached to each other.</p> <p><i>semi-detached dwelling</i> means a dwelling that is <u>on its own lot of land</u> and is attached to only one other dwelling.</p> <p>The R2 and C4 Land Use Tables allow dual occupancy but prohibit semi-detached dwellings.</p> <p>Clause 4.1C It states:</p>	<p>Redrafted clause 4.1(1A)</p> <p><i>Despite any other provision of this Plan, including any prohibitions against semi-detached dwellings, development consent may be granted to the subdivision of a lot on which there is a dual occupancy in accordance with this clause.</i></p> <p>Clause 1B(1)(a)-(d) remains unchanged.</p>

Description and Location	Proposed change
<p>(1A) <u>Despite any other provision of this Plan</u>, development consent must not be granted to the subdivision of a lot on which there is a dual occupancy except in accordance with this clause.</p> <p>It is concluded that the wording “despite any other provision of this Plan” allows a specific clause to override a general clause. In this case, that means that Clause 4.1C enables the subdivision of an attached dual occupancy to occur (subject to assessment) regardless of the fact the 2 dwellings once subdivided falls within the definition of semi-detached.</p> <p>However, to make this clearer a redrafting of the Clause is proposed.</p>	
<p>Item W3 - Clause 6.7 Active Street Frontages</p>	
<p>Clause 6.7 Active Street Frontages</p> <p>Recent Development Application activity has highlighted that this clause makes no reference to a non residential uses. There are circumstances where an active street frontage may be required in a commercial area eg for a community facility.</p> <p>Currently the clause only refers to commercial premises. This should also include non residential uses. Clause 27 in Schedule 1 permits a residential flat building in MU1 zone in Chatswood CBD providing the ground floor is used for non residential purposes only.</p> <p>It is proposed to amend Clause 6.7(5)(b) “commercial or non-residential premises”</p>	<p>6.7 Active street frontages</p> <p>(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support and Zone MU1 Mixed Use.</p> <p>(2) This clause applies to land identified as “Active Street Frontages” on the Active Street Frontages Map.</p> <p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, unless the consent authority is satisfied that the building will have an active street frontage.</p> <p>(4) Despite subclause (3), an active street frontage is not required for part of a building that is used for the following—</p> <p>(a) entrances and lobbies, including as part of mixed use development,</p> <p>(b) access for fire services,</p> <p>(c) vehicular access.</p> <p>(5) In this clause, a building has an active street frontage if—</p> <p>(a) for land in Zone E2 Commercial Centre—all ground floor premises facing the street are used for retail premises or business premises, or</p>

Description and Location	Proposed change
	(b) otherwise—all ground floor premises facing the street are used for commercial or non-residential premises.
Item W4 - Dictionary Definition of Gross Floor Area	
<p>Dictionary Definition of Gross Floor Area</p> <p>Recent Development Application assessments have highlighted the issue that there is no definition of “external wall” in the WLEP 2012 Dictionary. Council’s Development Planners have cited examples both from Willoughby and other councils where development sites gain additional bulk by excluding certain areas from the floor space ratio calculation. This has been done by interpretation of the definition of gross floor area in relation to</p> <p style="padding-left: 40px;"><i>gross floor area</i> means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor</p> <p>The issue arises from interpretation of what constitutes an “external wall”. And whether the external space is identified as a breezeway or a corridor</p> <p>Therefore, an area described as a “breezeway” might be interpreted as excluded from the Gross Floor Area (GFA) calculation.</p> <p>The Court case of HPG Mossman Projects Pty Lot v Mosman Municipal Council, Commissioner O’Neil concluded,</p> <p style="padding-left: 40px;"><i>The definition of GFA should be clarified or amended so that common horizontal circulation in multi-residential developments, such as corridors or breezeways, is explicitly included in the definition of GFA</i></p> <p>It is considered that this should apply to all developments and a clarification is proposed to be added to the Dictionary definition that GFA calculations include</p>	<p>Amend the Dictionary definition of gross floor area as follows:</p> <p>gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—</p> <p>(a) the area of a mezzanine, and</p> <p>(b) habitable rooms in a basement or an attic, and</p> <p>(c) any shop, auditorium, cinema, and the like, in a basement or attic,</p> <p>(d) common horizontal circulation, such as corridors or breezeways,</p> <p>(e) areas that include walls made up of louvres or other materials that can be closed to result in the room being weatherproof</p> <p>but excludes—</p> <p>(d)(e) any area for common vertical circulation, such as lifts and stairs, and</p> <p>(e)(f) any basement—</p> <p>(i) storage, and</p> <p>(ii) vehicular access, loading areas, garbage and services, and</p> <p>(f)(g) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</p> <p>(g)(h) car parking to meet any requirements of the consent authority (including access to that car parking), and</p> <p>(h)(i) any space used for the loading or unloading of goods (including access to it), and</p> <p>(i)(j) terraces and balconies with outer walls less than 1.4 metres high, and</p> <p>(j)(k) voids above a floor at the level of a storey or storey above.</p>

Description and Location	Proposed change
<ul style="list-style-type: none"> • common horizontal circulation, such as corridors or breezeways, • areas that include walls made up of louvres or other materials that can be closed to result in the room being weatherproof 	
Item W5 - Schedule 1 – Additional Permitted Uses	
Schedule 1 – Additional Permitted Uses	
Some of the Lots and DPs referred to in Schedule 1 have been consolidated, or subdivided and require to be updated.	
Clarification of street name	<p>3 Use of certain land at Jersey Road, Artarmon (corner Hampden Lane Road) (1) This clause applies to land at Jersey Road, Artarmon (corner Hampden Road), being Lot 101, DP 621507. (2) Development for the purpose of a car park is permitted with development consent.</p>
Consolidated lots	<p>9 Use of certain land at 12 Charles Street, Castlecrag (1) This clause applies to land at 12 Charles Street, Castlecrag, being Lot 1 DP 1295413 Lot 127, DP 13097 and Lot B, DP 102309. (2) Development for the purpose of a place of public worship is permitted with development consent.</p>
Clarification of street name	<p>13 Use of certain land at Thomas Street, Chatswood / 79 Albert Avenue (1) This clause applies to Lot 22, DP 1215977, 18 Thomas Street, Chatswood. (2) Development for the purpose of a car park is permitted with development consent.</p>
Consolidated lots	<p>15 Use of certain land at 35A–41 Anderson Street and 9 and 9A Kirk Street, Chatswood (1) This clause applies to land at 35A–41 Anderson Street and 9 and 9A Kirk Street, Chatswood, being Lots 7–11, DP 2602 Lots 7, 8 & 9 DP 2602, Lot 101 DP 1289376 and Lots 9 and 11, DP 7518.</p>

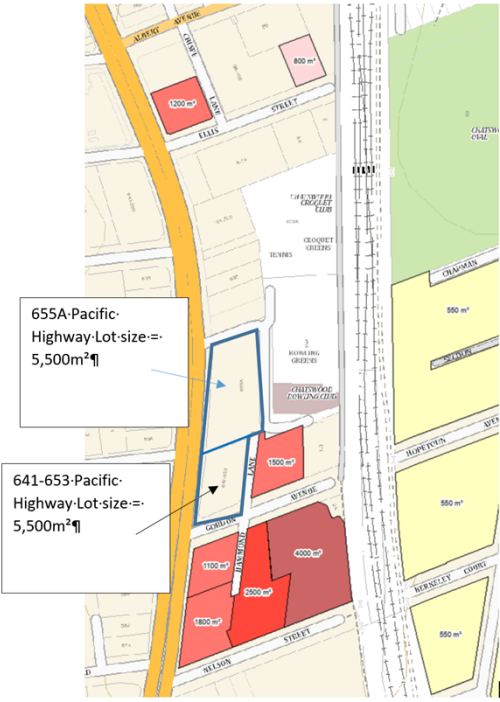
Description and Location	Proposed change
	(2) Development for the purposes of food and drink premises and medical centres is permitted with development consent.
Subdivided lots	<p>20 Use of certain land at 28–32 Chatswood Avenue, Chatswood (1) This clause applies to land at 28–32 Chatswood Avenue, Chatswood, being Lot 4, DP 811501. Lot 1 and Lot 2 DP 1280762</p> <p>(2) Development for the purpose of a place of public worship is permitted with development consent.</p>
Strata plan	<p>25 Use of certain land at 3–21 Malvern Avenue, 2–32 and 9–11 Havilah Street and 103 Archer Street, Chatswood (1) This clause applies to the following land in Zone R2 Low Density Residential— (a) land at 3–21 Malvern Avenue and 103 Archer Street, Chatswood, being Lots A and B, DP 418863, Lots A and B, DP 394859, Lot 101, DP 853857, SP 1038 Lots 2 and 3, DP 100677, Lot 2, DP 310160, Lots 3 and 4, DP 313131 and Lot 2, DP 101905, (b) land at 2–32 and 9–11 Havilah Street, Chatswood, being Lots 20 and 21, DP 1144618, Lots 45–48 and 52–60, DP 3372, Lots 11 and 12, DP 1048214, Lot 1, DP 510937 and Lot 1, DP 105814. (2) Development for the purposes of health consulting rooms and office premises is permitted with development consent.</p>
Strata plan	<p>26 Use of certain land at 655A Pacific Highway, Chatswood (1) This clause applies to land at 655A Pacific Highway, Chatswood, being Lot 1, DP 861346. SP 57067 (2) Development for the purpose of a car park to be used in conjunction with the bowling club on adjoining land is permitted with development consent.</p>
Strata plan	<p>30 Use of certain land at 311–313 Victoria Avenue, Chatswood (1) This clause applies to land at 311–313 Victoria Avenue, Chatswood, being Lot 1, DP 1077410. SP 74153 (2) Development for the purposes of business premises, retail premises and</p>

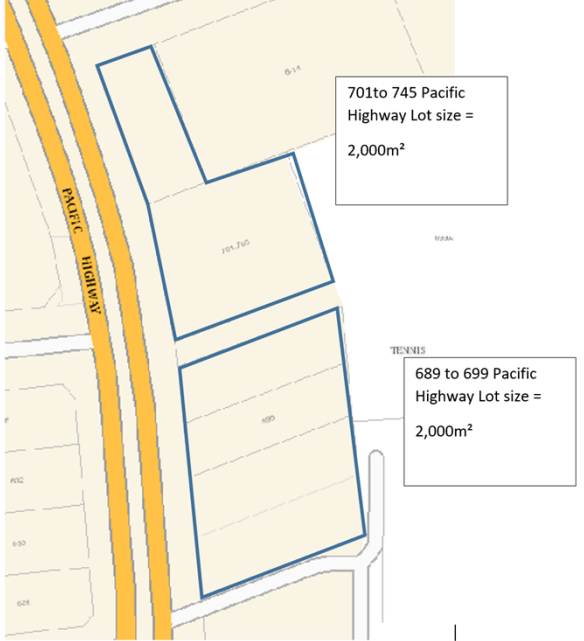

Description and Location	Proposed change
	restaurants or cafes at street level is permitted with development consent.
<p>Consolidated lots</p> <p>(for clarification)</p> <p>2 Northcote = Lot 1 DP 801523</p> <p>2B Northcote = Lot 2 DP 801523</p> <p>4 Northcote = Lot 2 section 29 DP 4241, Lot 1 DP 746018</p> <p>6 Northcote = Lot 3 section 29 DP 4241</p> <p>8 Northcote = SP 93253 (8-14 amalgamated)</p> <p>Lot 4 Sec 29 DP4241 and Lot 1 DP926289 and Lot2 DP110095 are now SP93253</p>	<p>37 Use of certain land at 2B, 2–14 Northcote Street, St Leonards</p> <p>(1) This clause applies to land at 2B, 2–14 Northcote Street, St Leonards, being Lots 1 and 2, DP 801523, Lot 1, DP 746018, Lots 2, 3–4, Section 29, DP 4241, Lot 2, DP 110095 and Lot 1, DP 926289 SP 93253</p> <p>(2) Development for the purpose of shop top housing is permitted with development consent.</p>
<p>Clarification of street name</p> <p>For clarification:</p> <p>lot 1 - 83 Macquarie Street, lot 2 – 30 William Street)</p>	<p>46 Use of certain land at 30 William Street, East Roseville & 83 Macquarie Street</p> <p>(1) This clause applies to land at 30 William Street, East Roseville, being Lots 1 and 2, DP 314602.</p> <p>(2) Development for the purpose of a place of public worship is permitted with development consent.</p>
<p>Consolidated lots</p> <p>For clarification:</p> <p>Lot 2 DP1079151 now SP74480</p> <p>Lot C DP401303 now Lots 1-2 DP1212720</p>	<p>50 Use of certain land in Zone E4 in St Leonards and Artarmon</p> <p>(1) This clause applies to the following land in Zone E4 General Industrial—</p> <p>(a) 2–10 Herbert Street, St Leonards, being Lot 2, DP 778425, Lot 1, DP 778425, Lots 1 and 2, DP 1079151 SP 74480 and Lot C, DP 401303, Lots 1 and 2 DP1212720</p> <p>(b) 31–37 Herbert Street, St Leonards, being Lots 1 and 2, DP 744175, Lot 3, DP 772072 and Lot 1, DP 115615,</p> <p>(c) land bounded by Punch Street, Lambs Road, Cleg Street and Herbert Street, Artarmon,</p> <p>(d) land bounded by the North Shore Rail Line, Ella Street, Herbert Street, Cleg Street and Lambs Road, Artarmon.</p> <p>(2) Development for the purposes of function centres and restaurants or cafes is permitted with development consent.</p>
<p>Lot clarification</p>	<p>55 Use of certain land at Borlaise Street, Willoughby</p> <p>(1) This clause applies to land at Borlaise Street (north and south side of street), Willoughby, being Lots 31 and 32, Section 1 DP 2880 and Lot 18, DP 82656.</p>



Description and Location	Proposed change
	(2) Development for the purpose of a car park is permitted with development consent.
<p>Deletion of subclause</p> <p>Site has been redeveloped and the garden centre no longer exists.</p>	<p>63 Use of certain land at 132–134 Penshurst Street, Willoughby</p> <p>(1) This clause applies to land at 132–134 Penshurst Street, Willoughby, being Lots 4 and 5, Section 4, DP 1671. SP 96765 72 Laurel Street Willoughby</p> <p>(2) Development for the purpose of a garden centre is permitted with development consent. – superseded</p>
<p>Subdivided lot and street name update</p>	<p>72 Use of certain land at 10 Herbert Street, 2 Frederick Street St Leonards</p> <p>(1) This clause applies to certain land at 2 Frederick Street 10 Herbert Street, St Leonards that comprises part of Lot C, DP 401303, Lot 2 DP 1212720 identified as “Area 12” on the Floor Space Ratio Map.</p> <p>(2) Development for the purpose of a hospital is permitted with development consent.</p>
<p>Subdivided lot</p> <p>Clarification - Lot 101 DP714477 now Lots 1-2 DP1286955,</p>	<p>73 Use of certain land at 17 Smith Street, Chatswood</p> <p>(1) This clause applies to land at 17 Smith Street, Chatswood, being Lot 101, DP 714477. Lots 1-2 DP1286955</p> <p>(2) Development for the purposes of a supermarket or a supermarket and liquor store is permitted with development consent.</p> <p>(3) Development consent under subclause (2) must not be granted unless the consent authority is satisfied that—</p> <p>(a) the floor space ratio of that part of the building on the site that is to be used for the purposes of the proposed development will not exceed 1.1:1, or</p> <p>(b) the gross floor area of that part of the building on the site that is to be used for the purposes of the proposed development will not exceed 4,815m².</p>
<p>Subdivided lot and street clarification.</p>	<p>74 Use of certain land at 12 Frederick Street, 7 Westbourne Street St Leonards</p> <p>(1) This clause applies to certain land at 12 Frederick Street, 7 Westbourne St Leonards that comprises part of Lot 1, DP</p>

Description and Location	Proposed change
	591747, Lot 1 DP 1239533 identified as "Area 11" on the Floor Space Ratio Map . (2) Development for the purpose of a hospital is permitted with development consent.


Map Changes

Description and Location	Proposed change
<p>Item M1- Minimum Lot Size Map changes for various Chatswood sites.</p> <p>Proposed Changes to the minimum lot size map for certain Chatswood CBD sites.</p> <p>Clause 6.16 of WLEP 2012 provides a minimum lot size for development in Chatswood CBD, being : 1200m² for mixed use development in the MU1 mixed Use zone.</p> <p>However, the following MU1 zoned sites have been identified in Chatswood CBD to require a larger minimum lot size in order to produce a better design outcome including the facilitation of pedestrian and cycle links and the minimisation of traffic impacts on the surrounding road network.</p> <p>Council recently exhibited draft changes to the Willoughby Development Control Plan for proposed amalgamation of the following sites</p> <p>Section 1 641-653 Pacific Highway and 655A Pacific Highway Chatswood.</p> <p>Section 2 689 Pacific Highway. 691-693 Pacific Highway, 695 Pacific Highway and 699 Pacific Highway Chatswood.</p> <p>Section 3 701-705 Pacific Highway and 745 Pacific Highway Chatswood</p> <p>The purpose of the amalgamation was to facilitate pedestrian and cycle links as well as minimize traffic impacts on the surrounding road network. These are in accordance with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p> <p>It is the purpose of this Planning Proposal is to reflect these changes on the Minimum lot size map</p>	<p>Section 1</p> 
<p>The proposed minimum lot size changes for Sections 2 and 3 are shown here.</p>	<p>Sections 2 and 3</p>

Description and Location	Proposed change
	 <p>701 to 745 Pacific Highway Lot size = 2,000m²</p> <p>689 to 699 Pacific Highway Lot size = 2,000m²</p>
<p>Following consideration of a Development Application at the MU1 zoned site surrounded by McIntosh, Anderson and Day Streets, it is considered that this block would also benefit from a larger minimum lot size which includes the entire block</p> <p>3 McIntosh St 2 Day St 38,40 and 42 Anderson St the Minimum lot size map = 4,400m</p> <p>Inclusion of all these lots will provide a comprehensive approach to this block resulting in a preferred development outcome in accordance with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p>	 <p>3 McIntosh St, 2 Day Street, 38, 40 & 42 Anderson St Lot size = 4,400m²</p>
<p>Item M2 – Proposed inclusion in the Special Provisions Area Map of 174 -220 Willoughby Road Naremburn – Area 5 Design Excellence</p>	
<p>E1 land located at 174 -220 Willoughby Road Naremburn.</p> <p>As part of the comprehensive review of WLEP 2012 (Amendment No 34), it was decided to include all the then Business zones (now employment zones) as part of the Design Excellence Map. One former business zone was inadvertently omitted</p>	<p>Include the following block as Area 5 of the Special Provisions Area Map:</p>

Description and Location	Proposed change
<p>and is proposed to be included as part of this Housekeeping Planning Proposal.</p>	
<p>Item M3 – Rezone land at 2A Gordon Street Chatswood to RE1</p>	
<p>The following is a Council owned site on the top corner 2A Gordon Avenue Chatswood The site is public open space. It was included (incorrectly) as part of the adjacent upzoned land and this should be corrected.</p>	<p>Amend the site at 2A Gordon Avenue Chatswood as follows:</p>  <p>Rezone from MU1 to RE1 Remove the following LEP map layers:</p> <ul style="list-style-type: none"> • Area 5 of the Special Provisions Area Map • Area 1 of the Affordable Housing Map • 0.9:1 from the FSR Map • 90m from the Height of building Map <p>This approach is consistent with the controls within Council's other RE1 owned land.</p>

Description and Location	Proposed change
<p>Item M4 - cadastre errors on Height of Building and Floor Space Ratio Map – Bertram and Archer Streets Chatswood</p>	
<p>Mapping error at:</p> <ul style="list-style-type: none"> - 34 Albert Avenue - 32A, 32, 30 Bertram Street - 31-33, 35 Archer St <p>The Zoning Map includes this entire property but a previous road widening provision (now superseded) excludes a section of HOB and FSR</p> <p>Each of these properties, the zoning map includes all of the property (see the arrows below):</p>	<p>The FSR and Height of Building maps are proposed to include the full extent of these properties shown below where the arrows are located:</p>
	<p>FSR</p>  <p>Height</p>

Description and Location	Proposed change
	

Part 3 - Justification of Strategic and Site- Specific Merit

Section A – Need for the planning proposal
1. Is the Planning proposal a result of an endorsed LSPS, strategic study or report?
<p>The proposed amendments cover a range of instrument and mapping related matters which have been identified as administrative or housekeeping issues that need to be addressed to ensure that the WLEP 2012 operates as originally intended and/or to improve its operation.</p> <p>This follows the implementation of WLEP (Amendment No 34) which commenced on 30 June 2023. Amendment 34 was a comprehensive review of WLEP 2012 which brought together a number of local strategies and reports being:</p> <ul style="list-style-type: none"> • <i>The Greater Sydney Region Plan and North District Plan</i> (March 2018) • <i>Chatswood CBD Planning and Urban Design Strategy to 2036</i> (September 2020) • <i>Willoughby Housing Strategy</i> (May 2020) • <i>Willoughby Local Centres Strategy</i> (June 2020) • <i>Willoughby Industrial Lands Strategy</i> (October 2020) • <i>Willoughby Integrated Transport Strategy</i> (August 2020) • <i>St Leonards / Crows Nest Plan to 2036</i> (August 2020)
2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?
<p>Yes, the Planning Proposal (PP) is the best and only means of addressing housekeeping amendments to WLEP 2012</p>
Section B – relationship to the strategic Planning Framework
3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?
<p>Amendment 34 was prepared specifically to be consistent with <i>A Metropolis of Three Cities</i> released in March 2018, setting the planning framework for growth of the Sydney to 2056.</p> <p>Amendment No 34 implemented the directions and actions in the District Plan to meet jobs and housing targets applicable to Willoughby City Council.</p> <p>This PP is merely a means of clarifying or simplifying existing clauses and maps which implement the directions of the Region and District Plans</p>

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The PP will continue to implement the following priorities of the Willoughby Local Strategic Planning Statement:

Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers

- By clarifying the dual occupancy subdivision Clause 4.1C

Priority 2 increasing the supply of affordable housing.

- By clarifying the wording of the Clause 6.8 Affordable Housing to clarify the provision of units to Council in preference to monetary contributions.

Priority 4: Ensuring that social infrastructure caters to the population's changing needs and is accessible to foster healthy and connected communities

- By correcting the zoning height and FSR maps to identifying Council open space within the Chatswood CBD

Priority 6: Planning for local centres which are vibrant places that meet the everyday needs of the population.

- By including an employment centre which was incorrectly left out of the Design excellence section of the Special Provisions Area Map
- by clarifying the calculation of gross floor area
- by including reference to non-residential uses in the active street frontages map

Priority 9: Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.

- By providing a minimum lot size for recently upzoned land in order to provide a best case design outcome of land
- by clarifying the calculation of gross floor area

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no applicable State and regional studies that would apply to this PP.

The PP is consistent with

The Chatswood CBD Planning and Urban Design Strategy 2036.

The Willoughby Housing Strategy

Willoughby Local Centres Strategy

6 Is the planning proposal consistent with applicable SEPPs?

SEPP Name	Consistency with the SEPP
State Environmental Planning Policy (Planning Systems) 2021	This PP is consistent with the SEPP
State Environmental Planning Policy (Biodiversity and Conservation) 2021	This PP is consistent with the SEPP
State Environmental Planning Policy (Resilience and Hazards) 2021	This PP is consistent with the SEPP

State Environmental Planning Policy (Transport and Infrastructure) 2021	This PP is consistent with the SEPP
State Environmental Planning Policy (Industry and Employment) 2021	This PP is consistent with the SEPP
State Environmental Planning Policy (Resources and Energy) 2021	This PP is consistent with the SEPP
State Environmental Planning Policy (Primary Production) 2021	This PP is consistent with the SEPP
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	This PP is consistent with the SEPP
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
Focus Area I: Planning Systems			
1.1	Implementation of Regional Plans	The PP is consistent with A Metropolis of Three Cities – The Greater Sydney Region Plan.	YES
1.2	Development of Aboriginal Land Council Land	The PP involves minor mapping changes.	N/A
1.3	Approval and Referral Requirements	The PP will be subject to consultation with state authorities as required by the Gateway Determination.	YES
1.4	Site Specific Provisions:		YES

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Any site specific provisions are in accordance with previously exhibited and approved strategic studies.	
Focus Area 1: Planning Systems – Place- based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	This Direction does not apply to the Willoughby LGA	N/A
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	This Direction does not apply to the Willoughby LGA	N/A
1.7	Implementation of Greater Parramatta Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction does not apply to the Willoughby LGA	N/A
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This Direction does not apply to the Willoughby LGA	N/A
1.9	Implementation of Glenfield o Macarthur Renewal Corridor	This Direction does not apply to the Willoughby LGA	N/A
1.10	Implementation of the Western Sydney Aerotropolis Plan	This Direction does not apply to the Willoughby LGA	N/A
1.11	Implementation of Bayside West Precincts 2036 Plan	This Direction does not apply to the Willoughby LGA	N/A

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	This Direction does not apply to the Willoughby LGA	N/A
1.13	Implementation of <i>St Leonards and Crows Nest 2036 Plan</i> The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the <i>St Leonards and Crows Nest 2036 Plan</i> .	Changes for Willoughby as proposed by the <i>St Leonards and Crows Nest 2036 Plan</i> were included as part of Amendment No 34. One of the proposed map amendments for Design Excellence is located in the Plan area.	YES
1.14	Implementation of Greater Macarthur 2040	This Direction does not apply to the Willoughby LGA	N/A
1.15	Implementation of the Pymont Peninsula Place Strategy	This Direction does not apply to the Willoughby LGA	N/A
1.16	North West Rail Link Corridor Strategy	This Direction does not apply to the Willoughby LGA	N/A
1.17	Implementation of the Bays West Place Strategy	This Direction does not apply to the Willoughby LGA	N/A
1.18	Implementation of the Macquarie Park Innovation Precinct	This Direction does not apply to the Willoughby LGA	N/A
1.19	Implementation of the Westmead Place Strategy	This Direction does not apply to the Willoughby LGA	N/A
1.20	Implementation of the Camellia-Rosehill Place Strategy	This Direction does not apply to the Willoughby LGA	N/A
1.21	Implementation of the South West Growth Area Structure Plan	This Direction does not apply to the Willoughby LGA	N/A
1.22	Implementation of the Cherrybrook Station Place Strategy	This Direction does not apply to the Willoughby LGA	N/A

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
Focus Area 2: Design and Place [This Focus Area was blank when the Directions were made]			
Focus Area 3: Biodiversity and Conservation			
3.1	Conservation Zones: The objective of this direction is to protect and conserve environmentally sensitive areas.	The PP does not include any land within environmentally sensitive areas.	YES
3.2	Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The PP does not include any heritage conservation sites	YES
3.3	Sydney Drinking Water Catchment The objective of this Direction is to protect water quality in the Sydney drinking water catchment.	The Direction does not apply to the Willoughby LGA	N/A
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.	The Direction does not apply to the Willoughby LGA	N/A
3.5	Recreation Vehicle Areas	The PP does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.		
Focus Areas 4: Resilience and Hazards			
4.1	<p>Flooding</p> <p>(a) The objectives of this direction are: to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.</p>	The proposed amendments are of a minor nature and will not affect flood prone land	YES
4.2	<p>Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	The PP does not include any land within the coastal zone	YES
4.3	Planning for Bushfire Protection		YES

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas. 	The PP does not result in controls that place development in hazardous areas. It does not change any existing provisions relating to bushfire prone land.	
4.4	<p>Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities</p>	The PP does not affect any known contaminated land.	YES
4.5	<p>Acid Sulfate Soils</p> <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>	The PP does not seek to introduce or change provisions relating to Acid Sulfate Soils.	YES
4.6	<p>Mine Subsidence and Unstable Land</p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	The Direction does not apply as the PP does not relate to land affected by mine subsidence nor has it been identified as being unstable land.	N/A

Focus Area 5: Transport and Infrastructure

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
5.1	<p>Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	<p>The PP does not involve any new controls that affect transport and infrastructure.</p>	YES
5.2	<p>Reserving Land for Public Purposes</p> <ul style="list-style-type: none"> (a) The objectives of this direction are: to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition 	<p>The PP corrects an error where existing public recreation land is not currently notated on WLEP 2012 maps.</p>	YES

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
5.3	<p>Development Near Regulated Airports and Defence Airfields</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure the effective and safe operation of regulated airports and defence airfields (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	The PP does not affect aircraft operations	YES
5.4	<p>Shooting Ranges</p> <p>The objectives are:</p> <ul style="list-style-type: none"> (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. 	The Direction does not apply as none of the properties within the PP are adjacent to or adjoin an existing shooting range.	N/A
Focus Area 6: Housing			
6.1	<p>Residential Zones.</p> <p>The objectives of this direction are:</p>	The PP is consistent with this Direction in that it contributes to	YES

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	a choice of dwellings to provide for existing and future housing needs. The PP clarifies an existing clause for the subdivision of dual occupancy.	
6.2	Caravan Parks and Manufactured Home Estates The objectives of this direction are: to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates.	The Direction does not apply as the PP does not seek to permit caravan parks or manufactured home estates under WLEP 2012.	N/A
Focus Area 7: Industry and Employment			
7.1	Business and Industrial Zones: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The PP includes specific employment zoned land into the Design Excellence provisions.	YES
7.2	Reduction in non-hosted short term rental accommodation period The objectives of this direction are to:	This direction applies to Byron Shire Council	N/A
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	The Direction does not apply to the Willoughby LGA	N/A

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
Focus Area 8: Resources and Energy			
8.1	<p>Mining, Petroleum Production and Extractive Industries</p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	The PP does not seek to alter the permissibility of these types of land uses.	N/A
Focus Area 9 Primary Production			
9.1	<p>Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	The PP does not involve the rezoning from a rural zone.	N/A
9.2	<p>Rural Lands</p> <p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</p> <p>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>(e) encourage sustainable land use practices and ensure the</p>	The Direction does not apply as the PP does not affect development in a rural zone.	N/A

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No	Title of Direction and objectives	Comment	Compliance
	ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.		
9.3	Oyster Aquaculture The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	The Direction does not apply as the PP does not propose any changes in land use that would affect oyster aquaculture.	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast (a)	This Direction does not apply to the Willoughby LGA	N/A

Section C – environmental, social and economic impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No, the PP will not adversely impact critical habitat or threatened species, populations or ecological communities or their habitats.

9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No environmental effects are anticipated as a result of this PP.

10 Has the planning proposal adequately addressed any social and economic effects?

Progression of the PP will clarify existing clauses which result in the provision of housing choice, and improved built outcomes.

Section D – infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

The PP does not create additional requirements for public infrastructure.

Section E – State and Commonwealth interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

There has been no consultation with any government stakeholders. Consultation (if any) will take place in accordance with the conditions of the Gateway Determination.

Part 4 - Maps

The PP will result in an amendment to the following Maps on the Spatial Viewer:

Zoning Map

Lot Size Map

Height of Building Map

Floor Space Ratio Map

Affordable Housing Map

Special Provisions Area Map

Part 5 – Community consultation

It is anticipated that the PP will be notified directly to affected property owners.

The PP will also be available on Council's Haveyoursay website and the NSW Planning Portal for 28 days.

Part 6 – Project Timeline

The following table provides an indicative timeline for the planning proposal:

Planning proposal presented to Willoughby Local Planning Panel	18 June 2024
Planning proposal presented to Council	22 July 2024
Planning proposal submitted to Gateway	5 August 2024
Gateway Determination received by Council	October 2024
Community Consultation	February 2025
Consideration of submissions	March 2025
Report to Council on public exhibition	April 2025
Planning proposal submitted to Department of Planning & Environment for finalisation if no further exhibition required following changes.	May 2025
Notification of Plan on Legislation website	August 2025

**PLANNING PROPOSAL
RECORD OF ADVICE**

DATE OF ADVICE	18 June 2024
PANEL MEMBERS	Jacqueline Townsend (Chair), Heather Warton, Darren Troy and Linda Tully
DECLARATIONS OF INTEREST	None

Closed meeting held at Willoughby City Council on 18 June 2024.

PLANNING PROPOSAL

The proposal **PP-2024/2** seeks an amendment to Willoughby Local Environmental Plan 2012 (*WLEP 2012*) throughout the Local Government Area by correcting anomalies and inconsistencies to existing provisions and maps, updating property descriptions and clarifying existing clauses where uncertainty has arisen.




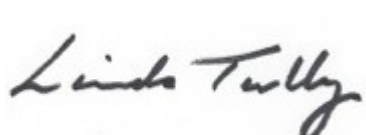
PANEL DISCUSSION

The Panel was first presented on the objective and intended outcomes for the proposed amendments to the *WLEP 2012* and then proceeded to consider a number of issues including:

- compliance with the strategic framework,
- the subdivision of dual occupancy (Clause 4.1)
- unit and monetary contributions regarding Affordable Housing along with other considerations (Clause 6.8).
- active street frontage uses (Clause 6.7)
- clarification of Gross Floor Area Calculation (Dictionary)
- an update of property descriptions in Schedule 1 Additional Permitted Uses
- an update to the minimum lot size plan regarding certain sites in Chatswood CBD,
- an inclusion of an Employment zoned site into the Design Excellence section of the Special Provisions Area Map
- the correction of zoning regarding a Council owned open space site
- minor cadastre adjustments on the Height of Building and Floor Space Ratio Map for certain sites.

PANEL ADVICE

The Panel is satisfied that the planning proposal demonstrates strategic and site specific merit and supports the proposal being forwarded to the Department of Planning for Gateway consideration.

PANEL MEMBERS	
 JACQUELINE TOWNSEND (CHAIR)	 HEATHER WARTON
 DARREN TROY	 LINDA TULLY