

Preliminary Planning Proposal
Amendment to Zoning, Building Height Map
and Floor Space Ratio Map
Willoughby Local Environmental Plan 2012
1 - 1A Walter Street and
450 - 462 Willoughby Road, Willoughby

July 2018

Mersonn Pty Ltd
6/20 Wylde Street
Potts Point NSW 2011

Contents

1.0	Introduction	3
2.0	Site Analysis and Context	12
2.1	Regional and Local Context	
2.2	Site Analysis	
2.3	Surrounding Development	
2.4	Development History	
3.0	Statutory Context	45
3.1	Zoning	
3.2	Key Objectives and Development Control Standards	
3.3	Strategic Context	
4.0	Planning Proposal	65
	Part 1 Objectives or Intended Outcomes;	
	Part 2 An explanation of the Provisions;	
	Part 3 Justification;	
	Part 4 Mapping	
	Part 5 Community Consultation	
	Part 6 Project Timeline	
5.0	Summary	128

1.0 Introduction

This Planning Proposal has been prepared on behalf of Walter Projects Pty Limited and is submitted to Willoughby Council in support of an amendment to the provisions of the Willoughby Local Environmental Plan 2012 (LEP) as they relate to the site known as 1 - 1A Walter Street and 450 - 462 Willoughby Road, Willoughby.

This Planning Proposal explains the proposed amendment to the LEP and the justification for the amendment in accordance with the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979 and has been prepared consistent with the Guide to Preparing Planning Proposals prepared by the NSW Department of Planning.

The objective of this Planning Proposal is to amend the WLEP 2012 as follows:

1. It is proposed to rezone the site from R3 to R4;
2. It is proposed to amend the height control across the site from 12 metres to 17 metres; and
3. It is proposed to amend the Floor Space Ratio for the subject site from 0.9:1 to 1.5:1 (including affordable housing).

The Planning Proposal provides an analysis of the site and its context with images, photographs and diagrams and provides an overview of the key elements of the proposed amendment. It includes a statement of objectives and the intended outcomes together with an explanation of the provisions of the planning proposal and a summary of the justification for the proposal. The details of the public benefit that will arise from the proposal is discussed and consideration is given to the relevant local and state planning provisions and S117 Directions.



Extent of Land for Rezoning

Source: Architecture Urbaneia 2018 p15

The site is known as 1 - 1A Walter Street and 450 - 462 Willoughby Road, Willoughby and comprises an area of approximately 3,930m². The site comprises a primary site and a secondary site. The proponent has an interest in all parcels of land which comprise the primary site (1 - 1A Walter Street and 450 - 460 Willoughby Road) but does not currently have an interest in the property comprising the secondary site (462 Willoughby Road). Walter Projects Pty Ltd has an interest in the primary site which comprises the following lots as reflected on the drawing below:

Primary Site

- | | |
|--------------------|---------------------|
| • Lot 1 DP1084756; | 1 Walter Street |
| • Lot 1 DP1084756 | 1A Walter Street |
| • Lot 12 DP129153; | 450 Willoughby Road |
| • Lot 11 DP129153; | 452 Willoughby Road |
| • Lot 1 DP178525; | 454 Willoughby Road |
| • Lot 1 DP75133; | 456 Willoughby Road |

-
- Lot 1 DP811135; 458 Willoughby Road
 - Lot 1 DP1181181; 460 Willoughby Road



Primary Site (Red)

Source: Architecture Urbaneia 2018 p17

The site the subject of the planning proposal necessarily includes a secondary site comprising 4 parcels of land not in the ownership of the proponent but effectively completing the island site, these include:

Secondary Site

- Lot 2 DP586037; 462 Willoughby Road



Secondary Site (Yellow)

Source: Architecture Urbaneia 2018 p17

The extent of the land for the rezoning does not include the land on the south side of Walter Street which is zoned SP2 for a public purpose because of its operational nature or the land currently the subject of a planning proposal at 3 - 31 Walter Street.

The site has been used for low density residential uses. These uses have been upzoned to R3 medium density and while a variety of development applications are approved no construction works have commenced with very little works undertaken or improvements made.

The proponent is also the proponent of the planning proposal currently under consideration at 3 - 31 Walter Street and consequently, is able to make provision for vehicular access through that site from Walter

Street, lifting the burden of access from Willoughby Road which currently exists.

While the precinct has been upzoned to R3 medium density no provision has been made for any road widening or intersection upgrades to support any increased density or intensity of use. Walter Street is a cul-de-sac and the intersection of Walter Street and Willoughby Road is not signalized and is currently operating at a Level of Service F.¹ Level of Service F is described in the RMS Guide to Traffic Generating Development 2002 as “*Extreme delay, major treatment required*”.

*The August 2017 traffic study finds that growth in the background traffic alone would result in the Willoughby Road intersection with Walter Street operating with poor performance. A combination of traffic generated by the subject development zoned as R3, the Channel 9 site and proposed childcare centre would trigger the need to upgrade the Walter Street intersection.*²

If the Walter Street intersection was to be upgraded to operate under traffic signal control, it would have sufficient traffic capacity to alleviate the existing traffic concerns and accommodate extra development traffic arising from all know developments plus growth in background traffic.³ As part of this planning proposal, the proponent proposes to forward fund the required intersection upgrade of Willoughby Road and Walter Street to be upgraded to operate under traffic signal control.

Furthermore, the carriageway in Walter Street currently has a width of approximately 7m and with the existing on-street parking provision on both sides of the street only allows for a single lane of traffic movement. The road reserve has a width of approximately 20m with wide unmade verges and compromised footpaths given the changing levels up and down the street. As part of this planning proposal, the proponent proposes to forward fund the upgrade of carriageway to allow for compliant footpaths, street tree planting and a carriageway which

¹ The Transport Planning Partnership Walter Street Traffic Report 2018 p8

² Ibid. p8

³ Ibid. p8

will allow for two lanes of traffic and parking on each side within the existing road reserve for the length of Walter Street.

Willoughby Council has recently completed its Housing Position Statement as part of its review of the Willoughby City Strategy. The recently released Draft North District Plan (21 November 2016) requires Council to deliver a 5 year housing target of 1,250 dwellings to 2021 and requires the development of 20 year strategic housing targets identifying investigation areas for additional housing capacity.⁴ The report identifies the subject site as part of the “Area suggested for investigation 5.3 Willoughby” where it forms part of the R3 Medium density zoned land which borders the centres along Penshurst Street and Willoughby Road.⁵

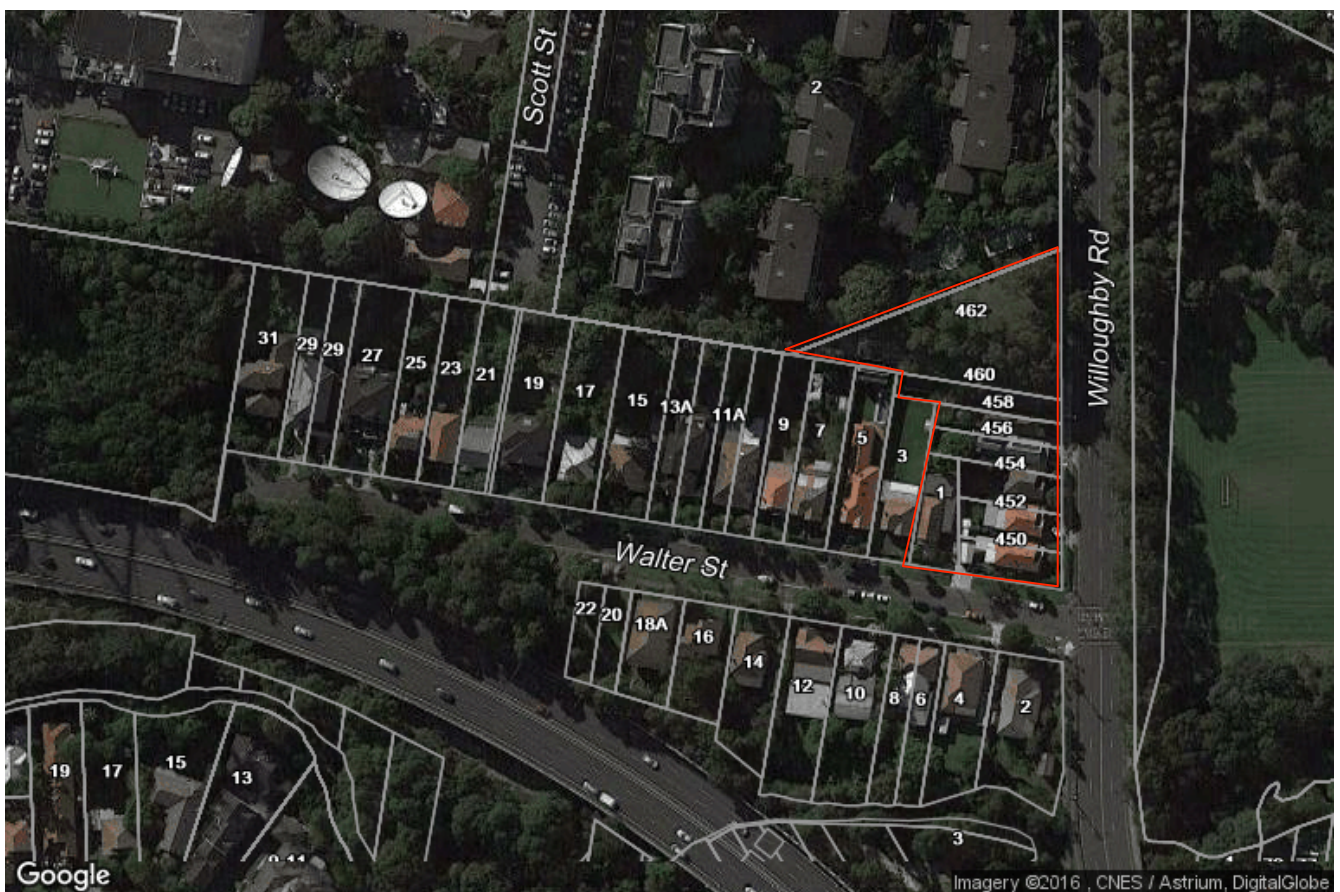
The subject site presents a unique opportunity to redevelop an existing highly accessible low density residential precinct by retaining and upgrading the existing infrastructure and facilities to satisfy contemporary access, safety and amenity standards and integrate them into a larger site redevelopment, creating pedestrian linkages and dealing with traffic and parking demands on site. A significant portion of the site creates the opportunity for a residential interface to the high density residential uses to the north and providing a local population to support and enhance the broader Willoughby town centre. The site provides the opportunity for the provision of additional pedestrian networks linking the area, through the site, between Artarmon and Willoughby town centres.

The uses and building form would require an amendment to the planning controls under Willoughby Local Environmental Plan 2012. It would require a change to the zoning from R3 Medium Density Residential to R4 Residential High Density and a change to the height control from 12m to 17m and a change to the FSR control from 0.9:1 to 1.5:1 (including affordable housing).

⁴ Willoughby Council Willoughby Housing Position Statement 2016 p4

⁵ *ibid.* p26

This would result in clear benefits for the adjoining and surrounding residents in providing some employment during construction, improved traffic infrastructure, pedestrian linkages, extended semi-public open spaces but more importantly providing a residential transitional scale to the adjoining large scale residential uses to the north. The proposal would also result in benefits for the future occupants of the subject site and consistent with the good planning practice the accrual of these benefits are proposed to be offset by a Voluntary Planning Agreement towards the upgrade of the Walter Street and Willoughby Road intersection and the Walter Street carriageway and cycle and pedestrian linkages.



Source: RPData 2018

Background

Development consent was granted by Land and Environmental Court, on

23 January 2018, for DA-2016-263 for the demolition of existing structures and construction of a child care centre (204 children and 37 staff) with associated works at 1 & 1A Walter Street and Nos. 450-460 Willoughby Road, Willoughby.

A study was undertaken (22/08/2017) to accompany the Planning Proposal for R4 high density residential zoning on the northern side of Walter Street (3-31 Walter Street) and 462 Willoughby Street. A VISSIM micro-simulation traffic model of the Willoughby Road corridor within the vicinity of the site was developed to assess the traffic implications arising from the proposed Walter Street rezoning. This traffic model also assessed the cumulative development traffic implications arising from the child care centre approval at 1-1A Walter Street and 452-460 Willoughby Road, redevelopment of the Channel 9 site and background growth as per the Roads and Maritime's Sydney Strategic Travel Model.

Based on the traffic modelling, it was concluded that traffic signals at the Walter Street-Willoughby Road intersection would be provided as part of the Walter Street R4 high density residential zoning to ensure sufficient traffic capacity to accommodate the future growth and development in the area.

Roads and Maritime reviewed the traffic study including the VISSIM traffic model. The traffic model has been deemed "fit for purpose" by Roads and Maritime. Roads and Maritime also granted approval for the provision of traffic signals at the Willoughby Road intersection with Walter Street subject to a number of requirements including right turn movements from Willoughby Road into Walter Street to be prohibited during the peak periods.

The development traffic level of 179 vph and 156 vph was allocated in the VISSIM traffic model for the approved childcare development site in the morning and evening peak periods, respectively. A comparative assessment using the previous traffic generation allocations for the proposed development site has been conducted to determine the net traffic generation impacts of the updated proposal. Using the above

RMS trip rates, the proposed development site (67 units) is expected to generate 13 vph and 10 vph in the morning and evening peak period, respectively. This traffic generation estimate is considerably less than the approved childcare centre, which was expected to generate up to 179 vph and 159 vph in the morning and evening peak period, respectively.

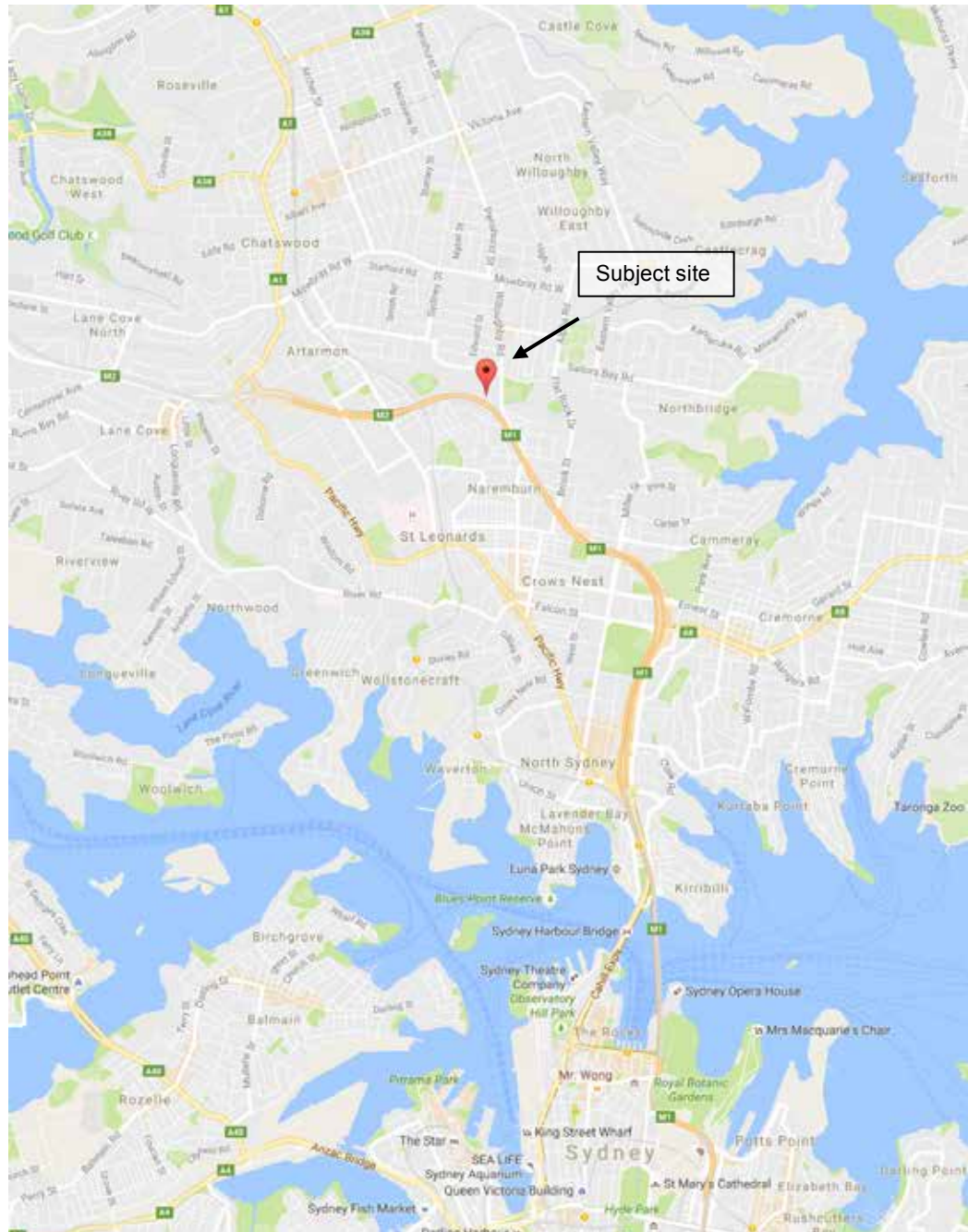
Consequently, the conclusions from the VISSIM traffic model would still therefore be robust, noting that the impacts arising from the proposed development site would likely be less than that estimated for the childcare centre approval. Consequently, this planning proposal is not expected to result in any adverse impact on the surrounding road network and is considered consistent with the inputs in the previous strategic modelling assessment.

The approval for the childcare centre (on the site 1-1A Walter Street and Nos. 450-460 & No. 462 Willoughby Road) RMS required the Walter Street intersection to be converted to permit only left-in and left-out traffic movements from/to Willoughby Road. This was on the basis that Walter Street would be developed with R3 residential developments (with FSR of 0.9:1) as per under the current LEP zoning. However, the cumulative traffic effects (including those from the approved childcare centre) would require Walter Street intersection to be upgraded to traffic signal control.

It is further noted that the upgraded Walter Street intersection would have sufficient traffic capacity to accommodate the additional development traffic from all known developments including those arising from the R4 high density development on Walter Street as per this planning proposal and the pending planning proposal for 3 – 31 Walter Street.

2.0 Site Analysis and Context

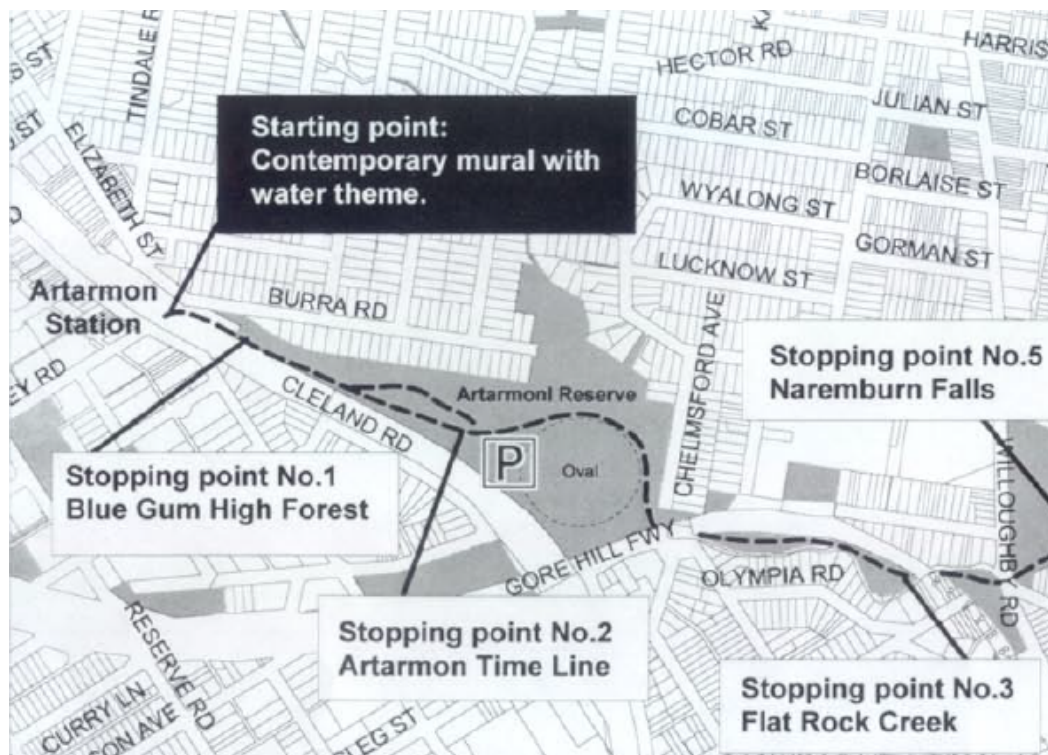
2.1 Regional and Local Context



Location Plan

Source: GoogleMaps 2018

The site is located approximately 2.5km south-east of the Chatswood CBD and within 400m of Artarmon local centre and 1200m from Artarmon local centre and railway station through a network of open spaces on the Artarmon to Middle Harbour Walking Track.



The site is located within the low density residential precinct bounded by open space to the east and west, high density residential to the north and the Gore Hill Freeway to the south. The area is generally characterised by a mix of low density residential dwellings of varying ages and styles.



Metropolitan Context

Source: Architecture Urbaneia 2018 p8

The subject site is bounded by Walter Street to the south, Willoughby Road to the east, the rear of the Artarmon Road properties to the north and 3 – 31 Walter Street to the west. The immediate area is developed with mixed use low density residential uses and the lands north of the site have approval for high rise high density residential development.

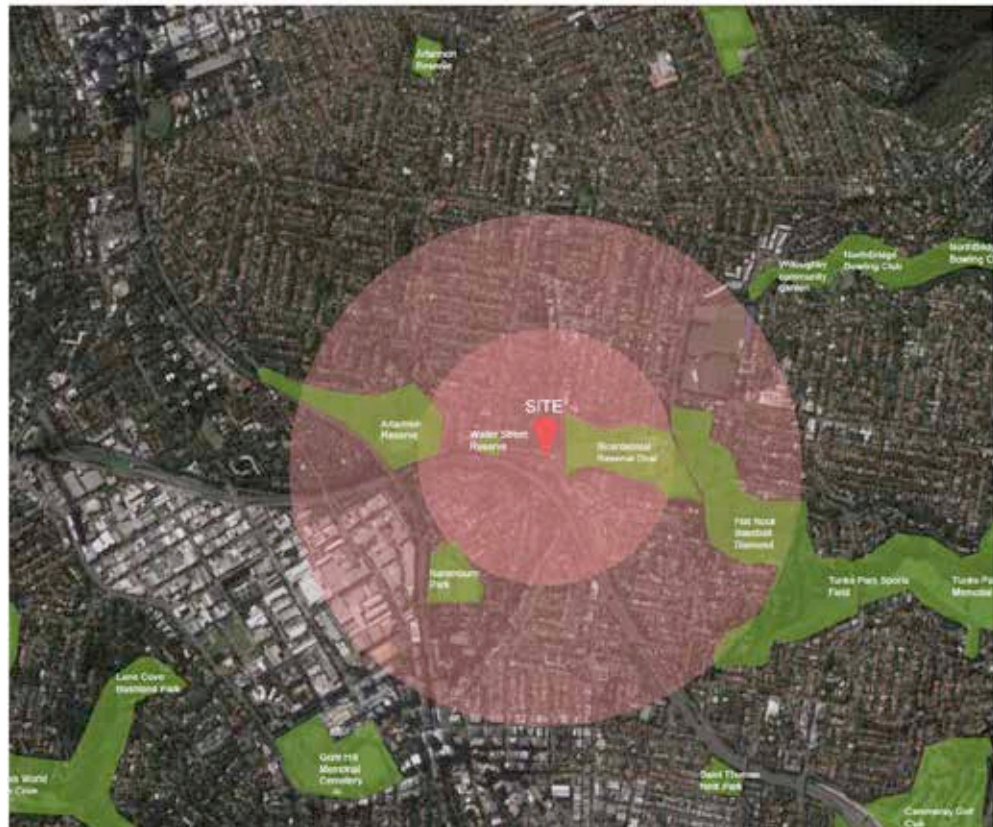
The properties on the southern side of Walter Street as currently low density single dwellings but are zoned SP2 Infrastructure in conjunction with the Gore Hill Freeway.



Public Transport and Movement Routes

Source: Architecture Urbaneia 2018 p9

While the local area is relatively low density residential uses it is characterised by good access to local facilities and public open space. The local context is also relatively good in terms of pedestrian connectivity and the occurrence of local centres. The local and neighbourhood centres within the Willoughby Local Government Area are located to the north-east and north-west with good retail precincts and community facilities within close proximity to the site.



Local Green Space Plan

Source: Architecture Urbaneia 2018 p10



Cultural Precincts Plan

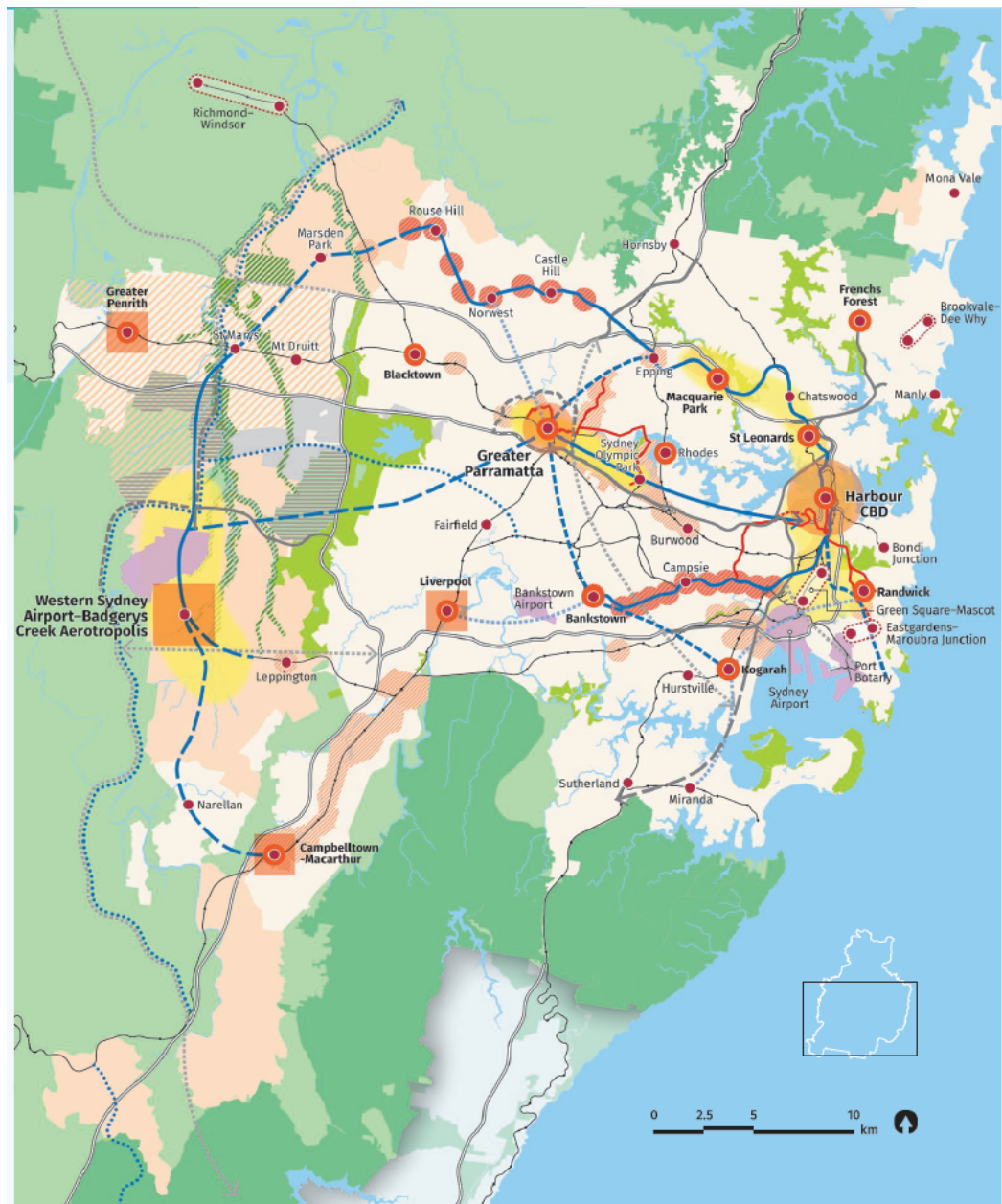
Source: Architecture Urbaneia 2018 p11



Local Amenity Plan

Source: Architecture Urbaneia 2018 p13

The subject site is located immediately to the north of the Gore Hill Freeway and between two major north-south arterials being Willoughby Road and Hampden Road. This system offers excellent access to the metropolitan road network north and south. These are highly traffic routes which offer little pedestrian amenity and the current local road network and walking track attempts to offer alternative pedestrian and bicycle routes between these corridors.



Greater Sydney Regional Plan 2018
Source: Architecture Urbaneia 2018 p5



North District Plan

Source: Architecture Urbaneia 2018 p5

2. Affordable Housing

Numbers of additional dwellings, to increase Council's affordable housing stock.

This strategy is currently under review to investigate increasing housing targets with the Housing Position Statement as part of its review of the Willoughby City Strategy.

2.2 Site Analysis

The site is known as 1 - 1A Walter Street and 450 - 462 Willoughby Road, Willoughby and comprises an area of approximately 3,9309m².

The site comprises a primary site and a secondary site. The proponent has an interest in all parcels of land which comprise the primary site (1 - 1A Walter Street and 450 - 460 Willoughby Road) but does not currently have an interest in the property comprising the secondary site (462 Willoughby Road). Walter Projects Pty Ltd has an interest in the primary site which comprises the following lots as reflected on the drawing below:

Primary Site

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Primary Site (Red)

Source: Architecture Urbaneia 2018 p17

The site the subject of the planning proposal necessarily includes a secondary site comprising 4 parcels of land not in the ownership of the proponent but effectively completing the island site, these include:

Secondary Site

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Secondary Site (Yellow)

Source: Architecture Urbaneia 2018 p17

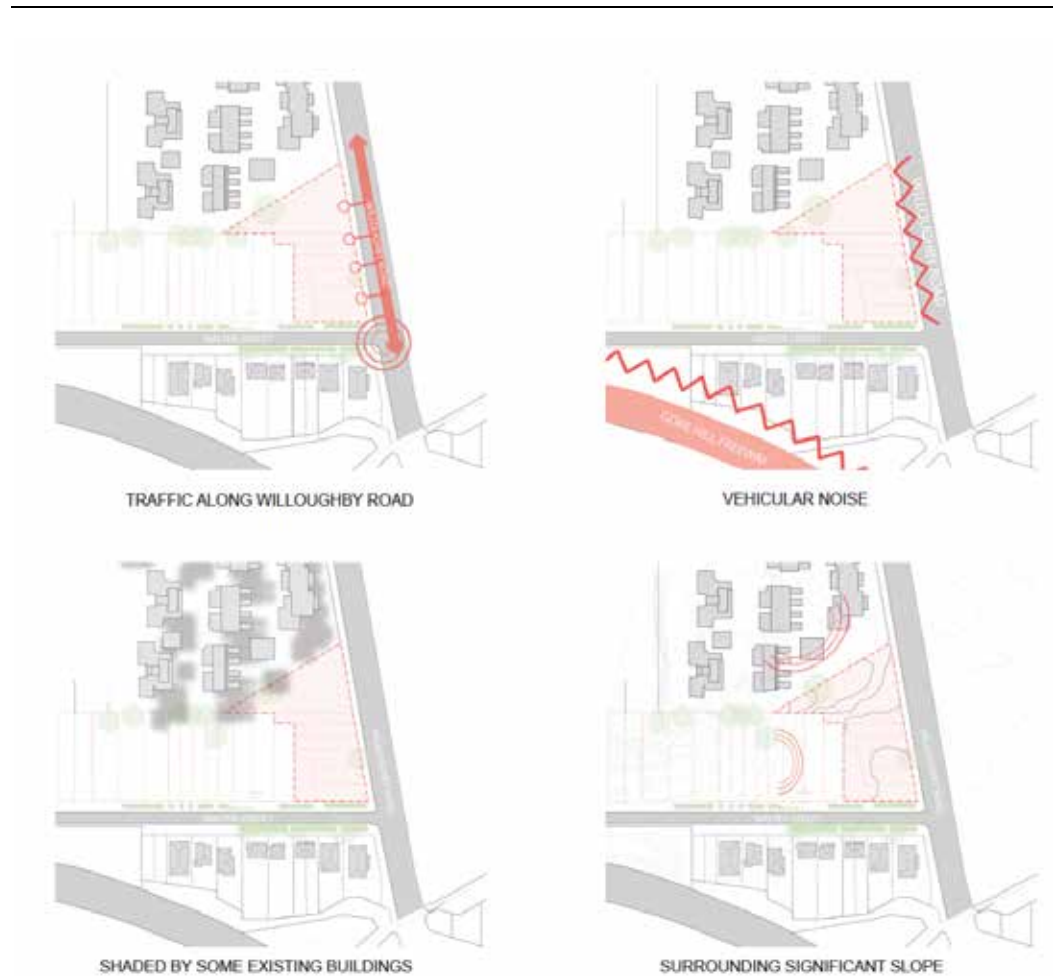
The extent of the land for the rezoning does not include the land on the south side of Walter Street which is zoned SP2 for a public purpose because of its operational nature or the land to the west of the site as it is subject to a separate pending planning proposal at 3 - 31 Walter Street.



Site with 5m contour overlay Source: RPData 2018



Site with 5m contour overlay Source: RPData 2018



Site Constraints

Source: Architecture Urbaneia 2018 p20

The site accommodates a number of buildings of various ages and styles which are used as low density dwellings. On site parking is available on most sites but on-street parking remains in demand. The buildings comprise traditional single and two storey freestanding dwellings.

The land to the immediate south of the site has been significantly modified by its use as the major freeway north of the Sydney CBD. The freeway corridor is located below the level of the subject site within a acoustic walls and for the most part screened by significant landscaping and open space.



Extract Peak Surveying Services Survey 2016

Heritage

The subject site does not contain any heritage listed items on Schedule 5 of the Willoughby Local Environment Plan (LEP) 2012, nor is it located within a Heritage Conservation Area (HCA) or in the vicinity of heritage listed items on the LEP. However, Willoughby Council requires a heritage assessment in order to assess the overall character and significance of the site.

Based on this assessment, it is considered none of the buildings or structures contain any historic and aesthetic value. The existing

dwellings and structures do not meet the criterion for local heritage listing and they do not form a part of any *Heritage Conservation Area*.

The site in itself does not meet the criterion for local heritage significance nor does the history of use, contribution to the local character or the community require any building or structure to be retained and integrated into the redevelopment of the site.

A consideration of the Acoustic Environment has been undertaken by VIPAC Engineers and Scientists with attention to road traffic noise and vibration.⁶

The site is located approximately 30 metres from the Gore Hill Freeway and 7.5 metres from Willoughby Road to the nearest proposed dwelling. Therefore, the traffic noise impact from both of these roads on the proposed development will be considered to satisfy the indoor noise requirement.⁷

All internal noise levels within the development will be less than the required criteria within the Australian Standards and will result in an acceptable acoustic amenity for future tenants. It is noted that many buildings within the Sydney region have included suitable acoustic treatments to ensure internal noise levels comply with the relevant council and Australian Standards and additional treatments to the external balconies or gardens of residential buildings with exposure to environmental noise sources, greater than that of the proposed development.

The report concludes that carrying out the development consistent with the recommendations in the report will achieve compliance with the required internal noise levels.

An investigation of the traffic and parking environment has been undertaken by The Transport Planning Partnership⁸.

⁶ VIPAC Engineers and Scientists Willoughby Road Noise Impact Assessment 2018

⁷ Ibid. p9

⁸ Transport Planning Partnership 2018 Op Cit.

The August 2017 traffic study finds that growth in the background traffic alone would result in the Willoughby Road intersection with Walter Street operating with poor performance. A combination of traffic generated by the subject development zoned as R3, the Channel 9 site and proposed childcare centre would trigger the need to upgrade the Walter Street intersection.

However, a new traffic signal at the Walter Street intersection would provide sufficient capacity to accommodate development traffic from all known developments plus growth in the background traffic.⁹

From TTPP's review of the proposed masterplan, it is concluded that the traffic effects arising from the revised proposed master plan is considered to be acceptable. The proposed development in this revised proposed master plan is expected to generate less traffic than that assumed in TTPP's August 2017 traffic study and as such traffic impacts arising from the revised proposed master plan would not be worse than that derived in the August 2017 traffic study.

Compliant parking provision would be provided to serve the proposed development as per WDCP 2016 parking requirements.

As such, it is concluded that the traffic and parking aspects of the proposed development would be satisfactory.¹⁰

It is noted that consultation with the Roads and Maritime Services on the signalization of Willoughby Road and Walter Street has resulted in advice from RMS to Willoughby Council (6 February 2017) for "in-principle" support subject to the following requirements:

- 1. Demonstrate to Roads and Maritime satisfaction that the provision of traffic signals at this intersection will not have a detrimental impact on traffic flows and travel times for motorists and buses on Willoughby Road. This will require the submission of traffic modeling undertaken in accordance with Roads and Maritime modeling guidelines.*

⁹ Transport Planning Partnership 2018 op.cit. p8

¹⁰ Ibid. p12

2. Two approaches lanes and a single departure lane being able to be accommodated within the existing Walter Street road reserve, designed and constructed in accordance with AUSTROADS. It is recommended that as part of the lodgment of the R4 planning proposal that a geometric concept road design plan of the proposed traffic signals and associated road works be overlaid on a scaled aerial photograph and/or survey plan.

3. Independent road safety audit to assess the driver see-through effects of the closely spaced signalized intersections of Walter Street and Garland Road.

4. All costs associated with the identified civil and signal hardware (including utility relocation) shall be at no cost to Roads and Maritime.¹¹

It is noted that by letter dated 7 November 2017 Road and Maritime Services provided approval to the provision of the proposed traffic signals at the signalized intersection of Willoughby Road and Walter Street subject to the following conditions:

- Right turn movements from Willoughby Road into Walter Street shall be prohibited in the AM (6-10AM and PM (3 — 7PM) peak periods through the provision of regulatory signage that legally prohibits this movement.*
- Two approach lanes for a minimum distance of 20 metres (vehicle storage) from the stop line on the Walter Street approach to the proposed TCS and one departure lane on Walter Street shall be designed and constructed in accordance with AUSTROADS and RMS Supplements.*
- An updated geometric road design plan illustrating full road design dimensions (i.e. land widths, footpath widths etc) shall be submitted to Council and referred to Roads and Maritime for 'In principle' endorsement of the full geometric footprint of the*

¹¹ Roads and Maritime Services Letter PRE-LODGEMENT PROPOSAL TO AMEND ZONING FOR 18 RESIDENTIAL LOTS — NO. 3 TO 31 WALTER STREET, WILLOUGHBY FROM R3 (150 UNITS) TO R4 (302 APARTMENTS) 6 February 2017

signalised intersection, prior to the gazettal of the planning proposal.

- It is noted that a small parcel of land at the south-east corner of No. 450 Willoughby Road is required to facilitate the construction of the signalised intersection. As Council would be aware, any land components required from No. 450 Willoughby Road for the provision of the TCS and associated civil works will require land owners consent and ideally provided, prior to the gazettal of the planning proposal.*
- All costs associated with the civil and signal hardware (including utility relocation) shall be at no cost to Roads and Maritime.*
- The proposed traffic signals and associated civil works should be included in a Planning Agreement and executed, prior to the gazettal of the subject planning proposal.*
- The above Planning Agreement should include a trigger point for the construction of the signalized intersection and linked to a specific residential unit yield. The nominated residential yield should be agreed between the land owners and Council (with advisory input from Roads and Maritime).*

These conditions are acceptable to the proponent.

An investigation of the geotechnical environment has been undertaken by JK Geotechnics.¹²

The report noted that subsurface conditions established during the previous investigations in the surrounding area indicated that where sandstone bedrock was not outcropping at surface, it was present at shallow depth (up to 1.3m) and it was overlain by fill and residual clayey sand. The sandstone bedrock was generally assessed to be of at least low strength and improved to medium and high strength with depth. Groundwater was not encountered within the depths previously investigated.

The principal geotechnical issue associated with the proposed R4

¹² JK Geotechnics Geotechnical Assessment Residential Planning Proposal 3 – 31 Walter Street & 462 Willoughby Road, Willoughby February 2017

development of the subject site relates to the anticipated shallow depth to sandstone bedrock. Whilst the sandstone bedrock will provide suitable founding material and can generally be excavated with vertical batters, hard rock excavation conditions must be anticipated for any proposed basements, as well as the need to control the associated ground vibrations.¹³

The report recommends further investigation. The geotechnical investigation should comprise the drilling or cored boreholes into the underlying bedrock to establish the rock properties. At least two boreholes must be drilled over the extreme eastern portion of the site to confirm that the manmade fill does not extend into the site area.

The boreholes should extend at least 2m into bedrock or 2m below bulk excavation level, whichever is the deepest. For the hydrogeological investigation, standpipes should be installed into at least three of the boreholes to allow longer term groundwater monitoring. If significant groundwater is encountered within the proposed excavation depths, pump-out tests within the standpipes should be carried out to determine the permeability of the rock mass. The installation of data loggers will assist to provide a continuous record of groundwater levels which will allow the effects of rainfall to be assessed. Seepage analysis can then be undertaken using information from the above investigations to confirm inflow rates, external drawdown and effects on surrounding buildings, structures and groundwater uses.¹⁴

An investigation of the arboricultural environment has been undertaken by Lee Hancock Arborist.¹⁵

The purpose of the report is to detail the condition of the trees on the proposed development sites of Walter Street and Willoughby Road. Trees to be removed and identifies impacts on trees to be retained and includes recommendations to minimise any adverse impacts, that demolition, construction activities may have on the trees to be retained.

¹³ Ibid. p3

¹⁴ Ibid. p8

¹⁵ Lee Hancock Arborist Arboricultural Impact Assessment Walter Street, Willoughby February 2017

Secondly a Tree Inventory was implemented to assess the existing Street trees and includes recommendations of the trees suitability for the proposed developments.¹⁶

An investigation of the fauna and flora has been undertaken by Fraser Ecological Consulting.¹⁷

The site for the proposed development comprises of introduced trees and landscaped gardens. The understory plantings are typical garden planting of the North Shore including and small areas of grass turf amongst hard surface areas within existing private open space areas. Some planted native tree species were observed, and therefore, this ecological assessment has been undertaken as a precautionary measure.¹⁸

The rear yards (southern property boundaries) of houses numbered 2-18 Walter Street are connected to native vegetation occurring within Council - managed bushland of Flatrock Creek which is a combination of a planted bushland buffer adjoining a man-made drainage canal. Whilst it is highly unlikely any of this vegetation would be impacted the ecological assessment surveyed this area as a precautionary measure. Introduced plantings with mowed understory dominate both the road frontage and rear yards of 2-18 Walter Street.¹⁹

The subject site is essentially comprises urban backyards that contains an upper canopy (both native and non-native trees) and introduced horticultural shrubs and groundcovers). The most significant fauna habitat present on site is primarily marginal foraging and roosting habitat resources for mobile fauna groups including birds, bats and other mammals including Common Brushtail Possum.

The trees throughout all lots of the subject site provide upper canopy inter-connectivity including canopy contact with introduced and remnant trees on the adjacent property.

No habitat hollows were recorded on site, and therefore, the habitat on-

¹⁶ Ibid. p3

¹⁷ Fraser Ecological Consulting Walter Street Masterplan Willoughby January 2017

¹⁸ Ibid. p12

¹⁹ Ibid. p12

site is not considered to provide critical breeding habitat resources.

From the review of databases and other records in relation to species habitat requirements, it is considered that the following threatened fauna species are likely to occur in the study area, and may potentially use the site for foraging and roosting despite not being recorded during recent surveys:

- Little Lorikeet
- Grey-headed Flying Fox.²⁰

The species listed above do not rely upon habitats on site that form critical breeding resources that are essential to maintain the lifecycle of a local population, and therefore, Assessments of Significance ('seven part tests') were not required as part of this assessment.

The tree impacts of the proposal are limited to the removal of predominantly exotic or the occasional non locally native tree species. No trees containing significant habitat (e.g. such as hollows) occur on site or are proposed for removal.

The vegetation on site does not provide an important connective function between other patches of adjacent native vegetation and does not form part of important habitat corridor. Therefore, the removal of this vegetation will not further fragment other local populations of threatened species, communities or ecological communities.

The proposed removal of the vegetation on site will not exacerbate edge effects to other areas of native vegetation in the locality. Mobile vectors (such as insects, birds, possums and bats) required for the cross-pollination and exchange of genetic material between similar isolated areas of native vegetation and fauna habitats. EECs in the locality will not have their ability to perform these functions disrupted as a result of the proposal.²¹

The report notes that *the major conclusion arising from this Assessment is that the proposed development is unlikely to result in a significant*

²⁰ Ibid. p17

²¹ Ibid. P18

*impact on any listed species or communities providing that the applicant actively implements the recommendations from this assessment. Therefore in accordance with the EPA Act (1979), TSC Act (1995) and FM Act (1994), a Species Impact Statement is not required.*²²

An Environmental Site Assessment has been undertaken by Environmental Investigation Services.²³

The primary aims of the assessment were to identify any past or present potentially contaminating activities at the site, and to identify the potential for site contamination.

The scope of work included the following:

- Review of site information, including background and site history information from a Lotsearch Pty Ltd
- Environmental Risk and Planning Report;
- A walkover site inspection; and
- Preparation of an ESA report presenting the results of the assessment, including a conceptual site model (CSM).

EIS has previously assessed/investigated the eastern section of the site (450-460 Willoughby Road and 1 Walter Street) for a separate client. In summary:

- The assessment indicated that the properties being investigated were historically and currently utilised for residential purposes;
- The primary areas of environmental concern (AEC)/potential contamination sources were considered to be imported fill and hazardous building materials;
- The investigation identified fill to a maximum depth of approximately 1.2m, overlying natural clayey and sandy soils. The fill was shallower in the western portion of the properties being investigated; and
- Fill samples were analysed for a broad range of potential

²² Ibid. p2

²³ Environmental Investigation Services Preliminary Desk Top Environmental Site Assessment Walter Street and Willoughby Road, Willoughby January 2017

contaminants, including hydrocarbons, pesticides, heavy metals and asbestos. An elevated concentration (11mg/kg) of benzo(a)pyrene (a polycyclic aromatic hydrocarbon (PAH) compound) was identified in one fill sample above the health-based site assessment criterion. Elevated zinc and benzo(a)pyrene were also identified at concentrations above the adopted ecological assessment criteria.²⁴

The historical aerial photographs review identified a former quarry to the east of the site which was filled to create the existing recreational area. Considering the filling history of the adjacent land immediately to the east of the site, the recreational areas closest to the site are more likely to have been filled using soil and similar materials, as opposed to the area being landfilled with putrescible waste (however it is possible that the areas

further to the east may have been filled with other waste). On this basis, the area immediately to the east of the site has not been identified as an AEC/off-site source of contamination in the CSM.²⁵

The EIS recommends the following:

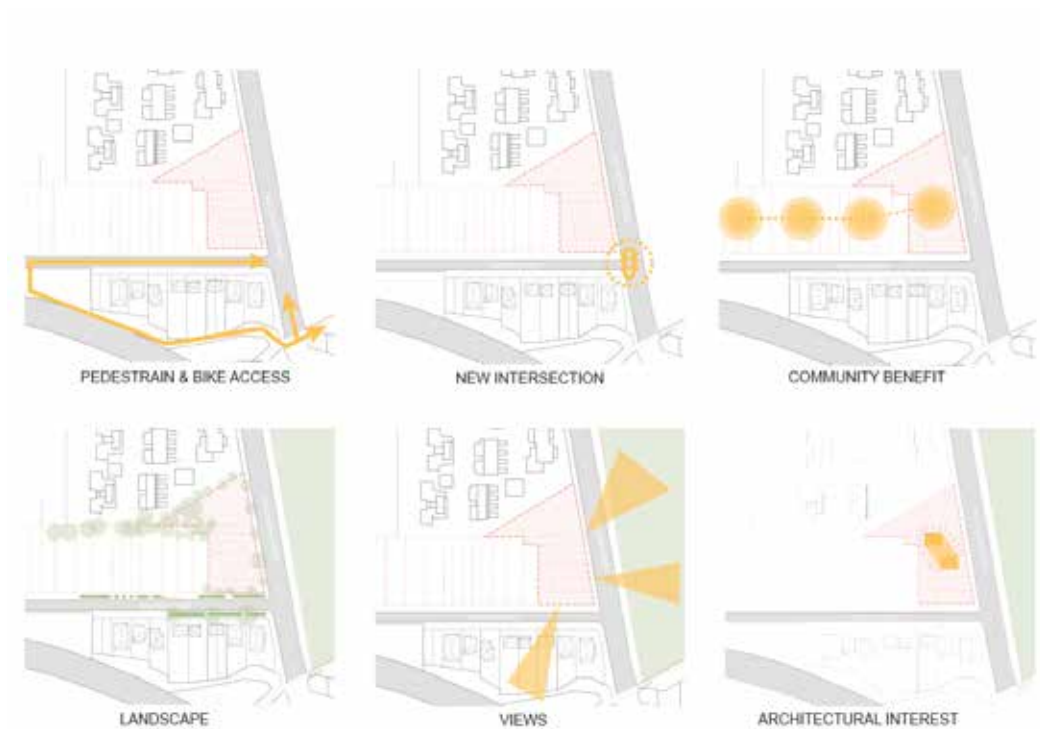
- A preliminary intrusive investigation should be undertaken to make an assessment of the soil and groundwater contamination conditions. Although the investigation should be designed to assess the broader site conditions, a higher density of sampling and more detailed investigation is recommended in the eastern site areas;
- To close out any uncertainty regarding the filling history of the land to the east of the site, a landfill gas analyser (GA or GFM instruments or similar) should be used to screen for bulk landfill gasses such as carbon dioxide and methane during the borehole drilling in the eastern site area;
- A hazardous building materials survey should be undertaken prior to demolition of the buildings.

²⁴ Ibid. p3

²⁵ Ibid. p4

-
- Following demolition of the buildings (and preferably prior to removal of the hardstand), an asbestos clearance certificate should be provided; and
 - A waste classification should be undertaken prior to off-site disposal of any surplus materials to be excavated for the proposed basement construction.²⁶

The site analysis results in the following site opportunities:



Site Opportunities

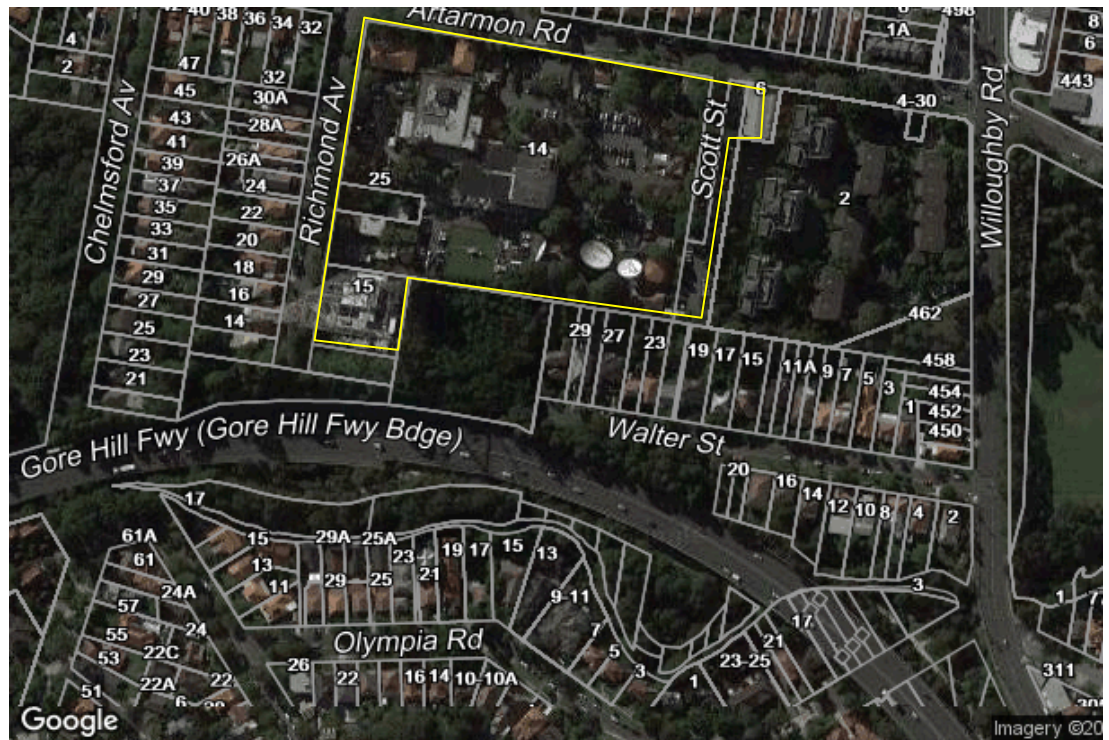
Source: Architecture Urbaneia 2018 p21

²⁶ Ibid. p4

2.3 Surrounding Development

Channel 9 Site

6 – 30 Artarmon Road, Willoughby



Source: RPData 2018

The Channel 9 site at 6-30 Artarmon Road, Willoughby was the subject of a Part 3A Concept Plan Approval that was approved by the Planning Assessment Commission on 23 December 2014. The Concept Plan Approval provides for the residential redevelopment of the site for up to 400 residential dwellings with small-scale non-residential uses to support the new population.

The approval is proposed to be modified as follows:

- Replace the approved residential master plan with the revised master plan for 510 dwellings across eight residential flat buildings ranging in height from 4 to 9 storeys, two buildings being up to 11 and 12 storeys and small-scale local commercial uses such as cafes;

-
- Amend the configuration and layout of public open space within the site, resulting in a 28% increase in area, improved connectivity and additional potential for deep soil planting;
 - Include a new public benefit offer that provides \$3 million towards the upgrade of the Willoughby Road/ Artarmon Road/ Small Street intersection and \$1 million contribution toward bushland regeneration and access upgrades to Walter Street Reserve; and
 - Provide a revised internal road network, providing for on-street visitor parking within a new loop road and a new roundabout access point to Artarmon Road;
 - Allow for small-scale non-residential uses such as local retail, office, community or child-care uses to cater to demand generated predominately by the new residential population of the Site.



Proposed Concept Plan Revision

Source: JBA S75W Modification Application July 2016 pii

2 – 4 Artarmon Road, Willoughby



Source: RPData 2017

The site located to the north of the subject site comprises a high density residential development oriented north-south on the site in three rows of buildings. The buildings are set in extensive landscaped gardens and are accessed from Artarmon Road.

The buildings are gradated in height decreasing from west to east. These range in height from 9 storeys to 5 and three storeys on the Willoughby Road frontage.



2 – 4 Artarmon Road, Willoughby Building Heights
Source: Architecture Urbaneia 2018 p46

3 & 31 Walter Street



Source: RPData 2018

The consolidated site at 3 & 31 Walter Street is currently the subject of a planning proposal to rezone to R4 High Density Residential, increase the height from 12m to 24 and 27 metres; and increase the FSR from 0.9:1 to 1.5:1 (including affordable housing).

This planning proposal is currently under assessment.

3.0 Statutory Context

3.1 Zoning

The subject site is zoned Zone R3 Medium Density Residential under Willoughby Local Environmental Plan 2012.

The specific objectives of the zone are:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To accommodate development that is compatible with the scale and character of the surrounding residential development.*
- To allow for increased residential density in accessible locations, while minimising the potential for adverse impacts of such increased density on the efficiency and safety of the road network.*
- To encourage innovative design in providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.*

2 Permitted without consent

Nil

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Group homes; Home businesses; Home occupations; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing

4 Prohibited

Any development not specified in item 2 or 3.

3.2 Key Objectives and Development Control Standards

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,
 - (b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
 - (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,
 - (d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,
 - (e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,
 - (f) to use maximum height limits to assist in responding to the current and desired future character of the locality,
 - (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,
 - (h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Includes objectives of the building height controls for the site.

The subject site has a 12m height control.

4.4 Floor space ratio

(1) The objectives of this clause are as follows:

- (a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity

-
- of the land and the zone objectives for the land,
- (b) to limit traffic generation as a result of that development,
 - (c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
 - (d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,
 - (e) to permit higher density development at transport nodal points,
 - (f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,
 - (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,
 - (h) to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,
 - (i) to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas,
 - (j) to encourage the consolidation of certain land for redevelopment,
 - (k) to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2):
- (a) the maximum floor space ratio for a building on land in Zone R2 Low Density Residential or Zone E4 Environmental Living is to be determined as if the area of the access laneway of a battle-axe lot were not part of the area of the lot, and
 - (b) any part of the floor area of a building that:
 - (i) is to be used for community facilities or affordable housing
-

purposes, or

(ii) is a heritage item,

is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.

(2B) Subclause (2A) (b) does not apply unless the consent authority is satisfied that:

(a) the building will not cause adverse impacts on adjoining land in terms of overshadowing, privacy, bulk and scale, and

(b) the conservation of any heritage item and its setting will be achieved.

(2C) Subclause (2A) (b) (i) does not apply in respect of a building used for affordable housing purposes if the erection of the building is consistent with Division 1 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Includes objectives of the FSR controls for the site.

A building cannot be erected on the subject site with a FSR exceeding 0.9:1.

6.8 Affordable housing

(1) For the purposes of this clause, the *Willoughby Affordable Housing Principles* are as follows:

(a) affordable housing must be provided and managed in Willoughby so that accommodation for a diverse residential population representative of all income groups is available in Willoughby, and

(b) affordable housing must be rented to tenants whose gross household incomes fall within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:

Very low income household	less than 50%
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Low income household	50% or more, but less than 80%
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Moderate income household	80–120%
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and at rents that do not exceed a benchmark of 30% of their actual household income, and

(c) dwellings provided for affordable housing must be managed so as to maintain their continued use for affordable housing, and

-
- (d) rental from affordable housing received by or on behalf of the Council, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), must be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing in Willoughby, and
- (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in Willoughby, especially in terms of internal fittings and finishes, solar access and privacy.
- (2) Development consent must not be granted to the erection of residential accommodation on land identified as "Area 3" on the Special Provisions Area Map unless the consent authority has taken the following into consideration:
- (a) the Willoughby Affordable Housing Principles,
 - (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
 - (c) whether an affordable housing condition should be imposed on the consent.
- Note. The affordable housing principles set out in Schedule 2 to *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)* may also apply to the development.
- (3) The following are *affordable housing conditions*:
- (a) a condition requiring the payment of a monetary contribution to the consent authority by the applicant to be used for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles that is the value, calculated in accordance with subclause (4), of 4% of the accountable total floor space to which the development application relates, or
 - (b) if 4% of that accountable total floor space provides a sufficient amount of gross floor area, a condition requiring:
 - (i) the dedication in favour of the consent authority, free of cost, of land of the applicant comprised of one or more complete dwellings with a gross floor area of not more than the amount equivalent to that percentage, each dwelling having a gross floor area of not less than 50 square metres, and

(ii) if the total amount of gross floor area of the complete dwelling or dwellings is less than the amount equivalent to that percentage, the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (4), of the gross floor area equivalent to the difference between those amounts,

to be used for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

(4) The amount of the contribution to be paid under a condition imposed under subclause (2) (c) is the value of the gross floor area concerned calculated by reference to the market value of dwellings of a similar size to those proposed by the development application.

Note. Section 94F of the Act permits the imposition of such a condition and specifies the circumstances under which such a condition may be imposed. Any condition imposed is subject to section 94G of the Act.

(5) This clause does not apply to development for the purpose of any of the following:

- (a) boarding houses,
- (b) community housing (as defined in section 3 of the *Housing Act 2001*),
- (c) group homes,
- (d) hostels,
- (e) public housing (as defined in section 3 of the *Housing Act 2001*).

(6) An affordable housing condition must not be imposed in relation to an amount of accountable total floor space if the consent authority is satisfied that such a condition has previously been imposed under this clause in relation to the same or an equivalent amount of accountable total floor space on the site.

(7) In this clause:

accountable total floor space means the gross floor area of the residential component of the development to which the development application relates.

market value means the most current median sales price of such dwellings for Willoughby as documented in the Rent and Sales Report NSW published by the Department of Family and Community Services or, if another document has been approved for that purpose by the

Director-General, that document.
The clause requires the provision of 4% of the total floor space as affordable housing.
<p>5.6 Architectural roof features</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to permit variations to maximum building height standards for roof features of visual interest, and</p> <p>(b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.</p> <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</p> <p>(a) the architectural roof feature:</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>
This clause encourages visual interest amongst roof forms.
<p>5.9 Preservation of trees or vegetation</p> <p>(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.</p> <p>(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.</p> <p>Note. A development control plan may prescribe the trees or other</p>

vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or

- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation:

- (i) that is authorised by a development consent or property vegetation

plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

(9) [Not adopted]

This clause protects significant trees on the site.

6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the *Acid Sulfate Soils Map* as being of the class specified for those works.
- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
- (b) the preliminary assessment has been provided to the consent

authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):

- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
- (b) the works are not likely to lower the watertable.

Class 5

The subject site is identified as Class 5 land.

6.2 Earthworks

(1) The objectives of this clause are as follows:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
- (b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless:

- (a) the work is exempt development under this Plan or another

applicable environmental planning instrument, or

(b) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

This clause requires consideration of excavation in terms of stability, drainage and the constitution of excavated material.

6.3 Flood planning

(1) The objectives of this clause are as follows:

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to:

(a) land that is shown as "Flood planning area" on the Flood Planning Map, and

(b) other land at or below the flood planning level.

-
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is compatible with the flood hazard of the land, and
 - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.
- (5) In this clause, *flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The site is not identified as being flood affected.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

-
- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of

the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The subject site is not identified as being located within a heritage conservation area and is not a heritage item.

3.3 Strategic Context

Willoughby Housing Position Statement 2016

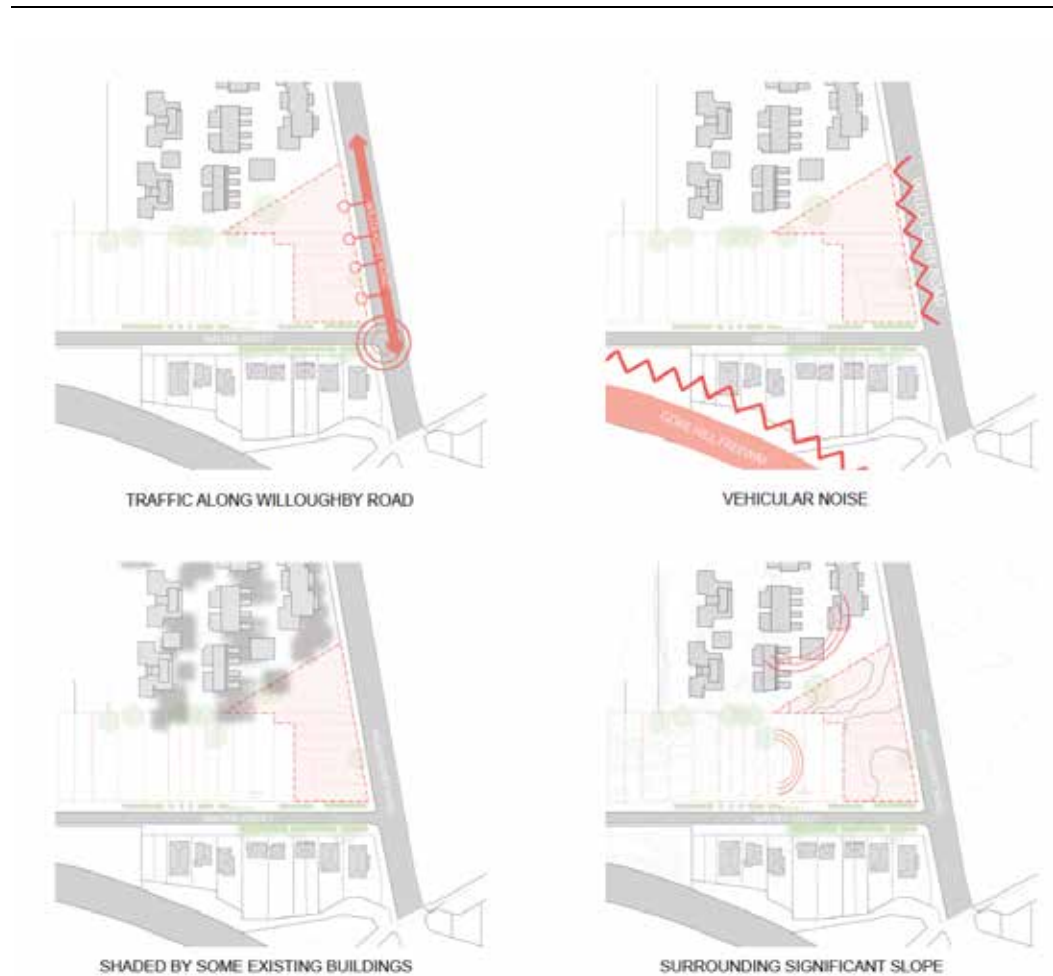
Willoughby Council has recently completed its Housing Position Statement as part of its review of the Willoughby City Strategy. The recently released Draft North District Plan (21 November 2016) requires Council to deliver a 5 year housing target of 1,250 dwellings to 2021 and requires the development of 20 year strategic housing targets identifying investigation areas for additional housing capacity.²⁷ The report identifies the subject site as part of the “Area suggested for investigation 5.3 Willoughby” where it forms part of the R3 Medium density zoned land which borders the centres along Penshurst Street and Willoughby Road.²⁸

A detailed site analysis has been undertaken for the subject site by Architecture Urbaneia 2018 in association with a variety of specialist consultants which identifies the site characteristics.

The studies have been used to understand the site constraints and in particular identify the areas of conflict which currently arise from the edge condition between the open space, infrastructure and residential zones. The study also looks at the broader area and identifies the areas requiring improvement which might be met through the opportunities presented in any redevelopment of the subject site.

²⁷ Willoughby Council Willoughby Housing Position Statement 2016 p4

²⁸ *ibid.* p26

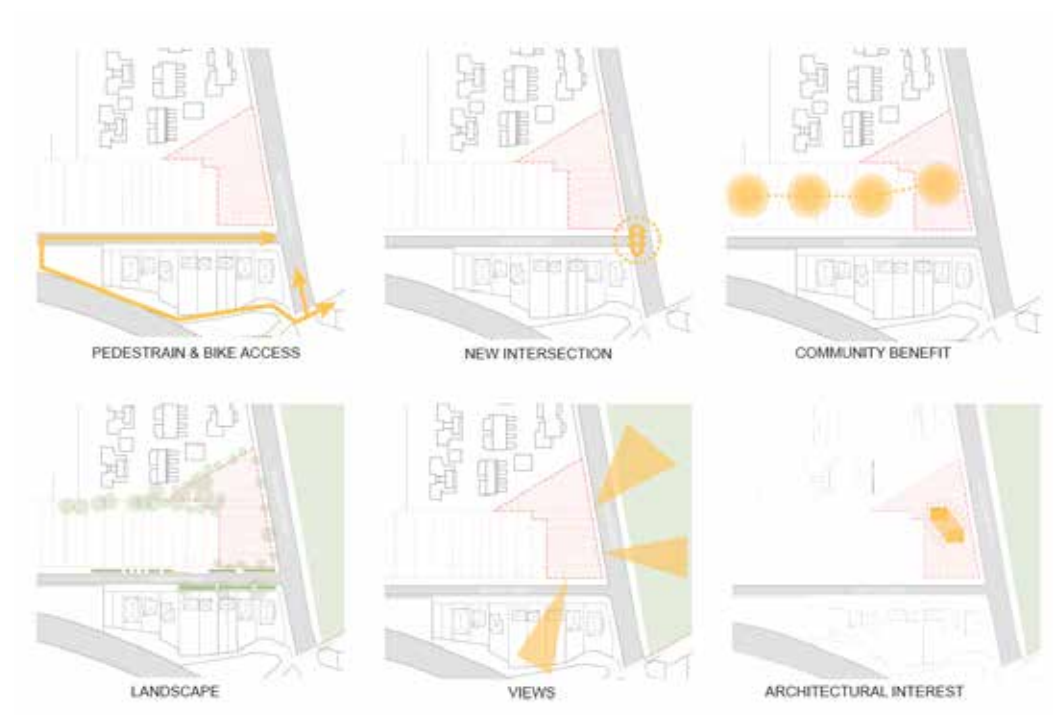


Site Constraints

Source: Architecture Urbaneia 2018 p20

The study considers the existing fabric and uses in close detail to determine what contributes to the character of the site and local area to understand those elements which require to be enhanced and those which would benefit from removal.

The study together with a consideration of the statutory planning framework and supporting strategies and studies at the local and metropolitan level have then informed the opportunities provided by the site.



Site Opportunities

Source: Architecture Urbaneia 2018 p21

4.0 The Planning Proposal

The Planning Proposal is prepared in accordance with *“A Guide to Preparing Planning Proposals 2012”* prepared by Planning & Infrastructure NSW.

The Planning Proposal is comprised of the following four (4) parts:

Part 1 Objectives or Intended Outcomes;

Part 2 An explanation of the Provisions;

Part 3 Justification;

Part 4 Mapping

Part 5 Community Consultation

Part 6 Project Timeline

4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the WLEP 2012 as follows:

1. It is proposed to rezone the site from R3 to R4;
2. It is proposed to amend the height control across the site from 12 metres to 17 metres; and
3. It is proposed to include amend the Floor Space Ratio for the subject site of 0.9:1 to 1.5:1 (including affordable housing).

The following massing plans provide an indicative visualization of what the development outcome would be pursuant to the LEP amendment proposed in this Planning Proposal.



Source: Architecture Urbaneia 2018 p46



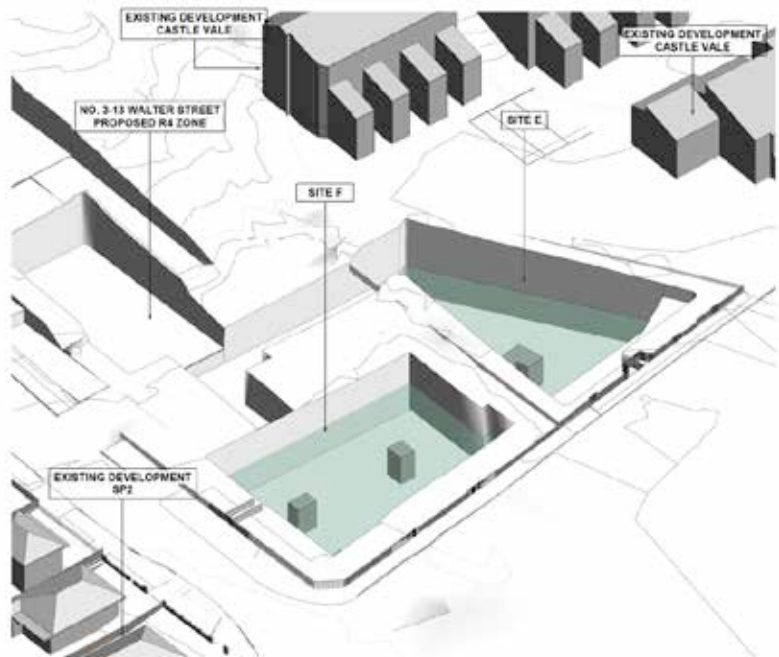
Proposed Site Planning

Source: Architecture Urbaneia 2018 p35

4.2 MASSING PRINCIPLES
BASEMENT 2

LEGEND

Basement
Lift and Fire Stair



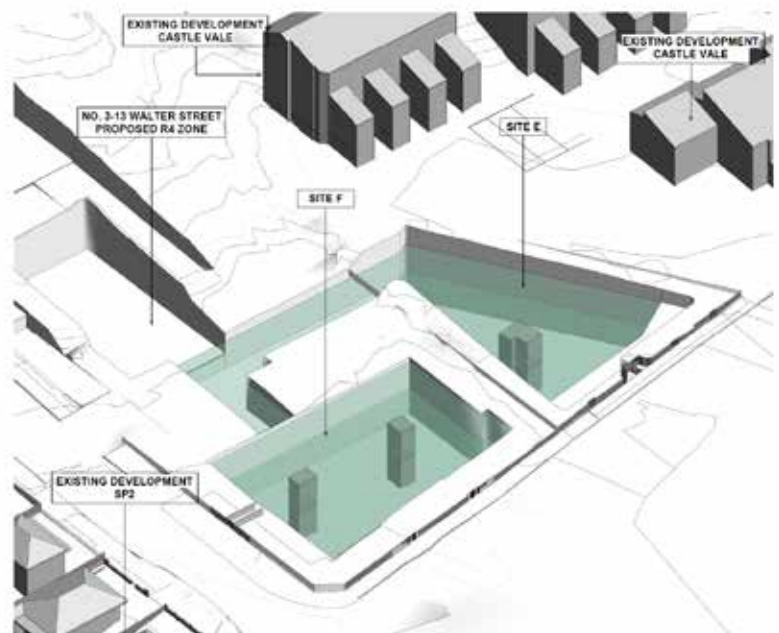
Proposed Master Plan Basement 2

Source: Architecture Urbaneia 2018 p38

4.2 MASSING PRINCIPLES
BASEMENT 1

LEGEND

BASEMENT
LIFT AND FIRE STAIR



Proposed Master Plan Basement 1

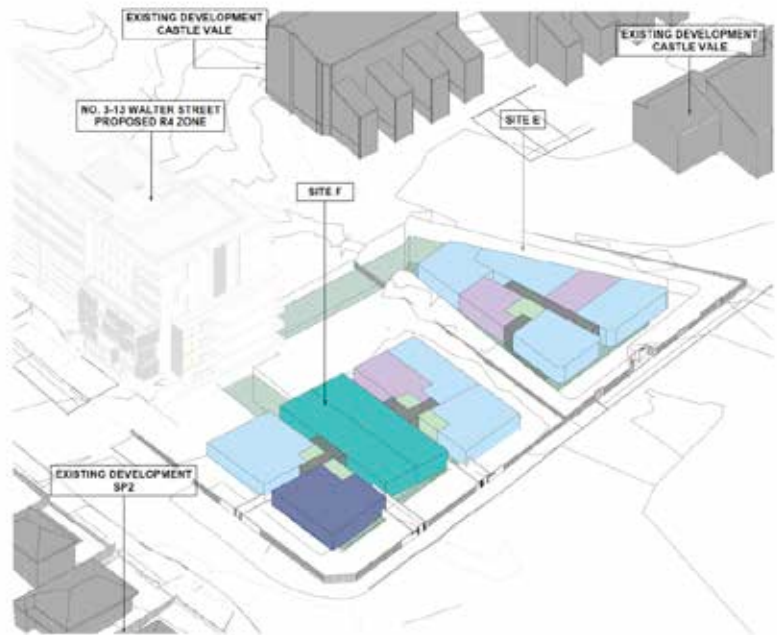
Source: Architecture Urbaneia 2018 p39

4.2 MASSING PRINCIPLES

GROUND FLOOR

LEGEND

- LIFT & FIRE STAIR
- COMMON ROOM
- 1 BED
- 2 BED
- 2 BED+STUDY
- 3 BED



Proposed Master Plan Ground Level

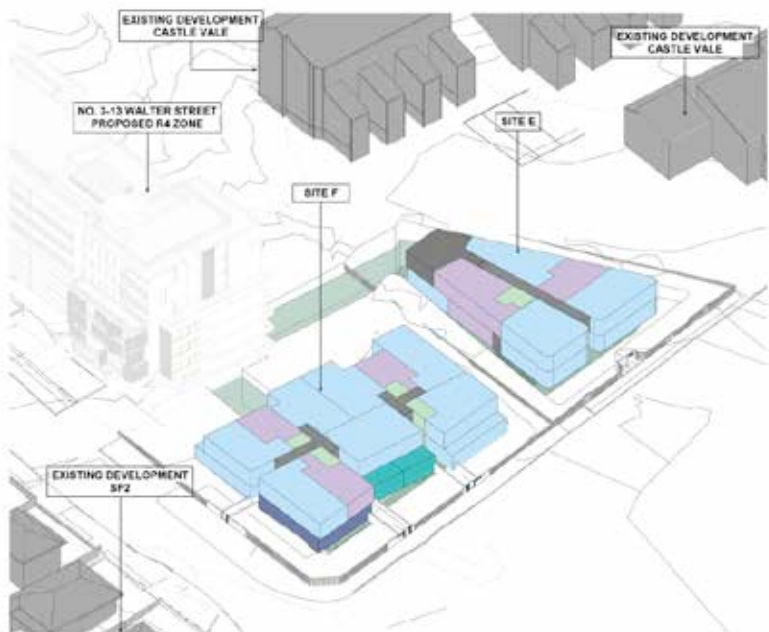
Source: Architecture Urbaneia 2018 p40

4.2 MASSING PRINCIPLES

LEVEL 1

LEGEND

- LIFT & FIRE STAIR
- COMMON ROOM
- 1 BED
- 2 BED
- 2 BED+STUDY
- 3 BED

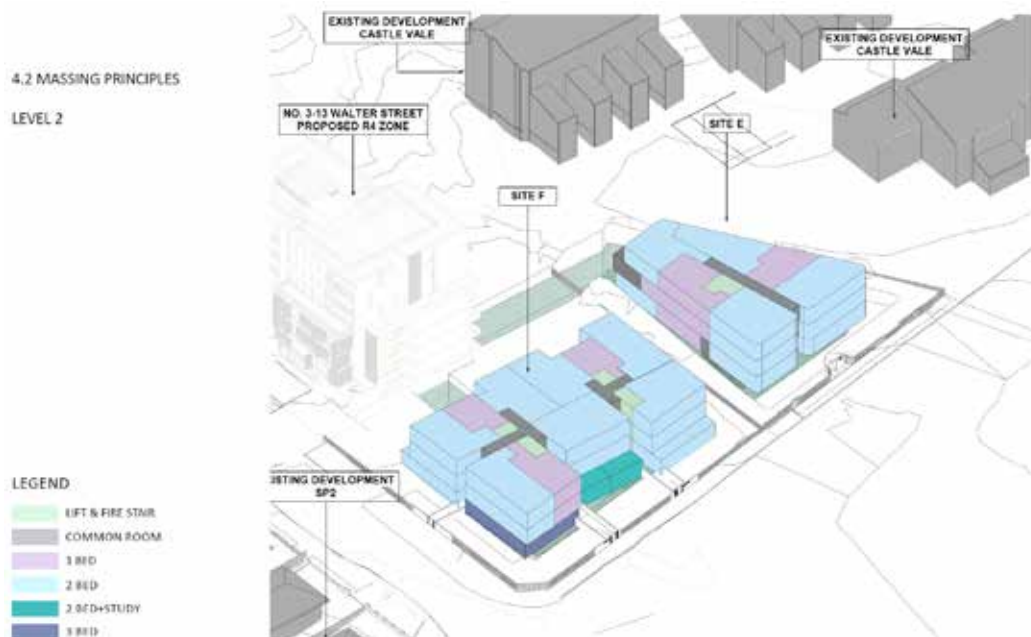


Proposed Master Plan Level 1

Source: Architecture Urbaneia 2018 p41

4.2 MASSING PRINCIPLES

LEVEL 2

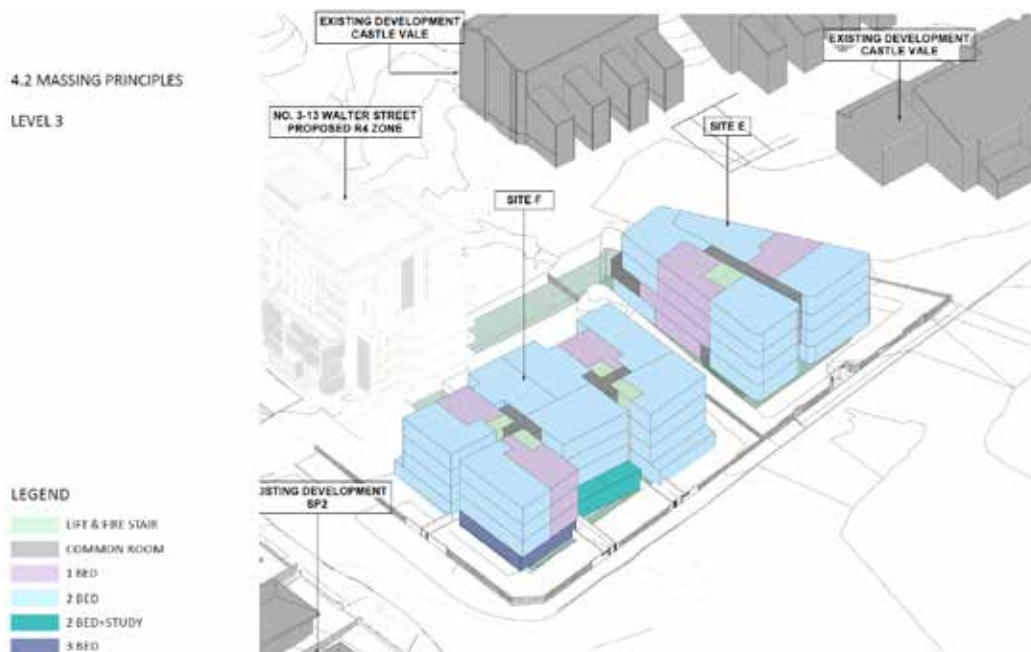


Proposed Master Plan Level 2

Source: Architecture Urbaneia 2018 p42

4.2 MASSING PRINCIPLES

LEVEL 3



Proposed Master Plan Level 3

Source: Architecture Urbaneia 2018 p43

4.3 MASSING PRINCIPLES

LEVEL 4



Proposed Master Plan Level 5

Source: Architecture Urbaneia 2018 p44



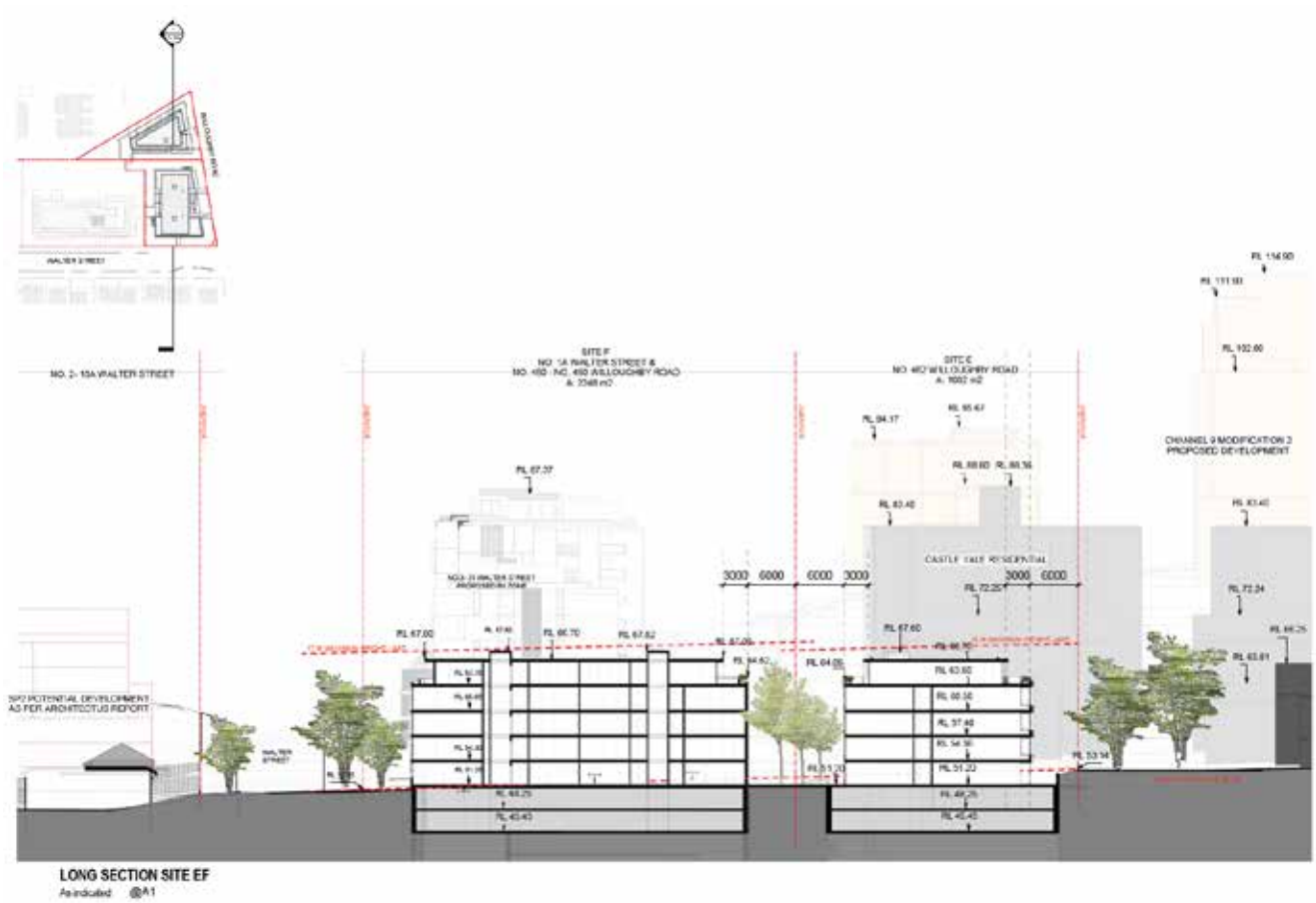
Proposed Willoughby Road Elevation

Source: Architecture Urbaneia 2018 p52



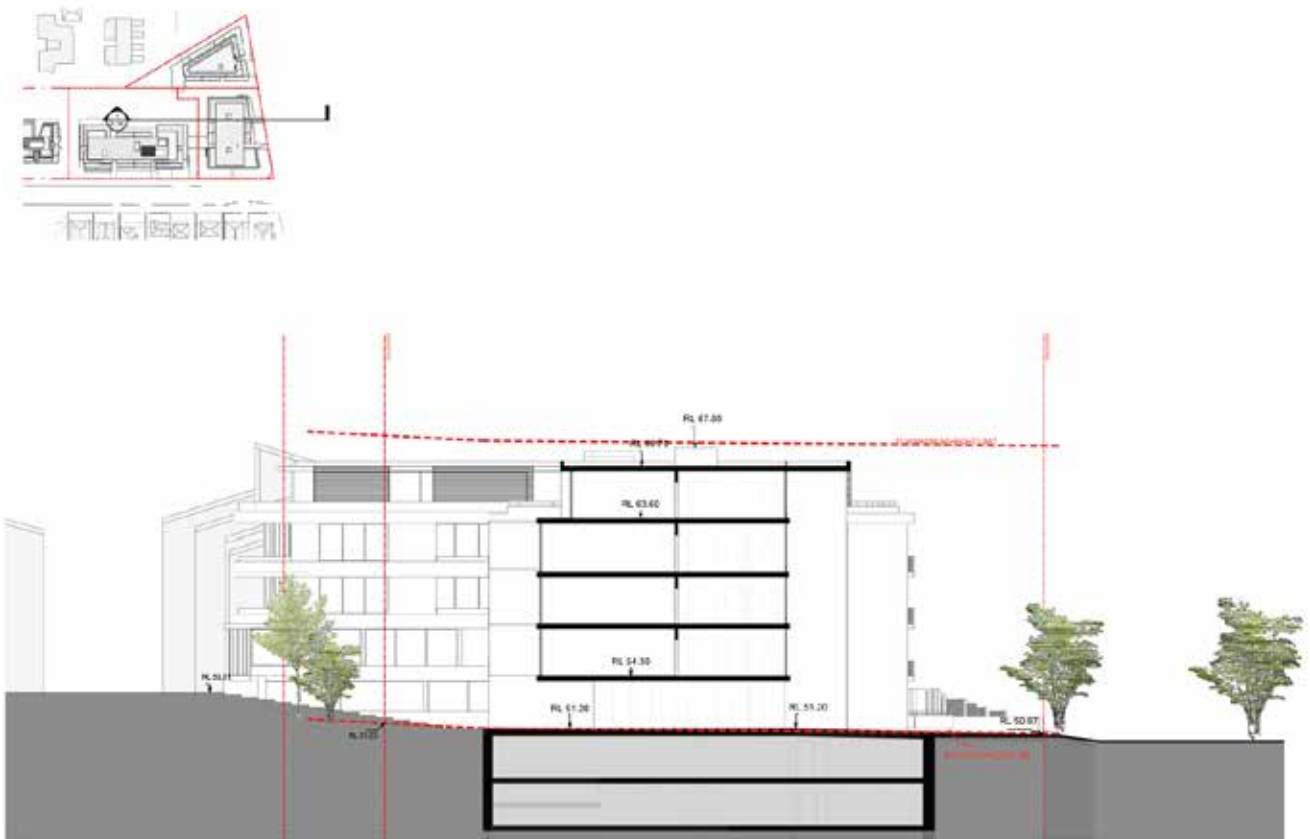
Proposed Walter Street Elevation

Source: Architecture Urbaneia 2018 p57



Proposed Section

Source: Architecture Urbaneia 2018 p58



CROSS SECTION SITE F _B

Proposed Section

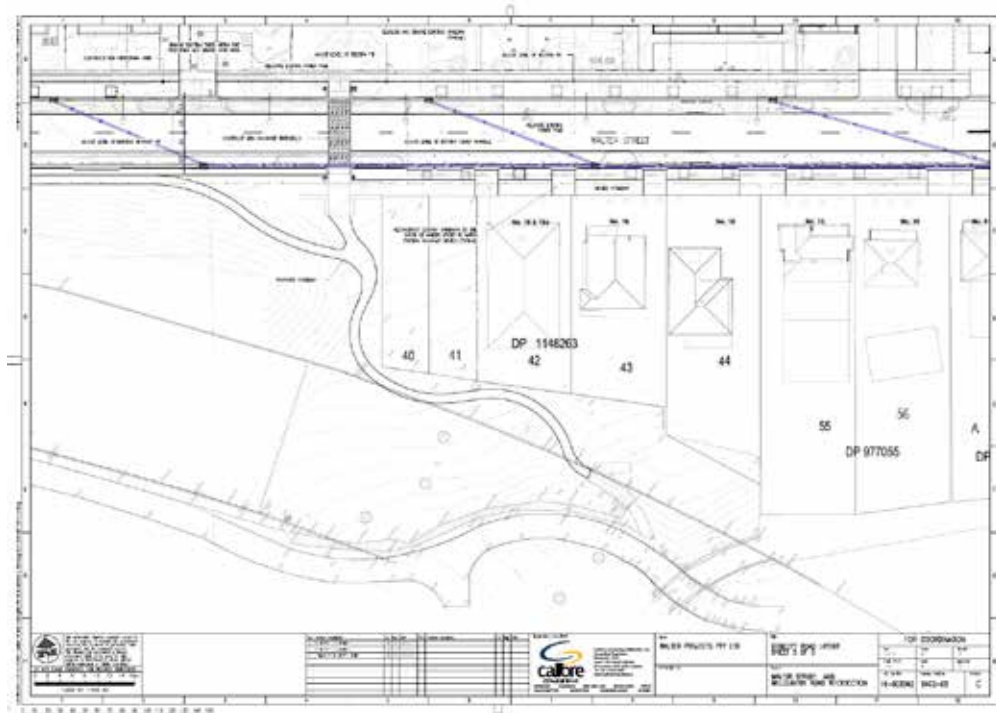
Source: Architecture Urbaneia 2018 p61



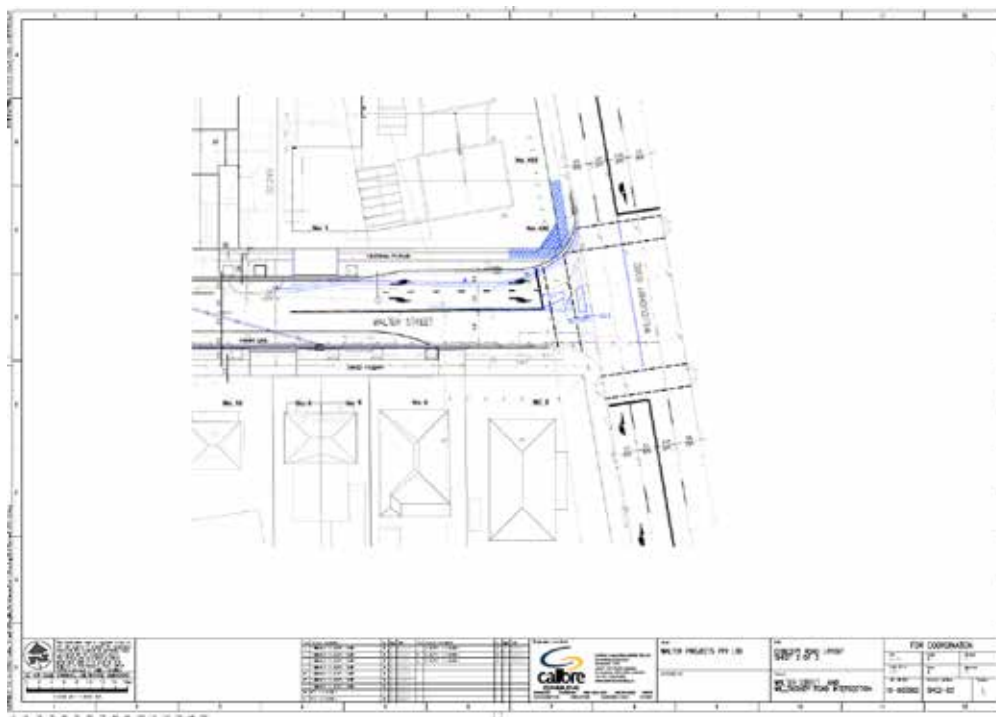
Green Zone and Open Space Interface
Source: Architecture Urbaneia 2018 p32



Road Improvements and Intersection Upgrade
Source: Architecture Urbaneia 2018 p30



Proposed Walter Street widening and upgrade
Source: Calibre Consulting 2017



Proposed Walter Street and Willoughby Road Signalization and Upgrade
Source: Calibre Consulting 2017



Planning Proposal
Perspective View North-west on Willoughby



Planning Proposal
Perspective View North on Willoughby Road

In addition to the amended FSR and height controls, the intended outcome for the subject site is a built form consistent with the intention of providing a more appropriate form of development which retains and improves amenity while providing improved access for residents of surrounding buildings and broader locality.

To provide greater certainty and clarity in regard to the outcomes of the Planning Proposal it is proposed to lodge a development application for the first stage of the site redevelopment so that it can be placed on public exhibition with the Planning Proposal (subject to the Gateway determination).

4.2 Explanation of Provisions

The following table provides a summary of how the amending LEP impacts on the relevant provisions of the WLEP 2012.

It is proposed to rezone the site to R4 Residential High Density:

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.*
- To provide a variety of housing types within a high density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To allow for increased residential density in accessible locations, while minimising the potential for adverse impacts of such increased density on the efficiency and safety of the road network.*
- To encourage innovative design in providing a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping.*

2 Permitted without consent

Nil

3 Permitted with consent

Boarding houses; Child care centres; Community facilities; Home businesses; Home occupations; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,
- (b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
- (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,
- (d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,
- (e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,
- (f) to use maximum height limits to assist in responding to the current and desired future character of the locality,
- (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,
- (h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Includes objectives of the building height controls for the site.

The subject site is amended to a 17m height control.

4.4 Floor space ratio

(1) The objectives of this clause are as follows:

- (a) to limit the intensity of development to which the controls apply so

that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,

(b) to limit traffic generation as a result of that development,

(c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

(d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,

(e) to permit higher density development at transport nodal points,

(f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,

(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,

(h) to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,

(i) to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas,

(j) to encourage the consolidation of certain land for redevelopment,

(k) to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2):

(a) the maximum floor space ratio for a building on land in Zone R2 Low Density Residential or Zone E4 Environmental Living is to be determined as if the area of the access laneway of a battle-axe lot were not part of the area of the lot, and

(b) any part of the floor area of a building that:

(i) is to be used for community facilities or affordable housing purposes, or

(ii) is a heritage item,

is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.

(2B) Subclause (2A) (b) does not apply unless the consent authority is satisfied that:

(a) the building will not cause adverse impacts on adjoining land in terms of overshadowing, privacy, bulk and scale, and

(b) the conservation of any heritage item and its setting will be achieved.

(2C) Subclause (2A) (b) (i) does not apply in respect of a building used for affordable housing purposes if the erection of the building is consistent with Division 1 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Includes objectives of the FSR controls for the site.

A building cannot be erected on the subject site with a FSR exceeding 1.5:1 (including affordable housing).

6.8 Affordable housing

(1) For the purposes of this clause, the *Willoughby Affordable Housing Principles* are as follows:

(a) affordable housing must be provided and managed in Willoughby so that accommodation for a diverse residential population representative of all income groups is available in Willoughby, and

(b) affordable housing must be rented to tenants whose gross household incomes fall within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:

Very low income household	less than 50%
Low income household	50% or more, but less than 80%
Moderate income household	80–120%

and at rents that do not exceed a benchmark of 30% of their actual household income, and

(c) dwellings provided for affordable housing must be managed so as

to maintain their continued use for affordable housing, and

(d) rental from affordable housing received by or on behalf of the Council, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), must be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing in Willoughby, and

(e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in Willoughby, especially in terms of internal fittings and finishes, solar access and privacy.

(2) Development consent must not be granted to the erection of residential accommodation on land identified as "Area 3" on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

(a) the Willoughby Affordable Housing Principles,

(b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,

(c) whether an affordable housing condition should be imposed on the consent.

Note. The affordable housing principles set out in Schedule 2 to *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)* may also apply to the development.

(3) The following are *affordable housing conditions*:

(a) a condition requiring the payment of a monetary contribution to the consent authority by the applicant to be used for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles that is the value, calculated in accordance with subclause (4), of 4% of the accountable total floor space to which the development application relates, or

(b) if 4% of that accountable total floor space provides a sufficient amount of gross floor area, a condition requiring:

(i) the dedication in favour of the consent authority, free of cost, of land of the applicant comprised of one or more complete dwellings with a gross floor area of not more than the amount equivalent to that percentage, each dwelling having a gross floor area of not less than 50

square metres, and

(ii) if the total amount of gross floor area of the complete dwelling or dwellings is less than the amount equivalent to that percentage, the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (4), of the gross floor area equivalent to the difference between those amounts,

to be used for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

(4) The amount of the contribution to be paid under a condition imposed under subclause (2) (c) is the value of the gross floor area concerned calculated by reference to the market value of dwellings of a similar size to those proposed by the development application.

Note. Section 94F of the Act permits the imposition of such a condition and specifies the circumstances under which such a condition may be imposed. Any condition imposed is subject to section 94G of the Act.

(5) This clause does not apply to development for the purpose of any of the following:

(a) boarding houses,

(b) community housing (as defined in section 3 of the *Housing Act 2001*),

(c) group homes,

(d) hostels,

(e) public housing (as defined in section 3 of the *Housing Act 2001*).

(6) An affordable housing condition must not be imposed in relation to an amount of accountable total floor space if the consent authority is satisfied that such a condition has previously been imposed under this clause in relation to the same or an equivalent amount of accountable total floor space on the site.

(7) In this clause:

accountable total floor space means the gross floor area of the residential component of the development to which the development application relates.

market value means the most current median sales price of such dwellings for Willoughby as documented in the Rent and Sales Report NSW published by the Department of Family and Community Services

or, if another document has been approved for that purpose by the Director-General, that document.

The clause requires the provision of 4% of the total floor space as affordable housing.

5.6 Architectural roof features

(1) The objectives of this clause are as follows:

- (a) to permit variations to maximum building height standards for roof features of visual interest, and
- (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

- (i) comprises a decorative element on the uppermost portion of a building, and
- (ii) is not an advertising structure, and
- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

Unchanged

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or

- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation:

- (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
- (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

(9) [Not adopted]

Unchanged

6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.
- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
 - (a) a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):

- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
- (b) the works are not likely to lower the watertable.

Class 5

Unchanged

6.2 Earthworks

(1) The objectives of this clause are as follows:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
- (b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless:

(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(b) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Unchanged

6.3 Flood planning

(1) The objectives of this clause are as follows:

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to:

(a) land that is shown as "Flood planning area" on the Flood Planning Map, and

(b) other land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.

(5) In this clause, *flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Unchanged

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

-
- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of

the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

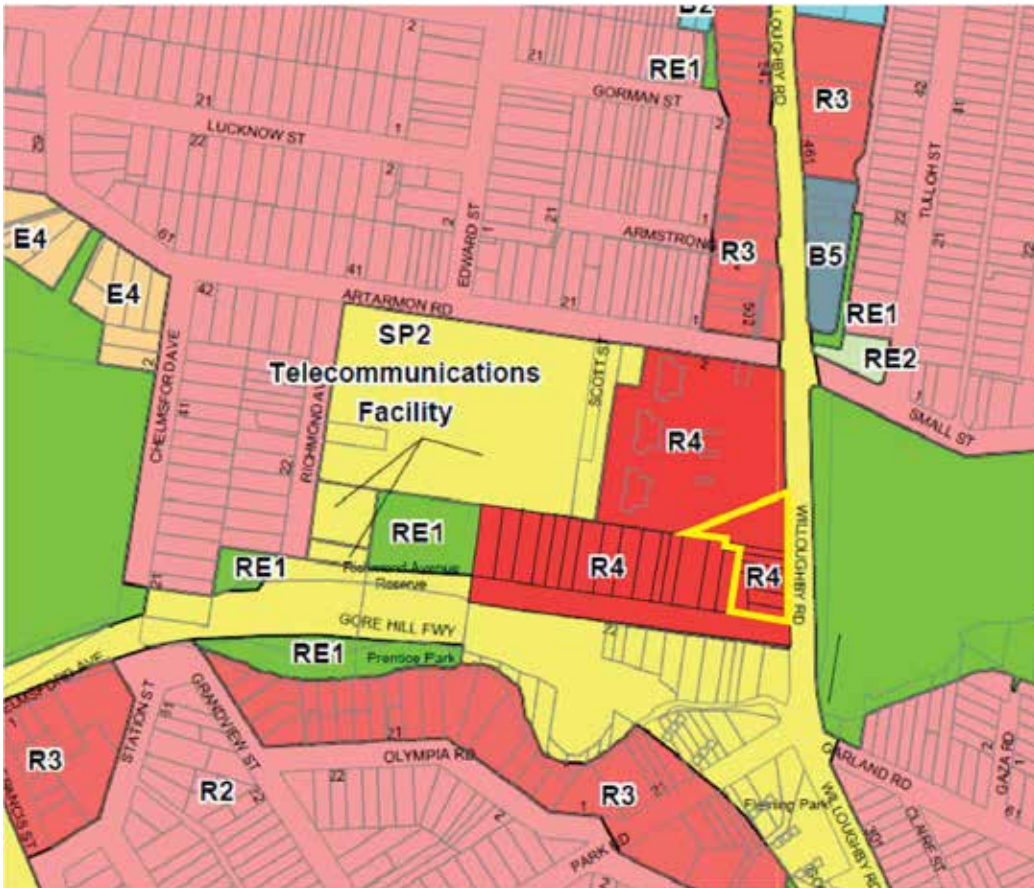
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Unchanged

Proposed Amended LEP extract maps

Zoning



Height



FSR I need these



4.3 Justification

4.3.1 Section A – Need for a Planning Proposal

1. Is the Planning Proposal a result of any strategic Study or Report?

Details of the Study are provided in Section 3.3 of this proposal. It is considered reasonable to amend the controls for the subject site where it is an isolated residential site surrounded by high density residential uses which are compromised by the edge effects and the current development on the site is unable to provide for contemporary servicing and amenity controls. The redevelopment of this site will experience a tangible positive effect on the quality of their lives of the occupants and residents as a result of the introduction of residential uses and the amended height and FSR control and can reasonably contribute to the cost of realizing the public benefits with the preparation of an appropriate Voluntary Planning Agreement

In relation to the proposal for the subject site, it is consistent with the design study where it identified the following preferred built form option in the surrounds:

- R4 Residential High Density Zone

- Height – 17 metres;
- FSR 1.5:1

To achieve the preferred built form option for the subject site, it is necessary to amend the LEP through a Planning Proposal.

The justification for the Floor Space increase is the following commensurate public benefit being provided:

Road and Intersection Upgrade

A Voluntary Planning Agreement is being entered into that where the proponent proposes to forward fund the required Walter Street/Willoughby Road intersection upgrade and Walter Street upgrade.

A Voluntary Planning Agreement is being entered into that where the proponent proposes to forward fund the upgrade of the Walter Street carriageway to allow for compliant footpaths, street tree planting and a carriageway which will allow for two lanes of traffic and parking on each side within the existing road reserve. This upgrade to the movement network will:

- Effectively resolve an existing traffic and parking problem;
- Create capacity for additional residential density;
- Significantly improve resident and pedestrian amenity.
- Provide a monetary contribution for a bicycle connection from Walter Street to Richmond Road;

Affordable Housing Contribution

A Voluntary Planning Agreement is being entered into that will deliver affordable housing within the development at a provision equivalent to 4% of the accountable total floor space as defined by the Willoughby Local Environmental Plan 2012. This new affordable housing will:-

- be provided and managed in Willoughby so that accommodation for a diverse residential population representative of all income groups is available in Willoughby, and
- will be rented to tenants in the very low to moderate income households;

-
- consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in Willoughby, especially in terms of internal fittings and finishes, solar access and privacy.

It should be noted that these benefits are in addition to what would be normally required by a new development. They are also public benefits that have been identified by Council as being needed in Willoughby.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is seen as the best means of achieving the objectives or intended outcomes because:

The justification to proceed with the amending LEP has taken into consideration the public interest and the consequence of not proceeding with the necessary changes to the planning controls. The following table provides an evaluation of the Planning Proposal against the key criteria for a Net Community Benefit Test set out in the Department of Planning's Draft Centres Policy. While the subject site is not located in a recognised centre it is considered appropriate to use the evaluation criteria to ensure consistency with the assessment process in determining the net community benefit test for the amending LEP.

The assessment of the key evaluation criteria in the table, it is considered that the proposed changes to the Willoughby LEP 2012 will produce a net community benefit.

Key Evaluation Criteria for net community benefit

Will the LEP be compatible with agreed State and regional strategic

direction for development in the area?

The LEP is compatible with the following State and regional strategic directions;

- To achieve a balance between greenfield development and redevelopment in existing areas;
- To improve and enhance existing employment generating uses in established areas well served by public transport;
- To resolve the edge effects between high density and medium density uses and adjoining residential areas;
- To co-locate employment and residential development;
- To concentrate activity in accessible centres;
- To provide new housing within the walking catchments of existing and planned centres of all sizes with good public transport;
- To produce housing that suits our expected future needs; and,
- To improve the quality of new housing development and urban renewal

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional or subregional strategy?

The LEP is located in the Transit Oriented Development corridor

identified in the Greater Sydney Regional Plan.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?
The LEP arises from the recommendations of the Willoughby Strategy which can consistently be extended to this block where the site conditions provide unique opportunities which are consistent with the desired outcome. The expectations of the landowner or other landowners in the precinct will be informed by the findings.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?
There are no identified cumulative effects from spot rezoning in the locality that needs to be considered.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?
The proposal will not result in the loss of employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?
The amending LEP will increase the quality of residential housing supply and affordability from the site.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport.
The proposed upgraded public infrastructure (road, utilities and rail) is capable of servicing the proposed development of the site.

There will be improved pedestrian access in the locality of the subject site. The subject site is well serviced by bus and train being within the proximity of the Artarmon Rail Station and Willoughby Road bus routes.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?
The proposal is expected to reduce car distances travelled by co-locating residential uses in proximity to services and existing public transport. This will result in a decrease in greenhouse gas emissions and operating costs and result in improved road safety.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?
Yes. There is significant investment in the existing rail and bus network. The patronage on the rail and bus network will increase.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?
No
Is the land constrained by environmental factors such as flooding.
No
Will the LEP be compatible or complementary with surrounding land uses?
The LEP will be compatible with existing development in the area.
What is the impact on amenity in the location and wider community?
The proposal will provide for improved streetscape and contribute to the revitalisation of this precinct. In particular, the proponent will enter into a Voluntary Planning Agreement (VPA) that will contribute to the

provision of new open space and upgraded intersection and access in the precinct.
Will the public domain improve?
Yes. The VPA will contribute to the provision an upgraded movement network and movement interface.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?
No it is a residential area.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?
No
What are the public interest reasons for preparing the draft plan?
<p>The public interest for preparing the draft plan includes:</p> <ul style="list-style-type: none"> • Improved housing opportunities; • Improved residential interface; • Improved streetscape and pedestrian interface; • Meet the demand for dwellings with high amenity and access to services; • Improved sustainability due to proximity to public transport and services. • Improved bike and pedestrian connections.

What are the implications of not proceeding at this time?
The site will be redeveloped at a lesser intensity with little public benefit accruing from the redevelopment with future uncertainty in the preferred future built form of the precinct.

4.3.2 Section B – Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable Regional or Sub-regional strategy and exhibited draft strategies?

The Planning Proposal is consistent with the following objectives and Planning Priorities of A Metropolis of Three Cities Greater Sydney Region Plan 2018 and the Northern District Plan 2018.

Greater Sydney Region Plan March 2018

The Greater Sydney Region Plan- A Metropolis of three cities which is the NSW Government's revised plan for the future of the Sydney Metropolitan area to 2056 was adopted in March 2018.

The Greater Sydney Region Plan sets ten directions for Sydney to be:

1. A City Supported by Infrastructure
2. A collaborative city
3. A city for people
4. Housing the City
5. A city of great places
6. A well connected city
7. Jobs and skills for the city
8. A city in its landscape
9. An efficient city
10. A resilient city.

The plan encourages Council's to accelerate housing supply, choice and affordability and build great places to live. This is to be achieved by working with Councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services along key public transport corridors.

North District Plan March 2018

The North District Plan was adopted in March 2018 and implements the vision and directions of the Greater Sydney Regional Plan March 2018 through Planning Priorities and Actions.

Planning Priority N5 of the District Plan; Providing housing supply, choice and affordability, with access to jobs and services is the main initiative that is relevant to this Planning Proposal. It requires Willoughby Council to prepare a local housing strategy that addresses the delivery of 1,250 dwellings within 5 years and plans for the capacity to deliver further dwellings within a 10-20 year period.

The proposal will assist in meeting the housing supply targets required in the North District Plan in a location identified as being well located to local centres, public transport, public open space and regional walking and cycle networks. The Planning Proposal is considered consistent with the North District Plan March 2018.

Planning Priority N1. Planning for a city supported by infrastructure.	Consistent. The subject site is located aligning land use and infrastructure maximizie the use of existing infrastructure.
Planning Priority N2. Working through collaboration.	Consistent The PP seeks a collaborative approach consistent with the

	various agencies.
Planning Priority N3. Providing services and social infrastructure to meet people's changing needs.	Consistent The PP provides walking and cycling connections to the network and services consistent with this priority.
Planning Priority N4. Fostering healthy, creative, culturally rich and socially connected communities.	Consistent The PP seeks to provide walkable streets that provide direct accessible and safe pedestrian and cycling connections from homes to schools, daily needs and recreation facilities to encourage greater physical activity and social connection and provide connectivity of, and access to, diverse open spaces and opportunities for recreational physical activity.
Planning Priority N5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.	Consistent The PP seeks to provide increased capacity for a variety of residential dwellings on the site to provide increased capacity for residential dwellings, thereby increasing housing supply and improving housing options and affordability.
Planning Priority N6. Creating and renewing great places and local centres, and respecting the District's heritage.	Consistent The planning proposal seeks to provide a redevelopment that renews the place while respecting the local heritage.
Planning Priority N7. Growing a stronger and more competitive Harbour CBD.	Not relevant
Planning Priority N8. Eastern	Not relevant

Economic Corridor is better connected and more competitive	
Planning Priority N9. Growing and investing in health and education precincts	Not relevant
Planning Priority N10. Growing investment, business opportunities and jobs in strategic centres.	Not relevant
Planning Priority N11. Retaining and managing industrial and urban services land.	Consistent The subject site is not identified as an industrial or urban service precinct. The residential character of the surrounds make it appropriate to provide increased capacity for residential dwellings.
Planning Priority N12. Delivering integrated land use and transport planning and a 30-minute city	
Planning Priority N13. Supporting growth of targeted industry sectors.	Not relevant
Planning Priority N14. Leveraging inter-regional transport connections	The PP provides walking and cycling connections to the network and services connecting to the regional transport consistent with this priority.
Planning Priority N15. Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways.	The PP provides walking and cycling connections to the network and services connecting to the harbor and District waterways consistent with this priority.
Planning Priority N16. Protecting and enhancing bushland and biodiversity.	Not relevant
Planning Priority N17. Protecting	Consistent

and enhancing scenic and cultural landscapes.	The planning proposal seeks to provide a redevelopment that renews the place while respecting the local heritage and cultural landscape consistent with this priority.
Planning Priority N18. Better managing rural areas	Not relevant.
Planning Priority N19. Increasing urban tree canopy cover and delivering Green Grid connections.	Consistent The planning proposal seeks to improve the urban tree canopy and landscape with linkages and open space consistent with this priority.
Planning Priority N20. Delivering high quality open space.	Consistent The planning proposal seeks to improve the provision of open space consistent with this priority.
Planning Priority N21. Reducing carbon emissions and managing energy, water and waste efficiently.	Consistent The planning proposal seeks to reduce carbon emissions by locating residential density close to existing public transport and services and encourage walking and cycling consistent with this priority.
Planning Priority N22. Adapting to the impacts of urban and natural hazards and climate change.	Consistent The planning proposal reduces the impact of natural hazards adopting appropriate flood levels to address localized flooding consistent with this priority.
Planning Priority N23. Preparing Local Strategic Planning Statements informed by local strategic planning.	Consistent The planning proposal is considered consistent with the district plan.
Planning Priority N24. Monitoring	Consistent

and reporting on the delivery of the Plan.	The planning proposal is considered consistent with the these provisions.
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The PP is considered consistent with the Metropolitan and District Plans. It is considered that the redevelopment of the site will also contribute to the ‘planning priorities’ articulated in the District Plan.

4. Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Willoughby Council has a number of local strategic plans that are relevant to the Planning Proposal. The following provides a summary of how the Planning Proposal is consistent with the objectives of the local strategic plans.

Willoughby City Strategy 2013 - 2029

Willoughby City Council has developed the Willoughby City Strategy 2013 – 2029 which provides a vision for the City and is the foundation for all Council operations over the next 16 years. It identifies the varied and rich aspects of community living, Willoughby’s heritage, the natural environment and commercial centres, providing a clear direction for the City.

Council’s vision for Willoughby as outlined in Willoughby’s local strategy is as follows:

Willoughby, the vital hub of the region, where residential, cultural, economic and environmental interests are respected and balanced, and our communities enjoy a diversity of lifestyles.

The PP is consistent with the Council’s vision identified in the Willoughby City Strategy 2013-2029 in that it promotes a cohesive and

inclusive community by locating housing close to existing facilities and making provision for affordable housing to accommodate the vulnerable.

The PP is consistent with the quality living amenity provisions ensuring access to adequate infrastructure and services and providing universally accessible measures in design.

The PP is consistent with the Transport and Mobility provisions promoting active and public transport and the integration between transport modes. The proposal provides the opportunity for a pedestrian and cyclist focus within the local centre.

The PP supports the local centre by increasing densities in proximity to Willoughby.

The Planning Proposal is consistent with the local council's Community Strategic Plan.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

There are a number of State Environmental Planning Policies that will apply to any proposed development of the site but are not applicable to the assessment of this Planning Proposal.

There are a number of State Environmental Planning Policies that will apply to any proposed development of the site but not all are applicable to the assessment of this Planning Proposal. The following table considers this consistency.

SEPP	Consistency	Comments
1. Development Standards	Yes	Yes The Standard Instrument Clause 4.6 supersedes the SEPP. The proposal seeks to

		allow for a maximum building height of 28 metres to the top of the building which satisfies the site specific building height sought via this PP.
4. Development Without Consent & Miscellaneous Exempt & Complying Development	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
6. Number of Storeys in a Building	Yes	The proposal is for a maximum building height as demonstrated on the proposed LEP mapping (Section 8).
14.Coastal Wetlands	N/A	Not applicable
15.Rural Landsharing Communities	N/A	Not applicable
19.Bushland in Urban Areas	N/A	Not applicable
21.Caravan Parks	N/A	Not applicable
22. Shops & Commercial Premises	Yes	The PP aims to be consistent with the SEPP having regard to the range of uses that may be appropriate for the site.
26. Littoral Rainforests	N/A	Not applicable
29. Western Sydney Recreation Area	N/A	Not applicable

30. Intensive Agriculture	N/A	Not applicable
32. Urban Consolidation (Redevelopment of Urban Land)	Yes	The PP aims to be consistent with the SEPP having regard to the range of uses that may be appropriate for the site.
33. Hazardous and Offensive Development Complex	N/A	Not applicable
36. Manufactured Home Estates	N/A	Not applicable
39. Spit Island Bird Habitat	N/A	Not applicable
41. Casino Entertainment	N/A	Not applicable
44. Koala Habitat Protection	N/A	Not applicable
47. Moore Park Showground	N/A	Not applicable
50. Canal Estate Development	N/A	Not applicable
52. Farm Dams, Drought Relief & Other Works	N/A	Not applicable
55. Remediation of Land	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP. The site is capable of being used for commercial and residential purposes,

		with any requirement for remediation of the site addressed in the detailed DA for the development.
59. Central Western Sydney Economic & Employment Area	N/A	Not applicable
62. Sustainable Aquaculture	N/A	Not applicable
64. Advertising and Signage	N/A	Not applicable
65. Design Quality of Residential Flat Development	Yes	The PP will achieve consistency with the SEPP through application of design excellence provisions. The Architectural Indicative Scheme addresses in detail the implications for realising the design quality principles in the SEPP and demonstrated an appropriate built form on the site.
70. Affordable Housing (Revised Schemes)	N/A	Not applicable
71. Coastal Protection	N/A	Not applicable
SEPP (Affordable Rental Housing) 2009	Yes	The PP will not contain provisions that will contradict or would hinder application of this

		SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable
SEPP (Temporary Structures and Places of Public Entertainment)	N/A	Not applicable

2007		
SEPP (Rural Lands) 2008	N/A	Not applicable
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable
SREP (Sydney Harbour Catchment) 2005	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s 117 directions)?

The following table provides an assessment of the Planning Proposal against the applicable Ministerial Directions. The Planning Proposal is generally consistent with the identified applicable Ministerial Directions.

Ministerial Directions

1. Employment and Resources 1.1 Business and Industrial Zones
Not applicable to Residential Land.
3. Housing, Infrastructure and Urban Development 3.1 Residential Zones 3.4 Integrating Land Use and Transport
The planning proposal is consistent with the objectives of the direction because it will improve the choice, accessibility and distribution of housing stock. It will also help reduce the development of land on the urban fringe.
The planning proposal is consistent with the objectives of the direction

because it provides for housing in close proximity to employment opportunities and established public transport reducing travel demand with environmental benefits.
5. Regional Planning 5.2 Sydney Drinking Water Catchments
The planning proposal is prepared in accordance with the general principle that water quality within the Sydney drinking water catchment will be protected. The Planning proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2012 and development will have a neutral or beneficial effect on water quality.
6. Local Plan Making 6.3 Site Specific Provisions
The objective of the planning proposal will amend Willoughby Local Environmental Plan 2012 in order to allow the particular development proposal to proceed.
7. Metropolitan Planning 7.1 Implementation of the Metropolitan Strategy
The Planning Proposal is shown to be consistent with the NSW Government's Metropolitan Plan for Sydney 2036.

Employment and Resources		
1.1 Business and Industrial Zones	N/A	Not applicable
1.2 Rural Zones	N/A	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	N/A	Not applicable
1.4 Oyster Aquaculture	N/A	Not applicable
1.5 Rural Lands	N/A	Not applicable
Environment and Heritage		
2.1 Environment	N/A	Not applicable

Protection Zones		
2.2 Coastal Protection	N/A	Not applicable
2.3 Heritage Conservation	N/A	Not applicable
2.4 Recreation Vehicle Areas	N/A	Not applicable
Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	The planning proposal is consistent with the objectives of the direction because it will improve the choice, accessibility and distribution of housing stock. It will also help reduce the development of land on the urban fringe.
3.2 Caravan Parks and Manufactured Home Estates	N/A	Not applicable
3.3 Home Occupations	N/A	Not applicable
3.4 Integrating Land Use and Transport	Yes	The planning proposal is consistent with the objectives of the direction because it provides for housing in close proximity to established public transport reducing travel demand with environmental benefits.

3.5 Development Near Licensed Aerodromes	Yes	Confirmation that no residential accommodation is proposed to be within the part of the site within the ANEF 25-30. The proposal includes residential accommodation outside the 20ANEF.
3.6 Shooting Ranges	N/A	Not applicable
Hazard and risk		
4.1 Acid sulphate soils	N/A	The site is not located on acid sulphate soils. Accordingly, Direction 4.1 is not applicable.
4.2 Mine Subsidence and Unstable Land	N/A	Not applicable
4.3 Flood Prone Land	N/A	The site is not located within flood prone land. Accordingly, Direction 4.3 is not applicable.
4.4 Planning for Bushfire Protection	N/A	The site is not located within a Bushfire prone area. Accordingly, Direction 4.4 is not applicable.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The PP will be consistent with this Ministerial Direction.
5.2 Sydney Drinking	Yes	The planning proposal

Water Catchments		is prepared in accordance with the general principle that water quality within the Sydney drinking water catchment will be protected. The Planning proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2012 and development will have a neutral or beneficial effect on water quality.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4 Commercial & Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	N/A	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The PP will be consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The PP will be consistent with this Ministerial Direction.

6.3 Site Specific Provisions	Yes	The PP will be consistent with this Ministerial Direction.
Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The Planning Proposal is shown to be consistent with the NSW Government's A Metropolis of Three Cities Plan for Sydney 2018

4.3.3 Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, there have been no critical habitat or threatened species, populations or ecological communities, or their habitats, identified on this site.

8. Are there any other likely environmental impacts as a result of the Planning Proposal (and if so), how are they to be managed?

There are no likely environmental impacts as a result of this Planning Proposal. The proposed change to the zoning, FSR and height limit is not likely to give rise to any particular environmental impact given the location of the subject site and the nature of existing built form in the area. Any future development of the site will be assessed against the environmental provisions of the applicable planning instruments.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is likely to deliver significant local economic effects and will deliver positive social benefits, including improve local facilities, employment opportunities, movement networks, increased housing stock close to public transport, and amenities; greater housing choice; improved public domain facilities and an improved pedestrian interface with the surrounding streets.

4.3.4 Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The locality of the Planning Proposal is very well served by existing public transport and infrastructure. It is anticipated that the public infrastructure will adequately serve the area.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

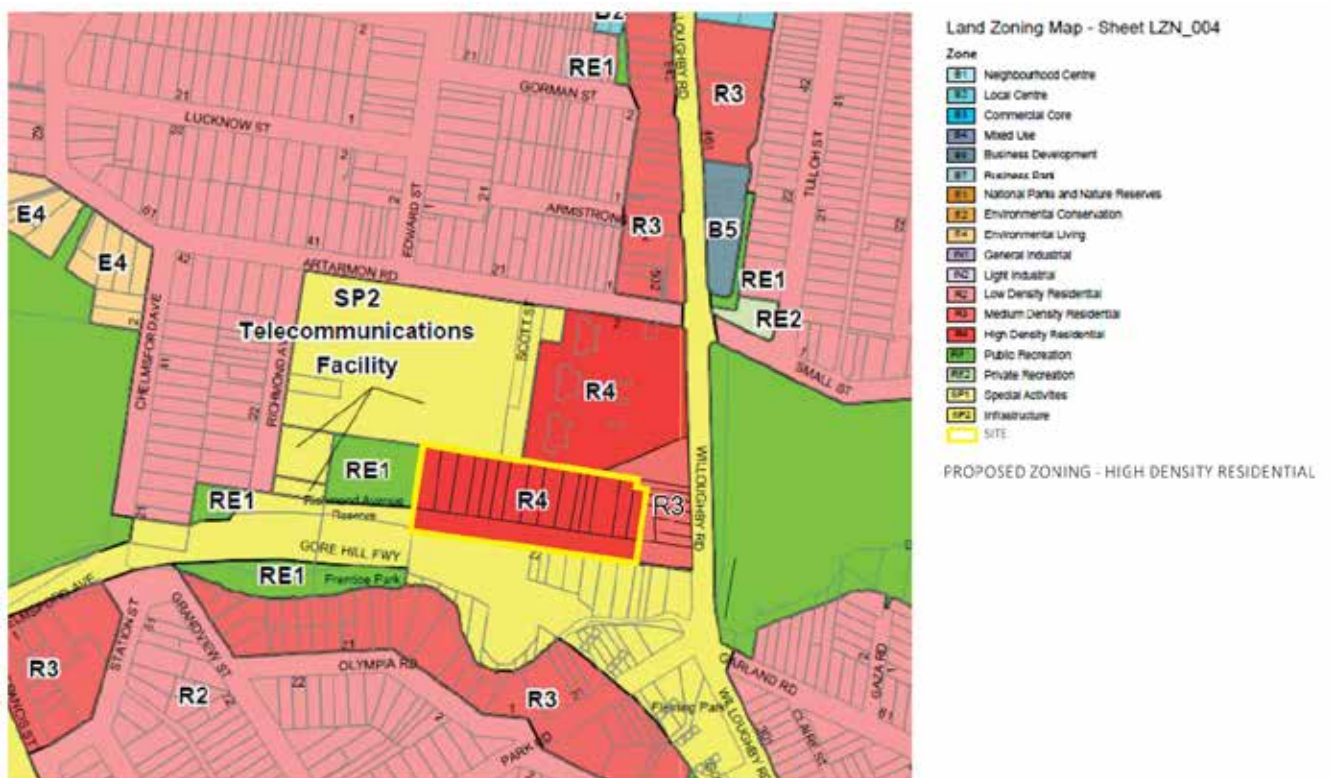
Consultation with other public authorities has been undertaken at this stage of the gateway process. It is expected that any required consultation will be identified following the gateway determination.

4.4 Mapping

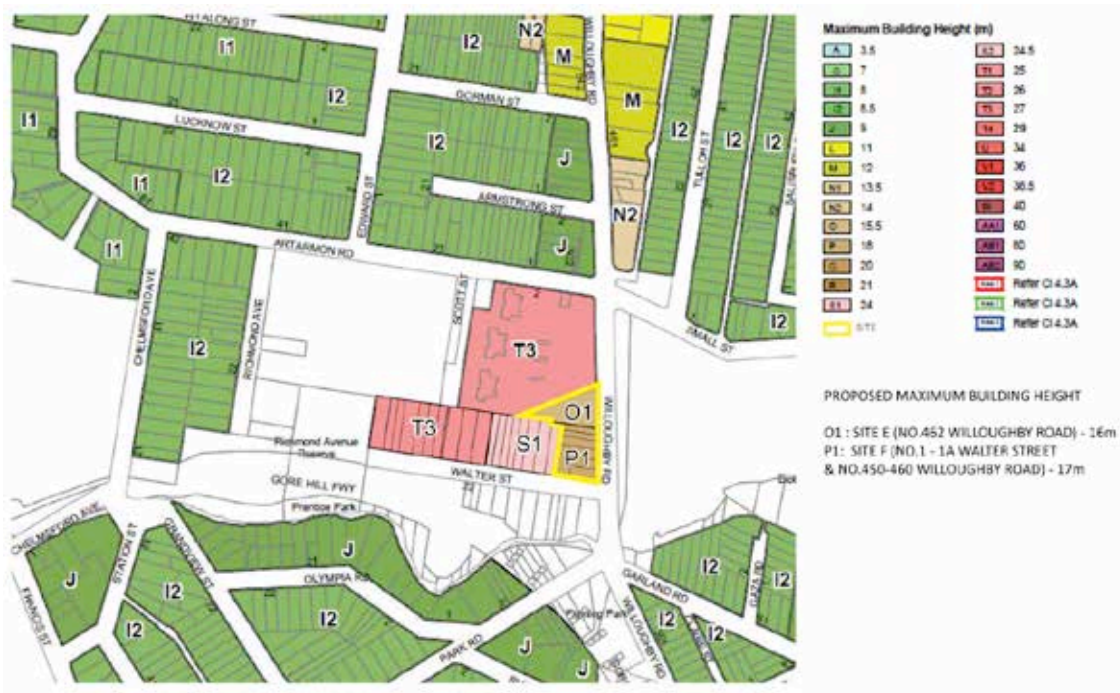
The proposal is supported by relevant and accurate mapping in the form of the aerial photographs, surveys and mapping included in section 2.2.

The proposal includes the following amended maps to demonstrate the proposal.

Zoning I need these



Height



FSR I need these



4.5 Community Consultation

Community consultation will be undertaken in accordance with the requirements of the gateway determination.

4.6 Timeline

- anticipated commencement date (date of Gateway determination)

31 October 2018

- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)

3 weeks

- commencement and completion dates for public exhibition period

1 month

- dates for public hearing (if required)

Not required

- timeframe for consideration of submissions

1 month

- timeframe for the consideration of a proposal post exhibition

2 weeks

- date of submission to the department to finalise the LEP

15 January 2019

-
- anticipated date RPA will make the plan (if delegated)

1 month

- anticipated date RPA will forward to the department for notification.

1 month

5.0 Summary

This Planning Proposal should be supported because;

1. It is consistent with both Local and State Government strategies on the provision of employment and new housing.
2. The subject site is ideally highly proximate to public transport, amenities and services.
3. Sydney's population is growing faster than previously expected causing increased employment and housing demand.
4. There are demonstrated social benefits resulting from the proposed amendment that include the provision of a range and diversity of housing types, the provision of growth within close proximity to a growth corridor and public transport corridor and the provision of movement system upgrades and affordable housing through a VPA.
5. A Net Community Benefit Test demonstrates a net community benefit arises from the Planning Proposal.

A handwritten signature in blue ink, appearing to be 'A. Darroch', on a light yellow rectangular background.

Andrew Darroch
Consultant Planner
July 2018