

**15.9 REVIEW OF THE WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**

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| <b>ATTACHMENTS:</b>           | <b>1. IMPLICATIONS<br/>2. PLANNING PROPOSAL<br/>3. WLEP 2012 WITH TRACK CHANGES<br/>4. WILLOUGHBY LOCAL PLANNING PANEL ADVICE<br/>(ATTACHMENTS 2-4 INCLUDED IN ATTACHMENT<br/>BOOKLET 1))</b> |
| <b>RESPONSIBLE OFFICER:</b>   | <b>CHRIS BINNS – ACTING PLANNING &amp;<br/>INFRASTRUCTURE DIRECTOR</b>  |
| <b>AUTHOR:</b>                | <b>JANE GIBSON – STRATEGIC PLANNER</b>  |
| <b>CITY STRATEGY OUTCOME:</b> | <b>5.1 – BE HONEST, TRANSPARENT AND<br/>ACCOUNTABLE IN ALL THAT WE DO<br/>3.4 – CREATE DESIRABLE PLACES TO BE AND<br/>ENJOY</b>   |
| <b>MEETING DATE:</b>          | <b>14 DECEMBER 2020</b>   |

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**1. PURPOSE OF REPORT**

The purpose of this report is to seek endorsement of a Planning Proposal which contains a comprehensive review of *Willoughby Local Environmental Plan 2012* and its forwarding to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel are not required to retire from Council Chambers during consideration of the Agenda item as this is a Council Local Environment Plan (LEP) Planning Proposal.

**2. OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with comprehensive amendments to *Willoughby Local Environmental Plan 2012*.**
- 2. Be presented with a report which outlines the proposed amendments to the Willoughby Development Control Plan.**
- 3. Delegate authority to the Chief Executive Officer to make any amendments to the Planning Proposal which do not alter the intent or result in material changes and incorporate advice from the Department of Planning, Industry and Environment.**

### 3. BACKGROUND

*Willoughby Local Environmental Plan 2012 (WLEP 2012)* came into force in February 2013. It contains both a written instrument and maps which determine what can be built and where. It also prescribes what activities can occur on land.

Section 3.8(4) of *The Environmental Planning and Assessment Act, 1979 (EP&A Act)*, requires councils in the Greater Sydney Region to undertake a review of their local environmental plans (LEPs) following the making of a District Plan.

After the issue of the *North District Plan* in 2018, all councils were required in the first instance to prepare a *Local Strategic Planning Statement (LSPS)*. Willoughby's LSPS was adopted by Council on 10 February 2020 and sets a 20-year vision with priorities and actions for the entire Local Government Area (LGA).

The new comprehensive WLEP comprises conclusions and recommendations from a number of existing strategies, either adopted by Council or by the State government which are referred to in the LSPS including:

- *Willoughby Local Centres Strategy*
- *Chatswood CBD and Urban Design Strategy to 2036*
- *Willoughby Industrial Lands Strategy*
- *St Leonards Crows Nest 2036 Plan*
- *Willoughby Housing Strategy*
- *Integrated Transport Strategy*

In addition to the above strategy work, the LEP review addresses anomalies / corrections of errors (housekeeping amendments) as well as proposed efficiency and readability improvements.

A Councillor briefing regarding the content of the comprehensive LEP was held on 19 October 2020 along with two webinar meetings. Webinar one was held on 4 November and repeated on 12 November 2020. Webinar two was held on 26 November 2020.

### 4. DISCUSSION

The Planning Proposal at **Attachment 2** itemises all the specific changes required to implement this comprehensive review. This includes specifying how the written instrument and maps are proposed to be changed.

The Planning Proposal includes a large number of changes. Broadly, these derive from the following components:

- Planning strategy recommendations
- Housekeeping amendments
- LEP efficiency improvements

### Planning Strategies

The following planning strategies have been subject to previous exhibitions and have been adopted by Council:

- *Willoughby Local Centres Strategy* (exhibited February – April 2019, endorsed December 2019)
- *Chatswood CBD and Urban Design Strategy to 2036* (exhibited January – March 2017, fully endorsed August 2020)
- *Willoughby Industrial Lands Strategy* (exhibited June – July 2020, endorsed adopted August 2020)
- *St Leonards Crows Nest 2036 Plan* (exhibited October 2018 – February 2019, final release by Department of Planning Industry & Environment August 2020)
- *Willoughby Housing Strategy* (exhibited February – April 2019, endorsed December 2019)
- *Integrated Transport Strategy* (exhibited February – April 2020, endorsed August 2020).

The *Chatswood CBD* and *Local Centres Strategies*, as well as the State Government initiated *St Leonards Crows Nest 2036 Plan* recommended new planning controls to stimulate economic and residential growth for these business centres, being:

- Chatswood CBD
- St Leonards CBD
- Artarmon
- North Willoughby
- Naremburn
- Castlecrag
- Northbridge
- Penshurst Street
- Willoughby South.

The proposed zoning, heights and floor space controls endorsed for each of these centres are included the planning proposal recommendations.

The implementation of the *Local Centres Strategy* will also require Council owned land at Northbridge Plaza to be reclassified from Community to Operational. The process for reclassifying land to operational will take place in accordance with the *Local Government Act 1993*.

Development control plan (DCP) provisions to support the LEP will be reported to Council in early 2021. It is intended that the draft LEP and DCP be exhibited together.

For industrial land, an increase in floor space ratio was endorsed in August 2020 for certain amalgamated sites in the industrial areas of Artarmon and East Chatswood. An adjustment to what uses are permissible and not permissible in the industrial zones are included in the planning proposal.

### Housekeeping Amendments

Council staff identified any anomalies / corrections that arose from sources such as development application assessment, owners requests or customer enquiries. These include minor mapping or boundary corrections and updates to uses reflecting what is on site. Obsolete clauses are proposed to be deleted and minor cadastre / boundary changes are also amended.

### LEP Efficiency Improvements

With a goal of improving readability and navigation of the new LEP, an examination was made of the existing LEP clauses and changes proposed as appropriate. Any changes need to adhere to the template prescribed in the *Standard Instrument – Principal Local Environmental Plan 2006*.

These amendments also aim to improve consistency with recent State controls in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) to offer equity of opportunity for residential development in Willoughby.

Largely, these changes include:

- A change to Floor Space Ratio controls in the R2 low rise density zone for dwelling houses and dual occupancies to provide equity with the Codes SEPP
- Change to the affordable housing requirement from 4% to 10% as recommended and adopted by Council in *Our Future Willoughby* in June 2018, the *Willoughby Local Strategic Planning Statement* in February 2020 and *Willoughby Housing Strategy* in December 2019.
- New clauses recommended by organisations such as Northern Sydney Regional Organisation of Councils (NSROC) or by Sydney Airport
- A new Design Excellence clause which aims to improve the quality of the building design in accordance with the *Design Excellence Policy and Guidelines for Design Excellence Review and Competitions* adopted by Council in February 2019
- A new Urban Heat clause to reduce urban heating from the environment
- Update of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority
- Additional properties identified for land acquisition as well as boundary amendments. This applies for sites owned by Council, Department of Planning Environment & Infrastructure and Transport for NSW (TfNSW). (Preliminary advice has been received from TfNSW. Final information will be included in the exhibited version of the Planning Proposal).
- Rezone land owned and used by schools SP2 Infrastructure (Educational Establishment) to reflect their primary use, consistent with current zoning practices adopted by Council

The Planning Proposal also includes a version of WLEP 2012 showing track changes of new and deleted clauses. This can be viewed at **Attachment 3**.

**Willoughby Local Planning Panel**

The Planning Proposal was considered by the Willoughby Local Planning Panel (WLPP) on 24 November 2020. WLPP advised that:

*“The Panel congratulates Council staff on the quality of the extensive background work and strategic studies that have been undertaken. The Panel received a comprehensive briefing regarding the Planning Proposal.*

*The Panel advice is that the Planning Proposal should be forwarded to Council for its consideration and to the Department of Planning for Gateway determination”.*

The advice can be viewed in full at **Attachment 4**.

**Next Steps**

Following Council's decision, the Planning Proposal will be sent to the Department of Planning Industry and Environment for a Gateway Determination. It is intended that this would be followed by a public exhibition in the first half of 2021. The LEP and DCP amendments will be exhibited simultaneously.

**5. CONCLUSION**

WLEP 2012 has been in place for almost eight years. In recent years, State and Council led planning studies have made recommendations to change planning controls in order to plan for future population growth.

The Planning Proposal will facilitate a contemporary and transparent planning instrument to reflect the work that has been endorsed by Council by the various planning strategies.

## ATTACHMENT 1

| <b>IMPLICATIONS</b>                                 | <b>COMMENT</b>   |
|---|--|
| <b>City Strategy Outcome</b>                        | 3.4: Create desirable places to be and enjoy.<br>5.1: Be honest, transparent and accountable in all that we do.  |
| <b>Business Plan Objectives, Outcomes/ Services</b> | To ensure this Planning Proposal is consistent with the <i>Willoughby Local Strategic Planning Statement</i> to accommodate future growth needs          |
| <b>Policy</b>                                       | <i>Willoughby Local Strategic Planning Statement</i>   |
| <b>Consultation</b>                                 | Prior consultation for various strategic planning strategies<br>This planning proposal would also be publicly exhibited following Gateway Determination. |
| <b>Resource</b>                                     | Internal Council staff resources.  |
| <b>Risk</b>   | Risk of not achieving the accommodation of future growth requirements.   |
| <b>Legal</b>  | The planning proposal will be referred to NSW Parliamentary Counsel's Office for legal advice post exhibition.   |
| <b>Legislation</b>                                  | <i>Environmental Planning &amp; Assessment Act 1979</i><br><i>Local Government Act 1993.</i>   |
| <b>Budget/Financial</b>                             | Work is within budgets allocated.  |