

Background and Statement of Events



Background

Willoughby Local Environmental Plan (WLEP) 2012 rezoned the subject properties (3-31 Walter St, Willoughby) from Low Density Residential 2(a) to Medium Density Residential (R3). The site at 462 Willoughby

Rd, Willoughby was rezoned from Proposed County Road Reservation to Medium Density Residential (R3) at the same time.

A Development Application for a child care centre adjoining the site at 1, 1A Walter St and 452-460 Willoughby Rd, Willoughby catering for up to 207 children was approved on appeal to the Land and Environment Court.

Development consent has been issued for residential flat developments at 5-9 Walter St, 11-13A Walter St, 15-17 Walter St and 21-27 Walter St under the current R3 Medium Density Residential planning controls of WLEP 2012. This equates to a total of 101 units. None of the consents have been activated.

Council endorsed a *Housing Position Statement* in June 2016 that included the subject land as an area for investigation to enable higher density. This is consistent with the *Greater Sydney Region Plan 2018 and North District Plan 2018* which recommend that councils consider increasing housing supply in areas close to public transport and Local Centres.

A Planning Proposal request was submitted on 6 March 2017 seeking rezoning of 3-31 Walter St and 462 Willoughby Road to R4 High Density and requested that *Willoughby Local Environmental Plan 2012* be amended to permit development having a floor space ratio of 2:1 and a height of 28m on the subject sites.

The subject site is located within an area of investigation for higher density housing recommended in Council's endorsed *Housing Position Statement*. It was also consistent with the objectives of the *Greater Sydney Region Plan 2018 and North District Plan 2018*.

The Planning Proposal was referred to external urban design consultants to assist with assessment and to the Roads and Maritime Service (RMS) for preliminary traffic advice.

The urban design advice generally supported an increase in density for Walter St recognising that the wider precinct to the north (Channel 9) is undergoing change. It recommended height and setback controls to reinforce the character of the area and reduce the impact of future high rise buildings on properties located on the southern side of Walter St and Willoughby Rd.

Having regard to the urban design advice, a floor space ratio of 1.5:1 (excluding affordable housing) was supported for 3-31 Walter St as it was considered that would be more likely to achieve the preferred urban design outcome than a 2:1 floor space ratio as requested in the Planning Proposal. Rezoning of 462 Willoughby Rd was not supported.

Roads and Maritime Services (RMS) recommended the provision of traffic signals at the intersection of Willoughby Rd and Walter St.

The Planning Proposal was supported subject to:

- i) a reduction in the proposed floor space ratio to 1.5:1;
- ii) a reduction in the proposed height to allow 24m for 3-13A Walter St and 27m for 15-31 Walter St, Willoughby;
- iii) i) the deletion of 462 Willoughby Road, Willoughby;
- iv) a requirement for a minimum Lot size of 2,000sqm for 1A, 1-31 Walter St and 450-462 Willoughby Rd;
- v) adoption of amendments to the site specific controls to *Willoughby Development Control Plan* (WDCP).

Based on the above, it was recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*.

It was considered that the relevant requirements under Section 55 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's *'A Guide to*

Preparing Planning Proposals' were adequately addressed and that the environmental impacts were acceptable for referral to Gateway and further consideration following public exhibition.

On 12 March 2018, Council resolved not to support the planning proposal. On 22 March 2018, Council wrote to the proponent stating that it did not support the planning proposal. On 28 March 2018, the proponent submitted a rezoning review request as Council had resolved not to support the planning proposal.

The Planning Panel notified the applicant that the planning proposal had not been supported on 6 June 2018. However, the Planning Panel advised that the majority of the Panel would recommend to the delegate that a reduced density and scale in the following may be acceptable:

- The land zoning for 3 – 31 Walter Street, Willoughby be amended from R3 Medium Density Residential to R4 High Density Residential;
- The height be amended to 24m for 3 – 13A Walter Street and 27m for 15 – 31 Walter Street, Willoughby;
- The FSR for 3 – 31 Walter Street, Willoughby be amended from 0.9:1 to 1.5:1 (including affordable housing which shall be provided on site and not via a financial contribution);
- Amended clause 6.10(g) of WLEP 2012 to require a minimum lot size of 2000m²;
- The deletion of 462 Willoughby Road so that it retains its current zoning and development standards.

The current planning proposal reflects these recommendations.