Willoughby City Council

ORDINARY COUNCIL

ATTACHMENT BOOKLET 3

Summaries of LEP & DCP Submissions

12 DECEMBER 2022

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PLANNING & INFRASTRUCTURE DIRECTORATE

12.10 ATTACHMENT 6 – SUMMARIES OF LEP & DCP SUBMISSIONS

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
1.	PETITION OF 638 RESIDENT SIGNATURES	**638 resident signatures via a Petition objecting to proposed heights & floor space increases in the proposed Willoughby WDCP for Chatswood CBD.** Ensure that proposed changes to planning rules do not result in new structures that negatively affects local amenity, including solar loss and shadowing and loss of privacy to neighbouring public open spaces, community recreational facilities, and neighbouring residents, inadequate building separation, and do not place excessive pressure on transport, schools, child care and open spaces, including sporting facilities in central Chatswood, or loss of views of our homes that for many of us are our greatest asset. We also request there is a gradual increase in building height from Ashley Street to the current Chatswood CBD along Pacific Highway and Anderson Streets. Requests Council will protect the quality and desirability of living residents currently enjoy and prevent over development in Chatswood CBD.	**Petition noted.** Chatswood has a wide range of leisure choices for local residents depending on recreation interest. These are spread over a number of sites including sports locations, the concourse. There are also facilities such as the Willoughby Leisure Centre within the LGA. Council continues to communicate and consult with NSW Education regarding future population and school facilities. Council is also undertaking a new Public Spaces and Recreation Strategy in 2022/23. The consultant brief for the new strategy highlights the issue of increased population and the inability to increase public open space given the cost of land purchase and lack of available land. Council's challenge will be finding opportunities to improve access to existing public spaces and to increase the quality of existing public spaces. A further challenge will be to enrich the community's experiences of the existing public spaces with a 'place-making'

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			approach as set out in the NSW Government's 'Public Spaces Charter.' Changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights in the fringe areas of the CBD in order to reduce impacts on adjoining residential development including nearby heritage conservation areas.
2.	10 BROWN ST CHATSWOOD	Currently owns a unit in 10 Brown Street which is commercially zoned for Serviced Apartments. Within the same building envelope, there exists both residential and commercial use. The commercial use was seriously affected by Covid whilst the residential zoning was not impacted. The CBD strategy for Chatswood has an aim to protect the commercial core but to suggest that residential land use should be prohibited is short sighted. In most modern cities, commercial, cultural and residential amenities combine to provide a vibrant element and promotes consolidated growth. Would like the ability to live in my own apartment permanently or rent it on a long term lease; that equally is supportive of the aim to protect and grow the	**10 Brown St Chatswood - No change.** Submissions raised concerns around financial impacts of the COVID-19 pandemic on owners of serviced apartments, citing a reduced demand for short-term accommodation due to changing trends, including working from home and reduced business travel in preference to teleconferencing, and a greater demand for residential accommodation. Submissions requested a change of zoning from commercial to

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		commercial role of the Chatswood CBD which would be supported by having people living close to their employment sources. Requests that 10 Brown Street building be approved for an extended residential zoning.	mixed-use to enable apartments to be leased out on a long-term basis or occupied by owners as residential accommodation. Quest, Silkari and Meriton Suites were identified as examples of other short-term accommodation in the Chatswood CBD. While the financial impacts of COVID-19 and the changing economic landscape are acknowledged, Council does not currently support a change in use for 10 Brown Street for the following reasons: i. 10 Brown Street is situated in the commercial core of Chatswood CBD. Residential development in the commercial core of Chatswood CBD is not supported under the Chatswood CBD Strategy 2036. Under the Strategy, residential growth will be focused around the periphery of the CBD, preserving the core for commercial growth. ii. Under the Chatswood CBD Strategy 2036, Chatswood is expected to grow significantly. It is anticipated that short-term accommodation will be required into the future for business and recreational travellers rather than becoming a redundant use. It is therefore necessary to ensure short-term

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			accommodation options are available to support growth into the future. iii. In addition, having been designed and constructed for short-term commercial, Council does not consider serviced apartments meet the design requirements for full-time residential occupation under SEPP65. Factors such as sunlight, internal layout, privacy and open space would not have been assessed for serviced apartments where permanent residence by families was not being considered. <u>Submission summary</u> Requests that 10 Brown Street building be approved for an extended residential zoning to enable apartments to be leased out on a long-term basis or occupied by owners as residential accommodation.
3.	10 BROWN ST CHATSWOOD	Disagree that the site at 10 Brown Street is located in the commercial core, located on the western side of the North Shore Rail Line. There are a number of private apartments on that side of the Rail line, in fact there are a lot of residential apartments in the very building that we are referring to. It was all well and good when Mantra wanted to lease the apartments on a long term basis, but as soon as Covid happened they cancelled all the leases. And other operators didn't see any value in running them either. It's very unfair if owners now cannot live in them, themselves. Council agreed to let them be rented privately while Covid was at its height, with no adverse reaction from anyone, so why not let owners still have the option? In fairness, the owners, are paying rates in the	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

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		Council area, and really should have some say in what use we put our apartments to. What's the best way to get a Change of Use passed? Now, while Council are looking at the overall situation, is surely the time for this to be given serious consideration. In relation to 10 Brown St, Chatswood, and in particular the units which are currently categorised as serviced apartments, I would like to make my opinion known, as a rate payer in the Willoughby area. More than 20 years ago, Chatswood was much smaller and there might be a need for short-term accommodation as business developed. However, with the pandemic, business conditions have changed drastically and so Council must also adapt its planning decisions based on the new business environment and not be a hindrance to business decisions. Australia is in a big housing affordability crisis nationwide, especially in Sydney with house prices going up more than 30% in the last couple of years, due mainly to a lack of supply. We cannot curb demand if people need accommodation to live. But we can increase supply, especially when the housing stock is already there. All it needs is a change in planning codes. Short-term accommodation does not help to alleviate the housing affordability crisis. The shires of Shoalhaven and Bega Valley have stated publicly that short-term accommodation is bad for their LGAs. 10 Brown Street, Chatswood was built more than 20 years ago to satisfy the need for short-term accommodation. However, with the pandemic, the scenario has changed and now there is a greater need for residential accommodation. In the Sydney CBD, office blocks have been changed to residential accommodation as more people work from home and there is a greater need for residential accommodation. 10 Brown Street was part of a block in which the bottom two floors are used for commercial purposes.	

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		The next 9 floors were sold individually to investors to be leased back to an operator to operate as service apartments for twenty years from November 1999 and zoned as commercial. The upper 11 floors are residential apartments and zoned as residential. The service apartments and residential apartments are set up as separate strata titles. In November 2019, when the 20-year lease expired, a number of apartment owners did not extend their leases with the operator and tried to handle the leasing of the apartments on their own with other operators. However, in April 202, when the pandemic struck, the service apartment operator, after being bought over by an international hotel group, cancelled all the leases with the apartment owners without compensation citing the pandemic as the cause. The operator has since re-signed agreements with some apartment owners as management agents rather than lessors of the apartments. This clearly demonstrated that the multinational hotel operator has no confidence in the short-term accommodation market and, does not see a need or demand for all the units on floors 2-10. I can see no reason why Council should keep 10 Brown Street under commercial zone. Council should be more flexible and help the apartment owners to lease out their apartments by allowing the block, where possible to be re-zoned into mixed use so that the apartments can be rented out for residential accommodation. With 166 apartments, this should help contribute, in a small way, to ease the housing affordability problem. Or, as in my case, allow owners to live in the units whenever they need to. It's ridiculous that I own an apartment in Chatswood but cannot live in it. Even though I pay rates to Willoughby Council, all they do is prevent me from living in it and force me to rent elsewhere, how crazy is that. I really hope that someone listens to the ratepayers, we are only looking to improve everyone's situation and prevent the housing crisis get even worse.	
4.	10 BROWN ST CHATSWOOD	Apartment owner at 10 Brown Street, Chatswood. Contacting Council in relation to the "Change of Use" requests that have been previously submitted to council by the owners of the Serviced Apartments at 10 Brown St, Chatswood. Was	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

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		wanting to put support for this change forward and hope that Council will have an open mind as to my requests. The current occupancy status of the apartments at 10 Brown Street falls into 3 categories: 1. Owner occupied. 2. Long term rentals. 3. "Serviced Apartments" only I cannot be owner occupied or long-term rental. "Serviced Apartment" owners, are seeking to have the usage status of our apartment(s) at 10 Brown Street, Chatswood changed so that we can also have the option to either 1) live permanently in the apartment, or 2) offer the apartment as a rental on a long-term basis. We are not against the provision of Serviced Apartments (I have owned my Serviced Apartment for 19 years), however the environment has changed significantly over recent years with the market demand for Serviced Apartments is significantly less than what has historically been the case, and unlikely to improve over the longer term. By allowing me/us to have owner occupied & long term rental usage, it will be market forces that will decide what type of accommodation usage the local district wants and the suppliers of the accommodation i.e. me / us, can provide it. I see this as a fair and reasonable request which will ensure that whatever form of accommodation the Chatswood market wants, it will be provided. The basis of my argument includes the following points: • Fairness within our building: In our building (10 Brown St, Chatswood) there are already many apartments approved for owner occupation and long-term rental. So, this is not a radical shift in concept and is obviously	

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		supported and approved by council. We are simply looking to be treated equally with the other apartment owners in our building. • Market Demand: Residential vacancy rates in Sydney are at a very low rate ~1.6% as at March 2022 and predicted to stay at this level for the longer term. As is well known, demand for residential properties has far exceeded availability, causing great difficulties for people trying to find long term rental properties (anecdotally, one of my family members spent 6 months trying to find a rental apartment in Sydney!). With our apartments being available for long term rental, it would be a positive response to this market shortfall and bring more residents into the area to support the local economy. • Unfavourable Agreement: Our properties originally had long term agreements with the Mantra Group (Saville Hotel Group). However, in 2020, due to COVID, clause 25.4 of our contracts was enacted which meant our existing agreements were immediately terminated and a new agreement was offered. While our income levels had already dropped considerably, the new agreement saw our monthly incomes drop by 95% and the costs associated with having a serviced apartment increased significantly. This new Saville Agreement is nothing like the original agreement we entered into, and is in no way commercially attractive. However, due to the restriction on the usage of our apartments, we had no option. So, while we have been losing money, during the same period, long term rentals have been in high demand, as have owner occupied properties. • Declining Business Travel: Serviced Apartments for the Commercial Corridor at Chatswood relates to the needs of the business traveller. However, COVID has shown organisations across Australia, and around the world, that they can make considerable profitability improvements by reducing their travel costs through the use of teleconferencing e.g. Zoom meetings etc. Organisations see it as a genuine way to reduce	

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		travel costs and minimise the disruption to the daily operations of their businesses. Consequently, demand for serviced apartments has and will continue to decline. As with all things in the Australian economy it is the demand for a product that will drive supply levels. If there was good demand for Serviced Apartments in the Chatswood area the owners would not be wanting other options. This "Change of Use" request, if approved, will enable us to either live in our apartment or make an acceptable return on our investment (be it Long Term Rental or Serviced Apartment Rental), while still supporting the needs of all constituents within the council. However, it will be the market demand telling us if they want to own their home, or have a Long-Term Rental or a Serviced Apartment.	
5.	10 BROWN ST CHATSWOOD	As time goes on and the demographics of the LGA changes, Council needs to update its plan, etc. The same goes with investment decisions based on the prevailing conditions. More than 20 years ago, Chatswood was much smaller with less people. There might be a need for short-term accommodation as business developed. However, with the pandemic, business conditions have changed drastically and so business investment decisions have to change to adapt to the new conditions. With this, Council must also adapt its planning decisions based on the new business environment and not be a hindrance to business decisions. As it is, Australia is in a big housing affordability crisis nationwide, more so especially in Sydney with house prices going up more than 30% in the last couple of years. House prices go up because of an increase in demand and a lack of supply. We cannot curb demand if people need accommodation to live. But we can increase supply, especially when the housing stock is already there. All it needs is a change in planning codes. Short-term accommodation does not help to alleviate the housing affordability crisis. Tonight (18 May 2022), on ABC news, we	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		heard comments from the mayors of Shoalhaven and Bega Valley stating short-term accommodation is bad for their LGAs. 10 Brown Street, Chatswood was built more than 20 years ago to satisfy the need for short-term accommodation. However, with the pandemic, the scenario has changed and now there is a greater need for residential accommodation. Even in the Sydney CBD, office blocks were also being changed to residential accommodation as more people work from home and there is a greater need for residential accommodation. 10 Brown Street was part of a block in which the bottom two floors are used for commercial purposes like a restaurant and a pub plus a Council Multi-cultural office. The next 9 floors were sold individually to investors to be leased back to an operator to operate as service apartments for twenty years from November 1999 and zoned as commercial. The upper 11 floors are residential apartments and zoned as residential. The serviced apartments and residential apartments are set up as separate strata titles. In November 2019, when the 20-year lease expired, a number of apartment owners did not extend their leases with the operator and tried to handle the leasing of the apartments on their own with other operators. However, in April 202, when the pandemic struck, the service apartment operator, after being bought over by an international hotel group, cancelled all the leases with the apartment owners without compensation citing the pandemic as the cause. The operator has since re-signed agreements with some apartment owners as management agents rather than lessors of the apartments. This clearly demonstrated that the multinational hotel operator has no confidence in the short-term accommodation market and, instead chose to be a management agent with risk to themselves but all the gains of managing the apartments. As such, there is no reason why Council should keep 10 clay under commercial zone. Council should be more flexible and help the apartment owners to lease out	

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		their apartments by allowing the block, where possible to be re-zoned into mixed use so that the apartments can be rented out for residential accommodation while allowing the existing businesses to continue their business. With 166 apartments, this should help contribute, in a small way, to ease the housing affordability problem. **Objection to application providing 76 residential apartments (Submission DA-2022/161).** Council had previously indicated that it does not support more residential units to be built on the western side of Chatswood and should not approve this development. Should Council seek to approve this development, Council should consider the request for Change of Use of 10 Brown Street, Chatswood, an existing property zoned Commercial more than 20 years ago and thus should have first priority in being accepted to be converted to residential to help alleviate the current housing affordability situation.	
6.	10 BROWN ST CHATSWOOD	Before COVID and before ACCOR took over Mantra, we (retirees) are getting reasonable regular income from our property. But when COVID came and time passed by, everything changed. This demands a change of how we, small property can use or manage our own property. I understand that in the past there may not have been enough short-term accommodation providers in Chatswood. Mantra / our property can play a part to meet those demands. In recent years, there are a number of providers like Quest, Silkari, Meriton Suites etc. which shoot out to meet such demands. Not to say, Air BnB changed the whole landscape and provided a lot more flexibility in supply of short-term accommodation. We strongly request that our property can be used and managed like all our other units in the upper floors - simply 'normal' residential use. We, the owners, can live in our units as an option for our retirement. We should be able to rent out like the majority of the units up above at our own choice of management in the	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

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		normal residential terms, not only short-accommodation. Like Sebel they have option to run their own 'normal' residential use/management or join the big group management. If Air BnB can have the option of either normal residential use or 'renting out' like commercial, how come we can't have the reverse option? No matter how you call us as commercial use, we should have the right to operate like residential use. At the end of the day, the development policy of the Council should not be tilted towards the advantage of the big property management group in the expense of the small / retiree property owners like us or our peers owners.	
7.	10 BROWN ST CHATSWOOD	Change of management from Mantra to Accor. Accor found an opportunity to reduce income to 10% of what it was and increase expense to owners making the unit operate at a loss during Covid which was financially devastating. Not able to switch to residential renting. Would like to have the flexibility to be able to rent out on residential terms as per other units in the same building above. Also to have the option to move into the apartment if I chose to do so in the future. I understand the Council would like to ensure there are short term accommodation options in the area. There are currently many options such as Quest, Silkari, Meriton suites to meet this market demand. The industry and market have evolved with a lot more options for short term accommodation when you consider the new emergence of the Air BnB industry short term accommodation this service provides, Stayz websites etc. Strongly encourage to change the rules so my apartment can be used for residential use like the other units in the upper floors of the building. We should be able to rent out like the majority of the units above. We should have a choice to switch to residential use, not be restricted to only short term accommodation. Economics is all about supply and demand. If the market requires short or long term accommodation, then allow the owners of our building to have this choice	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		to adapt as the market pressures play out. Sebel provides the option to run their own normal residential use/management or join the big group management. The development policy of council should not be favouring big property management groups at the expense of small investors like me and my fellow property owners. Was bullied by the property management group with these terms they forced on the property owners, we had no avenue to improve our circumstances due to the strict rules of commercial use only that is currently enforced on my property.	
8.	10 BROWN ST CHATSWOOD	A self-funded retiree who could not fund myself during covid due to the strict terms of "commercial use only" for my unit. As a small investor I need the flexibility to switch to residential use for my apartment so I'm not subjected to financial loss and stressed leading to concerns regarding my wellbeing. I understand the council would like to ensure there is short term accommodation options in the area. There are currently many options such as Quest, Silkari, Meriton suites to meet this requirement. Also the industry and market have a lot more options for short term accommodation when you consider the new emergence of the Air BnB industry short term accommodation this service provides, Stayz websites etc. I would like to strongly encourage you change the rules so my apartment can be used for residential use like the other units in the upper floors of the building. The development policy of council should not be favouring big property management groups at the expense of small investors like me and my fellow property owners.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**
9.	10 BROWN ST CHATSWOOD	Purchased a 1-bedroom unit in 10 Brown Street, Chatswood and leased it long term to Mantra for use as a serviced apartment. Due to the Covid pandemic, Mantra unilaterally terminated all the owners' leases prematurely, affecting investors in a difficult time. In response to our submission, Willoughby Council applied leniency so that the use of 'tourist-only' accommodation in Mantra was	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		not enforced. Though now revoked on 6 November 2021, this reprieve appreciated. Request Council reconsider a change of use (to residential or its similar) for our property at 10 Brown Street, Chatswood. During the ` leniency 'period, owners complied with council regulations and there had not been any issues from short- to long- term accommodation use.  10 Brown Street was in 1997 zoned for a ` mixed-used retail, restaurant, residential and serviced apartments building' in the form of shop-top housing. Floors 1 - 9 are commercial (serviced apartments); floors 10 -21 (the majority) are residential where long rental leases are feasible. Due to this Development Consent, owners of the previously zoned `serviced apartments' are not allowed to live in them, nor are able to lease them for longer terms. Such regulation might deem appropriate 20 years ago but it doesn't address the demographic nor the economic need now. There is an abundant supply of serviced apartments in the Chatswood CBD. In Mantra the occupancy rate is still low. Covid has resulted in reduction /change in business travel, and restrictions to international tourism. Chatswood is a desirable place to live. In its planning for the future, Council aims to provide more affordable housing in the Chatswood area. 10 Brown Street, Chatswood will fit this category. A change of use will have no extra costs to the Council, but will benefit investors, whether for us to downsize and live in or as source for rental income. Adherence to a development consent tabled in 1997 is now outdated. Request Council be flexible and sympathetic to this situation.	

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10.	10 BROWN ST CHATSWOOD	Am the owner of a one-bedroom apartment at 10 Brown Street, Chatswood with usage as a serviced apartment. As there are proposals for further residential development on that side of Chatswood station, a change of use requested. Concerned that unit is not able to be used for residential purposes, as there is no interest in purchasing it and the apartment will not be the roof to provide ongoing shelter. Due to decline in demand for serviced apartments requesting a change of use as other proposals for the area now includes residential units.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**
11.	10 BROWN ST CHATSWOOD	Residential leases were permitted at 10 Brown Street but Willoughby Council directed owners to return the apartment to short term leasing. Owners cannot afford to accept Mantra's meagre leasing offer. Owners had counted on income from these apartments, but it is impossible to lease out the properties in accordance with the councils' directives. The value of these serviced apartments is limited to their income so that would also result in a big loss. Another solution is that we may live in the apartment, but this is not permitted. Assistance in finding an equitable solution with council would be greatly appreciated.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**
12.	10 BROWN ST CHATSWOOD	The property in 10 Brown St Chatswood is a Serviced Apartment. Covid has severely impacted on the financial viability of Serviced Apartments. There is a case for the Serviced Apartments at 10 Brown St to have a change of use applied to enable usage to be broadened and allow longer term rather than short term leasing. The commercial role of Serviced Apartments is not now as relevant, necessary nor viable. Understand there are proposals being considered by Council for further residential development close to 10 Brown St. This would seem to support a need for increased residential housing on this side of the Chatswood CBD.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

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13.	10 BROWN ST CHATSWOOD	Owners at 10 Brown Street request a "Change of Use" from Serviced Apartments to Residential. The matter became critical over 2 years ago when the operator created a situation which was unviable to an investor owner. This all occurred with the onset of COVID and the arrangements are not expected to revert. Council has stated that change of use to residential was not possible. The area would not see further residential and building must remain serviced apartments. However, in recent weeks, we have become aware of the intention to approve more residential buildings in our same Zone - i.e. a DA for 871 Pacific Highway. Though it is probably not a surprise in the context of a shortage of residential accommodation generally, and a likely reduction in the need for serviced apartments given the significant shift away from intra- and interstate travel given both environmental impacts and the accelerated use of technology to conduct meetings. Request Council reconsider any previous position on this matter.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**
14.	10 BROWN ST CHATSWOOD	Request change of use at 10 Brown St from serviced apartments to permit residential.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**
15.	10 BROWN ST CHATSWOOD	It is not feasible to convert the serviced apartments at 10 Brown Street to office space. The top half of the building is strata titled residential apartments, so the likelihood of a single owner purchasing over 300 apartments, demolishing the building and constructing a new office tower is very remote. There is also a retraction in the demand for office space following COVID-19 so the future requirement for more office space may be limited. As the top half of this building is already residential and there are two other existing residential towers on the corner of Railway Street and Pacific Highway	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

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		close to this development, there is logic in extending the shop top housing to the bottom half of the building as an additional permitted use. We do not want to erode the Council's strategy for the Chatswood CBD but rather strengthen housing options to reflect shifts in community need that have been exacerbated and brought forward by COVID-19. In the current review of Willoughby LEP request your support for Council to consider the additional permitted use "Shop Top Housing" for the bottom half of 10 Brown Street (Lot2, DP1006341) so that it is consistent with the top half of the building 10 Brown Street (Lot 1, DP1006341) and include the additional permitted use in the Planning Proposal that is submitted to NSW Planning Industry and Environment.	
16.	10 BROWN ST CHATSWOOD	Request change of use at 10 Brown St from serviced apartments to residential.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**
17.	10 BROWN ST CHATSWOOD	Request change of use at 10 Brown St from serviced apartments to residential.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**
18.	10 BROWN ST CHATSWOOD	Have invested in 4 apartments in 10 Brown Street. When Covid hit, Mantra reduced the rent to as low as $19 per week claiming that the force majeure term in the contract was effective. Have been struggling to find a way to rent out the properties in accordance with Council directives. Instructed an agent to sell all 4 apartments and to date have not been successful.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

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		Have no alternative but to appeal to Willoughby Council to alleviate the difficulties experienced by all owners in that part of the building that is affected by the Council restriction.	
19.	10 BROWN ST CHATSWOOD	As the demographics of the LGA changes, Council needs to update its plan. The same goes with investment decisions based on the prevailing conditions. More than 20 years ago, Chatswood was much smaller with less people. There might be a need for short-term accommodation as business developed. However, with the pandemic, business conditions have changed drastically. Henceforth, business investment decisions have to change to adapt to the new conditions. Council must also adapt its planning decisions based on the new business environment and not be a hindrance to business decisions. As it is, Australia is in a big housing affordability crisis nationwide, more so especially in Sydney with house prices going up more than 30% in the last couple of years. House prices go up because of an increase in demand and a lack of supply. We cannot curb demand if people need accommodation to live. But we can increase supply, especially when the housing stock is already there. All it needs is a change in planning codes. Short-term accommodation does not help to alleviate the housing affordability crisis. 10 Brown Street, Chatswood was built more than 20 years ago to satisfy the need for short-term accommodation. However, with the pandemic, the scenario has changed and now there is a greater need for residential accommodation. Even in the Sydney CBD, office blocks were also being changed to residential accommodation as more people work from home and there is a greater need for residential accommodation.	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.**

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		10 Brown Street was part of a block in which the bottom two floors are used for commercial purposes like a restaurant and a pub plus a Council Multi-cultural office. The next 9 floors were sold individually to investors to be leased back to an operator to operate as service apartments for twenty years from November 1999 and zoned as commercial. The upper 11 floors are residential apartments and zoned as residential. The service apartments and residential apartments are set up as separate strata titles. In November 2019, when the 20-year lease expired, a number of apartment owners did not extend their leases with the operator and tried to handle the leasing of the apartments on their own with other operators. However, in April 2020, when the pandemic struck, the service apartment operator, after being bought over by an international hotel group, cancelled all the leases with the apartment owners without compensation citing the pandemic as the cause. The operator has since re-signed agreements with some apartment owners as management agents rather than lessors of the apartments. This clearly demonstrated that the multinational hotel operator has no confidence in the short-term accommodation market and, instead chose to be a management agent with risk to themselves but all the gains of managing the apartments. The owners are dependent on these units as their sole income. It is quite difficult to rent out our units as they are fully furnished. Being short term places ALL owners in a worse predicament, reducing further the potential of renting out the premises. There is no reason why Council should keep 10 Brown Street under commercial zoning, especially when there is a DA application (DA-2022/161) on 871 Pacific Highway Chatswood NSW 2067 for a mixed use 27storey building with 76 residential apartments. How can the Council approve a new residential block when 10 Brown St has been there for 22 years, in desperate need of changing the Use of Premise to residential? Yet we are refused Change of Use for our	

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		apartments while there is a new residential block being approved only down the road, on the western side of the Commercial Core, where we are being told no more residential is to be approved. If approving more residential apartments on the Western side of the CBD, the Council should be more flexible, considerate of the hardships the owners now face and help the apartment owners to lease out their apartments by allowing the block, where possible to be re-zoned into mixed use so that the apartments can be rented out for residential accommodation while allowing the existing businesses to continue their business. With 166 apartments, this should help contribute, in a small way, to ease the housing affordability problem. I urge the Council to reconsider the change of use for our units so we can have some financial relief on our small investments. Chatswood has changed in 20 years. There might be a need for short-term accommodation as business developed. However, with the pandemic, business conditions have changed drastically. Henceforth, business investment decisions have to change to adapt to the new conditions. With this, Council must also adapt its planning decisions based on the new business environment and not be a hindrance to business decisions. Australia is in a big housing affordability crisis nationwide, more so especially in Sydney with house prices going up more than 30% in the last couple of years. House prices go up because of an increase in demand and a lack of supply. We cannot curb demand if people need accommodation to live. But we can increase supply, especially when the housing stock is already there. All it needs is a change in planning codes. Short-term accommodation does not help to alleviate the housing affordability crisis.	

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		10 Brown Street, Chatswood was built more than 20 years ago to satisfy the need for short-term accommodation. However, with the pandemic, the scenario has changed and now there is a greater need for residential accommodation. Even in the Sydney CBD, office blocks were also being changed to residential accommodation as more people work from home and there is a greater need for residential accommodation. There is no reason why Council should keep 10 Brown Street under commercial zoning, especially when there is a DA application (DA-2022/161) on 871 Pacific Highway Chatswood NSW 2067 for a mixed use 27storey building with 76 residential apartments. How can the Council approve a new residential block when 10 Brown St has been there for 22 years, in desperate need of changing the Use of Premise to residential? Yet we are refused Change of Use for our apartments while there is a new residential block being approved only down the road, on the Western side of the Commercial Core, where we are being told no more residential is to be approved. Approving more residential apartments on the Western side of the CBD, the Council should be more flexible, considerate of the hardships the owners now face and help the apartment owners to lease out their apartments by allowing the block, where possible to be re-zoned into mixed use so that the apartments can be rented out for residential accommodation while allowing the existing businesses to continue their business. With 166 apartments, this should help contribute, in a small way, to ease the housing affordability problem.	
20.	10 BROWN ST CHATSWOOD	Objection to application providing 76 residential apartments (Submission DA-2022/161). This is because council has continued to reject DA applications for serviced apartments to be changed to residential at 10 Brown Street. There reasoning is	**10 Brown St Chatswood - No change – REFER TO SUBMISSION No. 2 FOR FULL RESPONSE.** DA-2022/161 relates to a proposed development for mixed use development

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		because they do not want more residential apartments in Chatswood. Advise why would council approve this application given their explanation above.	at 871 Pacific Highway in the B4 Mixed use zone in Chatswood which permits these developments. This is unlike the site at 10 Brown Street which is zoned B3 Commercial Core zone and does not permit residential development. There is no recommendation to change this zoning which is consistent with the approved *Chatswood CDB Planning and Urban Design Strategy 2036*.
21.		It is not the practical approach to apply 0.5 car space for all apartment types and needs to be reviewed.	**Comments noted.** Council recognises that the uplift proposed across the Willoughby LGA – in particular for the Chatswood and St Leonards CBDs and Artarmon railway precinct – will have implications for traffic and transport within the area. Given the Willoughby LGA is a fully developed, constrained environment (i.e. with little or no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management (TDM). TDM is a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of

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			transport i.e. walking, cycling, public and shared transport. One of the key tools under the TDM approach is limiting the number of car parking spaces for new developments, given more car parking spaces only promote car use and thus more traffic. Accordingly, Council engaged transport planning consultants Cardno to complete the Review of Parking Rates report (February 2021), available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13 Cardno recommended maximum car parking rates for the Chatswood and St Leonards CBDs and Artarmon railway precinct in line with the TDM approach. These have been included in draft Willoughby Development Control Plan (DCP) Part F. This approach of placing a limit on parking space numbers is now recognised globally as best-practice transport planning for constrained environments and is already used in other areas of Sydney including the City of Sydney and North Sydney local

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			government areas and the Macquarie Park and Parramatta CBDs. By applying the principles of TDM – e.g. limiting new car parking but also improving active and public transport connections – Council aims to ensure that as the LGA grows into the future, the transport network will be able to accommodate the uplift and further traffic congestion will be minimised. A number of submissions raised concerns with the maximum car parking rates proposed for the Chatswood CBD. These concerns primarily relate to the reality of public parking in the CBD being a shared resource, serving a variety of trip purposes. This is especially the case for the large car parks associated with the regional shopping centres (i.e. Westfield and Chatswood Chase). If blanket maximum car parking rates were adopted, over time this parking could be eroded to a point where it may negatively affect the overall economic viability and competitive advantage of the CBD. In response to this concern, Council engaged Stantec (formerly Cardno) to complete an addendum to their original

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			Review of Parking Rates report. This has recommended a 'banded rate' for regional shopping centres (defined as greater than 30,000sqm GFA): a maximum rate of 1 parking space per 40sqm AND a minimum rate of 1 space per 70sqm. This would apply in both the Chatswood and St Leonards CBDs (although there are currently no centres in St Leonards that exceed the 30,000sqm threshold). It is proposed to include this updated control in the final Part F – Transport and Parking Management of Willoughby DCP. <u>Submission summary:</u> Objects to parking rates in Chatswood CBD
22.		Object to Council's parking scheme in the CBD and St Leonards precinct as it is not considered workable.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** <u>Submission summary:</u> Objects to parking rates in Chatswood CBD
23.		Objects to revised WDCP 2021 - Parking Ratio in Chatswood CBD. A significant reduction is not good for all business owners, employees and visitors or council is going to persuade everyone go to Chatswood via public transportation?	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** <u>Submission summary:</u>

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			Objects to parking rates in Chatswood CBD
24.		Council shouldn't apply the extreme scenario on the parking ratio. And it will affect the prosperity of the Chatswood CBD development.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
25.		This is the irony about giving the developers to build more density and prohibit the car park construction.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
26.		It is very unbelievable for the general household family not to own a car.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
27.		Practicality of this Parking ratio on new development is the key issue.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD

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28.		It is not practical to adopt the new parking rate in the Chatswood local government area.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** <u>Submission summary:</u> Objects to parking rates in Chatswood CBD
29.		Objection to the revised Council DCP on Transport and parking Management.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** <u>Submission summary:</u> Objects to parking rates in Chatswood CBD
30.		I don't like this plan, Revised WDCP 2021 - Parking Ratio in Chatswood CBD. Why significant reduction plan was drafted?	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** <u>Submission summary:</u> Objects to parking rates in Chatswood CBD
31.		It will disadvantage to Willoughby LGA compared with other LGA in NSW.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** <u>Submission summary:</u> Objects to parking rates in Chatswood CBD

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32.		This is not a good idea to reduce new Car Park arrangement for new development in the area. Not owning a car in Sydney won't work at all.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
33.		New Parking ratio for all new residential developments in the Chatswood area. Not make senses for normal household.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
34.		Against this. Adopting the New parking rate in the local Government Area - Chatswood CBD… It is absolutely not practical.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
35.		The parking space is not practical and is inconsiderate.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD

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36.		The council parking in the CBD St Leonard's scheme is very impractical.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
37.		Disagrees with Council's car park scheme modification because it will make the developers and builders apartment become not financially viable.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
38.		Objects to adopting the new parking rates in the local government areas (Chatswood CBD), it's not practical.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
39.		We are not that crowded, why don't we support more car space? I disagree.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD

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40.		Can't believe no car space in Australia it's like losing a leg. Don't like this plan.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
41.		More car space is better to prevent overcrowding on street so I don't agree.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
42.		Object. For disabled people need car space/parking for a car.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD
43.		I don't get the logic on new Chatswood CBD parking scheme arrangement.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** Submission summary: Objects to parking rates in Chatswood CBD

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44.		The council proposal for new parking arrangement in the Chatswood CBD area will compromise my property value.	**Comments noted – REFER TO SUBMISSION No. 21 FOR FULL RESPONSE.** <u>Submission summary:</u> Objects to parking rates in Chatswood CBD
45.	WILLOUGHBY	Resident submission - They own and live in a duplex; and are renting the other duplex out at a reduced rent due to Covid-19. Key points from submission: • During Covid-19 their business has taken a massive fall. They would like to sell one and keep living in the other to pay some of the massive debt on their mortgage. They feel Willoughby council is being extremely unreasonable with the hold off to sell them individually, especially as no-one would predict how COVID-19 was going and not only be a massive problem in Australia but a world pandemic. So much suffering it has caused emotionally and financially. • Request for Council to remove this 5 year hold. It is a long time to hold onto both – they don't want to sell as one development as they love the area and their house, but the burden it has caused due to Covid-19 is something Willoughby Council has to help the community with, and Council needs to do more about the control it has over this matter. Please do not bundle this up with WLEP developments and control plans, it does not make sense it's not approved as yet. With all the talk about housing affordability on the lower north shore, it is mind blowing that this was not approved & not to mention Covid-19 destroyed small businesses. Come on council do the right thing by your residents.	**Comments noted.** The WLEP 2012 only allows subdivision of dual occupancies 5 years after occupation certificate, whereas the Code enables a dual occupancy subdivision without any time delay. It is proposed to amend the current controls within the WLEP 2012 to align with the type of dual occupancy development permissible under the Code. This means that dwellings with an attached dual occupancy will need to both have street frontages. Detached will only occur on corner lots or on a parallel road lot where each dwelling faces a different road. **With these changes, the 5-year period before which subdivision can be applied for after occupancy, will also be removed.** <u>Submission summary</u> Requests the 5 year hold on selling a duplex be eliminated. Opposed the 5 year wait on duplexes before subdivision is

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			allowed. Would like this to change and occur more swiftly than in line with the dLEP.
46.	McGRATH REAL ESTATE	Submission concerns dual occupancy developments and the 5-year moratorium. Willoughby Council has for many years imposed a five-year moratorium on Torrens and strata title registration of dual occupancy developments. This restriction and its intent make absolutely no sense. Councils rationale for imposing a five-year moratorium is that it was meant to keep developers out of the equation and stop "rampant dual occupancy development" within the Willoughby LGA. The problem with this is that everyone in a town planning role in Willoughby Council would have to agree that there are very few blocks that will satisfy all the imposed development controls (of which there are far too many) in the first place. Add to this the increasing likelihood of rejection by the RFS under their bushfire restrictions, and the end result is that there are hardly any blocks capable of development as a dual occupancy and a separate titling. This fact means that the Council's goal to restrict this type of development has already been achieved, despite Councils representations that it is always looking for housing solutions. Housing solutions do not include Developments of hundreds and hundreds of small apartments reaching 50 stories into the air above Streets such as Railway Street and Help Street in Chatswood. This may help the council reach its urban consolidation targets imposed by New South Wales planning but these are not housing solutions whatsoever. In fact, they are antisocial and non-community driven. Separate titles are critical because they help aspiring home owners in several ways, including allowing adult children of families who cannot afford to buy their first home to be able to have their first home on its own title and at a lower buy in	**Comments noted – SEE SUBMISSION No. 45 FOR FULL RESPONSE.** <u>Submission summary</u> Requests the 5 year hold on selling a duplex be eliminated. Opposed the 5 year wait on duplexes before subdivision is allowed.

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		cost than a home on a larger block. There are many other logical reasons and everyone I speak to is acutely aware of these. I am not a developer but as a career property advisor, property valuer, development financier and real estate agent I have seen many years of clear, first hand evidence of the sheer senseless basis for this 5-year moratorium on registration of separate title on dual occupancy. I know of scores of local residents who are looking to downsize and there just isn't enough available stock. Please understand that these people do not want to live in large apartment developments, nor do they want to leave the region in which they spent majority of their lives. They just want to live on smaller blocks and in smaller houses. This also has the positive effect of releasing houses for families to move into as these older people move out of them. For many reasons Complying development is also often extremely hard to achieve thereby restrictive to creating enough approvals and enough stock to satisfy demand. I look forward to your response as to when Council will eliminate such archaic restriction.	
47.	CASTLE COVE	Submission regarding dual occupancy and the associated five-year moratorium. Need to eliminate such archaic restriction on local families and small businesses to make a priority and not part of the changes of the LEP; as the new LEP includes new zoning changes to the Willoughby Council area - this could take years for final approval, and clearly does not make sense of the removal of five-year moratorium to be bundled up with the new LEP. Council can and does have power to do this separately as a priority, and to be in line with the new CDC. Points to consider: • We have been in a pandemic for two and half years, people's financial situation is very different after the pandemic. • It is financial abuse for council to have such authority over your homeownership and decision that relates to your own home.	**Comments noted – SEE SUBMISSION No. 45 FOR FULL RESPONSE.** <u>Submission summary</u> Requests the 5 year hold on selling a duplex be eliminated. Opposed the 5 year wait on duplexes before subdivision is allowed.

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		• Under the new CDC Laws are approved already and is in place for subdivided duplexes.	
48.	TOWN PLANNING CONSULTANTS	Object to the inclusion of certain provisions relating to dual occupancy in clause 6.10(3) of the Draft LEP on the basis that they are unnecessary and inconsistent with other provisions of the Plan as well as with the strategic planning framework and broader societal needs. There is no good reason why dual occupancy should be effectively prohibited (minimum lot size 5,000 square metres) in heritage conservation areas (which appears to be the extent of the Dual Occupancy Restriction Map areas), or why each dwelling must face a public road and no dwelling can be located behind another. Dual occupancy cannot be carried out as complying development within a conservation area, so Council would have the full weight of the development application process including LEP and DCP provisions (FSR, landscaped area, clause 5.10 etc.) available to assess the merits of any proposal in terms of design, heritage, access and amenity impacts. Dual occupancy represents a modest form of urban consolidation that is appropriate in conservation areas. It is particularly suitable for existing dwelling stock that is unlikely for various reasons to be otherwise redeveloped, allows older households to downsize in situ when the children have left home and allows greater flexibility than the secondary dwelling provisions.	**Comments noted – SEE SUBMISSION No. 45 FOR FULL RESPONSE.** Dual occupancy is prohibited in conservation areas in order to protect and conserve the significant elements, including the special character and setting of the streetscape. Secondary dwellings are permissible in heritage conservation zones. <u>Submission summary</u> Requests the 5 year hold on selling a duplex be eliminated. Opposed the 5 year wait on duplexes before subdivision is allowed.
49.	NORTHBRIDGE	As a long time (1988) resident of Northbridge, I would like to take this opportunity to comment on proposed changes to Willoughby Council's LEP and DCP, with regards to permitted exemptions being allowed to be constructed below the Foreshore Building Line.	**Comments noted.** A number of submissions raised concerns regarding built structures below the Foreshore Building Line. Primarily, concerns relate to negative impacts on

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		Willoughby Council does a magnificent job of bush regeneration and many other initiatives to support the unique qualities of our neighbourhoods. I hope a reconsideration of the permitted exceptions to building below the FBL can make that contribution even greater. Eliminating exceptions for pools, pergolas, retaining walls and fences could make the difference to the very survival of our native wildlife in the future. The least we can do to respect those who were here first, who managed to live in harmony with their marsupial neighbours, is to protect the Foreshore from greedy and entitled homeowners / builders / developers who currently have the expectation that Council will rubberstamp their applications to build hardscape below the FBL. It is exhausting for the rest of us to write the submissions each and every time another DA encroaches on the free movement of fauna around the foreshore. Why have a FBL at all if it isn't the starting point that building below it will manifestly be damaging to the environment and put the burden of proof on those who wish to do so to prove otherwise?	flora and fauna as a result of built structures in the foreshore area, which are currently permitted under clause 6.4, including swimming pools, pergolas, retaining walls and fences. No changes have been proposed to clause 6.4 under the new LEP, however Council has concluded to undertake a separate study to determine how and to what extent to amend existing controls to restrict built structures below the Foreshore Building Line. Council is considering strengthening DCP controls for structures; it will also examine the need for stronger controls around excavation below the Foreshore Building Line and proposes a separate focussed study of the FBL in the near future, as noted above. Potential DCP changes for fencing and lighting and other structures below FBL to be considered as part of a future study. Consistency with the *SEPP (Biodiversity and Conservation) 2021* will also be considered as part of the Study. <u>Submission summary</u> Request for Council to reconsider permitted exemptions below the

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			Foreshore Building Line to protect flora and fauna.
50.	NORTHBRIDGE	As resident of Northbridge for almost 40 years have made submission on Council's proposed changes to LEP and DCP. Currently pools, pergolas, retaining walls and fences are permitted below the Foreshore Building Line (FBL), unless it can be shown that they would, if built, harm the environment. This requires on-going community awareness of proposals and then neighbour and community submissions on the proposed structures' effect on bushland environment. It seems under the draft DCP that retaining walls are proposed to be banned entirely (unless for landslip), so request other unnatural structures be prohibited also. For example, fences extending down from the rear of houses will divide the Northbridge side of the bowl of bushland above Sailors Bay and forever block the natural movement of our native fauna around the bay. DAs for fences would not normally be notified widely or scrutinised at senior levels of Council, so they run the risk of being approved. Fences would cause even more environmental harm than single structures like pergolas. In relation to the lights issue Sailors Bay is beautifully dark and quiet at night. Permitting structures will lead to night time noise and lighting, further alienating our local native fauna. Request amending the proposed Willoughby LEP and DCP to further strengthen the FBL and protect Sailors Bay, one of the largest public/private original bushland areas so close to the city.	**Comments noted – SEE SUBMISSION No. 49 FOR FULL RESPONSE.** <u>Submission Summary</u> Seeks greater protection of Foreshore Building Line

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51.	NORTHBRIDGE	This submission is about the protection of foreshore areas: • This is a once in a generation opportunity to better protect these foreshore areas by excluding boatsheds, swimming pools, fences, pergolas and retaining walls. Our near-natural foreshores are not the highly urbanized areas like Birchgrove and Point Piper • The LEP should align with and complement the State laws on waterfront development below the Mean High Water Mark, esp. SEPP (Biodiversity and Conservation) 2021 which prohibits private boatsheds, landing facilities, jetties, pontoons and slipways. • There is no justification for a boatshed in the foreshore area under the Council's LEP because any access to the water by slipway or access ramp is already prohibited by the SEPP. • Given the sensitivity and well established environmental value of the foreshore areas, now is the time to extend the effective prohibition of water based facilities to the other inappropriate developments like swimming pools, pergolas and fences. • If Council declines this LEP refinement, then at least the Development Control Plan must be strengthened. Allowing ancillary structures in the foreshore area should be the exception, rather than the default position, highlighting that all development near the foreshore is influenced by the NSW SEPP (Biodiversity and Conservation) 2021 as it relates to the adjoining waterway. • The DCP also needs detailed guidance on the environmental considerations under clause 6.4(3) of the WLEP. • Landowners and potential purchasers deserve detailed Council guidelines to emphasise that the area is a special flora and fauna habitat, and the expectation is for it to be retained as close as possible to its natural undisturbed state.	**Comments noted – SEE SUBMISSION No. 49 FOR FULL RESPONSE.** Submission Summary Seeks greater protection of Foreshore Building Line. Also includes comments on exhibition process and Haveyoursay.

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		• "No fencing" should be the default position, and Council guidelines for a landowner seeking exemption should be that single starpickets at say 10 metre intervals to indicate the boundary position will normally be approved. Any substantial fencing in sensitive areas must not inhibit fauna movement. • For highly sensitive environmental foreshore zones within C4 Environmental Living, structures like swimming pools should be prohibited. If Council declines this, then the DCP should exclude any pool on an area over 10% slope, and exclude any pool needing removal of natural rock features or existing endemic native vegetation. *Further submission* (a) I request that Council amend the LEP and DCP to preserve the FBL's original and true intent as a nature conservation adjunct preserving the natural features below the FBL, and as a corridor for wildlife unimpeded by structures like boathouses, pools, pergolas, retaining walls and fences. (b) I endorse the technical advice given by a Town Planner about the need for the LEP and DCP to be consistent with the ("Foreshores") SEPP Biodiversity and Conservation 2021, which incorporated the former SREP (Sydney Harbour Catchment) 2005. Local Government instruments should strive to be consistent with, and indeed subservient to, NSW State instruments where conflicting in spirit and/or intent. The advice is applicable to all the FBL lands, not just the Sailors Bay Creek catchment and surrounds. 1. Thank you to the Strategic Planning team for putting the Draft LEP and DCP and supporting materials out for public comment. While the Officers' intention of displaying the "full picture" is well appreciated, the unintended effect is that many who might have provided insightful comments and suggestions have been deterred by the sheer scale of what they were being asked when they opened the	

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		website pages and saw the volume of materials they were being asked to comment upon. Action requested (1A): That Officers and Councillors consider what size and scale of future such documentation best enables the topic to be covered at various levels of detail that encourages ratepayers and residents to actually feel included. Good intentions and welcoming words require the support of documentation that do not frighten off potential contributors. Action requested (1B): That Officers and Councillors review whether Have Your Say is an appropriate instrument for a matter as broad-ranging and technical as an LEP and DCP. Have Your Say has received much criticism that the summaries of comments received have been inappropriately shoe-horned into a Yes or No category, leading to suspicion of a push-sell approach. 2. Amend LEP and DCP for full environmental protection for "Foreshore Building Line" lands. 2.1 Having lived in Northbridge from 1950, and explored the bushland that is now marked below the FBL. The lands around Sailors Bay Creek and Bay were an education, from the Aboriginal middens to the sunset march of the crabs. The post-war boom in houses was limited by the 12 square rule (120sqm house size) and materials shortages, so houses were compact. So bushland towards the bay and creek was largely untouched except for a narrow dirt track from the back door to walk to the water, or the small boat shed above the high tide mark for a canoe or dinghy. 2.2 As land values rose, and in particular over the last quarter century, landowners invested into bigger homes, requiring a bigger footprint, and pools and so on. Federal Government failure to tax capital gains on homes above a certain value skewed investment intentions, resulting in environmentally adverse	

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		results. In the early 1990s, this trend was obviously adversely affecting the natural vegetation and fauna that the habitat had supported for millennia. 2.3 Forward-thinking community groups like Castlecrag and Northbridge Progress Associations and Willoughby Environmental Protection Association drove the push for preserving this foreshore bushland by carefully aerial-mapping of an appropriate boundary commonly termed the Foreshore Building Line ("FBL"). Request the Officers to go back and read the materials on the development of the FBL. 2.4 Recollection was that the FBL land should be left as natural as possible, and no new structures should be permitted. It was understood that the FBL had only ever been intended to apply to Castle Cove areas that had been devastated by bulldozer clearing in the 1960s and little natural bushland remained. Somehow this exception was permitted to expand to all FBL areas. 2.5 In 2018, a private Development Application at 11A Noonbinna Crescent attempted to literally bulldoze the rule of law by demanding many exemptions from Council's planning instruments. The NPA, CPA and WEPA stood strong to protect the Foreshore Building Line under this attack and were joined by about 20 residents in the Noonbinna and Coorabin precinct. Major changes to the DA were achieved through lengthy, well considered submissions, that were largely adopted by Officers. Action 2A: Can the Strategic Planning Officers confirm that they had read the many submissions in this 2018 cause celebre before they decided whether or not to consider reviewing the LEP Clause 6(4) exemptions? 2.6 Burden of proof should be reversed. The 2018 Noonbinna case highlighted the DCP's default stance whereby boatsheds, pools, pergolas, retaining walls and fences are permitted exceptions below the FBL, unless it can be shown that they would, if built, harm the environment. This requires alertness by the Planning Officer of that possibility, plus the on-going community awareness of proposals	

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		and then neighbour and community submissions on the proposed structures' effect on our bushland environment. Any shortcoming by an overworked Officer, or the community failing to rigorously check what DAs are proposed, and the opportunity is lost. This creates a lot of distrust from the community towards Council, all of which could be avoided by Council requiring an Applicant to put forward the case for why constructing a structure in the FBL will not be deleterious to the environment. Fences in particular can be a huge impedance to wildlife movement, when single starpickets at say 10 metre intervals are all that is needed to indicate property boundaries. 3. The 5 kilometre walking restrictions during Covid reminded all citizens and Officers how blessed the City of Willoughby is to have such extraordinary natural areas, exemplified by the foreshores of Inner Middle Harbour attached to the FBL areas. More effective protection of environment and wildlife is demanded by the community. Request that the Strategic Planning Officers and Councillors redouble their efforts to ensure that Council's planning instruments reflect the re-awakened environmental protection mood of the community, and start by amending the LEP and DCP to preserve the FBL's original and true intent as a nature conservation adjunct preserving the natural features below the FBL and as a corridor for wildlife unimpeded by structures like boathouses, pools, pergolas, retaining walls and fences. *Further submission* Request that WCC should state that a copy of the Response will be sent to the Responder so that we know what we said and can reflect and gather additional ideas for sharing and encouraging the conversation. Where any of material is edited, appreciate being informed so that the best version of received truth is on the record. Having lived here for 72 years and	

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		served on 7 Council Committees and Working Groups from 1967 to 2022, can contribute to filling gaps in Councils' corporate knowledge.	
52.	SJB PLANNING	Engaged by Northbridge resident to review the Draft LEP and DCP, particularly as it relates to development on land zoned C4 Environmental Living and which is affected by the limited foreshore development provisions at Clause 6.4 of the LEP. <u>Draft LEP</u> Clause 6.4 provides additional assessment criteria for ancillary development in the foreshore areas. For example, foreshore areas of Northbridge at the head of Sailors Bay are a rare and valuable habitat for native flora and fauna. The draft LEP proposes to retain Clause 6.4 unchanged. Clause 6.4 provides specific assessment criteria for development in the sensitive foreshore area such as boatsheds, swimming pools, fences, pergolas and retaining walls. The Planning Proposal does not seek to amend the existing clause 6.4 of the LEP which is a missed opportunity to align the land use permissibility for development in the nominated foreshore area with the limitations and prohibitions on waterfront development contained within SEPP (Biodiversity and Conservation) 2021 which incorporates the provisions of the former SREP - (Sydney Harbour Catchment) 2005. The headwaters of Sailors Bay are zoned W2 - Environment Protection. Development prohibited in the waterway zoned W2 includes private boatsheds, private landing facilities, (which includes jetties and pontoons), private marinas and slipways.	**Comments noted – SEE SUBMISSION No. 49 FOR FULL RESPONSE.** <u>Submission Summary</u> Seeks greater protection of Foreshore Building Line

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		The prohibition on these private structures in the waterway effectively also prohibits development in the foreshore area above mean high watermark for boatsheds, slipways, and jetties. This is because no fundamental relationship to the waterway, as is required by Clause 6.4(2), can be demonstrated as they are prohibited below mean high watermark. There is no justification for a boatshed in the foreshore area as a slip or access ramp to the waterway is prohibited. This is an opportunity to provide clear guidance for these sensitive locations that these types of waterfront facilities in the circumstances are not appropriate or desired. The Planning Proposal should be seeking to align the prohibitions below mean high watermark within SEPP (Biodiversity and Conservation) 2021 with prohibitions above mean high watermark but within the foreshore area that are controlled by the LEP. The LEP should be amended to align with the applicable SEPP provisions for the waterway. Given the environmental value of the foreshore area in Middle Harbour, strong consideration should be given to extending the effective prohibition of water- based facilities with the remaining potential development in the foreshore area such as swimming pools, fences and pergolas. The existing vegetation communities, topography and natural features such as rock outcrops make it essentially impossible to satisfy the requirements of clause 6.4(3) in any event in the vicinity of the waterway also zoned W2 - Environment Protection. Respecting and recognising the environmental attributes of this area the Planning Proposal is a clear opportunity to prohibit these facilities in this sensitive area. The headwaters of Sailors Bay are of an environmental value that relying upon the same standard foreshore provision that applies to highly urbanised	

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		waterfront areas such as Birchgrove and Point Piper is not providing the appropriate level of protection or recognition of the lands' sensitivity. <u>Draft DCP</u> If the LEP is not able to be amended, then the Draft DCP must be strengthened. There should be a clear statement that the provision of ancillary structures in the foreshore area is the exception rather than the default position. This would be achieved by highlighting that development in the foreshore area is also influenced by the provisions of SEPP (Biodiversity and Conservation) 2021 as they relate to the adjoining waterway. The DCP at Part C Sections 6 and 7 should provide detailed guidance on the environmental considerations under clause 6.4 (3) of the WLEP. Without explicit guidance to reinforce that the area zoned C4 Environmental Living and affected by the foreshore building line is an area to be protected as a special flora and fauna habitat, future purchasers of land in the locality are less informed on the special nature of the areas, its sensitivity and the expectation that it is to be retained as close to its natural undisturbed state as possible. The DCP should be informative on highlighting the limitations on development as well as providing guidance for development where is it permitted. Clear guidance on fencing in the foreshore building area such that the default position should be no fencing in the foreshore area. If fencing is necessary, then it should be designed so that it does not restrict or impede the movement of fauna through the area. For example, the DCP provides guidance that fencing is not to impede floodwaters flows where applicable so why not provide similar guidance relating to fencing in sensitive areas relating to fauna movement.	

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		For those areas zoned C4 and within the foreshore area it is sensible that strong consideration be given to also explicitly removing the permissibility of structures such as swimming pools given the recognised high environmental sensitivity of these foreshore areas zoned C4 Environmental Living and in the foreshore area. If not able to be prohibited outright, then DCP provisions could be considered that exclude a pool in the foreshore are that is proposed on an area greater than 10% slope and will not be approved where natural features such as rock shelves and existing endemic native vegetation would be required to be removed. Council has implemented in the past planning controls to protect the sensitive foreshore areas and the draft planning proposal and DCP should be updated to reinforce and highlight these protections. The draft LEP and DCP provides an opportunity to reinforce the value of these areas and the need to protect them from unsuitable development and strengthen and clarify the existing limitations on development such as boatsheds and jetties.	
53.		*Part 6 Additional Local Provisions* *6.4 Limited Development on Foreshore Protected Area* Limitations on development should be enforced for a number of environmental reasons. The objective of 6.4 is to "ensure that development on land in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area." That statement has within it a basic contradiction. Natural foreshore processes would include wallabies travelling, as they do in Northbridge, along the foreshore. Some of the wildlife is nocturnal such as owls.	**Comments noted – SEE SUBMISSION No. 49 FOR FULL RESPONSE.** <u>Submission Summary</u> Seeks greater protection of Foreshore Building Line

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		A property owner may argue that he or she should enjoy the amenity of bright lights, an inclinator, fences, retaining walls or swimming pools. These can be permitted above the FBL. Recent experience in Northbridge is that Council is unable to prevent development impacting natural foreshore processes. The Environmental Plan should be unambiguous and make it clear that the natural environment takes precedence. "Amenity" provides both an excuse for self-interested property owners to undertake inappropriate development.	
54.	CASTLECRAG	Has lived in Castlecrag since 1978, when there was no protection of the surrounding bushland, nor when my late husband and I purchased the land, was there even an LEP. In the early 1990s was involved in presenting an extensive submission to the review of the FBL. Together with Castlecrag Progress Association, WEPA members thoroughly surveyed the entire municipality, principally the eastern foreshores of Middle Harbour and those along the Lane Cove River, to recommend an appropriate location of a Foreshore Building Line. We were also involved in the independent review which recommended the current FBL location. While a satisfactory and fair outcome was achieved, which also provided a definition of 'foreshore' and recognised the visual amenity of the protected areas, there were shortcomings which the current draft provides an opportunity to correct. While the existing FBL has played a valuable role in protecting the remarkable bushland, principally along the eastern foreshores, various exemptions have weakened this protection. Request council strengthen the draft LEP by prohibiting future swimming pools, existing structures such as gazebos and sheds, as well as fences and terraces below the FBL.	**Comments noted – SEE SUBMISSION No. 49 FOR FULL RESPONSE.** <u>Submission Summary</u> Seeks greater protection of Foreshore Building Line

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		The construction of swimming pools causes alteration of natural drainage patterns, which then affects natural vegetation downslope, destruction of natural rock outcrops, disturbance of habitat and in most cases, removal of trees. Council is well aware of and concerned about the decline in canopy cover across the city. Terracing causes similar unacceptable effects. Fences prohibit the free movement of fauna through the bushland and should not be permitted. I am always delighted to be visited by the local swamp wallabies and echidnas which rely on this unimpeded access. Where swimming pools exist, they should be allowed to remain, however there should be a timetable for removal of any existing fences below the FBL. The FBL is an asset for all residents because it protects our beautiful bushland. Removal of existing exemptions will strengthen it further.	
55.	CASTLECRAG PROGRESS ASSOCIATION (CPA)	The CPA supports the proposed changes to height of building (HOB) and floor space ratio (FSR) controls to apply to 100 Edinburgh Road Castlecrag. The CPA is also supportive of the aims relating to sustainability (urban heat), environmental protection (reducing carbon emissions) and urban design (green grid pathways). Land use changes for B2 Local Centres and IN2 Light Industrial zones are supported. The proposed changes to development standards from FSR to SEPP compliant GFA based controls are also supported. The changes to Part 6 Local Provisions are also supported. The inclusion of the Griffin Centre in Schedule 5 Environmental heritage is supported.	**Support and submission noted.** As the proposed building at 100 Edinburgh road is below 35m in height, a design excellence competition will not be required. Under cl 6.19 of the draft WLEP 2022 (currently cl 6.23 of WLEP 2012), the development would require review by a design excellence panel at DA stage. On the corner of Edinburgh Road and The Postern, there is a public carpark containing eight car spaces. These eight car spaces are proposed to be removed (refer recommendations of the *Local*

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		Areas of concern - LEP Allowing secondary dwellings in R2 Low Density Residential zone could restrict tree planting on private land. *Design Excellence clause* is supported however CPA wants assurance that a new design competition is not required for the Quadrangle site. The rezoning of The Postern car park to RE1 Public Recreation which eliminates the car parking is not supported. CPA wrote to Council in August 2021 supporting compromise proposal suggested by the Walter Burley Griffin Society. This proposal would retain 3 car spaces with the remainder of the space developed as a park. There is concern about the reduced parking in the centre, particularly in the short-term with construction of the Quadrangle site. The target parking rates for the Quadrangle need to be increased. There are currently 117 public car spaces and with the proposed target rates only 53 spaces need to be provided. The current number pf spaces at the Quadrangle should be maintained as congestion is likely to get worse. There are effectively no public transport options in Castlecrag. The conversion of The Postern car park should only proceed after the Quadrangle development is completed. Comment on DCP Part L cl 6.2 This section should be corrected to refer to strong "horizontal" building elements not vertical elements. LEP changes	*Centres Strategy 2036)* and to be replaced with a small publicly accessible park. Council Officers and the proponent are currently negotiating for these eight car spaces to be replaced within the basement level of the new Quadrangle development through a Voluntary Planning Agreement (VPA). A draft Voluntary Planning Agreement (VPA) will be reported to Council shortly and will be placed on a separate public exhibition for 28 days. In relation to car parking numbers generally, the planning proposal for the redevelopment of The Quadrangle (100 Edinburgh Rd) proposes 157 parking spaces in total. This includes 74 parking spaces for retail, 16 shared/visitor parking spaces and 67 residential parking spaces. It is understood that retail and visitor parking spaces would be ticketed (i.e. time restrictions will apply) and therefore will not be available for commuters to park all day. According to the proponent's Traffic Review, a minimum of 147 parking spaces are required for the proposed development under Council's existing

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		There is significant oversight in formulation in the LEP Cl.6.4 relating to development below the foreshore building line (FBL). This could result in development encroachments into areas below the FBL, resulting in significant risk to pre-European heritage. Structures should not be permitted in these areas. This needs to be clearly stated in clause 6.4(3).	Willoughby Development Control Plan (DCP) parking rates. According to Council's calculations, this number is in fact 156. Using either number, the proposal would be in compliance. It is noted that should this proposal ultimately be approved at DA stage, there would be a lower number of parking spaces to service the commercial / retail component of the development (90 parking spaces compared to 117 in the existing Quadrangle car park). It is also noted that under the revised parking rates as exhibited in draft Willoughby DCP, the parking requirement would be even lower (53). However, like all DCP parking rates, these targets should be considered as base/default rates. As noted, given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment, Council would require the proponent to provide a merit-based transport assessment of the proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the development. This would likely include a

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			parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate understanding of existing and future parking demand. <u>Comment on DCP Part L cl 6.2.</u> The Castlecrag Progress Association (CPA) pointed out that Clause 6.2 of Part L should be corrected to refer to strong 'horizontal' building elements, not vertical elements. The CPA is correct and this amendment has been included as a recommendation to Council to amend Clause 6.2 of Part L. A number of submissions raised concerns regarding built structures below the Foreshore Building Line. Primarily, concerns relate to negative impacts on flora and fauna as a result of built structures in the foreshore area, which are currently permitted under clause 6.4, including swimming pools, pergolas, retaining walls and fences. No changes have been proposed to clause 6.4 under the new LEP, however Council has concluded to undertake a separate study to determine how and to what extent to

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			amend existing controls to restrict built structures below the Foreshore Building Line. Council is considering strengthening DCP controls for structures; it will also examine the need for stronger controls around excavation below the Foreshore Building Line and proposes a separate focussed study of the FBL in the near future, as noted above.
56.	NORTHBRIDGE PROGRESS ASSOCIATION (NPA)	Having reviewed the proposed changes to zoning, heights, and floor space, request that while rezoning in the east and south of the Local Centre may be acceptable subject to comments below, the block bounded by Sailors Bay Road, Eastern Valley Way, and Harden Avenue (including the community owned carpark site) must be deferred. NPA has regularly engaged with its members on the Northbridge Local Centre Strategy throughout various stages of its development and have a good understanding of what the community would accept or not. Key elements identified by the community include: a. Retention of a large format supermarket b. Upgrading of the existing carpark to an underground car park with direct and easy access to and from the supermarket c. Provision of a sun-filled open space of at least 2,000m2 with access to interesting shops and cafe/eating areas where the community can meet d. Integration of community spaces and facilities into redevelopment of the Northbridge Plaza/car park land. These include re-locating the Northbridge library to the new development and replacing the baby health centre with a	Note the proposed reclassification of the car park at Northbridge has been deferred pending further investigation on this complex issue including investigation of potential development scenarios.

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		more contemporary community service space for children, babies, and parents. e. Access to the development and parking that enables east/west connections supporting renewal of shopping and cafe spaces in Sailors Bay Road east of Strathallen Ave. f. Incorporation of environmentally sustainable principles and best practice design g. The actual provision of affordable housing for key workers in the development rather than a levy paid to Council. h. Housing that is suitable for down-sizers The NPA commissioned an independent planner to review the proposed rezoning of the Centre. The review identified a number of issues particularly around the Northbridge Plaza site and carpark between Sailors Bay Road, Eastern Valley Way, and Harden Avenue: • Economic feasibility of the rezoning proposal • Viability of an underground carpark remote from the supermarket • Impact on the on-going operations of the existing supermarket • Zoning that allows for staged redevelopment of the supermarket – a critical element in Northbridge and surrounding areas • The reliance on commercial office uses at Northbridge to drive redevelopment • Height controls that do not align with SEPP 65 and the Apartment Design Guide • Certainty in delivery of the open space • The scale of development adjacent to existing low-rise properties.	

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		NPA does not support the reclassification of the car park/baby health centre land from community to operational land in the absence of an acceptable LEP that is able to be delivered, with a development agreement between Council and a developer willing to deliver a development in accordance with a Council approved LEP that meets community expectations. The NPA is unable to support a reclassification of the land from community to operational that does not appear to deliver a workable or feasible outcome and does not deliver certainty in the elements critical to Northbridge residents. Given the current plan is not feasible and unlikely to encourage any development, the NPA is concerned that the only effect of the LEP as proposed, would be to reclassify the site to operational land, which will make it easier for Council to implement a different development proposal in the future which is not supported by the community. To deliver the right planning outcome, we expect a new consultative process to occur after this exhibition period in which NPA is included along with the key landowners and stakeholders. Council's proposal for the Northbridge Plaza has been reviewed with an understanding of the significance of the existing facilities and the dynamics of retail in this location. The design suggests reducing the footprint of existing retail. It involves the demolition of the existing Northbridge Plaza structures. There is no mechanism to guarantee the provision of a public, green open space. Development is contingent on consolidated land holdings to allow floor space to be moved around the site. The provision of office space at Northbridge may not be supported by the market. *An Alternative Response*	

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		The study by COX, commissioned by NPA, looks to ensure that the supermarket can be relocated and continue operating while the site is redeveloped. A new full-sized supermarket would be built on the loading dock site north of the existing supermarket. The Sailors Bay Road frontage would be redeveloped with additional retail and parking immediately below. New development (possibly residential) located above the retail level to fund construction of the new parking underground. A community park would be created north of the retail sector. Restaurants and food outlets would be located along the northern edge of the retail at the community park level. There is potential for a community facility above part of the retail area. Low rise residential (3 storeys) is provided on the balance of the car park site. Alternate zoning maps that recognise the supermarket requirements and zone the community park as open space have been prepared and shared with Council The community needs certainty in the plan's ability to deliver the open space and ensure parking is moved underground. The solution, however, is dependent on a commitment from the Northbridge Plaza Centre owner. Although discussions have taken place between NPA and AMP Capital which manages Northbridge Plaza, no commitment has been secured. The right zoning can only be identified with the engagement and support of the centre owners, who have enjoyed the provision and maintenance of the existing free Council carpark for many years. Given the uncertainties with what is proposed in the LEP for the Northbridge Plaza Centre and car park land, the NPA is not prepared to support the LEP in its current form. We will continue to work with Council and other key stakeholders to find a solution that works.	

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57.	WILLOUGHBY SOUTH PROGRESS ASSOCIATION	Willoughby South Progress Association (WSPA) acknowledge the excellent program of consultation which has been provided to understand and engage with what is a highly technical set of documents. Appreciate Council's planners for efforts to protect the values of city. Community however is experiencing adverse impacts as a result of unrelenting pressure from development. Understand how little Council's planning controls can do to resist the cumulative adverse impacts of this development. Request Council seek support from Tim James MP in achieving measures aimed at: • maintaining and increasing tree canopy • building local community interaction and identity • reducing or mitigating the vulnerability of communities beset by development which is out of their control. Chatswood and St Leonards CBDs and the Willoughby Road corridor affected by disruptive development and management of adverse impacts might be assisted by recognition as 'special activation precincts'. The extensive residential development along the Willoughby Road corridor, raises strong concern regarding the inadequacy of local infrastructure including roadways, street intersections and parking, public transport, active transport linkages, sporting facilities (particularly arising from the delay in progressing the Gore Hill sports complex), sewerage and water supply. Note and support the existing R3 zones in the WSPA neighbourhood. Draft DCP WSPA members concerned that once rezoning plans have been gazetted, there should be strict adherence to provisions. Discretion exercised by Council planners and private certifiers is often at the expense of our local neighbourhoods.	*Clause 6.23 Landscaped areas* in the draft LEP is proposed to apply to R2 Low Density Residential and C4 Conservation Living zones. Provisions in WDCP Part G – Vegetation Management apply to development in other zones including R3 and R4 zones. Comments on proposed controls for the Willoughby South local centre are noted. The draft WDCP includes a number of provisions and controls to maintain and increase tree canopy and enhancing green space on private properties, particularly for major developments. This includes objectives, performance criteria and controls relating to the retention of significant trees, provision of deep soil zones, planting trees with wide tree canopies, and irrigation using non potable water supply. The height of buildings is a development standard under the draft WLEP. It would be confusing to have different transitional height controls within the same zone. However, all potential impacts such as overshadowing, loss of views, privacy are

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		Community's preference is for 'certainty'. The 'duty planner' system, eroded during Covid should be re-instituted, for the benefit of proponents AND those affected. Place great importance on enhancing green space, especially on private land. Note Council's adoption of the "Green Space" descriptor of our LGA and support this concept. Support the prohibition of further battle axe development for this reason. To increase canopy in Willoughby (WCC Strategic Plan, 2028) it will be necessary to stop the much too common removal of healthy trees on private land. Request that Council's Tree Removal Permit System be reviewed, as a matter of urgency. Insufficient detail is provided in the current notification system to allow meaningful comment or objection. Request the system be integrated with the development approval process. Concern the Codes SEPP's inadequate controls re existing trees. Development will be designed to remove them, to build within 3mtrs of them and 'work around' height provisions. Support Council's substantial bonding of significant trees on all building sites, with a five-year currency and site inspection at the conclusion of this period before a bond is released. Aware that the maintenance and updating of the City's Natural Heritage Register has for years now, lapsed for want of funding. If not completed as a matter of urgency, provision in the Codes SEPP (Division 2 3A.7(a) will have no application in most of Willoughby and many existing trees will be lost. Support moving landscaping controls from the DCP to the LEP for R2 zones but this requirement should also apply to R3 zones as medium density DAs often	considered as part of the development assessment process. It is important to note that all applications are considered on the individual merits of the proposed development and any variation of the development controls under the draft WDCP must be justified, having regard to the particular circumstances of the proposal. Recently Council has completed detailed GIS-based mapping of all tree canopy across the LGA. This compliments Council's existing street trees database and Natural Heritage Register. It is hoped that the latter will be updated as/when sufficient resources become available. The GIS data base allows Council to more accurately measure changes in tree canopy at the individual lot level and prioritise infill planting where the need is greatest. It will also inform a review of Council's urban tree canopy targets. Council shares residents' concerns about the use by private certifiers of CDCs (complying development certificates) to approve removal of trees on private

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		propose removal of all trees on the site. We support 1 metre deep soil landscaping along boundaries in all R3 and R4 zones. The LEP and DCP should include a requirement that the building heights of surrounding land be taken into consideration. Where a development is on a lot that is significantly higher than the neighbouring property, a blanket maximum height stipulation can exacerbate privacy and shadowing issues. In such a case the maximum height could be based on the averaged height of the neighbouring properties. Where a medium density zone adjoins an R2 zone, consideration should be given to appropriate transition to soften height difference. As residential development becomes more concentrated for sustainability reasons an outdoor clothes drying area should be mandatory and not visible to the street. Supportive of the proposed controls for Willoughby South Village Centre, particularly the lane treatment between Julian and Borlaise and the Sanders Park landscape treatment. Support activation of the area behind the Bridgeview and its neighbouring properties, for example, café/hospitality developments. Support the proposed pedestrian refuge crossings of Willoughby Rd, north and south of the Frenchs Rd intersection, and retention of the traffic lights. There is concern for the safety and feasibility of east/west movement once the Sydney Harbour tunnel induced traffic increase becomes apparent. Support the retention of a 10% Affordable Housing provision. Question whether housing provided under the SEPP is given to Council to manage in perpetuity or whether it reverts to the open market after time. If the latter, who is responsible for policing?	property, without recourse to council. This is permitted under State Government's planning laws which override Council tree protection requirements in many circumstances. Willoughby Council's goal is to conserve existing tree canopy wherever possible and extend it wherever we can along streets and on public and private land. In relation to the Natural Register of Trees, Council is supportive in principle and is considering timing for updating the Natural Register of Trees given resource constraints. In relation to notification, Council uploads details of tree removal (Vegetation Management) Applications and approvals on the DA tracker on Council's website (https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx). The proposed affordable housing contribution rates are based on a detailed feasibility analysis report and considered to offer reasonable and achievable rates for the different centres across the

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		Community is very concerned about the incremental but accelerating erosion of Council's control on development and would welcome the abolition of private certification.	Willoughby Council area consistent with Council's Local Strategic Planning Statement (LSPS). Some modifications on the 10% affordable housing requirement for a number of the local centres are being proposed based on that feasibility report prepared and placed on exhibition with the draft LEP. The rate proposed for Chatswood, North Willoughby Castlecrag and Northbridge is 10%, while due to feasibility issues the rate for Willoughby South is proposed to be retained at 4%. Council has a contract with a Community Housing Provider to operate the affordable housing but always retains the asset. Council cannot abolish private certification as this is determined by State Government legislation including the Exempt and Complying Codes SEPP.
58.	ARTARMON PROGRESS ASSOCIATION (APA)	APA applauds WCC on their efforts to engage the community with regard to these important planning documents. APA has the following comments regarding the LEP and DCP as they relate to Artarmon: **Local Environment Plan**	**No change** to controls proposed in the draft LEP as these are consistent with the controls proposed in the adopted *Local Centres Strategy 2036* as it applies to Artarmon local centre.

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		• The proposed building height limit of 17 metres in the Artarmon Local Centre between 64 and 128 Hampden Road will allow buildings to be one storey higher than currently. Some members of the APA are concerned that this limit will not provide the incentive to developers to rebuild in the area that currently needs reinvigorating. APA would support an increase to 20m in this area, if this was enough to encourage redevelopment. • The LEP requires new developments in the Artarmon Local Centre to undergo a design excellence process and provide 10% affordable housing. Given that the village is also in the Heritage Conservation Area, APA is concerned that the LEP is too onerous on developers to encourage them to invest in the area. APA is supportive of the design excellence process but suggests that the requirement for 10% affordable housing for developments in the Artarmon Local Centre between 64 and 128 Hampden Road be removed. APA supports the 10% affordable housing requirement in other areas. • APA supports the incorporation of planning controls to protect existing trees on private land in order to stop the decrease in Willoughby's tree canopy coverage. We look forward to seeing more information provided on the DA website about type of tree and reason for removal, and we hope to see greater enforcement of tree provisions. • APA would support the annexation of Georges Place from the Artarmon Industrial Area so that it could be redeveloped for schools and housing. **Development Control Plan** **WDCP Part F: Transport and Parking Management** There is concern that a reduction in parking requirements and a limit on the maximum number of car spaces for residential developments within the	A feasibility study found that a 7% rate of affordable housing was appropriate for Artarmon. Comments on DCP matters raised include the following: **WDCP Part F 'Transport and Parking Management':** Council recognises that the uplift proposed for Artarmon in Council's *Local Centres Strategy* will have implications for traffic and transport within the area. Given Artarmon is a constrained environment (i.e. with no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management (TDM). TDM is a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of transport i.e. walking, cycling, public and shared transport. One of the key tools under the TDM approach is limiting the number of car parking spaces for new developments,

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		Artarmon Railway Precinct will increase pressure on the limited street parking available in the area. This would increase traffic congestion in the area and be disadvantageous for businesses in the area. **WDCP Part G – Vegetation Management** Section 2.2d states that *A permit will not be allowed to clear vegetation or prune or removal of a tree if … the vegetation is listed as an item under Willoughby Natural Heritage Register.* According to the WCC's website it appears that this Register has not been updated for over six years, since January 2016. APA urges WCC to update the Register as a matter of urgency if it is serious about stemming the reduction in urban tree canopy that is happening mainly on private land. **WDCP Part H – Heritage Items and Heritage Conservation Areas (HCA)** APA opposes full demolition within the HCA. APA requests the following changes to Section 2.4 of the DCP: • Delete: *d. if, in the case of an application for total demolition, redevelopment is a reasonable alternative to retention*. • In the sentence: *All applications for total or partial demolition should include:* *- a report from a structural engineer specialising in work on heritage buildings or structures. This should detail the structural condition if the proposal claims it is*	given more car parking spaces only promote car use and thus more traffic. Accordingly, Council engaged transport planning consultants Cardno to complete the *Review of Parking Rates* report (February 2021), available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13 Cardno recommended maximum car parking rates for the Chatswood and St Leonards CBDs and Artarmon railway precinct in line with the TDM approach. These have been included in draft *Willoughby Development Control Plan (DCP)* Part F. This approach of placing a limit on parking space numbers is now recognised globally as best-practice transport planning for constrained environments and is already used in other areas of Sydney including the City of Sydney and North Sydney local government areas and the Macquarie Park and Parramatta CBDs. By applying the principles of TDM – e.g. limiting new car parking but also improving active and public transport connections – Council aims to ensure that

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		beyond repair, and evidence that stabilisation and/or the retention of the building or structure is unreasonable; Suggest replacing the word *unreasonable* above with *impossible*. **WDCP Part L – Place Based Plans – Section 5 – Artarmon Local Centre** • Apart from the 8m setback above 2nd storey, what ensures that upper storeys will be terraced in accordance with the slope of the terrain? • What ensures green space will be included? APA suggests that a minimum of third of the site area must be green space. • Need for a control to ensure articulation to break up the length of walls to reduce the bulk and visual impacts of shop top housing above the second level. A control is required to ensure that the façade of the buildings is in keeping with the character required for properties in a Heritage Conservation Area, not only as part of any redevelopment but also as an ongoing requirement. This should cover the paint colour palette that may be used; the style, size and appearance of signage so that it doesn't impact on the appearance of buildings; and a requirement that refrigeration/air conditioning units or other equipment not be installed in front of the façade of the building. This control needs to be enforced with both owners and tenants. • Include a control that requires new and existing properties in the Artarmon Local Centre to be kept in good (visual and physical) order.	as Artarmon grows into the future, the transport network will be able to accommodate the uplift and further traffic congestion will be minimised. **WDCP Part G – Vegetation Management** Re: Natural Register of Trees: Council is supportive in principle and is considering timing for updating the Natural Register of Trees given resource constraints. Recently Council has completed detailed GIS-based mapping of all tree canopy across the LGA. This compliments Council's existing street trees database and Natural Heritage Register. It is hoped that the latter will be updated as/when sufficient resources become available. The GIS data base allows Council to more accurately measure changes in tree canopy at the individual lot level and prioritise infill planting where the need is greatest. It will also inform a review of Council's urban tree canopy targets. **WDCP Part H – Heritage Items and Heritage Conservation Areas (HCA)**

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			A number of submissions raised concerns regarding demolition of dwellings in the Artarmon Heritage Conservation Area. Concerns were cited around the 'loophole' available to property owners and developers to leverage / justify approval for demolition through obtaining a structural engineers report, based on factors relating to instability caused by the clay substrata on which dwellings are built in the Artarmon HCA and associated impacts to the dwelling. Council is cognisant of this issue and is addressing it through strengthening its heritage controls in the DCP. Section 2.4 under Part H – Heritage Items and Heritage Conservation Areas, deals with 'Demolition'. It is considered that the wording of the DCP, in relation to requirements for an application for total or partial demolition of buildings in a heritage conservation area could be strengthened to ensure that it is more clearly understood that only in the most exceptional circumstances, buildings would be granted approval for demolition in a heritage conservation area. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be

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			provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure demolition only occurs in the most exceptional circumstances. **WDCP Part L – Place Based Plans – Section 5 – Artarmon Local Centre** The following controls in Part L for Artarmon are proposed to address matters raised: 1. Retain the fine grain heritage frontage on Hampden Road. 2. Use the slope of the terrain to achieve 4 to 5 storey shop top housing developments between Francis Road and Jersey Road. 3. Amalgamate sites fronting Hampden Road, between Francis Road and Jersey Road to achieve a floor space ratio of up to 3:1. 4. Amalgamate sites fronting the eastern side of Jersey Road and the western side of Francis Road to achieve a floor space ratio of 3:1 and up to 6 storeys.

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			5. Maintain height of 3 storeys and floor space ratio of 1.3:1 on the library site. 6. Minimum 8m upper level setback (above the 2nd storey) to Hampden Road. 7. At grade vehicle access to car parking and loading/unloading area to be provided off Hampden Lane or side streets. 8. No upper level setback required to Hampden Lane. 9. Minimum 3m upper level setback (above the 2nd storey) from side streets. In the local centre new development will also need to comply with the provisions of WDCP **Part D Commercial Development**. This addresses matters such as building articulation and site width. In relation to landscape provisions it is expected that new developments are to provide roof gardens/green roofs and comply with the provisions of **WDCP Part G – Vegetation Management.** The submission has suggested that: • Third of the site must be green space. • Ensure articulation of walls.

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			• Façade to be in keeping with the Heritage Conservation Area. • Refrigeration/air conditioning units or other equipment not installed in front of the façade. • Control that requires new and existing properties to be kept in good visual and physical order. The provisions and controls under Section 5 of Part L are consistent with the *Willoughby Local Centres Strategy 2036.* This component of the Strategy had particular regard to significance of the Artarmon Heritage Conservation Area. Section 5 of Part L includes performance criteria and controls to address the heritage values and design principles for any new development, including the provision of landscaping, articulation, and the bulk and visual impacts of shop top housing above the second level.
59.	CHATSWOOD WEST WARD PROGRESS ASSOCIATION (CWWPA)	The Chatswood West Ward Progress Association (CWWPA) congratulates Willoughby City Council (WCC) and its officers on the considerable effort invested, over a number of years, in the development of the new draft Local Environmental Plan (LEP) and draft Development Control Plan (DCP). CWWPA acknowledges that the draft plans are intended to deliver a liveable, sustainable and resilient future for the environment, the economy and the community in the Willoughby Local	Responses to submission include: **Recommendation 1:** Recommendation noted however Council already provides advice to residents on development and planning issues including a large amount of information contained on Council's

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		Government Area (LGA). We also note that this work is developed within, and to a certain extent, mandated by State Government planning requirements. The comments and recommendations relate to the Chatswood West Ward area which covers part of the existing and extended Chatswood Central Business District (CBD) and the residential areas nearby and to the west of the Pacific Highway. Some comments will also have application to the wider Willoughby City area. Recommendations include: **Recommendation 1:** CWWPA urges WCC to appoint a WCC officer or provide similar expert advice to residents and community organisations dealing with planning and development issues. Noted that the West Ward, due its coverage of part of the existing and expanded CBD and the transport hubs available, has been singled out for the greatest population increases across the Willoughby region - there is less evidence that there is still a need to meet these targets. There has been much discussion of the changes wrought by the pandemic, particularly in relation to: • the drop in demand for office space • the increase in working from home and workers migrating to more regional housing • the drop in migration and of students and visa holders arriving in Australia; and • the abandonment of various State projects due to high construction and labour costs and material shortages. Prior to finalising the draft plans CWWPA would like to recommend:	website. Applicants are responsible for preparing relevant reports for development applications. **Recommendation 2:** The Willoughby City Council population forecast for 2022 is 83,488, and is forecast to grow to 91,848 by 2036. The future population for the Willoughby LGA is considered to be reasonable and sustainable given existing and future planned settlement patterns. Council considers that the adopted strategic planning framework recognises the need to carefully monitor and manage both the existing environment and future urban growth pressures. **Recommendation 3:** Changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights in the fringe areas of the CBD in order to

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		Recommendation 2: that WCC liaise further with the relevant state agencies and authorities to explore a lowering of targets for the number of people who can be absorbed in Chatswood without serious impact on the liveability of our area. There are serious concerns over future development controls for the Chatswood CBD, including: • **cumulative problems with solar access** to the green and open space areas (both public and private) which have not been considered in conjunction with all planning proposals, currently the impact on solar access appears to be based on individual planning proposal impact only; • increasing already difficult and challenging **wind tunnels** in the area. It appears council is only requiring detailed wind analysis on a proposal-by-proposal basis. This does not address the impact on the greater Chatswood CBD which is already plagued by wind tunnels; • the **lack of building spacing** that will negatively impact private lot amenity and significantly increase the impact of wind events in the CBD; • the use of **"Mixed-use" or 'Shop Top' zoning** to approve these developments as the developments appear to be greater than 90% residential usually. Concern that the 1-2 storeys of non-residential will be left empty which will likely make the building and area surrounding unsightly and insecure. Where is the evidence to support the assertion that these developments are successful, that the businesses are viable and add value to the local community in the short and long term? • problems with the current management structures that developers set up for these mixed-use buildings. Often there are **multiple strata schemes** set up (e.g. Residential Strata Scheme, Commercial Strata Scheme and sometimes a Retail Strata Scheme) all under a Building Management Committee where each strata	reduce impacts on adjoining residential development including nearby heritage conservation areas. **Recommendations 4-6:** See above response. **Recommendation 7:** Council recognises that the uplift proposed under the *Chatswood CBD Planning and Urban Design Strategy 2036* will have implications for traffic and transport within the CBD. Given the CBD is a constrained environment (i.e. with no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management (TDM). TDM a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of transport i.e. walking, cycling, public and shared transport. One of the key tools under the TDM approach is limiting the number of car parking spaces for new developments, given more car parking spaces only

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		scheme usually gets one vote on the BMC meaning a 2 level commercial strata scheme has a 50% blocking vote on managing the building and defects when the building is usually a majority residential. Multiple strata schemes in one building often leads to problems around maintenance and defect rectification as the commercial and residential strata schemes often have different interests and clashing priorities. **Recommendation 3:** For some areas of the Central CBD, the new height limit is specified as 246.8 m R.L. CWWPA recommends that a master plan is required for the central CBD to address the cumulative impacts of increasing density; shop-top/mixed use zoning; wind tunnel effects; overshadowing, access to open areas, and strata schemes which may unfairly disadvantage residents. In anticipation of the adoption of the proposed height limits a large number of development applications have already been lodged in the expanded CBD and are either approved or part way through the approval process. Among our specific concerns about the impact of the plans for the expanded CBD are the following: • that Council may not strictly enforce new 'set back' arrangements and ensure that 'deep soil' zones are mandatory in all development design. Trees provide shade, clean the air and make passage between these towers far more pleasant. We wish to see the avenues of trees depicted in the various development strategy documents come to life in our streetscapes. • serious concerns around the **lack of a gradual increase in building height** as you enter Chatswood from the north along the Pacific Highway and Archer Street. The draft LEP proposes Ashley Street to Help Street along Anderson Street (west side) and Pacific Highway (east side) suddenly become 90 metres.	promote car use and thus more traffic. Accordingly, Council engaged transport planning consultants Cardno to complete the *Review of Parking Rates* report, available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13 Cardno recommended maximum car parking rates for the Chatswood (and St Leonards) CBDs in line with the TDM approach and these have been included in draft *Willoughby Development Control Plan (DCP)*. This approach of placing a limit on parking space numbers is now recognised globally as best-practice transport planning for constrained environments and is already used in other areas of Sydney including the City of Sydney and North Sydney local government areas and the Macquarie Park and Parramatta CBDs. By applying the principles of TDM – e.g. limiting new car parking and improving active and public transport connections – Council aims to ensure that the transport

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		Recommendation 4: that the draft LEP incorporate plans for a more gradual increase in building heights as you enter Chatswood from the north along the Pacific Highway and Archer Street. • The **buildings proposed along Anderson Street and Wilson Street** Chatswood are excessive when compared to the **Conservation Area** to the east of Anderson Street and the currently built buildings in Pacific Place. **Recommendation 5:** that the height of buildings proposed along Anderson Street (westside) and Wilson Street be limited to between 10 – 15 storeys. **Recommendation 6:** the draft LEP be amended to ensure appropriate reductions in height for buildings aligning with the Conservation Area to the east of Anderson Street. **West of the Pacific Highway** CWWPA considers that high rise residential and mixed development should stop on the eastern side of the Pacific Highway. In response to the proposed spot rezoning of the 1A – 29 Bowen Street and 6 – 18 Moriarty Road site in 2020 from R2 to R4 there were concerns raised as it is felt that there should be no further encroachments on the low to medium density housing and conservation living areas which make up the western side of the West Ward. The CWWPA notes and supports the draft LEP's maintenance of the existing R2 and R3 zones in the area west of the Pacific Highway and to the northeast of the extended CBD areas. The CWWPA also supports the proposal to change the requirements for R2 low density residential zoned land (outside conservation areas) to have equity in terms of planning controls in line with the state requirements for new dwellings	network will be able to accommodate the uplift planned for the Chatswood CBD. In relation to congestion, parking and access (including for pedestrians) in the Chatswood West and Chatswood CBD area generally, Council manages the resident parking permit schemes to manage parking demand and balance the needs of different parking users and areas. Regulation of road and kerbside space (e.g. time-limited parking, no parking, no stopping zones etc.) can be continually refined to address identified issues. **Recommendation 8:** Including ("*a detailed, cumulative and prospective assessment of the traffic, parking and walking consequences etc…"*) Consultants Arup were engaged to complete the *Future Conditions Report* (September 2020). This report concluded that the CBD transport network (including the road network) could accommodate the growth planned for in the *Chatswood CBD Strategy* by implementing a variety of measures to achieve the mode shift as part of Council's stated TDM approach.

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		and dual occupancy development in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Support the movement of landscaping requirements from the draft DCP to the draft LEP and the retention of the WLEP vegetation management approaches rather than the less protective tree and vegetation clauses in the Codes SEPP. Note that Council is proposing to disallow the battle-axe form of dwelling in order to forestall the loss of landscaped areas, loss of trees, resulting biodiversity loss and increased heat island impacts. It would seem that Council's approach in the past has been to seek to mitigate traffic congestion by **limiting the number of car parking spaces** in new developments. We would query whether there has been research undertaken to validate and support the continuation of Council's approach; a number of CWWPA members living in and around the central CBD have noted that, rather than encouraging apartment residents to forego car use, the opposite happens: occupants of an apartment with no car space will still have a car or cars that they either try to illegally park in the strata scheme or park in surrounding streets. **Recommendation 7**: that research be undertaken to validate the current practice of limiting the number of car parking spaces in new developments and that serious consideration be given to providing each new residential apartment with a parking space. CWWPA would like to point out, in particular, that: • There will be increased traffic congestion and difficulties along Anderson Street, Railway Street and Wilson Street as a result of planning proposals on Anderson Street and Wilson Street. It will exacerbate the current gridlock situations at a) Anderson and Ashley Streets in the afternoon peak hours impacting buses in both	The full report including recommendations is available at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-5 **Recommendation 9:** Much research has already been undertaken about how to plan for and facilitate walking as a viable mode of transport for various trip purposes, and what factors influence how far people are prepared to walk for trips. For example, the *Guidelines for Developing Principal Pedestrian Networks* (Victorian Government, 2015) cites research that 40% of trips less than 2km in Melbourne are walked, rising to 75% for trips less than 400m. The median walk-only travel time and distance for journeys from home to work is 15 minutes or around 1.4 kilometres. Research and statistics such as these demonstrate the existing and future potential for walking to play a vital role for transport to, from and within the Chatswood CBD and thus to minimise private vehicle travel and road congestion.

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		directions; b) afternoon and weekend gridlock in Help and Anderson Streets; and c) Railway Street between Help and Pacific Highway between 4pm and 6pm on some weekdays. • There are also concerns that workers in the first 1-2 levels of the proposed mixed-use buildings will park on Anderson Street and surrounding streets and reduce valuable street parking for locals. It should be noted that many of these mixed-use planning proposals do not appear to have parking for expected clients or commercial workers, the buildings are a long way from Chatswood Station and workers are more likely to drive than catch public transport. It must be concluded that traffic into and across Chatswood, as a result of the above proposals and others like them under the proposed LEP/DCP is likely to increase very significantly on roads that are already very congested. Traffic congestion in the streets of Chatswood CBD, Mowbray Road and the streets and roads of West Ward is increasing and influencing the decisions we make in our everyday lives. How will emergency services have access to these areas, when areas can easily become gridlocked? Council should be protecting the rights, standards and expectations of existing residents and ratepayers when it comes to vehicle access to Chatswood CBD, their own homes, and further afield. The other issue which needs to be raised is adequate planning for pedestrians and to ensure the ease of their movement around the precinct, to the various transport hubs and shopping precincts. CWWPA is strongly concerned that traffic congestion in the CBD and surrounding streets does not seem to have been considered holistically and with an eye to future growth. **Recommendation 8:** that a detailed, cumulative and prospective assessment of the traffic, parking and walking consequences of the draft LEP and Planning	**Recommendation 10:** Council recognises that better cycling infrastructure, in particular separated cycleways and removal of bike lanes in 'door zones', is needed to encourage uptake of cycling. In recent years, Council has partnered with the federal and NSW Governments to deliver a number of active transport projects in the Chatswood area to this end, including: - Ongoing improvements to the pedestrian environment including footpaths and crossings; - Construction of a new shared user path for pedestrians and cyclists on the Pacific Hwy (between Mowbray Rd, Chatswood and Herbert St, St Leonards). - Detailed design of a separated cycleway along Hampden Rd and Herbert St, Artarmon / St Leonards to link up with the existing cycleway route on Frank Channon Walk.

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		Proposals on the table in the central and extended CBD area be undertaken before these aspects of the draft LEP and DCP are approved. Active transport is considered to be a mix of walking and cycling, integrated with public transport used for commuting and travelling instead of private motorised vehicles and taxis. Walking as a form of active transport in the proposed draft LEP/DCP has a chance of being effective, as developments are within walking distance of the transport hub and shops and offices. However, it would appear Council has not implemented the advice of its own studies on how to encourage cycling within the Chatswood CBD and as a result there will be a poor uptake of cycling as a form of active transport. Active transport is proposed to play a major part in Willoughby Council's new proposed LEP/DCP developments. Every proposed development stresses that Active Transport will minimise car use, and minimise vehicle traffic impact. Chatswood does offer some excellent opportunities for walking as a form of active transport. Many existing and proposed development areas are within 800 m of the Chatswood transport hub which provides train and bus connections. Also residents might walk to the shops for their regular grocery shopping or to visit cafes, gyms, medical services, etc., although extreme weather conditions (e.g. wet, cold, hot, windy) particularly those associated with climate change might deter walkers. Much of our understanding of this is anecdotal, and undertaking statistical studies would assist consideration of active transport possibilities. **Recommendation 9:** that WCC undertake a study of how far and under what conditions residents are in fact prepared to walk.	- An end-of-trip bicycle parking facility in the public car park at 79 Albert Ave, Chatswood. Collectively, these and other future improvements planned (in particular, extending the shared user path on the eastern side of the Pacific Hwy north to Boundary St) aim to promote a 'mode shift' away from private vehicles towards more sustainable options of walking, cycling and public transport. **Recommendation 11**: Council uploads details of tree removal (Vegetation Management) Applications and approvals on the DA tracker on Council's website (https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx). Tree permit applications are not required to be included on the NSW planning portal at this stage. **Recommendation 12:** Council is supportive in principle and is considering timing for updating the Natural Register of Trees given resource constraints.

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		Despite clear recommendations in its own studies and reviews, Council has to date carried out insufficient work to advance cycling as a viable Active Transport option in the Chatswood CBD. Inexperienced cyclists (i.e. the majority of new residents in yet-to-be-built developments) will not ride on streets where they are exposed to traffic. Existing development proposals are inaccurate when they promote cycling as an option for residents that will significantly reduce the frequency of car uses. Walking may well be significant as a form of Active Transport in the enlarged CBD, but the writer is not aware of any statistical studies that show to what extent this will be the case. **Recommendation 10:** that the draft LEP/DCP address the difficulties with Active Transport in the Chatswood CBD and that its current level of provision not be used to support the further densification of the CBD area. While Council has prudently identified the need to protect and extend green infrastructure, CWWPA feels that additional changes will be needed to retain and grow our urban tree canopy. This could include the following: • For some months there has been insufficient information on Council's ePlanning Portal relating to applications for tree removal under the WCC permit system. The type of tree/s targeted, location and the reasons for removal have often been omitted. The lack of this information means that the community – which is the Council's front-line defence against the removal of healthy trees – is unable to contribute to maintaining our tree canopy. **Recommendation 11:** that Council ensure all necessary identifying information on Tree Removal Permits be uploaded to its ePlanning Portal to encourage community comment.	Recently Council has completed detailed GIS-based mapping of all tree canopy across the LGA. This compliments Council's existing street trees database and Natural Heritage Register. It is hoped that the latter will be updated as/when sufficient resources become available. The GIS data base allows Council to more accurately measure changes in tree canopy at the individual lot level and prioritise infill planting where the need is greatest. It will also inform a review of Council's urban tree canopy targets. **Recommendation 13:** Clause 6 (Tree replacement) under Part G (Vegetation Management) requires replacement planting at a rate of 3:1. If replacement is not possible, the applicant may enter into an offset planting scheme which requires payment of a fee to Council for each tree not planted. The requirement for replacement trees is a condition of consent, and trees must be planted before an Occupation Certificate can be issued. Any breach of the consent conditions, including not maintaining landscaping/trees, is an offence; and,

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		Recommendation 12: that Council maintain and update the City's Natural Heritage Register of trees and natural features so that it does not lose the protection afforded in the Codes SEPP (Div 2, 3A.7, a) which protects trees 'listed on a … register of significant trees kept by the council'. While Council maintains a Vegetation Management policy framework and guidelines on application for tree removal permits and mandates their replacement, these could be strengthened: **Recommendation 13:** when trees are required to be replaced a formal bond should be retained until they are inspected at the end of five years to verify that they have been planted and maintained. The LEP, being a statutory document provides greater legal weight in assessment than the DCP, which essentially serve as guidelines for development. **Recommendation 14:** Just as landscaping provisions have been shifted from the draft DCP to the new draft LEP, consideration should be given to moving the current Vegetation Management guidelines into the LEP to give them greater enforceability. **SEPPs vs LEPs** The need for stronger tree protection is particularly important given the increasing extent to which developers have utilised State Environmental Planning Policies (SEPPs) which often override the intent of LEPs and local tree retention policy. One way to address the tension between LEP and SEPP would be: **Recommendation 15:** to develop for inclusion in the LEP, a Local Character map and associated clause identifying character areas. Areas which protect	appropriate action can be taken by Council to remedy any non-compliance. There are some logistical problems with applying a bond for a five-year period, not the least of which is administration of the program and the sale of properties in the intervening period. It is considered there are adequate requirements to ensure compliance with the terms and conditions of any development consent without the need for a bond. **Recommendation 14:** DCP Landscaping provisions are guidelines for development and are not appropriate to be included in the LEP. **Recommendation 15:** The local area character is considered are part of the DA assessment process and is also a specific consideration in heritage conservation areas. **Recommendation 16:** Comment noted. **Recommendation 17:** Council officers liaise with bushland officers as part of the DA assessment process.

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		large/mature trees, which are locally indigenous species, are known to be important wildlife habitat or within a defined wildlife corridor or are visually prominent, but not currently protected from SEPPs or projects deemed of State Significance, could be identified and thus given some additional protection. Council has a comprehensive *Urban Bushland Plan of Management* which currently sits apart from other local environment policies and is not integrated with the draft LEP. Council also employs staff experts in bushland biodiversity who do not appear to be fully utilised in the planning process to protect trees, wildlife corridors and bushland. **Recommendation 16:** Council's Bushland team should be resourced to identify priority biodiversity sites and species in our LGA where development or offsets should not occur. **Recommendation 17:** Council should seek advice from its Bushland team early in the process of assessing Development Applications and Planning Proposals so that developers and the community can be educated about biodiversity impacts and ways to prevent or mitigate them. **Recommendation 18:** Council should organise formal discussions between staff dealing with developments and bushland staff on a regular basis to ensure early notification of relevant developments and agreement on the application of the bushland values and methods encapsulated in Council's policies. As the rules now stand, pools, pergolas, retaining walls and fences are permitted exceptions below the FBL, unless it can be shown that they would, if built, harm the environment. This requires on-going community awareness of proposals and then neighbour and community submissions on the proposed structures' effect on our bushland environment.	**Recommendation 18:** Comment noted see above response. **Recommendation 19:** A number of submissions raised concerns regarding built structures below the Foreshore Building Line. Primarily, concerns relate to negative impacts on flora and fauna as a result of built structures in the foreshore area, which are currently permitted under clause 6.4, including swimming pools, pergolas, retaining walls and fences. No changes have been proposed to clause 6.4 under the new LEP, however Council has concluded to undertake a separate study to determine how and to what extent to amend existing controls to restrict built structures below the Foreshore Building Line. Council is considering strengthening DCP controls for structures, it will also examine the need for stronger controls around excavation below the Foreshore Building Line and proposes a separate study of the FBL in the near future, as noted above. Consistency with the *SEPP (Biodiversity and Conservation) 2021* will also be considered as part of the Study.

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		We believe that Council has missed an opportunity in the draft LEP, which will not recur for another decade, to strengthen conservation of these foreshores. **Recommendation 19:** that the Foreshore Building Line clause (cl 6.4) should be amended so that swimming pools, fences and other structures that restrict the movement of fauna should be explicitly banned or, at the very least, permitted only as an exception requiring justification. **HERITAGE AND CONSERVATION** CWWPA has been alerted to a loophole in the DCP Part H – section 2 which seems to open up homes in Willoughby Conservation Areas to demolition, irrespective of their condition - as outlined by Brian O'Gallagher in the Artarmon Gazette article at this link.1 We would ask that WCC look at this loophole as many buildings in our suburbs are built on reactive clay and their owners could unnecessarily be guided towards demolition rather than more moderate measures to cope with identified and locally common instabilities in footings. **CONCLUSION** Finally, CWWPA notes that the succession of changes made to planning policy and regulation by the NSW State Government over the last 10 years have introduced many of the pressures with which this draft LEP grapples. We are concerned that State reforms in the pipeline are likely to increase these pressures and bring similar uncertainties to the new LEP when approved and applied. The CWWPA recommends: **Recommendation 20:** that Council write to Tim James MP to request his assistance in negotiating with the State Government to achieve measures which aim to:	<u>Heritage and conservation:</u> A number of submissions raised concerns regarding demolition of dwellings in the Artarmon Heritage Conservation Area. Concerns were cited around the 'loophole' available to property owners and developers to leverage / justify approval for demolition through obtaining a structural engineers report, based on factors relating to instability caused by the clay substrata on which dwellings are built in the Artarmon HCA and associated impacts to the dwelling. Council is cognisant of this issue addressing it through strengthening its heritage controls in the DCP. Section 2.4 under Part H – Heritage Items and Heritage Conservation Areas, deals with 'Demolition'. It is considered that the wording of the DCP, in relation to requirements for an application for total or partial demolition of buildings in a heritage conservation area could be strengthened to ensure that it is more clearly understood that only in the most exceptional circumstances, buildings would be granted approval for demolition in a heritage conservation area.

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		• respect the local WLEP and provide certainty to residents and ratepayers, over developers, by removing the ability of SEPPs to override LEPs; • develop overarching plans for special precincts like the Chatswood CBD which will address, in particular, the current impacts of high population targets, traffic congestion and infrastructure shortfalls; and • review alternatives for State Significant projects or SEPPs which threaten the work of Council in protecting our local tree canopy, green open spaces, bushland reserves, waterways and biodiversity.	If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure demolition only occurs in the most exceptional circumstances. **Recommendation 20:** recommendation noted. Due to the structure of the NSW planning system, Council is unable to override SEPPs through the WLEP. Note in some circumstances LEP requirements prevail over SEPP provisions (e.g. dual occupancy subdivision sizes) Changes recommended in the draft LEP and DCP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which provides a framework for sustainable future growth in the CBD. Planning controls for St Leonards have been determined by the State

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			Government's *St Leonards Crows Nest Plan 2036* and are being implemented by the local councils of Willoughby, North Sydney and Lane Cove through individual LEPs.
60.	NAREMBURN PROGRESS ASSOCIATION (NPA)	Recognise the extensive work that has gone into producing the draft LEP/DCP for community consultation and the way in which the council is looking to protect and enhance Willoughby through its planning controls in alignment with its Strategic Plan. It is good to see the landscaping provisions have been brought into the LEP to strengthen the need to retain tree cover in the area. It is hard to see how this will be achieved however where there are very few controls when it comes to complying developments and recognise that complying developments are outside the controls of council. It is also positive to see that community feedback, regarding the already planned development, of the Naremburn Shops (i.e. Naremburn Centre Strategy) has been listened to and incorporated into the LEP/DCP. Particularly that there will be a 3 metre setback of upper stories, that facades need to be maintained and encouraging developers to include additional rear parking and open space. Whilst the NPA is not necessarily in favour of the redevelopment of the shops we acknowledge that the council is required (by the State Government) to accommodate additional housing, that there is a need for more affordable options and that criteria has been put in place to make that as sympathetic as possible	1. Clause 4.6 of the WLEP is a standard clause based on the Standard LEP used by all Councils in NSW. Variations under clause 4.6 require adequate justification and only minor variations are normally considered. 2. With regards to the **Henry Lawson Cave**, further investigation for heritage listing in the next Heritage Review to be undertaken by Council in 2022/23. The cave is not currently listed as a Heritage Item but would appear to have heritage significance worthy of further investigation. Listing as a Local Heritage Item requires an amendment to the Willoughby Local Environmental Plan taking the form of a Planning Proposal. Council generally undertakes a heritage review once each Council term, the last being in 2018. Such heritage reviews consider specifically nominated themes,

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		to the surrounding area. We are also looking forward to the Streetscape design process and much of our feedback has been taken from the consultation around that process in terms of what Naremburn wants to see into the future generally. Other issues raised relating to heritage protection, cumulative impact of development, transport implications, controls around synthetic grass, Lane Cove tunnel pollution stacks, sustainability and climate. Other issues identified which are broader to the wider Willoughby Area include • The need for Strategic Planning i.e. Chatswood CBD, Willoughby Rd/ Bicentennial Reserve Area, St Leonards/ Chatswood i.e. the possibility of Master Planning these areas • Safer and slower streets in Chatswood and the concerns around congestion due to an additional 1000+ car parking spaces being provided to new developments • The height and scale of developments in Chatswood and the need for better scaling to residential areas • The need to pace development in alignment with the capacity of the overall Sewage Systems • Connecting Active Transport through from the Gore Hill Expressway to North Sydney • Better compliance to tree policies and replacement of trees impacted by development in bushland • Protection of foreshore areas from development The Effectiveness of the LEP/DCP and Compliance Sticking to the Plan: An LEP/DCP should be one of the key mechanisms by which the strategic vision of the council is brought into being. Residents want certainty	buildings or sites. Although it is possible to undertake a site specific Planning Proposal to list the Cave as a Heritage Item it is more time and cost effective for consideration of its listing to occur in the context of the next heritage review to occur later this Council term. *3.* The site behind Channel 9 in Walter Street has already been rezoned for high density residential. *4.* The cave is within the area of Bicentennial Reserve that is included in the Flat Rock Gully Reserve Action Plan. This Action Plan is covered by the policy framework of the Urban Bushland Plan of Management, which provides protection for the cave and associated biodiversity. The cave is approximately 25 metres from property boundaries to the south, which provides a buffer zone, managed by Council staff. Given the zoning, approvals and existing structures along that reserve boundary, further physical buffer zones are not feasible. Increases in density along the southern reserve boundary consistent with the zoning have required conditions of

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		around the rules that developers need to comply with and transparency when it comes to planning and feedback. Variations to the LEP/ DCP once agreed should be minimized and a clear upper limit set for any FSR variations. **Specific Recommendations of the Naremburn Progress Association include:** 1) Strengthen clause 4.6 to provide a disincentive for large variations away from LEP/ DCP codes for developments. 2) Heritage List Henry Lawson's Cave in Bicentennial Reserve - this historic cave which was undoubtedly used by the Cammeraygal but also by Henry Lawson (the first person in NSW to be afforded a State funeral). Today the cave is used by community groups and children and is a key piece of our community's fabric. It is under threat from development behind, planned sewerage works and also the Beaches Link Tunnel and Willoughby Leisure Centre. Proper assessment needs to be completed each time development is proposed so that this cave and its important history can be maintained for future generations. 3) Reconsider the need to rezone the Artarmon Rd site behind Channel 9 to High Density until such time as there are alternative sporting facilities planned and/ or the sewerage system is shored up to cope with the additional capacity. 4) Consider an Environmental Buffer Area to be zoned along Flat Rock Gully / Bicentennial Reserve to better manage runoff and risks to the bushland associated with development 5) Extend conservation protections to join the two smaller conservation areas in Naremburn including the Shops and the area around the Churches and old school - heritage buildings which should remain as highly visible markers of our rich history.	consent be imposed on development applications relating to stormwater runoff, to protect the area near the cave. These Development applications have been required to pipe stormwater to downstream pits rather than using overland flow. High levels of public usage along the shared path linking Artarmon and North Sydney provide positive public surveillance of the cave area. East of Flat Rock Drive, the Environmental Living zoning adjacent to Flat Rock Gully limits the scale and consequent impact of development on the reserve. Council will continue its ongoing reserve management program that has seen the area transformed from a rubbish dump to a well-used popular reserve. 5. With regards to the **Naremburn Heritage Conservation Area** the area between the two existing Conservation Areas can be investigated for extension as part of one of those Conservation Areas, or at least buildings such as the St Leonards Church Presbytery and the

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		Allowing complying developments which do not take heed of the character or scale of these buildings risks them being swamped and the heart of Naremburn becoming further disconnected. In the case of a complying development the proximity or form of surrounding or even neighbouring buildings (even if heritage listed) makes no impact on the criteria. The only protection from this eventuality is via zoning - joining up the two conservation areas provides an opportunity to right some of the wrongs in dividing the suburb in the first place. Attachment 1 for the submission includes a Discussion Paper and Options regarding the heritage conservation areas.	adjoining Convent building and the shops can be investigated for heritage listing in the next Heritage Review undertaken by Council. It is noted that there are already some shops in Naremburn listed on the LEP, including 272–276 Willoughby Road (Item 174) & 284 and 284A Willoughby Road (Item 175) The next heritage review can investigate the whole group of shops in that area to assess whether any other buildings should also be added as heritage items. The heritage review is anticipated to commence in 2022/23.
61.	ARTRAMON	Submission concerning growth in Artarmon and growth in the Chatswood CBD. The following points are raised / made regarding the draft LEP: 1. There is an obvious agenda in the draft plans behind the meaningless verbiage and bland 'motherhood' statements, such as 'A City that is connected and inclusive' and 'We recognise the past while creating new liveable places, strong communities and homes for the future'. It is clear that the intention is to permit a large increase in high density development. The expansion of the Chatswood CBD and the significant increase in building heights will allow a substantial increase in the number of tower blocks in an already over-developed area. The proposed	**Comments noted.** It is intended that the increases in density for centres such as Chatswood and Artarmon will not only provide for more employment and population increases but also provide revitalisation. Measures such as Design Excellence provision are intended to achieve this. Growth areas have been targeted close to centres to promote the use of public transport for

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		extra development will not 'create a vibrant and confident CBD' but will exacerbate existing problems. Chatswood CBD is a vast, soulless, unwelcoming, over-crowded area and this will only make it worse. 2. All the local centres in Willoughby City are to be opened up to more development, camouflaged as encouraging 'new local jobs and housing diversity close to services and transport'. In our case, Artarmon shopping centre will be overwhelmed in scale by a large number of tall blocks immediately behind. This is not, as one of your documents states 'appropriate growth in local village centres' 'enhancing local character'. In fact, such expansion will destroy the village atmosphere and sense of community. Local residents, with the support of local councillors, have been fighting this for years but it seems we have finally lost. 3. A consequence of this large increase in population will be huge traffic problems in a municipality already struggling to cope with existing flows. Although the plans talk about locating people close to where they work, the reality is that the vast majority of these apartment dwellers will have one if not two cars and will use them to commute. Willoughby will be struggling to cope with the increased traffic from the Channel Nine site, let alone all this. Clichés like 'Establishing a range of actions to improve transport connectivity throughout the LGA providing the opportunities for a healthier environment and community' are no substitute for effective solutions, or, better still, reducing the amount of development. 4. The plans mention increasing affordable housing from 4 to 10%. In the fine print it says that this includes boarding houses. We are concerned that this is a loophole developers will exploit. As an example, two so-called boarding houses have recently been approved near Artarmon station. In reality they are little better than poor quality tenements. 5. Part H of the DCP addresses heritage and conservation. It reads well but we are unable to compare with the existing provisions as changes are not highlighted, unlike in the draft LEP. The current planning regime is obviously flawed. As examples: the demolition of 30 Muttama, in spite of	commuting purposes and provide locally accessible jobs and services. The affordable housing clause does not enable boarding houses. The clause specifically excludes boarding houses. A number of submissions raised concerns regarding demolition of dwellings in the Artarmon Heritage Conservation Area. Concerns were cited around the 'loophole' available to property owners and developers to leverage / justify approval for demolition through obtaining a structural engineers report, based on factors relating to instability caused by the clay substrata on which dwellings are built in the Artarmon HCA and associated impacts to the dwelling. Council is cognisant of this issue addressing it through strengthening its heritage controls in the DCP. Section 2.4 under Part H – Heritage Items and Heritage Conservation Areas, deals with 'Demolition'. It is considered that the wording of the DCP, in relation to requirements for an application for total or partial demolition of buildings in a heritage conservation area could be strengthened to ensure that

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		many objections and a local resident who is an engineer giving evidence it was structurally sound, and its replacement with a huge, inappropriate structure that covers every inch of the block; the approval of the subdivision at 50 Stafford, in spite of 19 solid resident objections and a letter from the National Trust, and the subsequent removal of two old growth trees, one on the heritage list; no. 66 Tindale, a fine heritage house that once featured on the Artarmon Heritage Walk, has been partly demolished and has for some time been open to the elements and is deteriorating. We sincerely hope the new DCP will remedy these failings, both on paper and in its implementation.	it is more clearly understood that only in the most exceptional circumstances, buildings would be granted approval for demolition in a heritage conservation area. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure demolition only occurs in the most exceptional circumstances. 30 Muttama Road was approved for demolition as the applicants were able to prove the building was structurally unsound and could not be remediated without unreasonable cost to the owner, as per the Land and Environment Court principles. 50 Stafford Road was approved for alterations and additions and subdivision of the site and will retain the principle portion of the main house.

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			Council's DCP provisions are generally consistent with the approach taken by most Councils in respect to heritage conservation and with the Land and Environment Court Principles. <u>Submission summary</u> Object increase scale in Chatswood Object increase scale in Artarmon Object increase in traffic Increase of affordable housing lead to increase in boarding houses Demolition in Artarmon conservation area
62.	ARTARMON	When walking around city streets, awnings protect from the rain and heat. It is to be hoped that the new developments around Chatswood would be required to have adequate awnings. Questions the use of artificial turf manufactured from plastics which is hotter than grass and tree canopy. With the effects of COVID and the result of having to work from home, some people felt that the newer apartments and units were very small, in comparison with older style units so there was a need to go outside and feel some space and not feel "hemmed in". Is it usually up to the developer to "maximise" the space for each apartment/unit or are there some planning laws with recommendations for minimum standards for room sizes or unit/apartment sizes? Some residents must feel that there is not enough space, as the saying goes "to swing a cat". It is disappointing to learn that the tree canopy in Willoughby has decreased over the last 4 years due to larger developments, taking up most of the block of land thus requiring the removal of existing trees. We only have to observe the new developments in outer Sydney and Melbourne to view the sea of charcoal roofs	**Comments noted.** Changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights in the fringe areas of the CBD in order to reduce impacts on adjoining residential development including nearby heritage conservation areas.

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		built extremely close together. We were shocked that some new housing developments have a space of about 30-50mm – (sometimes even less) between buildings so that the adjoining gutters are literally over one another. It is disappointing to learn that the State government's planning laws allow private certifiers to sign off on large developments without consideration to the local council's requirements. There appears to be an anomaly with council's plans for the development of Willoughby with up to 90 metre high rise throughout Chatswood CBD. There will be the potential for the removal of many large mature trees thus adding to the reduction of tree canopy in the area. It will be a difficult task to increase the tree canopy up to 40% with all the proposed developments. Council should use interested residents and community groups rather than pay consultants. Housing affordability is a very important issue throughout the country. It is interesting to learn of the figures for future population growth in Australia with the latest forecast being that the projected growth will be less than previously stated. There is no mention of expansion of hospitals, schools, primary and secondary, TAFES, universities etc. nor the staff increases to cater for such anticipated growth. The newly constructed hospitals, schools, etc. are already utilised. Increases to 90 metres in Chatswood CBD, developers will naturally want to accommodate as many residents as possible in each building / tower block. It will be interesting to understand how the roads will cope with this anticipated growth, as we already experience traffic gridlock most week ends with shopping and sporting events. With many of the retail developments it is easy to lose the feeling of individuality of various shopping centres. It is important to seek out elements of ideas from	Council is developing a new urban canopy target based on aerial mapping data sets starting from 2016 to current day. The new target will be promoted as soon as it is available. It may include different targets for different land use categories – e.g. local streets; parks; buildings / property. Willoughby Council's goal is to conserve existing tree canopy wherever possible and extend it wherever we can along streets and on public and private land. State government planning laws which regulate many aspects of residential development (e.g. tree removal, minimum size of rooms, setbacks, overshadowing etc.) over-ride Council controls in many instances, which limits Council's capacity to protect tree canopy on private land. <u>Submission summary</u> Objects to heights in Chatswood CBD

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		overseas and incorporate them, if necessary, as an addendum to our community's ideas or we risk losing our individual input on the project. The concept drawings of greening up to 5 storeys is interesting as the drawing of the tall tower disappears into the pale sky whereas in reality that large bulk of tower remains high above the tree line many metres i.e. 70-80metres. We can already see the bulk on the western side of the railway line where it has been likened to a concrete jungle. It is just so stark, overpowering and can be depressive. The concept drawings of greening up to 5 storeys is interesting as the drawing of the tall tower disappears into the pale sky whereas in reality that large bulk of tower remains high above the tree line many metres i.e. 70-80 metres. We can already see the bulk on the western side of the railway line where it has been likened to a concrete jungle. It is just so stark, overpowering and can be depressive. We hear reports that there are many unoccupied houses, apartments and units throughout the city and state. It is of concern when there is so much housing shortage. This should be a high priority for the state government to solve. With the concept for the entrance and pedestrian connection to the Garden of Remembrance, there are circular steps leading up with concrete blocks for seats. However, there doesn't appear to be a handrail for support which could be a safety issue if a person loses balance and falls down the steps. With the plan to reduce car usage in the CBD, the reduction and limiting traffic to 2 lanes, what provision is being made for residents with limited mobility thus needing walkers to visit these cafés with friends? In the past there would be drop off points at convenient places to alight as it would be too far to walk from any parking area.	

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		The proposal for the 90metre limit is far too high around Chatswood particularly opposite the Conservation area in Anderson Street. Another area is Currey Park which will be surrounded by 80 metre buildings on all sides. There was a conservation order on about 8 unique single fronted federation houses in Archer Street some years ago. However, when developers bought many of these houses, this conservation order was rescinded and replaced with an unimaginative townhouse development. It appears that this in turn would be demolished to be replaced with 90 metre tower blocks. These towers which are described as "iconic", are all out of human scale and overpowering. It is difficult to predict how Willoughby Council will achieve one of its aims of being a liveable city.	
63.	ARTARMON	Unsettling experience reading documents relating to Council's plan for Willoughby City up to 2036. Concern that Council response was if your property wasn't affected by any development or changes, then there was no need to be concerned. This would appear to discourage residents from commenting at all on the proposal. Concern is for the whole city, not just locality. Many issues in the plan are in contradiction with the Council's aims of being a liveable city. However, advocating to the state government on our behalf of the community is appreciated. Concern that the CBD has been extended to the eastern side of the railway line so that the maximum height of any development will be 90 metres, i.e. 30 storeys, along with changes to zoning and FSR. It is difficult to visualise that huge skyline on the western side of the station imposed on the eastern side. Anderson Street, with its Conservation area on one side of the street, will have a vista of high rise developments, just across the street. The concept drawing has the tower, above	**Comments noted.** Changes recommended are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights and impacts on adjoining residential development including heritage conservation areas.

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		the tree line in the street, disappearing into the sky. Assume the definition of a Conservation Area would include the streetscape of the area as well as the local environs close by, i.e. on the opposite side of the street, to add to the overall picture of the of the Conservation Area. What happened to the streetscape requirements of this area where the feeling of this conservation area has been compromised? Does this mean that at any future time council policy could change and extend the boundary of the CBD into the present Conservation Area? How does that make Chatswood a liveable city for those residents? Some of the streets to be affected by this plan including Archer Street, Victoria Avenue, Johnson Street, Bertrum Street, Albert Avenue, Claude Street, Devonshire Street, Pacific Highway, Nelson Street, where into the future any new development can be up to 30 storeys. In these streets there are many current developments of 8-9 storeys which is manageable, with its trees to break the height. The view of the 30 storey high rise is in the distance, so there is a feeling of space. It would be a very overwhelming feeling having many developments 30 storeys high just metres away. There would be no human scale in these residential streets and would add to feelings of anxiety. It is hard to believe that the well-being of Chatswood residents is being considered by the state government. How would these proposed developments affect the existing services including water, sewage, gas, electricity and telecommunications? There are problems with our existing services without trying to accommodate proposed hundreds of new residents, workers and visitors. Who is expected to pay for the construction of such new services? Is it the council, i.e. the ratepayers or the state government or the developers? Some of these new developments such as 9-11 Nelson Street	

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		Chatswood, have 46 units while the new development will increase that to 250 apartments plus shops (approx. 5 times the existing number of residents). It is stated that any development over 35 metres will be decided by an architectural competition. However, with all the plans for developments on Anderson Street, is there any mention that the company etc. has won the competition and thus is able to submit the winning plans. In the past the discussion has been about the height of building, zoning etc. and not the actual plans, as they are only concepts. It is then surprising when these concepts actually appear as the plan and then submitted to council. There have been many reports of unoccupied units and apartments throughout the cities, even though there is a housing shortage. Is there some means that the government could encourage investors to rent their property after 12-18 months' vacancy? It was also claimed that the department of housing was leaving many of its properties unoccupied as the maintenance was years behind schedule. This is unacceptable as many people are suffering from a housing shortage. There was a program discussing housing problems overseas and the different solutions which helped solve the difficulties for the residents. In Canada, USA and European countries there is a philosophy that there is a mixture of housing developments. Some are built to rent or built to sell. In Australia we have housing developments which are only built to sell. The concept of greening the city is difficult as there will be much destruction of trees around Chatswood with the demolition of existing buildings and surrounds to accommodate any new, huge development. The community has learnt importance of parks and gardens with its natural diversity and wildlife, as well as benefit for mental health. It would appear that nature will be the loser as there will be so much destruction. We are aware of the counter claim that "plenty of	

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		new trees will be planted - 4 or 5 times the number of existing trees to make up for those trees chopped down." It follows that the concept of greening the city will be difficult due to the demolition of existing buildings, surrounds, trees and gardens. There appears to be no additional areas set aside for parks. For example, there are 3 "green spaces" near Tindale, Muttama and Stafford Roads. These small "pocket handkerchief" spaces were made when the roads were blocked. Indeed, one was created using a bike lane and the verges of 2 residences on either side of the bike lane. One of the parks in Chatswood – Currey Park will be caught between 2 towers of 90 metres which will make its growing and maintenance difficult, due to overshadowing. Most residents are shocked and horrified at these plans. Some people have cited that they have moved out of Chatswood due to the potential increase in development. People can cope with residential apartments 8 or 9 storeys close by, but skyscrapers of up to 30 storeys are out of human scale, intimidating and are not good for people's mental health. Many residents will become anxious watching all this destruction in the city they have known and loved and have many happy memories.	
64.	CHATSWOOD	Concerns around impacts of high-rise buildings in Chatswood on their property on Neridah Street, Chatswood. Broader concerns around overdevelopment; traffic impacts; and solar panels in conservation areas. The following concerns are raised: • Against the high rise buildings – will affect our sunlight and privacy. • Will make the Chatswood CBD local traffic worse. The weekend traffic conditions are very bad on Victoria Ave and the streets connecting with	**Comments noted.** Growth in the Chatswood CBD is centred around supporting a growing economy and a growing population into the future. The *Chatswood CBD Planning and Urban Design Strategy 2036* in addition to the *Local Centres Strategy 2036* and the *Housing Strategy 2036* describe how

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		Victoria Ave as well. If with the high rise buildings more people visit and live in Chatswood CBD, it will be a nightmare. • It's very hard to drive in and out from their driveway because Neridah St is parked with cars both sides and only one car lane is left for both ways to drive through. Same thing as Archer St, Johnson St - can't imagine with lots of high rise buildings how the nearby roads can cope. • Does not think in the next 20 years Chatswood needs this big development. • Has lived in Willoughby for more than 20 years; only saw the shops along Victoria avenue all occupied before 2019, the other years always have a few spaces for rent for a very long time. At the moment even more retail stores are closed for rent. Post Covid more people may come and business may get better; but with more people shopping online maybe we don't need that many retail business, so can't see why Chatswood CBD needs such big developments in the near future. Strongly against this overdevelopment plan. • All the world promotes green energy but in Willoughby the houses in the conservation areas still don't allow solar systems on the front roof.	predicted population growth is to be addressed in Willoughby. All future development proposals will be subject to a development assessment which gives consideration to overshadowing and privacy impacts. An *Integrated Transport Strategy* was finalised in August 2020, which promotes active transport options. Traffic improvements are proposed for the Chatswood CBD and in Willoughby more broadly. ARUP has conducted studies around this. There are no specific traffic improvements proposed for Neridah Street. Willoughby Council permits solar panels in heritage conservation areas and supports environmentally sustainable outcomes. Solar panels to the front roof plane are generally not supported in heritage conservation areas to avoid adverse visual impacts on the streetscape. <u>Submission summary</u> Concerns around impacts of high-rise buildings in Chatswood specifically on their property on Neridah Street, Chatswood. Concerns around

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			overdevelopment, traffic impacts, and solar panels in conservation areas.
65.	ARTARMON	Opposed to Council accepting demolition requests for properties located in heritage conservation areas. My property was built in 1904 and has cracks due to the clay substrata. It will never be as stable as a house built on a concrete platform. However, it is not in danger of any structural failure and will easily last as long as it is maintained to a reasonable level. My house and the other old properties in the area define the quality and history of the area. There are enough older properties being demolished outside the heritage conservation areas. Council should stick to its guns and require partial underpinning if a structural engineers report is presented for full demolition in a heritage conservation area. Under no circumstances should demolition be permitted, to satisfy some developers desire for greatest profit, at the cost of our wonderful heritage areas.	**Comments noted.** A number of submissions raised concerns regarding demolition of dwellings in the Artarmon Heritage Conservation Area. Concerns were cited around the 'loophole' available to property owners and developers to leverage / justify approval for demolition through obtaining a structural engineer's report, based on factors relating to instability caused by the clay substrata on which dwellings are built in the Artarmon HCA and associated impacts to the dwelling. Council is cognisant of this issue addressing it through strengthening its heritage controls in the DCP. Section 2.4 under Part H – Heritage Items and Heritage Conservation Areas, deals with 'Demolition'. It is considered that the wording of the DCP, in relation to requirements for an application for total or partial demolition of buildings in a heritage conservation area could be strengthened to ensure that it is more clearly understood that only in the most exceptional circumstances, buildings

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			would be granted approval for demolition in a heritage conservation area. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure demolition only occurs in the most exceptional circumstances. <u>Submission summary</u> Against demolition in conservation areas
66.	ARTARMON	Concerned about the loophole in the planning rules for the Artarmon Conservation Area (ACA). The ACA is a beautiful and prized area of Willoughby, due to the protections it has had over the past 25 odd years. The heritage values of the area deserve continued protection. The loophole allowing developers to knock down houses which are expensive to restore needs to be closed. Seek to address this concern in the review of the current LEP and DCP.	**Comments noted – REFER TO SUBMISSION No. 65 FOR FULL RESPONSE.** <u>Submission summary</u> Against demolition in conservation areas
67.	ARTARMON	The East Artarmon Heritage Area has in recent times come under threat regarding the purchasing and subsequent attempts to demolish and rebuild on those sites. 30 Muttama Street is an example, and houses left to deteriorate prior to such requests are becoming noticeable e.g. 105 Artarmon Rd. The apparent loophole is via obtaining a structural engineering report that states that the cost of fixing	**Comments noted – REFER TO SUBMISSION No. 65 FOR FULL RESPONSE.**

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		cracks in walls due to the clay soil upon which the area's houses are built, is prohibitive. Owners going down this path claim that this is an unreasonable financial penalty that is placed upon them and they seek relief via bypassing the goals and concept of the Artarmon Heritage Area to do so. This argument, however, holds no water, because buyers must do their research as to the rules and regulations concerning any potential purchase, and so claiming ignorance of the concept and values of the Artarmon Heritage Area is no justification for subsequently claiming financial hardship due to claimed expensive rectification works. Caveat emptor applies here, just as it applies in any property purchase. The sale price of the property in an open market will reflect the existence of any faults that may require rectification, so financial hardship as an argument cannot logically be applied. The claims of expensive rectification works are largely spurious as well, as all houses in the Artarmon Heritage Area would be equally affected, and as a resident of the area since 1988, cracks that have appeared in walls from time to time have been easily and cheaply repaired. Other residents have had similar experiences, and found the problem easy to deal with. It is obvious that to go down that path, the Artarmon Heritage Area will be undermined, and the historic values of the area will be eroded and lost entirely. I submit that the structural engineering / financial hardship loophole regarding demolition in the Artarmon Heritage Area needs to be closed immediately, and caveat emptor applied rigorously. The area should also be trumpeted by Willoughby Council as a triumph of urban historic built fabric retention, providing ongoing and future pleasure for the residents of Artarmon, Willoughby City LGA, Sydney, Australia, and the World.	<u>Submission summary</u> Against demolition in conservation areas
68.	ARTARMON	Resident submission.	**Comments noted – REFER TO SUBMISSION No. 65 FOR FULL RESPONSE.**

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		Supports Artarmon Conservation Areas (area generally bounded by Sydney Street, Mowbray Road, Elizabeth Street and Burra Road). This area has Federation-era streetscapes which should be protected for future generations. Australia needs to retain as much history as possible; the destruction of many older buildings in the 1960s and 70s is testament to this. Today that destruction is recognised as shortsighted, irresponsible and wanton vandalism. Since that time buildings built on the site of the older buildings have since themselves been replaced. The Artarmon heritage area is something to be looked after carefully and the great popularity of the area (properties are quickly and easily sold) and the careful renovation of the houses shows that many people care about this. the fact that Artarmon is on reactive clay has in no way affected the saleability of property and this should not be used as a loophole for prospective property purchasers who wish to live in our attractive suburb but who wish to demolish our heritage just to live in a new-build property. I would like to see those aspects of the proposed changes that devalue heritage abandoned.	<u>Submission summary</u> Concerns with demolition in Artarmon conservation area
69.	ARTARMON	Would like East Artarmon to remain a heritage conservation area to protect the character of the area. I like the uniformity of the old bungalows, the keeping of the old house facades and the leafiness of the suburb. I would hate for the old houses to be completely demolished for redevelopment. A recent article in the Artarmon Gazette suggested that developers have found a loophole, where because of the reactive clay the Artarmon houses are built on, they might be able to completely demolish the houses by saying that total underpinning is needed and too expensive. I would hate for this to happen and hope council will still be able to protect the facades of the houses in east Artarmon, so the suburb retains it character and doesn't become redeveloped.	**Comments noted – REFER TO SUBMISSION No. 65 FOR FULL RESPONSE.** <u>Submission summary</u> Concerns re demolition in Artarmon Conservation area
70.	ARTARMON	Further instances of the trashing of Willoughby LGA Heritage houses is currently occurring at 11, 15 and 6 Tryon Street. Two beautiful examples of Federation and one Spanish Mission architecture (very iconic house/gardens - an absolute	**Comments noted – REFER TO SUBMISSION No. 65 FOR FULL RESPONSE.**

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		treasure now lost). The front brick walls are all that is really left of these houses. Tiles gone. All internal features gone. Original windows and side brickwork gone. Footprint on the block enlarged so greenspace is seriously depleted or wiped out. How can this be of benefit to the community?	Council is aware of, and similarly concerned about the extent of demolition and loss of heritage character within our Heritage Conservation Areas. In some instances, this has occurred beyond the Council approved works, as unauthorised works, and compliance action has occurred. It is also becoming increasingly apparent in some cases, that plans supplied for Development Applications do not accurately depict the proposed works – and that Council's intention to preserve the principal building does not align with the owners' wish to replace old fabric with new. As an applicant has 5 years to commence work for which consent has been granted, some of the instances identified in the South Chatswood HCA are likely to relate to consents issued a number of years ago. This has led to an increased need to scrutinise the adequacy of the submitted plans more than previously required at Council. Council intends to take a more proactive approach to preventing further loss of character, by bolstering our existing controls in the Willoughby Development

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			Control Plan. More detailed plans are also being required in relation to Development Applications with more stringent conditions of consent being applied to ensure as much of the old fabric of houses is retained as possible. This should have the desired effect of affording more protection to dwellings in our Heritage Conservation Areas. It should also be acknowledged that Council's control does not extend to the protection of all the interiors of dwellings in Heritage Conservation Areas when it comes to the application of Complying Development. Complying Development has become more widely used in recent years to alter the interiors of dwellings within Conservation Areas without requiring consent from Council. As a result, Council is limited in the wording of DCP controls. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			demolition only occurs in the most exceptional circumstances. Submission summary Concerns on demolition and changes to properties in heritage conservation area
71.	ARTARMON	Refer to the issue raised in the Artarmon Gazette (June 2022) "Heritage conservation areas under threat". Concerned that DCP Part H Section 2.4 provision could be used as a loophole to unnecessarily demolish a house within the Artarmon conservation zone. Own two houses in Artarmon, one at 14 Burra Rd, the other at 15 Palmer St. As a geologist these observations are made: 1. Both properties are built largely on an equivalent of the Ashfield shale, which was used widely for brickmaking historically. 2. Ashfield Shale is part of the Wiannamatta group of sedimentary rocks in the Sydney Basin and is dominated by the mineral kaolinite. 3. The shale can swell and contract depending on the proportion of interstitial water, in turn dependant on the prevailing climate at the time. 4. This is a normal substrate for Sydney foundations as shales are widespread throughout the Sydney Basin. 5. Shale or claystone can provide challenges for engineering, but these challenges are well known and well understood.	**Comments noted – REFER TO SUBMISSION No. 65 FOR FULL RESPONSE.** Submission summary Concerns re demolition in Artarmon Conservation area

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		6. Both our properties can show movement during periods of dry and wet weather. 7. At 15 Palmer St: a. The west side of the house is built on shale foundations and can move up to 1-2cm depending on the degree of water saturation. b. This has caused some cracking in the W walls of the house. c. I evaluated the need to underpin the W wall of the house, and an engineer's recommendation was that it was unnecessary. d. The house was built in 1912 and is still standing. e. When we next repave around the house, will improve drainage around the footings. This appears to be a low cost and permanent solution. f. There is no need to underpin the footing. g. If any were to be undertaken, it would be on a 3-4m section of the W wall only. There is no need to underpin the entire house. 8. At 14 Burra Rd: a. The house appears to be built entirely on a clayey section of the Wiannamatta Group, possibly a section with a clay lense. b. The house can move by a few mm during very wet and very dry conditions. c. This can cause doors and windows to stick. d. We have undertaken some drainage on one side of the house and this has improved matters. e. Further drainage work will be undertaken on the side of the house in due course.	

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		f. There is no need to underpin the footings. 9. Council should examine the provision outlined in Section 2.4 to ensure this does not become a loophole for developers. 10. Not supportive of the wording around Section 2.4. Prefer words like "the use of all preventative measures prior to demolition" included, with the use of "demolition" as a last resort only.	
72.	ARTARMON	**Artarmon Shopping Precinct** 1 a) The proposed dwellings at the rear of and above the shops in Hampden Road, which will overlook "green" shop roofs, are too high and bulky for the site. Prefer that the rear part of the proposed new development be limited to a maximum of four stories, so it has a lesser visual impact when viewed from Hampden Road. The third-floor level, which I believe is the roof level of existing two-story shops, could be made into a plaza with cafes that open out onto the "green" shop roof areas, creating lovely north-facing sunny outdoor eating venues. 1 b) Broughton Road. The lower end of Broughton Road would be a great place to create a second plaza, as it is north facing. I propose the road be partly closed off, with some traffic re-routed, and the closed off area be turned into an outdoor eating area, including with some public outdoor seating where people can eat their take-away lunch, or drink take-away coffee, etc. This could be greened and help reduce urban heat. **2. Artarmon and Heritage Conservation Area** a) AH&C Zone. The Artarmon Heritage and Conservation Area zonings should require strict compliance with all council guidelines for this H&C Area. What I am asking for is to make all of the guidelines actual rules attached to the zoning. No	**Comments noted – REFER TO SUBMISSION No. 65 FOR FULL RESPONSE RE: ARTARMON HCA.** <u>Submission summary</u> Artarmon Local Centre – limited to a maximum of 4 storeys Create plaza at Broughton Road Enforce conformity to zoning Improve heat absorption No demolition in conservation areas No breaching of council rules by staff or councillors (refer to Clause 4.6 register)

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		DAs should be able to be approved by Council that are not fully conforming to the zoning rules. b) To improve the heat absorption of the area, in general, and to restore lost habitat for native birds and other wildlife in the Municipality, all DA's, particularly in the Heritage and Conservation Areas, should, as part of the development approval process, be required to increase the vegetation, particularly tall trees, and understory plants, at the site. Want to see this being a requirement attached to Heritage and Conservation Area zones in particular. c) The zoning of the Heritage and Conservation Area should preclude the demolition of existing original houses, in all but the most extreme circumstances. d) DA Approvals in the Artarmon H&C Area The zonings that are put in place should be zonings that Councillors and Council's employees are fully committed to implementing in full. There is no point having a zoning that Councillors or Council employees subsequently breach, or recommend that others find a way around the rule, e.g. varying the building height limit, varying building frontage limits, etc. I would like to see Council implement a system for having all newly elected Councillors and Council staff sign up to adhering to all of Council's rules, including all zoning rules and any other guidelines for implementing the zoning rules. The sign-offs by councillors should be published on Council's web site to promote transparency and commitment. There should be appropriate penalties for any Council officer "bending" the rules, and in particular, for advising persons applying for a DA, as to how they can break some of the rules and be likely to still obtain approval.	
73.	CHATSWOOD	Suggests a new 'high secure' shopping and living precinct:	**Comments noted.**

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		Suggests developing a modern and high secure shopping and living area that would be more convenient for local people and visitors from East Ryde or elsewhere. If it works, it can be not congested with the Chatswood CBD area and will provide one more choice which is easier, more secure and spacious living place. High building security is better than a house.	It is not proposed to establish a new shopping precinct outside Chatswood CBD at this stage. The draft WLEP is focussed around the Chatswood CBD and in the local centres of Willoughby. <u>Submission summary</u> Suggests developing a new shopping and living precinct.
74.	SCENTRE GROUP LEVEL 30, 85 CASTLEREAGH STREET, SYDNEY	Employment zones reform – Westfield Chatswood shopping centre. Engaged with the DPIE on this reform. Submission to DPIE is summarised here: 1. Scentre Group are broadly supportive of the proposed policy reform, particularly the additional mandatory uses. 2. Scentre Group seeks further opportunities for engagement with the Department and councils during the implementation process to ensure implementation process will not result in detrimental land use planning outcomes. 3. Scentre Group encourages a review of the application of the proposed zones on a case-by-case basis of all Westfield Centres, to ensure the implemented zone reflects the strategic planning policy designation for the area. 4. Scentre Group believe that no loss of existing uses should occur during the implementation process, and the reform should only result in additional mandated land uses. 5. Consideration be given to expanding mandatory zone objectives in the MU1 and E2 zones to support residential uses where is does not derogate from primary employment generating land use activities. 6. Scentre Group support the retention of the B8 Metropolitan Centre zone within Sydney CBD and that consideration be given to the application of this zone to Parramatta CBD.	**Not supported.** Proposed zoning change to MU1 Mixed Use in the Chatswood CBD is not supported. <u>Submission summary</u> Supportive of proposed policy reform. Seeks further opportunities for engagement. Encourages a review of the application of the proposed zones on a case-by-case basis. No loss of existing uses should occur. Consideration to expanding mandatory zone objectives in the MU1 and E2 zones. Supports the retention of the B8 Metro Centre zone within Sydney CBD.

<table>
<tr><th>Sub. No.</th><th>Individual and Stakeholder: 190 Submissions</th><th>Summary</th><th>Council Response</th></tr>
<tr><td></td><td></td><td>Taking into account their submission to DPIE, Scentre Group wishes to see consistency being applied across their portfolio as this would be aligned with the intent of the reform, and in particular they wish to ensure that there is no “down zoning” by removing permitted land uses. They consider that the most appropriate translation of zoning of our asset is as follows:

<table>
<tr><th>Centre</th><th>Strategic Planning Status</th><th>Current Zone</th><th>Housing Permitted</th><th>Typology</th><th>Recommended Zone</th></tr>
<tr><td>Westfield Chatswood</td><td>Strategic Centre – A Metropolis of Three Cities</td><td>B3 Commercial Core</td><td>Yes</td><td>BTR</td><td>MU1 Mixed Use</td></tr>
</table></td><td></td></tr>
<tr><td>75.</td><td>SCENTRE GROUP

LEVEL 30, 85 CASTLEREAGH STREET, SYDNEY</td><td>Scentre Group is the owner and operator of Westfield Chatswood and the Westfield site is the subject of this submission which raises the following issues:

<u>Land Use Zoning</u>

Despite the positive aspects of the proposed changes, Scentre Group maintains that given the significant air rights to develop above Westfield Chatswood, the most appropriate land use zone for all land utilised by the Centre is B4 Mixed Use. This would enable the delivery of a true mixed use living centre where residents are able to live, work and recreate locally but also take advantage of the proximate access to high frequency public transport in the form of the Sydney Trains and Metro network.

Object to the proposed amendments to re-zone the Albert Avenue Car Park from B4 Mixed Use to B3 Commercial Core as this reduces the future development opportunity on this site and signals Council’s intentions to re-develop the site</td><td>No change proposed.

Changes proposed in the submission are inconsistent with the Chatswood CBD Planning and Urban Design Strategy 2036.

The proposed affordable housing contribution rate of 10% is based on a detailed feasibility analysis report and is considered to be a reasonable and achievable rate for the Chatswood CBD consistent with Council’s Local Strategic Planning Statement (LSPS). It is noted that significant increase in building heights and floor space ratios are proposed for the</td></tr>
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		upon expiry of the current management agreement with Westfield to manage and operate the car park in 2029. <u>Affordable housing</u> Scentre Group is investigating the feasibility of Build to Rent (BTR) as a typology suited to developing mixed use living centres across its portfolio. Object to the Council proposed amendment to the WLEP seeking a 10% affordable housing contribution in addition to a Community Infrastructure Contribution (CIC) on any residential uplift. Whilst Scentre Group has no objection to Council maintaining the current rate of 4% of residential floor space. The application of a requirement for 10% is considered excessive and will significantly impact upon the feasibility of any true mixed-use development including BTR. These impacts on feasibility are compounded when Council's CIC contribution of rate of $900 per sqm is applied to the residential uplift in addition to the standard local infrastructure contributions. Scentre Group is very concerned that the cumulative impacts of these contributions would ultimately impact on Council's aspirations for a greater quantum of affordable housing within Willoughby. The impacts of these contributions are likely to be passed on to the consumer and thus increase the overall cost of housing. This has an even more significant impact when combined with the ever increasing cost of construction. **<u>Albert Avenue car park site</u>**	Chatswood CBD and therefore it is reasonable that the affordable housing contribution is provided within the approved height and FSR. Allowing bonus floorspace would be contrary to the intent of the Strategy.

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		It is essential that any future development of the Albert Avenue car park site is appropriately master planned with its surrounding context, including Westfield Chatswood for these reasons; • Ensures that any future development does not result in a shortfall of car parking spaces and subsequent flow on effects to the surrounding road network resulting from the loss of these spaces. • Enables a coordinated and integrated approach with Westfield including public domain to achieve the place-base outcomes envisaged by Council for Albert Avenue such as increased setbacks, open space, street trees and activation. • Enables discussion about the most appropriate future land uses for the site noting that Council is effectively down-zoning and reducing the future value of its site by removing the ability to undertake mixed use residential development through the proposed B3 Zone. This potentially raises broader public interest questions in the prudent management of Council owned land. it is considered that the B4 Mixed Use zone is clearly more appropriate as it would provide greater ability to enliven the centre. Westfield Chatswood has an airspace surface area of over 3ha. This provides significant opportunity to introduce a potential range of mixed use outcomes within this airspace., while considering issues including the airspace, tenant leases and design integration. It is intended however that the prime use of the site is to remain commercial/retail.	
76.		Regarding section H.3.3 of the draft WDCP: Raises concerns relating to the Willoughby DCP Section H.3.3 Blue Gum Heritage Conservation Area C2. Section H.3.3 contends that *'the area is representative of*	**Comments noted.** In response to questions 1-4 raised in this submission:

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		residential development of the late Federation and Interwar periods. Many streetscapes within the area have a uniformity of housing style including form materials and detailing that gives the area a harmonious appearance. The predominance of the 1920's bungalow type illustrates the important influence of American housing ideals and styles on Australia. The precinct has a strong physical and historical connections with the Blue Gum Forest and the topography.' The question raised is: Is this Willoughby City Council's only justification for treating Area C2 as a heritage conservation area? 1. If Willoughby City Council has other reasons to treat Area C2 as a heritage conservation area, what are those reasons? 2. Who are the people that benefit from Willoughby City Council's policy to treat Area C2 as a heritage conservation area? 3. What would be required for Willoughby City Council to remove or amend conditions from the 'Controls for future development – Blue Gum' set out in section H.3.3? 4. How can a property in Area C2 be exempt from the 'Controls for future development – Blue Gum' set out in section H.3.3'?	1) In broad terms, identifying a heritage conservation area is the culmination of historical research which includes the assessment of an area's heritage significance and the collective nature of buildings and components which contribute to the quality of the area and streetscape. These may include the historical subdivision pattern, consistency in building form, siting and scale, materials or common age of building stock which reflect a particular period or periods in the history and growth of the area. Council's objectives are simply to protect and conserve the significant elements, including the special character, setting or consistent streetscape of the heritage conservation area by ensuring that new sustainable development is sympathetic and does not have a negative impact on the significance of the heritage conservation area and its distinctive character. The Blue Gum Heritage Conservation Area was added to the Willoughby LEP following a review of Conservation Areas in 1999 undertaken by Council staff, following local resident's concern over increasing high density development in

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			that area. (Willoughby City Council's Review of Conservation Areas, 1999) 2) Policies which guide development within Conservation Areas provides certainty for current and future residents that those elements (including buildings, fences, gardens and trees) that make a contribution to the heritage of an area can be retained and where new development occurs in such areas the development is complementary to those buildings or features. 3) Amending or removing any controls from a DCP would require a similar process to this current DCP review. The proposal would first need to be investigated following the NSW Heritage Guidelines for assessing the heritage significance of a place. Any recommendations would need to be exhibited for public comments before any changes are adopted by Council. 4) A property in Area C2 cannot be exempt from the controls for future development as set out in section H.3.3 of Willoughby Council's DCP. Generally, there is great community support for protecting and enhancing the local

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			character and conserving our rich and diverse heritage in Willoughby. Removing these DCP controls is not supported. <u>Submission summary</u> Seeks clarification as to the reasons why Council designates Area C2 as a HCA and who benefits. What would be required to remove / amend conditions set out in section H.3.3. Queries how a property in Area C2 can be exempt from the controls.
77.		Resident submission regarding the BP service station site and Bales Park floodlights. BP Service Station (cnr Penshurst/Sydney streets) • The redevelopment of this site was approved with the specific proviso that fuel tankers were not permitted to use Sydney Street when delivering fuel (both on entering and leaving the service station). • Would like confirmation that the proposed draft plan will not change this restriction in any way both now and in the future. Bales Park • In 2018 there was a drawn out but unnecessary saga regarding the failed intention of erecting floodlights in Bales Park to the detriment of local residents as well as the wider group of users. The final outcome was no change and the draft proposal withdrawn. Part of the problem was that Council employees were able, on the instructions of the CEO/General Manager, to develop a draft plan to install floodlights. The elected Councillors were rather hamstrung when it came to closing the proposal	**Comments noted.** There is no proposal to change the restriction that fuel tankers will not be permitted to use Sydney Street when delivering fuel to the BP service station. It is proposed to rezone the service station on corner of Sydney Street and Penshurst Street to RE1 Public Recreation to facilitate a future public open space associated with redevelopment of the North Willoughby local centre. Decontamination would be part of any process to realise this rezoning. In accordance with Ministerial Direction 4.4, councils must consider the potential for land to be contaminated when

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		down. This necessitated an extended publicly funded campaign by the many objectors to stop the nonsense. • Seeking confirmation that the proposed draft plan will not change in such a way as to allow this kind of problem to arise again. The elected Councillors need to make it clear to the CEO/General Manger that draft proposals of this nature need a stamp of approval from the elected Councillors before Council resources are wasted on doomed projects. They also need to ensure that the Bales Park floodlight decision is a firm decision requiring no further changes or investigation - it is a settled matter.	preparing planning proposals for rezoning, including when preparing planning proposals for which council is the applicant. The direction also requires that a planning proposal to rezone land must be accompanied by a preliminary or detailed site investigation when an activity listed in Table 1 of the Guidelines (of which a petrol station is one) is being carried out on the land and is potentially causing contamination. It is recommended that a Detailed Site Investigation be undertaken before the LEP is forwarded to DPE for finalisation. In relation to Bales Park proposed floodlights, this project arose from the Council's Open Space and Recreation Plan 2013, which recommended that floodlights be installed at any unlit sportsground. This would increase community access to sportsgrounds, which are in strong demand. Due to the significant community opposition, Council discontinued the proposal. Any proposal for floodlights on Council sportsgrounds would require the support of the elected Council before a DA would be prepared.

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			Submission summary Seeking confirmation that the new LEP will not change the restriction that fuel tankers will not be permitted to use Sydney Street when delivering fuel (BP service station on corner of Penshurst and Sydney streets). Bales Park flood lights - seeking confirmation that this is now a settled matter and will not arise again.
78.		Regarding Part F of the draft WDCP: • Regarding the information session, a slide on Part F, "Transport Parking Management" was shown. This had a dot point of electric car charging. 'Car' implies a sedan, so what about charging facilities for 4WD, Utes, Vans, motorcycles and scooters? • The version of Part F that is available online is in terms of electric vehicles not 'cars' so it is inclusive of all vehicle types. If the slide used last night is to be used again, can it be updated to use 'vehicle' instead of 'car'? • In the process I noticed that a motorcycle parking bay is nominated as 1.2m by 3m. Australian Standard AS 2890.5:2020 "On street Parking" has revised this to 1m by 2m. • Australian Standard AS 2890.1 "Off Street Car Parking" is currently being reviewed and anticipate this Part of the Standard will also adopt 1m by 2m for motorcycle parking. Is it possible to update Part F to reflect this?	**Comments noted.** The standard referred to (AS2890.5) is for on-street parking. This applies to parking located on Council roads. AS/NZS 2890.1 is the Off-street parking standard. This is the one that applies to parking within a site, as covered by the DCP. This standard requires that motorcycle spaces are 2.5m long x 1.2m wide per motorcycle. Council is not aware of an update of Standards Australia in relation to parking. Submission summary Consistency between slides shown during exhibition. Request to amend size of motorcycle parking bay in Part F of the draft DCP.

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			Recommend change to DCP in line with AS in relation to motorcycle parking standards.
79.	CHATSWOOD	Frustrated that no improvement is done to curb the increase in local traffic on Dalrymple Avenue, Chatswood. • Now that COVID19 restrictions are lifted and more and more workers are going back to work, the "rat route" from Mowbray Road to Pacific Highway through Dalrymple Avenue and all the following narrow roads too are getting much more increase in traffic. Moreover, "hoons" are using the double cornering near my place as a racing track and thrill seeking too especially late at night. One of these days, those "hoons" will crash into a poor resident's front yard or living room. • Peak hour now starts around 0700 and ends about 0930 in the mornings and 1500-1630 in the evenings. The other day, I counted around 40-50 cars passing by my place within a minute and I did not even sit through the entire peak period. • I am aware of the costly Traffic management "case study" exercise and its proposals the Council did a few years ago. To the residents who live along the "rat route", that case study has not helped or improved the lowering of local traffic, I can simply conclude it as a waste of Local ratepayers' funds. In fact, the traffic has increased probably 10 fold since the traffic management study was finalised. • Kindly remove my email address out of your distribution lists for any future notifications as to me, "having a voice" is a complete waste of effort and time as nothing gets done, even when the residents do participate.	**Comments noted.** There are no changes proposed specific to Dalrymple Avenue. Council is taking a travel demand management (TDM) approach, which limits parking throughout the Chatswood CBD however there are no local area traffic management proposals at this stage. <u>Submission summary</u> Traffic impacts on Dalrymple Avenue - no improvements have occurred / are occurring to curb the increase in local traffic on Dalrymple Avenue, Chatswood.
80.	NAREMBURN	Expresses concerns around the consultation process and the vested interest always winning.	**Comments noted.**

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		Slogans about awareness and feedback I have heard many times, but that means only 'the powers to be' go through the motions and carry on with their original plans to please the 'vested interest'. A few examples are provided: 1. Lives next to Remak Close. Comments that he attended many information and feedback sessions and the vested interest won. 2. The Chanel 9 site – The information and feedback sessions did not help the ratepayer – the vested interest won. No consideration was given to quality of life, infrastructure, traffic etc. 3. Beaches tunnel – All the information and feedback sessions, letters of objection, no notice taken, just going through the motions; the decisions were already made before it all started. Is convinced this LEP will go the same way, through the motions and as a ratepayer he feels he will have wasted his time.	In regards to the Beaches Link tunnel, this is a NSW Government project and community consultation and responses to submissions was the responsibility of Transport for NSW. Council has formalised its objection to the project in its current form given the likely negative environmental, social and economic impacts the project would have. Council continues to advocate for a public transport alternative to be more thoroughly assessed and for early and meaningful consultation with Council and the community. <u>Submission summary</u> Concerned the 'vested interest' always wins and is concerned that as a ratepayer his voice is not heard or considered.
81.	CHATSWOOD	Regarding a residential address in Chatswood. The submission expresses concern about the Draft DCP. Requested details concerning any proposed change that will affect their property located in Chatswood.	The site is currently zoned C4 Environmental Living. There are no zoning changes proposed for this site in the new LEP.
82.	CHATSWOOD	Requests Willoughby Council rezone land at 1-7 Hotham Street for units. As this site is situated within 800m of either Chatswood or Roseville Train Station, requests Willoughby Council rezone land at 1-7 Hotham Street for units (i.e. with a higher FSR), perhaps similar to the block of land across - Wyvern Avenue to the North (i.e. currently used as the Lexus Showroom), to the East (a mid-rise block of units at 892, Pacific Highway) and to the South (another block of mid-rise units	**Comments noted.** 1-7 Hotham Street Chatswood is currently zoned R3 Medium Density Residential. This zoning and FSR of 0.7:1 is considered appropriate for the local context and not proposed to change in the new LEP.

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		with an entry at 9, Hotham Street and at 882, Pacific Highway) respectively, under the State Government's medium-density housing building proposals. Hotham Street lies immediately to the West. The land to the North, South and East have FSRs of 2.0-2.5, whilst each of 1-7 Hotham Street, currently has a 0.7 FSR and request that this zoning be aligned to (at least) a 2.0-2.5 FSR. Regarding a letter received from Willoughby City Council regarding the Public Exhibition of the Draft Willoughby LEP and DCP, the following comments are made: Whilst the information-links provided in the letter were comprehensive, the sheer volume of information provided (13 documents, including one over 138 pages long) was overwhelming and difficult to plough through, particularly for many elderly resident-ratepayers. Further, for those unable to access Zoom, or be one of the first 20 people to register to physically attend an Information Session, there needs to be more relevant information, clearly-communicated to Willoughby ratepayers in a timely-manner, instead of simply providing links to numerous, lengthy documents. Two relevant questions arise: 1. Is it intended that our residential property in Hotham Street, Chatswood be rezoned as part of the proposed changes to the Draft LEP and DCP? If so, will the Floor to Space Ratio be increased from the current ratio of 0.7 to a higher figure (and if so, what is that proposed Floor to Space Ratio under the Draft LEP and DCP)? 2. Whether or not we are directly affected by any such rezoning of our land, by approximately how much is it projected to increase our current annual Council Rates and Charges, should we wish to continue living here as our sole residence?	The rezoning of land to permit an increased development potential is expected to increase Council rates. This would be impacted by a number of factors including the relative increase in land values. <u>Submission summary</u> Is it intended that 5 Hotham Street will be rezoned, and if so, will Council rates increase? Volume of information provided to residents on LEP and DCP exhibition overwhelming. Critiques information distribution and information disclosure by Council. Requesting a zoning change to 1-7 Hotham Street to apartments due to proximity to the train line.

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		A clear-disclosure of any 'Material' ('Forecast' or 'Projected') annual Rate-increases of which the Councillors are (or ought reasonably to be) aware, should be clearly-disclosed to any affected-ratepayers during the current "Consultation Period", rather than 'concealing it in plain sight', amongst hundreds of pages of mind-numbing information! Request Councillors to vet any such material-information being communicated by Willoughby City Council to local ratepayers in future (both in terms of its relevance and ease of understanding), before authorising its release.	
83.	NSW INFRASTRUCTURE ADVOCACY	Notification of a proposal for a North Shore Children's Hospital. Note that members of the Advocacy who are architects by profession have designed the North Shore Children's Hospital. • It would be located on site of the former brown building which is currently a hole in the ground. • There would be four (4) levels of underground parking for use by staff and parents. Access to the secure carpark would be via Westbourne Street. • Above Ground there would be four (4) floors of wards each floor containing four (4) wards of twenty-five (25) patients. • There would two (2) floors dedicated to research. • The top two (2) floors would be a Ronald McDonald House.	**Comments noted.**
84.		Resident submission regarding proposed works to improve Bales Park Playground. Concern the Bales Park Playground plan falls short in two respects. Firstly, the plan doesn't include any mention of improvement to the Bocce court. Most residents enjoy and even watch games on the court and it brings some cultural and generational diversity to the park. But it is an eye-sore and with a minimal spend could be made to look less like a wrecker's yard. This is particularly	**Comments noted.** It is possible that the Bocce court located directly adjacent to the playground could be considered for improvement as suggested.

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		important for playground visitors wanting to view the main oval area. Please include removal of old chairs and equipment and maybe erect a small shed at the northern end for housing their roller, scoreboard and other equipment. Secondly, remove the real grass and completely cover with synthetic surface. Note the oval is looking terrific with the new turf and reticulation. However, crab grass seems to be invading the planted grass, and this may be due to infestation from the mowing equipment (from other grounds). It would be a pity to have this invasion take firm hold. Maybe we could even enlist park users to do some weeding exercises while they walk the dog.	Council has consulted with users of the Bocce courts about improvements to the court precinct, and has a list of improvements to make as a result. Council was intending to develop a Master Plan for Bales Park however this is now on hold indefinitely. Any works will depend on the availability of future funding. <u>Submission summary</u> Seeks an improvement to the Bocce court adjacent to the Bales Park playground. Seeks to remove the real grass on the oval and replace it with synthetic grass. Concern about crab grass invasion on the oval.
85.		Regarding Northbridge carpark: Is there anyone left at WCC who knows the history of the Carpark? Latest rumour is that Council wants to sell the carpark behind Northbridge Plaza. Good luck with that. We have been looking at GM's powers to sell any of the valuable real estate portfolio built up over many years without Councillor consent. Only time any has been sold was to buy replacement real estate. Please stop that happening to pay down debt caused by management of finances. You only spend what you can afford. I have not seen any sign of 'belt tightening'. Receiving a government grant does not mean you can spend a similar amount on 'Events'.	**Comments noted.** The *Willoughby Local Centres Strategy 2036* proposes to underground the Northbridge carpark in order to create a functional open space above ground for community use. Council is seeking deferral of the Northbridge carpark redevelopment due to a number of complexities involved, including a requirement for further details of development on the site.

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			Submission summary Objects to the sale of the carpark behind Northbridge Plaza.
86.	SUBMISSION ON BEHALF OF CLIENT NAREMBURN	The submission is a request to amend Schedule 1 of the Draft Willoughby LEP to provide for an additional permitted use for the land comprising Lot 6 in Strata Plan 60959 (located at 36 Burke Lane, Naremburn). The additional permitted use is that of a dwelling house. Description of Site Our client's property, being Lot 6 in Strata Plan 60959, was registered on 6 September 1999, and it forms part of Strata Plan 57497, which was registered on 19 June 1998. Prior to registration of Strata Plan 60959, our client's property was described as Development Lot 5 in Strata Plan 57497. Lots 1, 2, 3 and 4 of Strata Plan 57497 are combined within a separate two storey residential flat building known as 36 Park Road, Naremburn. This building has frontage to and forms part of the streetscape of Park Road. Our client's property is a free-standing two storey dwelling. It has an area of 213 metres squared, and it has frontage to and forms part of the streetscape of Burke Lane. Other than being within the same Strata Plan as lots 1, 2, 3 and 4 of Strata Plan 57497, Lot 6 has no reliance on any common property and functions as a freestanding dwelling house. Indeed, parking is integrated into the dwelling through a single garage accessible directly from Burke Lane. This can be shown in the photograph below (within the submission). Prohibited land use The subject land is zoned R3 - Medium Density Residential under the Willoughby Local Environmental Plan 2012 ("the LEP"). The R3 zone permits "residential flat buildings" and "multi-dwelling housing", but dwelling houses are a prohibited land use. We note that the following terms have the following meanings: "residential flat building" means a building containing 3 or more dwellings, but	**No change.** The site is currently zoned R3. The potential feasibility of the request to amend Schedule 1 of the Draft Willoughby LEP to provide for an additional permitted use for the land comprising Lot 6 in Strata Plan 60959 (located at 36 Burke Lane, Naremburn) being that of a dwelling house has been considered, and is not supported. 36 Park Road, Naremburn is a town house / residential flat development with 5 units. The site backs onto Burke Lane and is 793.4 square metres. The unit is located at the rear of the site and is detached from the remainder of the residences. The basis for not supporting this request is as follows: • The development was approved in 1997. • An assessment would have been made in terms of floor space and setbacks for all these units under

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		does not include an attached dwelling or multi dwelling housing. "multi dwelling housing" means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building. As mentioned above, the building comprising lots 1, 2, 3 and 4 of Strata Plan 57497 is a residential flat building and our client's property is a two-storey dwelling house. Accordingly, the development on the site, as a whole, does not conform to the definition of either a "residential flat building" or "multi dwelling housing". In the circumstances, it is our view that the building on our client's property constitutes a prohibited land use. <u>Amendment to Willoughby Local Environmental Plan</u> In order to remedy the described contravention of the LEP, we request that Council insert a new entry into Schedule 1 of the draft LEP before it is finalised, to provide for an additional permitted use for the land comprising Lot 6 in Strata Plan 60959. The additional permitted use is that of a dwelling house. In our respectful view, this would bring the land use of the dwelling house into conformity with the planning scheme and allow the property to be severed from the Strata Plan. Severing the property from the Strata Plan would involve converting our client's property into common property (pursuant to section 17 of the Strata Schemes Development Act 2015). The Owners Corporation would then subdivide the common property and transfer the lot to our client, in the form of Torrens Title. Of course, a development application for subdivision would be required. We understand that a future subdivision would have floor space ratio implications for the development as a whole. Accordingly, we propose that the Schedule 1 entry also contains a restriction on the total floor space ratio available to the whole of the existing site area, to prevent double dipping. (This would be the similar in effect as a no "double dipping" covenant pursuant to Clause 4.5(9) of the Standard Instrument LEP). <u>Conclusion</u>	the medium density planning controls. • Subdividing part of that development would result in 2 sites that no longer be compliant with controls such as FSR. • Dwelling houses are a prohibited use in the R3 zone. The aim of the R3 zone is to provide a medium density environment. The submission asks that we add the site to Schedule 1 to allow a dwelling house on the site and subsequently, enable a subdivision to take place. • The submissions states that the resultant lot size would be 213 sqm which is considerable less than a minimum lot size for a dwelling in Willoughby. • The entire site is 793.4 sqm. A development of this nature would not comply with today's minimum lot size of 1100 sqm for residential flat building. For these planning reasons, the request cannot be supported. If the change were to be supported, it will be necessary to

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		The proposed amendment to the draft LEP would be supported from a planning point of view, as it provides a logical planning outcome for both the residential flat building and the single dwelling. In circumstances where there are no physical changes to the development or the relevant streetscapes, the change would reflect the orderly and economic use of the land.	have written consent from the body corporate for the lodging of a DA or a PP. It is noted that existing dwelling houses within the R3 zone enjoy existing use rights <u>Submission summary</u> Request for Council to insert a new entry into Schedule 1 of the draft LEP before it is finalised, to provide for an additional permitted use for the land comprising Lot 6 in Strata Plan 60959. The additional permitted use is that of a dwelling house.
87.	SUBMISSION ON BEHALF OF CLIENT NAREMBURN	Submission – Request to amend Schedule 1 of Draft Willoughby LEP Premises: Lot 6 in Strata Plan 60959 (located at 36 Burke Lane, Naremburn)	**No change**. Refer to response to submission number 86. It is not supported to permit a dwelling house. An existing dwelling house enjoys existing use rights in the R3 zone. **See response to submission 86.**
88.	SUBMISSION ON BEHALF OF CLIENT NAREMBURN	Submission on behalf of client who is the registered proprietor of Lot 6 in SP 60959 which is known as 36 Burke Lane Naremburn. The purpose of this request is to request an entry in Schedule 1 of the new LEP to permit Lot 6 to have the additional permitted use of 'dwelling house'. The subject land is zoned R3 Medium Density Residential under the Willoughby Local Environmental Plan 2012	**No change**. Refer to response to submission number 86. It is not supported to permit a dwelling house. An existing dwelling

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		("the LEP"). The R3 zone permits residential flat buildings and multi-dwelling housing but dwelling houses are a prohibited land use. Lot 6 comprises of an area of 213sqm and is one of 5 lots in the Strata Plan. (There is no Lot 5 in the Plan). Upon Lot 6 stands a free-standing two storey dwelling at ground level which has frontage to and forms part of the streetscape of Burke Lane. Lots 1, 2, 3 and 4 are all combined within a separate two storey residential flat building known as 36 Park Road Naremburn which has frontage to and forms part of the streetscape of Park Road. Because the building facing Park Road is a residential flat building and the subject building facing Burke Lane is a free standing dwelling, the development on the site as a whole does not conform to the definition of either a residential flat building or multi dwelling housing. Consequently, it is considered that the dwelling on Lot 6 is a prohibited land use. Other than being within the same Strata Plan, Lot 6 has no reliance on any common property and currently functions as a freestanding dwelling house. Parking is integrated into the dwelling through a single garage accessible directly from Burke Lane. Parking for the residential flat building is accessed from the driveway on the south-western side of Lot 6. This access will be secured through a right of carriageway. Other services and utilities (where shared) do not need separation as an immediate result of this proposed request however will require separation in the future in the event of the extrication of Lot 6 from the Strata Plan into a separate Torrens Title lot. This process will involve a future development application for re-subdivision. **Amendment to Willoughby Local Environmental Plan**	house enjoys existing use rights in the R3 zone. **See response to submission 86.**

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		In order to remedy the described contravention of the LEP, it is requested that Council insert a new entry into Schedule 1 of the draft LEP before it is finalised, to provide for an additional permitted use for Lot 6, SP 60959. The additional permitted use is for a dwelling house. The amendment to the draft LEP as requested will bring the land use of the dwelling house into conformity with the planning scheme and allow the property to be severed from the Strata Plan in the future. It will also enable the conversion of the lot to Torrens Title without the creation of a prohibited land use. It is understood that a future subdivision will have floor space ratio implications for the development as a whole so it is proposed that the Schedule 1 entry also contains a restriction on the total floor space ratio available to the whole of the existing site area to prevent double dipping. This would be similar in effect to the no "double dipping" provisions pursuant to Clause 4.5(9) of the Willoughby LEP. The proposed amendments to the draft LEP are considered to be supportable from a planning point of view since they provide for a logical planning outcome for both the residential flat building and the single dwelling. There are no physical changes to the development or the relevant streetscapes. The changes can be supported in the interests of the orderly and economic use of the land as the Strata Plan can be rationalised by the future extrication of Lot 6 which currently functions as a separate entity save for its inclusion in the current Strata Plan.	
89.	WILLOUGHBY SOUTH	Concerned Council is raising building heights to the boundary of Edward Street. This area already suffers from too much traffic and increased heights will bring more apartments and put further strain on the local streets. Planning should only allow the increased heights on Willoughby Road. Transport as too far for residents to walk to Artarmon Station, leaving them only the bus system. The buses are overcrowded at peak times, so adding more apartments will add strain	**Comments noted.** The increased height controls proposed by Council for Willoughby South in the Local Centres Strategy are concentrated around the local centre (B2 zone land)

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		to that service too. Trusting Council can provide something I can look at in more detail and share with my neighbours as I'm not sure if they're aware how close this is to our street and the impact on our neighbourhood.	and focussed on Willoughby Road. Edward Street is not subject to increased height controls as it is situated outside the local centre. Public transport concerns are noted. <u>Submission summary</u> Building height concerns to the boundary of Edward Street. Public transport concerns – additional development will put strain on the bus system.
90.	NORTHBRIDGE	My thanks to Willoughby Council for the opportunity to attend the Northbridge Town Centre LEP / DCP Webinar at the Council Chambers yesterday evening. I found it to be a very professional and cohesive set of presentations that ran perfectly to time, and were encouraging and reassuring. I was particularly grateful to be able to sit and receive the clear presentation slides, as a long-term resident of Northbridge. As you know, I had already 'Had My Say', and the few things that were concerned me during the presentation were no different to those about which I had written - so I will be making no further submissions and will instead look forward to hearing when Council's final decisions are endorsed. I would like to pass on a special thanks for the attention to Dual Occupancy during the presentation – this were relevant to a long-standing concern that I have had about the likely distribution of new residences while achieving growth targets – specifically, whether there would be a balance of new residences near to major roads and centres and throughout the suburb generally. I was encouraged that a description of the Northbridge Town Centre Plan was followed by detail and clarity about planned provisions for gentle density increase options elsewhere in	**Comments noted.** <u>Submission summary</u> Commends Council on the consultation process and delivery of the exhibition program.

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		the suburb. This gave me confidence that there could be a good balance; it also gave me line of sight on likely limitations/implications for my own home in the future. Finally, I would like to acknowledge the extensive process that the Planning team has taken us through over several years. I have never seen a more consultative and patient process - across such a wide range of detailed issues - in my professional or personal past…a tremendous achievement!	
91.	WILLOUGHBY SOUTH	Resident is / are the registered proprietors of 572 and 574 Willoughby Road Willoughby. Has viewed the Willoughby Development Control Plan Part L: Place Based Plans Figure 16 Master plan for Willoughby South from Willoughby Local Centres Strategy 2036. What impact will the following proposals have on their properties? 1. Retain the fine grain shop fronts/facades fronting Willoughby Road. 2. Provide a public domain with pedestrian access at the eastern end of Julian Street. 3. Connect laneway between Julian Street and Borlaise Street	**Comments noted.** 572 and 574 Willoughby Road are sites situated within the Willoughby South local centre and are proposed to be subject to the revised DCP controls and masterplan for Willoughby South. The Willoughby South masterplan is indicative of the potential uplift achievable, and is dependent on development proposals coming to fruition. Future development includes shop-top housing development for existing sites. Fine grain shop fronts are proposed to be retained for amalgamated sites. Bridgeview Hotel improvements to outdoor spaces at the rear of the hotel are also proposed. The proposed new street plaza at the end of Julian Street would include a road closure of this street at the junction with

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			Willoughby Road. This would not impact private properties. It is anticipated that these properties identified would be subject to the following DCP requirement (Part L): *Development involving amalgamated sites to the west of Willoughby Road and north of Julian Street, is required to provide a 7m rear lane way for access and servicing.* This requirement is in order to connect laneways between Julian Street and Borlaise Street. <u>Submission summary</u> Seeks to understand the potential impacts plans for Willoughby South will have on their properties: 572 and 574 Willoughby Road Willoughby.
92.	NORTHBRIDGE	Has lived in Northbridge for more than 50 years and has some concerns about the proposed developments. <u>Plaza car Park</u> I have been impressed by the Lane Cove transformation of the open car park to 3 storeys of parking plus a floor of grocery retail with a varied open space above. I note the row of cafes and other small shops on one side only, with outdoor eating areas. I have concerns about the Northbridge plaza parking plan to surround the open space with both 5 and 2 story buildings, all seemingly without their own grounds. The internal open space could thus become the private areas used just	**Comments noted.** The proposed open space created as a result of relocating the existing above ground carpark underground will provide additional open space for all ages to utilise**.** **Council is seeking deferral of the Northbridge carpark redevelopment due**

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		by the dwellers in the surrounding units. I am assuming that the underground parking is of several levels. This was not clear to me from the zoom presentation. Open Space The question of open space really concerns me. In this Northbridge junction area (my own area) there are no children's play spaces. I don't mean only places with swings etc. but also just safe places for children to ride bikes and skateboards and scooters and just run about. There are parks in the valleys to north and south, great places but too far for young ones to go alone and the access is too steep for mums with strollers or prams. Given the planned increase in population with so many 5 storey buildings planned, it is essential that more open space be provided, with more trees and vegetation, otherwise this area will be very unpleasant. Bellambi St It was said that this closure is happening and is not part of the new proposal. I still have a concern about the traffic into this small isolated group of residential streets. (Bellambi, Euroka, Kiola, Marooba, Dalkeith Sts.) The only way in or out for residents, tradesmen, shoppers and those many commuters, who park in these streets before bussing to work, will be via Euroka St. This is currently a very narrow street with well-established trees on the footpaths. I would assume that there will be changes to both the width of the roadway of Euroka St and to the configuration of the roundabout in Sailor's Bay Road. I have not seen these facts on any plan.	**to a number of complexities involved, including a requirement for further details of future proposed development.** The Bellambi Street closure is a 'temporary event closure' with the approval from 30 September 2022 until 30 March 2023. The matter was approved by Willoughby Traffic Committee on 4 July and endorsed by Council on 22 August 2022. The contractor is proposed to commence on site within the next two weeks pending approvals (Oct 24 advice). Submission summary Concerns relate to development proposed for Northbridge Plaza: Lack of private grounds to support the proposed unit developments. Lack of open space for children to play in; parks situated some distance away; accessibility concerns. Concerns about Bellambi Street closure and traffic into Bellambi, Euroka, Kiola, Marooba, and Dalkeith Streets.
93.	URBANESQUE PLANNING	Floor space ratio - 59–69 Strathallen Avenue Northbridge. Introduction We write on behalf of the client which is the registered proprietor of freehold properties located at 59–69 Strathallen Avenue Northbridge ("the site"). We therefore make this submission on behalf of the owners in accordance with the	**Not supported.** This is a site specific submission made on behalf of the client. The sites include 59–69 Strathallen Avenue Northbridge. Council has considered the impact and

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		invitation to affected parties to raise matters of relevance for consideration by the Council before the draft LEP proceeds to the next stage of the planning process. We understand that the draft LEP is on exhibition until 7 June 2022. <u>Site Description</u> Improvements on the site comprise a small shopping centre set back from the street with at grade parking for 23 vehicles and supporting various land uses. The site has a combined area of 1,822m². This is a significant parcel of land under single ownership given that there are 5 separate titles making up the site. The site is comprised of the following lots: Lot 5, DP 7122 Lot 4A, DP 305190 Lot 4B, DP 305190 Lot 1, DP 172561 Lot 1, DP 726736 <u>Planning Background and Context</u> At a presentation by Council staff on 27 April 2022 concerning the proposed LEP as it affects the Northbridge commercial precinct, it was revealed that the height limit applying to development on the properties on the eastern side of Strathallen Avenue is intended to be increased from 14m to 17m; that is to say 5 storeys but the floor space ratio was to remain the same at 2:1. The main point of this submission is to request that the increase in the height limit applying to the site should be accompanied by an increase in FSR to 2.5:1. <u>The submission is put on several different bases.</u> 1. At previous presentations made by Council officers in anticipation of preparation of the Willoughby Local Centres Strategy 2036, a strong expectation was created that the Council wanted to see more intense residential	feasibility of the proposed increase in FSR as outlined in this submission, and concludes that such a change would require justification through a separate planning proposal. <u>Submission summary</u> Requests that the increase in the height limit applying to the site, being 59-69 Strathallen Avenue Northbridge, should be accompanied by an increase in FSR to 2.5:1.

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		development of land in the Northbridge commercial precinct, and it did so because of projected population growth and the planning mandates of the state government for more efficient use of land in developed areas close to the city. 2. It is incongruous from a planning or rational economic land use perspective to impose an FSR on the site which is out of step with the FSR which applies to properties to the immediate north and south. The property to the immediate north is a developed apartment complex with retail shops on the ground floor (shop top housing). It has no setbacks and is built right up to its boundaries on all sides. The property to the immediate south is the Northbridge Hotel. Both properties enjoy a height limit of 17m under the proposed LEP and an FSR of 2.5:1. 3. There is also evident inconsistency of treatment. The draft LEP proposes that for the properties at 7–19 Eastern Valley Way Northbridge, the height limit be increased to 16m and FSR is to be increased to 2.5:1. As a matter of consistency, these parameters should also be applied to the properties at 59–69 Strathallen Avenue Northbridge. 4. The request for a revision of the draft LEP to permit an FSR of 2.5:1 is consistent with the FSR objectives in clause 4.4 of the draft instrument. A more extensive development of the land in its provision of residential accommodation is consistent with key attributes and advantages of the site; namely its location at a key transport nodal point providing convenient access by public transport to the city, North Sydney and Chatswood. The site is also within a short walking distance of the significant commercial upgrade that is expected to take place at Northbridge Plaza. With the application of setback controls and design excellence standards, development of the site on the basis of an FSR of 2.5:1 can be harmonised with the bulk and scale of surrounding buildings and streetscape.	

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		Additional gross floor area allowed will not adversely affect adjoining or nearby properties from disruption of use, loss of privacy, overshadowing or visual intrusion by reason of those setback controls and other controls. A more generous FSR will encourage more efficient development noting that full development of the site with the construction of shop top housing will require a significant basement and the application of significant financial resources. The planning outcome can be expected to have an enduring beneficial effect in the precinct not just until 2036 but for decades beyond that. Therefore, the planning guidelines now have a critical role to play in facilitating efficient use of land which is a scarce and valuable resource over a time scale of decades and not just one decade. <u>Conclusion</u> Request Council take these considerations into account when reviewing the FSR to apply to the site particularly as from our perspective, we do not understand there to be any planning rationale militating against the granting of the request particularly where there will be other controls to ensure that if the site is developed to the permitted height of 17m with an FSR of 2.5:1, a satisfactory planning outcome and one which will be beneficial for the community at large will still be secured.	
94.	PLANNING DIRECTION ON BEHALF OF THE OWNERS OF 267-279 PENSHURST STREET, NORTH WILLOUGHBY	The applicant proposes to extend the planning consideration for North Willoughby town centre and include the subject site in the up-zoning process, being 267-279 Penshurst Street North Willoughby. The subject site is 267-279 Penshurst Street North Willoughby. 279 Penshurst Street is located on the south-eastern corner of Penshurst Street and Patrick Street, North Willoughby and contains a single storey development used for commercial use. The commercial/retail use would appear to be a longstanding use of the land. The remaining properties – 267-277 Penshurst Street within the subject site, contain single storey attached housing. The subject site has a total	**Not supported.** Council has considered the merits of rezoning the site as requested and it is not supported. The sites in question are situated immediately to the south of the North Willoughby study area as indicated in the masterplan in the *Local Centres Strategy 2036*, and are currently zoned R3 Medium

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		frontage dimension to Penshurst Street of 61.125m and a depth of site of 44.195m along Patrick Street. The total area of the site is 2,701.6sqm. No 265 Penshurst Street contains an established two storey residential flat building which would appear to be a natural buffer/termination point for any up-zone consideration. It would appear that this adjoining property has realised its full development potential. A height differential of three storeys within the subject site (pursuant to the up-zoning), relative to the 2 storeys of No 265 Penshurst Street is reasonable and appropriate. In addition, the existence of a residential flat building at this adjoining site assists in terms of gradation of built form, consistency of desired future character and land use. 263 Penshurst Street contains a prominent large building, which is a feature of the street corner. Council may wish to include the properties between 263-265 Penshurst Street also as part of the up-zoning for continuity in planning controls under the WLEP 2012. Further to the south is a group of commercial buildings including 259 Penshurst Street, which benefits from higher order planning controls in terms of building height and FSR. With regards to topography the subject site experiences a gradual fall to the rear eastern boundary. It would appear that drainage of the sites could readily be resolved through design. There are two established trees within the subject site situated near the rear eastern boundary. The retention of these trees subject to an Arborist consideration, may be possible with a future redevelopment. All essential utility services exist near the site. The existing buildings on the subject site do not maximise the zone potential. Redevelopment of the sites is constrained by the lack of planning incentive under the current planning controls. This submission is not raising objection to the proposal. Indeed, the residents of the subject site support the proposed up-zoning of the town centre. In order	Density Residential. No change is proposed to the zoning in the new LEP. <u>Submission summary</u> Request to include 267-279 Penshurst Street, North Willoughby, located on the south-eastern corner of Penshurst Street in the up-zoning process for the North Willoughby local centre.

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		however to maintain consistency in building character and generate contemporary housing form, it is essential that Council extend the consideration to include the subject site. Such will ensure that an 'abrupt' building form/interface is avoided and the subject sites are not isolated from a planning sense in terms of future desired character along Penshurst Street. To assist Council, the services of a registered Architect has been commissioned to prepare a concept plan for Council' consideration of appropriate built form at the subject site and its potential interface with the town centre precinct. Refer to Appendix B. The proposed up-zoning of the subject site will retain the current R3 Medium Density Residential zone, however an increase in the building height floor space ratio will be required. Architectural plans were provided. Based on the built form analysis, a tiered L-shaped building has been generated, providing an apartment building, which reflects the higher prevalent order use of the zone and town centre and provides the necessary incentive to four property owners to demolish their homes. The consolidation of the sites enables the achievement of a desired site area and construction opportunities. The subject site has a suitable orientation meaning that shadows cast by taller buildings on the site will fall in the main across Penshurst Street. The L-shaped design addresses the street frontage and provides ample separation from dwellings to the east. In additions established trees can be retained along the eastern boundary and include additional appropriate planting. A direct relationship can be established with the town centre to the north and the two storey development to the south and east. An appropriate transition in built form will be created. Additional height and floor space would better align with properties on the opposite western side of Penshurst 265 Penshurst Street contains a residential flat building which can appropriately act as a buffer in terms of land use and building height to properties further south	

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		of the site. Council is requested to consider the proposal to up- zone the subject sites in conjunction with the pending WLEP 2012 amendment as recommended in the Willoughby Local Centres Strategy. Such is considered an opportune time to review the proposal in light of Council's overall housing strategy targets and desire to generate desirable development. To affect the optimum built form at the subject site (in line with the concept architectural plans), a maximum building height of 14m and a maximum FSR of 1.2:1 is considered necessary. A high standard of construction can be achieved, which will complement the town centre development. This would be a favourable town planning outcome in terms of urban design, meeting urban consolidation objectives and in terms of urban renewal initiatives. An up-zoning of the site would provide the necessary incentives to proceed and align with Council's planning for the North Willoughby town centre precinct.	
95.	MICHAEL RYAN TOWN PLANNING ON BEHALF OF CLIENT	Given the magnitude and increasing demand for large format retail businesses in areas like Pacific Highway, Artarmon which is midway between Chatswood and St. Leonards and North Sydney it is imperative that the future of this area is aligned with market demands of supporting specialised retail uses that contribute to the NSW economy. In conclusion the following requests are submitted for Council's consideration in finalising the Draft Willoughby LEP and DCP, namely: • 'Specialised Retail Premises' are made a mandatory permissible land use in a B7 Business Park zone or as proposed by the NSW Department of Planning and Environment in an E3 Productivity Support zone as affecting 387 and 393 Pacific Highway, Artarmon; • 'Specialised Retail Premises' are made a mandatory permissible land use in an IN2 Light Industrial zone as affecting 405 Pacific Highway and 1 Alto Place, Artarmon for similar reasons applying to a B7 Business Park zone outlined in this submission.	**Comments noted.** 387 and 393 Pacific Highway are currently zoned B7 Business Park which will be zoned E3 Productivity Support in the WLEP 2022. Currently the B7 zone does not permit Specialised retail premises, however that use is mandatory in E3 zone and therefore will become a permitted use. 405 Pacific Highway and 1 Alto Place are zoned IN2 Light Industrial which will become E4 General Industrial zone. IN2 zone does not permit specialised retail premises. The draft WLEP 2022 also prohibits this use in the E4 zone. This use is not supported being added to the new

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		• The car parking requirements for 'Vehicle Repair Stations' be retained at 4 spaces/work bay + 1 space/60m² office and the deletion of the staff parking requirement of 1 space/2 employees.	E4 industrial zone as this use is considered to be inconsistent with the objectives of this zone. With respect to parking, the requirements under the draft WDCP for 'vehicle repair stations' is: *5 holding bays per service/workshop bays; plus office space to be provided in accordance with the office and retail rates*. There is one additional space proposed per work bay in the draft DCP, however there is no proposed requirement for additional staff parking. **Note** Clause 5.3 under Part E (Industrial Development) which aims to prevent on-street parking of vehicles waiting to be serviced or waiting to be picked up. <u>Submission summary</u> Requests 'Specialised Retail Premises' are made a mandatory permissible land use in a B7 Business Park zone or as proposed by the NSW DPE in an E3 Productivity Support zone as affecting 387 and 393 Pacific Highway, Artarmon. Requests 'Specialised Retail Premises' are made a mandatory permissible land use in an IN2 Light Industrial zone as affecting No. 405 Pacific Highway and No. 1 Alto Place,

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			Artarmon. Requests the car parking requirements for 'Vehicle Repair Stations' be retained at 4 spaces/work bay + 1 space/60m² office and the deletion of the staff parking requirement of 1 space/2 employees.
96.	ST LEONARDS	Would like to submit an objection to the proposed changes to 207 Pacific Highway St Leonards (from 12th Floor to 25th Floor). Believes St Leonards has a lot of new apartments being built already in a short period of time. The roads have not been changed to resolve the congestion, parking also become very difficult. No primary school is located in St Leonards. Kids should not travel too far to go to school. Roads still will be congested and parking also still be difficult, especially the peak hour. Too many high-rise buildings are being built in a short time. Not sure how roads can handle the peak hour traffic. More apartment buildings also will be built around the close location. Would like to submit my objection.	**Comments noted.** Council is implementing the *St Leonards Crows Nest Plan* as set by the State Government. It is recognised that as the St Leonards Crows Nest area grows in future, there needs to be particular attention given to traffic and transport issues. The completion of the Sydney Metro City and Southwest (by 2024), Council's Pacific Highway shared path, and lower car parking rates for new developments (as currently proposed by both Willoughby and North Sydney Councils) are some of the measures intended to encourage a 'mode shift' away from private vehicle travel and towards more sustainable and efficient alternatives i.e. walking, cycling, public and shared transport. This mode shift is vital to minimise congestion and maintain the liveability of the area. <u>Submission summary</u>

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			Objects to proposed changes to 207 Pacific Highway St Leonards. Traffic congestion, parking, and a lack of a primary school in St Leonards.
97.	NORTHBRIDGE	Feedback on the Northbridge LEP / DCP. Agree in principle for what is being proposed, but don't understand increasing the density of the north side of Baringa Rd. This does not align with other residential streets in Northbridge. The other changes impact roads which are 2 lanes and can cope with the increased density, Baringa Rd cannot. Question why the density of the eastern end of Baringa road is not being changed? Assume it's because it doesn't align with the other residential streets in Northbridge.	**Comments noted.** The *Willoughby Local Centres Strategy 2036* proposes to increase heights up to 3 storeys and rezone land to R3 Medium Density Residential along the northern side of Baringa Road, and to increase heights up to 4 storeys along Sailors Bay Road. Council will consider a minimum lot width control to ensure lot amalgamation and improved access from Baringa Road, equating to 1:1 floor space ratio. The *Willoughby Local Centres Strategy 2036* aims to allow for future growth in local centres including Northbridge and was adopted by Council after careful consideration of adjoining uses and community views. Future DAs on these sites will require a more detailed assessment of local impacts on neighbouring sites. <u>Submission summary</u> Opposed increasing density on Baringa Road.

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			Queries why the density on the eastern end of Baringa Road is changing.
98.	ARTARMON	Request to understand the proposed DCP/LEP changes for 2-8 Campbell St Artarmon. Our building is on Reserve Rd, Campbell St and Lanceley Place. The current building dates from the 70's. We have large setbacks from Reserve Rd and Lanceley Place and a small (1m?) setback from Campbell St. Under the new DCP would we be allowed to rebuild our building with the same sort of setbacks? We are definitely a "corner block". Can we consider Campbell St as the "side street"? It is the long side of our block. If we have to have a 3m setback along Campbell St it will substantially reduce the area available for building and thus the chance of the building ever being redeveloped. Our next door neighbours don't have that problem - they have two street frontages but the setbacks only affect the short edges.	**Comments noted.** The subject property is zoned IN1 General Industrial. The provisions and controls for this zone apply to all land within that zone, including the subject property. However, all development applications are considered on the individual merits. Under Clause 4.6 (Exceptions to development standards) of the draft WLEP, any variation requires a written request to justify contravention of the development standard. The development controls under the draft WDCP are not 'statutory' development standards and therefore an application under Clause 4.6 does not apply. However, any variation of a development control must be justified, having regard to the particular circumstances of the proposal. Consideration of any such variation is carried out as part of the development assessment process. If it is intended to redevelop the site, a proponent may apply for a pre development application meeting to

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			discuss their proposal with a senior officer(s) before the application is lodged. This meeting provides an opportunity for a proponent to canvass any proposed variations for Council staff to consider. A written response is then provided with an indication that a proposed development and any variations are supported or not, and/or may include suggested changes to the proposal.
99.	CHATSWOOD	Traffic and Parking Since Council's recent presentations on its Draft LEP and DCP I have done some research on the building and traffic implications of same. I note that developers have anticipated approval of the building control changes by lodging development applications over a number of sites in the extended CBD, and I have looked at those available on Council and State Government websites. There appear to be at least 11 such applications currently on display which include parking for some 1096 cars. All will involve access from relatively minor suburban streets leading from the Pacific Highway. As the Pacific Highway is divided along its length, with limited opportunities to turn, access for residents, service, delivery, school buses, and other vehicles will in many cases be convoluted. For example, traffic from the south on the Pacific Highway wanting to enter Gordon Ave for access to one of several developments under consideration there, will be obliged to travel as far north as Albert Ave then perform a series of turns, on streets that are already often crowded, in order to re-emerge on the Pacific Highway to travel south to Gordon Ave. Traffic emerging	**Comments noted.** Council recognises that the uplift proposed under the *Chatswood CBD Planning and Urban Design Strategy 2036* ('Chatswood CBD Strategy') will have implications for traffic and transport within the CBD. Given the CBD is a constrained environment (i.e. with no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management (TDM). TDM a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of transport i.e. walking, cycling, public and shared transport.

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		from Gordon Ave and wishing to travel north will be obliged to trave a similarly convoluted route. On election day, northbound traffic on the Pacific Highway and cars wishing to turn into Albert Ave, typically bank up for a considerable distance. Extra traffic associated with new apartments and retail in the proposed developments will no doubt seriously exacerbate those queues, inconveniencing existing and future residents of the Municipality, and others travelling to, from, or through Chatswood. I also note that every developer, in their Traffic Impact statement, states that the traffic associated with their site will have "negligible impact" (or words of the same meaning) on local traffic. This will certainly not be true when the combined impact of traffic from the various developments is considered. I learn from Councillors I have contacted that developers are entitled to have the traffic impact of their development considered "in isolation" from other potential nearby developments, and also it appears that Council has not done any study of the combined impact of traffic from developments so far considered, or likely to be considered in the future as a result of building height increases envisaged under the draft LEP/DCP. Council avoided any discussion of car parking or traffic in its presentation of the draft LEP/DCP plans, apart from suggesting that Active Transport will be a significant feature. While Active Transport will no doubt play its part in mitigating traffic to some degree, it is also true that car use will be required for a great many journeys, e.g. accessing sport. While Council seeks to mitigate traffic by limiting the number of car parking spaces, this will no doubt lead to some new residents without a car space parking a vehicle on nearby streets, further exacerbating traffic problems and irritating existing residents. Also, it is not uncommon for families these days to consider themselves entitled to two cars.	One of the key tools under the TDM approach is limiting the number of car parking spaces for new developments, given more car parking spaces only promote car use and thus more traffic. Accordingly, Council engaged transport planning consultants Cardno to complete the *Review of Parking Rates* report, available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13 Cardno recommended maximum car parking rates for the Chatswood (and St Leonards) CBDs in line with the TDM approach and these have been included in draft *Willoughby Development Control Plan (DCP)*. This approach of placing a limit on parking space numbers is now recognised globally as best-practice transport planning for constrained environments and is already used in other areas of Sydney including the City of Sydney and North Sydney local government areas and the Macquarie Park and Parramatta CBDs. By applying the principles of TDM – e.g. limiting new car parking and improving active and public transport connections –

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		I put it to you that Council is, or should be, well aware that new developments will have a significant negative impact on local and transiting traffic, should have done a study on this aspect of proposed and likely developments, and should be protecting the rights, standards and expectations of existing residents and ratepayers when it comes to vehicle access to Chatswood CBD, their own homes, and further afield. Council should have its own study of these traffic implications, should be communicating with residents on the traffic aspect of new developments, and should, on residents' behalf, be pushing back on State Government demands for increasing housing and business capacity in an already crowded environment. As a resident of Chatswood West Ward since the mid-1980s, and have watched Chatswood CBD and adjacent areas of West Ward grow significantly already. The local arterial road, Fullers Rd, has become much busier with traffic to and from the M2 and further west. Some concerns I have with the draft plans are outlined below: I note that about a dozen high rise residential/business towers are already proposed in the extended CBD, with associated parking for over 1,000 cars. Some developments propose that a proportion of apartments are not provided with car spaces. Each development proposal includes a Traffic Plan which considers the impact of traffic to and from the development only as it impacts on the closest streets, and in isolation from other proposed developments. These Traffic Plans all assess the traffic impact as negligible. Council has not independently considered the combined impact of traffic from currently proposed developments and future possible developments. Given the already busy nature of streets and arterial roads in Willoughby, these extra cars will no doubt have a significant impact, even given the possibility of "Active Transport" as a sometime alternative. New apartment owners without a car space may well own a car which will then be parked on nearby residential streets, thereby frustrating existing residents where parking is scarce. Council should	Council aims to ensure that the transport network will be able to accommodate the uplift planned for the Chatswood CBD. A number of submissions raised concerns with the maximum car parking rates proposed for the Chatswood CBD. These concerns primarily relate to the reality of public parking in the CBD being a shared resource, serving a variety of trip purposes. This is especially the case for the large car parks associated with the regional shopping centres (i.e. Westfield and Chatswood Chase). If blanket maximum car parking rates were adopted, over time this parking could be eroded to a point where it may negatively affect the overall economic viability and competitive advantage of the CBD. In response to this concern, Council engaged Stantec (formerly Cardno) to complete an addendum to their original Review of Parking Rates report. This has recommended a 'banded rate' for regional shopping centres (defined as greater than 30,000sqm GFA): a maximum rate of 1 parking space per 40sqm AND a minimum rate of 1 space per 70sqm. This would apply in both the Chatswood and St Leonards CBDs

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		independently consider the combined impact of cars and service vehicles that will result from new developments, and act to restrict developments to preserve the lifestyle of existing residents from predictable extra traffic congestion and additional parked cars. <u>Active Transport</u> Council and developers quote "active transport" as a means by which vehicular traffic might be limited. No studies are provided as to the extent walking or cycling might occur and thus minimise car traffic. The state of cycling infrastructure within the Chatswood CBD is well below what is required to encourage cycling, with almost no off-road tracks which might enable residents to, for example, get to supermarkets safely. Council has substantially ignored the results of its own cycling studies in not providing same. Current on-road marked cycle lanes expose cyclists to danger in merging with traffic at intersections and roundabouts, and the risk of dooring when adjacent to parked cars. Physical rather than visual separation is needed. Council needs to consider the extent to which active transport will actually work, and seek to improve existing infrastructure, especially for cycling. <u>Recreation areas</u> Recreational areas in the locality and Sydney generally are under stress with current usage, and additional population will only result in overuse or people missing out on necessary exercise and recreation. The draft plans do not seem to provide for any significant increase in local recreational space that might be consistent with the needs of additional population. Council needs to consider the recreational space needs of an increased population.	(although there are currently no centres in St Leonards that exceed the 30,000sqm threshold). It is proposed to include this updated control in the final Part F – Transport and Parking Management of Willoughby DCP. In reference to an overall assessment of the combined impact of new developments on the transport network, consultant Arup was engaged to complete the *Future Conditions Report* (September 2020). This report concluded that the CBD transport network (including the road network) could accommodate the growth planned for in the *Chatswood CBD Strategy* by implementing a variety of measures to achieve the mode shift as per the broader TDM approach. The full report including recommendations is available at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-5 In relation to demand for on-street parking including in Chatswood West, Council has resident parking permit schemes to manage parking demand and balance the needs of different parking users and areas. Regulation of road and

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		Infrastructure The draft plans provide no information as to the ability of existing services such as schools, electricity, internet and water to service an increased local population. While some such infrastructure might be State or even Commonwealth Government responsibility, surely Council needs to protect the existing lifestyle of residents by determining that the upper levels of government commit to ensuring adequate upgrades, if necessary, at the same time that population is growing, as mandated by the State Government. Council needs to determine necessary infrastructure upgrades and assure existing residents that access to existing services will not be reduced. Request Council put the draft LEP and DCP Plans on hold to ensure that the results of the increased population and associated car density will not significantly negatively impact on current local amenity and lifestyle. There needs to be consultation with State and possibly Commonwealth Governments to determine the adequacy of existing infrastructures to cope with that growth. Willoughby has already absorbed its fair share of population growth over the past 30 or so years, with a far from ideal traffic system and infrastructure such as public schools that hardly seem to meet demand, as well as significant impacts on existing residents.	kerbside space (e.g. time-limited parking, no parking, no stopping zones etc.) can be continually refined to address identified issues. Council recognises that better cycling infrastructure – in particular separated cycleways and removal of bike lanes in 'door zones' – is needed to encourage uptake of cycling. In recent years, Council has partnered with the federal and NSW Governments to deliver a number of active transport projects in the Chatswood area to this end, including: - Ongoing improvements to the pedestrian environment including footpaths and crossings; - Construction of a new shared user path for pedestrians and cyclists on the Pacific Hwy (between Mowbray Rd, Chatswood and Herbert St, St Leonards). - Detailed design of a separated cycleway along Hampden Rd and Herbert St, Artarmon / St Leonards to link up with the existing cycleway route on Frank Channon Walk. - An end-of-trip bicycle parking facility in the public car park at 79 Albert Ave, Chatswood.

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			Collectively, these and other future improvements planned (in particular, extending the shared user path on the eastern side of the Pacific Hwy north to Boundary St) aim to promote a 'mode shift' away from private vehicles towards more sustainable options of walking, cycling and public transport. Council is undertaking a new Public Spaces and Recreation Strategy in 2022/23. The consultant brief for the new strategy highlights the issue of increased population and the inability to increase public open space given the cost of land purchase and lack of available land. Council's challenge will be finding opportunities to improve access to existing public spaces and to increase the quality of existing public spaces. A further challenge will be to enrich the community's experiences of the existing public spaces with a 'place-making' approach as set out in the NSW Government's 'Public Spaces Charter.". <u>Submission summary</u>

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			Raises concerns over traffic impacts of proposed development in Chatswood CBD and surrounds - traffic congestion and access in surrounding streets. Concerned residents will need to park on the street if not provided with a car parking spot – will exacerbate traffic problems. Queries if there have been transport studies conducted by Council around the impacts?
100.	CHATSWOOD	It appears Council is notifying residents one planning proposal at a time, the first one was 58 Anderson Street, a building to be 53 meters tall, the second 54-56 Anderson Street is, higher, around 90 meters. All these buildings should be considered as a block because of the various problems it will cause for the residents of the surrounding area. The parking is a big problem and there are not many untimed parking spots left after commuters' park to catch the train. Why has Council never built a commuter carpark in Chatswood? The congestion caused by all these new residences and their visitors will be greatly increased. Has council taken into consideration the shadows all these buildings will throw on neighbouring properties, remembering sunshine is important to mental health. Privacy is another factor which should be taken into consideration, those in the high rise will be looking into each other's homes and they will all be looking down on residents houses. We feel the residents' lifestyle will be altered and have not been sufficiently considered in all these proposals.	**Comments noted.** The planning system permits planning proposals or rezonings to be lodged one at a time by a proponent. If Council does not proceed to assess, refer to the Gateway for Determination, exhibit and determine a planning proposal, a proponent is able to pursue this matter via a rezoning review determined by a planning panel. Changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents.

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			The adopted Strategy included a number of changes to reduce building heights in the fringe areas of the CBD in order to reduce impacts on adjoining residential development including nearby heritage conservation areas. In relation to demand for on-street parking including in Chatswood West, Council has resident parking permit schemes to manage parking demand and balance the needs of different parking users and areas. Regulation of road and kerbside space (e.g. time-limited parking, no parking, no stopping zones etc.) can be continually refined to address identified issues. There is in fact ample parking in the Chatswood CBD at present, which can be found using a combination of the following websites or apps: • Council's Chatswood CBD Parking Finder (for on-street and Council-operated parking stations): https://www.willoughby.nsw.gov.au/Residents/Parking-and-transport/Parking/Parking-in-Chatswood-CBD

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			• The NSW Government's Park 'n' Pay app for mobile phones: https://parknpay.nsw.gov.au/ • Parkopedia website (for off-street parking in both Council and commercially operated car parks): https://www.parkopedia.com.au Submission summary Concerns Council is notifying residents of development one building at a time in Chatswood. Associated concerns re: parking and congestion; overshadowing from tall buildings; privacy impacts.
101.		Regarding the widening of Olive Lane can you advise any information about when council plans to undertake the work that is provisioned in the LEP? Support this work completed to improve traffic flow in the area and help homeowners gain more certainty about the land that is under acquisition rights.	**Comments noted.** Council staff have reviewed the proposed widening of Olive Lane, and which properties are required for lane widening. The proposed widening has been revised to now focus on the eastern section of Olive Lane. Regarding the western section of Olive Lane, part of 9 Parkes will still be required for widening and 11 Parkes will no longer be required to dedicate land for lane widening. It is proposed to change the LEP Acquisition Map to reflect this. Further details, including a map, can be viewed in Attachment to this report

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			regarding Proposed changes to the exhibited Draft. <u>Submission summary</u> Would like clarification around Olive Lane widening.
102.	WILLOUGHBY	Warners Avenue currently is zoned R3 with a 9m height limit. Increase in FSR would result in more unit development rather than minimal townhouses could be built including more lower cost social housing. The small area of South Willoughby does have access to good infrastructure to city and Chatswood. Increasing the FSR and height limits to a height limit of 12 metres and FSR of 0.9 and by putting in controls that any parking access needs to be from Warners Avenue for any development fronting Edinburgh or Eastern Valley Way then this better consolidation could occur and actually add to the community. Edinburgh Road and Eastern valley way do have some controls on DAs however council has failed to utilise these controls to block the developments and as a result there are many of the leftover owners who can't sell as their home as it has been devalued are paying the price.	**No change.** Comprehensive LEP does not include provisions to change heights and FSR in Warners Avenue. Council needs to keep controls that encourage a range of medium density development including low scale residential flat buildings and townhouse style development in order to provide a housing mix in the R3 Medium Density Residential zone. <u>Submission summary</u> Specific controls changes to Warners Ave
103.	CHATSWOOD	The current proposed plans to only focus on development rather than the community's health and wellbeing. Chatswood has issues with a shortage of community facilities, schools, leisure centres, etc. It will be better to amend the current proposed plans to focus on the field which should be fulfilled rather than focus on the development of a city like Sydney.	**Comments noted.** Health and wellbeing form an important aspect of future growth for Chatswood and all of the LGA. Chatswood has a wide range of leisure choices for local residents depending on recreation interest. These are spread over a number of sites including sports

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			locations, the concourse. There are also facilities such as the Willoughby Leisure Centre within the LGA. Council continues to communicate and consult with NSW Education regarding future population and school facilities. Provisions in the draft plan for design excellence and urban heat are also intended to enhance community wellbeing and health. <u>Submission summary</u> Lack of infrastructure to back up development
104.	CASTLECRAG	For Castlecrag, concerned about the removal of parking spaces and do not believe we will receive equal spaces in the Quadrangle development. In addition, narrowing Edinburgh Road to create a pedestrian crossing point will cause further traffic congestion issues. Already in the mornings and afternoons, traffic is queued back beyond the roundabout at Rutland waiting to exit the suburb. I don't believe there is evidence that a pedestrian island is required.	**No change.** Council has proposed to redevelop the car park at the corner of Edinburgh Rd and the Postern into a public open space. While this would result in the removal of the eight existing car parking spaces in this location, it is intended to incorporate these eight spaces into the redevelopment of the Quadrangle shopping centre (which is currently in the Planning Proposal stage). Council will be creating a Voluntary Planning Agreement (VPA) with the developer/site owner to ensure these parking spaces are accommodated in the redevelopment.

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			Any proposal to construct a pedestrian crossing in this area of Edinburgh Rd will have to strike a balance between traffic flow and pedestrian safety and accessibility and will be subject to further investigation and consultation. <u>Submission summary</u> Object to less parking at Quadrangle
105.	NORTH WILLOUGHBY	The single level dwellings in Bedford Street, North Willoughby are being bought up by developers, demolished and then new Metricon houses built under CDC using maximum land space and cutting down trees. It has become easier to knock down the traditional houses under CDC than to extend and preserve them under DA so the character of the neighbourhood is disappearing. The new plan looks like it will allow even smaller gardens and larger buildings, so unsure how this will preserve the environment and canopy? Wondering if it is better to move out to Ku-rin-gai for more green space?	**Comments noted.** It is noted that CDC enables a larger floor area. However, the current proposal to introduce the landscaping controls into the LEP is aimed at lessening the larger building / smaller garden scenario for Development applications and enhance tree canopy. Council is unable to change the requirements for CDC which is a state wide provision. <u>Submission summary</u> Object to CDC approve larger dwellings
106.	CHATSWOOD	Strongly oppose any changes to planning. Council has lost touch with the community.	**Comments noted.** With increasing density and traffic in centres it will become more important for

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		Has been living at current address for 25 years. The congestion and traffic in Chatswood is ridiculous with high rises being built everywhere but no infrastructure. The roads are the same as 25 years ago with Pacific Hwy and Albert Ave heavily congested. Has complained multiple times to Council about heavy traffic on suburban streets such as Park Ave and Centennial Ave. Nobody listens. Local and State governments are only interested in revenue. They have forgotten the people because of greed. Centennial Ave has become a car park. Visitors to my home cannot even find street parking to visit which the Council ignores. Council was quite happy to accept $10million from Meriton to allow them to exceed the LEP height restrictions. It was the locals that took it to court. Why does Council oppose State government planning codes on dual occupancy? Willoughby Council requires 700m square block for (attached) dual occupancy yet State codes allow 450m square block. Another point where rich get richer but families struggle. Council wants megastructures of apartments but won't give hard working families a slice of the cake.	these areas to be less reliant on private cars and parking and more dependent on public transport and active transport modes. It is now generally understood that there is a strong correlation between road space/parking supply on the one hand and traffic generation/congestion on the other. Traffic expands to fill road space due to the phenomenon of 'induced demand'. Furthermore, in an already built-up area like the Willoughby local government area, there is little scope to continue to expand roads and intersections. Given these facts, the growth in population and employment in the Willoughby local government area is planned for areas close to railway/metro stations and existing CBDs and local centres. This is known as 'transit oriented development' and the overall intention is that residents and workers in these areas will be able to walk, cycle or use public transport for a greater proportion of their trips, instead of private car. This will not only minimise further travel by private car and traffic congestion but also contribute to greater health and wellbeing, lower emissions and greater amenity in general.

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			Council recognises that the uplift proposed under the *Chatswood CBD Planning and Urban Design Strategy 2036* will have implications for traffic and transport within the CBD. Given the CBD is a constrained environment (i.e. with no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management (TDM). TDM is a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of transport i.e. walking, cycling, public and shared transport. One of the key tools under the TDM approach is limiting the number of car parking spaces for new developments, given more car parking spaces only promote car use and thus more traffic. Accordingly, Council engaged transport planning consultants Cardno to complete the *Review of Parking Rates* report, available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13

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			Cardno recommended maximum car parking rates for the Chatswood (and St Leonards) CBDs in line with the TDM approach and these have been included in draft *Willoughby Development Control Plan (DCP)*. This approach of placing a limit on parking space numbers is now recognised globally as best-practice transport planning for constrained environments and is already used in other areas of Sydney including the City of Sydney and North Sydney local government areas and the Macquarie Park and Parramatta CBDs. By applying the principles of TDM – e.g. limiting new car parking and improving active and public transport connections – Council aims to ensure that the transport network will be able to accommodate the uplift planned for the Chatswood CBD. A number of submissions raised concerns with the maximum car parking rates proposed for the Chatswood CBD. These concerns primarily relate to the reality of public parking in the CBD being a shared resource, serving a variety of trip purposes. This is especially the case for the large car parks associated with the regional shopping centres (i.e. Westfield

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			and Chatswood Chase). If blanket maximum car parking rates were adopted, over time this parking could be eroded to a point where it may negatively affect the overall economic viability and competitive advantage of the CBD. In response to this concern, Council engaged Stantec (formerly Cardno) to complete an addendum to their original Review of Parking Rates report. This has recommended a 'banded rate' for regional shopping centres (defined as greater than 30,000sqm GFA): a maximum rate of 1 parking space per 40sqm AND a minimum rate of 1 space per 70sqm. This would apply in both the Chatswood and St Leonards CBDs (although there are currently no centres in St Leonards that exceed the 30,000sqm threshold). It is proposed to include this updated control in the final Part F – Transport and Parking Management of Willoughby DCP. Council is unclear regarding the reference to the $10million in relation to the Meriton development in the CBD (Albert Avenue). It is noted that this development was a major project and Council was not the consent authority. Council did

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			however seek to maximise the public benefits resulting from the project, including maintenance of public parking, provision of affordable housing units, and contribution to the upgrade of Chatswood Oval. No change is proposed to dual occupancy provisions. The Exempt and Complying codes require the minimum lot size for dual occupancy as prescribed in a LEP. The WLEP 700m² minimum requirement for an attached dual occupancy and 900m2 for detached is considered to be an appropriate minimum to enable privacy, setbacks and landscaping controls. It provides a suitable requirement consistent with local character and subdivision patterns. Under the Exempt and Complying SEPP where the dual occupancy provisions in the local LEP are greater than 400m2 for dual occupancy developments, the relevant LEP provisions prevail over the SEPP minimum (Division 2, Subdivision 2 Part 3B.8 Lot Requirements). <u>Submission summary</u> Object to existing traffic congestion and increases if more development

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			Wants smaller lot size of 450 for dual occupancy
107.	MIDDLE COVE	It seems the LEP will give us better outcomes than SEPP, so assume that is better protection of green space, but am confused as to how an FSR increase across the board for Willoughby will also allow us to maintain canopy? If processes are fast tracked, then surely monitoring by council will be more difficult and less effective? There are 2 fundamentals that should be top council priorities – • **Tree canopy protection** (adequate goals, monitoring systems & penalties) • **Upholding Middle Cove** (& other reserve adjacent suburbs) Environmental Living protections Understood that the council has a tree canopy target of 40% by 2036. According to Centre for Urban Research is currently at 41%. So this would mean you are targeting a loss. This is totally unacceptable given the climate situation and contrary to your commitments to 'reducing urban heat' and 'enhancing leafy character' of our LGA. The research found that our council experienced a 3% tree canopy loss in 7yrs 2013-2020. This needs to be reversed and protection of trees prioritised, as well as replanting. The target should be at least 44% to restore the losses that have occurred. Adequate penalties that will act as real disincentives, not fines that are easily absorbed as a minor hiccup to building costs. It's understood that the illegal tree removal fine in NSW is capped at $3k for individuals/$6k for business. This is woefully low for our area given the many high income home builders and certainly not high enough to be a real disincentive. Council should push to lift this cap and other penalties that will actually change behaviour.	**Comments noted.** The following article (Sydney Morning Herald, March, 2022), cites Willoughby's tree canopy as being 41% in 2020, according to the Urban Forests in NSW & ACT report, Centre for Urban Research (RMIT) & Greener Spaces Better Places. The article states that: *"A Planning Department spokeswoman said the NSW government had an overall target of 40 per cent tree canopy cover by 2036".* Article link: https://www.smh.com.au/national/most-sydney-councils-losing-urban-forest-cover-how-green-is-your-neighbourhood-20220316-p5a55h.html The target of 40% was selected for the LEP using Resilient Sydney's data platform and is derived from the state government's SEED database. SEED is the NSW Government's central resource for sharing and enabling environmental data. It was developed for the NSW community in a collaborative effort between government agencies to provide an

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		Provides photograph and details of a new build in Castlecrag where every tree on the block was removed and questions compliance. Questions the monitoring of building projects for transgressions. Adequate assessment post builds – especially where foreshore is impacted Is there a check that FSR ratios/ tree replacements have actually been planted and importantly, cared for so that that they are still living and providing cover & habitat in in 3yrs/6yrs. It is expected that canopy will continue to diminish, particularly with those homeowners obsessing over water views. Provides another example of a dwelling completed in recently that seems to take up every inch of the block, with no green cover along the foreshore. Has this home and others been checked post completion to ensure that landscaping requirements / replacement trees are thriving? In the unbuilt spaces are there enforceable rules about hard surfaces vs natural landscape? The recent cementing of previously grass sidewalk in Rembrandt Drive contravenes our environmental living protections and increases urban heat. Any planned continuation of the pathways should not progress for these reasons. Provides photograph of wildlife rich suburb. Concern over the increased heights and FSR for Chatswood Towers steal sunlight and create wind tunnels. Ensure that parklands are not overshadowed, or trees felled so that the overall experience of walking through Chatswood can be a relatively positive one. Heritage protections. The Federation style and older original California Bungalow architecture provides a distinct suburban character, which under the changes will most likely be bulldozed? The gardens and heritage architecture provides our suburb a soul, and that should be valued and protected. Comment in response to Webinar re: healthy built environments. There was an image of green living building shared on the evening that certainly does NOT resemble any of the ugly, bland towers that have taken over Chatswood CBD.	accessible and reliable platform for environmental data. Council is working with internal GIS specialists to generate the most accurate picture of tree canopy across the Willoughby LGA. The definition of tree canopy used by WCC's GIS team is anything >2ms, whereas the state government and Resilient Sydney's definition is anything >3m. The WCC data is yet to be verified as we need to determine a canopy height for WCC to use, so our data is regionally comparable. Therefore, WCC target at this time remains at 40%. This cannot be compared to RMIT's Centre for Urban Research urban canopy measure which uses a different methodology and data set. Council is developing a new target based on aerial mapping data sets starting from 2016 to current day. This new target will be promoted as soon as it is available. It may include different targets for different land use categories – e.g. local streets; parks; buildings / property. Willoughby Council's goal is to conserve existing tree canopy wherever possible

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		Suggest you look at Melbourne's NIGHTINGAGLE Housing for gold standard sustainability, innovation & design. This should be our north star for development. It seems that over-shadowing is not sufficient grounds to protest building plans. Sunlight is critical to our wellbeing and there should always be grounds to protest against the loss of sunlight from a neighbouring build. We will have a happier, healthier suburb if neighbour conflicts can be avoided and residents can be assured their access to sunlight and privacy is protected. With the increase in development & density of the LGA to meet housing needs what consideration has been given to properties that are currently not lived in? In the 2016 census approximately 11% of AU dwellings were unoccupied. Incentivising rental or penalising vacant homes would be an easy way to increase supply without the detrimental impacts of over development. What consideration if any has been given to this issue?	and extend it wherever we can along streets and on public and private land. Community attitudes to trees vary across the LGA and often reflect cultural values, some of which are wary of 'nature' encroaching on an urban streetscape and regularly express concern to council about tree damage to property, leaves causing slippery surfaces, obscuring views etc. There is a lack of understanding in some parts of the community about the vital role of urban tree canopy in reducing urban heat. In an effort to address this, Council has embarked on a '***love your trees***' campaign which highlights the problem of tree canopy loss and outlines all the reasons why a healthy and extensive tree canopy is good for people, biodiversity and property values. See https://www.willoughby.nsw.gov.au/Campaigns/Love-Your-Trees The new LEP is seeking to align Councils development controls with the Codes SEPP but strengthen the associated landscaping provisions at the same time to provide better tree and landscaping opportunities. The dLEP also proposes prohibition of battle-axe subdivisions where the rear garden is developed for a

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			second house losing all possibility of mature trees. Building works are inspected for compliance at various stages of construction. This can be carried out by Council officers or private certifiers. An occupation certificate should not be granted until all conditions of consent have been complied with. No inspections occur after a time period to monitor planting growth. However, should any breaches of consent be brought to Council's attention, it would be investigated. Specific properties are difficult to identify from the submission. Residents should note that any questions regarding compliance issues for development applications should be directed to the compliance unit or the private certifiers. The extension of the footpath on Rembrandt Drive enables safe pedestrian access to key bushland and environmental assets (Harold Reid Reserve and foreshores) for the enjoyment of residents within and beyond the Rembrandt Drive locale. The installation of a 1200mm wide concrete

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			footpath has a significant lifespan and a whole-of-life maintenance impact and safety risk lesser than soft granular pavements. The proposed footpath is on Council land and Council has a duty of care to provide safe pedestrian access. The impact of a footpath on environmental living protections and urban heat is significantly less than the homes and driveways constructed in Rembrandt Drive. Comments on heritage and healthy built environment are noted. Council has specific controls for both heritage conservation areas and houses with a heritage listing. Council does not have control over whether houses are lived in or not, however there are controls on renting unoccupied houses as Airbnb properties in any 12-month period in Sydney. <u>Submission summary</u> Issues with specific DAs Should be doing more to increase tree canopy Should have Higher penalties for tree removal Against increase in Chatswood

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			Against demolition in Conservation Importance of Avoiding overshadowing
108.	ARTARMON	Proposed changes that will allow the demolition of a heritage structure in the current heritage conservation area of Artarmon if grounds can be provided that stabilization or retention of the structure is unreasonable. The heritage area of Artarmon is built on clay and almost all of the structures are or will be affected by structural cracking to various degrees that could be used as justification, if the motive is to demolish the structure and replace it with a new building. This provision undermines the intention of the heritage zoning and could result in indiscriminate loss of the heritage values. Such a proposal could be readily prepared by any structural engineer who arranges for a quotation/estimate for underpinning and repairing the existing building and a lesser quotation/estimate for a replacement structure that uses a method of construction such as concrete slab that is claimed to be resistant to the wet/dry contraction cycles of the shale derived deep subsoil in this area. Strongly oppose the proposal which would be a major change. Support proposals that genuinely augment the heritage features of the area by promoting it as an area with exceptional architectural /heritage/lifestyle qualities that can be shared by residents and visitors alike. There are many residents and visitors from nearby areas who enjoy the heritage qualities as pedestrians in transit or while exercising, supporting the idea of a "walkable city". A reduction in the speed of through traffic from 50 km/hr to 40 km/ hr would be a worthwhile step.	**Comments noted.** A number of submissions raised concerns regarding demolition of dwellings in the Artarmon Heritage Conservation Area. Concerns were cited around the 'loophole' available to property owners and developers to leverage / justify approval for demolition through obtaining a structural engineers report, based on factors relating to instability caused by the clay substrata on which dwellings are built in the Artarmon HCA and associated impacts to the dwelling. Council is cognisant of this issue addressing it through strengthening its heritage controls in the DCP. Section 2.4 under Part H – Heritage Items and Heritage Conservation Areas, deals with 'Demolition'. It is considered that the wording of the DCP, in relation to requirements for an application for total or partial demolition of buildings in a heritage conservation area, could be strengthened to ensure that it is more clearly understood that only in the most exceptional circumstances, buildings would be

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			granted approval for demolition. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP, subject to further review by Council's Heritage Officer. This will ensure a more robust process is followed to ensure demolition only occurs in the most exceptional circumstances. In relation to traffic speed, a 40 km/h High Pedestrian Activity Area has been implemented in the Artarmon Local Centre. This speed limit has also been implemented in Chatswood CBD and will be implemented or is being considered for other locations in Willoughby LGA. <u>Submission summary</u> Demolition in a conservation area particularly Artarmon
109.	ARTARMON	The B2 height increases to the Artarmon local centre area on Hampden Road, west of the railway station, have implications to adjoining lots that should be better considered.	**Not supported.**

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		The proposed increase in height on the north end (130-134 Hampden Road) from 14m to 20m will affect the two residential lots between the north end of the B2 zone and the roundabout to Brand Street. (SP76 and SP 70673). These are zoned R3 with a height limit of 12m. Importantly, they are separated from the north end of B2 with only a garage access lane, not a road. As a result, the increase in B2 height from 14m to 20m to their south border with the existing height of 36m in the R4 zoned SP38084 lot to their west border will now dwarf these two lots of SP76 and SP70673. Specifically, all the SP76 units facing south will be blocked from the sunlight from the B2 height increase Requests that three possible alternatives be reviewed for the final plan: 1. Extend the new B2 zone to the north end of Hampden Rd until the roundabout, which represents a natural zoning break; 2. In the spirit of housing diversity, rezone lots SP76 and SP70673 as R4 (similar to the lot to their west) but limit height to 20m to match the proposed height of the adjoining B2 lot 21/DP748260; 3. Maintain the height of the B2 north end lot 21/DP748260 at 14m, as current.	Possible alternatives suggested are not supported as they are inconsistent with the *Willoughby Local Centres Strategy 2036*. <u>Submission summary</u> Specific increase in controls for site adjacent to Artarmon Local Centre
110.	NORTH WILLOUGHBY	The proposed development 92- 96 Victoria Ave with a proposed increased height (stories) than the adjoining SEPP development at 98 Victoria Ave will remove rear privacy & rear facing north light to properties 31-45 Macmahon St. There will be an increase in noise & disturbance to residents of Macmahon Street properties backing onto George Brain Lane from an increased number of vehicles entering & exiting this proposed development (92-96 Victoria Ave) which will be in addition to the current WCC & private commercial solid & liquid waste services and noise residents already contend with from the Willoughby Hotel upper balcony and when separate groups of patrons at closing time stand talking loudly	There is a separate planning proposal for the properties at 92-96 Victoria Avenue. The planning proposal has been exhibited from 27 October until 25 November 2022. The proposal is not part of this comprehensive LEP. The submission will be forwarded and considered as part of the exhibition for 92-96 Victoria Avenue.

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		outside the hotel exit on Macmahon St & then outside residents homes between 12 am & 1 am, where patrons cars are parked. Where are the residents of proposed development 92-96 Victoria Ave, who are not allocated off street parking in that proposed complex park? George Brain Lane is rear lane parking access for all residents on the north side of Macmahon St and one reason this lane was identified No Parking due to it being very narrow and unblocked access being also required for multiple council and commercial waste collections and delivery vehicles for the businesses at Penshurst St end of George Brain Lane.	It is expected that this planning proposal will be reported to Council in early 2023. <u>Submission summary</u> Comments on a separate PP not included in the comprehensive LEP.
111.	ARTARMON	Approves of the Draft LEP's prioritisation of response to changing climate (urban heat) and the value of private and public open space and walkable neighbourhoods with local services and amenities. it is great to see mention of "enhancement" of the leafy character of the north shore. This would imply value-adding to the leafy character by active planting of native species in areas devoid of vegetation. It would be great to see this outlined in the LEP. Replanting is a different, and less important aspect, to the protection of the tree canopy and vegetation that is vital for biodiversity, human health and wellbeing. I agree it is being systematically eroded at an alarming rate currently, through development of traditional garden areas on private properties in the Willoughby LGA. It is essential that the protection of the tree canopy involves conservation of existing mature trees, particularly eucalypts, and not replacement with new trees that take decades to mature. Maintaining biodiversity corridors through the Willoughby LGA to adjacent LGAs (such as Lane Cove/Lane Cove National Park) must also be given a high priority. Once interrupted, healthy populations of wildlife that use these corridors will diminish quickly.	**Comments noted.** The new LEP is seeking to align Council's development controls with the Codes SEPP but strengthen the associated landscaping provisions at the same time to provide better tree and landscaping opportunities. The dLEP also proposes prohibition of battle-axe subdivisions where the rear garden is developed for a second house losing all possibility of mature trees. Council's Bushland, Parks and Street Trees Teams are proactive in managing and maintaining healthy mature tree canopy in parks, bushland reserves and along streets. For many years we have been identifying, conserving and, where possible, extending green links across the LGA to protect and enhance biodiversity.

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		In addition, the enforcement of these landscape controls should be clearly outlined in the LEP, and amendments to existing DAs to disregard the requirement of protection of mature trees should be rejected. Parties proposing DAs should be made aware of these strong regulations prior to lodgement. This level of detail should be written into the LEP. Support the recognition of the urgent need for more rental housing in Sydney, particularly near CBDs. Increasing the proportion of affordable housing to 10% in every development will address increasing shortages in essential services, as well as sustaining local amenity, vibrancy, and diversity. Approve substantial increases in heights and floor space ratios (FSRs) in the Chatswood CBD to accommodate the growing population. Associated commercial growth should bring a sense of vitality to the Chatswood CBD. Excellence in sustainability and greenscaping (rooftop gardens and green walls) should form part of every DA. The increase in heights and FSRs proposed in the local centre of Artarmon seem appropriate as outlined, both east and west of the rail line. An inclusion of a community centre in the new developments is especially important to service the growing population, as community venues are already keenly sought after.	Action 14 In Council's Resilient Willoughby Strategy and Action Plan plans to extend this work further by initiating two urban greenways to better connect our unique green open spaces and enhance opportunities for residents to enjoy nature and improve fitness by walking and cycling. <u>Submission summary</u> Supports urban heat clause Importance to protect the tree canopy Importance of enforcing landscape requirements in LEP Supports 10% affordable housing requirement Supports higher density in Chatswood Supports increase density in Artarmon
112.	CITY PLANNING WORKS ON BEHALF OF CLIENT	100 Edinburgh Road, Castlecrag. Height of building to the south of the site in the WLEP is proposed at 14m. Modern garbage trucks require a structure clearance of 4.5m allowing for service services such as electrical, sprinkler and exhausts, the total floor to floor height of the lower ground floor for the proposal is 5.3m. When added to the 11m height limit set from Edinburgh Road, the rear height of building should be 11m + 5.3m = 16.3m excluding the permissible roof elements such as balustrade, elevator to allow roof access and facilities such as roof top toilet, stairs enclosure, fixed tables and seats.	**No change to draft WLEP 2022. It is proposed to defer any changes to this site until it is considered as part of the separate planning proposal for this site.** Submission is seeking to include the site specific clause proposed in the planning proposal in the comprehensive WLEP. The site specific clause aligns broadly with the draft WLEP 2022, however the rear height

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		Setting broken line between two halves to distinguish building height north (11m) and south (14m) in the WLEP 2022 does not permit the proposed scheme. A more useful solution would be a special clause citing the roof level for the site in AHD = 97.50m in addition the exclusions for the roof top elements would be expressed in the same way. Lot 1 DP 43691 is part of the 100 Edinburgh Road Site. It is currently zoned RE1. Developer scheme proposes a landscaped pathway on this lot. If the lot remains RE1, Council is obliged to purchase the land. Propose that Lot 1 be rezoned to B2 Neighbourhood Centre as per the rest of the site. The separate Planning Proposal for 100 Edinburgh Road proposes a public right of way over lot 1. Leaving Lot 1 in private ownership will relieve Council of the responsibility for maintaining the pathway.	of 16.3m is greater than the 14m rear height proposed in WLEP. Matters raised in this submission including the existing RE1 zone in private ownership are to be considered under site-specific Planning Proposal for 100 Edinburgh Road. This Proposal has been recently on public exhibition and is expected to be reported to Council in early 2023. <u>Submission summary</u> Request additional height at 100 Edinburgh Rezone Lot 1 DP 43691 from RE1 to B2
113.	ST LEONARDS	Opposes draft changes to the LEP and DCP for St Leonards. One of the main reason for purchasing apartment in Herbert Street was the iconic and extensive Sydney Harbour views which will be impacted by increase in building heights and FSRs particularly at 207 Pacific Highway. Privacy will be severely impacted and home value negatively affected.	**Comments noted.** Planning controls for St Leonards have been determined by the State Government's St Leonards Crows Nest Plan 2036 and are being implemented by the local councils of Willoughby, North Sydney and Lane Cove through individual LEPs. Any modifications to said controls would be a departure from the approved final SLCN Plan as set by State government for inclusion in local Council LEPs and DCPs. <u>Submission summary</u>

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			Objects to increase in height at 207 pacific Highway
114.	CHATSWOOD	Council should consider the enlargement of the Blue Gum Heritage Conservation Area to include late 20th century examples e.g. 3A the Crescent which has heritage listed Blue Gums in its curtilage. Recommends Inclusion of more post WW2 and mid-century modern architecture and landscape is required urgently. We are losing great examples of mid-century modern architecture and project homes through demolition and over development of residential areas in Willoughby City Council and Chatswood. Heritage should recognise the development of our area after WW2, not just before WW2. Heritage listings should include a significant building's curtilage as well as the building itself. Landscape and distance around a building provide context to the building itself. Lists several examples of eAIA(NSW) Register of Significant Buildings and Docomomo – Please note examples of Pettit and Sevitt Project Homes in Chatswood, Sundowner project home in Castle Cove, HP Oser house at Castle Cove, Buhrich House No 1 on Edinburgh Rd Castlecrag, Seidler houses in Castlecrag, Audette House by Muller in Castle Crag, Bruce Rickard houses in Castle Cove, Neville Gruzman designed Houses in Middle Cove, Towell Rippon house in Middle Cove, Griffin designed house on Victoria Ave Chatswood approaching Eastern Valley Way, and many more. Preservation of landscape & tree canopy is important. Council's Proposed Over-Development is in direct conflict with stated aims to reduce negative environmental impacts on residential areas, in particular the areas neighbouring Chatswood CBD. We note the overdevelopment of Parramatta is not an exemplar as it produces deleterious impacts on the people and pedestrians using the spaces between high rise buildings.	**Comments noted.** The last Heritage Review undertaken by Council in 2019 and focussed on mid-century buildings. As a result, 9 properties were put forward for heritage listing and formed part of this LEP review. More information on the 2019 Heritage Review can be found at: https://www.haveyoursaywilloughby.com.au/Proposed-Heritage-Items-June2019. Recommendations of specific properties are noted and can be included in the next Heritage Review to consider potential items to be investigated for heritage listing. The community is encouraged to nominate places for heritage listings via the website at https://www.willoughby.nsw.gov.au/Development/Plan/Heritage-and-Conservation/Heritage-Items/Heritage-Item-Nomination Council is still planning for commercial growth in these centres despite pandemic impacts and working from home trends.

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		Objects to the super high residential commercial (no height limit) along the eastern side of Pacific Highway, Chatswood for the following reasons: Overshadowing of residential areas on the west of the Pacific highway – natural topography between Fullers and Wyvern slopes westwards which will extend the impact of morning shadows on residential areas as well as schools. No shadow can move faster than any other shadow without the collapse of the planetary and solar system. Visual domination to the west of the Pacific Highway - already dominated by the Zenith Centre. Note the existing views from Blue Gum Creek / Findlay & Wyvern towards the CBD. Removal of existing buildings along the pacific highway. This is a waste of existing resources. Curtilage of heritage buildings is as import as the buildings specifically on the corner of William Street and Pacific Highway. Wind tunnels The proposed wall of tall, western facing commercial facades will funnel westerly winds onto the pedestrians below. Careful wind studies and modelling will be required to demonstrate how the designs overcome this natural phenomenon. The podiums proposed may not overcome this problem and transfer the problem to the top of the podiums. Wind tunnels will be created between the buildings. Covid has proven that CBDs no longer require large areas of commercial office space. Council proposal to increase Commercial Zoning along the eastern edge of Pacific Highway at Chatswood should be withdrawn for the above reasons.	In relation to the Chatswood CBD, changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights in the fringe areas of the CBD in order to reduce impacts on adjoining residential development including nearby heritage conservation areas Submission summary Recommends extension to Blue Gum Conservation Area Include more post WW2 & mid-century modern architecture. Supports preservation of tree canopy Objects to increase in density at Chatswood – overshadowing, wast of existing buildings, wind tunnel, visual

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			domination to the west of the Highway, Covid 19 not need for traditional office space.
115.	CASTLECRAG	Castlecrag Local Centre - concerned at the lack of adequate public parking to be included in new developments such as the Quadrangle and the loss of parking spaces due to the proposed Marion Griffin park near The Postern. We have a significant population of elderly residents in the Crag and they need easy access to short term parking in the shop precinct. Would like to see significantly more parking spaces in new developments in the Crag shops area. If not - Is there a possibility for a class of parking spaces designated as something between 'Disabled' and normal unrestricted spaces - that might satisfy older patrons by way of a validated council sticker to use these newly assigned nominated spaces?? So the issue is Parking, Parking, Parking!	**Comments noted.** Council recognises the importance of car parking to support the Castlecrag local centre. Council has proposed to redevelop the car park at the corner of Edinburgh Rd and the Postern into a public open space. While this would result in the removal of the eight existing car parking spaces in this location, it is intended to incorporate these eight spaces into the redevelopment of the Quadrangle shopping centre (which is currently in the Planning Proposal stage). Council will be creating a Voluntary Planning Agreement (VPA) with the developer/site owner to ensure these parking spaces are accommodated in the redevelopment. With regard to parking generally associated with the proposed redevelopment of the Quadrangle, as part of both the Planning Proposal process (and any future Development Application) a traffic and transport impact assessment is to be provided. This report will need to

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			demonstrate that a sufficient number of parking spaces can be built on the site to service the development. This will be in line with Council's car parking rates in Willoughby Development Control Plan (DCP). <u>Submission summary</u> Not enough parking at the new Quadrangle Need to supply parking for elderly Concerned at loss of spaces at new park at the Postern
116.	CHATSWOOD	Suggests consideration of the following in the DCP under C12 Fencing: "All fences are to be constructed to allow the natural flow of stormwater drainage or runoff. Fences must not significantly obstruct the free flow of floodwaters and must be constructed so as to remain safe during floods and not obstruct moving debris. For instance, in urban areas leave a significant gap 100 – 200 mm under the fencing." Adding the such specific guidance or the like on residential fencing, particularly for flood prone areas, would ensure residential safety and facilitate communications between neighbours.	**Supported.** The requirements for fencing in areas of overland flow and/or properties in flood prone areas are included in Section 4.7 of Technical Standard No 1 – Stormwater Management. This technical standard is Attachment 1 to Part I. However, as suggested, it is considered that additional provisions should be included to address the construction of fences within areas of overland flow. It will be recommended to Council that additional provisions should be included in the relevant Parts of the draft WDCP to address the construction of fences in

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			areas of overland flow to allow free passage of water. <u>Submission summary</u> Suggested DCP control for fencing and floodwater
117.	ST LEONARDS	Concerned about new heights proposed from 2-10 Chandos (13 storey), (the council car park, former Alto Ford and College of Law) and 25 storeys at 207 Pacific Highway. Any high rise buildings over ten storeys would create serious loss of amenity to current area residents. The area is already over-crowded and the roads congested. Many ugly towers have been constructed in the St Leonards area in the last eight years. Even when I was still driving in 2015 it could take five minutes from exiting our garage in Chandos St to entering the Pacific Highway (either right or left). The Covid-19 outbreak has shown two things of immense importance.: no longer necessary to commute to an office every day of the working week. With videoconferencing and flexible hours one day in an office will often be sufficient with the other working days more fruitfully spent at home. This will lead to less traffic on the road and improved air quality with a profoundly beneficial effect on our respiratory organs thus greatly improving our general health. There will be greatly reduced traffic noise. Less commuting will save huge amounts of time, reduce the number of road accidents and improve the mental health both of workers and the general public. Less money will need to be spent on petrol which has for long been one of the most expensive items on the household budget. Public transport, now extremely overcrowded and uncomfortable will become more pleasant to use.	**Comments noted.** Planning controls for St Leonards have been determined by the State Government's St Leonards Crows Nest Plan 2036 and are being implemented by the local councils of Willoughby, North Sydney and Lane Cove through individual LEPs. Any modifications to said controls would be a departure from the approved final SLCN Plan as set by State government for inclusion in local Council LEPs and DCPs. <u>Submission summary</u> Objects to proposed heights in St Leonards due to Traffic congestion, Noise, air pollution, threat to wildlife habitats, impacts on domestic heating due to overshadowing, loss of amenity Covid 19 has shown less need for office space.

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		Second: The Covid-19 outbreak has demonstrated that climate change really can be effected provided humanity takes the proper path. We will no longer need such a huge amount of office space. Thus current office space can be converted to residential space so avoiding the need to build huge towers, a blot on the landscape. In addition, the following are potential problems: <u>Vehicular and Pedestrian Congestion</u> The area is already highly congested with traffic and poses great danger to pedestrians some of whom would be those who have been dropped off or alternatively picked up from trains and buses. The vehicles for these pick-ups / drop offs contribute to the congestion in Chandos Street. <u>Noise</u> Current residents within the area are already experiencing heightened noise levels arising from the RNSH air conditioners and ventilation fans. (. In 2013 noise measurements were carried out on our balcony by their appointed engineers). <u>Air pollution</u> The level of fine particulate matter is already causing significant stress to sufferers from asthma, chronic obstructive airways disease and other respiratory ailments. Even on the 32nd level of the Forum there is constant dust in the ambient air. Since 2000, The Forum has been surrounded by building sites. There has been no period in which building operations have not been in place with consequent adverse environmental effects. It is high time to cease building in this already over-crowded area and to give us a few years respite. <u>Threat to wildlife habitat</u>	

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		Willoughby City Council is to be applauded for its proactive preservation of some of Australia's wonderful wildlife as expressed in Council's publicity. Concerns about the highly negative impact of the proposed development to the range of avian fauna which includes peregrine falcons, nightjars, channel billed cuckoos and rainbow lorikeets. <u>Impact on Domestic Heating and Loss of Sunlight</u> Energy costs are rising rapidly and becoming a substantial with the elevations blocking out the warming effect of the sun this would constitute an environmentally unfriendly requirement for even more usage of gas/electric heating with its consequent negative outcome for raw materials such as coal and oil as well as the environmental impact. <u>Over-development and Loss of Amenity</u> The Forum because of its isolated position is architecturally pleasing. This isolation has been somewhat lost by the creation of Embassy Towers in Marshall Avenue. This pleasing modern architectural effect would be lost if it were overpowered by the proposed development with the added potential of becoming an unpleasant eyesore.	
118.	CASTLECRAG	Supports the continued preservation of Griffin Conservation Area. <u>Car parking</u> There are more and more developments where the development excavates underground for a large garage and builds two storeys on top of the "natural ground level" resulting in a massive 3 storey building in defiance of the DCP that states 1.5 to 2 storeys maximum. I recommend that garages under 2 storey dwellings fronting the street should be counted as a storey and should no longer comply. <u>Views</u>	**Comments noted.** The maximum height of a building in the Griffin Heritage Conservation Area (GHCA) is 8m. This development standard prevails over any other controls under the draft WDCP. However, the Management Policies for the GHCA requires buildings to be highly articulated in plan and elevation. The controls state that buildings should generally comprise 1-1.5 storeys, with a maximum 2 storeys, and

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		New development should be designed to prevent view loss to the public from the public space network that is one of the main characteristics of the heritage protected urban subdivision pattern. <u>Fences</u> A few years ago the NSW Government introduced the regulation to have 1800mm fences for pools if the fence was on a boundary. A number have been installed already backing onto a reserve and walkways, and if they proliferate much more they have the potential of destroying the open "shared" landscape that was the Griffins objective at Castlecrag. I recommend that the DCP specify that swimming pools should be located well back from the public reserves and walkways to ensure that a 1200mm high swimming pool fence is installed and not an 1800mm high fence that is required for swimming pool fences on boundaries.	the massing of new developments should respect the Griffins' objective to have the built form subordinate to the landscape. These matters are taken into consideration in the development assessment of a proposed development. Residential properties within the Griffin Heritage Conservation Area (GHCA) are zoned C4 Environmental Living. A development application is required for the construction of a swimming pool and boundary fences. Any approval for a swimming pool in the GHCA includes a condition that requires the barrier of the proposed swimming pool to have a maximum height of 1500mm and setback a minimum 900mm from the boundary of a public reserve or pathway. However, under Subdivision 30 of the State Environmental Planning Policy (Exempt and Complying Development Codes 2008, a child-restraint barrier can be constructed as exempt development in accordance with the Swimming Pools Act 1992. In accordance with this Act a 1.8m high opaque child restraint barrier can be constructed without Council approval, effectively creating a de facto boundary fence.

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			In relation to fences, it is proposed that pools should be located well back from the boundaries of properties adjoining public walkways and reserves to avoid 1.8m high fences. Whilst an increase in the setback requirement may not necessarily prevent the erection of a 1.8m high child restraint barrier in accordance with the Swimming Pools Act 1992, it may encourage proponents to comply with the objectives of the Griffin Heritage Conservation Area if the following requirements are included as a condition of development consent: The construction of a swimming pool and child restraint barrier must satisfy the objectives of the Griffin Heritage Conservation Area, in particular: i.the child restraint barrier should have a maximum height of 1500mm ii.the barrier must be setback a minimum 3m from a side or rear property boundary adjoining a public reserve or pathway iii.a minimum 2m wide landscaped area adjacent to a side or rear property boundary must be densely planted to screen the swimming pool and surrounds from an adjoining public reserve or pathway

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			iv.the landscaped area must comprise plants that cannot facilitate climbing These additional provisions have been included as a recommendation to Council to amend Part H of the draft WDCP. <u>Submission summary</u> Griffin Conservation Area = garages under2 storey dwellings fronting a street should be counted as a storey View loss from public spaces Fences – NSW enables 1800mm for pools on boundary – destroys open landscape
119.	CASTLECRAG	FBL - essential that it remains unchanged by changing the planning controls. Castlecrag Parking - Castlecrag is poorly served by public transport, and the village area can only be reached by walking steep hills. The village is a hub of the community. The draft DCP should be amended to increase the parking target to apply to the Quadrangle development on Edinburgh Rd beyond the presently proposed 1 space / 33 sq metres of retail space. The small parking area at the east end of the village shops must permanently be retained and not turned into an unnecessary park.	**Comments noted.** Car parking will be replaced in the Quadrangle development In relation to car parking numbers generally, the planning proposal for the redevelopment of The Quadrangle (100 Edinburgh Rd) proposes 157 parking spaces in total. This includes 74 parking spaces for retail, 16 shared/visitor parking spaces and 67 residential parking spaces. It is understood that retail and visitor parking spaces would be ticketed (i.e. time restrictions will apply) and therefore will not be available for commuters to park all day.

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			According to the proponent's Traffic Review, a minimum of 147 parking spaces are required for the proposed development under Council's existing Willoughby Development Control Plan (DCP) parking rates. According to Council's calculations, this number is in fact 156. Using either number, the proposal would be in compliance. It is noted that should this proposal ultimately be approved at DA stage, there would be a lower number of parking spaces to service the commercial / retail component of the development (90 parking spaces compared to 117 in the existing Quadrangle car park). It is also noted that under the revised parking rates as exhibited in draft Willoughby DCP, the parking requirement would be even lower (53). However, like all DCP parking rates, these targets should be considered as base/default rates. Given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment, Council would require the proponent to provide a merit-based transport assessment of the

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			proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the development. This would likely include a parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate understanding of existing and future parking demand. <u>Submission summary</u> FBL should remain as is More parking requirement in DCP required Objects to loss of park at The postern
120.	HYECORP LANE COVE NORTH	168-170 Epping Road. PP proposes to introduce C2 Environmental Conservation to the site. However, the proposed C2 bisects the south part of the site along the LGA boundary. This is assumed to be a drafting error noting the Planning Proposal states that the changes proposed within the draft WLEP will not result in loss of developable industrial land. It is requested that this anomaly be corrected in the final comprehensive WLEP to have the C2 zone follow the current vegetated areas along Lane Cover River foreshore only and the remaining areas be IN2 zone as per existing. The proposed draft WLEP instrument available on Council's 'have your say' exhibition page does not include the C2: Environmental Conservation zone within the Land Use Table.	**Amend the C2 Environmental Conservation zone to follow the Lane Cove River frontage.** Noted that the proposed zoning coincided with the LGA boundary. The site is bisected by the Willoughby and Lane Cove councils. A small section of industrial land along the Lane Cove River is proposed to be rezoned to C2 to provide riparian protection.

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			The proposed C2 zoning was therefore intended to follow the river frontage and should be corrected. The C2 zone is a name change from the E2 zone. This change was implemented by NSW State Government. It is noted that at the time of exhibition, the name change had not been updated on the NSW Legislation website. This change has now occurred on the NSW Legislation website. <u>Submission summary</u> Zoning amendment for 170 Epping Road
121.	KEYLAN ON BEHALF OF CLIENT	Artarmon Industrial Estate. Provides background info on client company credentials. Manages warehouses, large scale logistics facilities, business and office parks. Experience in the emergence of multi-level industrial development reflecting the increasing shortage of available industrial land. Provides example of previous multi-level industrial warehousing involved with. Itemises the proposed controls that IN2 sites over 1,000m are proposing to change from 1.5:1 to 2:1, Notes that this does not apply to IN2 land at Campbell Street and Broadcast Way. Notes that child care centres are a proposed prohibited use. IN1 zoned land comprises the majority of the Artarmon industrial area and plays a more significant role in providing for the industrial and urban services needs of the North District as a result. Therefore, noting the pressures facing industrial land within the Willoughby LGA and demand for industrial floorspace within this locality, we recommend the proposed FSR increase to 2:1 be expanded to the IN1	**Not currently supported.** Do not support expanding the proposed FSR increase from 1.5:1 to 2:1 for sites greater than 1000m^2 to include land zoned IN1 General Industrial as this would be inconsistent with the adopted *Willoughby Industrial Lands Strategy*. It is noted that the employment land reform proposes to combine IN1 and IN2 zones, however it is proposed to map the existing IN2 areas in WLEP 2022 to confirm where the increased FSR of 2:1 for larger sites would apply.

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		General Industrial zone. Additionally, it is recommended that the maximum 45% site coverage area requirement which applies to Area 6 be removed from the Draft WLEP, noting that efficient industrial development often requires greater ground plane site coverage. An increased FSR of 2:1 across both the IN1 and IN2 zones will allow for the Artarmon Industrial Area to be more flexible and adaptable to future trends (such as multi-level industrial development) and new technologies. It will also improve the feasibility of retaining this land for traditional industrial purposes, thus protecting it from competing uses. This approach will encourage greater land consolidation and redevelopment to revitalise the precinct. Highlights specific DA approvals to illustrate an emerging trend of higher densities in Artarmon Industrial Area. Commends Part E of the Draft DCP noting it provides sufficient flexibility to allow industrial sites to be adaptable and does not prescribe overly strict setback or landscaping controls which would restrict the feasibility of industrial redevelopment. Recommendations: 1 Expand the proposed FSR increase from 1.5:1 to 2:1 for sites greater than 1,000 m2 to include land zoned IN1 General Industrial 2. Remove the maximum 45% site coverage requirement in Area 6 under Clause 4.4A 3. Ensure the Draft WDCP continues to allow flexibility for industrial development	Removing maximum 45% site coverage requirement in Area 6 under Clause 4.4A is also not supported at this stage. Note that this part of IN2 land at Campbell Street and Broadcast Way was subject to a previous planning proposal and is subject to its own lot clause and site coverage which is carried over into WLEP 2022. The DCP provides sufficient flexibility for new development in industrial areas consistent with zone objectives. <u>Submission summary</u> 1 Expand the proposed FSR increase from 1.5:1 to 2:1 for sites greater than 1,000 m2 to include land zoned IN1 General Industrial 2. Remove the maximum 45% site coverage requirement in Area 6 under Clause 4.4A 3. Ensure the Draft WDCP continues to allow flexibility for industrial development
122.		Please get rid of the heritage and conservation zoning on houses that are not heritage.	**Comments noted.** In order to retain a level of consistency and certainty of the built form in a

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			Heritage Conservation Area, the whole area is subject to the same controls. This is particularly important when any new development is proposed, as new development should be designed to respect neighbouring buildings and the character of the area, so as to retain the heritage significance of the whole Heritage Conservation Area. <u>Submission summary</u> Object to non-contributory houses in conservation areas
123.	ARTARMON	Commends Council on acknowledging the role that car share plays in reducing vehicle ownership rates. GoGet has partnered with Willoughby since 2006, so far enabling over 3500 residents and local businesses to reduce their reliance on private vehicles, freeing up on street parking and reducing emissions. Recommends that any mention of "dedicated spaces for the exclusive use of building occupiers" be removed from the WDCP. It is crucial that onsite carsharing services be openly accessible to all verified and active members of the carshare service so that the entire community can reap the benefits of a car-free lifestyle. Furthermore, exclusive carshare places a burden on the Strata (or additional upfront costs on the Developer) who have to fund a service that may or may not get used, thus decreasing the affordability benefits that onsite carshare brings. With open access carshare it becomes the carshare operators' responsibility to ensure there is uptake and usage of the service to make it viable. One of the key benefits of joining a carshare service is to have access to the city-wide network of carshare vehicles wherever you may need one. Should the vehicle onsite your building be unavailable, residents will have the option of many other vehicles within a close walking distance. By comparison, exclusive carshare	**Comments noted.** Some of these changes have been incorporated in the draft DCP Part 5.7 DCP The draft WDCP does not require dedicated car share spaces to be provided for new developments. However, section 5.7 under Part F – Transport and Parking Management, provides an option for car share spaces to be provided on site. This submission, lodged on behalf of the private car share company, included detailed information about the operation of car share schemes and made a number of recommendations to improve

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		will not be able to meet the building's peak demands (e.g. Saturday afternoon) leaving onsite residents stranded without a viable alternative to private car ownership when they really need one There is a growing demand for on-street space within Willoughby communities. Less and less of this valuable space is being allocated to vehicle parking in favour of uses that are of greater benefit to the community (such as pedestrian/cycling infrastructure and on-street dining initiatives). Therefore, the on-street carshare network won't be able to grow in sufficient response to the future demand of the residents living in and around these apartment developments. Open-access onsite carshare enables carshare providers to meet the needs of the growing demand base without overburdening Council and the on-street network. Great to see the DCP is encouraging car share as a mechanism to reduce on-site parking provision for new apartments. Private parking adds between $50,000 – $250,000 to the cost of a dwelling. Recommends a best practice guideline for onsite car share provision. The optimal carshare parking controls for new property developments are: • one carshare vehicle for every 10-15 units without a parking space (dependent on proximity to public transport and existing carshare network) AND; • one carshare space for every 100 two-bedroom-plus units that only have one parking space • Reason: These provision ratios are the ideal starting point from the perspective of both the developer and the carshare service provider. These rates have been approved in Land and Environment court cases. • There are currently no design guidelines for the location of carsharing vehicles onsite an apartment development in the WDCP. Recommends:	accessibility to car share vehicles. The submission recommended that car share vehicles should not be for the exclusive use of building occupiers, and open access to onsite car share spaces will help meet the growing demand for car share vehicles. Based on the advice and information provided in the submission, and a review of other Council controls, it will be recommended to Council that Sections 5.7 of Part F (Transport and Parking Management) under the draft WDCP be amended to allow public access to car share spaces on private properties. The recommended changes will include controls to ensure the land title will allow public access via covenants, building or strata management statements, by-laws or any other necessary instrument. <u>Submission summary</u> Specific recommendations to amend the DCP to ensure specific number of car share spaces are located on site

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		• Locating the carshare spaces in front of roller shutter/security gate where possible - this removes the need for access control and helps facilitate 24/7 access of the service • Ensure there is well-planned wayfinding and safe pedestrian access to the carshare spaces • Mobile signal in the carshare spaces - this enables the carshare vehicles to stay connected to the booking platform (and is also an important aspect for safety reasons) The WDCP states that "At this stage Willoughby City Council does not require a dedicated car share space to be provided for a new development". GoGet strongly recommends that Willoughby Council begins to enforce the provision of onsite carshare within suitable new developments across the municipality. Particularly when onsite carshare is used to facilitate a parking reduction, there must be a viable and accessible alternative to private car ownership onsite from the day the future residents move in. Furthermore, it is important for carshare conditions to be enforceable to ensure that the Responsible Authority can verify that developers, and subsequent owners corporations, have entered into an agreement with a carshare operator to fulfil the requirement. The use and operation of the carshare spaces must be managed by the owner or contracted by the owner to a carshare operator to the satisfaction of Council. The use and operation of the carshare space(s) must be accommodated in the titling and management of the Residential Development, including covenants, building or strata management statement, by laws and other instruments before the issue of an Occupancy Permit, and must provide for: 1. Free use of the carshare space(s); 2. Provision of spaces which are easily accessible and have adequate mobile phone reception 3. Access at all times to the carshare vehicle for all carshare members; and 4. Insurances, including public liability 5. Evidence of operation of carshare to Council/the Responsible Authority	

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		Reason: to ensure the provision of legal access to the designated off-street car parking space for carshare users/members from the day the development is launched. This means that future residents can move into these new development precincts without having to bring their private vehicles with them.	
124.	ARTARMON	There are increasing inconsistencies in the interpretation of the WDCP by Council Development Officers. This has resulted in a lack of confidence by the community. Many Council Development Officers are new to the concept of heritage conservation areas no longer have experienced colleague to refer to and are left isolated to make development determinations with little support. A document is required which provides a definition of terms used in the LEP / DCP (not all are defined) as well as a model of the real world implementation of the lep / dcp rule as they are currently interpreted. The interpretation could be varied over time without the need to go back to the LEP/DCP for minor variations. This would greatly assist the Councils Development Officers to provide consistent outcomes and provide the community with guidance as to how a Development Application would be interpreted, and eventually approved or rejected by council. It was generally understood that demolition of older homes in HCAs was not permitted. Demolition requests were rejected and maintenance of external features and streetscapes were enforced. Recent interpretation of Part H, demolition is permitted if: "it is beyond repair, and evidence that stabilisation and/or the retention of the building or structure is unreasonable" For the first time in many years there are a number of development applications seeking total demolition now before council and several already approved. This recent change in the interpretation of the DCP is an aberration that is negatively impacting the Artarmon real estate market.	**Comments noted.** A number of submissions raised concerns regarding demolition of dwellings in the Artarmon Heritage Conservation Area. Concerns were cited around the 'loophole' available to property owners and developers to leverage / justify approval for demolition through obtaining a structural engineers report, based on factors relating to instability caused by the clay substrata on which dwellings are built in the Artarmon HCA and associated impacts to the dwelling. Council is cognisant of this issue addressing it through strengthening its heritage controls in the DCP. Section 2.4 under Part H – Heritage Items and Heritage Conservation Areas, deals with 'Demolition'. it is considered that the wording of the DCP, in relation to requirements for an application for total or partial demolition of buildings in a heritage conservation area could be strengthened to ensure that it is more clearly understood that only in

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		Willoughby City Council and the Willoughby Planning Panel should be providing consistent interpretation of the DCP allowing the market to determine the price of the "renovators delight". The council must continue to enforce a ban on total demolition that has been in place for 30 years and allow the market to determine the cost to restore the façade of the building, even to the point where the amount of work is so great that the maximum bid value is below that of the land value. No building is beyond recovery, it's just a matter of how much it costs. What is required is a document called the "Willoughby Development Control Plan - Definition and Rules of Interpretation". E.g. the terms Stabilisation and Unreasonable are not defined. Without a set of definitions and the rules by which they are interpreted the DCP remains open to inconsistences. The document would also be a live document, unlike the LEP and DCP, which means it can change over time with the movement of the market demands and provide relevance to the LEP and DCP through their lifecycle. This approach allows the Draft LEP / DCP to remain unchanged with the Definition and Rules of Interpretation providing Willoughby City Council with the ability to provide additional clarity through extended definitions, that the LEP and DCP currently require. The proposed changes to Artarmon Local Centres Strategy will result in the Status Quo with no substantial change resulting from the proposed increase. Recommend a defined building envelope that would run from the top of the existing unit blocks to the rear of the shops, down the maximum structure height in the rail corridor, which is at present the new Sydney Rail Station lifts. Then proceeding back up the hill to align with the top of the units fronting Elisabeth St. This will allow for increased height to resolve making a new development economically viable, rack back the leading edge of the units above the shops so as	the most exceptional circumstances, buildings would be granted approval for demolition in a heritage conservation area. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure demolition only occurs in the most exceptional circumstances. Other general DCP comments noted. The proposed affordable housing contribution rate of 10% is based on a detailed feasibility analysis report and is considered to be a reasonable and achievable rate for the Chatswood CBD consistent with Council's Local Strategic Planning Statement (LSPS). It is noted that significant increase in building heights and floor space ratios are proposed for the Chatswood CBD and therefore it is reasonable that the affordable housing

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		to remove the imposing vertical height issue, while also allowing the developers of the unit blocks fronting Elisabeth St increased height to the rear. The use of the concept of a building envelop removes the unit "Sticks" effect and smooth's the development around the town centre while delivering the outcomes the community and developers require. 10% affordable housing is not well defined and will limit viability. Recommends special clauses for Artarmon HCA: • Consistent colour schemes across buildings, not half and half across titles as it the current situation. • Removal of all signage above the line of the shop's awning. • Replacement of the building names and dates to the front of the buildings. • Replacement of the awnings over the second story windows.	contribution is provided within the approved height and FSR. Based on the feasibility analysis completed for Council, it is proposed to reduce the affordable housing contribution in the Artarmon local centre from 10% to 7%. <u>Submission summary</u> No demolition in Artarmon Conservation area New terms definition Local centres control not viable 10% affordable not well defined and could impact viability Specific conservation controls for DCP
125.	CASTLECRAG	Concerned about the proposed loss of parking in Castlecrag. The lack of spaces will put a strain on locals' parking. To drive to Edinburgh Road to catch public transport now, we already need to park starting from 2 blocks away. Commuters rightly take up all available spaces extending beyond Glenaeon school and down to Sunnyside Ave. With the loss of these spaces there will be virtually nowhere for shoppers to park. Please give consideration to extending the car parking numbers to cater for local traffic, local shoppers and visiting shoppers. Without lifting the car parking numbers, this could kill this shopping precinct.	**Comments noted.** In relation to car parking numbers generally, the planning proposal for the redevelopment of The Quadrangle (100 Edinburgh Rd) proposes 157 parking spaces in total. This includes 74 parking spaces for retail, 16 shared/visitor parking spaces and 67 residential parking spaces. It is understood that retail and visitor parking spaces would be ticketed (i.e. time restrictions will apply) and therefore

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			will not be available for commuters to park all day. According to the proponent's Traffic Review, a minimum of 147 parking spaces are required for the proposed development under Council's existing Willoughby Development Control Plan (DCP) parking rates. According to Council's calculations, this number is in fact 156. Using either number, the proposal would be in compliance. It is noted that should this proposal ultimately be approved at DA stage, there would be a lower number of parking spaces to service the commercial / retail component of the development (90 parking spaces compared to 117 in the existing Quadrangle car park). It is also noted that under the revised parking rates as exhibited in draft Willoughby DCP, the parking requirement would be even lower (53). However, like all DCP parking rates, these targets should be considered as base/default rates. As noted, given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment,

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			Council would require the proponent to provide a merit-based transport assessment of the proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the development. This would likely include a parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate understanding of existing and future parking demand. <u>Submission summary</u> Loss of parking in Castlecrag
126.	NORTHBRIDGE	Regarding Northbridge changes to zoning, heights and FSRs at 1-27 Baringa Road, 1 and 3 Nulgarra Street and 1-27 Sailors Bay Road. Concerns are the impacts on my residence at Nulgarra Street, Northbridge in several areas including: • Shadowing due to increased heights • Traffic impacts from substantially increased number of cars using Baringa and Baroona Roads between Nulgarra St and Strathallen Avenue. Cars already bank up at peak times waiting to enter Strathallen Avenue. • Reduced privacy from balconies overlooking our home	**No change.** Changes are consistent with the *Willoughby Local Centres Strategy 2036*. The *Willoughby Local Centres Strategy 2036* aims to allow for future growth in local centres including Northbridge and was adopted by Council after careful consideration of adjoining uses and community views. Future DAs on these sites will require a more detailed assessment of local impacts on neighbouring uses.

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			Submission summary Objects to zoning and height changes in Baringa Road: Overshadowing Increased traffic Reduced privacy from balconies
127.	CASTLECRAG	Draft DCP as it applies to 'target' parking rates in the Castlecrag Quadrangle Centre on Edinburgh Rd to be amended beyond the proposed 1 space/33 square metres. There are currently 117 public car spaces for the Quadrangle Centre. Under the draft DCP there would be 53 spaces, a reduction of 64 public car spaces, for the soon to be built new Quadrangle Centre. Council's parking policy under the draft DCP to reduce the reliance on cars is admirable, but for the following reasons this is simply not practical in relation to the Castlecrag Quadrangle Centre which is an exceptional case, justifying an increase in parking target rates: Most Castlecrag residents need to park at the Quadrangle Centre for shopping in Castlecrag or meeting friends for coffee or a meal in Castlecrag because: Most of Castlecrag is on a peninsular having a number of steep and windy streets; There is little to no public transport for residents travelling between their homes on the peninsula and the shopping centre; Walking for many residents to and from the shops is simply not an option, e.g. for the elderly, disabled, parents with young children and in fact most Castlecragians if carrying heavy shopping bags;	**Comments noted.** In relation to car parking numbers generally, the planning proposal for the redevelopment of The Quadrangle (100 Edinburgh Rd) proposes 157 parking spaces in total. This includes 74 parking spaces for retail, 16 shared/visitor parking spaces and 67 residential parking spaces. It is understood that retail and visitor parking spaces would be ticketed (i.e. time restrictions will apply) and therefore will not be available for commuters to park all day. According to the proponent's Traffic Review, a minimum of 147 parking spaces are required for the proposed development under Council's existing Willoughby Development Control Plan (DCP) parking rates. According to Council's calculations, this number is in fact 156. Using either number, the proposal would be in compliance.

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		There is little available parking in the streets nearby the Quadrangle for those driving to the Quadrangle due to: (i) many residents having insufficient off street parking for themselves and certainly visitors, and (ii) many Castlecragians parking their cars during week days close to the bus stops/ near the Quadrangle in order to catch the bus to work. 2. When the current Quadrangle was fully occupied (unlike now while it is waiting to be demolished) the car park was full most of the time for six days a week. 3. Several proposed new developments have/will inevitably cause increased parking congestion around the Quadrangle Centre; • Most of the 59 luxury apartments proposed for the Quadrangle will have only one dedicated car space. Many residents will have two cars and they will host guests. Where will the additional cars be parked? • Car spaces recently used by the public have already been lost due to the recent development at 3 The Postern; • The proposed Marion's Park outside the Griffin Centre would likely result in the loss of a further eight public car spaces; • Proposed development opposite the Quadrangle on the northern side of Edinburgh Rd will also undoubtedly require additional offsite parking for residents and guests of the proposed new apartments. Castlecrag Quadrangle Centre is an exceptional case, thereby justifying an increase in parking target rates, applicable to that site under the draft DCP, to at least its present rates.	It is noted that should this proposal ultimately be approved at DA stage, there would be a lower number of parking spaces to service the commercial / retail component of the development (90 parking spaces compared to 117 in the existing Quadrangle car park). It is also noted that under the revised parking rates as exhibited in draft Willoughby DCP, the parking requirement would be even lower (53). However, like all DCP parking rates, these targets should be considered as base/default rates. As noted, given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment, Council would require the proponent to provide a merit-based transport assessment of the proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the development. This would likely include a parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			understanding of existing and future parking demand. <u>Submission summary</u> Objects to reduction in parking rates at Castlecrag
128.	CASTLECRAG	Due to the poor public transport options available in Castlecrag, it is really important that we maximise the amount of car parking spaces for public parking at Castlecrag shops.	**Comments noted.** In relation to car parking numbers generally, the planning proposal for the redevelopment of The Quadrangle (100 Edinburgh Rd) proposes 157 parking spaces in total. This includes 74 parking spaces for retail, 16 shared/visitor parking spaces and 67 residential parking spaces. It is understood that retail and visitor parking spaces would be ticketed (i.e. time restrictions will apply) and therefore will not be available for commuters to park all day. According to the proponent's Traffic Review, a minimum of 147 parking spaces are required for the proposed development under Council's existing Willoughby Development Control Plan (DCP) parking rates. According to Council's calculations, this number is in fact 156. Using either number, the proposal would be in compliance.

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			It is noted that should this proposal ultimately be approved at DA stage, there would be a lower number of parking spaces to service the commercial / retail component of the development (90 parking spaces compared to 117 in the existing Quadrangle car park). It is also noted that under the revised parking rates as exhibited in draft Willoughby DCP, the parking requirement would be even lower (53). However, like all DCP parking rates, these targets should be considered as base/default rates. As noted, given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment, Council would require the proponent to provide a merit-based transport assessment of the proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the development. This would likely include a parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate understanding of existing and future parking demand.

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
129.	CASTLECRAG	I strongly believe the Draft DCP as it applies to 'target' parking rates at the Castlecrag Quadrangle Centre should be amended to increase the proposed 53 public car spaces to at least the current 117 public car spaces (and ideally more). The proposed parking is just not adequate for locals shopping local. For reasons I give below, the Quadrangle Centre is an exceptional case in justifying an increase in parking target rates: Residents, and guests of the proposed 59 luxury new Quadrangle apartments will probably take some of the inadequate current provision for their parking and will overflow into the retail space. To suggest public car spaces under the draft DCP could be reduced from the current 117 is unimaginable! It would result in a vibrant retail built environment being abandoned by the locals when they cannot easily park their people movers near the shops. Public transport exists for those commuting to and from the Crag. However, it is virtually non-existent for the main users of the Quadrangle Centre. Back when the centre was operating with a vibrant retail sector it was regularly parked out Alternate parking is currently inadequate in our village centre with council also having passed a motion to eliminate the current general and accessible parking outside the Griffin Centre. The apartments currently being constructed at 3 The Postern next to the Griffin Centre have eliminated the adjacent retail parking that was until recently used by the public. New residents at 3 the Postern may have more than one vehicle and with no additional allowance being provided in their premise will be forced to park off site adding to the congestion.	**Comments noted.** In relation to car parking numbers generally, the planning proposal for the redevelopment of The Quadrangle (100 Edinburgh Rd) proposes 157 parking spaces in total. This includes 74 parking spaces for retail, 16 shared/visitor parking spaces and 67 residential parking spaces. It is understood that retail and visitor parking spaces would be ticketed (i.e. time restrictions will apply) and therefore will not be available for commuters to park all day. According to the proponent's Traffic Review, a minimum of 147 parking spaces are required for the proposed development under Council's existing Willoughby Development Control Plan (DCP) parking rates. According to Council's calculations, this number is in fact 156. Using either number, the proposal would be in compliance. It is noted that should this proposal ultimately be approved at DA stage, there would be a lower number of parking spaces to service the commercial / retail component of the development (90 parking spaces compared to 117 in the

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		Questions if the parking provision in the development on the Northern side of Edinburgh Road will meet the needs of the residents, retail staff and provide easy access for customers. This area does not provide sufficient street parking for Crag residents now to visit the various retail outlets, let alone with the increased development. Parking is the critical decision to shop locally or a dash to the adjacent retail centres. Reduced parking will directly adversely reflect on the viability of our new Castlecrag village and therefore on Castlecrag as a whole. The shopping village is the heart of Castlecrag.	existing Quadrangle car park). It is also noted that under the revised parking rates as exhibited in draft Willoughby DCP, the parking requirement would be even lower (53). However, like all DCP parking rates, these targets should be considered as base/default rates. As noted, given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment, Council would require the proponent to provide a merit-based transport assessment of the proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the development. This would likely include a parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate understanding of existing and future parking demand.
130.	CASTLECRAG	Certain areas need strengthening in order to adequately protect the heritage and amenity the Griffins created. We must protect the open "shared" landscape that was the Griffins objective at Castlecrag. Particularly, that garages under 2 storey dwellings fronting the street will be counted as a storey to minimise the increasing heights of some buildings in Castlecrag. New developments should be	**Comments noted.** The maximum height of a building in the Griffin Heritage Conservation Area (GHCA) is 8m. This development standard prevails

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		designed to prevent view loss to the public from a public space network. This is one of the main characteristics of the heritage protected urban subdivision pattern. The DCP should specify that swimming pools should be located well back from the public reserves and walkways to ensure that a 1200mm high swimming pool fence is installed and not an 1800mm high fence.	over any other controls under the draft WDCP. However, the Management Policies for the GHCA requires buildings to be highly articulated in plan and elevation. The controls state that buildings should generally comprise 1-1.5 storeys, with a maximum 2 storeys, and the massing of new developments should respect the Griffins' objective to have the built form subordinate to the landscape. These matters are taken into consideration in the development assessment of a proposed development. Residential properties within the Griffin Heritage Conservation Area (GHCA) are zoned C4 Environmental Living. A development application is required for the construction of a swimming pool and boundary fences. Any approval for a swimming pool in the GHCA includes a condition that requires the barrier of the proposed swimming pool to have a maximum height of 1500mm and setback a minimum 900mm from the boundary of a public reserve or pathway. However, under Subdivision 30 of the State Environmental Planning Policy (Exempt and Complying Development Codes 2008, a child-restraint barrier can be constructed as exempt development in

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			accordance with the Swimming Pools Act 1992. In accordance with this Act a 1.8m high opaque child restraint barrier can be constructed without Council approval, effectively creating a de facto boundary fence. It is proposed that pools should be located well back from the boundaries of properties adjoining public walkways and reserves to avoid 1.8m high fences. Whilst an increase in the setback requirement may not necessarily prevent the erection of a 1.8m high child restraint barrier in accordance with the Swimming Pools Act 1992, it may encourage proponents to comply with the objectives of the Griffin Heritage Conservation Area if the following requirements are included as a condition of development consent: The construction of a swimming pool and child restraint barrier must satisfy the objectives of the Griffin Heritage Conservation Area, in particular: i. the child restraint barrier should have a maximum height of 1500mm ii. the barrier must be setback a minimum 3m from a side or rear property boundary adjoining a public reserve or pathway

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			iii. a minimum 2m wide landscaped area adjacent to a side or rear property boundary must be densely planted to screen the swimming pool and surrounds from an adjoining public reserve or pathway iv. the landscaped area must comprise plants that cannot facilitate climbing These additional provisions have been included as a recommendation to Council to amend Part H of the draft WDCP. <u>Submission summary</u> Castlecrag – garages under 2 storey dwellings should be counted as a storey Swim pool fence heights in DCP.
131.	CASTLECRAG	The Draft DCP should be amended to significantly increase the "target" parking rates which apply to the Castlecrag Quadrangle on Edinburgh Road, beyond the presently proposed 1 space/33 square metres of retail space. The Quadrangle will shortly be redeveloped. The "target" parking rate for that space under the Draft DCP = 1740/33 = 53 spaces. The adoption of the Draft DCP will almost certainly cause the loss of 64 public car spaces in the redeveloped Quadrangle, relative to the present Quadrangle parking of 117 spaces. There little prospect that Council would require the Quadrangle developer to provide public spaces beyond the "target" rate. Reduction of vehicular traffic to improve amenity should be achieved by means other than an irreversible reduction parking spaces.	**Comments noted.** Council recognises the importance of car parking to support the Castlecrag local centre. Council has proposed to redevelop the car park at the corner of Edinburgh Rd and the Postern into a public open space. While this would result in the removal of the eight existing car parking spaces in this location, it is intended to incorporate these eight spaces into the redevelopment of the Quadrangle shopping centre (which is

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			currently in the Planning Proposal stage). Council will be creating a Voluntary Planning Agreement (VPA) with the developer/site owner to ensure these parking spaces are accommodated in the redevelopment. With regard to parking generally associated with the proposed redevelopment of the Quadrangle, as part of both the Planning Proposal process (and any future Development Application) a traffic and transport impact assessment is to be provided. This report will need to demonstrate that a sufficient number of parking spaces can be built on the site to service the development. This will be in line with Council's car parking rates in Willoughby Development Control Plan (DCP). However, like all DCP parking rates, these targets should be considered as base/default rates. As noted, given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment, Council would require the proponent to provide a merit-based transport assessment of the proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
			development. This would likely include a parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate understanding of existing and future parking demand. <u>Submission summary</u> Object to reduction in parking in Castlecrag
132.	TRIO PROPERTY GROUP ON BEHALF OF CLIENT	Site has an area of 592m² and is zoned R3. Clause 6.10 requires a min lot size of 1100m². Future development of the site for attached dwelling, multi dwelling housing or residential flat building aligns with the land zoning of the site and complements adjacent developments. Future development of this site would assist Council achieve its housing targets and would create additional dwellings along a key transport corridor (Brook St-Warringah Freeway). The site is a residue lot which is left over from the development of the neighbouring residential flat building development on Brook Street. The site is 592 sqm and currently would not meet the minimum lot size development standard of the WLEP 2012. The site is effectively sterilized from future development due to its isolation. Recommend 6.10 includes a site specific amendment as follows: (g) 590 square metres for land at 2 Marks Street, Naremburn, being Lot 1, DP 942853).	**No change.** **No change proposed to minimum lot size in R3 zone.** Site specific amendment to 6.10 to lower the minimum lot size in R3 for the site is not supported. A future DA such as for attached dwellings could be considered on its merits under WLEP Clause 4.6

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133.	NORTHBRIDGE	Understands and supports the need to amend heights in commercial zones. Commend making more provision for landscaping. Proposed to increase height of buildings from 86-118 Sailors Bay Road and 1-27 Baringa Road, Northbridge Concerns re the following: • Increase in traffic on Sailors Bay Road and Strathallen Avenue (from Baringa Road). • Traffic is already at saturation levels from the intersection of Strathallen Avenue & Sailors Bay Road to Eastern Valley Way to Alpha Road. • Shore Playing Fields on Sailors Bay Road and Alpha Road are another source of pedestrian congestion. • It would benefit safety concerns if a 40km zone were to be implemented as soon as possible. Concerns about the loss of amenity and overshadowing and lack of privacy. This will particularly impact those living in units in the buildings facing west, on the corner of Sailors Bay Road and Baringa Road, adjacent to number 118 Sailors Bay Road. Once roofs are added to the new building heights it is almost the equivalent of adding another storey. Request that flat roofs have been considered (or could be made mandatory) for future developments. There are many examples already in Northbridge that are aesthetically pleasing	**No change.** The *Willoughby Local Centres Strategy 2036* aims to allow for future growth in local centres including Northbridge and was adopted by Council after careful consideration of adjoining uses and community views. Future DAs on these sites will require a more detailed assessment of local impacts on neighbouring uses.
134.	APLUS DESIGN GROUP RE 272 VICTORIA AVENUE CHATSWOOD	Provides detailed site context /precinct analysis. Questions the forecast to 2036 Census information in light of the Covid pandemic which has changed life and work patterns. Need for new housing model with decentralised approach increasing the demand of housing in the community. Recommends expanding the mixed use area to include the subject site.	**Not supported.** Not supported as is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy 2036*. <u>Submission summary</u>

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		Part of the CBD commercial B3 zone is based on merit-based control of no maximum Floor Space Ratio and we recommend the same approach to apply for the subject site given it is located on the high retail Victoria Avenue. We believe corner sites have greater ability to express frontages and hence can be designed for a sensitive pedestrian environment. Indeed, it would provide more sensitivity towards providing a better interface between buildings and encourage balanced development. The statistics on which the Chatswood CBD Strategy relies on is outdated and should not be relied upon. Providing affordable housing is not the solution and the framework needs to be reconsidered. The strategy does not fully address the growing residential demand in the CBD. The demand for new office buildings has been replaced with a growing culture of working from home. Recommend merit based Floor space ration and encourage lot amalgamation based on street frontage for this subject site to promote a sustainable balance between economy and liability of the region. <u>Attached articles:</u> ABC news - Residential rental prices in Sydney. Urban Task Force – Chatswood is no longer the CBD of choice. Willoughby Council continues to dig their heels with no residential development in the B3 zone. Australian Institute of Health and Welfare – initially anticipates housing system impacts of the Covid 19 Pandemic. Financial Review – How Covid 19 changed the Australian housing market. Recommended urban form: 1. Encourage amalgamation of smaller lots along Victoria Avenue.	Proposed B4 Under min lot size Requests merit based FSR Not a previous pp Has uplift Expect amalgamation

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		2. Reduce shadow impact on southern residences through slimmer towers (fast moving shadow). 3. Provide smooth build form transition from Victoria Avenue to low scale residential precinct. 4. Defined Gateway into Chatswood Town Centre 5. Achieve better development outcome for large single ownership sites (i.e. Westfield) For Chatswood, the following requirements are recommended for built form above the height of any street wall (generally 2-8 storeys). • Residential uses, serviced apartments and hotels: Floor plate sizes should be as a maximum 700sqm Gross Floor Area (GFA) per floor (approx. 20*45m maximum envelope). • Other commercial uses: Floorplates for commercial towers should be restricted to a maximum 2,000sqm GFA (Gross Floor Area). To ensure a workable floorplate and well separated towers, Architectus recommends a minimum site area of 1200sqm for residential towers and 1800sqm for commercial towers. In our understanding, recommendations within the Chatswood CBD Planning and Urban Design Strategy specific to site area are appropriate for the area.	
135.	APLUS DESIGN GROUP RE 282-284 VICTORIA AVENUE CHATSWOOD	Provides site context and precinct analysis. Questions the validity and relevance of the projected statistics which was based on outdated census data from 2016 from the Chatswood CBD Strategy. Post Coved there has been an evident shift in social fabric and housing composition. There has been a noticeable increase in demand for housing. The	**Not supported.** The proposed affordable housing contribution rate of 10% is based on a detailed feasibility analysis report and is considered to be a reasonable and

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		current Chatswood higher rents and high housing prices reflects the lack of housing supply in the area. Recommends the 10% provision for affordable housing should be reduced. Rather, long-term sustainable solutions shall be proposed. The key is to increase housing supply at the marketplace instead of discouraging development via burdening the developers with demand to provide affordable housing stock. The increase in the housing supply chain would contribute to increase competition which will lead to lowering the price point and increase quality of all forms of housing. Recommends change of land use to include residential zone towards the eastern edge of Chatswood CBD boundary. This could be archived allowing residential use in the current B3 zone on the eastern part of the CBD, similar to the current Willoughby LEP 2012, as a result this would enable increased home ownership while also making rental housing more affordable. Recommend **inclusion of residential landuse** and **merit-based Floor Space Ratio** control for this subject site as a significant step to promote a sustainable balance between economy and liveability of the region. We further recommend encouragement of **lot amalgamation based on minimum street frontage** *instead of minimum lot size control of 2500m2.* The fragmented nature of land ownership discourages lot amalgamation thereby such amalgamation arrangement for the future development of the Chatswood precinct would result in an orderly managed development outcome. <u>Attached articles:</u> ABC news -Residential rental prices in Sydney. Urban Task Force – Chatswood is no longer the CBD of choice. Willoughby Council continues to dig their heels with no residential development in the B3 zone.	achievable rate for the Chatswood CBD consistent with Council's Local Strategic Planning Statement (LSPS). It is noted that significant increase in building heights and floor space ratios are proposed for the Chatswood CBD and therefore it is reasonable that the affordable housing contribution is provided within the approved height and FSR. Allowing bonus floorspace would be contrary to the intent of the Strategy. <u>Submission summary</u> Proposed B3 Recommends 10% aff housing is too high Include residential Merit based FSR Lot amalgamation based on min. street frontage Was a PP not supported Previously proposed B4 1800 min lot size would be required

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		Australian Institute of Health and Welfare – initially anticipates housing system impacts of the Covid 19 Pandemic. Financial Review – How Covid 19 changed the Australian housing market.	
136.	APLUS DESIGN GROUP RE 27 ALBERT AVENUE CHATSWOOD	Provides site context. The underlined study intends to raise question on the validity and the relevance of the projected statistics which was based on outdated census data from 2016 to form the current Chatswood CBD Planning and Urban Design Strategy 2036. With Covid 19 in play, there is a major observational change in the way we live and work changing the traditional housing composition pattern. Thus, there is a need for new housing model with decentralized approach increasing the demand of housing in the community. Recommends shifting the focus to provide Housing in the Chatswood CBD region to create a balanced approach to city living. This will ensure that new housing stock meets the changing needs of the residential community. The sustainable solution to lower the cost of housing can be deliver through increasing the housing supply to create a market surplus, which will therefore lower the land prices making housing affordable at the marketplace. This increase could be achieved through applying merit-based control that reflect the current proposed building height and envelope with no max FSR controls, reducing the requirement and demand for affordable housing to land along Victoria Avenue thereby encouraging development. Recommends merit-based Floor Space Ratio for this subject site as a significant step to promote a sustainable balance between economy and liveability of the region. <u>Attached articles:</u>	**Not supported.** Not supported as is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy 2036*. <u>Submission summary</u> Proposed B4 Recommends Merits based FSR Reduce rate for affordable housing Site has gone from 2.5:1 to 6:1

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		ABC news -Residential rental prices in Sydney. Urban Task Force – Chatswood is no longer the CBD of choice. Willoughby Council continues to dig their heels with no residential development in the B3 zone. Australian Institute of Health and Welfare – initially anticipates housing system impacts of the Covid 19 Pandemic. Financial Review – How Covid 19 changed the Australian housing market. On reviewing The Chatswood CBD Planning and Urban Design Strategy 2036, Sept 2020 the prescribed 2.7: 1 Floor Space ratio control undermines the environmental capacity that this subject site offers. On an individual site basis the site could support additional capacity and as such the current recommended FSR of 2.7: 1 limits the ability of the subject site to contribute to the housing and employment growth. Recommends merit based control to optimise the full potential of the subject site. This would require amalgamation of the subject site with the neighbouring lots and would reduce the requirement for affordable housing encouraging development.	
137.	APLUS DESIGN GROUP RE 338 VICTORIA AVENUE CHATSWOOD	Provides site context and precinct analysis. The global pandemic caused major lockdowns internationally and has disturbed the international supply chain which led to the slowing down of the housing supply. Significant impact on world logistics was a result. With rising inflation, increasing cost of materials, and increasing interest rates will certainly continue to impact the supply of housing. As a result, there is a slowdown in the forecast anticipated in the Chatswood CBD Strategy 2036 whereas the projected demand for housing stock would be more than anticipated. With Covid 19 into play, there is a major observational change in the way we live and work changing the traditional housing composition pattern. Thus, there is a	**Not supported.** Not supported as is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy 2036*. <u>Submission summary</u> Proposed B3 Recommends residential

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		need for new housing model with decentralized approach increasing the demand of housing in the community. We suggest an expand the mixed-use area to include the subject site. Recommends shifting the focus to provide Housing in the Chatswood CBD region to create a balanced approach to city living. This will ensure that new housing stock meets the changing needs of the residential community. Recommend inclusion of residential land use as a significant step to promote a sustainable balance between economy and liveability of the region. Encouragement of lot amalgamation based on minimum street frontage instead of minimum lot size control of 2500m2. The fragmented nature of land ownership discourages lot amalgamation thereby such amalgamation arrangement for the future development. <u>Attached articles:</u> ABC news -Residential rental prices in Sydney. Urban Task Force – Chatswood is no longer the CBD of choice. Willoughby Council continues to dig their heels with no residential development in the B3 zone. Australian Institute of Health and Welfare – initially anticipates housing system impacts of the Covid 19 Pandemic. Financial Review – How Covid 19 changed the Australian housing market.	Min street frontage rather than min lot size. 338-340 subject of previous planning proposal refused by Council
138.	APLUS DESIGN GROUP RE 424, 426 & 430 VICTORIA AVENUE CHATSWOOD	Provides site context and precinct analysis of the site. Raises question on the validity and the relevance of the projected statistics which was based on outdated census data from 2016 to form the current Chatswood CBD Planning and Urban Design Strategy 2036. Supports the extended boundary of the Chatswood CBD precinct to provide opportunities for a balanced community with a focus on pedestrian friendly	**Not supported.** Not supported as is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy 2036*. <u>Submission summary</u>

Sub. No.	Individual and Stakeholder: 190 Submissions	Summary	Council Response
		environment, however, recommends greater flexibility in the land use provision to cater for the demand of housing in order to address the current shortage. In conclusion, inflation and increase in construction cost has resulted in an increase of cost of living. The sustainable solution to lower the cost of housing can be deliver through increasing the housing supply to create a market surplus, which will therefore lower the land prices making housing affordable at the marketplace. This increase could be achieved through applying merit-based control that reflect the current proposed building height and envelope with no max FSR controls, reducing the requirement and demand for affordable housing to land along Victoria Avenue thereby encouraging development. Thus, we recommend inclusion of residential land use as a significant step to promote a sustainable balance between economy and liveability of the region. We further recommend encouragement of lot amalgamation to achieve 835m2 minimum lot size control instead of 2500m2 to allow development on site in phases. The fragmented nature of land ownership discourages lot amalgamation thereby such amalgamation arrangement for the future development of the Chatswood precinct would result in an orderly managed development outcome. <u>Attached articles:</u> ABC news -Residential rental prices in Sydney. Urban Task Force – Chatswood is no longer the CBD of choice. Willoughby Council continues to dig their heels with no residential development in the B3 zone. Australian Institute of Health and Welfare – initially anticipates housing system impacts of the Covid 19 Pandemic. Financial Review – How Covid 19 changed the Australian housing market.	Proposed B3 Recommends residential Lot amalgamation to 835m^2 instead of 2500
139.	APLUS DESIGN GROUP	Provides site context and precinct analysis. The site area of the subject site is 228 m2.	**Not supported.**

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	RE 394 VICTORIA AVENUE CHATSWOOD	Chances of amalgamating many small lots would discourage development to take place. Hence we recommend amalgamation of lots to achieve 925 m2 instead of 2500 sqm minimum lot size control. The suggested amalgamation pattern is to ensure the creation of more efficient floor plate and avoid site isolation. It would minimise the number of vehicle and service entrances maximizing the active street frontage. Development scenario would mean combining for 3-5 lots with an average minimum street frontage of approximately 30-40m. Thus, we recommend inclusion of residential land use as a significant step to promote a sustainable balance between economy and liveability of the region. We further recommend encouragement of lot amalgamation to achieve 925m2 minimum lot size control instead of 2500 sqm to allow development on site in phases. <u>Attached articles:</u> ABC news -Residential rental prices in Sydney. Urban Task Force – Chatswood is no longer the CBD of choice. Willoughby Council continues to dig their heels with no residential development in the B3 zone. Australian Institute of Health and Welfare – initially anticipates housing system impacts of the Covid 19 Pandemic. Financial Review – How Covid 19 changed the Australian housing market.	Not supported as is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy 2036*. <u>Submission summary</u> Proposed B3 Recommends residential Lot amalgamation to 925 instead of 2500
140.	URBIS RE 207 PACIFIC HIGHWAY ST LEONARDS	Requests the proposed maximum height of building control for the site (in metres) is revised to ensure it will achieve the 25 storeys of commercial floorspace and the associated employment targets in accordance with St Leonards Crows Nest Plan 2036 dated August 2020.	**Not currently supported.** A potential change from 77m to 104.6m for 207 Pacific Highway could not be supported without further detailed investigation through a separate planning

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		The site currently accommodates two multi-level 'A-grade' commercial office buildings with a total combined area of 19,955 net lettable area (NLA) including ground floor retail. Building A comprises six upper levels of office with a lettable area of 7,435 sqm, while Building B has 10 upper office levels and a lettable area of 12,520 sqm. A three level basement provides 198 car parking spaces. Drat LEP shows proposed HOB to 77 Metres which is significantly less than what is required to deliver 25 storey commercial office space as outlined within the final 2036 St Leonards Plan. The maximum building height control in the draft LEP amendment must be increased to 104.6 metres if the future development is to accommodate high-quality commercial tenants within an A-grade commercial office building and deliver the economic objectives and employment targets as outlined within the 2036 Plan. The floor-to-floor height for an A-grade commercial office building is typically 3.8 metres. This allows for a 2.7 metre ceiling height plus a 0.9 metre zone for services and structural beams and a 0.2 metre structural slab. However, the proposed 77 metre height control allows only 3.02 metres per floor. This is considered grossly inadequate to accommodate a 25 storey A-grade commercial office building. Inadequate consideration has been given to the required roof-top mechanical plant and lift over-runs which are included with the 'building height' definition in accordance with the LEP definition. An additional 9.6 metres is required to accommodate the necessary plant and equipment and other services to meet the demands of a commercial office building of this scale and quality. The additional height includes the lift overrun and machine room for the goods lift required to service the proposed commercial office building (including the roof-top plant and equipment) in accordance with	proposal. However an error in the calculation of the proposed height is noted. It is also noted that there were a number of submissions objecting to the proposed height of 77m for this site. <u>Submission summary</u> 77m HOB proposed for 25 storeys Recommends 104.6m for 25 storeys

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		the building height definition. Includes a diagram to demonstrate height request of 104.6m.	
141.	MIDDLE COVE	Re: proposal to prohibit battle axe dual occupancy: Has a battle-axe block of 1330sqm. The block would be divided into 2 neat parcels of say 750sqm and 550sqm with additional planting. The new proposal will allow blocks of say 500sqm with a street frontage allowed to create a dual occupancy (creating 2 very small blocks of 250sqm each) which would have limited greenery and lawn capacity and more hard surfaces and being close to each neighbour on either side. Appreciate and support keeping our community and environment green and leafy. Consider that larger battle-axe blocks of over 1000sqm of land in Willoughby would be unfairly disadvantaged if this blanket rule were to go forward of attached and detached dual occupancies on battle-axe lots be banned from creating a dual occupancy. Request that blocks of 1000sqm be exempt from this rule of banning dual occupancies on battle-axe lots.	**No change.** Banning battle axe dual occupancies is aimed to preserve urban character and tree coverage in residential areas. <u>Submission summary</u> Permit battle axe dual occupancy if site is over 1000m²
142.	CHATSWOOD	Includes a diagram of how the shape of Chatswood CBD should be – i.e. The two end of the height of the buildings should gradually getting lower and lower! (Has completed a HYS survey).	**Comments noted.** Changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights in

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			the fringe areas of the CBD in order to reduce impacts on adjoining residential development including nearby heritage conservation areas.
143.	GYDE CONSULTING RE 48-52 FRENCHS ROAD WILLOUGHBY	Draft includes a change of height from 11m to 14m with no change to FSR of 1.5:1 Local Centres Strategy specifies 2:1 FSR for amalgamated lots east of Willoughby Road. Provides evidence for inconsistency and recommends change to 2:1.	Proposed height of 11m and FSR of 1.5:1 is shown for these sites in draft LEP. The change specifying 2:1 FSR for amalgamated sites was referring to lots facing Willoughby Road not 48-52 Frenches Road. <u>Submission summary</u> Recommends 2:1 FSR to tie in with increase in height
144.	VICINITY CENTRES CHATSWOOD CHASE	Generally supportive of the changes to the planning framework that the Planning Proposal will generate for Chatswood CBD. Raises the following issues: • Change to zoning of 5-7 Havilah Street from B4 Mixed Use to B3 Commercial Core; recommend retain as B4 • Removal of serviced apartments as a permitted use in the B3 Commercial Core zone. Recommend Schedule 1 additional permitted use be applied to 5-7 Havilah to allow serviced apartments • Extent of Active Street Frontages. Recommend Removal of active street frontages from Malvern Avenue and Havilah Street. • Affordable Housing requirements. Reduce the amount of affordable housing floorspace required for new development to be more comparable to other LGAs across Sydney	**No change.** No change to B3 Commercial Core zone and active street frontage maps due to the commercial nature of these locations and consistency with the *Chatswood Planning and Urban Design Strategy 2036*. Existing serviced apartments will have existing use rights in the new LEP. Additional serviced apartments are not considered appropriate use in the B3 zone.

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			The proposed affordable housing contribution rate of 10% is based on a detailed feasibility analysis report and is considered to be a reasonable and achievable rate for the Chatswood CBD consistent with Council's *Local Strategic Planning Statement* (LSPS). It is noted that significant increase in building heights and floor space ratios are proposed for the Chatswood CBD and therefore it is reasonable that the affordable housing contribution is provided within the approved height and FSR. Allowing bonus floorspace would be contrary to the intent of the Strategy.
145.	WALTER BURLEY GRIFFIN SOCIETY	The Society supports the draft LEP including the landscape provisions (Clause 6.23) and the inclusion of 120 Edinburgh Rd as a heritage item. Society proposes additional heritage items including: • The Scarp stone retaining wall • The Rampart culvert • The Bulwark arched stone bridge • The Bulwark flat-roofed stone bridge Also request add "tiers of stone seats" to The Haven Amphitheatre heritage item. Society is concerned that shop top housing would not be permitted in the B1 zone.	**Comments noted.** The support for landscape provisions and inclusion of the Griffin Centre as a heritage item is noted. Comments regarding additional heritage items proposed could be considered as part of the proposed heritage review scheduled in 2023. Shop top housing will remain a permitted use in the B1 zone. The definition has been expanded to permit both commercial uses and health services

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		DCP: Various amendments proposed for DCP provisions for Castlecrag, including pools being located well back the boundaries of properties to public walkways and reserves to avoid 180m high fences.	facilities on the ground floor with residential uses above. Residential properties within the Griffin Heritage Conservation Area (GHCA) are zoned C4 Environmental Living. A development application is required for the construction of a swimming pool and boundary fences. Any approval for a swimming pool in the GHCA includes a condition that requires the barrier of the proposed swimming pool to have a maximum height of 1500mm and setback a minimum 900mm from the boundary of a public reserve or pathway. However, under Subdivision 30 of the State Environmental Planning Policy (Exempt and Complying Development Codes 2008, a child-restraint barrier can be constructed as exempt development in accordance with the Swimming Pools Act 1992. In accordance with this Act a 1.8m high opaque child restraint barrier can be constructed without Council approval, effectively creating a de facto boundary fence. It is proposed that pools should be located well back from the boundaries of properties adjoining public walkways and reserves to avoid 1.8m high fences. Whilst

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			an increase in the setback requirement may not necessarily prevent the erection of a 1.8m high child restraint barrier in accordance with the Swimming Pools Act 1992, it may encourage proponents to comply with the objectives of the Griffin Heritage Conservation Area if the following requirements are included as a condition of development consent: The construction of a swimming pool and child restraint barrier must satisfy the objectives of the Griffin Heritage Conservation Area, in particular: i. the child restraint barrier should have a maximum height of 1500mm ii. the barrier must be setback a minimum 3m from a side or rear property boundary adjoining a public reserve or pathway iii. a minimum 2m wide landscaped area adjacent to a side or rear property boundary must be densely planted to screen the swimming pool and surrounds from an adjoining public reserve or pathway iv. the landscaped area must comprise plants that cannot facilitate climbing

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			These additional provisions have been included as a recommendation to Council to amend Part H of the draft WDCP. <u>Submission summary:</u> Suggest minimum distance for pools to be located from property boundaries
146.	CHAPMAN PLANNING 104 – 106 CHANDOS STREET NAREMBURN	Submission is seeking change of zone from R2 to R3 to reflect adjoining zone and adjacent uses. 104 Chandos St is the only block in Chandos St within Willoughby Council area containing a single house. The site is located 80m from the Chandos St Naremburn commercial area to west and a heritage conservation area is located to the south in North Sydney LGA. It is noted that this commercial centre was not considered for uplift in the *Willoughby Local Centres Strategy*. Site adjoins R2 zone to the north. It is also in close proximity to the *St Leonards and Crows Nest 2036 Plan* area.	**No change to draft LEP.** A separate planning proposal would be required that considers the broader context and level of strategic support.
147.	INGHAM PLANNING	Requested by our client who act on behalf of the owners of 131 Sailors Bay Road Northbridge to review the draft LEP and DCP and make the following comments of relevance to the subject property. <u>Draft LEP</u> The draft LEP includes a number of changes to land in the vicinity of the subject site. These include: Land to the west (including Northbridge Plaza) where an uplift in permitted building height from 14m to 20m and permitted FSR from 2:1 to 2.5:1. This facilitates 6 storey development.	**Currently no change.** This submission is requesting a change that is inconsistent with the *Local Centres Strategy*. No change recommended in draft LEP. Any changes would need to be considered as part of a site-specific planning proposal and supported by urban design and feasibility analysis.

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		The land on Sailors Bay Road, east of Bellambi Street and Strathallen Avenue where there is an uplift in building height from 14m to 17m (in part as a bonus). This facilitates 5 storey development. The land to the south opposite at 86-118 Sailors Bay Road where an uplift in the permitted building height from 9m to 12m and permitted FSR from 0.7:1 to 1:1 proposed. This facilitates 4 storey development. These changes are supported, but why the subject site and the other sites in the B2 zone between Harden Avenue and Bellambi Street have not been subject of a similar uplift? The above changes allow development of 5-6 storeys in the B2 zone and it makes little sense in this context to retain a 4 storey height control in a block that is more central to the centre than the areas subject of the uplift. This is even more the case as 2 of the 4 development sites in this block already have 5 and 6 storey development. Council has abandoned the 14m height limit within this block. Therefore, Council should include the block in the 20m (6 storey) building height area. An appropriate FSR would be 3:1 for a 6 storey building. <u>Draft DCP</u> It is requested that the draft DCP be amended to retain the existing precinct controls that apply to the subject site under the existing Section E4 of the DCP. The proposed changes in the DCP for Northbridge centre (Part L) are fairly generic and only relate to LEP changes. More specific controls should be retained in the DCP.	
148.	NAREMBURN ACTION GROUP	The Group supports the proposed building height and density limits in the Naremburn area and adjoining St Leonards centre. The five storey height limit	**Submission noted.**

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		along the north side of Chandos St is supported, as well as proposed height limits for 2-10 Chandos St and 110-120 Christie St. There is concern however for the ability of the use of LEP Clause 4.6 variations by developers to undermine the proposed controls. There is also concern with the proposed 25 storey height limit for 207 Pacific Highway. The height limit of 18 storeys in the St Leonards/Crows Nest Plan is supported, with graduated increase of 13-16 storeys on the opposite side of Herbert St. There is a need for clear walking paths to be created and maintained for the new apartments to Gore Hill recreation area as it is the only recreation area in the locality. *Comments from an additional submission:* NAG has 100+members living in or near the Naremburn Conservation Area (NCA) and we are pleased that in St. Leonards along the northern side of Chandos Street, the LEP strengthens the Crows Nest/ St. Leonards Strategic Plan for our area. The fact that 2-10 Chandos Street will be limited to commercial premises of 13 storeys is a relief for residents who have objected to proposals for 50 to 70 storeys in that area over a number of years. Commercial development to 6 storeys at 110-120 Christie Street, behind the College of Law, also recognises the importance of graduated height levels so that the NCA does not become a ghetto. Low density housing is an important part of the mix of accommodation in St. Leonards and is valued by workers, walkers and residents. Maintaining the height limit to 5 storeys along the north side of Chandos Street between Christie Street and Willoughby Road supports the current place of the NCA in the mix. The reinforcement of the protection of the external fabric and streetscape character of the conservation area in the DCP is welcome.	Clause 4.6 variation requests need to be supported by a strong strategic and site-specific basis and only minor variations will be considered. The proposed 25 storey height limit for 207 Pacific Highway is consistent with the *Crows Nest St Leonards Plan* prepared by the State Government. Planning controls for St Leonards have been determined by the State Government's *St Leonards Crows Nest Plan 2036* and are being implemented by the local councils of Willoughby, North Sydney and Lane Cove through individual LEPs. Any modifications to said controls would be a departure from the approved final SLCN Plan as set by State government for inclusion in local Council LEPs and DCPs. The adopted SLCN Plan allowed for development up to 25 storeys for the site at 207 Pacific Highway.

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		Noted exemptions in Clause 4.6 of the LEP allow developers to push for variations after all the consultation and work by Council Planners. The clause is a State Government requirement but important that in the final LEP/DCP there is a determination to limit the variations. Concerns in regard to the plans for 207 Pacific Highway. The LEP allows a height of 25 storeys for commercial development as per the Crows Nest/St. Leonards Plan. As this is so close to the hospital, a 25 storey development could change from commercial to residential within the life of this LEP. NAG supports the limits set by the Crows Nest/ St. Leonards draft plan which was for 18 storeys, in keeping with a graduated increase from 13 and 16 storeys on the opposite side of Herbert street. The current set back of 12 metres around the present building is to be applauded and should be maintained. There is no provision for new open space in our area. All 3 Councils use the 10 hectares of Gore Hill as THE open space. Together, Councils need to develop safe direct walking paths to this facility from the new apartments. For many, it is too far and difficult and unsafe to walk.	
149.	SUBMISSION ON BEHALF OF CLINET	335, 337 & 339A, Penshurst St North Willoughby - Support the proposed FSR of 2.8:1 but concerned that with other planning measures proposed that FSR will be difficult to achieve. These include parking requirements, other common space areas and setbacks to allow for activation of George Brain Lane. Request an extension of time for more detailed architectural submission to be lodged by 30 June 2022. Amendments sought to achieve the following: • Increase the total floor space to allow for the GFA to near the increased FSR of 2.8:1 when all the necessary services and non-FSR amenities are	**Extension of time was not granted.** Any changes would need to be considered as part of a site-specific planning proposal and supported by urban design and feasibility analysis.

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		removed to meet a development of the standard envisaged in Willoughby Council's vision in terms of resident, tenant and shopper parking, greenspace and non FSR amenities reflective of a development in this prime location. • Re-orientate the upper residential levels to take better advantage of a north/north-westerly orientation in order to improve sustainability. • Make such changes without impacting significantly on the lighting levels, ambience or functionality of George Brain Lane and any later laneway activation plans. The following LEP amendments are requested: 1. Set HOB at 20m/ 6 storeys for the entire block (not the front 50%) but require a setback of 3m on Penshurst, Victoria and George Brain Lane sides and FSR 2.8:1. This provides the optimum sustainability without going higher than 20m/6 storey and without contributing significantly to the shading of George Brain Lane, which will already be heavily shaded in the afternoons from 125-129 Victoria St, or alternatively 2. Increase HOB to 25m/8 storeys for the front 50% of the block with setback of 3m on increased height from Penshurst St & Victoria Ave. At rear 50% retain existing height control and FSR 2.8:1. This should allow for better optimisation of floor space but is unlikely to result in a development which is as sustainable due to the narrowness of the development in the north/north-westerly direction.	
150.	CASTLECRAG	Appreciate what an historic and delightful place is Castlecrag. Increasing property pressure is attracting new construction to the area and oversized properties are blocking shared views and causing significant drainage issues.	**Comments noted.** LEP

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		Encroachment into our reserves and pathways and nature strips by new builds is occurring. One example is waste dumping and another is garden escapes (i.e. plants that become weeds) that overtake the native vegetation. There are structural encroachments - fences and structures that prevent access to the view or to designated walkways (e.g. Merlon reserve). Some property owners are integrating the nature strip into their property with fences, hedging or plants and even using retaining walls to raise the level and 'claim' the land. Pool fences are regulated to be high and unclimbable and seem to have become an excuse to screen the property. This is against the Griffins' plan to have a suburb/community without fences so we could all see and enjoy the natural environment. Another concern is the trend to modify the 'garage' into a further room and then the car is parked in the street adding to difficulty of driving along many narrow roads. A recent variation on this practice is where the existing garage is being excavated to below ground level and two floors of 'house' are being built above it making a mockery of the 'two story' height rule that Castlecrag has been so keen to preserve to keep it special. Basement garages will also become integral parts of the house and even more vehicles will live on the street. Request Council continue to exercise the controls of the DCP for the suburb of Castlecrag and the Griffin Conservation Area to protect this unique area.	Garages are not permitted to being converted to rooms without Council approval. This is a compliance issue. Complying development issues in R2 Low Density Residential zone areas not included in the Heritage Conservation Area (HCA). Review of the Castlecrag (Griffin) HCA can be considered as part of the proposed heritage review to be undertaken in 2023. Residential properties within the Griffin Heritage Conservation Area (GHCA) are zoned C4 Environmental Living. A development application is required for the construction of a swimming pool and boundary fences. Any approval for a swimming pool in the GHCA includes a condition that requires the barrier of the proposed swimming pool to have a maximum height of 1500mm and setback a minimum 900mm from the boundary of a public reserve or pathway. However, under Subdivision 30 of the State Environmental Planning Policy (Exempt and Complying Development Codes 2008, a child-restraint barrier can be constructed as exempt development in accordance with the Swimming Pools Act

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			1992. In accordance with this Act a 1.8m high opaque child restraint barrier can be constructed without Council approval, effectively creating a de facto boundary fence. It is proposed that pools should be located well back from the boundaries of properties adjoining public walkways and reserves to avoid 1.8m high fences. Whilst an increase in the setback requirement may not necessarily prevent the erection of a 1.8m high child restraint barrier in accordance with the Swimming Pools Act 1992, it may encourage proponents to comply with the objectives of the Griffin Heritage Conservation Area if the following requirements are included as a condition of development consent: The construction of a swimming pool and child restraint barrier must satisfy the objectives of the Griffin Heritage Conservation Area, in particular: i. the child restraint barrier should have a maximum height of 1500mm ii. the barrier must be setback a minimum 3m from a side or rear property boundary adjoining a public reserve or pathway

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			iii. a minimum 2m wide landscaped area adjacent to a side or rear property boundary must be densely planted to screen the swimming pool and surrounds from an adjoining public reserve or pathway iv. the landscaped area must comprise plants that cannot facilitate climbing These additional provisions have been included as a recommendation to Council to amend Part H of the draft WDCP. The maximum height of a building in the Griffin Heritage Conservation Area (GHCA) is 8m. This development standard prevails over any other controls under the draft WDCP. However, the Management Policies for the GHCA requires buildings to be highly articulated in plan and elevation. The controls state that buildings should generally comprise 1-1.5 storeys, with a maximum 2 storeys, and the massing of new developments should respect the Griffins' objective to have the built form subordinate to the landscape. These matters are taken into consideration in the development assessment of a proposed development.

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151.	CASTLECRAG	1 The Draft DCP should be amended to significantly increase the "target" parking rates which apply to the Castlecrag Quadrangle on Edinburgh Road, beyond the presently proposed 1 space/33 square metres of retail space. 2 The Quadrangle will shortly be redeveloped. The adoption of the Draft DCP will almost certainly cause the loss of 64 public car spaces in the redeveloped Quadrangle, relative to the present Quadrangle parking, for the following reasons: • The Centre Manager reports that there are presently 117 spaces in the Quadrangle car park. • Under the modified FJMT design for Quadrangle redevelopment, the projected retail/commercial space is 1740 square metres. • The "target" parking rate for that space under the Draft DCP = 1740/33 = 53 spaces; • Although the "target" does not technically impose a maximum, a developer is unlikely to volunteer to provide more than the target. Under the DCP "any additional car spaces…will be included in the calculation of the gross floor area" (section 3.1), which creates a huge disincentive to developers to seek to increase parking beyond the target. Secondly, the allocation of car space to the public in a mixed residential/commercial development will decrease private spaces that can be sold to residents.	**Comments noted.** In relation to car parking numbers generally, the planning proposal for the redevelopment of The Quadrangle (100 Edinburgh Rd) proposes 157 parking spaces in total. This includes 74 parking spaces for retail, 16 shared/visitor parking spaces and 67 residential parking spaces. It is understood that retail and visitor parking spaces would be ticketed (i.e. time restrictions will apply) and therefore will not be available for commuters to park all day. According to the proponent's Traffic Review, a minimum of 147 parking spaces are required for the proposed development under Council's existing Willoughby Development Control Plan (DCP) parking rates. According to Council's calculations, this number is in fact 156. Using either number, the proposal would be in compliance. It is noted that should this proposal ultimately be approved at DA stage, there would be a lower number of parking spaces to service the commercial / retail component of the development (90 parking spaces compared to 117 in the

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		3 There is no significant prospect that Council would require the Quadrangle developer to provide public spaces beyond the "target" rate. There is a strong case for a significant increase in the Quadrangle "target rates" in relation to the Quadrangle (to prevent the loss of 64 spaces), on the basis that: • access to the village is central to the community life of the suburb; • if the draft target rates are adopted, car access to the village by residents will be significantly restricted; • walking and public transport are not reasonably viable alternatives for village access; • unless the target rates are increased, there is a significant risk that village access will be significantly restricted for many (and most particularly the elderly and disabled).; • Castlecrag is an exceptional case with respect to the appropriate level of parking at the village centre. 4 The more detailed reasons for those conclusions are as follows: • Section 3.1 of the Draft DCP recognises that "demand for car parking will vary from one development to another and in different locations". Therefore, the appropriate parking "target" rate should correspondingly vary. • Before the reduction of Quadrangle parking by 64 spaces under the proposed DCP, there is already very significant parking	existing Quadrangle car park). It is also noted that under the revised parking rates as exhibited in draft Willoughby DCP, the parking requirement would be even lower (53). However, like all DCP parking rates, these targets should be considered as base/default rates. As noted, given the generally car-dependent nature of Castlecrag and the size and significance of the proposed Quadrangle redevelopment, Council would require the proponent to provide a merit-based transport assessment of the proposal with any future DA. This would include proposing a number of parking spaces sufficient to meet the parking needs of the development. This would likely include a parking survey of the existing Quadrangle car park to determine the current usage of the 117 spaces, which would in turn enable a site-specific and more accurate understanding of existing and future parking demand. In relation to foreshores, consistency with the *SEPP (Biodiversity and Conservation) 2021* will also be considered as part of the Foreshore Building Line Study.

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		congestion in the village. Prior to lockdown, the Quadrangle car park was at full capacity approximately 10% of the time, in the busiest period between 10:00 am to 3:00 pm on weekdays (based on Centre Manager's estimate). Available weekday village street parking is significantly absorbed by commuters, who drive to the village to catch the bus. • Parking congestion will inevitably increase after redevelopment of the Quadrangle, due to the revitalised commercial space, and parking demand consequential to the increased residential density in the Quadrangle and Postern. (There are 59 units in the modified FJMT design. Target parking rates are 1 per unit. The reality is that occupants of the 59 luxury units will inevitably own more than 59 vehicles, even before consideration of guest parking) • There are effectively no public transport options on the peninsula. • Walking to the village will not be practical for many residents, in view of the distances from the village to the end of the peninsula, the hilly terrain, the narrowness of many streets, and the absence of footpaths on many streets. • Problems of pedestrian access are accentuated for the elderly and disabled. This is particularly significant for the suburb, in view of elderly demographic.	

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		• A substantial supermarket is planned to be the anchor tenant in the redevelopment, for which car access is obviously important. • There are further reductions in village parking occurring, by reason of the construction of 3 The Postern and the construction of Marion's Park, leading to a further effective loss of around 12-20 spaces. Re FBL - endorses the need for the LEP and DCP to be consistent with the ("Foreshores") SEPP Biodiversity and Conservation 2021, which incorporated the former SREP (Sydney Harbour Catchment) 2005. Local Government instruments should strive to be consistent with, and indeed subservient to, NSW State instruments where conflicting in spirit and/or intent. Mr Barwick's advice is applicable to all the FBL lands, not just the Sailors Bay Creek catchment and surrounds.	
152.	INTELLIGENT ARCHITECTURE	Submission is on behalf of owners of 114-118 Edinburgh Road. Requests that these sites be included as part of planning recommendations for Quadrangle site rather than the Griffin Centre. These properties share access with the Quadrangle via a permanent right of carriageway. The planning recommendations proposed for the Quadrangle would also be appropriate for these sites and would have an acceptable impact on the adjoining Griffin Centre. These sites would be appropriate for additional height up to three storeys including mixed-use development similar to the Quadrangle.	**No change.** Site of 114-118 Edinburgh Road was not considered for uplift in the *Local Centres Strategy* due to impact on the adjoining Griffin Centre (proposed heritage item) and the fact that these sites are included in the Griffin HCA. No change recommended.
153.		Number of issues raised including: <u>The process and communication</u>	**Comments noted.**

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		Concerns about the consultation process and how it has changed from 5 years ago. Aligning planning controls with the Codes SEPP does not assist owners in the Griffin Conservation Area. Many people were not aware about consultation. Planning changes need to be considered flexible and take into account community views. <u>Chatswood</u> Chatswood cannot handle more density and traffic. It needs significant investment and holistic master plan to rework the Interchange and Victoria Ave. The State government is forcing Councils to plan for more residents and jobs in centres such as Chatswood. <u>Design Excellence</u> There should be a community input into the panel of experts when looking at design excellence. <u>Stricter requirements for demolition within heritage conservation zones</u> There is a need to be cautious about the use of the word contributory when it is not defined in Council planning controls or State codes. Statements that heritage items have greater values should not be made. <u>The 45 degree building plane/envelope</u> These controls in the DCP do not work well for irregular subdivisions such as in Castlecrag. These controls need to be flexibly controlled in these situations. Greater equity between State complying development controls and the LEP/DCP is supported. This should include increasing restrictive FSRs in the Griffin	The heritage listing of the Griffin Centre was based on the social and historical significance of the Centre to the suburb. Review of the Castlecrag (Griffin) HCA and other heritage controls can be considered as part of the proposed heritage review to be undertaken in 2023. There are additional controls in DCP Part H relating to the Griffin Heritage Conservation Area that prevail over Part B controls. The Design Excellence Policy is a Council endorsed Policy and therefore it is not proposed to change the Policy or LEP Clause for design excellence at this stage. There are specific controls for the C4 Environmental Living zone which includes the Griffin Heritage Conservation Area (GHCA). Additional controls apply to the GHCA and with regard to any inconsistency between Part B (Residential Development) Part C (Development in the C4 Environmental Living Zone) and Part H (Heritage Items and Heritage

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		Conservation Zone which are too restrictive for modern living. The DA process imposes additional costs on home owners. The DA fee should be a fixed fee. Fees for pre-DA meetings are also too high. On-site inspections are needed before DAs are rejected. Solar panels and other minor alterations in conservation areas should not require a DA. Overall the DA process should be less of a burden for applicants. Council should work with the community regarding acceptable variations as accepted in the State codes. Subdivision of dual occupancies at time of completion is supported. <u>Landscaping</u> Stricter landscape controls in the LEP beyond the State code is not supported. These State landscape controls are adequate and have been tested. These changes will result in more s4.6 requests and costs and delays for applicants. Be cautious about the deep soil requirement as much of Willoughby LGA does not have deep soils. Roof gardens are a good solution. <u>Manor homes</u> Does not support increasing lot size for manor homes to align with apartments or differ from State code requirements. Support flexible codes and keeping housing options more open. Manor houses good potential housing option for older properties. Granny flats (secondary dwellings) also should be easily approved. <u>FSR</u> Request removal of FSR controls. Height and setback controls are the main controls including in conservation areas. Griffin did not seek to have restrictive	Conservation Areas), the requirements under Part H prevail.

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		FSR controls nor was he against larger houses. Dual occupancies and secondary dwellings not permitted in conservation areas so why restrictive FSRs? FSR does not have a direct impact on controlling bulk and scale. FSRs should be increased to provide greater flexibility in house designs. Scenario examples provided in the Griffin conservation area. <u>Heritage impact statements (HIS)</u> These HIS statements should not be required in conservation areas for dwellings that are not listed, even for minor works. Quality of HIS statements is varied. <u>Griffin conservation zone</u> Better explanation required as to why there is not an R2 Low Density Residential zone in the conservation area (Griffin HCA). Explain why some areas are C4 and others are R2 in Castlecrag as the C4 zone does not seem to be justified. The FSRs are too restrictive. (i.e. tiered down the larger the block size) and greater explanation needed for the Griffin conservation area. Number of additional comments made regarding Burley Griffin's approach to building style and construction techniques (knitlock) as well as covenants imposed in Castlecrag. The current controls restrict building and design innovation in Castlecrag. <u>Draft DCP</u> Comments also provided on the draft DCP Part H Heritage controls in relation to Castlecrag. Questions why covenants are referred to in the DCP. Roads were not necessarily narrow in the Griffin plan contrary to the DCP. Two storey houses were also proposed by Griffin not just single storey. Vertical as well as horizontal elements	

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		were important elements in Griffin's house designs. More elaboration is needed on strong horizontal window elements. Griffin's design purpose was not necessarily to blend in with bushland but to use available materials. Conservation area mainly about subdivision not homes. Questions the statement that Griffin was an influential architect in USA or Australia. Questions the subdivision reflecting the social connection of the Griffins. Concerned that the amphitheatre has been derelict for decades and needs to be properly restored with sandstone. Lots in Castlecrag average to large not small. Conservation zone too restrictive on houses. Questions setback controls for new development where additions are being built in same location. Cut and fill controls conflict with Griffin philosophy. Allow complying development in conservation area. Bulk and scale controls need to reflect Griffin design philosophy. Remove fencing controls in DCP. Why called Griffin walkways? There should be choice in vegetation planting by residents. DCP controls trying to mimic Griffith design features which is too restrictive. There are 3 level houses in Castlecrag which is acceptable. Preservation of existing views has not been retained due to new development. 3 m side setback is also too restrictive and does not protect views that are already lost. Bulk and scale controls in the Griffin Conservation zone are too restrictive and should be removed. Control to avoid use of vertical elements or columns is not supported. More house designs in the conservation zone should not be restricted	

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		by Griffin designed houses. Griffin would not have wanted to constrain future development in this way. Request some flexibility with fencing in the Griffin Conservation Zone. Fences should be allowed and are consistent with Griffin planning principles. Council has pointed out that fencing controls are guidelines in the DCP. <u>Car parking</u> There are increasing number of cars with population growth. New apartments should provide a minimum of at least one car space per bedroom and people still want to drive even if close to a station. All day free parking needs to be provided for workers. Whole of block design should be pursued for new developments including basements for parking. Storage areas and plant should also be included in basements and electric doors provided to buildings. Basements should also be allowed in the Griffin Conservation zone as this improves the street view and is consistent with Griffin principles. Excavations were also undertaken with Griffin's original house designs in Castlecrag. It also improves residence of structures to natural hazards. <u>Trees</u> Support increased tree coverage in order to reduce heat related deaths. However, there is a need to avoid conflicts with different objectives of trees i.e. increase shading and increasing sunlight through location of trees and species type. Increasing trees also increases maintenance for Council. Residents have difficulty in removing trees even when they might be dangerous. Eastern Valley was closed recently due to fallen trees. More trees can also conflict with increasing density of development.	

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		There is a need to be scientific and objective about reviewing trees, including suitability, health and safety. Addressing bushfire risk can result in fewer trees planted. Trees also need to be removed around swimming pools due to State regulations. Suggest liaise with State Government to allow trees around pools while also managing safety issues. <u>Public Open Space and walkable neighbourhoods with local services and amenities</u> Neglected paths need to be made safe by Council. Lighting also needs to be improved. For example, the path between The Rampart and The Parapet needs to be improved. Local amenities need to be improved, such as toilets and drinking water at every reserve. Can Explosives Reserve be made a useable community facility? <u>Proposed heritage listing of the Griffin Centre</u>. The proposed listing of the Griffin Centre is not supported due to the lack of evidence to support its listing. All 4 versions of the heritage report need to be released. Process for heritage reviews need to be clarified with the community. Objective review of this nomination needed. The conversion of the parking area outside the Griffin Centre is also not supported. There is a lack of connection to the Spargo shops. There have been many changes to shops in Castlecrag and little heritage and fabric of original shops remains. Increasing the height and FSR of 3 The Postern will also dominate the Griffin Centre, so why heritage list the Centre? Grander sets of shops were proposed for Castlecrag. The role of the Walter Burley Griffin Society with the listing and correspondence also needs to be made public.	

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		The practice of the Griffin Society commenting on house DAs also needs to be reviewed. The Society could play a useful role in assisting with planning advice for applicants to interpret controls and lead with restoration of walking paths and the Haven Amphitheatre.	
154.	FILE PLANNING AND DEVELOPMENT SERVICES	Submission seeks to review the B4 Mixed use zone boundary to include 88 Archer Street Chatswood. The site is currently zoned B3 Commercial Core and developed for serviced apartments. Support the comprehensive review of planning controls for the Chatswood CBD; and request a review of following matters prior to finalisation of the LEP and DCP: • Review the B4 Mixed Use zone boundary to include 88 Archer Street • Review of the proposed prohibition on serviced apartments in the B3 Commercial Core Zone. <u>Proposed retention of B3 Commercial Core Zone</u> Support Council's intention to implement the CBD Strategy through the draft LEP and DCP. Given the sites location opposite the proposed B4 Mixed-Use zone north of Ferguson Lane, and its location as part of an existing cultural and mixed used precinct, there is a need to review the retention of the B3 Commercial Zone for this site. The site is adjacent to a future mixed-used renewal area, and a realignment of the B4 Zone boundary to include this site would provide the opportunity for increased housing supply on the edge of the CBD, in accordance with the aims of the Chatswood CBD Strategy. It would also support the cultural and civic activities at the Concourse, with increased local residents and activation.	**Submission noted.** No change as submission requesting rezoning to B4 Mixed Use which conflicts with the *Chatswood Planning and Urban Design Strategy to 2036*. Existing serviced apartments will retain existing use rights in B3 Commercial Core zone.

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		The adjacency of the site to the proposed B4 Zone requires a review of the B4 Zone boundary. Including this site in the B4 Zone would provide the opportunity to consider the future renewal of the building and its adaptive reuse to deliver more housing in the Chatswood CBD. Providing more housing at the edge of the commercial core is an important objective of the Chatswood CBD Strategy and draft LEP and zoning this site B4 Mixed Use would achieve this aim. The existing use of the site, and potential to provide mixed use development will support the objectives of the Chatswood CBD Strategy and draft LEP, by activating the centre, increasing retail and commercial ground floor uses and increasing housing supply within walking distance to transport and services. <u>Serviced apartments prohibited in B3 Zone</u> The draft LEP proposes to remove serviced apartments as a permissible use in the B3 Zone. We understand that this change is to respond to a concern that serviced apartments compromise commercial and office space in the B3 Zone. However, the site is already developed for serviced apartments (including strata subdivision). The restriction on strata subdivision in B3 Zone, proposed prohibition of serviced apartments in the B3 Zone, and the existing use and strata subdivision of the building compromises the site to be redeveloped for commercial purposes. Despite the Chatswood CBD Strategy recommending the site remain zoned B3 Commercial Core, we consider the B4 Mixed Use Zone to be a more appropriate zone for this site. The draft LEP continues to allow serviced apartments in the B4 Zone. Based on the site's location, existing use, and the proposed prohibition of serviced	

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		apartments in the B3 Zone, the most appropriate zone is B4 Mixed Use for this site. <u>Minimum non-residential floorspace in B4 Zone</u> The draft LEP includes a new exception to the FSR clause for the B4 Zone to require a minimum percentage of FSR to be used for non-residential purposes. The aim is to increase non-residential floorspace within the Chatswood CBD and ensure an appropriate level of commercial and retail space is provided in the B4 Mixed Use zone to deliver a reasonable amount of employment floor space. The draft LEP also proposes to include residential flat buildings as a permitted use in the B4 Zone, subject to a minimum percentage of non-residential floorspace being delivered. The aim is to allow more flexibility in the delivery of non-residential floorspace in the CBD. The proposed rate is 17% of the total floorspace to be provided for non-residential uses. The site has the potential to be developed for mixed use purposes, providing increased residential and non-residential floorspace in the CBD. The site has the potential to deliver increased activation and improved retail and commercial floorspace that would achieve the proposed minimum non-residential floorspace requirements. Consider B4 zoning a more appropriate outcome for this site. A B4 Mixed-Use zoning would allow the opportunity for a future mixed-use development that could contribute towards improved housing supply, jobs growth and liveability outcomes on the site, without compromising the objectives of the Chatswood CBD Strategy.	

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155.		As a resident in Archer St and a developer is making an offer on our building with settlement to occur 16 months after LEP gazettal. Advice requested when the LEP is likely to be gazetted.	The LEP is expected to be gazetted in 2023. Response provided by email on 13 October 2022.
156.	URBIS ON BEHALF OF CLIENT	Submission on behalf of the owners of land located at 1-13 Spring Street, 56-70 Archer Street and 35 Albert Avenue, Chatswood (Spring Quarter). Summarise this submission as follows: • Object to the proposed site amalgamation provision (proposed Cl 6.22) which imposes a minimum site area requirement of 1,800m2 for commercial development in the B3 Commercial Core zone. • Object to the proposal to include floor space associated with the provision of affordable housing being included as 'accountable total floor space' (amended Cl 6.8(7). 1. SPRING QUARTER Spring Quarter is the name of a unique landholding held in single ownership located at 1-13 Spring Street, 56-70 Archer Street and 35 Albert Avenue, Chatswood. Spring Quarter comprises 7 separate allotments with a combined site area of 7, 146m2. Spring Quarter is located in the heart of the Chatswood town centre with key existing planning controls including the following: • B3 Commercial Core zoning. • Maximum building height of 27 metres. • Maximum floor space ratio of 2.5:1 or 4: 1 where site area exceeds 3,000m2 (noting this does not apply to the parcel at 35 Albert Avenue).	Key Element 12 of the CBD Strategy requires a minimum site area of: a) 1800sqm for commercial development in the B3 Commercial Core zone. b) 1200sqm for mixed use development in the B4 Mixed Use zone. to achieve the maximum FSR. Site amalgamation is encouraged to meet this minimum requirement and sites are intended to not be left isolated. The objective of this Key Element is to enable a site to be redeveloped to achieve an optimum outcome as envisioned under the CBD Strategy and detailed in the other 35 Key Elements. In particular, to enable: a) Provision of required setbacks to achieve slender towers and building separation whether on-site or with neighbouring sites,

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		Spring Quarter is currently subject to Council consideration of a draft Planning Proposal (PP 2020/6) which seeks the introduction of site-specific planning controls facilitating mixed-use development of the site reflecting the vision and objectives of the *Chatswood CBD Planning and Urban Design Strategy 2036*. Client provides the following submission to the draft LEP. 1. Objection to site amalgamation provisions We object to the proposed site amalgamation provision (proposed Cl 6.22) which imposes a minimum site area requirement of 1,800m2 for commercial development in the 83 Commercial Core zone. Client acknowledges the objectives of the Chatswood CBD Planning and Urban Design Strategy 2036 which seeks to 'encourage' site amalgamation to provide larger sites capable of supporting higher scale development. We recognise that consolidation of sites creating larger landholdings can optimise the potential to design development achieving appropriate setbacks, separation from adjoining buildings, access arrangements and appropriate ground level treatments. There are limited landholdings in the B3 zoned land in Chatswood CBD that currently have a site area greater than 1 ,800m2 with many of these sites developed already to contain large scale commercial or retail buildings. Landholdings located on the east side of the North Shore railway line are smaller and more fragmented than on the west side which already accommodates many of the larger, newer commercial office buildings constructed in the CBD. It is notable that each of the individual allotments comprising Spring Quarter has an area less than 1,800m2.	b) Provision of ground level public realm or areas accessible by public on private land, c) Appropriate vehicle entry / exit point, d) Provision of parking and loading in basement with adequate on-site manoeuvrability, e) Maximising commercial floor space and street activation at ground level, f) Maximising landscaping and deep soil planting. The envisioned outcomes of the CBD Strategy require the retention of the minimum lot size for the B3 Commercial Core and B4 Mixed Use zones. Lots unable to achieve the minimum lot size may be considered on merit, and may involve reduced height and floor space rather than achieving maximums. The proposed affordable housing contribution rate of 10% is based on a detailed feasibility analysis report and is considered to be a reasonable and achievable rate for the Chatswood CBD

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		The proposed new Cl 6.22 seeks to impose a minimum lot sizes for 'commercial and mixed used development in the Chatswood CBD'. This includes commercial development in the B3 Commercial Core of 1,800m^2 and mixed-use development in the B4 Mixed Use of 1,200m^2. 1. The clause places an unreasonable burden upon proponents to amalgamate sites to satisfy the minimum lot size. Site consolidation is extremely difficult and costly to achieve and is further challenged by the significant uncertainty of outcome from Development Application processes that may result in less than maximum potential development of the site. The clause presents a significant disincentive to landowners to invest in desired commercial development (i.e. business premises, office premises and retail premises) in the CBD. 2. The clause prescribes a 'one size fits all' requirement and fails to recognise the ability to achieve high quality, well designed commercial development on sites smaller than 1,800m2. The clause stifles innovative design responses that add character and fine grain detail to the urban environment. We request the provision be reviewed to enable development on smaller sites to be approved subject to demonstrating design excellence. 3. The clause is too blunt, effectively prohibiting development where the minimum lot size cannot be achieved or where owners of smaller landholdings elect not to pursue site amalgamation. The clause as drafted may 'sterilise' desired investment and development of the many smaller landholdings in the B3 zone for smaller scale development than the optimum available under the proposed new CBD controls.	consistent with Council's Local Strategic Planning Statement (LSPS). It is noted that significant increase in building heights and floor space ratios are proposed for the Chatswood CBD and therefore it is reasonable that the affordable housing contribution is provided within the approved height and FSR. Allowing bonus floorspace would be contrary to the intent of the Strategy.

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		Request this clause should be either deleted or revised in a manner providing a scale or density development 'incentive' for site amalgamation as opposed to a 'blanket' land use prohibition. Alternatively, the clause be changed to specify a smaller minimum amalgamated lot size, possibly 1,000m2 similar to that which applies to 'tall towers' in the City of Sydney LEP. Greater flexibility requested reflecting the potential to develop smaller sites at high density with high quality design outcomes and supporting smaller allotments for development at smaller scale. 2. Objection to affordable housing provisions Object to the proposal to include floor space associated with the provision of affordable housing being included as 'accountable total floor space' (amended Cl 6.8(7}). Client recognises that the provision of affordable housing is an important objective of the NSW State Government and Willoughby Council. We note also the proposal in the draft LEP to increase the required provision of affordable housing from 4% to 10% of the residential floor space approved in developments reflecting the directions of the North District Plan. Note that the LEP proposes to amend the approach of the current LEP of excluding the affordable housing contribution floor space from the overall approved residential GFA in a development effectively as 'bonus floor space'. Object to this provision on the following grounds: 1. The proposed increase from 4% to 10% imposes a significant increased costs upon development proposals from the current situation and which threatens to undermining the feasibility of new developments. Modelling of the commercial affordability of increasing the affordable housing contribution was carried out	

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		pre-Covid 19 Pandemic and prior to the public recognition of the housing supply crisis being experienced in NSW and elsewhere. Request that Council reviews the staging of moving from 4% to 10% contribution having regard to fresh modelling of the commercial affordability of this change. 2. The commercial impact of the of inclusion of the increased affordable housing contribution as part of the overall approved GFA in a development must be reconsidered as part of fresh modelling of the overall commercial affordability of the affordable housing contribution. This represents a significant change to the long established 'incentive' approach adopted by Council which has potential to further undermine the much needed supply of new housing in the Chatswood centre. Request the opportunity to discuss these issues with Council prior to the finalisation of the LEP.	
157.	CASTLECRAG	Castlecrag is a unique Heritage Urban Area and its heritage must be retained in order to avoid overdevelopment. Street impacted by parking with school and tennis courts and people leaving their cars to use public transport into the city.	**Submission noted.** No change proposed to existing Griffin heritage conservation area in Castlecrag.
158.	MILESTONE MANAGEMENT	Objection on of residents of the following buildings within the Pacific Place Community Association (PPCA) to: • **Cambridge** 1 Cambridge Lane, Chatswood SP 79233 • **B2E** 1 Day Street, Chatswood SP 72068	**No change.** Changes recommended are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of

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		• **Altura** 11 Railway Street, Chatswood SP 71281 • **Epica** 9 Railway Street, Chatswood SP 74513 Request the opportunity to discuss our concerns and inspect the Pacific Place development to better understand the issues outlined in this submission This submission strongly objects to the following aspects of Planning Proposal No. PP-2021-6242: 1. Loss of solar access and overshadowing to existing residential accommodation and Pacific Place community infrastructure. 2. Cumulative wind tunnelling impact of future high density residential tower development and lack of wind tunnelling amelioration controls included for the Chatswood CBD within the Draft DCP 2021. 3. Detrimental loss of views for existing residents in the Chatswood CBD and inappropriate built form transitioning on the edge of the Chatswood CBD. 4. Further consideration of existing publicly accessible infrastructure and financial impacts on adjacent land owners due to increased usage and access through Pacific Place as a result of Planning Proposal No. PP-2021-6242. 5. Outdated technical transport analysis with respect to future travel trends and employment distributions as part of the Chatswood CBD as a result of the COVID-19 pandemic. 6. Further address of potential inactive frontages for street level non-residential floor space in the proposed B4 Mixed Use Zone of the Chatswood CBD.	overshadowing and appropriate view sharing for existing and future residents. The CBD Strategy proposes increases to height and FSR within the strategic centre of Chatswood, having significant public transport infrastructure and commercial and other non-residential services. Increases in height and FSR, are to be considered with other Key Element requirements (totalling 35), in particular setback controls at ground and tower levels, maximum floor plate requirements, and a slender tower objective, designed to satisfactorily address built form and amenity outcomes. The CBD Strategy Key Elements are addressed in Part L of the draft DCP. The CBD Strategy identified key public spaces that require solar access protection. This protection is maintained under the proposed LEP and DCP. Overshadowing on other sites, including residential accommodation and community infrastructure located on private land, is addressed through the design excellence process at development

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		7. Unacceptable interfaces for residential development with future commercial podia and new residential development as a result of limited proposed built form setbacks. 8. Lack of clarity in Timeframes for Development Completion Upturns and cumulative precinct-wide Construction Impacts for future development in the Chatswood CBD as a result of Planning Proposal No. PP-2021-6242. Further details on the significant adverse environmental impacts for the PPCA associated with PP-2021-6242 are requested including: That further clarification be provided that the cumulative built form uplift of sites within the Chatswood CBD are able to appropriately maintain minimum of 3 hours of solar access between 9am and 3pm on 21 June to living areas of existing adjoining residential development within Pacific Place. • That Council update the Draft DCP 2021 to include detailed wind tunnelling amelioration controls major residential tower development and place-based residential development in the boundaries of the Chatswood CBD. • That Council commission a cumulative Wind Impact Study to understand identified future impacts on existing residential development in the Chatswood CBD and ground level wind turbulence for pedestrians in proximity to development uplift sites. • That cumulative view sharing analysis be undertaken to consider how potential future development that takes advantage of this new suite of uplifted built form controls will interact with the viewing rights and corridors of existing and established residential development in the Chatswood CBD.	application stage and assessed with regard to WDCP and SEPP 65 requirements. Part L of the draft DCP addresses the CBD Strategy Key Elements. Part L has a section on Amenity that states: "Amenity Performance Criteria" 1. Maximise solar access and ventilation to residential units. 2. Ensure visual and acoustic privacy of residential units in the development and adjoining properties. 3. Improve pedestrian amenity surrounding the site. Controls 1. A Wind Assessment shall be submitted at Development Application Stage. 2. A detailed Acoustic Assessment shall be submitted at Development Application Stage. 3. Residential units shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy." Further wind analysis is required at development application stage.

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		• The Council appropriately consider built form transitioning for future development on the western side of Anderson Street at the edge of the Chatswood CBD boundary to consider adverse heritage interface impacts to the east and detrimental view loss impacts for PPCA buildings further to the west. • That Council note the increased responsibilities of the PPCA in managing existing arrangements associated with this community infrastructure and that this matter be directly addressed by Council with the appropriate land owners and managers of the PPCA as existing key stakeholders within the Chatswood CBD prior to Planning Proposal No. PP-2021-624. • That updated analysis be provided as part of the Future Conditions Report prepared by ARUP dated September 2020 with respect to future travel trends and employment distributions as part of the Chatswood CBD as a result of the COVID-19 pandemic prior to any decision being endorsed for the new planning framework. • That Council further consider the siting of active level frontages for non-residential floor space in the B4 Mixed Use Zone to ensure that new development respond to matters such as tenancy size and the character and vibrancy of existing areas in the Chatswood CBD. • That Council provide further clarification on updated timeframes for upturns in development completion so that existing residents within the Chatswood CBD are aware of the timing of future impacts resulting from construction associated with these significant uplifts. • The Council address future cumulative and precinct-wide construction impacts resulting from Planning Proposal No. PP-2021-6242 at the Planning Proposal Stage.	The existing height of development or existing controls under the Willoughby Local Environmental Plan 2012 are not guaranteed in perpetuity and are subject to change to meet the demands of the Chatswood CBD Strategic Centre and its growth to 2036. It is inevitable that there will be impacts on views for existing buildings. Council seeks and supports the concept of view sharing and notes that this will be further reviewed through the design excellence and development application process. The development application will go through its own public exhibition process at that time, based on detailed plans (rather than concept plans). The CBD Strategy seeks to grow employment and residential dwellings in the Chatswood CBD to 2036. It is expected that there will be greater usage of publicly accessible spaces – whether publicly owned or where public access is via public right of way on private property. The CBD Strategy seeks to increase through site links and embellish public realm through further establishment of

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		Due to the significant grounds for objection and the resulting unacceptable cumulative adverse environmental impacts, the Planning Proposal should not be supported by Council in its current form prior to further detailed and up-to-date analysis so as to reduce identified future impacts on existing residential development in the Chatswood CBD.	public access via public right of way on private property. It should be noted that the CBD Strategy has been guided by traffic analysis from ARUP, which was reviewed by Transport for NSW prior to DPE endorsement in 2020. In this regard ARUP then prepared a Future Conditions Report, Chatswood CBD Strategic Study, September 2020 which concluded that the growth proposed under the CBD Strategy could be accommodated. Transport for NSW, Council's DCP and CBD Strategy support the principle of travel demand management. Travel Demand Management is intervention (excluding provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced. The purpose of travel demand management is to reduce the total amount of travel, minimise the need to expand road systems, reduce the incidents of vehicle crashes, prevent further congestion, reduce air pollution,

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			conserve scarce resources and increase the share of non-car based transport. The support for lower car parking rates within close proximity to a rail station and bus interchange is consistent with the position of Transport for NSW. Each future development application will be required to provide updated traffic analysis. The CBD Strategy seeks to establish active street frontages within the Chatswood CBD. This will be fully explored at development application stage. Council has received economic advice that non-residential land uses would be supportable within the Chatswood CBD B4 Mixed Use zone. Due to the differing character within the Chatswood CBD, 11 precincts have been created with particular podium, tower and street wall requirements. This includes CBD boundary areas opposite low density residential conservation areas. The interface with residential development is considered acceptable, noting that this is refined through the

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			design excellence and development application stages. As part of the development application, a proponent would be required to submit Urban Design and / Heritage reports as appropriate. Geotechnical and construction related issues will be fully explored at development application stage. As part of the DA, a construction management plan would be required addressing matters such as traffic control, hours of operation and other matters. In addition, relevant matters to be addressed would also be appropriately conditioned in any consent.
159.	INGHAM PLANNING	This submission relates to the following properties in North Willoughby: • 325, 327 & 329 Penshurst Street North Willoughby • 333, 336, 338 & 346 Penshurst Street and 224 Sydney Street, North Willoughby • 334 340 & 342 Penshurst Street North Willoughby • 129-135 Victoria Avenue North Willoughby While a 2.8:1 FSR and 6 storey height may be enough to encourage redevelopment on the 3 remaining underdeveloped sites at the intersection of Penshurst Street and Victoria Avenue, retention of the existing conservative 2:1 maximum FSR applying to the B2 zoned land along the balance of Penshurst	**Not supported.** Separate planning proposal would be required with appropriate feasibility and urban design analysis.

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		Street to the south, will effectively retain the status-quo i.e., no redevelopment in this location. The retention of a 2:1 maximum FSR in combination with the proposal to require between 7% and 10% of residential floor space to be provided at no cost for affordable rental housing will in fact, further reduce the likelihood of redevelopment, compared to the current situation. It is recommended that Council review its planning strategy for North Willoughby, with a view to providing additional FSR and building height to adequately incentivise redevelopment of this local centre, to meet the objectives of Willoughby Housing Strategy. Support Council in its decision to review and update the planning controls for the North Willoughby Local Centre and the general thrust of Council's planning and housing strategies. The North Willoughby Local Centre is ripe for redevelopment and new planning controls should be introduced to encourage suitably designed mixed-use redevelopment, based on allowing increased development density and building height on consolidated development sites within the Penshurst Street B2 Zone. The existing planning controls providing for an FSR of up to 2:1 and building height of up to 14m (4 storeys) applying to Penshurst Street, south of Victoria Avenue, have failed to encourage site consolidation and redevelopment. New development controls which retain the existing FSR and merely provide for 1 additional storey, will be no more effective in facilitating redevelopment than has been the case for the existing planning controls. It is requested that Council revise the draft planning controls to allow for a maximum FSR of 2.8:1 and maximum building height of 20m (6 storeys) for existing properties along the Penshurst Street frontages, within the 2 blocks outlined in this submission, which extend south of the corner sites at the	

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		intersection of Penshurst Street and Victoria Avenue, to Sydney Street and MacMahon Street. The increase in development potential, as requested in this submission, should only be available where properties are consolidated to form a development parcel of at least 1,000m2 with a street frontage of at least 20m. A new LEP clause should be introduced that prescribes a maximum FSR of 2:1 and maximum building height of 14m (4 storeys) where a development site has an area of less than 1,000m2 and street frontage of less than 20m. Request an opportunity to discuss the above recommended changes to the planning controls for North Willoughby upon completion of the concept plans being prepared for our client's site at 224 Sydney Street and 330-342 Penshurst Street when these concept plans will be available by early July 2022.	
160.	SHELTER NSW	Shelter NSW recommends Council: • Increase its Affordable Housing contribution rate, particularly making provision for a 'bonus' rate above 10 percent. We commend Council for proposing to increase its Affordable Housing contribution rate to at least 10 percent. A more ambitious target, including a base and bonus rate, may be required to deliver significant on-the-ground gains. Abundant affordable, below-market rental housing is necessary to reverse the trend of key workers having to commute long distances to perform jobs or having to altogether abandon performing critical work in affluent suburbs. • Shelter NSW considers that the private market fails to provide enough quality, well-located, affordable housing and governments to make an urgent and widespread investment in social and affordable rental housing acquisition and construction. The increase in social housing stock in Australia has lagged behind population growth for decades. Demand	**Submission noted.** The Willoughby Housing Strategy and LSPS aims to protect existing R2 Low Density Residential areas to protect urban character including existing heritage conservation areas. The majority of future residential growth will be in medium and high-density areas in addition to local centres and mixed-use areas in the Chatswood CBD. Council is seeking to maximise future residential growth in these areas.

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		has accelerated for non- and below-market housing due to wealth inequality, gentrification, and a range of other macro level pressures. Albeit a (presently) small slice of the non- and below-market housing pie, local Councils are uniquely placed to collect developer contributions for the purposes of in-perpetuity affordable rental housing via the Housing SEPP (formerly SEPP 70). • Consider the need for greater tracts of R2 zoned land to be upzoned to R1 or R3. This is in order to increase the future stock of potential affordable housing in Willoughby LGA through greater density of development. • Shelter NSW is also supportive of Council's goal to strengthen landscaping requirements (including deep soil zones), combat urban heat, and promote design excellence in the dLEP. There is concern that there is considerable discretion in when the Design Excellence clause will be applied. • It is recommended that Council make publicly available criteria for when design excellence panel reviews and architectural design competitions do not apply to a site/development, per clause 6.19.	Clause 6.19 Design Excellence outlines clear criteria where the clause will apply (i.e. development involving the erection of a new building or external alterations to an existing building greater than 12m in height on land identified as "Area 5" on the Special Provisions Area Map)
161.	CONFIDENTIAL SUBMISSION		
162.	URBIS ON BEHALF OF CLIENT	Submission on behalf of the client. The Draft LEP is broadly aligned with the vision of the Willoughby Local Centres Strategy 2036 which seeks renewal of the Northbridge Local Centre with a shopping centre, housing, underground car park and new public open space. The delivery of this vision will require client on behalf of the owners of Northbridge Plaza and Willoughby Council to work together to achieve a development outcome that will deliver amongst other things: • an underground car park; • a "town square"; • pedestrian, vehicle access and loading arrangements; and	**No change.** Note the proposed reclassification of the car park at Northbridge has been deferred pending further investigation on this complex issue.

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		• appropriate development on the Council owned car park and private owned land in the defined town centre to deliver the targeted employment and housing opportunities. The client is very enthusiastic about the opportunity to deliver a positive outcome for the community for Northbridge Plaza and the Council owned car park, something that has been in discussion with Council for over 15 years. However, to enable the project vision to be realised, it is essential that as a starting point that the planning framework for the precinct be established to achieve this. The client has undertaken a detailed analysis of the draft planning controls and has identified that there is a need to refine the proposed land use and built form controls for the site and adjacent land. This is essential to facilitate a proposal that will deliver the Town Centre vision and associated community benefits, that is economically feasible, environmentally and socially sustainable. It is our submission that there are a number of key amendments required to the draft planning controls in order to unlock the site potential and realise the town centre strategy. The key matters in this regard are summarised below: • Increases to the building height controls, particularly along the Eastern Valley Way frontage and include an extension of the amended building heights further to the east across part of the Council Car Park land. • A rationalisation of the FSR controls to more accurately reflect the achievable built form with regard to the building height controls and setback controls of the DCP. • Consideration of land use permissibility in the R4 zone to allow retail premises to activate ground level public domain interfaces. • Re-consideration of the 'aspirational' affordable housing target of 10% noting that this was based on an assumption of achieving 2.5:1, which we	

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		submit is unachievable for the site. The affordable housing contribution should be pegged at 4% in accordance with Council's current policy. Support the reclassification of the existing Council carpark. This submission outlines the current proposed controls and our recommended changes that are necessary to deliver a development outcome for the site aligned with the Town Centre Strategy for Northbridge. The client has engaged Architectus to undertake a detailed analysis of the draft planning controls discussed above. There are a number of issues with the draft planning controls which would hinder the ability to unlock the site's potential and realise the Town Centre vision and associated community benefits. This is detailed in the "preferred option' scheme in the attached Urban Design Package prepared by Architectus. The preferred option will achieve a total GFA of 36,788sqm and total site FSR of 1.52:1. This will consist of: ▪ 126 dwellings, including 100 apartments and 26 'townhouse' style dwellings. ▪ Approximately, 8,118sqm of commercial floor space above the existing centre. • Provision of 9,861sqm of retail floor space, which is an increase on the existing 8,109sqm of retail floor space on site. • Replacement of existing 386 public spaces, an additional 69 spaces for future retail/commercial use and 242 spaces for residential use. • The following changes to the land use, car parking and built form controls have been used to guide the alternative scheme for the site: • Locate additional height along Sailors Bay Road and to the southern end of Eastern Valley Way and reduce height to the north and east by providing 2 storey terrace-style housing to transition with the surrounding low density residential context.	

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		• Increase the maximum building height along Eastern Valley Way to 20m (including lift-over run). • Extend the R4 land use zoning and amended 20m building heights further to the east across part of the Council Car Park land. This will allow dual aspect residential apartment development to be accommodated adjacent to Eastern Valley Way. • Provide a maximum street wall height of 4 storeys along Eastern Valley Way with a 3m upper-level setback. • Rationalise the split FSR controls for the site to permit 1.55:1 across the entire site to more accurately reflect the achievable built form with regard to the suggested amended building height controls and setback controls of the DCP. • Permit "retail premises" as an additional permitted use across the site to allow retail premises to activate ground level public domain interfaces. Permit increased parking rates to remove future uncertainty about whether car parking rates that exceeds the draft DCP 'targets will be accepted at DA stage. The client supports the opportunity to deliver a positive outcome for the community for Northbridge Plaza and the Council owned car park. Unfortunately, the built form controls proposed within the Draft LEP and DCP render renewal of the site unfeasible. To achieve the urban renewal envisaged within strategic planning for the site the Architectus Urban Design Study recommends: • A singular FSR control of approximately 1.5:1 for the entire site, reflecting that the development vision requires an integrated solution across the landholdings. • Increase the maximum building height along Eastern Valley Way to 20m. • Extension of the R4 zone and the requested 20m height control further to the east across part of the Council Car Park land.	

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		• Allow *retail premises* as an additional permitted use across the site. • Permit the following car parking rates for the Northbridge Plaza site:– Residential: • 1 bed: 1 space per dwelling • 2 bed: 1.5 spaces per dwelling • 3 bed: 2 spaces per dwelling • Terrace Houses: 2 spaces per dwelling • In the specific circumstances of this site, absorb residential visitor parking (14 spaces) within the public car park allocation to maximise parking efficiency. – Non- Residential Parking Mix: • Retail uses: 1 space per 25sqm GFA	
163.	URBIS ON BEHALF OF CLIENT	This submission relates to land in which client holds an interest being 44-52 Anderson Street Chatswood. This submission requests Council to ensure that the amendment to the Comprehensive LEP recognises planning proposals that are proceeding on the basis of the current affordable housing rate of 4% of residential floor space as per the existing provisions of clause 6.8 of the LEP. The planning proposal is proceeding through the final stages of endorsement and forwarding to the NSW Department of Planning and Environment for gazettal on the basis that future development will provide affordable housing at a rate of 4% in accordance with the existing provisions of clause 6.8. It is considered that the increase of the rate of affordable housing from 4% to 10% is excessive and will have significant implications for development feasibility within the Chatswood CBD due to: • The significant increase to construction costs currently being experienced by the development industry; and • A potential Regional Infrastructure Contribution (RIC) to be levied by the NSW State Government.	Existing planning proposals will conform with the current LEP 4% affordable housing requirement.

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		The SGS Report that supports the Comprehensive LEP assumes 2021 construction costs. Accordingly, these costs should be updated to reflect the current market. In addition, the feasibility modelling undertaken by SGS does not account for a potential RIC of $10,000 per dwelling and $30 /sqm of new commercial GFA. Whilst there is still a lack of certainty around the proposed state-wide contributions reform, it is understood that the RIC is still being considered by DPE and as such must form part of an updated feasibility analysis for any future development within the Chatswood CBD. The proposed draft LEP instrument is silent on how sites that are subject to planning proposals on the basis of a 4% affordable housing provision will be accounted for in the amendment to clause 6.8.	
164.	MILESTONE (AUST) PTY LIMITED	Milestone (AUST) Pty Limited acts on behalf of the Owners of Strata Plan No. 88191, also known as the 'ERA' building at No. 7 Railway Street, Chatswood. This submission strongly objects to the following aspects of Planning Proposal No. PP-2021-6242 (LEP) and requests the following issues to be addressed prior to finalisation of the LEP: 1. Cumulative wind tunnelling impact of future high density residential tower development and lack of wind tunnelling amelioration controls included for the Chatswood CBD within the Draft DCP 2021. 2. Further consideration of impacts for ERA regarding the management of privately-managed public open space due to increased usage and access through Railway Street as a result of Planning Proposal No. PP-2021-6242.	The CBD Strategy proposes increases to height and FSR within the strategic centre of Chatswood, having significant public transport infrastructure and commercial and other non-residential services. Increases in height and FSR, are to be considered with other Key Element requirements (totalling 35), in particular setback controls at ground and tower levels, maximum floor plate requirements, and a slender tower objective, designed to satisfactorily address built form and amenity

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		3. Loss of solar access and overshadowing to existing public open space and private recreational area on Level 5 of the ERA building. 4. Outdated technical transport analysis with respect to future travel trends and employment distributions as part of the Chatswood CBD as a result of the COVID-19 pandemic and limited consideration of congestion impacts of internal links and parking requirements within the Chatswood CBD. 5. Lack of clarity in timeframes for development completion upturns for future development in the Chatswood CBD as a result of Planning Proposal No. PP-2021-6242. 6. Further consideration of residential land uses within the proposed B3 Commercial Core Zone by way of visual imposition and privacy for existing and new residents to protect amenity. 7. Public interest issues associated with Planning Proposal No. PP-2021-6242. <u>Specific recommendations include:</u> 1. That Council include detailed wind tunnelling amelioration controls major residential tower development and place-based residential development in the boundaries of the Chatswood CBD within the Draft Willoughby Development Control Plan 2021. 2. That Council commission a cumulative Wind Impact Study to understand identified future impacts on existing residential development in the Chatswood CBD and ground level wind turbulence for pedestrians in proximity to development uplift sites. 3. That Council engage in further consultation with ERA on the future improvement of the public domain and potential impacts on the publicly	outcomes. The CBD Strategy Key Elements are addressed in Part L of the draft DCP. The CBD Strategy identified key public spaces that require solar access protection. This protection is maintained under the proposed LEP and DCP. Overshadowing on other sites, including residential accommodation and community infrastructure located on private land, is addressed through the design excellence process at development application stage and assessed with regard to WDCP and SEPP 65 requirements. Part L of the draft DCP addresses the CBD Strategy Key Elements. Part L has a section on Amenity that states: *"Amenity* *Performance Criteria* 1. *Maximise solar access and ventilation to residential units.* 2. *Ensure visual and acoustic privacy of residential units in the*

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		accessible open space managed by ERA and that the implications of a future Public Domain Plan on this space are discussed with ERA as it relates to their existing arrangements with Council. 4. That Council consider and quantify the cumulative impacts of overshadowing adverse solar access implications on existing residential development in the Chatswood CBD, which includes the residents and representatives of ERA as key stakeholders. 5. That updated analysis be provided as part of the Future Conditions Report prepared by ARUP dated September 2020 with respect to future travel trends and employment distributions as part of the Chatswood CBD as a result of the COVID-19 pandemic. 6. That Council give further consideration to measures to manage adverse congestion and traffic flows adjacent to the ERA building, including Help Street and Railway Street from the Pacific Highway as part of the Willoughby Integrated Transport Strategy to 2036. 7. That Council provide further clarification on updated timeframes for upturns in development completion so that existing residents within the Chatswood CBD are aware of the timing of future impacts resulting from construction associated with these significant uplifts. 8. That additional provisions be made for future LEP objectives of the proposed B3 Commercial Core Zone and future E2 Commercial Centre Zone to protect the amenity of existing residential development that is consistent with the Council's strategic planning for residential development in the Chatswood CBD. Appreciate the opportunity to discuss our concerns with you and invite Council Officers as part of this Planning Proposal process to inspect the ERA building and	*development and adjoining properties.* 3. *Improve pedestrian amenity surrounding the site.* *Controls* 1. *A Wind Assessment shall be submitted at Development Application Stage.* 2. *A detailed Acoustic Assessment shall be submitted at Development Application Stage.* 3. *Residential units shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy."* Further wind analysis is required at development application stage. The existing height of development or existing controls under the *Willoughby Local Environmental Plan 2012* are not guaranteed in perpetuity and are subject to change to meet the demands of the Chatswood CBD Strategic Centre and its growth to 2036.

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		adjacent public open spaces to better understand the nature of the concerns outlined in this submission.	It is inevitable that there will be impacts on views for existing buildings. Council seeks and supports the concept of view sharing and notes that this will be further reviewed through the design excellence and development application process. The development application will go through its own public exhibition process at that time, based on detailed plans (rather than concept plans). The CBD Strategy seeks to grow employment and residential dwellings in the Chatswood CBD to 2036. As a result, it is expected that there will be greater usage of publicly accessible spaces – whether publicly owned or where public access is via public right of way on private property. The CBD Strategy seeks to increase through site links and embellish public realm through further establishment of public access via public right of way on private property. It should be noted that the CBD Strategy has been guided by traffic analysis from ARUP, which was reviewed by Transport

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			for NSW prior to DPE endorsement in 2020. In this regard ARUP then prepared a Future Conditions Report, Chatswood CBD Strategic Study, September 2020 which concluded that the growth proposed under the CBD Strategy could be accommodated. Transport for NSW, Council's DCP and CBD Strategy support the principle of travel demand management. Travel Demand Management is intervention (excluding provision of major infrastructure) to modify travel decisions so that more desirable transport, social, economic and/or environmental objectives can be achieved, and the adverse impacts of travel can be reduced. The purpose of travel demand management is to reduce the total amount of travel, minimise the need to expand road systems, reduce the incidents of vehicle crashes, prevent further congestion, reduce air pollution, conserve scarce resources and increase the share of non-car based transport. The support for lower car parking rates within close proximity to a rail station and

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			bus interchange is consistent with the position of Transport for NSW. Each future development application will be required to provide updated traffic analysis. The CBD Strategy seeks to establish active street frontages within the Chatswood CBD. This will be fully explored at development application stage. Council has received economic advice that non-residential land uses would be supportable within the Chatswood CBD B4 Mixed Use zone. Due to the differing character within the Chatswood CBD, 11 precincts have been created with particular podium, tower and street wall requirements. This includes CBD boundary areas opposite low density residential conservation areas. The interface with residential development is considered acceptable, noting that this is refined through the design excellence and development application stages. As part of the development application, a proponent

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			would be required to submit Urban Design and / Heritage reports as appropriate. Geotechnical and construction related issues will be fully explored at development application stage. As part of the DA, a construction management plan would be required addressing matters such as traffic control, hours of operation and other matters. In addition, relevant matters to be addressed would also be appropriately conditioned in any consent.
165.	GYDE CONSULTING	GYDE Consulting (GYDE) acts on behalf of client. Client is the landowner of Lot 1 and 2 of DP 34965 and Lot 8 of DP 653704, known as 754 Pacific Highway, Chatswood (the subject site). This submission is in response to Council's draft Local Environmental Plan (LEP), as it relates to the subject site and broader Chatswood CBD. The subject site is located within the boundaries of the Chatswood CBD (as described in the Chatswood CBD Strategy). However, despite the fact that the strategic planning framework would support greater development intensity on the western side of the Pacific Highway, the draft LEP does not propose any change to planning controls for this area. Consider that there are compelling strategic planning reasons for recognising the suitability of the western side of the Pacific Highway to support more intensive	**No change.** The area west of the Pacific Highway is outside the Chatswood CBD area and review at this stage is not supported.

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		mixed use development, including employment generating and residential land uses. Such recognition would be consistent with the aims of the draft LEP, which focus on creating a vibrant and confident CBD to provide capacity for commercial growth in the core of the CBD around the transport interchange. The intensification of land uses to the west of the Pacific Highway will allow for commercial and residential growth beyond the core area, capitalising on Chatswood's exceptional transport connectivity and high level of services and amenities. This can be achieved without adversely affecting and indeed improving the amenity of residential areas further to the west and is based on logical and appropriate urban design principles relative to the eastern side of the Pacific Highway. Recognise that because the draft LEP has evolved from an extended strategic planning process, specifically with respect to the Chatswood CBD, it is unlikely that Council will be willing amend the exhibited zoning and development controls in relation to the subject site as part of the current statutory process. Request that in any resolution made in respect of the draft LEP, Council supports the ongoing review of mixed use development opportunities along the western side of the Pacific Highway, particularly the precinct bounded by the Highway, Fuller Street, View Lane and Leplastrier Lane. This would provide our client and other landowners in the precinct with confidence to invest in further planning investigations in support of a potential Planning Proposal to implement appropriate changes to planning controls for the precinct.	
166.	URBIS ON BEHALF OF CLIENT	On behalf of client, the owners of 845 Pacific Highway Chatswood (the site) the following submission in relation to Council's proposed comprehensive	**No change to draft DCP.**

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		amendments to the Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan 2006. Note that when the tower setbacks provided within Part L 4.3.4 Setbacks and Street Frontage Heights of the draft DCP are applied to the site, the maximum NLA that can be achieved is 17,149 sqm with a maximum achievable tower floor plate of 491 sqm. This is well below the floor plate used to establish the achievable office capable NLA and feasibility modelling in the BIS Oxford Feasibility Report. The site is one of only a small number of sites within the Chatswood CBD under single ownership, that exceeds the minimum site area (1,800sqm) for commercial office development without requiring amalgamation. The main barrier to achieving the feasible development of this site per the BIS Oxford report are the setbacks prescribed by the draft DCP. The rigid, 'one size fits all' approach to podium and tower setbacks does not consider the capacity for design excellence to deliver a site-specific solution for constrained sites that meet the minimum site area requirements for commercial office development. Our solution does not aim to undermine the setback controls, rather, it sets up a robust and flexible DCP framework to get the best possible development outcome within the Chatswood CBD. This aims to ensure that new employment floorspace can be delivered on key sites through the adopted design excellence process. The proposed additional DCP provisions outline specific criteria where a flexible, merit-based approach is warranted to the development of a site consistent with the application of s4.15(3A) (b) of the *Environmental Planning and Assessment*	Variation of the DCP controls can be considered on merit at DA stage. Note that draft Part L of the DCP includes both performance criteria and controls. Variation in setbacks could result in a lower height and FSR on the site.

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		Act (EP&A Act 1979). This is tied to key controls within the draft WLEP and draft DCP relating to site area, maximum floor plate and design excellence. Request Part L- Place Based Plans be amended as follows: • Part L of the draft DCP must be amended to be consistent with the remainder of the draft WDCP and recent site specific DCPs which provide both 'Performance Criteria (Objects)' and 'Controls' for each matter to be considered by development (e.g. setbacks, vehicular access, etc.). This approach allows for flexible application of the provisions and reasonable alternative solutions that achieve the objects of the standard per s4.15(3A)(b) of EP&A Act 1979. • The controls for setbacks and street frontage heights within s.4.3.4 of the draft DCP must include an additional provision that allows flexibility to these (setback) controls to be considered on merit but only in circumstances where: • The site meets the minimum site area requirements within the WLEP for the development type being considered, • The development does not exceed the maximum floor plate controls in Part L - s4.3.1 (d) of this DCP, • The development does not result in unacceptable amenity impacts to the public domain and adjacent development, • In the case of commercial development, the variation must result in demonstrable additional employment uplift when compared to a compliant scheme,	

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		• The development has been subject to a design excellence competition and is considered by the Jury to result in a better design outcome than what could be achieved by a design with compliant setbacks. Consider the lack of flexibility within the current DCP controls for the Chatswood CBD directly thwarts both the objectives of the CBD Strategy and aims of the draft LEP to promote office growth and employment opportunities in the core. These controls will not have the desired effect to increase investor confidence in commercial office development and will undermine investor confidence and stall the renewal of the Chatswood office market.	
167.	MIRVAC	The submission is on behalf of the owners of 45 Victor Street and 410-416 Victoria Avenue, Chatswood. A key component of the draft LEP and DCP is to implement the recommendations of the DPE endorsed Chatswood CBD Strategy (CBD Strategy) through Council's planning framework. Whilst supportive of this approach, consider that the following changes are required prior to finalisation of the LEP and DCP: A. Application of the B4 Mixed Use zone, or permissibility to allow mixed use in the controls, for land east of the North Shore rail line to ensure consistency with DPE's conditional endorsement of the Chatswood CBD Strategy as detailed in their letters of 9 August 2019 (Attachment 1) and 9 July 2020 (Attachment 2). B. Fixing of the proposed affordable housing levy at 4% having regard to the cumulative viability impacts of this contribution along with other developer contributions and development costs. C. Amendment of the Design Excellence policy to allow for a process which is consistent with the City of Sydney competitive design alternatives process.	Responses to specific submission points include: A. B4 Mixed Use zone is inconsistent with the Chatswood CBD Urban Design Strategy 2036 for land east of the North Shore rail line and therefore is not supported. B. The proposed affordable housing levy being increased to 10% in the Chatswood CBD is supported by an Affordable Housing Feasibility Report prepared by SGS for Council which supports a 10% rate in Chatswood CBD as well as North Willoughby, Northbridge and Castlecrag. C. The Design Excellence Policy is a Council endorsed Policy and therefore it is not proposed to change the Policy or LEP Clause for design excellence.

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		D. Retain architectural roof feature clause currently in Councils LEP. Draft DCP E. Fix car parking rates for the Chatswood CBD at the Arup agreed parking rates which were recommended to be adopted by Council in the Chatswood CBD based on detailed traffic and transport analysis.	Note the proposed LEP Clause 6.19 (replacing Existing LEP Clause 6.23 for Design Excellence) states: *(8) If the consent authority is satisfied a design excellence panel review or an architectural design competition for an external building alteration is unreasonable or unnecessary in the circumstances of the development; subclause (6)(a) and 6(b) does not apply.* In this regard MIRVAC can seek the 'Unreasonable and Unnecessary' with the Consent Authority and offer an alternative approach. The Consent Authority would generally be the Planning Panel. D. Note that *Clause 5.6 Architectural roof features* is proposed to be repealed in WLEP 2022. This is because building heights are intended to comply with the new increased LEP heights (such as in Chatswood CBD) and not exceed these heights with additional roof features. **E.** Council recognises that the uplift proposed under the *Chatswood CBD Planning and Urban Design Strategy 2036* ('Chatswood CBD Strategy') will have implications for traffic and transport

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			within the CBD. Accordingly, consultant Arup was engaged to complete the *Future Conditions Report* (September 2020) which looked at how the growth planned for in the Chatswood CBD Strategy could be accommodated by the CBD transport network. This would be in line with the overarching principle of Travel Demand Management (TDM) as defined in the Chatswood CBD Strategy and Willoughby DCP. Arup made 15 recommendations in this report. Recommendation 13 was to *"Undertake a review of parking rates that apply to developments within the precinct to support the Travel Demand Management approach and encourage shift to sustainable modes (of transport)." (pg. 40)* The full report is available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-5 Council later engaged Cardno to complete the *Review of Parking Rates* report (February 2021). This report made recommendations for revised parking

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			rates (including car, motorcycle and bicycle parking) for all types of development across the Willoughby LGA including the Chatswood CBD. The full report is available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13 This is the latest and most comprehensive work Council has completed relating to parking rates. As such, these parking rates supersede any other parking rates that were previously provided as part of individual Planning Proposals.
168.	URBIS ON BEHALF OF CLIENT	On behalf of the client, the owners of land located at 173-195 Victoria Avenue, Chatswood (subject site), submission in response to the public notification of the Draft Willoughby LEP and DCP. The client are the owners of one the largest properties located within the North Willoughby centre. The property has site and locational attributes supporting future development that optimises the provision of high-quality, mixed-use development desired for the centre while minimising impacts on adjoining properties. The client supports the provisions of the draft LEP relating to the proposed zoning of the site as B2 Local Centre zone. Submission objects to the following:	**Not supported and separate planning proposal required.** Consideration of increased FSR and building height on the site potentially need to look at more varied height controls rather than a blanket 25m height. The Local Centres Strategy shows a mix of heights ranging from 8 storeys on the eastern edge to 5 storeys in the

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		1. The designation of maximum building height at 25 metres and submit this should be increased to 27 metres to accommodate mixed use development of 8 storeys. This will not allow buildings of more than 8 storeys being approved on the site. 2. The proposed floor space ratio (FSR) at 2.1:1 should be increased to 2.8:1 with further opportunity to increase to 3.8:1 subject to provision of publicly accessible open space on the site and consolidation of the site with the property located at 197 Victoria Avenue. Submit that there is no strategic, locational or site-specific rationale for the application of a 2.1:1 FSR on the properties at 173-197 Victoria Ave compared to the 2.8:1 FSR being applied to other sites in North Willoughby. The proposal to increase FSR on this important site from 2:1 to 2.1:1 (5%) appears very arbitrary and is anomalous and inappropriately low compared to adjoining sites and does not reflect the objectives of the Local Centres Strategy exhibited to the community. Submit that the mapped FSR for this site should be 2.8:1. The Willoughby Local Centres Strategy provides a clear direction for the desired future development of the properties at 173-197 Victoria Ave comprising an amalgamated site accommodating mixed used development up to 8 storeys in height and with the provision of a new area of public open space on the Royal Street corner. Modelling of the desired development for the site as contained in the Local Centres Strategy which has been exhibited to the public has been prepared by Nettleton Tribe Architects and is illustrated in the submission. This increased FSR provides the necessary incentive for the owners of the properties to work constructively to create an amalgamated site and provision of	middle and 6 storeys on the western edge. This height variation is important to consider as it is on the edge of the centre and adjoins R3 and R2 zone areas and these impacts need to be considered. Note that 197 Victoria Avenue was included in the Local Centres Strategy but was not rezoned in the draft LEP (i.e. remains R3 Medium Density zone) Extension of Terminus Lane across the site would also need to be considered in order to achieve adequate access to the site for deliveries and vehicles as indicated in the Local Centres Strategy. .

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		new, much needed public open space as reflected in the built form outcome for the site contained in the Local Centres Strategy as exhibited by Council. To facilitate this, we propose an 'incentive provision' be applied to the properties comprising 173-197 Victoria Avenue suggested as follows: *Cl 4.4A Exceptions to floor space ratio* *(25) The maximum floor space ratio for a building on land identified in 'Area ??' (173-197 Victoria Avenue, Chatswood) on the Floor Space Ratio Map may increase by 1.0:1 to 3.8:1 if –* *(a) the land subject to development comprises all allotments making up 173-197 Victoria Avenue, and* *(b) provision of publicly accessible public open space with minimum dimension of 30 metres x 15 metres is provided on the corner with Royal Street.* Submit that such an approach facilitates the desired outcomes for the site without establishing an undesired precedent distorting the broader approach to planning for the centre.	
169.	URBIS ON BEHALF OF CLIENT	This submission has been prepared in response to the public exhibition of planning proposal PP-2021-6242 prepared by Willoughby City Council (Council). The planning proposal contains a comprehensive review and amendment to the Willoughby Local Environmental Plan 2012 (Comprehensive LEP). This submission relates to land in which the client holds an interest being 641 – 653 and 655A Pacific Highway, Chatswood (the site). This submission requests Council ensure that the amendment to the Comprehensive LEP recognises planning proposals that are proceeding on the	Existing planning proposals will conform with the 4% affordable housing requirement.

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		basis of the current affordable housing rate of 4% of residential floor space as per the existing provisions of clause 6.8 of the LEP. It is considered that the increase of the rate of affordable housing from 4% to 10% is excessive and will have significant implications for development feasibility within the Chatswood CBD due to: • The significant increase to construction costs currently being experienced by the development industry; and • A potential Regional Infrastructure Contribution (RIC) to be levied by the NSW State Government. The SGS Report that supports the Comprehensive LEP assumes 2021 construction costs. Accordingly, these costs should be updated to reflect the current market. In addition, the feasibility modelling undertaken by SGS does not account for a potential RIC of $10,000 per dwelling and $30 / sqm of new commercial GFA. Whilst there is still a lack of certainty around the proposed state-wide contributions reform, it is understood that the RIC is still being considered by DPE and as such must form part of an updated feasibility analysis for any future development within the Chatswood CBD. The Comprehensive LEP must be revised to introduce a new sub-provision to clause 6.8 that identifies specific land as subject to the 4% affordable housing floorspace requirement as per the existing provisions of clause 6.8. It is recommended that this revision is best achieved by amending the Special Provisions Area Map to identify sites which are the subject of site-specific	

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		planning proposals to amend zoning, development standards, and planning controls consistent with the Chatswood CBD Strategy.	
170.	MILESTONE (AUST) PTY LIMITED	This submission on behalf of the Strata committee of Strata Plan No. 67702, the building known as Forum West located at 3 Herbert Street St Leonards objects to the following aspects of Planning Proposal No. PP-2021-6242: 1. Detrimental loss of iconic, water and skyline views for existing residents in the Forum West building resulting from the cumulative bulk and scale impacts of significant high-rise development increase, specifically the proposed development uplift of 207 Pacific Highway which poses severe view loss and loss of privacy impacts. 2. Cumulative adverse environmental impacts resulting from Planning Proposals and development uplift in the St Leonards area which spans across the Willoughby City, North Sydney and Lane Cove Municipal Council Areas. 3. The cumulative adverse traffic and parking impacts along the Pacific Highway and Herbert Street which will occur with a considerable increase in mixed-use residential apartment towers. 4. Cumulative overshadowing impacts resulting from significantly increased density and building height. 5. Cumulative wind tunnelling impacts of future high density residential tower development and lack of wind tunnelling amelioration controls included within the Draft DCP 2021. 6. Commercial and retail podia viability studies are required to ensure the significant increase in mixed use development is viable, and the potential	**Comments noted.** Planning controls for St Leonards have been determined by the State Government's *St Leonards Crows Nest Plan 2036* and are being implemented by the local councils of Willoughby, North Sydney and Lane Cove through individual LEPs. Any modifications to said controls would be a departure from the approved final SLCN Plan as set by State government for inclusion in local Council LEPs and DCPs.

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		detrimental impact of mixed-use, high rise buildings resulting in a homogenous built form and land use typology in St Leonards. 7. Clarity on development completion upturns and construction impacts is to ensure residential amenity is preserved due to significant construction works in the St Leonards and Crows Nest area for the foreseeable future. Due to the significant grounds for objection and resulting unacceptable cumulative adverse environmental impacts, Planning Proposal No. PP-2021-6242 should not be supported by Council in its current form prior to further detailed and up-to-date analysis to assess the above cumulative impacts so as to reduce identified future effects on existing residential development in St Leonards.	
171.	COMMUNITY HOUSING INDUSTRY ASSOCIATION NSW	<u>Draft planning Proposal</u> It is noted that the Feasibility Report suggests different contribution rates for different locations across the LGA. CHIA NSW's strong preference is for the 10% requirement to be broadly applied across all locations, as this would maximise delivery of much needed affordable housing. Internationally, as well as in the City of Sydney, it has been demonstrated that a broad-based contribution requirement does not impede development, as developers incorporate the contribution into the land purchase price. The Centre for International Economics, in its evaluation of infrastructure contributions reforms, also concluded that, over time, infrastructure costs will be factored into lower land values, rather than higher housing prices. A higher target is therefore likely to be supported if sufficient notice is provided to the market.	**Submission noted.** The proposed affordable housing contribution rate of 10% is based on a detailed feasibility analysis report and is considered to be a reasonable and achievable rate for the Chatswood CBD consistent with Council's Local Strategic Planning Statement (LSPS). It is noted that significant increase in building heights and floor space ratios are proposed for the Chatswood CBD and therefore it is reasonable that the affordable housing contribution is provided within the approved height and FSR. Allowing bonus

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		Should a lower rate be necessary in the initial years of the scheme, given development feasibility constraints, the WLEP needs to include provisions to transition to the higher rate over a clear timeframe. This will enable the higher rate to be factored into future land cost expectations. CHIA NSW recommends the planning proposal is amended to provide the option for the affordable housing contributions to be dedicated directly to a community housing provider nominated by Council. As the Feasibility Report identifies, such an approach provides maximum public value. This includes reduced costs to Council and the delivery of increased amounts of affordable housing. Any affordable housing that CHPs own can be leveraged to increase their capacity to deliver upgrades and new stock. As not-for-profit organisations delivering lower-cost housing, designing developments that are cost-effective is an integral component of a CHP's financial viability. This is especially critical at a time when land prices and operating costs, such as insurance premiums, are rising. Planning settings that are too onerous will increase the subsidy required to make social and affordable housing schemes viable and/or reduce the amount of housing that can be delivered. Community housing schemes also have design requirements which differ from private housing. Social and affordable housing developments are often built to respond to identified gaps in provision with a specific tenant profile in mind. A key focus is on innovative design that delivers comfortable and secure homes, which require less maintenance, and deliver cost savings to their tenants. This means that design requirements intended for private housing are not always a good fit for community housing schemes. <u>Draft DCP</u>	floorspace would be contrary to the intent of the Strategy. With respect to the DCP matters, each application is considered on the individual merits of the proposal, and there is already flexibility in the development assessment process to allow for variation of development controls for proposals such as affordable housing. This allows for some concessions, including a reduction in car parking requirements.

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		In this regard, a flexible policy framework is critical to ensuring CHPs are strongly positioned to continue building fit-for-purpose social and affordable housing. CHIA NSW recommends that as part of the review of the WDCP, Council: • Ensure there is sufficient flexibility in development controls to adapt to the specific needs of social and affordable housing delivered by CHPs. • Support supply through planning incentives and concessions. This could include reductions in car parking requirements for affordable housing development, to support viability.	
172.		"Extending CBD" is extending High Density Residential with a very minor business component for the developments proposed. The guide for residential mix business properties proposed to open space is below or marginal at best. The height restrictions have been increased from heights ranging from 10m, 12m, 20m to 90 metres. This has a negative impact on neighbouring properties. Council should consider whether the planning proposal is likely to impact to existing and future neighboring properties, including: • Views • Loss of Direct sunlight (especially northern aspect sunlight) • Loss of property value and reduced growth in property values Options to extend the CBD for future true business developments will be lost permanently. Regional work centre hubs, libraries or business, public community space and open space will be sacrificed for poor quality high density residential. Successive developments proposed appear to block the majority of northern sunlight for the majority of neighbouring existing and likely future properties. Transport disruptions and safety and noise to business and residents	**Comments noted.** Changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights in the fringe areas of the CBD in order to reduce impacts on adjoining residential development including nearby heritage conservation areas. Council recognises that through-traffic in the Chatswood CBD adds to congestion and detracts from the overall amenity of the CBD. The uplift proposed under the

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		during demolition and construction including after hours work. Chatswood traffic congestion is typically caused by through traffic including retail traffic rather the CBD residential apartments. Voluntary Planning Agreement should allow for real benefits to be proposed for the impacted neighbouring properties and new properties. Benefits should include quality open space free from train and traffic noise and feature green space, trees and level accessible areas.	*Chatswood CBD Planning and Urban Design Strategy 2036* ('Chatswood CBD Strategy') will also have implications for traffic and transport within the CBD. Given the CBD is a constrained environment (i.e. with no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management (TDM). TDM a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of transport i.e. walking, cycling, public and shared transport. By applying the principles of TDM – e.g. limiting new car parking and improving active and public transport connections – Council aims to ensure that through-traffic is minimised, the transport network will be able to accommodate the uplift planned for the Chatswood CBD and the overall amenity of the CBD will be maintained.

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173.	SALVATION ARMY	This report has been prepared by The Salvation Army Property Trust (NSW) Pty Ltd, the landowners of the site at Corner Johnson & Archer Streets Chatswood NSW 2067, in support of Willoughby City Council's Planning Proposal to amend the Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan for this site. Rezoning and redevelopment will facilitate the ongoing sustainable delivery of community services, increase the supply of a mix use housing types including affordable/key worker housing, stimulate economic growth and improve health outcomes for the community. This Submission for site to the Council Planning proposal seeks to: • Rezone the site to B4 Mixed Use • Amend the maximum building height to part 48 metres, part 29 metres, part 17 metres and part 1 metres • Apply a maximum floor space ratio of 3.4:1 to the site • Apply minimum 4.5m setbacks to the adjoining heritage conservation area buildings with a 45-degree height plane form 3.5m above the adjoining boundaries. • Retain 'community facilities' and 'public place of worship' as a permitted land uses on the site • Site specific provision under Part 6 of the LEP to allow specific exceedances of the Height of Building control: *1. This clause applies to land at the corner of Johnson Street and Archer Street being 1/-/DP6577, 2/-/DP6577, and 5/-/DP331555** *2. Despite any other provision of this plan, development consent can be granted for development that exceeds the maximum building height shown on the Height*	**No change proposed.** Changes proposed in the submission are inconsistent with the *Chatswood CBD Planning and Urban Design Strategy 2036.*

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		of Buildings map if the part of the development that exceeds the maximum building height is for: a. providing lift access to rooftop communal open space; *b. mechanical plant* This Planning Proposal is justified for the following reasons: • The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land; • The site is underutilised and hasn't undergone redevelopment to meet the needs of the community in approximately 40 years. The absence of any material development activity clearly indicates that the renewal of the site for any purpose is not feasible nor will occur under the current or proposed statutory planning controls. • Council recognise that the site's location on the periphery of the Chatswood adjacent to existing B4 Mixed Use land makes it difficult to deliver significant non-residential floor space and that it is better suited to mixed uses including higher density residential. • The proposed building heights will ensure an appropriate transition in scale to the existing lower density residential dwellings to the south, west and east. The reference design is intended not to create any unacceptable or unreasonable privacy or shadow impacts to the surrounding dwellings. • The submission for the planning proposal can meet the design criteria of the Apartment Design Guide. • The submission for the planning proposal will not have any adverse impacts on the future operation of the surrounding road network. • The submission for the planning proposal will deliver preferable outcomes when compared to development that complies with the current planning controls.	

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		• The proposal is consistent with the applicable SEPPs and Ministerial Directions. <u>Proposed amendments to the Willoughby Development Control Plan</u> The Willoughby DCP contains development controls for mixed use development. For the intended outcome to be realised and to provide additional built form parameters to manage future development, it is necessary to apply site-specific development controls. The application of site-specific development controls is reasonable in these circumstances as, along with LEP amendments, they will facilitate the renewal of the site. Applying the generic residential controls to this site ignores the site's complexities and would likely constrain future development potential. It is proposed that a site-specific DCP is prepared to regulate the following: • Site coverage • Building height in storeys in various parts • Johnson Street setback • Archer Street setback • Bertram Street setback • Rear and side setback and 45-degree building line from 3.5m above the side boundary to R2 zoned land	
174.	ARTARMON	The submission includes the following points: **LEP** It is unclear what the reference point that determines the height limit of buildings in the Artarmon Local Centre. Is it from Hampden Rd or Hampden Lane or both? The current building at 110-114 Hampden Rd appears as 2 storeys when viewed	**Comments noted.** No change to LEP is proposed in relation to Artarmon. The height limit is taken from any point on the existing ground level. Specific

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		from Hampden Rd, due to the setback of the upper 3 storeys. These upper 3 storeys make up the height as seen from Hampden Lane. If each storey is approximately 3m high, it is unclear as to how the existing 5 storeys would fit within the current height limit of 14 metres if measured as height above Hampden Rd. The scale and setbacks of 110-114 Hampden Rd are very appropriate for the Artarmon Local Centre and would support future redevelopments of this scale, however as it appears that no developers seem prepared to invest in the area due to inadequate returns. Support an increase in the height limits to allow an additional two storeys on top of what is currently built at 110-114 Hampden Rd. The proposed building height limit of 17 metres between 64 and 128 Hampden Rd will allow buildings to be one storey higher than currently. Assuming the existing building at 110-114 Hampden Rd is 5 x 3m, i.e. 15m high, support an increase in the building height limit to 21m in this area, assuming the reference point is height above the footpath in Hampden Rd. The LEP requires new developments in the Artarmon Local Centre to undergo a design excellence process and provide 10% affordable housing. Given that the village is also in the Heritage Conservation Area, concerned that the LEP is too onerous on developers to encourage them to invest in the area. Support the design excellence process but suggest that the requirement for 10% affordable housing for developments in the Artarmon Local Centre along Hampden Rd be removed. Supportive of the 10% affordable housing provision in other areas of Artarmon. Supportive of the inclusion of the landscaping provisions within the LEP.	changes requested are not supported as are contrary to the draft LEP and DCP which reflect the *Willoughby Local Centres Strategy 2036.* **WDCP Part F 'Transport and Parking Management':** Council recognises that the uplift proposed for Artarmon in Council's *Local Centres Strategy* will have implications for traffic and transport within the area. Given Artarmon is a constrained environment (i.e. with no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management (TDM). TDM a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of transport i.e. walking, cycling, public and shared transport. One of the key tools under the TDM approach is limiting the number of car parking spaces for new developments, given more car parking spaces only promote car use and thus more traffic. Accordingly, Council engaged transport

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		Support the annexation of Georges Place from the Artarmon Industrial Area in the LEP so that it could be redeveloped for schools and housing. **DCP** **WDCP Part F: Transport and Parking Management** Oppose the proposed reduction in parking requirements for residential developments within the Artarmon Railway Precinct. A reduction will increase pressure on the limited street parking available in the area, resulting in increased traffic congestion as vehicles attempt to find a park and would be disadvantageous to businesses in the area. **WDCP Part H – Heritage Items and Heritage Conservation Areas (HCA)** Oppose full demolition within the HCA. Request the following changes to Section 2.4 of the DCP: Delete: *d. if, in the case of an application for total demolition, redevelopment is a reasonable alternative to retention*. In the sentence: *All applications for total or partial demolition should include:* *a report from a structural engineer specialising in work on heritage buildings or structures. This should detail the structural condition if the proposal claims it is beyond repair, and evidence that stabilisation and/or the retention of the building or structure is unreasonable* replace "*unreasonable"* with "*impossible"*. **WDCP Part L – Place Based Plans – Section 5 – Artarmon Local Centre** Apart from the 8m setback above 2nd storey, what ensures that upper storeys will be terraced in accordance with the slope of the terrain?	planning consultants Cardno to complete the *Review of Parking Rates* report (February 2021), available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13 Cardno recommended maximum car parking rates for the Chatswood and St Leonards CBDs and Artarmon railway precinct in line with the TDM approach. These have been included in draft *Willoughby Development Control Plan (DCP)* Part F. This approach of placing a limit on parking space numbers is now recognised globally as best-practice transport planning for constrained environments and is already used in other areas of Sydney including the City of Sydney and North Sydney local government areas and the Macquarie Park and Parramatta CBDs. By applying the principles of TDM – e.g. limiting new car parking but also improving active and public transport connections – Council aims to ensure that as Artarmon grows into the future, the transport network will be able to

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		What ensures green space will be included? Suggest that a minimum of 1/3 of the site area must be green space. Need for a control to ensure articulation to break up the length of walls to reduce the bulk and visual impacts of shop top housing above the second level. A control is required to ensure that the façade of the buildings is in keeping with the character required for properties in a Heritage Conservation Area heritage of the area not only as part of any redevelopment but also as an ongoing requirement. Include a control that signage doesn't impact on the appearance of buildings; and a requirement that refrigeration/air conditioning units or other equipment not be installed in front of the façade of the building. This control needs to be enforced with both owners and tenants. A control is required to ensure that new and existing properties in the Artarmon Local Centre to be kept in good (visual and physical) order. Thank you for the opportunity to make comment and congratulations to Council on their efforts to engage with the community regarding this important policy.	accommodate the uplift and further traffic congestion will be minimised. **WDCP Part H – Heritage Items and Heritage Conservation Areas (HCA)** A number of submissions raised concerns regarding demolition of dwellings in the Artarmon Heritage Conservation Area. Concerns were cited around the 'loophole' available to property owners and developers to leverage / justify approval for demolition through obtaining a structural engineers report, based on factors relating to instability caused by the clay substrata on which dwellings are built in the Artarmon HCA and associated impacts to the dwelling. Council is cognisant of this issue addressing it through strengthening its heritage controls in the DCP. Section 2.4 under Part H – Heritage Items and Heritage Conservation Areas, deals with 'Demolition'. It is considered that the wording of the DCP, in relation to requirements for an application for total or partial demolition of buildings in a heritage conservation area could be strengthened to ensure that it is more clearly understood that only in the most exceptional circumstances, buildings

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			would be granted approval for demolition in a heritage conservation area. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure demolition only occurs in the most exceptional circumstances. **WDCP Part L – Place Based Plans – Section 5 – Artarmon Local Centre** The following controls in Part L for Artarmon are proposed to address matters raised: 1. Retain the fine grain heritage frontage on Hampden Road. 2. Use the slope of the terrain to achieve 4 to 5 storey shop top housing developments between Francis Road and Jersey Road. 3. Amalgamate sites fronting Hampden Road, between Francis Road and Jersey

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			Road to achieve a floor space ratio of up to 3:1. 4. Amalgamate sites fronting the eastern side of Jersey Road and the western side of Francis Road to achieve a floor space ratio of 3:1 and up to 6 storeys. 5. Maintain height of 3 storeys and floor space ratio of 1.3:1 on the library site. 6. Minimum 8m upper level setback (above the 2nd storey) to Hampden Road. 7. At grade vehicle access to car parking and loading/unloading area to be provided off Hampden Lane or side streets. 8. No upper level setback required to Hampden Lane. 9. Minimum 3m upper level setback (above the 2nd storey) from side streets. In the local centre new development will also need to comply with the provisions of WDCP **Part D Commercial Development**. This addresses matters such as building articulation and site width. In accordance with the definition of 'building height' under the WLEP, the height is vertical distance from the existing ground level to the highest point of the building.

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175.	CASTLECRAG	I live in the Griffin Conservation Area. I support all measures to uphold the principles of the GCA and support the fact that no changes are planned to weaken these principles. There are four areas that require strengthening - car parking, views and fences, water control, and drainage. Car Parking Garages under 2 storey buildings on the street should be counted as a storey and made non-compliant. The height and bulk of many homes has increased to 3 storeys via this method and exceed the height limit. Many garages are 2.5 car width. The principle of natural environment in GCA is under attack as new and renovated homes fill the available land horizontally and vertically. Views Loss of views is having a major impact on our streetscape. Views from GCA reserves are diminished by large houses e.g. views from Lookout Reserve to the harbour and views from Griffin houses to the harbour. Along the southern side of The Rampart a number of large new houses have blocked or diminished views from the street of Watergate Reserve and across the valley. Fences 1800 m pool fences have become de facto boundary fences. At 600 m above the 1200m height limit these pool fences eliminate all views. The fences stop sun penetrating laneways, contribute to muddy patches and create a dark muddy tunnel for pedestrians. On the Griffin walkway between The Turret and Lookout Reserves a number of pool fences have appeared in the last 2 years. Recently most new DAs in the GCA have had a pool and the problem is increasing rapidly. There must be a requirement to set pools well back from the boundary where	**Comments noted.** Residential properties within the Griffin Heritage Conservation Area (GHCA) are zoned C4 Environmental Living. A development application is required for the construction of a swimming pool and boundary fences. Any approval for a swimming pool in the GHCA includes a condition that requires the barrier of the proposed swimming pool to have a maximum height of 1500mm and setback a minimum 900mm from the boundary of a public reserve or pathway. However, under Subdivision 30 of the State Environmental Planning Policy (Exempt and Complying Development Codes 2008, a child-restraint barrier can be constructed as exempt development in accordance with the Swimming Pools Act 1992. In accordance with this Act a 1.8m high opaque child restraint barrier can be constructed without Council approval, effectively creating a de facto boundary fence. It is proposed that pools should be located well back from the boundaries of properties adjoining public walkways and reserves to avoid 1.8m high fences. Whilst

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		there are reserves and walkways such that the pool fence does not intrude on the public view. Water control and drainage In the past two years the extreme rainfall has shown the weaknesses in our drainage and water control. There has been some flooding prior but on 8 March 2022 95 mm flooded many houses in The Rampart. The controls on drainage must be increased and compliance regulated. A DA was submitted where an outlet was dumping water into a walkway instead of pumping the water back to the street frontage. Overflowing pool water often runs down the hill through 2 levels of houses before descending into the houses on the southern side of The Rampart. The number of new pools is exacerbating the problem. There is an urgent need to increase soft landscaping and reduce hard surfaces to increase water absorption. Compliance with current requirements is often lip service in the DA.	an increase in the setback requirement may not necessarily prevent the erection of a 1.8m high child restraint barrier in accordance with the Swimming Pools Act 1992, it may encourage proponents to comply with the objectives of the Griffin Heritage Conservation Area if the following requirements are included as a condition of development consent: The construction of a swimming pool and child restraint barrier must satisfy the objectives of the Griffin Heritage Conservation Area, in particular: i. the child restraint barrier should have a maximum height of 1500mm ii. the barrier must be setback a minimum 3m from a side or rear property boundary adjoining a public reserve or pathway iii. a minimum 2m wide landscaped area adjacent to a side or rear property boundary must be densely planted to screen the swimming pool and surrounds from an adjoining public reserve or pathway iv. the landscaped area must comprise plants that cannot facilitate climbing

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			These additional provisions have been included as a recommendation to Council to amend Part H of the draft WDCP.
176.	CASTLECRAG	I live in the Griffin Conservation Area in The Rampart. I support all measures in the DCP to uphold the principles of GCA and support the fact that no changes are planned to weaken these principles. There are four areas that require strengthening - car parking, views, fences, water control and drainage. Car Parking Garages under 2 storey buildings on the street should be counted as a storey and made non-compliant. The height and bulk of many homes has increased to 3 storeys via this method and exceed the height limit. Many garages are 2.5 car width. The principle of natural environment in GCA is under attack as new and renovated homes fill the available land horizontally and vertically. Views Loss of views is having a major impact on our streetscape. Views from GCA reserves are diminished by large houses eg views from Lookout Reserve to the harbour and views from Griffin houses to the harbour. Along the southern side of The Rampart a number of large new houses have blocked or diminished views from the street of Watergate Reserve and across the valley. Fences 1800 m pool fences have become de facto boundary fences. At 600 m above the 1200m height limit these pool fences eliminate all views. The fences stop sun penetrating laneways, contribute to muddy patches and create a dark muddy tunnel for pedestrians. On the Griffin walkway between The Turret and Lookout	**Comments noted.** Residential properties within the Griffin Heritage Conservation Area (GHCA) are zoned C4 Environmental Living. A development application is required for the construction of a swimming pool and boundary fences. Any approval for a swimming pool in the GHCA includes a condition that requires the barrier of the proposed swimming pool to have a maximum height of 1500mm and setback a minimum 900mm from the boundary of a public reserve or pathway. However, under Subdivision 30 of the State Environmental Planning Policy (Exempt and Complying Development Codes 2008, a child-restraint barrier can be constructed as exempt development in accordance with the Swimming Pools Act 1992. In accordance with this Act a 1.8m high opaque child restraint barrier can be constructed without Council approval, effectively creating a de facto boundary fence.

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		Reserves a number of pool fences have appeared in the last 2 years. Recently most new DAs in GCA have included a pool and the problem is increasing rapidly. There must be a requirement to set pools well back from the boundary where there are reserves and walkways such that the pool fence does not intrude on the public view. Water control and drainage In the past two years the extreme rainfall has shown the weaknesses in our drainage and water control. There has been some flooding prior but on 8 March 2022 95 mm flooded many houses in The Rampart. The controls on drainage must be increased and compliance regulated. A DA was submitted where an outlet was dumping water into a walkway instead of pumping the water back to the street front. Overflowing pool water often runs down the hill through 2 levels of houses before descending into the houses on the southern side of The Rampart. The number of new pools is exacerbating the problem. There is an urgent need to increase soft landscaping and reduce hard surfaces to increase water absorption. Compliance with current requirements is often lip service in the DA.	It is proposed that pools should be located well back from the boundaries of properties adjoining public walkways and reserves to avoid 1.8m high fences. Whilst an increase in the setback requirement may not necessarily prevent the erection of a 1.8m high child restraint barrier in accordance with the Swimming Pools Act 1992, it may encourage proponents to comply with the objectives of the Griffin Heritage Conservation Area if the following requirements are included as a condition of development consent: The construction of a swimming pool and child restraint barrier must satisfy the objectives of the Griffin Heritage Conservation Area, in particular: i. the child restraint barrier should have a maximum height of 1500mm ii. the barrier must be setback a minimum 3m from a side or rear property boundary adjoining a public reserve or pathway iii. a minimum 2m wide landscaped area adjacent to a side or rear property boundary must be densely planted to screen the swimming pool and surrounds from an adjoining public reserve or pathway

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			iv. the landscaped area must comprise plants that cannot facilitate climbing These additional provisions have been included as a recommendation to Council to amend Part H of the draft WDCP.
177.	PLANNING INGENUITY PTY LTD	The submission relates to Nos 134-152 Sailors Bay Road. <u>Draft LEP</u> The submission notes that a bonus 3m in height is available to the site under Clause 4.3A(5) of DWLEP 2022 to encourage commercial floor space, the permitted Floor Space Ratio remains at 2:1, which does little to incentivise redevelopment on this site. Importantly, any requirement to provide two "wholly commercial" levels to engage the "bonus" height would ultimately result in the FSR "topping out" prior to utilising the "bonus" height. The existing fragmented ownership of the 10 individual lots and the requirement under Clause 4.4.2(a) of 'Part D: Commercial Development' which requires a minimum frontage of 27m for buildings greater than 11m in height further exacerbates the lack of incentive to redevelop the subject properties. The site directly adjoins the corner site of No. 128 Sailors Bay Road which enjoys an FSR of 2.5:1 under the existing and Draft Willoughby LEP controls. This allotment permits a maximum height of 17m under the draft LEP 2022. It is therefore reasonable that if the provisions of Clause 4.3A(5) permit the same height for the sites at Nos. 134-152 Sailors Bay Road, the planning controls must be updated to permit the same FSR of 2.5:1. Otherwise there would be little purpose to providing the "bonus" height under Clause 4.3A(5) of draft LEP 2022.	**No change.** Specific changes requested are not supported as are contrary to the draft LEP and DCP which reflect the *Willoughby Local Centres Strategy 2036.* Note that R2 land is located primarily to the south, not to west as stated in the submission. The suggested change to increase the FSR is not supported at this stage as the controls in the dLEP align with the approved content of the Local Centres Strategy. Any changes to the draft LEP relating to the subject site would need to be considered under a separate planning proposal (PP). Any approval would include a site specific DCP. The development control for a minimum width of 27m under Clause 4.2.2(a) under Part D is to ensure there are not excessive vehicular access points into individual sites, and to maximise the development

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		In order to incentivise development of the 10 small allotments, it is recommended that Council adopt a provision similar to that for Clause 4.4A(12) of draft LEP 2022. The subject site could be numbered Area 17 on the FSR map (or as designated by Council) and we would suggest the following wording: 4.4A(15) The maximum Floor Space Ratio on land identified as "Area 17" (being Nos. 134-152 Sailors Bay Road, Northbridge) on the Floor Space Ratio Map may exceed 2:1 if – (a) the site area exceeds 2,500sqm; and (b) the FSR will not exceed 2.5:1 with the first two storeys as wholly commercial. In order to test the additional FSR, our clients have prepared a concept massing model which indicate that an FSR of 2.5:1 on the subject site can be achieved within the maximum height limit of 17m (or 5 storeys) with minimal impact to adjoining properties. As identified within this submission, the subject site and immediate locality is strategically located and can successfully support an increase in density to establish a built form, character and activation of the precinct envisioned by the Local Centres Strategy to 2036, the Draft Willoughby LEP and DCP. It is considered that the transformation of the Northbridge Local Centre, including the subject site should be given significant weight with regards to the timely delivery of revised planning provisions and subsequent development opportunities. We respectfully request that the suggested "incentive clause" for FSR be applied to the subject site to permit an FSR of 2.5:1 but only upon the satisfaction of pre-conditions relating to site size and commercial floor space. <u>Draft DCP</u>	potential for consolidated lots. Any development application for the subject site (individually or consolidated lots) would have particular regard to the provisions of Section 10 (Northbridge local centre) under Part L. However, all development applications are considered on the individual merits of the proposed development, having regard to all the relevant controls under the draft WDCP. Note also a statement in the draft DCP that where there is an inconsistency between Part L and Part D, Part L provisions prevail.

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		Assuming in this case, that the proposed development would comprise two (2) floors of commercial/retail floor space (Ground and First Floor) and 'Shop top housing' above to a maximum of five (5) storeys, the following sections of the Draft Willoughby DCP 2022 (DWDCP 2022) would apply to the proposed built form: 1. Part L - Place Based Plans - Northbridge Local Centre (Section 10); 2. Part D - Commercial Development: a. Section 3 – Major Development; b. Section 4 - Performance criteria and controls; c. Section 6 - Shop Top Housing and Mixed Use Developments; 3. Part B - Residential Development; a. Section 4.4 – Further controls for residential flat buildings, and the residential components of shop top housing and mixed use developments. At this stage, there is no provision in the DWDCP 2022 which indicates: 1. What the prevailing or primary controls are for the sites which have been mapped as 'growth sites' in Part L of the DCP; 2. If there are inconsistencies or duplication between controls in the DCPs, which controls prevail over the other; That is, there is no established hierarchy of controls and this would lead to confusion at the Development Application (DA) stage if each of the DCP controls	

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		were considered with equal weight. This was evident to our clients upon testing the envelopes as detailed in **Annexure 1**. **Summary** Bonus height of 17m should also allow an FSR of 2.5:1 like the adjoining site (128 Sailors Bay Road). The submission provides concepts plans that shows minimal additional impact on adjoining Low Density Residential R2 properties of an FSR of 2.5:1. These are based on a hybrid version of the Part D and Part L controls. This includes compliance with DCP controls in relation to overshadowing and privacy.	
178.	RESIDENT ON BEHALF OF THE OWNERS OF 86, 88, 90 & 92 SAILORS BAY ROAD AND 7 & 9 BARINGA ROAD NORTHBRIDGE	The subject site can be identified as 86 – 92 Sailors Bay Road Road and 7 & 9 Baringa Road, Northbridge. The site is strategically located within the proposed Local Northbridge Centre framework situated directly opposite Northbridge Plaza. With a combined site area of 2,638 sqm it enjoys a prominent 31m frontage to both Sailors Bay and Baringa Roads. Supportive of the proposed LEP and Local Centres Strategy for Northbridge, but consider are further improvements required to the strategy that will ensure viable development opportunities exist to support the revitalisation and enhancement of the Northbridge Local Centre. Particularly with Councils aim to "*review planning controls in local centres to encourage site amalgamation and development"* set out within the LSPS, key areas of refinement requested are as follows:	**Comments noted.** Specific changes requested are not supported as are contrary to the draft LEP and DCP which reflect the *Willoughby Local Centres Strategy 2036.*

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		• Increased height along both Sailors Bay Road and Baringa Road more consistent and aligned to those proposed to the north of Sailors Bay Road; • Increase in proposed FSR to allow for improved utilisation of the site consistent with the setbacks already proposed and facilitate medium density apartment development; and • Reconsideration of Affordable Housing provision for this precinct given the lower density of development and focus on the delivery of dwelling diversity and on-site affordable housing in locations with high density such as Chatswood CBD. • The following specific changes are requested: *Increase the height up to 20m along Sailors Bay Road consistent with the northern side of the proposed controls and up to 4 storeys along Baringa Road with the opportunity for a fifth level where appropriately setback.* *In order to more appropriately develop the site, it is requested for the FSR to be increased from the proposed 1:1 up to a maximum of 2:1 in conjunction with increased heights.* *Remove the requirement for affordable housing units to be delivered on site within the Sailors Bay Road south and Baringa Road precincts and put in place guidelines for dwelling diversity.*	
179.	ST LEONARDS	Changes to Willoughby Council LEP AND DCP – comments include: 1. A combination of all types of development in one building is the aim of the NSW Planning Department and the GSC and then pushing these ideas onto Council. This leads to a combination of retail, commercial and residential in one building which is a recipe for disaster. Retail and commercial owners are able to claim expenses on tax or able to pass costs onto consumers. They also seek the	**Comments noted.** Changes recommended in the draft LEP are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* which considers a range of impacts on existing development including

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		highest amount of profit a site can generate. Residential investors are also able to claim some of the costs on their tax but this option is not available for owner occupiers. Owner occupiers generally take a personal interest in their building and are interested in maintenance and beautification of the building but these aims are generally not upheld by investors. Retail and commercial owners should be combined in a building and residential buildings should be residential only. Shop top development should be avoided. All high rise development should have generous pavements on wide setbacks. 2. Chatswood CBD is serviced by very good transport and meets the everyday needs of the population with 2 good shopping centres, many Asian restaurants, a library, community centre, cinemas, the Concourse, Council Chambers, a private hospital, a dual railway station and bus interchange. The governments have services and large companies have offices and shops that together provide good facilities for the community. As these great facilities are in place support an extension to the CBD area for commercial use – not residential. Disagree with a substantial increase in height and floor space ratios and would prefer heights that are in context with the present heights and floor space ratios. High rise residential development on the outskirts of the CBD in the small tract between the Highway and the rail line is acceptable, however should be residential only and kept to a maximum of 20 storeys. The existing unit blocks in the Chatswood CBD have wide landscaped setbacks and are generally of pleasant design (except for those over the railway). If there is	minimisation of overshadowing and appropriate view sharing for existing and future residents. The adopted Strategy included a number of changes to reduce building heights in the fringe areas of the CBD in order to reduce impacts on adjoining residential development including nearby heritage conservation areas. <u>Re: St Leonards Crows Nest:</u> Planning controls for St Leonards have been determined by the State Government's *St Leonards Crows Nest Plan 2036* and are being implemented by the local councils of Willoughby, North Sydney and Lane Cove through individual LEPs. Any modifications to said controls would be a departure from the approved final SLCN Plan as set by State government for inclusion in local Council LEPs and DCPs. The adopted SLCN Plan allowed for development up to 25 storeys for the site at 207 Pacific Highway. State government planning laws which regulate many aspects of residential

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		an increase in residential units there should be an accompanying increase in open space and infrastructure. ST. LEONARDS St. Leonards started off in GSC plans as being a Strategic Centre for the creation of jobs unfortunately this aim has quickly been eroded by the push for residential towers. To date the number of jobs have fallen as the commercial buildings are razed and replaced by predominantly residential buildings. Amenity, facilities and infrastructure has not followed at the same pace as development. Willoughby Council has not been responsible for this overdevelopment and blame must fall squarely on the shoulders of the Lane Cove and North Sydney Councils. St Leonards is administered by 3 Councils – North Sydney, Lane Cove and Willoughby. It is also under 3 State government areas which unfortunately do not cover the same electoral divisions as the Council LGAs. The splitting of St Leonards administration has purposely fractured planning for the area and made it very difficult for the community voices to be heard. Although the price of standalone houses and units in small blocks has accelerated when an owner wants to sell a unit in one of the new high rise towers in St. Leonards they are struggling to get the price they paid for it. Since Covid St Leonards has struggled economically and it appears that the cafes and takeaway businesses are presently mainly supported by construction workers. Although this is good while it lasts it is creating a false economy which cannot be maintained indefinitely.	development (e.g. tree removal, setbacks, overshadowing etc.) over-ride Council controls in many instances, which limits Council's capacity to protect tree canopy on private land. This is also the case for various forms of state government funded community infrastructure e.g. schools, hospitals etc. Willoughby Council's goal is to conserve existing tree canopy wherever possible and extend it wherever we can along streets and on public and private land. In relation to affordable housing, Council has a contract with a Community Housing Provider to operate the affordable housing but always retains the asset. Affordable housing is aimed at workers and families on low to middle incomes and is available to applicants who meet certain income thresholds. In relation to bike lanes and bike infrastructure Council's response is the following: In relation to public end of trip facilities, especially at transport interchanges, it is increasingly recognised as vital to match

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		St Leonards needs some government services, a better mix of shops and if residential development continues then it must be accompanied by more green, usable public space and infrastructure. 1. Community is generally pleased with the 5 and 13 storey height limits on the northern side of Chandos Street and northern Christie Street, both of which surround and adjoin the Naremburn conservation area. 2. Community opposes the 207 Pacific Highway site that was placed at 18 storeys high in the draft 2036 St. Leonards Masterplan. In the final plan the height was changed to 25 storeys which is out of context with the overall planning for the area and the wishes of the community. Whilst drawing up the Masterplan consultation between representatives of the NSW Dept. of Planning and the community agreed that St. Leonards should be planned on the principal of height step down from the high buildings to the conservation area and the houses that surround the CBD. This makes 207 Pacific Highway out of context with surrounding heights. The towers in Lane Cove Council on the southern side of the Pacific Highway are stepped down from Landmark (47 storeys), JQZ commercial building (16 storeys), the area on the western side of the rail line (Lane Cove side) has a 9 storey height limit. On the northern side of the highway adjacent to 207 Pacific Highway the Forum commercial building is 13 storeys high. The Dept. of Health to the immediate north of the site, built on RNSH land is also 13 storeys high. Then the height jumps up to 25 storeys high on the 207 Pacific Highway site. At present the 207 site has 3 buildings with well-planned wide setbacks of about 12m all around. There is an avenue of mature deciduous trees on the Highway and pleasant well landscaped gardens on the other 3 sides. It would be an	investment in cycleways. While it is understood that the future Crows Nest Metro station (as part of the Sydney Metro City & Southwest project) will contain such facilities, it is acknowledged that such facilities are lacking around the existing St Leonards train station. Council will advocate for additional facilities to Transport for NSW / Sydney Trains. Bikes are allowed to be taken as per Transport for NSW / Sydney Trains policy but must not unreasonably inconvenience other passengers: https://transportnsw.info/travel-info/using-public-transport/travelling-with-bikes-surfboards Regarding shared paths, given the limited space often available, this is sometimes the only viable option compared to separated footpaths and cycleways. It is the responsibility of all road users to share the path in a considerate manner. When constructing new or improved shared paths or cycleways, tree removal is always minimised. Where this is unavoidable, trees removed in the

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		absolute shame for these gardens to disappear and a building so out of context with its surrounds be built. The planning idea of having high rise development built along major roads will produce great health issues for the people who live in these buildings. Inhabitants will not be able to open their windows because of noise and dirt pollution and counteract the need for cross ventilation. They will develop breathing problems and probably have a huge tower placed in front of the older units which could take their view, sunlight, privacy and breeze. 3. Railway parking should remain as is - do not know why or who uses the council carpark at St Leonards station but it is generally full Monday to Friday. THE HERBERT STREET PRECINCT Although the LEP/DCP states that Willoughby Council has not been asked to join in the plan for the Herbert Street Precinct and Council stated at a Council meeting that it was opposed to any development being built on the Royal North Shore Hospital site other than for medical and clinical uses for the Hospital. Council did not want any residential development on the site. TREE CANOPY AND URBAN HEAT IMPACTS. Over the past 9 years St Leonards has become hotter in summer. This can be attributed to motor vehicles on the Pacific Highway, Gore Hill Expressway and the associated feeder roads. In addition, air conditioning in the many residential towers and the 6 large buildings on the RNSW site, the removal of a large number of mature trees and laying of hard surfaces in the area has contributed to this increase in heat. Support the LEP/DCP stating that the removal of trees in the LGA will be discouraged as 67 trees were removed from the RNSH site when the Dept	Willoughby LGA are replaced on a 3 to 1 basis. This rate of tree replacement was applied on the bicycle projects linking Chatswood to St Leonards i.e. Pacific Highway Shared Path and Hampden Road and Herbert Street via Artarmon.

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		of Health was built and many trees removed from Gore Hill Oval when the artificial grass was put on the Oval and the temporary clubhouse built. 2 or 3 huge (fig) trees were removed to make way for the Hospital childcare centre and another huge tree removed from the pocket park in Chandos Street (North Sydney Council) which left the local birds nesting on the balconies of the Forum Building. The trees growing on the northern side of Chandos Street on the Willoughby Council boundary are haphazard in type, are mostly unattractive and produce little shade. In comparison the avenue of mainly deciduous trees growing on the southern side of Chandos Street in North Sydney Council are far more attractive and shade the pedestrians and hard pavements. The unnecessary recent approval for the removal of 18 trees from 12 Frederick Street, Artarmon happened with little or no time for community consultation. Support the further greening of the LGA. INDUSTRIAL AREA Support the industrial area being retained as an urban service hub for light industry and health needs. Support greening of the area with trees and small gardens. An extension of the number of parking spaces for customers of businesses would be appreciated and if larger buildings are to be permitted perhaps parking could be included in the planning. DIVERSITY IN HOUSING. Consider that the LEP/DCP allows for enough diversity in housing. Would like to see the local neighbourhood centres supporting more development e.g. rows of villas, town houses or mansion houses and 4 or 6 storey housing developments. Development should not be high or crowded. I understand that	

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		large developers would not like this as it wouldn't provide huge profits but surely smaller building companies would be interested. The plan lacks housing for the elderly and if the government wants older people to sell their homes and downsize into a small crowded unit. There should be housing developments in which older people would retain their independence, be part of a community and have a small garden in which a pet would be happy. High rise residential towers breed loneliness and isolation especially amongst aged, single, disabled and disadvantaged people. ROYAL NORTH SHORE HOSPITAL. The St. Leonards/Crows Nest Masterplan 2036 plans for 5000 extra jobs to be created on the Hospital site by 2036. Therefore, the Hospital land must be retained to provide these medical and clinical jobs and the land should never to be leased for 99 years – even 50 years or sold to private developers. There should be no residential towers on this site. A low rise building like the 13 storey Dept of Health to house patient's families and people visiting the hospital for research, teaching etc. is acceptable. AFFORDABLE HOUSING An increase in the percentage of affordable housing in new developments is probably a good thing however this should not be able to be negotiated by a developer for payment. Social housing should support vulnerable people in our community and be provided by government. Although "affordable housing" sounds wonderful the meaning is not clearly defined. • Who owns affordable housing? • Who precisely is able to access affordable housing?	

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		• How long can a person stay in affordable housing? • Who owns and maintains the property? • Can the owner sell the property – if so after what length of ownership? Government/Councils to provide a clear definition of what or who is a "key worker". As affordable housing is rental property I believe that it discriminates against those who wish to buy a property and in most cases struggle to do so. Affordable housing is one way of giving those working in the public sector assistance instead of giving all workers a pay rise and therefore workers who are buying their properties will be discriminated against as they will not be able to access these benefits. BIKE LANES Council has spent vast amounts of money constructing bike lanes but there doesn't appear to be any public end of trip facilities in St. Leonards. More bikes are appearing on trains and these bikes take up a lot of room. Paths where bikes and pedestrians share a space is dangerous for pedestrians when the bikes travel at speed. Trees should not be removed to construct bike lanes. INCREASE IN FSR If an increase in FSR leads to more units per building and a reduction of living space or more building and less landscaping on a block of land then oppose increasing FSR (and height).	
180.	CATHOLIC PARISH OF OUR LADY OF DOLOURS CHATSWOOD	The Parish supports the draft LEP and DCP in light of the extensive pastoral and educational precinct.	**Comments noted.**

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181.	SUBMISSION ON BEHALF OF CLIENT	This submission relates to land in which the client holds an interest being 871 Pacific Highway Chatswood. This submission requests Council to ensure that the amendment to the Comprehensive LEP recognises recently gazetted planning proposals that have proceeded on the basis of the current affordable housing rate of 4% of residential floor space as per the existing provisions of clause 6.8. The site has recently been subject to a planning proposal to amend the land use zoning and development standards that apply under the Willoughby Local Environmental Plan 2012 (LEP). The amended LEP was gazetted and made by the plan making authority on 6 May 2022. The amended LEP identifies the site as "Area 9" on the Special Provisions Area Map, to which Clause 6.8 applies. Client has recently lodged a development application for a new mixed-use proposal to align with the land use zoning and development standards that apply under the amended LEP. Consistent with the provisions of Clause 6.8, the DA proposes a monetary contribution that is the value, calculated in accordance with subclause (4), of 4% of the accountable total floor space (being the gross floor area of the part of the development used for residential accommodation). The Comprehensive LEP proposes to amend clause 6.8 to increase the affordable housing requirement from 4% of floorspace (as per the existing clause) to 10% of floorspace. The requirement to provide affordable housing currently applies to certain sites on the Special Provisions Area Map. The Comprehensive LEP proposes to extend the application of the Clause to include rezoned areas included in the Chatswood CBD Strategy and Local Centres Strategy and include the affordable housing floor space into the floor space ratio (**FSR**) calculation rather than excluding it.	Existing planning proposals will conform with the existing LEP 4% affordable housing requirement.

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		The proposed draft LEP instrument is silent on how sites that have progressed planning proposals on the basis of a 4% provision will be accounted for in the proposed amendment to clause 6.8. This submission requests that Council ensure that any amendment to the Comprehensive LEP takes in account sites which have proceeded through the planning proposal process to align with the Chatswood CBD Strategy and with an agreed affordable housing provision of 4%. This provision will ensure that these sites will not be subject to the increased affordable housing rate from 4% of gross floor area (**GFA**), to 7% by 2021, and 10% by 2026. The Comprehensive LEP must be revised to introduce a new sub-provision to clause 6.8 that identifies specific land as subject to the 4% affordable housing floorspace requirement as per the existing provisions of clause 6.8. It is recommended that this revision is best achieved by amending the Special Provisions Area Map to identify specific sites which have been subject to recent amendments to zoning, development standards and planning controls consistent with the Chatswood CBD Strategy.	
182.	DEVELOTEK	**Support the 90m height & 6:1 FSR controls at 689,693,695 & 699 Pacific Hwy Chatswood** Develotek is currently master-planning this site and it is scheduled for a Pre-Lodgement with Council during June 2022. Important infrastructure proposed including creation of an extension of Hammond Lane along the rear of these properties The submission seeks the following: **Parking (draft DCP)**	**Submission noted.** Response on 'Parking provisions (draft DCP)**':** Given the Chatswood CBD is a constrained environment (i.e. with no ability to increase road capacity) and its excellent accessibility by non-car modes of transport, Council is applying the principles of Travel Demand Management

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		The strategy recommendation of reduced parking could be improved. It needs more consideration of market needs particularly for downsizers. It should provide better parking allowances to larger apartments; for example: • 1bed 0.5 spaces (min 50sqm internal area) • 2bed 1.5 spaces (min 100sqm internal area) • 3bed 2 spaces (min 130sqm internal area) • 4bed 2+ spaces (min 150sqm internal area) A development that has a much lower yield due to larger apartments results in lesser parking generation. The above achieves a reduced parking rate but also is compatible with market demand. People downsizing from a home to a 120-200sqm unit expect to have space available for two cars. Evidence from transport planners confirms that traffic congestion is not necessarily resulting from residential uses, particularly larger apartments. Need to balance planning objectives of reducing traffic generation with what the residents of the local community want, i.e. residents' expectations when downsizing & existing residents concerned about the lack of street parking from the intensification of the CBD residential uses. **Affordable Housing (AFH)** There is the need for key-worker housing within the CBD Strategy. Question why Council prefers to own the asset, as this increases cost to developers & impacts economic feasibility for many projects in the Chatswood CBD particularly as Council are seeking a higher AFH requirement such as increasing it from 4% to 7% or even 10%.	(TDM) as defined in the *Chatswood CBD Planning and Urban Design Strategy* (Chatswood CBD Strategy). TDM a transport planning concept that aims to minimise the growth of private vehicle travel and instead promote a 'mode shift' to more sustainable and efficient modes of transport i.e. walking, cycling, public and shared transport. One of the key tools under the TDM approach is limiting the number of car parking spaces for new developments, given more car parking spaces only promote car use and thus more traffic. Accordingly, Council engaged transport planning consultants Cardno to complete the *Review of Parking Rates* report, available on Council's website at: https://www.willoughby.nsw.gov.au/Development/Plan/Planning-Rules/Planning-Strategies#section-13 Cardno recommended maximum car parking rates for the Chatswood (and St Leonards) CBDs in line with the TDM approach and these have been included in draft *Willoughby Development Control Plan (DCP)*. This approach of placing a limit on parking space numbers is now recognised globally as best-practice

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		There are plenty of examples where developers build & own affordable/key worker housing and it is covenanted on title that the property must be managed by certified operator. Occupants must qualify as key workers and it remain as affordable housing in perpetuity. The social purpose of key-worker housing is satisfied, managed by certified operators and owned by the developer. This enables more opportunities for affordable housing to be realised across the CBD as it enables economically feasible development. Support the allocation of uses to AFH at 7%.	transport planning for constrained environments and is already used in other areas of Sydney including the City of Sydney and North Sydney local government areas and the Macquarie Park and Parramatta CBDs. By applying the principles of TDM – e.g. limiting new car parking and improving active and public transport connections – Council aims to ensure that the transport network will be able to accommodate the uplift planned for the Chatswood CBD. The claim that "people downsizing from a home to a 120-200sqm unit expect to have space available for two cars" is not supported by statistics. ABS Census 2021 data indicates that only 11% of households in the Chatswood CBD owned two or more vehicles. Providing such a high level of car parking does not align with Council's stated TDM approach and the need to discourage car usage and thus congestion as the CBD grows into the future. Affordable housing comments are noted. Council has a contract with a Community Housing Provider to operate the

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			affordable housing but always retains the asset.
183.	URBAN TASKFORCE AUSTRALIA	The Urban Taskforce notes the draft LEP does include some improvement to the current planning regime. We note the increase in heights and FSR proposed for Chatswood and the extension of the boundary of the broader CBD to allow for residential growth as part of mixed-use high-density developments. However, the draft LEP requires changes to better the meet changing needs of the community in terms of jobs, investment and housing opportunities and to respond to the extraordinary investment in major transport infrastructure to Chatswood and surrounds. Accordingly, Urban Taskforce ***objects*** to the proposed provisions for the Chatswood Centre relating to: • Restrictive B3 zoning of the core • Minimum lot size provisions, and • An increase to the Affordable Housing levy from 4% to 10% of GFA, **Restrictive B3 Commercial Core Zoning** All CBD core locations should be zoned B4 Mixed Use. The highly prescriptive nature of the Chatswood CBD core zoning as B3 to date has been directly responsible for the decline of the centre. Chatswood is a notable example of a CBD centre that has effectively died under an unjustified obsession with preserving the town centre as “commercial core only”.	**No change to draft LEP** as the proposed B3 and B4 zones are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036*. In relation to minimum lot sizes, Key Element 12 of *CBD Strategy* states regarding lot sizes: *12 Minimum site area are required for the following:* *a) 1800sqm for commercial development in the B3 Commercial Core zone.* *b) 1200sqm for mixed use* *The objective of this Key Element is to enable a site to be redeveloped to achieve an optimum outcome as envisioned under the Strategy and detailed in the other Key Elements. In particular, to enable:* *a) Provision of required setbacks to achieve slender towers and building separation whether on-site or with neighbouring sites,* *b) Provision of ground level public realm or areas accessible by public on private land,*

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		According to a ***March 2019 BIS Oxford Economics*** report prepared for Council, the importance of Chatswood as a commercial centre has plummeted. As a percentage of Sydney's total office floorspace, Chatswood has dropped from a total of 3.2% in 1996 to only 2.1% in 2016 and has broadly continued to drop. The Chatswood CBD desperately needs further investment and revitalisation. While increased height and FSR will be a good starting point for the development industry to re-visit Chatswood as a viable investment opportunity, the commercials of undertaking development in Sydney dictate that this means at least some residential development to support the commercial towers where people work, and shop is needed. A B4 zoning across Chatswood would deliver activation and positive place-based outcomes. Residential activation would increase feasibility of employment options beyond offices and office hours through viable entertainment premises, restaurants, bars, shops, other businesses. It would help facilitate reduced dependence on car travel and allow people to live work and play in these areas and realise their full productivity capacity. Accordingly***, Urban Taskforce recommends*** a Mixed Use B4 zoning be applied across the Chatswood Centre. The B4 zoning would still allow for the setting of development scale via those controls relating to height and FSR and the proposed requirement of a minimum 17% non-residential floor space. At the very least, any properties with existing use-rights should not have those rights removed as a result of the change in to the LEP. Existing use rights should be preserved in the LEP, rather than through the Byzantine existing use rights provisions of the Act (e.g., Serviced apartments in B3 zoned areas will now rely on	*c) Appropriate vehicle entry / exit point,* *d) Provision of parking and loading in basement with adequate on-site manoeuvrability,* *e) Maximising commercial floor space and street activation at ground level,* *f) Maximising landscaping and deep soil planting.* The proposed affordable housing contribution rate of 10% is based on a detailed feasibility analysis report and is considered to be a reasonable and achievable rate for the Chatswood CBD consistent with Council's *Local Strategic Planning Statement (*LSPS). It is noted that significant increase in building heights and floor space ratios are proposed for the Chatswood CBD and therefore it is reasonable that the affordable housing contribution is provided within the approved height and FSR. Allowing bonus floorspace would be contrary to the intent of the *Strategy*.

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		existing use rights, which highly limits any future changes to the structure or use of those buildings). In the event that the B3 zoning is applied to the core of the Chatswood Centre, ***Urban Taskforce recommends*** that any existing use rights are explicitly preserved via the LEP. **Minimum lot size provisions** ***Urban Taskforce objects*** to the proposed minimum lot size provisions for Chatswood. The proposed minimum lot sizes of 1,800 sqm in the B3 zone and 1,200 sqm in the B4 zone are overly prescriptive and will stifle innovative design responses. In order to encourage innovative and site specific design and amenity responses, ***Urban Taskforce recommends*** that these provision are removed or as a minimum moved to the draft DCP. ***Increase to the Affordable Housing Levy*** The Urban Taskforce ***objects***, in the strongest possible terms, to the proposed increase in affordable housing contributions from 4 to 10% of GFA. Further, we ***strongly object*** to the increase in the contribution rate that is proposed to no longer be offset by additional floor space incentives. The proposed levy must be viewed in the context of other fees and charges being applied to the Chatswood centre, in particular Council's recently adopted Community Infrastructure Charge (CIC). A CIC rate of $900 per sqm for planning proposals, plus a 10% affordable housing levy together with other Council fees and charges will be a serious impediment to development feasibility.	

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		The combined changes will not only severely undermine the feasibility of development in Chatswood it runs counter to the findings of the NSW Productivity Commission. Affordable housing is best addressed by more approvals and faster re-zonings of land to boost supply, not the application of excessive affordable housing levies. Affordable housing contributions impact the ability of the planning system to increase housing supply in general. Any additional contribution affects project feasibility which leads to an impact on supply when projects do not go ahead. Affordable housing contributions actually push up the price of new homes as the price of 'market' homes is increased to off-set the cost of the affordable housing. ***Urban Taskforce recommends*** that the proposed affordable housing contributions scheme not proceed and instead Council focus its efforts on processing approvals for large scale developments that contain new homes to deliver affordable housing outcomes in Willoughby.	
184.		Absolutely horrified what the Willoughby Council is planning for Northbridge Plaza and car park. People come from far and wide to shop at the Plaza, partly because the Plaza as it is, is splendid and partly because they know that parking will be available. The role of the Council is not to make money by selling the carpark to a unit developer. Just sell the carpark to the owner of the shopping centre and consider the residents for once? Support any action to stop this gross misuse of Council power which is in no way in the interest of the residents.	Proposed reclassification of the Council carpark at Northbridge is under further review due to complexity of the issues including investigation of potential development scenarios.
185.	MERITON GROUP	Meriton is the owner and operator of the development at 79 Albert Avenue, Chatswood which includes a residential tower and serviced apartment tower over a mixed-use podium including car parking, retail; childcare and Council's	**Not supported.**

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		affordable housing units. Meriton retains ownership of the entire development, excluding the affordable housing units. The site has a split zoning under the current LEP with a B4 Mixed-Use Zone applying to the part of the site occupied by the residential tower and a B3 Commercial Core Zone applying to the portion of the site occupied by the serviced apartments tower. Key concern under the proposed LEP is the intention to prohibit "serviced apartments" in the E2 Commercial Centre zone (formerly B3 Commercial Core). This presents a number of problems for those serviced apartment uses which are already legitimately existing as those legitimate uses become prohibited and could only continue (or be expanded or modified) under existing use rights. As the council would also be aware, existing use rights provisions have been increasingly constrained where they could compromise the legitimate need to amend, improve or otherwise change the serviced apartment building or its operation in the future. Council should apply a B4 Zone to the entirety of the Meriton site to enable and formalise the existing/approved/constructed use and any legitimate changes to these uses or the respective buildings in the future, particularly given our site is in the periphery of the E2/B3 zone and this is where Council considers serviced apartments to be appropriately located. This is further relevant for the Meriton site as it has been previously identified for possible residential uses in earlier planning studies. It is noted that other uses, including residential (shop-top housing), any conversion of the building to residential would require a future Development Application that meets specific requirements and particular consideration of the Apartment Design Guidelines. The Housing SEPP enables Build To Rent development as a permissible residential use within the E2/B3 zone.	A change to the existing boundary of the B4 Mixed Use and B3 Commercial Core zones is not supported as this would be inconsistent with the *Chatswood CBD Planning and Urban Design Strategy 2036*.

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		The opening of state and international borders has seen a substantial improvement in the serviced apartment business and there is no underlying or immediate intention for a conversion of this building. It is requested that the existing/approved use of serviced apartments located on the periphery of the Chatswood CBD should be facilitated by a B4 Zone. The broader submission of the Urban Taskforce is also supported.	
186.	WILLOWTREE PLANNING	INSW DPE have identified that the new Employment Zones Framework will be in place within Local Environmental Plans by 1st December 2022 at which point the existing framework will be repealed via a self-repealing provision under the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument). This submission reviews the documentation exhibited documents as part of the Reform Package in relation to BWP Management Limited land located at 71 Reserve Road, Artarmon, legally described as Lot 13 DP23074 (subject site). The subject site contains a three-storey Bunnings Warehouse, with the ground and first floor comprising vehicle parking, access from both Reserve Road and Cleg Street, with the second floor comprising the Bunnings store itself. The site is currently zoned IN1 General Industrial Zone. It is noted that in the *draft Willoughby Local Environmental Plan* (draft WLEP), released on the 21 March 2022. There are minor changes proposed to the objectives of the zone and the introduction of centre-based child care facilities being prohibited development. Whilst BWP Management Limited intend to continue operation of this site under its current approved use, BWP Management Limited are continuously investigating development opportunities that will contribute to the supply of commercial and industrial premises within local area and will benefit the local community whilst maximising the value and return of their land holdings. Given the surrounding land uses, and proximity to nearby	**Submission noted.** This submission was sent to DPE with no specific comments provided. The draft WLEP 2022 was exhibited and included the proposed employment land reforms. It is proposed that these changes be included in the final WLEP. The main changes proposed in the employment zone reforms included: • Zones B1 and B2 will combine to become the E1 Local Centre zone. • Zones B5 and B7 will combine to become the E3 Productivity Support zone and land use table (shop top housing will still only be permitted in the existing B5 zone areas through a specific LEP map)

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		centres, the employment reform acts as a catalyst to improve the flexibility of the zoning to reflect the surrounding more retail-oriented uses. The proposed Employment Lands Reform Package will likely apply the E4 General industrial zone to the subject site. A review of the incoming land use table for the E4 General Industrial zone against the current IN1 General Industry zone land use table indicates a number of key differences in land use permissibility. The incoming Employment Land Reforms will remove a number of permissible land uses currently available within the site as follows: *Centre-based childcare facilities;* The introduction of the Employment Zone Framework presents a critical opportunity to clarify the strategic goal and future development intent of the site through the application of the new employment land use zones. BWP Management Limited would like to stress that there should be flexibility within industrial zoning to allow for the diverse surrounding existing uses. As such, it is requested that NSW DPE consider more flexible land uses be included when implementing the incoming Employment Land Framework in relation to the subject site.	• Zones IN1 and IN2 will combine to become the E4 General Industrial zone. It is proposed that centre based childcare facilities will not be permitted in the E4 General Industrial zone which is consistent with the employment zone reforms and the draft WLEP 2022.
187.	UPDM PTY LIMITED	Attended a public webinar on the draft LEP and posed the following question: *How does the new LEP protect the view corridors from existing residential towers within the Chatswood CBD ensuring that amenity and liveability is maintained?* The answer provided was: *It is inevitable with new development proposed in the Chatswood CBD that some existing views will be at least partially affected. Consideration of the new development proposals will consider the impact on views from existing*	A site specific DCP for 65 Albert Avenue Chatswood has been supported by Council based on the Chatswood CBD Strategy. Any future development application is to be designed consistent with this DCP, having particular regard to setbacks and street wall heights.

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		developments are part of a range of matters to be assessed. Council considers the principle of view sharing for both existing and new developments are part of its planning assessments. The above question was posed as a follow up to submission dated 1 December 2021 lodged on behalf of the Owners Corporation SP54893 (The Sebel Residences) Victor Street, Chatswood in relation to the draft Site-Specific Development Control Plan for 65 Albert Avenue, Chatswood (The Mandarin Centre). Request advice regarding the specific clauses in the DLEP and DDCP address the issues raised in my letter. <u>Summary of letter from UDPM dated 1 December 2021</u>: Request that the draft DCP be amended so as to specifically deny the possibility of erection of a single tower at 65 Albert Avenue which could totally eliminate the central view corridor, to lock in built form within designated areas and for a tightening of controls on view sharing to reflect the approved strategic intent for retention of visual amenity and solar access. Noted that the zoning amendment was specifically based on proposals to permit development of two slender towers to the differing maximum heights, being the heights as adopted in the Local Environmental Plan. The DCP proposes that the first **Performance Criteria** under section **2.0 Built Form** clearly permits a single "slender tower". Such tower may be located anywhere within the area edged in blue referred to as **Figure 2: Site Layout**, with the second **Control** only applying "if there is more than one tower", which may not be the case.	Concept plans provided as part of a Planning Proposal are only conceptual in nature and not approved. Detailed plans are assessed and approved at development application stage. Any future development application on 65 Albert Avenue is encouraged to have appropriate regard to surrounding properties, while at the same time being consistent with the envisaged built form under the CBD Strategy and DCP.
188.	SOUTH CHATSWOOD	Concerned about developments in the South Chatswood Conservation Area, in particular almost complete demolition of three houses in Tryon Street including a two-storey Spanish-American style house on corner of Saywell Street. There have	**Submission noted.** Council is aware of, and similarly concerned about the extent of demolition

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		also been demolitions in Neridah Street and Erskine Street. The qualities of the conservation area are being eroded and that "facadism" is not adequate practice to uphold the values of the conservation area. A review of practices is required to protect existing structures whilst allowing sympathetic alterations and additions.	and loss of heritage character within our Heritage Conservation Areas. In some instances, this has occurred beyond the Council approved works, as unauthorised works, and compliance action has occurred. It is also becoming increasingly apparent in some cases, that plans supplied for Development Applications do not accurately depict the proposed works – and that Council's intention to preserve the principal building does not align with the owners' wish to replace old fabric with new. As an applicant has 5 years to commence work for which consent has been granted, some of the instances identified in the South Chatswood HCA are likely to relate to consents issued a number of years ago. This has led to an increased need to scrutinise the adequacy of the submitted plans more than previously required at Council. Council intends to take a more proactive approach to preventing further loss of character, by bolstering our existing controls in the Willoughby Development Control Plan. More detailed plans are also being required in relation to Development Applications with more stringent

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			conditions of consent being applied to ensure as much of the old fabric of houses is retained as possible. This should have the desired effect of affording more protection to dwellings in our Heritage Conservation Areas. It should also be acknowledged that Council's control does not extend to the protection of all the interiors of dwellings in Heritage Conservation Areas when it comes to the application of Complying Development. Complying Development has become more widely used in recent years to alter the interiors of dwellings within Conservation Areas without requiring consent from Council. As a result, Council is limited in the wording of DCP controls. If demolition of a dwelling is being sought in a Heritage Conservation Area, a Structural Stability Report will need to be provided to Council. Council is considering integrating a requirement for a peer review of the Structural Stability Report to be undertaken at the expense of the applicant, which would be included as a clause in the DCP. This will ensure a more robust process is followed to ensure

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			demolition only occurs in the most exceptional circumstances.
189.	WHITEACRE	Acting for a client. Issue was raised directly to NSW Dept. of Planning which stated that they tried to make a submission on the NSW Planning portal on 7 June (the last day of the exhibition). The status of the portal had changed to post exhibition. Questioned the validity of the plan due to lack of ability to make a submission on the day. Dept. of Planning responded and encouraged a submission to be made directly to Council. They also advised that given the circumstances, Council would accept a late submission. No submission was made directly to Council. This was subsequently followed up by a staff member. A response was received which stated that the client was not able to adequately navigate Council's website or documentation to make a submission. The letter also advised that English is a second language for the client and they were not adequately made aware of the planning proposal.	The Department of planning responded directly to the submitter explaining a technical issue with the planning portal. They explained that Council's web page had been available during the entirety of the exhibition and a submission could have been made directly. Council staff were available to assist anyone who had difficulty navigating the exhibition documentation. Council's webpage also has information for non-English speakers. No submission has been received.
190.	ETHOS URBAN	Highlighted an anomaly on the mapping for 2A Chandos Street, St Leonards. A triangular portion of the site is missing from the FSR Map. It is included in the zoning and height of building maps. Considers it to be an error to be rectified.	The small area is missing from the FSR and should be included in the final mapping