12.11 POST EXHIBITION REPORT ON DRAFT COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN

Planning, Industry & Environment

Gateway Determination

***Planning proposal (Department Ref: PP-2021-6242)**: for the comprehensive review of the Willoughby Local Environmental Plan (LEP) 2012 to establish planning controls to deliver the vision and objectives of the Local Strategic Planning Statement (LSPS), implement recommendations of strategic planning studies and update the provisions in the WLEP2012.*

I, the A/Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 to prepare a new Comprehensive Willoughby Local Environmental Plan (LEP) to deliver the objectives of the Willoughby LSPS, implement the local strategies and update the provisions of the plan, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to address the following:

(a) Department's Employment Zones Reform Framework

(i) Include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:

a) the rezoning of land;
b) the amendment or introduction of a local provision;
c) Schedule 1 Additional Permitted Uses; and
d) for changes to the land use table.

(b) Section 9.1 Directions

(i) Provide further discussion and address consistency with:

a) *2.1 Environmental protection zones* to include the location of land that may be protected or affected as a result of the proposed changes.

b) *2.2 Coastal management* in relation to the land to be rezoned from IN2 to E2 at 168-170 Epping Road.

c) *3.1 Residential zones* to provide a quantitative analysis (where possible) in relation to housing diversity and supply for the changes to FSR in the R2 Zone to indicate, as follows:

(i) the number of lots affected by the rezoning or amendment to the development controls; and

(ii) the number of dwelling approvals for the existing control in the past five years.

d) *3.4 Integrating land use and transport* to provide discussion on how the requirements of this direction are informed by the Willoughby Integrated Transport Strategy.

e) *3.5 Development Near Regulated Airports and Defence Airfields* to address its relevance to the height of buildings in the Chatswood CBD Strategy and requirements for consultation.

f) Provide comment to address consistency with:

(i) *2.6 Remediation of contaminated land*, and

(ii) *7.11 Implementation of St Leonards and Crows Nest 2036 Plan*.

g) Remove reference to revoked Section 9.1 Ministerial Directions and include any new directions.

(c) State Environmental Planning Policies

(i) Provide further comment to address consistency with the following:

a) SEPP No 19 Bushland in Urban Areas to discuss any proposed changes affecting bushland areas such as Middle Harbour and land adjoining the Lane Cove River.

b) SREP (Sydney Harbour Catchment) 2005 to include the location of land that may be protected, enhanced or affected as a result of any proposed changes, and reference to SREP.

c) Exempt and Complying SEPP (Codes SEPP) in relation to the changes proposed and:

i. update the statement that detached dwellings are only permitted on corner lots as the Codes SEPP permits detached dual occupancies on lots other than corner lots;

ii. amend the statement that subdivision of attached dual occupancies will be required to have both street frontages to reflect that Part 6 of the Codes SEPP allows Torrens Title subdivision of dual occupancies that have been approved under Part 3B of the SEPP;

iii. retain dual occupancies in a battle-axe configuration as permitted with consent under Council's LEP. As this type of development is not complying development under the Codes SEPP, it should be subject to a merit-based assessment as part of a development application; and

iv. remove changes to signage lead in and removal times as the Codes SEPP will override the LEP.

d) SEPP (Housing) 2021;

e) Draft SEPP (Design and Place) 2021;

f) Include advisory note of the commencement of the Consolidated SEPPs in March 2022; and

g) Remove references to repealed SEPPs.

(d) Include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy.

(e) Update the planning proposal to align with all the areas of change under the St Leonards Crows Nest 2036 Plan and include the land to the north of Chandos Street.

(f) Update the objectives and intended outcomes of the planning proposal to include a concise summary of the proposal upfront.

(g) Clarify throughout the planning proposal whether the increase to FSR from 1.5:1 to 2:1 in IN2 Light Industrial zone for sites greater than 1,000m^2 will apply to land in Lane Cove North, as well as Artarmon and East Chatswood.

(h) Provide discussion on the impacts of the proposal on the capacity of the local road network and how it will be managed for the proposed uplift in FSR of 1.5:1 to 2:1 for land zoned IN2 Light Industrial.

(i) Include an advisory note that the draft clauses (in Council's tracked changes attachment) are indicative only and will be subject to drafting by Parliamentary Counsel as part of the drafting of the final LEP should the planning proposal proceed to finalisation.

(j) Include all strategies and studies as attachments upfront in the planning proposal for public exhibition.

(k) Include a list of planning proposals that are running concurrently to this planning proposal.

(l) Update the proposed affordable housing provision rates for the areas it applies to align with the feasibility findings of the Affordable Housing Feasibility Report.

(m) Align the proposed clause for Urban Heat provisions with Clause 6.12 Urban Heat in the Cumberland LEP 2021 (in Council's track changes attachment) and provide a plain English explanation. Remove references to the proposed definitions of 'urban heat' and 'urban heat island effect'.

(n) Consider alternative mechanisms in implementing the proposed GFA map provisions for R2 zones outside of heritage conservation areas.

(o) Remove 'pet-day care' as a stand-alone permitted use and include as 'animal boarding or training establishment'.

(p) For the reclassification of land from 'community' to 'operational' at Eastern Valley Way, Northbridge:

    (i) Include the Information Checklist for Proposals to Classify or Reclassify Public Land Through an LEP in the Department's Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan; and

(ii) Provide title documentation relating to this site including the nature of the interests being discharged.

(q) update the planning proposal to reflect the changes to the LEP as a result of the planning proposal for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood.

(r) include an updated project timeline based on the issuing of this Gateway determination.

2. Council is to submit the digital mapping for the Comprehensive LEP planning proposal in the spatial viewer for approval/agreement of the Department prior to the public exhibition.

3. Prior to public exhibition, consultation is required with the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications (DTIRDC) to comply with Section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields.

4. Consultation is required with the following public authorities:

- Transport for NSW
- Greater Sydney Commission/Greater Cities Commission
- Environment, Energy and Science (EES)
- Sydney Water
- Department of Health
- Department of Education – SINSW
- Department of Premier and Cabinet – Heritage for NSW
- Civil Aviation Safety Authority (CASA)
- Sydney Airport Corporation Limited (SACL)
- DPE - Crown land NSW
- Ausgrid
- Neighbouring local government areas
    - North Sydney Council
    - Lane Cove Council
    - Ku-ring-gai Council
    - Ryde Council
    - Mosman Council
    - Northern Beaches Council.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. Prior to finalisation, Council should undertake an assessment of any land proposed to be rezoned from non-residential to residential uses in accordance with the requirements of Section 9.1 Direction 2.6 – Remediation of Contaminated Land.

6. Council must conduct a public hearing for the proposed reclassification of land under the *Local Government Act 1993*. Council must provide the community with an additional opportunity to present to an independent person after Council's planning proposal report has gone on exhibition.

7. The planning proposal should be made available for community consultation for a minimum of 28 days.

8. The planning proposal must be exhibited **3 months** from the date of the Gateway determination.

9. The planning proposal must be reported to council for a final recommendation **12 months** from the date of the Gateway determination.

10. The time frame for completing the LEP is to be **18 months** from the date of the Gateway determination.

11. Given the planning proposal is a comprehensive LEP Council should not be authorised to be the local plan-making authority to make this plan.

Dated 24th day of December 2021.



David McNamara
A/Executive Director,
Eastern Harbour City
Department of Planning, Industry and Environment

Delegate of the Minister for Planning

Department of Planning and Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2021-6242)

I, the Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 24 December 2021 for the proposed amendment to the Willoughby Local Environmental Plan 2012 as follows:

1. Delete:

   condition 1(c)(i)(c)(iii):
   "retain dual occupancies in battle-axe configuration as permitted with consent. This type of development is not permitted under the Codes SEPP as complying development as it should be subject to a merit-based assessment as part of a development application."

Dated 15th day of March 2022.

Brendan Metcalfe
Director, North District
Eastern Harbour City
Department of Planning and Environment

Delegate of the Minister for Planning and Homes

Attachment 3 Webinar Attendance

Webinar	Registrations to attend online	Registrations to attend in person	Online attendance on the night	In person attendance on the night	Total attendance
Launch 17March 2022	263	18	190	7	197
Chatswood 29 March 2022	297	19	166	3	169
St Leonards 5 April 2022	70	6	37	0	37
Castlecrag (1) 6 April 2022	136	14	50	7	57
Castlecrag (2) 12 April 2022	13	N/A	38	N/A	38
Northbridge 27 April 2022	105	9	43	1	44
Naremburn 28 April 2022	87	11	32	5	37
Artarmon 3 May 2022	107	10	36	1	37
North Willoughby 5 May 2022	70	8	38	0	38
Penshurst Street 10 May 2022	78	5	23	0	23
Willoughby South 12 May 2022	56	8	20	0	20
Industrial Land 17 May 2022	33	5	17	0	17
				Total	**714**

Main feedback themes from Webinars

Launch Webinar

- Building heights and density particularly in Chatswood and interface with low density areas
- Traffic and parking congestion particularly in and around Chatswood
- Chatswood CBD has become less desirable over recent years
- Questioning need for additional offices in the future
- Trees and greening of the area

Chatswood

- Concerns about building heights and density particularly in Chatswood and interface with low density areas
- Traffic and parking congestion particularly in and around Chatswood
- Chatswood CBD has become less desirable over recent years
- Concerns about overshadowing of nearby areas of the CBD.

- Trees and greening with desire for more greening and public domain improvements in the CBD

St Leonards

- Concerns about building heights and density particularly in St Leonards and interface with low density areas
- Questions about future potential developments such as the Herbert Street precinct at the Royal North Shore Hospital.
- St Leonards CBD has become less desirable over recent years
- Concerns about loss of trees, overshadowing and loss of views for residents.
- What provisions are being made for additional schools, health facilities, sporting facilities with future growth

Castlecrag (1)

- Questions about the scale of future development in the Castlecrag neighbourhood centre.
- The impact of proposed changes to residential density including floor space ratio controls to align with complying development provisions in residential areas
- Questions about the proposed revised landscape provisions in residential areas

Castlecrag (2)

- Questions about the scale and impact of future development in the Castlecrag neighbourhood centre.
- Maintenance of parking availability in the Castlecrag neighbourhood centre
- Concerns about tree canopy loss and sustainable building provisions
- Questions about the impact of the proposed changes to floor space ratios on heritage conservation areas.

Northbridge

- Questions about the likelihood of delivery of the green space on the Council car park
- Questions around closure of Bellambi Street
- Changes to dual occupancy provisions
- Clarification sought on affordable housing provisions
- Current vacancy of commercial space
- Heights
- Timing of proposed changes.

Naremburn

- Location, quantity and access for parking
- Supermarket and other local retail not sustainable in centre with new supermarkets in Crows Nest
- Retention of facades
- Clarity sought around height, affordable housing and conservation area documentation requirements.

Artarmon

- Location and quantity of parking required

- Feasibility of development at currently proposed height and scale. Have developers been consulted?
- Can dual occupancy occur in conservation areas and do the heritage guidelines align with Heritage Office documents.

North Willoughby

- Controls for healthy built environments should be mandatory
- Clarity around the vision for the laneways in this local centre
- Traffic impacts
- Proposed housing control changes
- The current Planning Proposal at 92-96 Victoria Ave, which has recently obtained Gateway allowing public exhibition.

Penshurst Street

- Street trees and how Council manages this asset
- The new Design Excellence clause and potential for bonus provisions to be associated

Willoughby South

- Scale of development proposed in the centre- in particular heights
- Local parking availability
- Restoring vitality to the local centre
- How will new plaza be achieved
- Affordable housing definition and provision and how the rate is established
- Controls to be strictly applied once established
- Council's ability to control high rise in St Leonards Crows Nest

Industrial land

- Questions about the proposed changes resulting from State government reforms of existing commercial and industrial zones.
- Questions about permissibility of certain uses in industrial areas such as data centres and pet day care.
- Clarification regarding building height, floor space ratio and setback controls in industrial areas.

Attachment 4 Agency Submissions

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
Ausgrid	No comments	**Submission noted.**
Dept. Infrastructure: Airports branch	Agrees with the revised wording relating to airspace matters, noting Council should continue to engage with Sydney Airport where there is potential for building or construction equipment intrusions into prescribed airspace.	**Submission noted.**
Sydney Airport –	Response provided to Council from Sydney Airport: • The planning proposal for Willoughby LGA lies partly under Sydney Airport's prescribed airspace. Areas that fall under Sydney Airport's Obstacle Limitation Surface (OLS) are subject to the Federal AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996. • Any proposed developments that will potentially penetrate prescribed airspace must be approved by the Federal Department of Infrastructure, Transport, Regional development and Communications prior to their construction. • Areas that fall outside Sydney Airport's OLS are subject to CASA's Manual of Standards Part 139 Under Regulation 7.1.5.1. Objects taller than 100m above ground must be referred to CASA. • Planning for Aircraft Noise and Public Safety Zones: • Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF). • Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.	**Submission noted.**
North Sydney Council	Submission from North Sydney Council.	**Submission noted.**

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	North Sydney Council raises no issue or objection to the provisions or intended outcomes of the planning proposal and associated DCP amendment.	
CASA Aviation Group 16 Furzer Street, Phillip ACT 2606 GPO Box 2005, Canberra ACT 2601	• CASA has reviewed the "Planning Proposal Review of Willoughby Local Environmental Plan 2012" (PP 2021-6242). • CASA has no objections to the Proposal and no specific comments. • CASA notes that there is potential for new buildings of a height of at least 100 m above ground level. Civil Aviation Safety Regulations 1998, Part 139—Aerodromes includes a requirement under Section 139.165: 'if a person proposes to construct or erect an object or structure that: (a) will have a height of 100 metres or more above ground level … as soon as practicable after forming the intention to construct or erect the proposed object or structure, give written notice to CASA ….' https://www.legislation.gov.au/Details/F2021C01233/Html/Volume_4#_Toc89846185. • Further information is available in CASA Advisory Circular AC 139.E-01v1.0 'Reporting of tall structures' https://www.casa.gov.au/search-centre/advisory-circulars.	**Submission noted.**
Northern Beaches Council	Submission from Northern Beaches Council. NBC is generally supportive of all the below points listed regarding Willoughby Council's draft LEP. The Northern Beaches Council (NBC) is preparing its own comprehensive LEP and DCP to bring together its four current LEPs and DCPs. We share many of the concerns raised and addressed by Willoughby Council in the LEP/DCP documentation. This submission focuses generally on Willoughby's proposed approach rather than any site-specific matters. Some brief comments are also made about our shared endeavours in delivering local planning instruments under the North District Plan and	**Submission noted.**

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	other NSW policy, and direction for a sustainable and resilient future for the environment, economy and community. <u>Proposed Local Provisions</u> • Proposed efforts to elevate significant DCP controls to the LEP are recognised as appropriate where greater statutory weight is considered necessary at the local level. • The proposed new Urban Heat provision (cl.6.20) is supported. NBC notes the conditions of the Department of Planning and Environment (Department) Gateway Determination requiring alignment with the Cumberland LEP 2021. • Clause 6.23 introduces a definition of soft landscaping in the LEP (with minimum standards in zones R2 and C4). This approach is supported. • Similarly, the proposed new local clause for Sun Access (cl.21) recognises the importance of protecting the amenity of public places. Whilst Sun Access is more typically a DCP matter, the approach proposed by Willoughby is supported given the scale and density of development in some of its centres. <u>Proposed Land Use Amendments</u> • The exhibited proposal to prohibit centre-based childcare in the Industrial zone is supported. NBC is similarly seeking to prohibit the use for industrial land on the Northern Beaches alongside other non-industrial land use such as recreation facility (indoor) which occupy floorspace at the expense of industrial functions. • NBC expresses interest in the introduction of 'pet-day care' as a permitted use. While it is understood that the Department is seeking to remove this proposed stand-alone meaning and replace it with 'animal boarding or training establishment', NBC has had similar requests to permit pet-day care as a stand-alone	

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	land use. The implementation of this provision at the local level is supported for use more broadly in LEPs. • NBC supports secondary dwellings being listed in the R2 Low Density Residential Land Use Table to avoid confusion and provide consistency with the Housing SEPP. Secondary dwellings are a permitted use under all of NBC's R2 zones. NBC recognises and supports an approach to drafting Land Use Tables that list land uses locally where appropriate, notwithstanding SEPP provisions. • NBC notes specialist retail premises are permitted in the exhibited Zone B7 Business Park and recognises that this use is mandated as permitted in the upcoming employment zone transition by the Department to the new E3 Productivity Support zone. • Willoughby may be interested to note that NBC, following discussion with the Department, has adopted the SP4 Enterprise zone for its Business Parks (currently zoned B7) to prohibit specialised retail premises which significantly impact on the employment role and functions of Northern Beaches Business Parks. <u>Development Standards</u> • NBC notes the concerns raised by the Department in relation to traffic generation impacts of proposals to increase FSR in industrial zones. We also note the evidence provided in the exhibition which concludes that predominant land uses are low traffic generating land uses and that FSR increases are unlikely to result in significant additional traffic impacts. • NBC notes the proposed adoption of floorspace standards for certain land uses in the R2 Low Density Residential zone (cl.4.7) not located in a Heritage Conservation area. Of particular interest is the alignment with the NSW Codes SEPP and in this regard,	

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	Council supports proposed efforts to ensure some consistency in standards having regards to alternative approval pathways.	
School Infrastructure NSW (SINSW) - NSW Education	There are currently six primary and four secondary schools servicing the Willoughby LGA. To plan for schools, School Infrastructure NSW (SINSW) as part of the Department of Education considers (amongst other things) long term trends in population growth, the likely uptake of new housing by those with school aged children, the ratio of government and non-government school attendance and the size and location of existing schools. SINSW advise that future housing growth in and around the Willoughby LGA will affect the future student population across the existing primary and secondary government schools, particularly within the Chatswood City Centre. As a result, SINSW is undertaking school planning for the LGA to better understand where and when additional school provision is required and where the school population is likely to remain stable or decline so that the most appropriate school asset solutions can be identified. To support growth in Chatswood, SINSW and DoE are currently undertaking upgrades of Chatswood Public School and Chatswood High School and providing a new Chatswood primary school which was announced in last year's Budget. The need for any new school sites within the LGA will also be subject to future population projections issued by DPE within the NSW Common Planning Assumptions (2022). SINSW is currently reviewing the updated projections issued in June 2022.	**Submission noted.** One of the actions in Council's *Willoughby Integrated Transport Strategy (ITS) 2036* is to complete Movement and Place (M+P) Plans for its CBDs (Chatswood and St Leonards) and local centres. To this end, Council has undertaken work to look at how it can apply the M+P concept at various scales. Council is currently piloting the application of this concept in its first Movement and Place Plan for Victoria Ave, Chatswood, with a view to further embedding the concept across a range of other plans and projects in future.

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	SINSW request that Council generally monitor and consider the cumulative impact of population growth on schools planning in the locality. **Zoning of School Sites** SINSW is supportive of the proposal (noted in Tables 3, 8 and Section 5.4 of the available Gateway Determination Report) to amend the WLEP 2012 to rezone several private and public school (PS) sites to the *SP2 Infrastructure (Educational Establishment)* zone. SINSW note that the following public schools are listed in the planning package: • Willoughby Girls High School • Willoughby PS • Naremburn School • Artarmon PS • Chatswood PS • Castle Cove PS • Northbridge PS • Mowbray PS Of the schools not listed in the package (Chatswood High School, Bradfield College and Aurora College), SINSW can confirm the following: • The Chatswood High School site (located on Centennial Avenue) is currently zoned SP2. • Bradfield College is located within the TAFE NSW-Northern Sydney Institute and is currently zoned SP2. • Aurora College is a virtual school which sits within Mowbray Public School - noted above. In line with the recent consolidation of State Environmental Planning Policies, SINSW request that the planning package be updated to reflect the integration of the former *State Environmental Planning Policy*	

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	(Educational Establishments and Child Care Facilities) 2017 into the new *State Environmental Planning Policy (Transport and Infrastructure) 2021*. **Transport and Access** SINSW requests that transport planning for the LGA be guided by the *NSW Governments Movement and Place Framework (MAPF)* and its Built Environment Performance Indicators. These indicators are based on qualities that contribute to a well-designed built environment and should be used by proponents in the formulation of transport concepts. The MAPF's core 'Amenity and Use' and 'Primary Schools' indicators are of particular importance to SINSW, as these encourage urban designers to consider the impact on adjacent places/uses, as well as emphasising movement that supports place. The 'Primary Schools' indicator provides two specific metrics to judge the effect of infrastructure on the accessibility of public schools in an area. These include walkability and public transport access. These metrics require designers to assess whether proposed infrastructure facilitates access to primary school facilities (or public transport connections to schools) or whether it exacerbates gaps in the network.	
Sydney Water	Sydney Water has reviewed the planning proposal based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development. Potable water is provided by the Killara Water Supply Zone while wastewater is serviced by the Chatswood SCAMP and West Middle Harbour Sewer Catchment. Amplifications or extensions to these networks may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.	**Submission noted.** Council is liaising with Sydney Water and has provided the requested development data.

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	Sydney Water supports government growth initiatives. To assist Sydney Water's investigation into future servicing options for the area, Sydney Water requests that Council provides annual and ultimate growth data via the submission of a Growth Data Request Form to the Growth Planning Team at urbangrowth@sydneywater.com.au. This information is critical for assessing the total impact of the proposed changes and enables Sydney Water to effectively plan for water related infrastructure in a controlled and sequenced manner as the delivery of water infrastructure to service growth is subject to internal funding gateways which require confidence in the proposed growth to justify funding approvals. Sydney Water also encourages Council to notify Sydney Water of any upgrades to infrastructure within the ground so that Council, Sydney Water and other relevant agencies can coordinate. Growth Data Information (proforma attached) Data requested will inform Sydney Water's planning investigations for servicing the proposed development and wider area. Ideally updates should be provided to Sydney Water every quarter for each development. Development information helps to ascertain demonstrated demand and development confidence which supports business cases, planning studies, and commercial opportunities. The data collected will be treated as commercial in confidence. It is understood that the data is indicative only at this stage.	
Heritage NSW j	Note that the planning proposal is intended to implement the priorities outlined in Council's Local Strategic Planning Statement, and the recommendations of several planning studies.	**Submission noted.**

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	Understand that there are no identified impacts on: • Aboriginal objects or places protected under the *National Parks and Wildlife Act 1974*, or • State Heritage Register items or historic archaeology protected under the *Heritage Act 1977*. Note that the planning proposal has identified the listing of two new Local heritage items under Schedule 5 of Council's LEP, being: • 'Griffin Centre', 120 Edinburgh Road, Castlecrag, and • 'Artarmon Bowling Club', 1A Burra Road, Artarmon. • As Local heritage is protected under the *Environmental Planning and Assessment Act 1979* and under Council LEPs, Council is the consent authority, and the listing of Local heritage rests with Council. Heritage NSW encourage the listing of Local heritage and note that the Heritage Council of NSW, and Heritage NSW as its Delegate, do not have a role in the approval of Local heritage listings to LEPs.	
Environment and Heritage Group (EHG) Department of Planning and Environment	The new LEP would deliver the objectives of the Willoughby Local Strategic Planning Statement, implement local strategies, update the provisions of the plan and make associated amendments to the development control plan (DCP). EHG has reviewed the relevant documents and provides the following comments in regard to flood risk management. EHG raises concern about the adequacy of the consistency assessment with Local Planning Directions 4.1 Flooding as the planning proposal states ""Upzoned" land which is identified in any flood studies will be subject to water management controls within the Willoughby DCP".	Council staff are aware of areas which subject to overland flow. This has been taken into consideration particularly for increases in density in areas such as Artarmon and Willoughby South Local Centres. Flood constraints identified for specific development lots do not prohibit development of those sites under existing or proposed LEP / DCP controls resulting from this Planning Proposal. Proposed heights and FSRs are maximum controls that allow for

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	EHG advises that DCP controls cannot be substituted for consideration of the direction at the planning proposal stage. The planning proposal seeks to increase intensity of development and where this land is flood affected, the local planning direction must be considered. For example, Hampden Road in Artarmon is flood prone land to which the provisions of the direction would apply. EHG recommends that Council reviews the extent of flood prone land to determine where the direction is to be considered. Council is also advised that a separate submission may be made by the Heritage Branch.	design flexibility to respond to site specific constraints. Localised flood constraints will likely involve design compromise for some lots and architectural considerations will need to account for these.
Northern Sydney Local Health District (NSLHD)	NSLHD advises that the Royal North Shore Hospital (RNSH) is located in St Leonards The Planning Proposal seeks a comprehensive review of the WLEP and WDCP that will, among other things: 1. Create a cluster of high-density commercial and mixed-use developments within 150 – 200m of each of the St Leonards and Crows Nest Metro Stations by changing the zonings of areas located in proximity to RNSH to: • Zone R4 High Density Residential to Zone B4 Mixed Use and Zone B3 Commercial Core • Zone B5 Business Development to Zone B4 Mixed Use 2. Have taller tower buildings up to 50 storeys or 200m allowed in the locations between the St Leonards and Crows Nest stations. The Royal North Shore Hospital (RNSH) is located in proximity to the St Leonards Station and Crows Nest Metro Station. The Planning Proposal may impact Ambulance Service of NSW's RNSH flight path of rescue helicopters to RNSH. Further advice on this matter should be pursued by Willoughby Council and Department of Environment and Planning (DPE) with NSW Ambulance aero-medical department. Further, there will also be an increase for the demand on essential services at RNSH, increased traffic that will impact emergency service vehicles, increased demand for RNSH	**Submission 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.

Agency and Neighbouring Councils: 15 Responses	Response / Submission	Council Response
	car parking and transport that will impact RNSH staff, patients and visitors. NSLHD hopes to be kept informed of the outcome of this Proposal and the public domain initiatives planned.	
Transport for NSW	TfNSW has reviewed the submitted documentation and has no objections to the changes proposed as part of the LEP review in relation to the housekeeping anomalies including adjustments to TfNSW property boundaries. However, all other existing TfNSW corridors and reservations need to be maintained and appropriately reflected in the Land Zoning and Land Reservation Acquisition maps as SP2 Infrastructure. TfNSW will provide shapefiles of its reservations under separate correspondence to assist Council in reflecting these requirements. No new reservations or SP2 zones relating to TfNSW property are to be added or amended without prior written approval/confirmation.	**Submission noted.** Council staff will liaise with TfNSW regarding shapefiles.
Ku-ring-gai Council	No comments	**Submission noted.**
Mosman Council	No comments	**Submission noted.**
Ryde Council	Support increase to 10% in affordable housing	**Submission noted.**
Lane Cove Council	No comments	**Submission noted.**

ATTACHMENT 5



Feedback about Willoughby City Council's Draft Local Environment Plan and Development Control Plan

An independent review of feedback received during consultation

Issued on: August 2022

Issued by: Amelia Loye, Engage2



Contents

Executive summary	1
Introduction	4
Methodology	5
Participation	7
Findings	12
Conclusion	27

Executive summary

In March 2022, Willoughby City Council (the Council) released a Draft Local Environment Plan (LEP) and Development Control Plan (DCP) and invited feedback about the changes proposed. For almost three months, respondents could send Council a submission or respond to a survey about the changes online.

During the consultation period 714 people participated in the webinars about the proposed changes and 288 people responded to the invitation to comment on the draft plans. 172 of these respondents provided submissions and 133 people responded to the survey. Respondents included people making site-specific submissions, progress associations, neighbouring local governments, advocacy groups, industry associations and individuals, some of whom were residents.

The Council commissioned Engage2 to undertake an independent assessment of the feedback received. This report presents the results of the survey, key issues raised in submissions and a comprehensive analysis of responses to the questions asked by Council and issues raised by respondents.

Structure of this report

There are five sections of this report: an introduction, methodology, a section about participation, the findings, and a conclusion.

This report is complemented by an Appendix which includes a detailed analysis of responses to each of the questions asked by Council during this consultation period.

The findings of this assessment

Overall, the Draft LEP and DCP changes received a mixed response from residents, progress associations, and people and organisations looking at the development potential of specific sites within the Willoughby City Council area. Respondents were not supportive of all the changes proposed, with viewpoints about several changes proposed mixed among types of respondents. Many respondents also raised issues that they would like Council to consider before finalising the proposed changes and draft plans.

Across all response methods, there was general support for the following changes:

- Improved pedestrian and bike networks.
- Retaining the leafy character of the area and the tree canopy.
- Increased open space.
- Inclusion of the urban heat map clause.
- Inclusion of the design excellence clause.

The following changes were not as well received by respondents:

- The heights and size of buildings in the Chatswood Central Business District (CBD). 30 percent of all respondents were opposed to, or expressed concerns, about this change.
- Increases to affordable housing targets. This change was opposed by all respondents who provided submissions about the development of specific sites.

Respondents had mixed views about the following changes:

- Changes to dual occupancy, sub-division, and battle-axe block developments.
- Extending the Chatswood Central Business District (CBD) boundary along the railway line.
- Development in Artarmon. Many respondents felt that some development was appropriate, but that heritage areas needed to be considered and that parking might be an issue.
- Whether the plans were balanced in terms of development and the environment, economy, and community.
- How to administer the design excellence clause.
- Zoning and mapping changes.

Based on responses Council should consider:

- Traffic and parking. Many residents were not happy with reduced parking requirements for residential and retail developments and felt that traffic was already increasing in their area.
- The privacy, views, and solar access, of existing residents.
- Lot sizes, and amalgamation of properties.
- Amendments to the floor space ratio changes proposed. Several options were proposed by people making site-specific submissions.
- Stronger protection of heritage including conservation areas, facades, and street frontage generally, as well as conditions on new developments and the renovation of buildings.
- Continued protection of the foreshore building line (FBL), especially when approving developments of fences, pools, gazebos, sheds and retaining walls.

Balancing interests

Where the viewpoints about the proposed changes were mixed, these differences could be attributed to the interests of different respondent types. For example, respondents making site-specific submissions want to maximise the development potential of their property, and

residents who live in areas where development is proposed were more likely to have concerns about the impact of development on existing properties and reduced access to amenities.

The conclusion of this document provides a summary of the interests expressed by different respondent types and the issues that Council might consider when implementing the changes proposed.

Introduction

The purpose of this report

Between March and June 2022, Willoughby City Council published a set of documents outlining proposed changes to their Local Environment Plan (LEP) and Development Control Plan (DCP) and invited feedback about the proposed changes.

This report contains an independent assessment of the feedback Council received during this consultation. It has been provided to Council for consideration when making changes to the draft LEP and DCP and for publishing on their website along with an Appendix, which is included as a separate document because of its length.

Methodology

How feedback was collected

Willoughby City Council (the Council) promoted participation in the consultation through their website, social media channels, and emails to people and organisations who had expressed their interest in planning and development to Willoughby City Council through their Have Your Say tool (Have Your Say). Council also held virtual briefings, which provided participants with an overview of the proposed changes and an opportunity to ask questions.

During the consultation period the Council used two online surveys to collect feedback and invited submissions.

Survey responses

Thirty-four questions were asked across the two surveys, twenty-three in the first survey and eleven in the second survey.

Each survey question asked respondents to express their level of support or opposition to a change being proposed. The following multiple-choice options were provided:

- Strongly support
- Somewhat support
- Neutral / unsure
- Somewhat oppose
- Strongly oppose

To submit a survey response, respondents had to answer all the multiple choice questions asked. They were also invited to share comments about the reason for their level of support. These follow-up questions were optional, and not required for a complete response.

Respondents who completed the survey were required to log into Have Your Say where they were asked to provide a name, address, email address and respond to a set of demographic questions, and questions about their relationship to the Willoughby City Council Local Government Area (Willoughby Area).

Submissions

Respondents who provided submissions could do so through an online form on Have Your Say, by email, post or by hand delivering their submission to the Council's customer service centre.

Respondents who used Have Your Say to make a submission, were required to log in and provide information about themselves and their relationship to the Willoughby Area. Respondents who made submissions by email, post and in-person did not provide this information.

How feedback has been analysed

At the end of the consultation period the Council provided all survey responses and submissions received during the consultation period to Engage2 so that they could be analysed independently.

The analysis process involved 7 steps:

1. Collate survey responses and submissions to eliminate duplicates and identify unique respondents so that all feedback could be treated equally.
2. Review responses to the survey questions to determine levels of support for each of the changes proposed.
3. Review survey comments to identify issues and concerns; and determine the reasons for survey respondents support and whether these viewpoints were shared by other respondents.
4. Analyse feedback collected in submissions to identify issues raised and determine how comments related to each of the proposed changes and survey questions. This involved thoroughly reviewing and tagging comments within each submission so that they could be correlated with survey responses. A submission spreadsheet was also generated through this analysis.
5. Determine whether a submission related to a specific site.
6. Assess whether each submission and survey response, was generally positive, negative, or neutral and how open respondents are to change.
7. Analyse whether the type of respondent and their relationship to the Willoughby Area impacted their feedback.

Two Engage2 staff analysed each response and collectively qualified the findings of this assessment.

How this analysis is presented

This report outlines the findings of this assessment and summarises feedback about the LEP and DCP changes being proposed.

Two other documents have been provided to the Council to support the next stage of the planning and decision-making process. These documents include:

1. An Appendix with a detailed analysis of the responses to each of the thirty-four survey questions asked by Council, including a selection of related submission comments from a variety of respondent types.
2. A submission spreadsheet with comments in each submission coded so that Council can see the issues raised per submission and how they relate to other submissions provided about the same proposed change.

Participation

How many people participated in the consultation process

714 people participated in a total of 12 webinars during the consultation period.

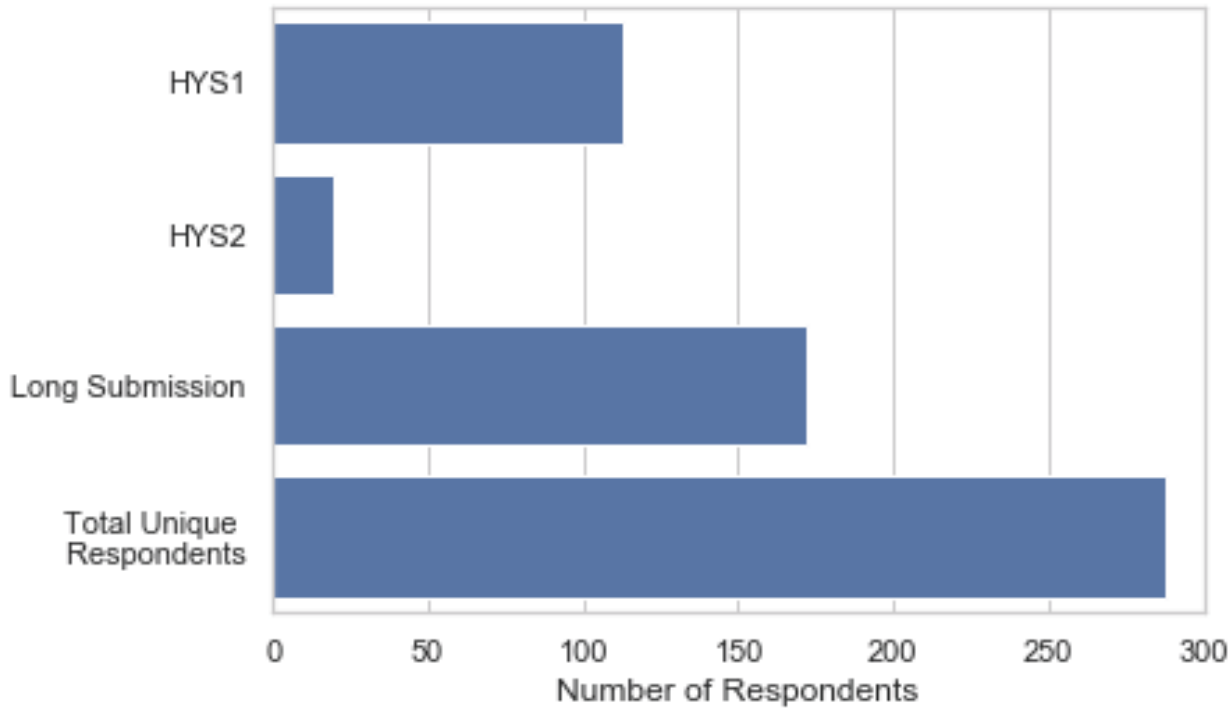
Number of respondents

288 people responded to Willoughby Council's invitation to share feedback about the proposed changes. Of these respondents:

- 113 people responded to the Key Changes Survey on Have Your Say (HYS 1).
- 20 people responded to the Changes Near Me Survey on Have Your Say (HYS2).
- 172 submissions were received through Have Your Say submission form, email and documents provided to Council (long submissions).

Figure 1 below shows a breakdown of methods used by respondents.

Figure 1: Methods used by respondents



14 respondents provided more than one response, ten of these people responded to both surveys, and four responded to a survey and provided a submission.

Who responded?

227 responses were provided by individuals, and 61 responses were provided by organisations or groups.

Types of groups and organisations that provided responses

The types of groups and organisations who provided responses is outlined in Table 1 below.

Some of these organisations were commissioned to submit a response on behalf of a respondent. For example, 19 urban planning and development organisations provided submissions on behalf of 43 unique property owners and potential developers.

Seven responses were provided by local progress associations.

Two industry organisations provided submissions; one of these associations is for developers, the other is for community housing.

Table 1 shows the types of groups and organisations that provided responses.

Table 1: Types of groups and organisations that provided responses

Types of groups and organisations	Number
Local Governments	2
State-owned corporations	1
Australian Government Authority	1
Planning, property, legal and finance organisations	43 unique respondents
Industry Association - one for developers, another for community housing	2
Progress Associations	7
Action Group	1
Housing organisation	2
Heritage organisation	1
Religious organisation	1

Respondents' relationship to Willoughby City Council Area

Connection to place

When logging into Have Your Say respondents were asked to share their address and information about their relationship with the Willoughby City Council area (Willoughby Area). This data and content in submissions were used to determine the respondent's connection to place. Many respondents making submissions outside of Have Your Say also provided their address or mentioned a specific site or suburb of interest to them.

Of the 182 respondents who provided this information:

- 142 lived within the Willoughby Area.
- 74 owned a property in the Willoughby City Council area.
- 44 worked in the area and a further 85 respondents said that they shopped in the area.

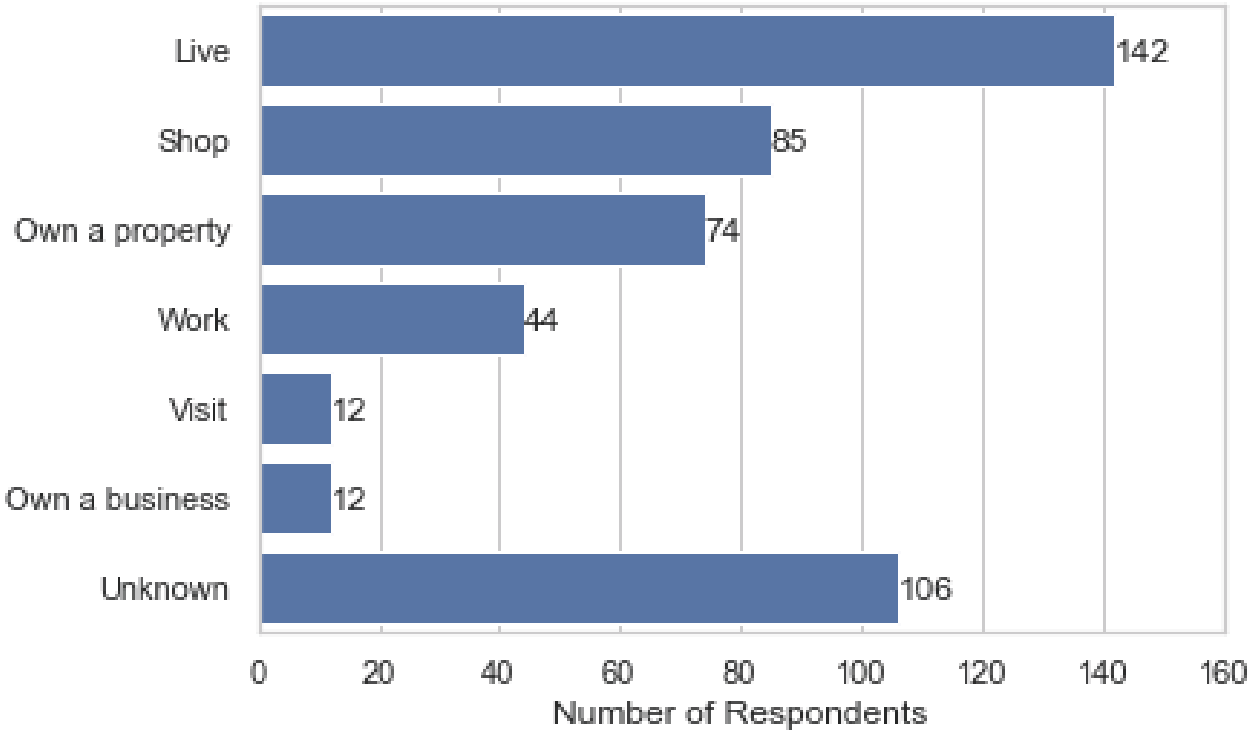
- 12 owned a business in the area.

Respondents could select multiple answers to indicate whether they lived, worked, and owned property in the Willoughby City Council area.

106 respondents did not provide details about their relationship to the Willoughby Area, but it is likely that some of these respondents also lived, worked, and shopped in the Willoughby Area.

A breakdown of these responses is provided in Figure 2 below.

Figure 2: Relationship with Willoughby Council

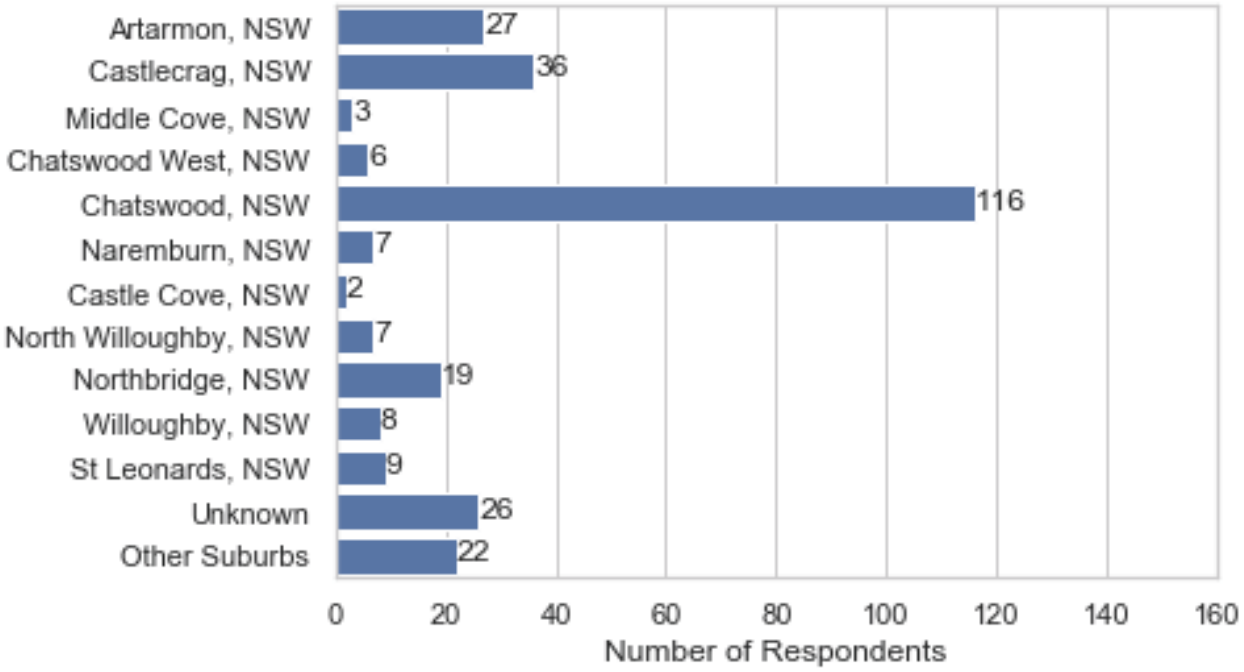


Of the 288 respondents:

- 116 lived in Chatswood or provided a submission about a site in Chatswood.
- 36 lived in Castlecrag or provided a submission about a site in Castlecrag.
- 27 lived in Artarmon or provided a submission about a site in Artarmon.
- 22 respondents provided addresses outside of the Willoughby Area, all of which were from NSW.
- The connection of 26 respondents to suburbs within the Willoughby Area could not be determined because respondents did not provide an address in their submissions.

The suburb information provided by respondents is outlined in Figure 3.

Figure 3: Suburb location of respondents



Site-specific responses

69 submissions, almost 24 percent of the total responses received, were site-specific.

Of these 69 site-specific submissions, 58 of these related to the development potential of specific sites, or multiple sites, within the Willoughby Area and how the proposed changes might affect them.

11 of these site-specific submissions requested a "change of use" to a specific site within the Willoughby Area.

Many of these site-specific responses were provided by urban planning, development, or legal firms on behalf of property owners, strata management and organisations that finance developments.

Some of these site-specific submissions were provided by people and organisations who offered comments about specific developments being proposed in the Willoughby Area.

How respondents participated

The participation in the consultation process was reasonably high, but only a few of these participants respondent to the Council's invitation to provide a submission or survey response. This is not surprising given the nature of the proposed changes and level of detail included in the draft plans and survey questions.

Survey respondents were also required to answer all questions before submitting their response which may have been overwhelming.

When looking closely at the high level of unsure or neutral responses in the surveys it is possible that some respondents did not understand the question being asked. Many survey respondents also chose not to provide reasons for their responses.

Several respondents also repeated the same comment in response to multiple questions. This type of participation, plus an analysis of responses to question one, also indicate that some survey respondents may have wanted to share their thoughts about development in the Willoughby Area overall instead of providing feedback about specific changes.

Almost all the respondents who provided site-specific submissions chose to pay professionals to prepare a submission on their behalf. This is likely to have been driven by an economic interest in the potential to develop, or change the use, of their properties which is clearly stated upfront in almost all these submissions.

The submissions from each of the seven local progress associations demonstrated a deep understanding of the changes being proposed, and a willingness to contribute constructively to discussions about changes to the LEP and DCP. The time invested into submission processes was noted by one of these respondents.

Findings

This section of the report looks at respondents' feedback about the proposed LEP and DCP changes and presents:

- An overview of survey responses, including which changes were most supported and least supported by survey respondents, and the reasons they provided.
- A summary of the issues identified in submissions and how they relate to the changes proposed.
- Further analysis of this data to investigate the level of support across response types, and the range of viewpoints about the changes of most interest to respondents.
- The overall sentiment of feedback about the changes to the LEP and DCP, and changes respondents were most open to.

The Appendix also provides a detailed response to each of the questions asked by the Council, including the reasons survey respondents opposed or supported the changes being proposed, and comments related to these changes provided in submissions.

Feedback from survey respondents

Feedback received

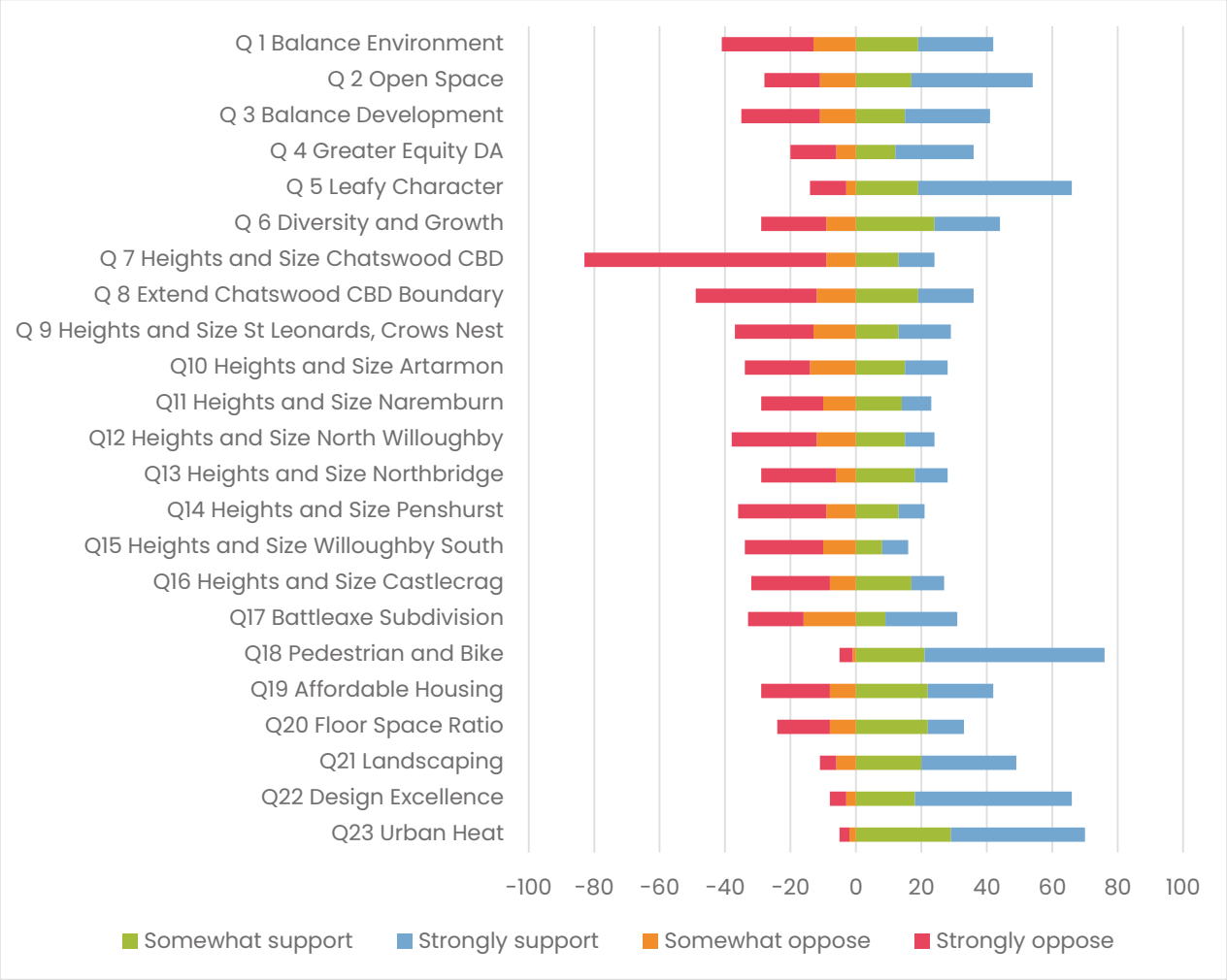
133 respondents provided feedback across the two surveys, 113 on survey one and 20 on survey two.

Responses to Council's questions about key changes

Survey one asked 23 questions, each proposing a change outlined in the Draft Local Environment Plan (LEP) or Draft Development Control Plan (DCP).

Figure 4 below shows all the questions asked in survey one and the number of people who supported or opposed the changes being proposed.

Figure 4: How much survey one respondents support or oppose the changes proposed in each question



The key changes most supported by survey respondents

The five changes most supported by those who responded to this survey include:

1. Improvements to pedestrian and bike networks, which was supported by 67 percent of respondents.
2. Inclusion of a new urban heat clause, which was supported by 62 percent of respondents.
3. Introducing a design excellence clause, which was supported by 58 percent of respondents.
4. Enhance the leafy character of the north shore by protecting tree canopy and vegetation, which was supported by 58 percent of respondents.
5. Improved open space and walkable neighbourhoods, which was supported by 48 percent of respondents.

The proposal to elevate the landscaping controls in low rise residential areas (Question 21) also received a significant amount of support from survey respondents with 43 percent selecting strongly support, or somewhat supported, when asked about this change.

The key changes least supported by survey respondents

The five changes most opposed by those who responded to this survey include:

1. Increasing the heights and the size of buildings in the Chatswood CBD, which was opposed by 73 percent of respondents.
2. Extending the boundary of the CBD north and south along the railway line, which was opposed by 43 percent of respondents.
3. Achieving a balancing between the environment, the economy, and the community, which was opposed by 36 percent of respondents.
4. Increasing the heights and the size of buildings in North Willoughby, which was opposed by 30 percent of respondents.
5. Increasing the heights and the size of buildings in Penshurst Street, which was opposed by 32 percent of respondents.

Only one of these changes, increasing heights and building sizes in the Chatswood CBD, was opposed by more than half of the survey one respondents.

Reasons provided by survey one participants

Table 2 below shows the survey one questions respondents provided the most comments on and the reasons they provided for support or opposition to the proposed change.

Table 2: Reasons provided by survey respondents

Question	Total comments	Level of support	Number of comments	Reasons provided
Increased heights and size of buildings in Chatswood CBD (Q7)	91	**Oppose** 73% oppose	74 Opposed	• Overcrowded, sunlight, noise, traffic, wind. • Overdeveloped and does not need more apartments or offices. • Pressure on infrastructure. • Impact on character.
			13 Support	• Heights in CBD and increased density near train station. • If not overshadowing existing buildings. • Stepped change near conservation areas.
To what extent do you think the draft LEP and DCP changes achieve	61	**Mixed views** 37% support	36 Opposed	• Increased heights would increase traffic congestion and pollution. • CBD is already crowded, and increased density would put a strain on amenities.

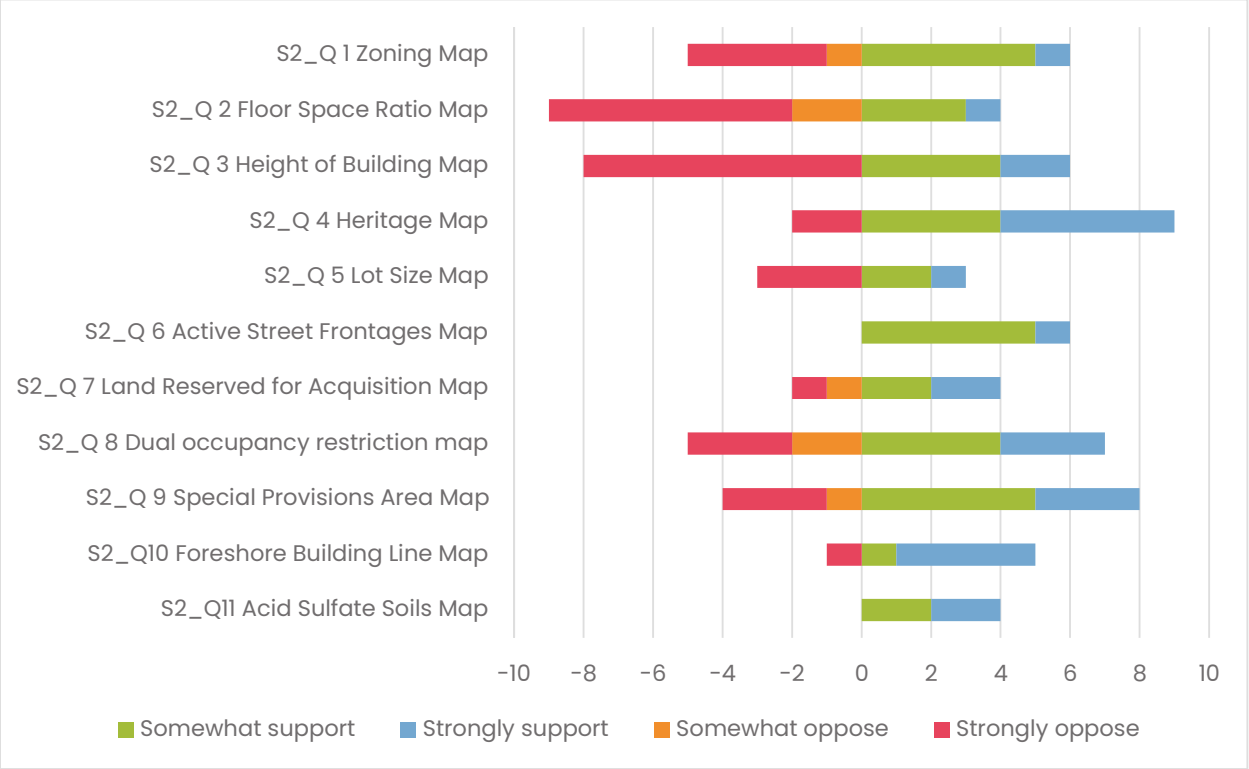
a balance between the environment, the economy, and the community for a sustainable resilient future? (Q1)		36% oppose 27% unsure		• The green space was insufficient.
			19 Support	• Development was appropriately scaled. • The changes would meet demands and needs for growing population. • Have some dense housing but keep medium level. • Zoning for apartments near shopping areas so that people can downsize. • Good balance change and continuity.
Extend the boundary of the CBD north and south along the railway line to allow for residential growth beyond the core commercial area (Q8)	55	**Mixed views** 32% support 43% oppose 25% unsure	28 Opposed	• Development along rail corridor. • Like to see more focus on St Leonards. • Concerns about Road network capacity. • Safety.
			22 Support	• Improve crowding, medium density not just high - spread out development / density. • Review transport paths, and crashes caused by people coming out of driveways in the CBD.
To what extent do you think the draft LEP and DCP changes achieve improved public open space and walkable neighbourhoods? (Q2)	55	**Mixed views** 48% support 27% neutral 25% oppose	22 Opposed	• Insufficient open space and green space in Chatswood CBD. • Reduced by increased heights. • Increased congestion, shading, cars, less walkable. • Like to see more recreational facilities.
			25 Support	• Community feel. • Healthy people. • Less car use. • Protect bushland. • Like to see more tree canopy cover.
To what extent do you think the draft LEP and DCP will achieve a balance between development and required local services and amenities. (Q3)	49	**Mixed views** 37% support 36% oppose 33% unsure	27 Opposed	• Too dense. More / strain on services and amenities.
			14 Support	• More services and amenities. • More focus on the types required by the community.

Responses to Council's questions about map changes

Survey two asked 11 questions, each proposing a mapping change and an effect on different areas within Willoughby Area.

Figure 5 below shows all the questions asked in survey two and the number of people who supported, or opposed, the proposed map changes per question.

Figure 5: How much survey two respondents support or oppose the changes proposed in each question



The map changes most supported by survey respondents

20 people responded to this survey. Many were unsure about the changes being proposed.

Several of the questions asked in this survey also received mixed views and none of the changes proposed in this survey were supported by more than fifty percent of respondents.

The two changes most supported by those who responded to this survey include:

1. Heritage map – 45 percent of respondents supported this change.
2. Special provisions map – 40 percent of respondents supported this change.

While 45 percent of survey two respondents supported the changed to the heritage map, another 45 percent were neutral or unsure about this change.

45 percent of survey two respondents were also unsure or neutral about the special provisions map.

The map changes least supported by survey respondents

The two changes most opposed by those who responded to this survey include:

1. Floor space ratio map – 45 percent of survey respondents opposed this change.
2. Height of building map – 40 percent of survey respondents opposed this change.

Reasons provided by survey two participants

Table 3 below shows the survey two questions respondents provided the most comments on and the reasons given for their support or opposition to the proposed change.

Table 3: Reasons provided by survey respondents

Question	Total comments	Level of support	Number of comments	Reasons provided
Height map (SQ_Q3)	10	**Mixed views** 40% oppose 30% support	4 Opposed	• Gradual transition from taller buildings. • Risk privacy and views.
			4 Support	• Accommodate expected increase in population. • Develop commercial centres without affecting residential.
Q1 Zoning map (SQ_Q1)	10	**Mixed views** 45% unsure 30% support 25% oppose	2 Opposed	• Shading and loss of views. • Different style homes.
			4 Support	• Good for medium density activity. • Achieve community goals.
Heritage map (S2_Q4)	7	**Mixed views** 45% support 45% neutral	2 Opposed	• Do not remove carparks.
			4 Support	• Maintain heritage areas - including residencies.

Feedback from submissions

Feedback received

172 respondents provided their feedback through submissions. Almost forty percent of these respondents provided site-specific submissions.

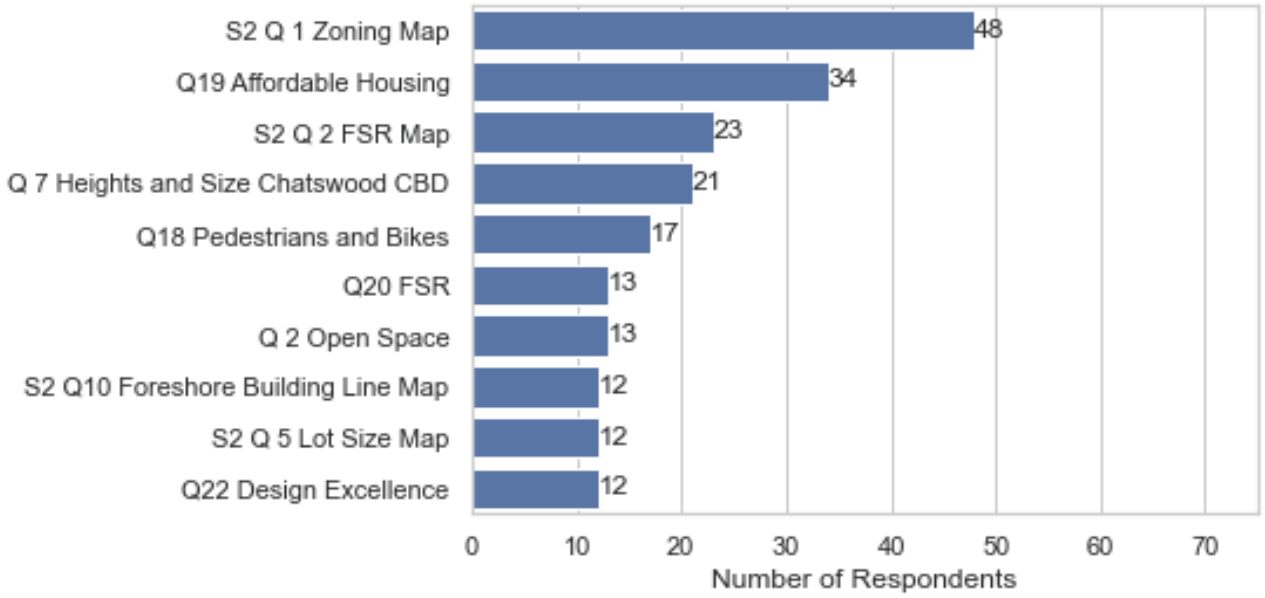
Many of these responses were in the form of multi-page letters, emails, and some of these emails included large documents or images as attachments. This 'long-form' feedback was analysed to identify how it related to each of the proposed changes and questions asked by the Council, and other themes emerging from issues being raised.

Issues raised in submissions

When comments included in submissions were compared to the survey questions, the proposed changes of most interest to respondents included zoning map changes, affordable housing, floor space ratio and heights in Chatswood, and improvements to pedestrians and bike networks.

The breakdown of submissions related to these questions is shown in Figure 6 below. A more detailed analysis of these submissions and how they relate to the survey questions is provided in the Appendix.

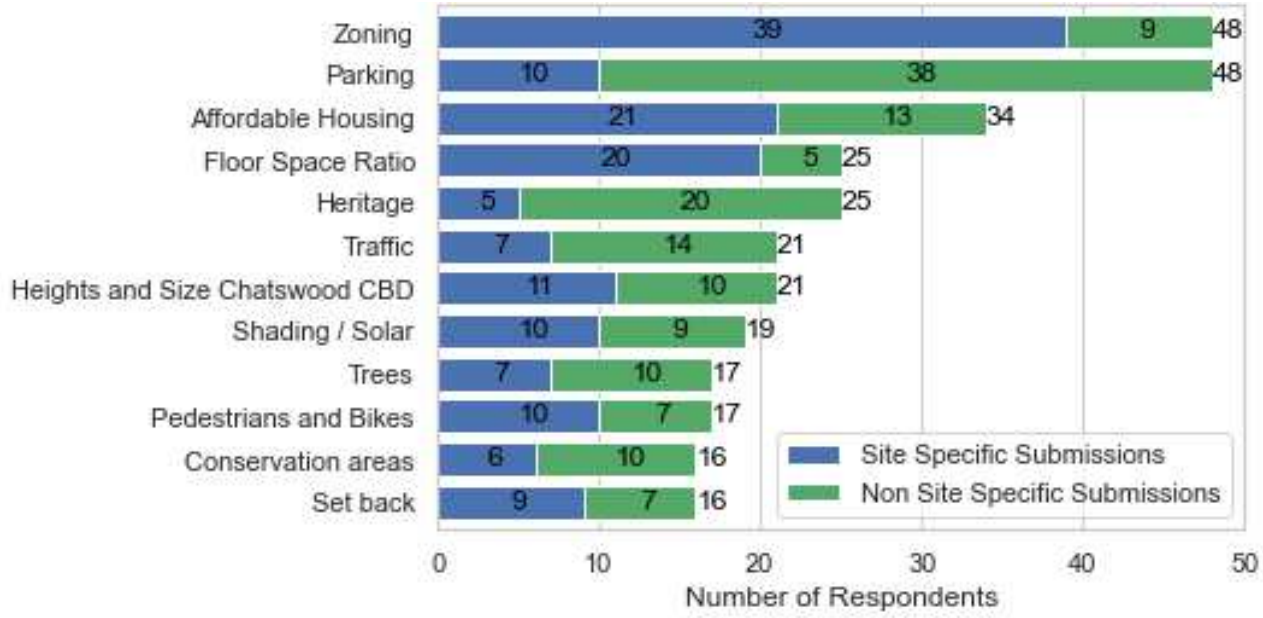
Figure 6: Ten changes proposed in survey questions commented on in submissions



Each submission was also examined to identify the issues raised by respondents. These issues were grouped into themes, and an analysis of issues per site specific submission and non-site-specific submissions was undertaken.

The 12 most raised issues in submissions are shown in Figure 7.

Figure 7: The 12 issues most raised by respondents in submissions



Zoning and parking were the most raised issues in submission responses. Of the 48 respondents who commented on zoning, 39 provided a site-specific submission.

Of the 48 respondents who commented on parking, only 10 submissions related to specific sites.

21 of the 34 submissions that mentioned affordable housing related to specific sites, while 20 of the 25 submissions that mentioned floor space ratio related to sites.

Respondents who did not provide site-specific submissions were more interested in heritage and traffic issues. A few site-specific submissions also commented on these issues.

About half of the 21 submissions that mentioned heights and the size of buildings in Chatswood CBD were from people providing site-specific submissions. Interestingly, the same number of respondents also commented on shading and solar access.

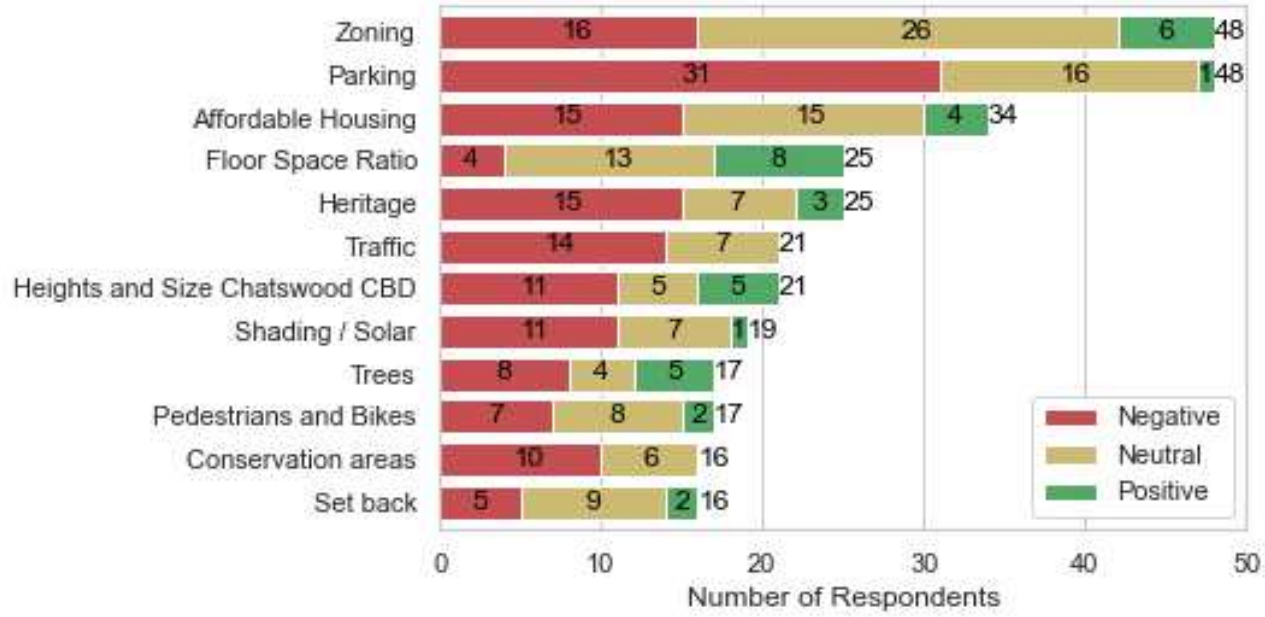
Level of support for changes proposed

Many of the respondents who made submissions spoke generally about the proposed changes, or one or two specific changes being proposed. As a result, it is not possible to determine the overall level of support or opposition for each of the questions asked or changes proposed by Council.

However, each response was examined to determine overall support for the proposed LEP and DCP changes and given the focus of most submissions on one or two issues, this can be used as a metric to examine whether respondents were generally positive or negative about the issues they raised.

Figure 8 has been created to show the 12 most raised issues and whether respondents raising those issues offered positive, negative, or neutral submissions.

Figure 8: Sentiment about these issues



Of the submissions that mentioned zoning 26 were neutral overall, 6 were positive overall, and 16 were negative.

Respondents who made submissions that mentioned traffic were more likely to be negative.

Reasons provided by respondents who made submissions

The comments mentioning these issues in submissions have also been examined to determine the respondents' reasons for raising them.

The reasons provided for each of the top five issues raised in submissions are summarised below. The Appendix to this document also provides more detail about this analysis.

Zoning

11 of the 48 submission respondents who commented on zoning wanted to see zoning changes so that they could change the use of their property.

Many of the 34 respondents who mentioned zoning in their site-specific submission also requested a zoning change to mixed use.

10 of the 48 respondents who mentioned zoning changes also commented on lot sizes in their submission. Several of these respondents wanted to amalgamate lots or change lot sizes.

The rezoning of a car park in Castlecrag and its proximity to a newly zoned area in the conservation area was also a concern to many respondents providing non-site-specific submissions.

Parking

Many of the submission respondents who mentioned parking were unhappy with the current amount of parking available particularly close to shops. Some of these respondents also raised concerns about reductions in parking requirements for residential developments.

Parking in Chatswood and Castlecrag were of particular concern to people providing submissions. Several of these respondents who mentioned parking said that they were concerned about the needs of older and less mobile people in the community. Some of these respondents also felt that there was a lack of alternative transport options available.

Affordable housing

The shortage and affordability of housing was noted as an issue by almost all respondents who provided a submission. Occupancy was also raised as an issue in several submissions.

However, there were mixed views about the increased affordable housing targets proposed among submission respondents. All the site-specific submissions that mentioned affordable housing wanted to see the targets reduced. Many of the submissions not related to specific sites were supportive of the increased targets, however some of these respondents wanted to see more information about the definition of affordable housing and the management of this kind of policy.

Two housing organisations, an advocacy group, and an industry association, supported the proposed increase. However, one of these organisations was concerned that if development conditions were too strict that the supply of housing would be reduced.

Floor Space Ratio

25 respondents raised issues about Floor Space Ratio, or the Floor Space Ratio map, 20 of these were site specific.

Many of these submissions were positive, or neutral.

Several respondents were happy to see the proposed changes in industrial areas and felt that they were needed to retain land in Artarmon and Chatswood to protect service centres and local employment and allow for flexibility and growth.

Many respondents who made site-specific submissions proposed increases to the Floor Space Ratio allowed on their site. The ratios proposed ranged from:

- 1.5:1 in Artarmon.
- 2.8.:1 in North Willoughby.
- 2.5:1 in Northbridge.
- 3.4:1 to 3.8:1 in Chatswood.

One of the local progress associations also wanted to see the rates increased.

Heritage

25 respondents raised issues about heritage, 20 of these were site specific.

Many of these respondents provided negative feedback in their submissions. Several of these respondents expressed concern about a loophole in the current DCP which had led to the demolition of heritage sites. Others were concerned about heritage preservation in Artarmon given the heights and size of buildings proposed, others felt the definition of heritage should be expanded.

A local progress association, and some individuals who provided submissions unrelated to sites, wanted to see development controls about the facades of buildings so that they were in keeping with Heritage Conservation Area. These respondents were also supportive of the design excellence clause proposed.

Other respondents were concerned about the definition of heritage, the expansion of the heritage map and its potential impact the repairs and alterations of existing homes.

A heritage organisation was also concerned about the impact of the design of carparking, including garages, on street frontage.

Traffic

Traffic was raised in 21 submissions, 7 of which were site-specific.

14 of these submissions were negative. These respondents were concerned about existing increases in traffic and the impact that increased heights and the size of buildings would have on local traffic.

Heights and size of buildings in Chatswood CBD

Just over half of the submissions that mentioned the heights and size of buildings in Chatswood were site-specific.

Of these submissions, over half were negative. The biggest issues raised in submissions negative about the increased heights and size of buildings in Chatswood were loss of views, privacy, solar access, and increased traffic.

Respondents who made site-specific submissions about the Chatswood BBD were more positive about these changes, and many were also happy to see zoning changes proposed.

Further analysis

Survey respondents made up less than fifty percent of the total respondents who provided feedback about the proposed changes during the consultation period, so it would be inaccurate to assume that these responses reflect the views of all respondents.

Also, many survey respondents were unsure about the proposed changes or the questions being asked. Out of the 34 questions asked, more than 50 percent of respondents were:

- Neutral/unsure about eleven of the proposed changes.

- Strongly Support or Somewhat Support four of the proposed changes.
- Strongly Oppose or Somewhat Oppose one of the proposed changes.

19 of the 34 questions also received a mixed response, with less than 50 percent of respondents supportive, or opposed to, the proposed changes.

So, where possible, the survey responses and submissions received were correlated for further analysis.

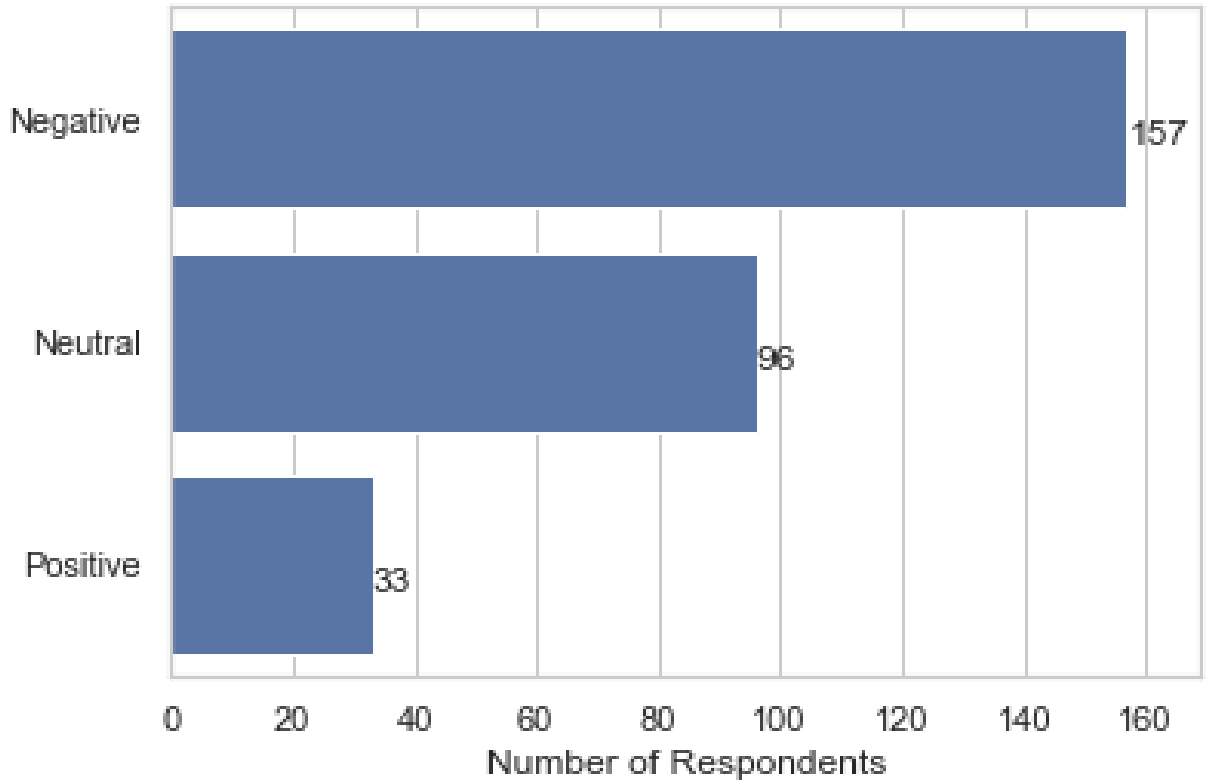
Overall sentiment of feedback

Each response was reviewed to determine whether the sentiment of feedback provided by the respondent was negative, positive, or neutral overall. Responses were deemed to be negative if a survey respondent strongly opposed more than one change being proposed in the survey, or if the respondent's submission focused on concerns.

As shown on Figure 9, a lot of responses expressed negative sentiment about one or more of the changes proposed.

The overall sentiment of respondents is outlined in Figure 4 below.

Figure 9: Respondents sentiment



Of the 172 respondents who made submissions, 84 were negative about the change they were commenting on, 70 were neutral and 16 were positive. 2 submissions did not contain

sufficient or relevant data to determine sentiment, so these were deemed to be non-applicable.

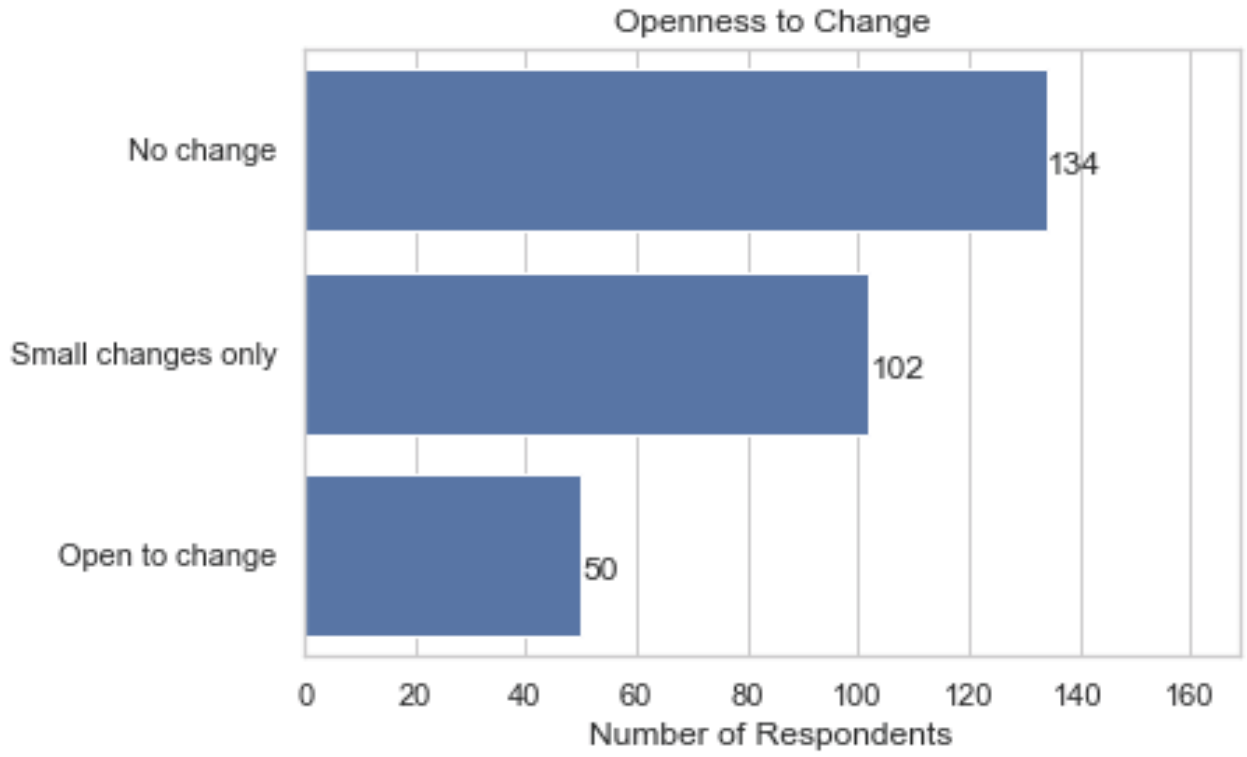
This amount of negative sentiment is not surprising. It is uncommon for people to provide a submission if they are happy with a change being proposed. Most often people provide submissions because they are concerned about a specific change. And as stated, if a survey response was strongly opposed to multiple questions, or a submission focused on concerns it was classified as having a negative sentiment overall. It is therefore likely that many of these responses make up the 157 negative responses shown on Figure 9.

Respondents' openness to change

To qualify this interpretation of the feedback, a further analysis was undertaken to determine respondents' openness to change, and the types of changes respondents were open to.

Figure 10 shows how open respondents seemed to the LEP and DCP changes overall.

Figure 10: Respondent openness to change



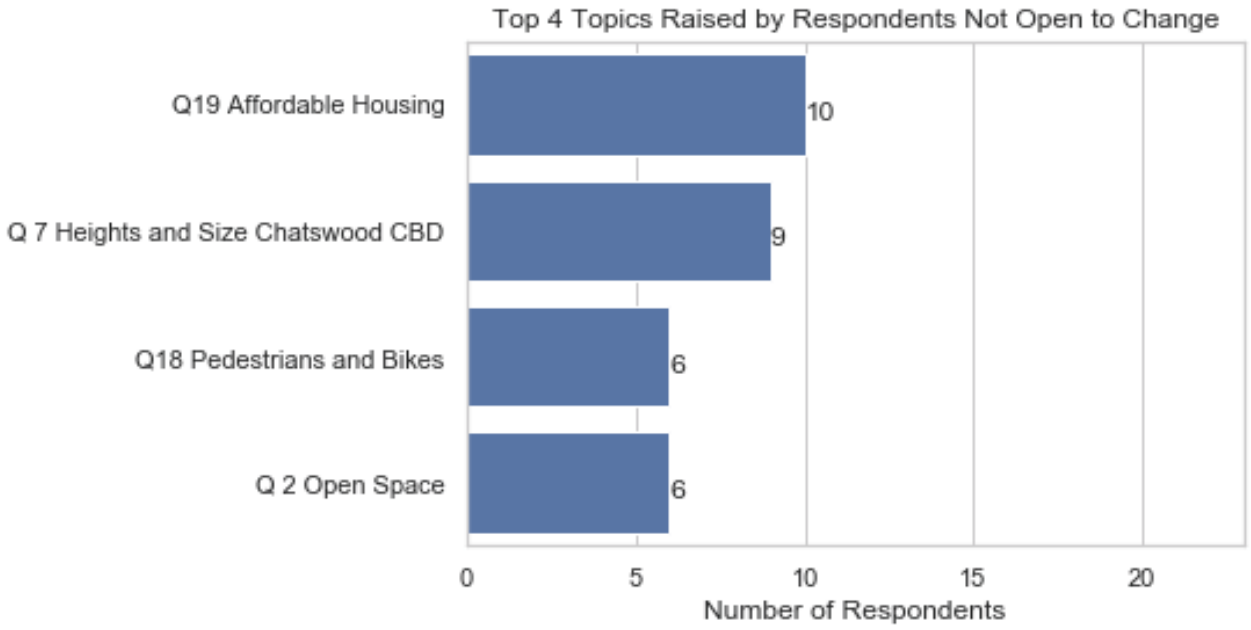
Of the 288 respondents, 134 people, 47 percent of total respondents did not want to see any change. 102 respondents were open to some change, and 17 percent wanted to see some changes.

Each response was then examined to identify the types of changes respondents might be open to or opposed to, and why.

Changes least supported by respondents not open to change

Figure 11 shows the four most raised issues by respondents who were not open to change.

Figure 11: Issues most raised by respondents who were not open to change



The most opposed changes, and issues raised by respondents not open to change included:

- Affordable housing.
- The heights and size of buildings in Chatswood.
- Improvements to pedestrian and bike pathways.
- Open space.

Respondents open to change expressed support for pedestrian and bike networks and the design excellence clause. 6 site-specific respondents also wanted to see the heights and size of buildings in Chatswood increased. These finding are consistent with the feedback provided in the survey and submissions.

Who was most concerned about these changes and why

A further analysis was conducted to determine which respondents were most concerned about these changes and why.

Affordable housing

The new affordable housing target was the most raised topic in site-specific responses. Most of these respondents were generally positive about the draft LEP and DCP changes overall, except for this change. These respondents felt that the target was too high, and that it would affect the viability of developments.

The heights and size of buildings in Chatswood

Many of these respondents were concerned about increased traffic and reduced parking. Others raised the potential loss of views and solar access as their concerns.

Interestingly this proposed change was also one of the most raised by the respondents open to change. This included respondents who did not make site-specific submissions, as well as those who did. These respondents were more open to increased heights and size of buildings in the Chatswood CBD but expressed concerns about increased density and wanted to see the same issues addressed as those less open to change.

Improvements to pedestrian and bike networks

This was the most supported change presented in survey one, with 69 percent of survey one respondents supporting it. 17 people making submissions also commented on this change.

Seven of the submissions that commented on this change were negative. These submissions raised concerns about safety of bike lanes and integration with traffic flow. One progress association was concerned that the current level of active transport provision would be used to justify further densification.

This was also one of the four most commented on changes by respondents open to change.

Open space

Almost half of the survey one respondents supported this change.

The 25 percent of survey respondents who did not support this change, some felt that open space in Chatswood was insufficient, others felt that this change might be used to justify increased heights and congestion.

This is consistent with the feedback received through the 13 submissions that mentioned open space, eight of which were site-specific. The site-specific submissions spoke about ways to improve open space, while some residents felt that the mix of property to open space was not sufficient.

This change was also supported by a local progress association and many respondents open to the LEP and DCP changes overall.

Conclusion

Overall, the Draft LEP and DCP changes were *generally* well received by residents, progress association, and people and organisations looking at the development potential of specific sites within the Willoughby City Council area. However, respondents were not supportive of all the changes proposed, with viewpoints about several changes proposed mixed among types of respondents. Many respondents also raised issues that they would like Council to consider before finalising the proposed changes and draft plans.

Many of these mixed viewpoints can be attributed to the respondent's personal interests. Respondents making site-specific submissions clearly want to maximise the development potential of their property, while residents who live in areas where development is proposed were more likely to have concerns about the impact of development on existing properties and access to amenities.

Respondents who provided site-specific submissions did not support affordable housing targets, but these changes were generally supported by individual respondents and organisations advocating for change. Residents living in Chatswood are concerned about the impact of increased heights on their views, privacy, solar access, parking, and traffic but other respondents, both individuals and site-specific respondents were supportive of these changes.

Council will need to balance these interests and consider the detailed input of all respondents to implement these changes effectively.

This conclusion summarises the proposed changes that were most supported, least supported and the changes which generated mixed views across all response methods. Conclusions have also been made about the changes different respondents were open to, and the issues that they would like to see considered if Council is to proceed with the changes proposed.

The main issues of concern and opportunities for change

Across all response methods, there was general support for the following changes:

- Improved pedestrian and bike networks.
- Retaining the leafy character of the area and the tree canopy.
- Increased open space.
- Inclusion of the urban heat map clause.
- Inclusion of the design excellence clause.

The following changes were not as well received by respondents:

- The heights and size of buildings in the Chatswood Central Business District. 30 percent of *all 288* respondents were opposed to, or expressed concerns, about this change.
- Increases to affordable housing targets. This change was opposed by all respondents who provided submissions about the development of specific sites.

Respondents had mixed views about the following changes:

- Extending the Chatswood Central Business District (CBD) boundary along the railway line.
- Development in Artarmon. Many respondents felt that some development was appropriate, but that heritage areas needed to be considered and that parking might be an issue.
- Whether the plans were balanced in terms of development and the environment, economy, and community.
- How to administer the design excellence clause.
- Zoning and mapping changes.

Based on responses Council should consider:

- Traffic and parking. Many residents were not happy with reduced parking requirements for residential and retail developments and felt that traffic was already increasing in their area.
- The privacy, views, and solar access, of existing residents.
- Lot sizes, and amalgamation of properties.
- Amendments to the floor space ratio changes proposed. Several options were proposed by people making site-specific submissions.
- Stronger protection of heritage including conservation areas, facades, and street frontage generally, as well as conditions on new developments and the renovation of buildings.
- Continued protection of the foreshore building line, especially when approving developments of fences, pools, gazebos, sheds and retaining walls.

For more detailed information about responses to each of these proposed changes see the Appendix to this report.

Interests to balance

Changes that residents would like to see

Residents are keen to see improvements to open space, pedestrian and cycling networks, and the protection of the tree canopy and the foreshore building line changes proposed.

Owners of apartments in a building in the Chatswood CBD want to see a change of use

Several owners of a site within the Chatswood CBD area would like to see a change of use from short term accommodation, so that they can live in, or rent, their properties long-term. This request has been driven by the impact of COVID-19 on these individuals and short-term rental demand given changes to the way people work and business travel.

Changes that potential developers would like to see

Respondents interested in developing specific sites within the Willoughby Area are concerned about the increased affordable housing and the impact of these targets on the viability of their developments. These concerns were echoed by an industry group representing developers who felt that high affordable housing targets would impact the viability of projects as well as the cost of housing.

Many of these respondents also requested different floor space ratios to the ones proposed, and some wanted to see mixed uses or amalgamation of lots allowed in the areas related to their site.

Other views about affordable housing

The affordable housing targets were applauded by a housing advocacy group and supported by an industry group representing housing organisations.

Residents were generally supportive of affordable housing targets, but some wanted to see more information about how they would be implemented.

Heights in Chatswood

Despite the question about increased heights and size of buildings in Chatswood CBD being the least supported in the survey, when this data was correlated with submission responses only 30 percent of *total respondents* opposed, or expressed concerns, about this proposed change.

Respondents not supportive of this change were concerned about the impact of density on traffic and parking. These respondents want to see more parking close to shops, and for new residential developments. The way that Council accounts for expectations around the use of private vehicles and the impact of development on existing properties will be the focus of these respondents as the proposed LEP and DCP changes are implemented.

Residents who currently live in Chatswood were also concerned about the potential impact of proposed heights on their privacy, views, and sunlight.

Heights in Artarmon, and the extension of the Chatswood CBD boundary

The extension of the Chatswood CBD boundary along the railway line and the proposed increased heights in Artarmon were generally well received but some residents wanted Council to offer some reassurance about the protection of heritage areas, traffic management and alternative transport solutions, and the provision of infrastructure.

Heights in other areas

Some residents in Northbridge and Castlecrag are concerned about proposed heights. Their concerns are the same as residents in Chatswood CBD and Artarmon who want to see heritage and views protected, and parking and traffic management accounted for.

The local progress associations and heritage organisation also offered additional suggestions about setbacks, street frontage, zoning, and height map changes in their areas.

Dual occupancy

There are mixed views about the proposed changes to dual occupancy, sub-division, and battle-axe block developments. Some residents felt that these changes were too strict, and that this lower density style of development was more appropriate for their area and would provide more diversity in housing options. Others felt that the development of battle-axe blocks would result in a loss of green space and trees.

Ongoing engagement, development applications and the timing of change

Many of the respondents who provided site-specific submissions expressed concern about when the proposed changes might come into effect, and several of these respondents' requested discussions with Council about their site prior to the finalisation of the changes to the LEP and DCP.

With more than 23 percent of respondents wanting to develop specific sites within Willoughby City Council area, Council will need to find ways to balance these interests and the time that they, and their stakeholders, spend on planning proposals and development applications.



engage2 Pty Ltd ACN: 16 1917933

PO Box 259 Blaxland 2774 NSW

+61 411 960 585

amelia@engage2.com.au

Attachment 7 Summary of existing and proposed parking rates

CHATSWOOD CBD and ST LEONARDS PRECINCT	
Existing	**Proposed**
Single dwellings	
1 space/dwelling with 2 bedrooms or less	1 space/dwelling
2 spaces/dwelling with 3 bedrooms or more	
Apartments	
0.5 space/studio	0.5 space/unit
1 space/1 & 2 bedroom units	
1.25 spaces/3 or more bedroom units	
1 visitor space/4 units	1 visitor space/7 units
Commercial offices	
1 space/110m^2	1 space/400m^2
1 space/200m^2 in the B3 zone where access is only available from Pacific Hwy, Albert Ave, Victoria Ave, Help St and Railway St	
Retail	
1 space/25m^2	1 space/70m^2
Regional Shopping Centres (greater than 30,000m^2 of GFA)	
1 space/25m^2	Minimum 1 space/70m^2; maximum 1space/40m^2
Note: • **Except for regional shopping centres, all car parking rates in the Chatswood CBD and St Leonards precinct are maximum rates.** • The rate for regional shopping centres is a 'banded' rate that requires a development to provide the minimum number of spaces, and not exceed the maximum number of spaces.	
ARTARMON RAILWAY PRECINCT	
Single dwellings	
1 space/unit with 2 bedrooms or less	1 space/dwelling
2 spaces/unit with 3 bedrooms or more	
Apartments	
0.5 space/studio	
1 space/1 & 2 bedroom units	0.5 space/studio, 1 and 2 bedroom units.
1.25 spaces/3 or more bedroom units	1 space/3 or more bedrooms units
1 visitor space/4 unit	1 visitor space/7 units
Commercial offices	
1 space/110m	1 space/75m^2
Retail	
1 space/25m^2	1 space/50m^2
Note: • **All car parking rates in the Artarmon railway precinct are maximum rates.**	
ALL OTHER AREAS IN THE LGA	
Single dwellings	
1 space/dwelling with 2 bedrooms or less	1 space/dwelling with 2 bedrooms or less
2 spaces/dwelling with 3 bedrooms or more	2 spaces/dwelling with 3 bedrooms or more
Note: No change to existing car parking rates for dwellings outside of the Chatswood CBD, St Leonards precinct and the Artarmon railway precinct.	
Apartments	
1 space/studio and 1 bedroom units	0.5 space/studio and 1 bedroom units
1.2 space/2 bedroom units	1 space/2 or more bedroom units
1.5 spaces/3 bedrooms or more	
1 visitor space/4 units	1 visitor space/7 units
Commercial offices	
1 space/60m^2	1 space/60m^2

Retail	
1 space/25m^2	1 space/33m^2
Note: • No change to existing car parking rates for dwellings outside of the Chatswood CBD, St Leonards precinct and the Artarmon railway precinct. • All rates are target rates (i.e. neither minimum nor maximums)	

ATTACHMENT 8

RECOMMENDED CHANGES TO THE DRAFT LEP

ISSUE 1: Affordable Housing

As indicated in the main report to Council, the LEP was exhibited at a flat rate of 10% across the whole LGA.

Feasibility conducted by SGS Economics and Planning concluded 3 rates should apply depending on location.

It is recommended that these rates be applied in the final clause and maps.

Affordable Housing sites are currently identified on the Special Provisions Area Map. That map also includes specific sites which relate to other clauses. Therefore, it has become "cluttered". For simplicity, it is recommended that a new Affordable Housing Map be created and all the affordable housing sites be displayed there rather than on the Special Provisions Area Map.

A summary of the rates is provided in Figure 1 below. Each rate, ie 4%, 7% or 10% will become a different area within the new Affordable Housing Map.

Figure 1 Affordable Housing percentages

Centre	Affordable housing contribution feasible increase
Chatswood	10%
North Willoughby	10%
Northbridge	10%
Castlecrag	10%
Artarmon	7%
Remaining centres : Naremburn Penshurst Street Willoughby South	No change (ie 4%)
Existing sites identified in WLEP 2012	4%

A savings provision will be added to the final version of the LEP that will clarify the 4% will still apply to site specific Planning Proposals lodged before the making of this LEP. This will mainly apply to sites in Chatswood CBD which have a separate planning proposal.

Furthermore, staff have highlighted a couple of interpretation issues regarding the wording of the Affordable Housing Clause.

The first relates to the wording in the clause which sets out what the consent authority needs to take into consideration before granting consent, being:

(a) The Willoughby Housing Principles (which are defined within the clause)
(b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby
(c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principle

ATTACHMENT 8

A recent court case has questioned how (b) and (c) are interpreted and subsequently challenged the necessity of providing the affordable housing requirement

Since the clause's commencement in 1999, this issue has never been questioned. The inherent need for affordable housing in the housing mix of Willoughby local government area is without doubt. This is backed up with statistics particularly for housing affordability for essential workers.

A site is only identified in the LEP for affordable housing if it has undergone a rezoning process where it has benefited from receiving residential uplift. Part of that "benefit" is conditioned on the requirement to provide something back to the Willoughby community in the form of a dwelling(s) which is rented to essential workers.

As the practise for assessing development applications has not changed since 1999, it is recommended that (b) and (c) be removed from the LEP. This is consistent with other council LEP clauses.

A further interpretation issue identified by staff has been the method that applicants have used to calculate the 4% (being the existing rate) floorspace. The clause applies to the "*accountable total floor space"* which means calculating 4% of <u>all</u> the residential floorspace in square metres.. Some developers have challenged whether the floor space to be dedicated includes access external to the unit.

The accountable total floor area needs to be reworded in the clause to provide clarity consistent with the current practice which is to only include the area internal to the unit.

As exhibited, the floorspace dedicated as affordable housing no longer enables bonus floorspace.

<u>Recommendation 1(a)</u>

Transfer all affordable housing sites from the Special Provisions Area Map to a new Affordable Housing Map with 3 rates of 4%, 7% and 10%, with a savings provision to be included that clarifies the 4% will apply to negotiated planning proposals.

<u>Recommendation 1(b)</u>

Reword the affordable housing clause as follows to clarify considerations and how to calculate the percentage of residential floorspace to be dedicated:

6.8 Affordable housing

(1) This clause applies to land identified on the Affordable Housing Map

(2) For the purposes of this clause, the Willoughby Affordable Housing Scheme is ~~are~~ as

follows—

(a) affordable housing must be provided and managed in Willoughby so that accommodation

for a diverse residential population representative of all income groups is available in

Willoughby, and

(b) affordable housing must be rented to tenants whose gross household incomes fall within the

following ranges of percentages of the median household income for the time being for the

Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau

of Statistics—

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

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

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

continued use for affordable housing, and

(d) rental from affordable housing received by or on behalf of the Council, after deduction of

normal landlord's expenses (including management and maintenance costs and all rates and

taxes payable in connection with the dwellings), and money from the disposal of affordable

housing received by or on behalf of the Council must be used for the purpose of improving

or replacing affordable housing or for providing additional affordable housing in

Willoughby, and

(e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of

the consent authority, is consistent with the same type of dwellings within the development

to which the development application relates, especially in terms of internal fittings and

finishes, solar access and privacy.

~~(2) Development consent must not be granted to the erection of residential accommodation on~~

~~land identified as "Area 3" on the Special Provisions Area Map unless the consent authority~~

~~has taken the following into consideration—~~

~~(a) the Willoughby Affordable Housing Principles,~~

~~(b) the impact the development would have on the existing mix and likely future mix of~~

~~residential housing stock in Willoughby,~~

~~(c) whether one of the affordable housing conditions should be imposed on the consent for the~~

~~purpose of providing affordable housing in accordance with the Willoughby Affordable~~

~~Housing Principles.~~

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

(3)The consent authority may, when granting consent to the carrying out of residential development on land in on the Affordable Housing Map, impose an affordable housing condition in accordance with the Affordable Housing Scheme, being:

~~(3) The following are the affordable housing conditions—~~

(a) a condition requiring the dedication in favour of the consent authority, free of cost, of land

comprised of one or more complete dwellings with a gross floor area (which does not include floor space of areas used to access the dwelling) of the amount equivalent to the percentage identified on the Affordable Housing Map of the accountable total floor space, with each dwelling having a gross floor area of at least 50 square metres,

(b) a condition requiring the payment of a monetary contribution to the consent authority by the

applicant that is the value, calculated in accordance with subclause (4), of the percentage of the

accountable total floor space as identified on the Affordable Housing Map, or

(c) a condition requiring—

(i) the dedication in favour of the consent authority, free of cost, of land comprised of one

or more complete dwellings with a gross floor area of not less than the amount equivalent

to the percentage of the accountable total floor space as identified on the Affordable Housing Map (the dedication amount), with each dwelling having a gross floor area of at least 50 square metres, and

(ii) the payment of a monetary contribution to the consent authority by the applicant that is

the value, calculated in accordance with subclause (4), of the gross floor area equivalent to the difference between the dedication amount and the percentage as identified on the Affordable Housing Map of the accountable total floor space.

(4) The amount of the contribution to be paid under a condition imposed under subclause ~~(2)~~3~~(c)~~

is the value of the gross floor area concerned calculated by reference to the market value of

dwellings of a similar size to those proposed by the development application.

Note. Section 7.32 of the Act permits the imposition of such a condition and specifies the circumstances under which such a condition may be imposed. Any condition imposed is subject to section 7.33 of the Act.

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

(a) boarding houses,

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

(c) group homes,

(d) hostels,

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

(6) An affordable housing condition must not be imposed in relation to an amount of

accountable total floor space if the consent authority is satisfied that such a condition has

previously been imposed under this clause in relation to the same or an equivalent amount

of accountable total floor space on the site.

(7) In this clause—

accountable total floor space means the gross floor area of the residential component of the

development to which the development application relates.

~~a) If in Area 3 on the Special Provisions Area Map, the gross floor space~~

~~of the residential component of the development to which the~~

~~development application relates,~~ including any residential floor area of

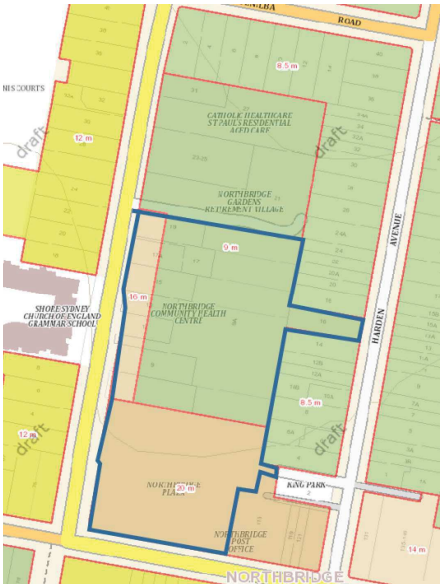
the building that is to be used for affordable housing purposes.

ATTACHMENT 8

ISSUE 2: Northbridge Plaza car park

The Local Centres Strategy proposed rezoning and increased height and FSR for the Northbridge Plaza car park (See Figure 2). This change also required reclassification of Council land within the car park from community to operational.

Figure 2 Location Plan Northbridge Plaza and car park



A submission received from Northbridge Progress Association requested a deferral. The Northbridge Plaza owners highlighted a need for further discussion and changes to the proposed controls. It is considered that the proposed controls for the site need further consideration and consultation.

Recommendation 2

Remove the proposed controls for the Northbridge Plaza and car park in the area defined below and retain those specified in WLEP2012 until a further study is undertaken.

Remove the proposed reclassification of Council land until a further study is undertaken.

ISSUE 3: Existing / parallel Planning proposals

There are a number of planning proposals which have been progressed through a separate pathway which are being processed either ahead of or alongside this comprehensive review. The majority are located in the Chatswood CBD.

After the finalisation of the Chatswood CBD Strategy, some land owners wanted to proceed ahead of the comprehensive LEP. These sites were included in the comprehensive LEP for exhibition but now need to be removed. This will allow them to proceed without any delays that may arise with drafting issues that occur in the final stages of the comprehensive LEP process.

These have been or are going through their own assessment process and their individual conclusions (ie the site specific site controls once made) need to be reflected in the final LEP maps.

In some cases, the outcomes sought from the individual planning proposals are different from what is proposed in the draft LEP. The final comprehensive LEP should reflect the finalised controls of these individual Planning Proposals once made or imminent and certain for making (ie post Council resolution for forwarding to DPE for making). This will include the affordable housing contribution that was exhibited in each of these planning proposals (ie 4%).

The comprehensive LEP maps need to be updated to reflect the final site specific mapping once made.

Recommendation 3 – amend the comprehensive LEP maps for sites finalised ahead of the comprehensive LEP. The comprehensive LEP maps need to be updated to reflect the final mapping included in the following planning proposals:

Figure 3 Advance staged Planning proposals

Planning Proposal Number	**Address**
PP 2018/001	58 Anderson Street, Chatswood
PP 2018/003	5-9 Gordon Avenue, Chatswood
PP 2017/007	753 Pacific Highway and 15 Ellis Street, Chatswood
PP 2018/004	871-877 Pacific Highway, Chatswood
PP 2017/008	3-5 Help Street, Chatswood
PP 2017/006	54-56 Anderson Street, Chatswood
PP 2020/007	3 Ellis Street Chatswood
PP 2021/001	44-52 Anderson Street Chatswood
PP 2021/004	613-627 Pacific Highway Chatswood
PP 2017/003	629-637 Pacific Highway Chatswood
PP 2018/012	815 Pacific Highway and 15 Help Street Chatswood
PP 2020/012	9-11 Nelson Street Chatswood

PP 2016/001 PP-2020-323	65 Albert Avenue, Chatswood

The following sites are to be removed from the comprehensive LEP as their mapping is currently being assessed by individual planning proposal and have not been considered by Council for post exhibition of the individual planning proposal.

Recommendation - the following sites be removed from the comprehensive LEP and existing WLEP 2012 controls to apply. This will allow these planning proposals to follow their own path. :

Figure 4 Planning proposals that have been exhibited and still to be reported back to Council

Planning Proposal Number	**Address**
PP 2022/003	10 Gordon Avenue and 15-19 Nelson Street Chatswood
PP 2022/001	641-655A Pacific Highway Chatswood
PP 2021/007	849-859 Pacific Highway, 2 and 8 Wilson Street, Chatswood
PP2021/006	100 Edinburgh Road, Castlecrag

The following planning proposal has not been reported to Council. It is recommended that the planning controls for this site be progressed as exhibited in the comprehensive LEP.

Figure 5 CBD Planning proposal not reported to Council for initial assessment

Planning Proposal Number	**Address**
PP2020/001	1-13 Spring Street 56-70 Archer Street and 35 Albert Avenue, Chatswood

Issue 4 Height of building at 207 St Leonards

Several submissions were received objecting to proposed new heights in St Leonards CBD. The majority of which were regarding an increase in height of a site at 207 Pacific Highway and view loss to existing residential properties.

The St Leonards Plan was released by NSW Department of Planning and Environment (DPE) in August 2020 following exhibitions of proposed heights and density requirements. Its aim is to facilitate the urban renewal of St Leonards and Crows Nest with the construction of a new Metro Station at Crows Nest by providing employment and residential growth as prescribed by the *North District Plan*. DPE indicated that the strategic direction provided in the plan was to be implemented through each council's LEP review.

Figure 6 Extract from the St Leonards Crows Nest Plan 2036 in relation to 207 Pacific Highway.

ATTACHMENT 8



Proposed controls in the comprehensive LEP were intended to reflect what was included in the final plan.

The St Leonards plan prescribed 25 storeys for the site at 207 Pacific Highway (see Figure 6). As our LEP maps require heights to be in metres, this was interpreted at 77metres.

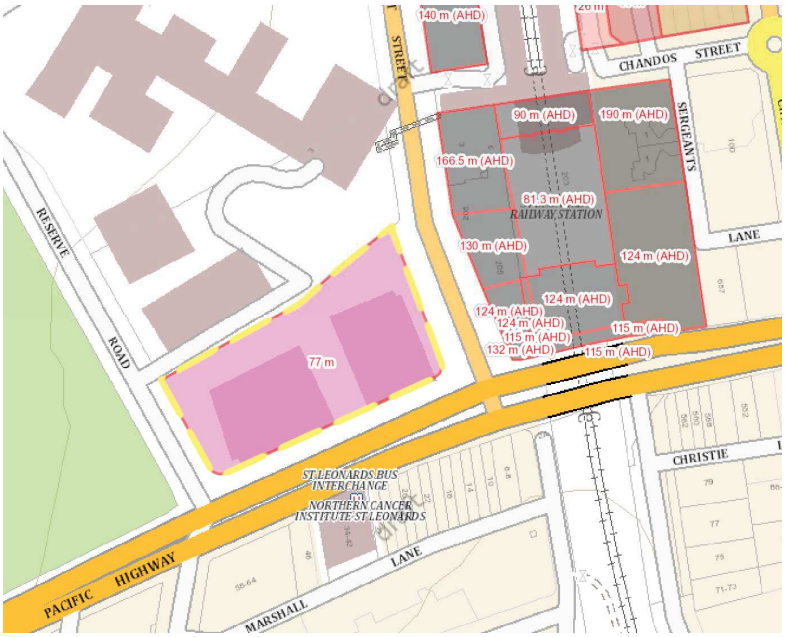
However, a further submission put forward the case that 77 metres does not equate to 25 storeys and the metre requirement should be higher at 104.6m to accommodate floor to ceiling heights for Grade A office space.

It is acknowledged that the 77 metres was an underestimate. It calculates each storey at 3m (floor to floor) whereas an absolute minimum floor to floor requirement would be 3.3 metres for commercial uses. The estimate in the draft LEP is still regarded as below the expected height of a commercial building. As such the proposed height is recommended to be changed from 77m to 83 metres (25 storeys at 3.3m floor to floor) (See Figure 7). Grade A office space can still be achieved in the height limits proposed. Whilst these seem to be an increase from that exhibited, it is evident that the proposed height does not accurately reflect the heights required by the St Leonards Plan which was subject to previous exhibitions and required to be implemented through Council's new LEP.

Having regard to view loss, the heights proposed are in accordance with the height permitted under the St Leonards Strategy. The existing heights of development and 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 Strategic Centre that is the St Leonards CBD and its growth to 2036. The concept of view sharing is supported where reasonable, and this will be further reviewed through the design excellence and development application process.

Figure 7 207 Pacific Highway, St Leonards

ATTACHMENT 8



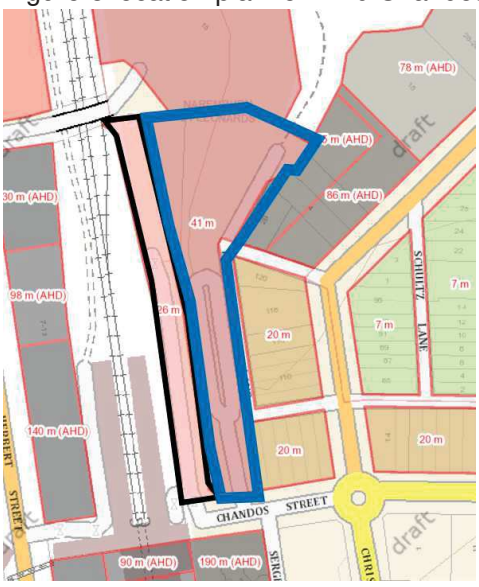
Recommendation 4

Change the HOB for the property at 207 Pacific Highway St Leonards from 77m to 83m

Issue 5 Height at 2-10 Chandos Street

In addition, an error has been identified at the Council car park site at St Leonards, where the existing height of 26m was exhibited instead of the proposed height of 13 storeys as described in the St Leonards Plan. The adjoining site, also identified as 13 storeys in the St Leonards Plan, was exhibited at 41m. See Figure 8 below

Figure 8 location plan for 2-10 Chandos Street St Leonards



Whilst this seems to be an increase from that exhibited, it is evident that drafting errors resulted in the heights shown not accurately reflecting the heights required by the St Leonards Plan which was subject to previous exhibitions and required to be implemented through Council's new LEP.

Figure 9 Extract from the *St Leonards Crows Nest Plan 2036* in relation to 2-10 Chandos Street.



Recommendation 5

Change height at the site 2-10 Chandos Street to 41m

Heights be corrected to reflect the given number of storeys prescribed in the St Leonards Crows Nest 2036 Plan

ISSUE 6 Olive Lane Road widening, Artarmon

Olive Lane in Artarmon is currently shown on the Land Reserved for Acquisition Map for the purposes of road widening.

This requirement has been in place since the previous planning instrument, *Willoughby Local Environmental Plan 1995*. Most elements of the lane widening acquisition have taken place. A review of what remains has been undertaken by Council staff with it being concluded that any remaining widening be on the eastern section of the Lane.

9 Parkes Road is owned by Council as it was previously identified for Lane widening. In order to improve/provide good line of sight for motorists, provisions should be made to ensure the small triangular section on the south-east corner (shown on Figure 10 below) should be provided as road reserve. Council's property section are aware of this and are implementing it.

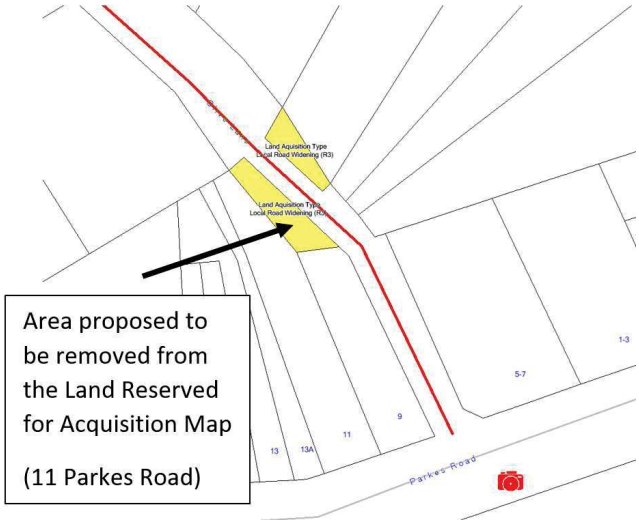
Figure 10 Lane widening at 9 Parkes Road

ATTACHMENT 8



In conclusion, A section currently identified for land acquisition is no longer needed for road widening and should now be deleted from the Map (see Figure 11 below).

Figure 11 Current Land Acquisition Map for Olive Lane



Recommendation 6

Remove the section of land at 11 Parkes Road, Artarmon from the Land Reserved for Acquisition Map as it is no longer required for lane widening.

ISSUE 7: Employment zones

In tandem with the exhibition of the draft LEP, the Department of Planning exhibited a reform of employment zones. This changes the zone names of existing business and industrial

zones to employment zones. It also proposes the merging of some zones (see Figure 12 below). An explanation of how these changes would be implemented was included in the comprehensive LEP exhibition however the zoning changes did not specifically form part of the PP. As far as possible, retention of the existing controls have been continued, however, with the combining of zones, some permitted land uses will change.

A description of the old and new zones is provided in the Figure 12.

Figure 12 change to zone names

Existing zone name	New zone name
Zone B1 – Neighbourhood Centre Zone B2 – Local Centre	Zone E1 Local Centre
Zone B3 – Commercial Core	Zone E2 – Commercial Core
Zone B4. – Mixed Use	Zone MU1 – Mixed Use
Zone B5 – Business Development Zone B7 – Business Park	Zone E3 – Productivity Support
Zone IN1 – General Industrial Zone IN2 – Light Industrial	Zone E4 – General Industrial

Heights and FSR maps will not change from exhibition (unless specified elsewhere in this attachment). For example, the bonus floorspace for sites over 1,000m in the current IN2 zone, will continue to apply to those sites by a mapping outline. The bonus will not extend to the IN1 sites despite being in a newly formed combined zone.

Shop top housing is currently a permissible use in the B5 but not the B7 zone. In the combined zone, E3 – Productivity Support, shop top housing will not be permissible. However, the sites currently in B5 will be added to Schedule 1 Additional Permitted Uses to enable shop top housing as is currently the case.

Recommendation 5

Incorporate the new zone names and Land Use Tables, and maintain controls throughout the LEP as exhibited.

ISSUE 7: Errors to be rectified

7(a) Sun access clause

Draft Clause 6.20 Sun Access is intended to protect public space in Chatswood CBD from excessive overshadowing. The clause is intended to reflect the sun access provisions that were defined in the Chatswood CBD Strategy. Reference to Chatswood Oval was omitted in the draft wording of the LEP document and should be included in the final version of the clause. The exhibited planning proposal included a copy of the sun access map from the CBD Strategy which clearly shows Chatswood Oval as being included.

Recommendation 7(a)

Replace the wording of draft Clause 6.20 as follows

ATTACHMENT 8

6.20 Sun access
(1)The objective of this clause is to
(a) protect certain public space in Chatswood CBD from excessive overshadowing.
(b) Protect properties in South Chatswood Conservation Area from a reduction in solar access

(2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent
authority is satisfied that :
(a) the development will result in additional overshadowing in mid winter
between 12 noon and 2pm, on:
• Victoria Avenue between the interchange and Archer Street
• Concourse Open Space
• Garden of Remembrance
• Tennis and croquet club

(b) the development will result in additional overshadowing in mid winter
between 11.00am and 2pm, on Chatswood Oval (including Chatswood Park)

(c) the development will reduce solar access to any individual property within the South Chatswood
Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter

7(b) Height control Northbridge should only include 57-69 Strathallen and not include 128 Sailors Bay Road

The Local Centres Strategy recommended an increase in height for properties at 57-69 Strathallen Avenue Northbridge from 14m to 17m if an additional storey of commercial floorspace is provided. The HOB map incorrectly included 128 Sailors Bay Road (shown in Figure 13below with broken yellow outline) at 17m as well as incorporating it in the Affordable Housing Map

Figure 13 Location Plan 128 Sailors Bay Road



Recommendation 7(b)

Amend the HOB map for 128 Sailors Bay Road to 14m and remove it from the Affordable Housing Map

7(c) Map error at 2A Chandos Street St Leonards

A submission highlighted a gap on the proposed FSR Map at 2A Chandos Street St Leonards (Figure 14 below). The proposed Zoning and Height of Building Maps (Figures 15 and 16 below) clearly show the site in its entirety. It is a mapping error that should be rectified in the final maps.

Figure 14 Proposed FSR Map at 2A Chandos Street

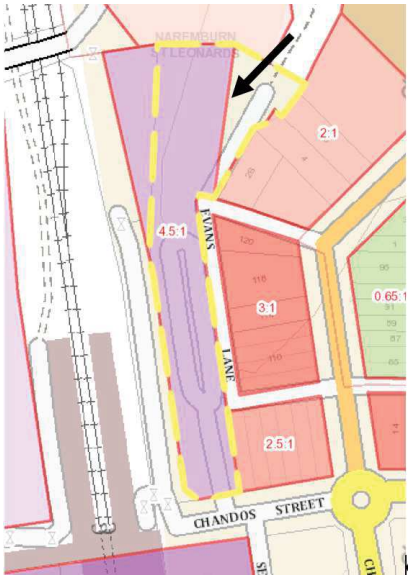


Figure 15 Proposed Zoning Map at 2A Chandos Street

ATTACHMENT 8

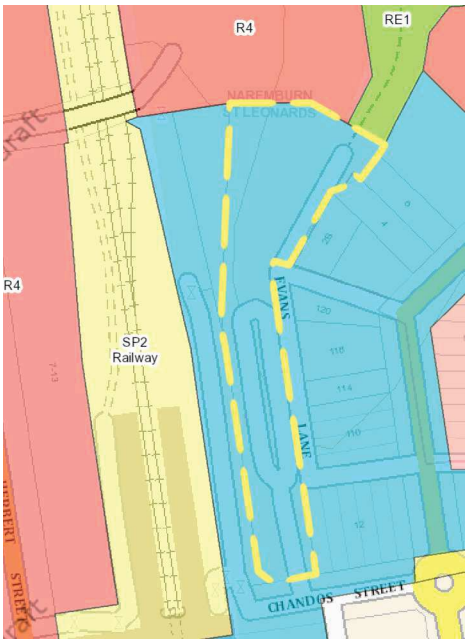
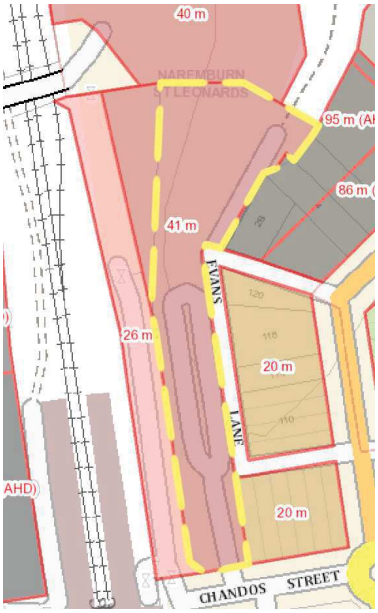


Figure 16 Proposed Height of Building Map at 2A Chandos Street



Recommendation 7(c)

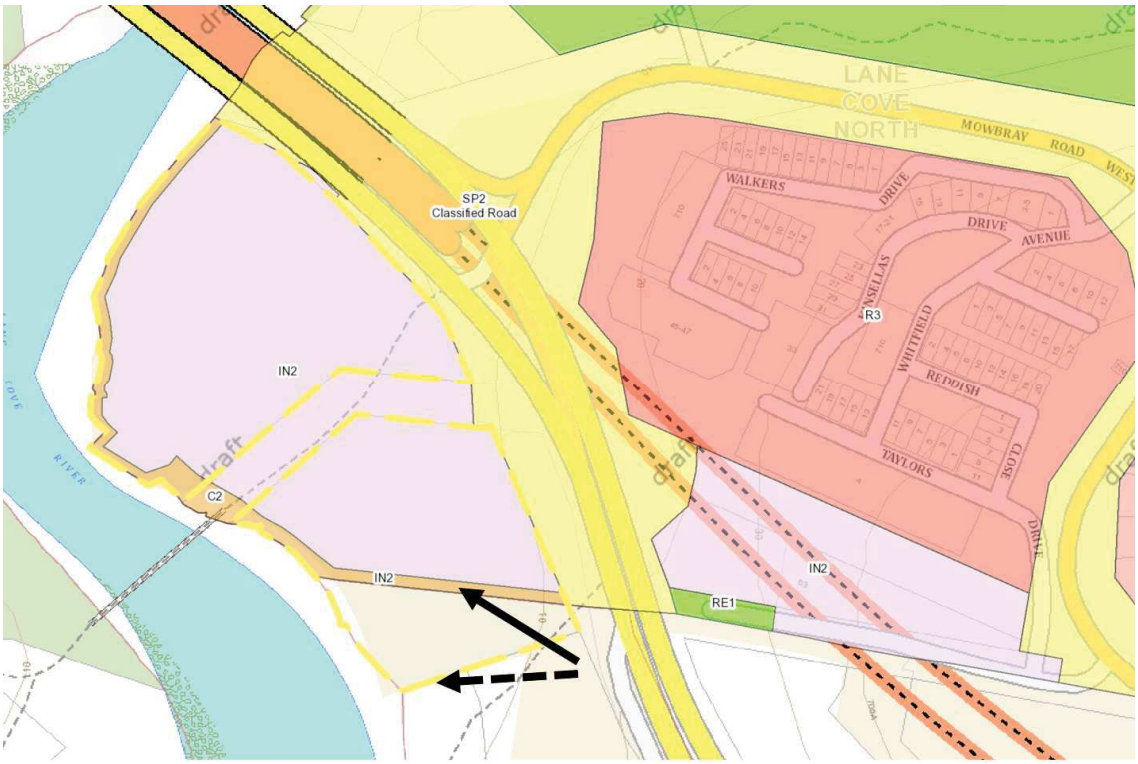
Amend the FSR Map at 2A Chandos Street, St Leonards to include the entire site.

7(d) Land at 170 Epping Road, Lane Cove North

A submission was received regarding an industrial site at 170 Epping Road, Lane Cove North. The site is unusual in that it crosses over 2 local government boundaries – Willoughby and Lane Cove Councils.

The site is currently zoned industrial. The draft LEP proposed to rezone the edge of the site which follows the Lane Cove River to a C2 environmental zone. However, the proposed map followed the local government boundary instead of the site boundary instead of the river, therefore running along the middle of the site. This error should be rectified.

Figure 17 Land at 170 Epping Road



Note: The Black Arrow points to the Local government boundary.

The hatched arrow points to the property boundary

Recommendation 7(d)

Remove the C2 section from the zoning map at 170 Epping Road, Lane Cove North that traverses the site and not adjacent to the river frontage.

The following amendments have been recommended by Council staff in order to clarify existing practices

8(a) Landscaping clause objectives

The draft LEP proposes to remove the soft landscaping from the DCP into the LEP. Its purpose being to provide greater "weight" by elevating its requirement. This is to provide a better outcome for the local landscaping character of the area.

Staff recommendation is to strengthen the wording of this clause by adding words that highlights the link to the need to reduce the heat island effect and clarify the intention to reduce large paved areas.

ATTACHMENT 8

Recommendation 8(a)

Reword the draft Landscaped area clause as follows (changes in red)

Clause 6.23 Landscaped areas

The objectives of this clause are as follows-

• To have the landscape character of Willoughby's residential areas maintained and enhanced by requiring landscaping of sites in conjunction with other development,

• To have a general visual dominance of landscape over buildings maintained,

- To ensure that paved or built upon areas on the site have regard to the environmental capacity of the land.

- To have adequate and usable ground level open space for recreation, landscaping and containing urban run-off and planting to limit urban heat effects.

This clause applies to land in Zone R2 Low Density Residential and Zone C4 Environmental Living.

The consent authority may refuse to grant development consent to development involving the erection of a building unless at least the following minimum landscaped area of a site (as a percentage of the site area) is provided for the development -

Item 8(b) Clarification of the proposed Design Excellence Clause

The design excellence clause is an existing clause which is proposed to be expanded more widely to sites proposing residential development higher than 12m. A Reference in the wording of the clause which refers applicants to the Council's Design Excellence Guidelines is recommended.

Recommendation 8(b)

Amend the Design Excellence Clause as follows:

Design excellence at certain sites at Willoughby

(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

(2) This clause applies to development involving the erection of a new building or external alterations to an existing

building on land identified as "Area 5a" on the Special Provisions Area Map.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority

considers that the development exhibits design excellence.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development detrimentally impacts on view corridors.

(5) The consent authority must also have regard to how the development addresses the following matters—

(a) the suitability of the land for development,

(b) existing and proposed uses and use mix,

(c) heritage and streetscape constraints,

(d) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(e) bulk, massing and modulation of buildings,

(f) street frontage heights,

(g) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(h) achieving the principles of ecologically sustainable development,

(i) pedestrian, cycle, vehicular and service access, circulation and requirements,

(j) the impact on, and proposed improvements to, the public domain,

(k) the impact on special character areas,

(l) achieving appropriate interfaces at ground level between the building and the public domain,

(m) excellence and integration of landscape design.

(6) In addition, development consent must not be granted to development to which this clause applies unless—

(a) for a building that is less than more than 12 metres but not greater than 35 metres above ground level (existing)—

(i) a design excellence panel reviews the development, and

(ii) the consent authority takes into account the findings of the design excellence panel, or

(b) for a building that is, or exceeds, 35 metres above ground level (existing)—

(i) an architectural design competition that complies with the Design Excellence Guidelines has been held in relation to the development, and

(ii) the design of the development is the winner of the architectural design competition.

(7) If the consent authority is satisfied that the holding of an architectural design competition for a building that is, or exceeds, 35 metres above ground level (existing) is unreasonable or unnecessary in the circumstances of the development—

(a) subclause (6)(b) does not apply, and

(b) development consent must not be granted for the development unless—

(i) a design excellence panel reviews the development, and

(ii) the consent authority takes into account the findings of the design excellence panel.

(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

(9) In this clause—

architectural design competition means a competitive process conducted in accordance with the Design Excellence Guidelines.

Design Excellence Guidelines means the guidelines entitled Guidelines for Design Excellence Review and Competitions, published by the Council on 9 December 2019.

design excellence panel means a panel, consisting of 2 or more persons, established by the consent authority for the purposes of this clause.

Issue 8(c) Active street frontages clarification

Staff have made a recommendation regarding the clarification of wording of the Active Street Frontages Clause. The clarification relates to the need to promote uses at ground level that attract pedestrian traffic along the frontage —by reference to applying "sufficient" to achieve the objective.

Recommendation 8(c)

Amend the proposed Active Street Frontages Clause as follows:

6.7 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain

ground floor street frontages in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone

B3 Commercial Core and Zone B4 Mixed Use, B5 Business Development and B7 Business

Park.

(2) This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have sufficient active street frontage to achieve the objective of subclause (1) after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicular access.

(5) (5) In this clause, a building has an active street frontage if: ~~all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.~~

a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of commercial premises."

Note (The red shows the changes as exhibited

The yellow highlight shows the additional changes proposed post exhibition).

Issue 8(d) heritage considerations

Many submissions related to demolition in conservation areas and a clarification of those controls are recommended in the DCP. In addition, an amendment to the aims of the R2 zone is recommended to strengthen the need for applicants to demonstrate how development would not affect heritage values.

It is recommended that the following zone objective be deleted:

~~To retain the heritage values of particular localities and places~~

And replaced with:

To ensure that the heritage values of particular localities and places are **not** compromised by new development.

ATTACHMENT 9

RECOMMENDED CHANGES TO THE DRAFT WDCP

ISSUE 1:	Administration changes

a Draft WDCP

Once the draft WDCP has been adopted by Council, all references to 'draft' will need to be deleted before the plan becomes operational.

b State Environmental Planning Policies

Late last year the Department of Planning and Environment (DP&E) undertook a review of the State Environmental Planning Policies (SEPPs). As a result, 45 SEPPs were consolidated into just 11. A number of other SEPPs, including SEPP (Exempt and Complying Development Codes) 2008 and SEPP (Building Sustainability Index: BASIX) 2004 have been retained unchanged.

The new consolidated SEPPs took effect from 1 March 2022. While the consolidated SEPPs have new names and structures, there is no material change to the operation or legal effect that prevail under the former SEPPs. However, the draft Willoughby Development Control Plan (WDCP) will need to be amended to reflect the new names of the consolidated SEPPs. This is a procedural change that does not affect the provisions of the draft WDCP.

c Environmental Zones

The Department of Planning and Environment (DPE) has amended the description of the environmental protection zones E1, E2, E3 and E4 to C1, C2, C3 and C4. As of the 1 December 2021, a reference to the environmental protection zones in a planning instrument will be taken as a reference to the corresponding conservation zones. A description of the old and new zones is provided in the following table.

Old Zones	New Zones
Zone E1 – National Parks and Nature Reserves	Zone C1 – National Parks and Nature Reserves
Zone E2 – Environmental Conservation	Zone C2 – Environmental Conservation
Zone E3 – Environmental Management	Zone C3 – Environmental Management
Zone E4 – Environmental Living	Zone C4 – Environmental Living

The draft WDCP will need to be amended to reflect the new description of the environmental zones. This is a procedural change that does not affect the provisions of the draft WDCP.

Note:

The reason this change was made by the DP&E was so the 'E' could be applied to Employment Zones (see below).

d Commercial and Industrial Zones

The Department of Planning and Environment (DP&E) requires the description of the commercial and industrial zones to be changed to employment zones. The draft WLEP has been amended accordingly. A description of the old and new zones is provided in the following table.

Old Zones	New Zones
Zone B1 – Neighbourhood Centre Zone B2 – Local Centre	Zone E1 Local Centre
Zone B3 – Commercial Core	Zone E2 – Commercial Core
Zone B4. – Mixed Use	Zone MU1 – Mixed Use
Zone B5 – Business Development Zone B7 – Business Park	Zone E3 – Productivity Support
Zone IN1 – General Industrial Zone IN2 – Light Industrial	Zone E4 – General Industrial

The draft WDCP will need to be amended to reflect the new description of the commercial and industrial zones as employment zones. This is a procedural change that does not affect the provisions of the draft WDCP but will have implications for the uses that can operate within these re-named zones.

e Authorised Officer

The term 'Authorised Officer' has been used in the draft WDCP and a note provided to advise proponents that an 'Authorised Officer' is a Council employee that has been granted delegated authority to make decisions on behalf of Council. Rather than provide a note, it is considered that a definition of this term should be included in Part A of the draft WDCP.

f Correction to item (ii) under Section 6.2 of Part L.

The Castlecrag Progress Association (CPA) pointed out that Clause 6.2(b) of Part L should be corrected to refer to strong 'horizontal' building elements, not vertical elements.

Recommended changes

i. Delete all references to 'draft' in the draft WDCP.
ii. Amend the description of the old SEPPs to reflect the new names of the consolidated SEPPs.
iii. Amend the description of the environmental zones to reflect the description of the new environmental zones.
iv. Amend the description of the commercial and industrial zones to reflect the description of the new employment zones.
v. Include a new Clause 2 in Part A to read:
Authorised Officer
An 'Authorised Officer' is a Council employee that has been granted delegated authority to make decisions on behalf of Council.
vi. Amend item (b) under Clause 6.3 (Performance Criteria) of Part H to read:
*design buildings which are highly articulated with strong **horizontal** elements*

ISSUE 2: Controls for specific areas (see also Issue 3 below)

Clause 6 of Part B Residential Development, includes controls for specific areas. They provide additional controls such as requirements that relate to vehicular access, drainage/flooding, dedication of land, consolidation of sites, etc. Other controls were adopted in conjunction with approved Planning Proposals. During the exhibition period Council adopted amended site specific development controls for an approved Planning Proposal. During this period Council also approved a new Planning Proposal and adopted the associated site specific development controls.

Recommended changes

i. Amended site specific controls in Clause 6.6 for the following site:
   - 1-31 Walter Street, Willoughby and 452-460 Willoughby Road

ii. Include new site specific controls in Clause 6.7 for the following site:
   - 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood

ISSUE 3: Specific development controls for approved Planning Proposals.

A number of Planning Proposals in the Chatswood CBD have been approved and included in the draft WLEP. Each of these proposals have site specific development controls that will need to be included in Part D (Commercial Development) of the draft WDCP.

Recommended changes

i. Include the site specific development controls under a new Clause 8 (Controls for specific area) of Part D – Commercial Development, for the following properties:

   - 3 Ellis St
   - 54-56 Anderson St
   - 44-52 Anderson St
   - 61A Albert St (Mandarin Centre)
   - 58 Anderson St
   - 5-9 Gordon Ave
   - 753 Pacific Hwy & 15 Ellis St
   - 871-877 Pacific Hwy
   - 3-5 Help St
   - 613-627 Pacific Hwy
   - 629-637 Pacific Hwy
   - 9-11 Nelson Street
   - 815 Pacific Hwy and 15 Help Street

ISSUE 4 Basement storage areas/plant rooms

Part B (Residential Development) was reviewed by Council's Development Assessment Team and concern was raised about the amount of basement storage area and plant rooms included for new dwellings.

Basement storage areas and plant rooms are not included in the gross floor area (GFA). This has sometimes resulted in an unacceptable increase in the overall floor area. It has become problematic trying to limit the amount of below ground floor areas identified as storage and/or plant rooms for dwelling houses. It is considered that 5% of the total floor area should be sufficient to accommodate below ground storage areas and plant rooms. It was suggested that a control should be included to reduce the amount of basement storage areas and plant rooms the concern being they could be subsequently used for habitable purposes.

Recommended changes

i. Include a new Clause 2.1.14 to read:

2.1.14 Storage areas and plant rooms

The objective is to reduce excessive areas nominated as storage area and/or plant rooms, which could be subsequently used for habitable purposes. The additional floor area often contributes to excessive excavation and additional bulk.

To address these issues, the combined below ground floor storage areas and plant/mechanical service rooms are to have a maximum gross floor area of 5% of the total allowable floor area for a dwelling house.

ISSUE 5 Amendments to Part F (Transport and Parking Management)

Part F (Transport and Parking Management) was reviewed by Council's Development Engineer. Concern was raised about instances where the sole means of vehicles entering or exiting a site was using a turntable. The purpose of this amendment is to ensure vehicles can enter and leave a site in a forward direction in the event there is a malfunction with the turntable.

Recommended changes

i. Include a new Clause 5.2(c) to read:

turntables may be used to ease turn paths but must not be the sole means to allow vehicles to turn around within the site; vehicles must be able to turn around using multi-point turns without using the turntable

ii. Include the following additional note under Clause 5.2:

The purpose of item (c) is to ensure vehicles can enter and leave the site if there is a malfunction with the turntable.

ISSUE 6 Amendments to Part I (Water Management)

Part I (Water Management) was reviewed by Council's Development Engineer and a few errors and clarification of some provisions were identified in Attachment 1 (Technical

Standard No 1 -. Stormwater Management) and Attachment 2 (Technical Standard No 2 (Floodplain Management).

The proposed changes are highlighted in bold lettering.

Recommended changes

i. Amend Clause 4.8(h) of Technical Standard No 1 to read.

the system is at least 5m from downstream property boundaries and **2m from side boundaries**

ii. Add a new item 5.4(m) of Technical Standard No 1 to read:

Tanks must be clear of the 1% AEP flood extent. They may be elevated on stands above the flood level, in accordance with Technical Standard No2.

iii. Amend Clause 6.2(e) of Technical Standard No 1 to read:

a spillway with an overland flow route is to be provided in the event that a storm higher than the design storm occurs, or the OSD **system** malfunctions. The flow route must be capable of carrying the flows for a 1% AEP storm, assuming that the outlet to the OSD **system** is fully blocked. Finished ground levels of the route must be shown on the plan. **Piped overflow and overflow** via an internal weir to an overflow pit/chamber with a piped outlet is not acceptable. The overflow path must be in a visible location at ground level, so any blockage of the system can be rectified

iv. Amend Clause 5.1.1(c) of Technical Standard No 2 to read:

minimum crest level for driveway to basement parking = PMF water level or 1% AEP water level **plus 500mm**, whichever is higher

v. Change the term 'device' to **'system'** in all the technical standards.

ISSUE 7: Undergrounding of services

In a recent Land and Environment Court case it was argued that overhead electricity wires were not required to be relocated underground because the condition only referred to 'services'. The intent of the requirement under the current DCP is for all services to be located underground, including overhead electricity wires. It is considered that the controls under the draft WDCP relating to undergrounding of services should be strengthened to avoid any ambiguity by including words that refer to 'overhead electricity wires'.

Clause 4.3.11 of Part B (Residential Development) includes a requirement for all services to be located undergrounding for major residential developments.

Clause 4.15.2 of Part D (Commercial Development) and Clause 4.16.2 of Part E (Development in Industrial Zones) include performance criteria and controls relating undergrounding of services for major commercial and industrial developments.

Recommended changes

i. Amend Clause 4.3.11 of Part B to read:

4.3.11 Undergrounding of services

All services, including overhead electricity wires, are to be located underground for major developments. This includes publicly owned land immediately outside the development site.

ii. Amend the controls under Clause 4.15.2 of Part D to read:

4.15.2 Undergrounding of services

All services, including overhead electricity wires, for major developments exceeding 2,000m^2 are to be located underground (this includes publicly owned land immediately outside the development site).

iii. Amend the controls under Clause 4.16.2 of Part E to read:

4.1.2 Undergrounding of services

All services, including overhead electricity wires, for major developments exceeding 2,000m^2 are to be located underground (this includes publicly owned land immediately outside the development site).

ISSUE 8: Access and mobility

Whilst all developments are required to comply the Disability Discrimination Act 1995 to ensure that people with a disability have access to goods and services, it is considered that specific performance criteria and controls should be included in Part D (Commercial Development).

Recommended changes

i. Include a new clause with the following performance criteria and controls under Part D (Commercial Development):

4.16 Access and mobility

4.16.1 Performance criteria

a. provide measures to assist people with a disability to access facilities independently, equitably and with dignity
b. ensure there is a 'continuous accessible path of travel' for people with a mobility, vision, hearing, or intellectual disability

4.16.2 Controls

a. details are to be submitted with the development application to demonstrate the development will comply with the Disability (Access to Premises – Building) Standards 2010 under *Disability Discrimination Act 1992*

ISSUE 9: Lane widening

Clause 7 under Part F (Transport and Parking Management) includes advice that Council has identified a number of laneways that need to be widened to accommodate future commercial and residential developments. The affected properties are identified in Attachment 5.

The WLEP also includes land reserved for acquisition by Council for street and lane widening purposes. The land may be required to be acquired by Council under the owner-initiated acquisition provisions under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

A 3m wide strip of land at 34 Albert Avenue (corner of Bertram Street) Chatswood is identified on the Land Acquisition Map under WLEP 2012 as land required to be acquired by Council for road widening purposes. Given the likely cost, it was considered that compulsory acquisition of this land by Council is not a priority. This land could also be required to be dedicated as part of any future development of the subject site. Therefore, it was considered that this strip of land was no longer required to be retained in the Reservations Acquisition Map under the draft WLEP. However, it is considered that it should be included in Table 7 (Properties affected by laneway widening) under Attachment 5 of Part F.

Recommended change:

i. The requirement for a 3m wide strip of land along the street frontage of 34 Albert Avenue, Chatswood be included in Table 7 (Properties affected by laneway widening) of Attachment 5 (Laneway widening) under Part F.

ISSUE 10: Fences within overland flow paths

A submission suggested that the draft WDCP should include additional provisions to ensure the construction of fences do not impede the free flow of stormwater drainage or runoff.

The requirements for fencing in areas of overland flow and/or properties in flood prone areas are included in Clause 4.7 of Technical Standard No 1 – Stormwater Management. This technical standard is Attachment 1 to Part I. Council's Design Engineer also raised concern that this requirement is 'buried' within the technical standard and it could be overlooked by a Private Certifying Authority. Council's Development Engineer has also reviewed this matter and as a result it is considered that a specific clause should be included in Part I Water Management to address this issue.

Clause 3.3.3 of Part B (Residential Development), requires fencing to be constructed in accordance with the requirements of the Housing Code under the provisions of the Exempt and Complying SEPP. However, an additional provision should be included to address the construction of fences for residential development within areas of overland flow.

Clause 4.3 of Part E (Development in Industrial Zones) includes performance criteria and controls for fencing for industrial developments. As noted above, a specific clause should be included to address the construction of fences in areas of overland flow to allow free passage of water.

Recommended changes

i. Include a new Clause 5 in Part I to read:

   In areas of overland flow, construction of fences must allow for the natural flow of stormwater. This may require fencing to be an open type construction (eg palisade, mesh) or raised above the finished ground level to allow the free flow of stormwater. The open style fencing or open area to allow passage of stormwater, must extend from the ground level to a minimum of the 1% AEP flood level. Construction of any such fencing must remain safe during floods and not obstruct moving debris. Details are to be submitted with the development application.

ii. Include the following provision under Clause 3.3.3 of Part B:

   In areas of overland flow, construction of fences must allow for the natural flow of stormwater. This may require fencing to be an open type construction or raised above the finished ground level to allow the free flow of stormwater. Construction of any such fencing must remain safe during floods and not obstruct moving debris.

iii. Clause 4.3 of Part E includes performance criteria and controls for fencing for industrial developments. As noted above, a specific clause should be included to address the construction of fences in areas of overland flow.

ISSUE 11: Inclinators

Clause 2.1.3 (Design) under Part C (Development in E4 Zone), includes performance criteria for inclinators. These criteria relate to dense planting to reduce visual impacts, not cutting through rock shelves or outcrops and no loss of significant trees. Council's Environmental Health Officer raised concern that Council does not have a consistent approach regarding acoustic criteria for inclinators. It was suggested that specific requirements could be included in the WDCP. It is considered that a separate section could be included that specifically deals with incline passenger lifts.

Recommended changes

i. Delete Clause 2.1.3(d)(1)(2)(3) under Part C.

ii. Include the following new clause under Part C:

2.1.7 Incline passenger lifts (inclinator)

a. An application for an inclinator must include the following information:

- an acoustic assessment report prepared by a suitably qualified acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) demonstrating the noise level from the inclinator will not exceed 5D(b)A above background noise when measured from the nearest property boundary.
- details of noise attenuation measures (including the design of the inclinator track and how any metal-to-metal noise will be minimised) and on-going maintenance of the inclinator

b. inclinators that can be seen from a neighbouring property or a public place, including the foreshore and waterways, must:

- be situated as close as possible to the existing ground level and no closer than 2m from any side boundary
- be an open design with a maximum height of 1m above the carriage floor level
- be painted in a colour that blends in with the natural environment
- have dense planting below and adjacent to the inclinator to reduce the visual impact of the rail alignment
- not result in excessive excavation or cut through rock shelves or outcrops
- not result in the loss of significant trees
- have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling

Note

- The SEE must include an analysis demonstrating the inclinator and any associated stairs will not result in any significant visual impacts to neighbours or from a public place.
- The installation of an inclinator must comply with the AS1735 – Lifts, escalators and moving walks, and the requirements of WorkCover NSW. Evidence of this shall be provided by the installer in the form of a signed Certificate of Compliance, which must be submitted with the development application.

ISSUE 12: Parking Provisions

The exhibited draft Clause 3 under Part F (Transport and Parking Management), provides information relating to the provision of car parking. A number of submissions raised concern about the proposed reduction in the car parking requirements, including car parking for retail premises.

The parking requirements in the Chatswood CBD are maximum rates, which means that there is no specific requirement to provide any car parking. This also applied to Westfield and Chatswood Chase which are identified as regional shopping centres.

Officers, including Council's Economic Development Officer, sought to better understand the role of the parking areas of these centres and approached consultants Cardno (now Stantec) who carried out the initial *Review of Parking Rates* for Council.

The Brief to Stantec was to reconsider the role of parking areas for Regional Shopping Centres in Chatswood, in particular it required them to:

- *Address the concerns raised in submissions on the draft WDCP relating to the proposed parking rates; namely, how maximum rates would affect the provision of parking for regional-scale shopping centres over time.*
- *Acknowledge the unique characteristics of the Chatswood CBD, including the mix of train/metro/bus interchange, multiple regional-scale and smaller shopping centres, the role that car parking plays to support these various uses and Chatswood's competitive advantage over other centres.*
- *Suggest an appropriate parking rate 'range' (i.e. both minimum and maximum car parking rates) for regional shopping centres that would preserve an appropriate number of car parking spaces for both these developments themselves but also to support linked trips. This rate would also define what is considered a regional shopping centre (e.g. greater than xsqm Gross Leasable Area – GLA) and differentiate such centres from shop-top or strip retail uses for example.*

Table 1 (Car parking rates) required a maximum rate of 1/70m^2 for all retail premises in the Chatswood CBD and St Leonards precinct, including those within large shopping centres.

Following a review of the car parking rates, the consultants recommended that shopping centres larger than 30,000m^2 of gross floor area (GFA) should have a 'banded' rate to ensure a minimum number of car parking spaces are provided.

Recommended changes

i. Based on the advice provided by the consultants, it is recommended that Table 1 (Car parking rates) under Part F be amended to require a maximum of 1/40m^2 and a minimum of 1/70m^2 car parking spaces for regional shopping centres.

ii. Amend the second and third paragraph of Clause 3.1 – Car Parking to read:

A reduction in the car parking rates applies to developments in Chatswood CBD and the St Leonards precinct and within a 500m radius of Artarmon railway station. Except for regional shopping centres, the parking requirements within these areas are maximum rates. The car parking requirements for regional shopping centres is a 'banded' rate to ensure minimum car parking is provided with a maximum number to ensure that not too much car parking is provided.

The parking rates for the rest of the LGA (i.e. outside the Chatswood CBD and the St Leonards precinct and within a 500m radius of Artarmon railway station) are 'target' rates. These rates are neither maximum nor minimum. However, any proposal to vary the number

of spaces must be justified and consider the location and parking demand generated by the development.

ISSUE 13: Electric Vehicles (EV)

Clause 4.5 under Part F (Transport and Parking Management), requires all new dwellings and dual occupancies, and significant alterations and additions to existing dwellings and dual occupancies to make provision for a dedicated electric vehicle (EV) charger. This section also includes advice that adequate electricity supply must be made for EV charging for all other new developments, including residential flat buildings, shop top housing and mixed use developments.

Clause 5.6 under Part F (Transport and Parking Management) describes the electric vehicles charging levels required for major developments.

The requirements included in the draft WDCP were based on information available at that time, and comparison with provisions included in other Council development controls plans.

To ensure the most up to date and relevant controls are provided, an independent consultant specialising in alternative energy solutions and sustainable energy planning was engaged to review the EV requirements under the draft WDCP.

Recommended changes

i. Based on the advice provided by the consultant it is considered that Clause 4.5 under Part F be amended to read:

4.5 Electric vehicles

More households are transitioning to owning electric vehicles. All new dwellings and new dual occupancies, and significant alterations and additions to existing dwellings and dual occupancies should make provision for the installation of Level 2 electric vehicle (EV) charging stations.

As a minimum, new dwelling, new dual occupancies, and any significant alterations to existing dwellings or dual occupancies must make provision for at least a 40A (single phase) dedicated circuit to each garage or car space.

Notes:

- Alterations and additions to an existing dwelling is regarded as ‘significant’ if the proposal will result in more than a 10% increase in the ‘gross floor area’ and/or if the proposal has an estimated cost in excess of $100,000.
- Provision for EV charging must be made for all new and significant alterations and additions to major developments. This includes residential flat buildings, shop top housing and mixed use developments. See section 5.6 in this part for guidelines on EV charging.

ii. Based on the advice provided by the consultant it is considered that Clause 5.6 under Part F be amended to read:

5.6 Electric vehicle charging

Demand for public electric vehicle (EV) charging stations is set to increase. Willoughby City Council is committed to extending this infrastructure as suitable locations are identified. It is also necessary to make provision for electric vehicle charging on private properties. All types of new major residential and non-residential developments, and significant alterations and additions to an existing development must be designed and constructed with appropriate electrical infrastructure to allow for future EV charging points.

Note:

- Alterations and additions are regarded as 'significant' if the proposal will result in more than a 10% increase in the 'gross floor area'.

a. Residential flat buildings, shop top housing and mixed use developments

All garages and car spaces allocated to an individual apartment must make provision for:

- Level 2: single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW, which provides faster, more secure charging.

All communal car parking areas within a major residential development must make provision for either:

- A dedicated 40A circuit to each apartment / lot's parking space (noting that these circuits can be centrally load controlled to limit maximum demand), or,
- A minimum of 25kW DC charging within a dedicated car space at the rate of one space per 10 apartments / lots. Each dedicated EV space shall be restricted to a maximum 2-hour charging period.

b. Commercial, industrial and all other major developments

The following requirements apply to communal car parking areas for commercial, industrial and all other major developments:

- A minimum 5A per phase electrical capacity must be provided per space e.g:
    - Dedicated 63A three-phase EV charging switchboard 4-10 spaces
    - Dedicated 100A three-phase EV charging switchboard 10-20 spaces
    - Dedicated 200A three-phase EV charging switchboard 20-40 spaces
    - Dedicated 400A three-phase EV charging switchboard 40-80 spaces

Notes:

- Switchboards shall be dedicated and centrally located to facilitate simple connection of EV charging.
- Common areas should provide underground cables, or where this is not possible, at least the provision of cable trays sufficient to accommodate electric circuitry to each car space.

Section 5.6 provides the controls for the provision of electric vehicle (EV) charging on private properties for all new developments and where significant alterations and additions to existing developments are proposed.

Section 5.8 provides information and requirements to ensure appropriate infrastructure is provided to support the use of autonomous vehicles.

ISSUE 14: Car share spaces

The draft WDCP does not require dedicated car share spaces to be provided for new developments. However, Clause 5.7 under Part F (Transport and Parking Management), provides an option for car share spaces to be provided on site.

There have been several Land and Environment Court cases that recognise the benefit of car share spaces in lieu of individual privately owned car parking spaces, particularly in areas with high density and good access to public transport.

A private car share company lodged a submission with a number of suggested changes to improve accessibility to car share vehicles. The submission includes the following comments:

- Car share vehicles should not be for the exclusive use of building occupiers; they should be accessible for the benefit of all verified and active members.
- Less on-street space is being allocated for car share spaces; open access to onsite car share spaces will help meet the growing demand for car share vehicles.
- It has been proven and accepted that generally one car share vehicle removes 10 privately owned vehicles.
- The City of Sydney and City of Ryde currently have best practice for car share requirements for developments.

The provision of car share spaces on private property within the Chatswood CBD will provide an option where no on-site car parking is required. However, certain controls will be necessary to ensure the provision of any car share spaces on private property are readily accessible, and the car share scheme can operate effectively.

Recommended changes

i. Based on the advice and information provided in the submission, and a review of the City of Sydney controls, it is considered that Clause 5.7 under Part F be amended to read:

5.7 Car share spaces

There is a growing trend for individuals and businesses to use private car share vehicles as an economical alternative to car ownership. Car share schemes are generally more viable in locations where private car ownership is discouraged, such as Chatswood CBD, St Leonards precinct and the Artarmon railway precinct. The parking requirements for these areas are maximum rates and therefore, a development may provide that maximum number, less than that number or no off street car parking spaces. However, it would be preferable for developments to provide car share spaces in lieu of the maximum number of private car parking spaces.

For other developments outside the Chatswood CBD, St Leonards precinct and the Artarmon railway precinct, the car parking requirements are 'target' rates. These rates are neither maximum nor minimum. However, any variation must be justified. A reduction in car parking may be justified if car share spaces are provided and a legally binding car share scheme is put in place in lieu of the nominated car parking rates.

The provision of car share spaces must satisfy the following controls:

a. one car share space may be substituted for 10 car parking spaces, whether they are maximum or 'target' rates in accordance with Table 1 (Parking Requirements)
b. car share spaces must be nominated on the plans submitted with the development application
c. all car share spaces are to be:
    - publicly accessible 24 hours a day, seven days a week
    - located together in a communal area with safe pedestrian access
    - located in an accessible area with access from a public road
    - located in a mobile phone signal area to ensure connectivity to the car share scheme
    - located adjacent to appropriate electrical infrastructure to allow for EV charging points
    - integrated with the streetscape and suitably screened with appropriate landscaping where the space is external
    - clearly designated as a car share space by signage and line marked
d. on-site car share spaces are to be retained as common property by the owner or the Owners Corporation of the site and not sold or leased to an individual owner, occupier or any external entity at any time
e. submission of documentary evidence that the owner or Owners Corporation has entered into a legally binding agreement for a car share scheme with a suitable car share operator (details to be submitted to Council prior to the issue of an Occupation Certificate)
f. the use and operation of the car share spaces must be managed by the owner or the Owners Corporation or contracted to a care share operator (details to be submitted to Council prior to the issue of an Occupation Certificate

g. the car share spaces must be included in the land title to allow public access via covenants, building or strata management statements, by-laws or any other necessary instrument (details to be submitted to Council prior to the issue of an Occupation Certificate)
h. the owner or Owners Corporation must have appropriate insurance, including public liability (details to be submitted to Council prior to the issue of an Occupation Certificate

Note:

- ***Car share scheme*** means a scheme in which a body corporate, an unincorporated body or a public authority owns or manages and maintains vehicles for shared or communal use and hires those vehicles exclusively to members of the scheme for occasional use for short periods of time, on demand and on a pay-as-you go basis.
- Car share spaces are to be rounded down to a whole number if it is not a whole number.
- On-street parking permits will not be available for owners or occupiers of any new developments that are subject to the car parking provisions under Part F (Transport and Parking Management) of the WDCP.

ISSUE 15: Autonomous vehicles

Clause 5.8 under Part F (Transport and Parking Management), includes advice and requirements to support the future use of autonomous vehicles. An independent consultant who specialises in alternative energy solutions and sustainable energy planning was engaged to review this section.

Recommended changes

i. Based on the advice provided by the consultant it is recommended that Clause 5.8 under Part F be amended to read:

5.8 Autonomous vehicles

The use of autonomous vehicles is a reality in the foreseeable future. Production and active testing is underway in major cities around the world to ensure the safe and efficient operation of these vehicles. This means appropriate infrastructure to support the use of autonomous vehicles needs to be in place for new developments.

All car parking areas must provide clear line marking around the base of columns, kerbs and driveway paths. There must be clearly defined (white or yellow) definition to columns and poles to improve visibility to autonomous vehicles.

Note:

- As technology evolves, further requirements may be imposed to support the safe and efficient operation of autonomous vehicles.

ISSUE 16: Demolition of Heritage Items and structures in Heritage Conservation Areas

A significant number of submissions raised concern about demolition of dwellings in heritage conservation areas. Many submissions stated that it was too easy to obtain a structural engineers report to justify demolition and replacement with a new dwelling alleging retention/remediation works being too costly.

Clause 2.4 under Part H (Heritage Items and Heritage Conservation Areas), deals with 'Demolition'. In discussions with Council's Heritage Officer, it is considered that the requirements for an application for total or partial demolition of buildings in a heritage conservation area should be strengthened to ensure that it is only in the most exceptional circumstances that buildings or significant parts thereof are granted approval for demolition in a heritage conservation area.

Recommended changes

Based on the advice provided by Council's Heritage Officer, it is considered that the following changes are made to Part H:

i. Amend the first objective (a) under Clause 1.2 to read:

'Guide future development within a framework of conservation, including the restoration and/or remedial works to retain heritage items and contributory buildings within a conservation area. '

ii. Include an additional note at the end of Clause 1.2 to read:

'Applications to demolish a heritage item or contributory buildings within a heritage conservation area are not supported by Council, and approval will only be granted in exceptional circumstances where it can be demonstrated that the building is not capable of retention and/or restoration.'

iii. Relocate Clause 2.4 (Demolition) to Clause 1.4 (this is to reinforce the importance, and Council's commitment to discourage demolition in a heritage conservation area).

iv. Delete and amend Clause 2.4 (now proposed to be Section 1.4) to read:

Objectives

1. Conserve individually listed heritage items and the general building stock that contributes to the significance of a heritage conservation area
2. Ensure that, if approval is granted, any replacement development enhances the significance of the heritage conservation area

Requirements

Council does not support demolition of a heritage item or a contributory building in a heritage conservation area, and any application will only be considered where the building is not capable of retention and/or restoration.

Applications for the total or partial demolition of buildings, or works that are listed heritage items or on sites in heritage conservation areas, Willoughby City Council will assess:

a. the heritage significance of the building or work, including its contribution to the streetscape in heritage conservation areas
b. the opportunities for adaptation and whether the building or work would be incapable of reasonable or economic use
c. if the building or work constitutes a danger to its users or occupiers or to the public
d. whether the proposed redevelopment is compatible with the heritage conservation area

In its determination of an application to demolish a heritage item or contributory building, Council will give consideration to any relevant Planning Principles established by the Land and Environment Court.

If demolition of a heritage item is proposed, we may first refer the application to the National Trust of Australia (NSW) or any other relevant bodies.

If demolition of a heritage item of state significance is proposed, in line with Willoughby LEP, we will notify the Heritage Council of NSW.

Council will require reconstruction if there is any unauthorised removal of detail or significant decorative elements.

Willoughby City Council will not grant consent for demolition in a heritage conservation area unless it has considered the future development of the site. All applications for total demolition or demolition of significant parts of a building 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 impossible.
- A heritage impact statement, heritage conservation management plan or heritage conservation management strategy as applicable, detailing the heritage significance of the building or structure or contribution to the heritage conservation area.

- Other professional reports where relevant, such as from an archaeologist or historian.

If consent is granted for demolition of a heritage item or a component of a building in a heritage conservation area, an archival record of the existing building and grounds will need to be submitted. This record must be in line with Heritage NSW guidelines.

Any infill or replacement development must respect the heritage values and significance of the area and comply with Clause 5.10 of Willoughby LEP.

Note:

If an *Authorised Officer* is not entirely satisfied that the dilapidation report demonstrates retention or restoration of the building is impossible, Council will engage an independent and suitably qualified expert to peer review the report at the applicant's expense.

Issue 17: 1.8m high pool fences located on the side and rear boundaries adjoining public walkways and reserves in the Griffin Heritage Conservation Area.

A number of submissions raised concern that 1.8m high pool fences are being used as de facto boundary fences in the Griffin Heritage Conservation Area (GHCA).

Any approval for a swimming pool in the GHCA includes a condition that requires the barrier of a 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 has been suggested 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 is considered that increased setbacks could overcome 1.8m high pool fences being located on the property boundary. A further requirement for landscaping between the child restraint barrier and the property boundary may encourage proponents to comply with the 1500mm high child restraint barrier control and the other objectives and management policies of the Griffin Heritage Conservation Area.

Recommended changes

Include the following management policy under item (xi) in Clause 3.5 of Part H:

No child restraint barriers surrounding a swimming pool are to be located on the property boundary adjoining public reserves and pathways. Instead:

- the barrier must be setback 3m from the property boundary

- the barrier should not exceed 1500mm
- a minimum 3m wide landscaped area shall be provided between the barrier and a side or rear property boundary

Note:
1. The provisions of the Swimming Pool Act 1992 must be satisfied.
2. These requirements will be included as a condition of consent for any approval granted for a swimming pool.

Issue 18: Alterations and additions to contributory buildings in Heritage Conservation Areas

A number of submissions raised concern that some alterations and additions to contributory buildings were not up to standard to ensure they retain the integrity and authenticity of the Heritage Conservation Areas. Council's Heritage Officer has recommended that the provisions and controls for alterations and additions to contributory buildings should be strengthened.

Recommended changes

Include the following new Clause 2.9

2.9 Contributory Buildings

This section is designed to further clarify Council's intent in guiding development of buildings considered to make a positive contribution to the heritage character and significance within heritage conservation areas.

Where an existing building contributes to the heritage significance of the conservation area, alterations and additions should be designed and sited to ensure the retention of any contributory features or characteristics of the building and the streetscape of the heritage conservation area in which they are located. The loss of this significant fabric weakens the integrity and authenticity of heritage conservation areas, so a cautious approach is required. Development to contributory items should not result in a situation where only the front façade of a building is kept, without retaining any of the significant structural fabric behind the front exterior wall.

Objectives

- Ensure that sufficient structural fabric of contributory buildings is retained and conserved to ensure the heritage contribution of the building to the conservation area is maintained.
- Ensure that additions or changes to the appearance of contributory buildings within heritage conservation areas respect the original built form, architectural style and character.
- Encourage proposed development to be contained to the less significant parts of contributory buildings
- Avoid a situation where only the front façade of a building is kept.

Requirements

a. Street elevations and visible side elevations must not be significantly changed. Additions must be located to the rear or to one side of the building to minimise impact on the streetscape.
b. Significant structural features for the front principal portion of the building are to be retained. This can include the first four rooms of the dwelling, staircases and fireplaces.
c. Principal roof forms visible from the street, including roof pitch, roof planes, eaves height and chimneys are to be retained, with the exception of additions such as rear dormers and skylights.
d. Changes to materials (including roofs and walls) on elevations visible from a public place are not supported. Original face brickwork must not be rendered, bagged or painted. The removal of external brickwork skin is not supported.