The new draft Willoughby Comprehensive LEP and DCP

Summary of post-exhibition changes

Why?

Our new planning controls will:

- Plan for growth in the right places
- Strengthen Chatswood CBD
- Improve the quality of development
- Introduce new sustainability measures
- Provide more affordable housing
- Meet our legislative requirement
- Deliver on years of planning and consultation

Basis of the new dLEP

Drawn from conclusions and recommendations in our existing strategies delivered through extensive community consultation since 2017:

- *Willoughby Local Centres Strategy*
- *Chatswood CBD and Urban Design Strategy to 2036*
- *Willoughby Industrial Lands Strategy*
- *St Leonards Crows Nest 2036 Plan*
- *Willoughby Housing Strategy*
- *Integrated Transport Strategy*
- *Resilient Willoughby Strategy and Action Plan 2021*



Key Directions in LSPS

The LSPS includes the following strategic directions for the new LEP

- **Housing and Affordable housing -** 6,700 new dwellings by 2036 and increase from 4% GFA to a max of **10% GFA for affordable housing**
- **Active transport** - Enhanced walking and cycling connections with 55% of journeys to work not using a car by 2036
- **Heritage** - Maintain heritage protection through regular reviews.
- **Healthy and connected communities** -Increase proportion of dwellings in walkable distance to open space
- **Local centres** - Facilitate viability and vibrancy of local centres.
- **Develop Chatswood as a key commercial centre and transport hub** – Increase % of people living and working in Chatswood to 30% by 2026 - 8,300 new jobs
- **Support St Leonards** as a commercial and health and education precinct - 20,500 new jobs overall by 2036
- **Protect Industrial lands** - no decrease in area
- Enhancing **waterway health, protecting bushland and biodiversity and increasing tree canopy** to 40% by 2036
- Efficiency of Built environment with **30% reduction in emissions by 2028 and 38% by 2036**



Recap: key changes

Local Environment Plan

- Growing Chatswood CBD to the North and South – in line with CBD Strategy
- Increasing density in our local centres – in line with Local Centres Strategy
- More height and density in Industrial zones – in line with Industrial Lands Strategy adopted by Council and publicly exhibited
- New design excellence requirement,
- increase affordable housing from 4% up to 10%,
- Manage urban heat impacts with new clause
- Align residential controls with Code SEPP
- Inclusion of landscape controls in LEP from DCP

Development Control Plan

- Strengthen heritage controls
- Reduction of parking requirement for railway precincts (Chatswood, Artarmon and St Leonards)



What is proposed to be changed from the exhibited version?

Main Changes

DCP

- Regional shopping centres parking requirements
- Car share requirements
- Strengthening heritage provisions

LEP

- Strengthening heritage objectives
- Affordable housing map and clause
- Heights at certain sites in St Leonards
- Northbridge Plaza and car park progressed via separate planning proposal

Parking rates – Chatswood & St Leonards

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.

- Moving to maximums
- New rate for "regional shopping centre" to distinguish it from general retail

Parking rates – Artarmon Railway Precinct

ARTARMON RAILWAY PRECINCT	
Existing	**Proposed**
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	0.5 space/studio, 1 and 2 bedroom units.
1 space/1 & 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.**	

- Maximums generally higher in Artarmon than Chatswood

Parking rates – All other areas of the LGA

ALL OTHER AREAS IN THE LGA	
Existing	**Proposed**
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)	

- Controls stay the same for dwellings
- Reduction for apartments and retail

Car share requirements (DCP)

- In response to submissions, a change has been made to incentivise car share spaces in new developments
- One care share space may be substituted for 10 parking spaces (in areas where target rates apply)
- Accessible 24/7 to the public
- Located in communal area with safe pedestrian access
- Retained as common property by the owner/owners corp
- Evidence of agreement with car share operator required

Demolition in Conservation Areas (DCP Changes)

1.2 Objectives

The objectives of this part are to:

a. 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.

b. ensure that the significance of heritage items is identified and retained

c. ensure that the heritage significance, special streetscape and landscape character of heritage conservation areas is maintained

d. ensure alterations and extensions to existing buildings respect those buildings and do not compromise the significance and character of individual heritage items and heritage conservation areas

e. ensure new sustainable development respects the context and is sympathetic in terms of form, scale, character, bulk, orientation and setback, fabric, colours and textures and does not mimic or adversely affect the significance of heritage items and heritage conservation areas and their settings

f. encourage a sustainable high quality of design for any new development in achieving compatibility with the heritage significance of individual heritage items and heritage conservation areas

g. provide controls for the development of land within the vicinity of heritage items and heritage conservation area

Note *'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.'*

- Objectives tweaked and note added

Demolition in conservation areas (DCP Changes)

2.4 Demolition

Objectives

~~1. conserve individually listed heritage items and the general building stock that contributes to the significance of a heritage conservation area~~

~~2. ensure replacement development enhances the significance of the heritage conservation area~~

Replace with and relocate to 1.4 (see next slide)

- The objectives for this part of the DCP have been reworked

Demolition in conservation areas (DCP Change)

1.4 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

Clearer statement of intent

Additional assessment criteria

Demolition in conservation areas (cont)

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:

- Further issues for consideration in assessment
- External referrals identified
- Reconstruction requirement flagged
- Additional requirements for demolition

Demolition in conservation areas (cont)

- 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.

Further issues for consideration in assessment

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.

Dilapidation and structural engineer's reports can be reviewed at applicant's expense

Contributory Buildings in Conservation Areas (DCP Changes)

Alternations and additions to contributory buildings in Heritage Conservation Areas

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.

Avoid situations where only the façade is kept

Contributory Buildings in Conservation Areas (cont.)

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.

Additional requirements for contributory items in HCAs

Encourages retention of front rooms

Proposed change to LEP (Heritage consideration)

Change the heritage aim of the R2 zone as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To accommodate development that is compatible with the scale and character of the surrounding residential development.
- To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.
- ~~To retain the heritage values of particular localities and places.~~
- To ensure that the heritage values of particular localities and places are not compromised by new development.
- To encourage self sufficiency with respect to energy and food supply

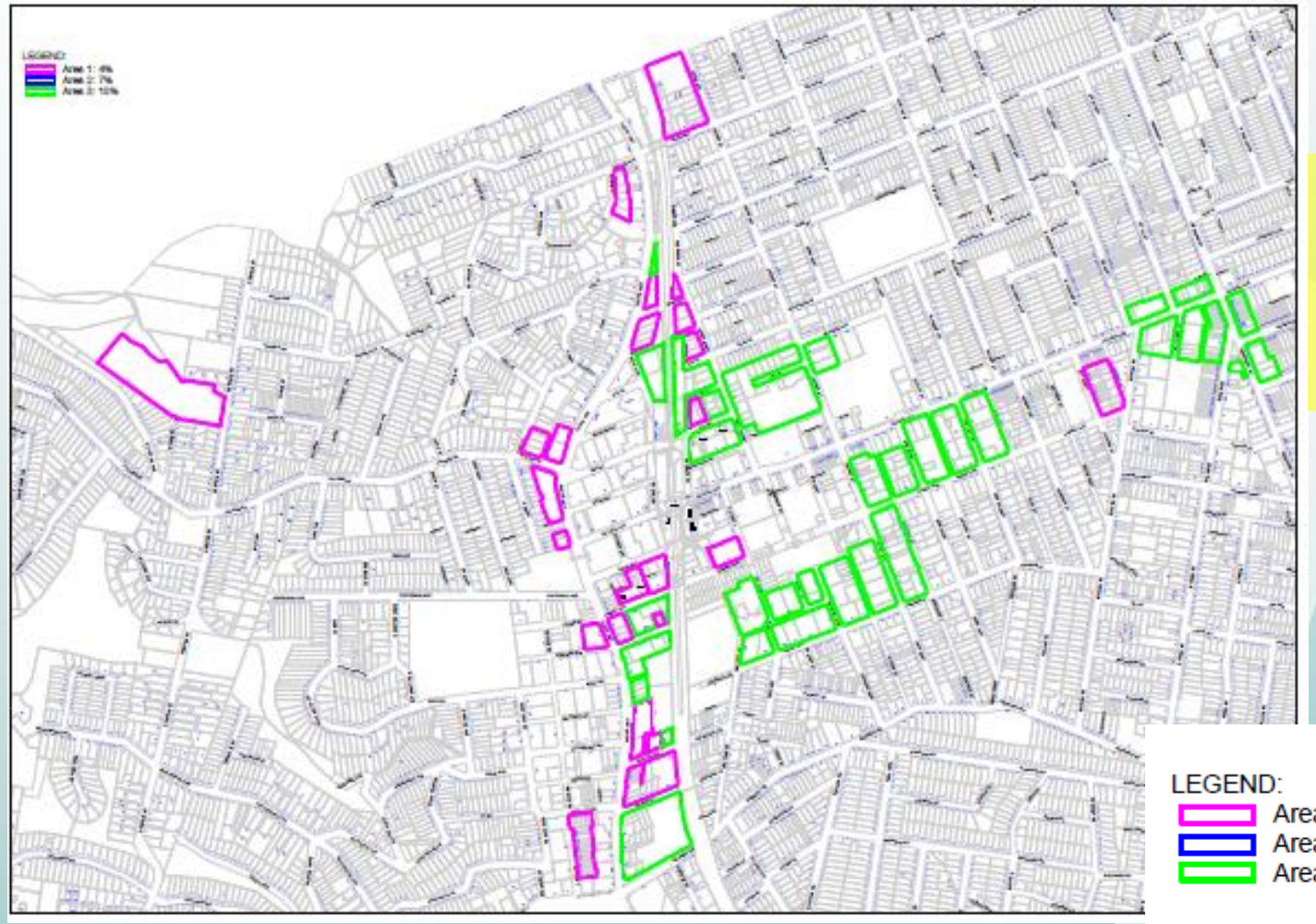
Customisation of the objectives to support DCP changes

LEP Change - Affordable Housing

- Current 4% requirement for affordable housing on certain sites
- Exhibition proposed raising this to 10%
- Feasibility study (available concurrently during exhibition) recommended:

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

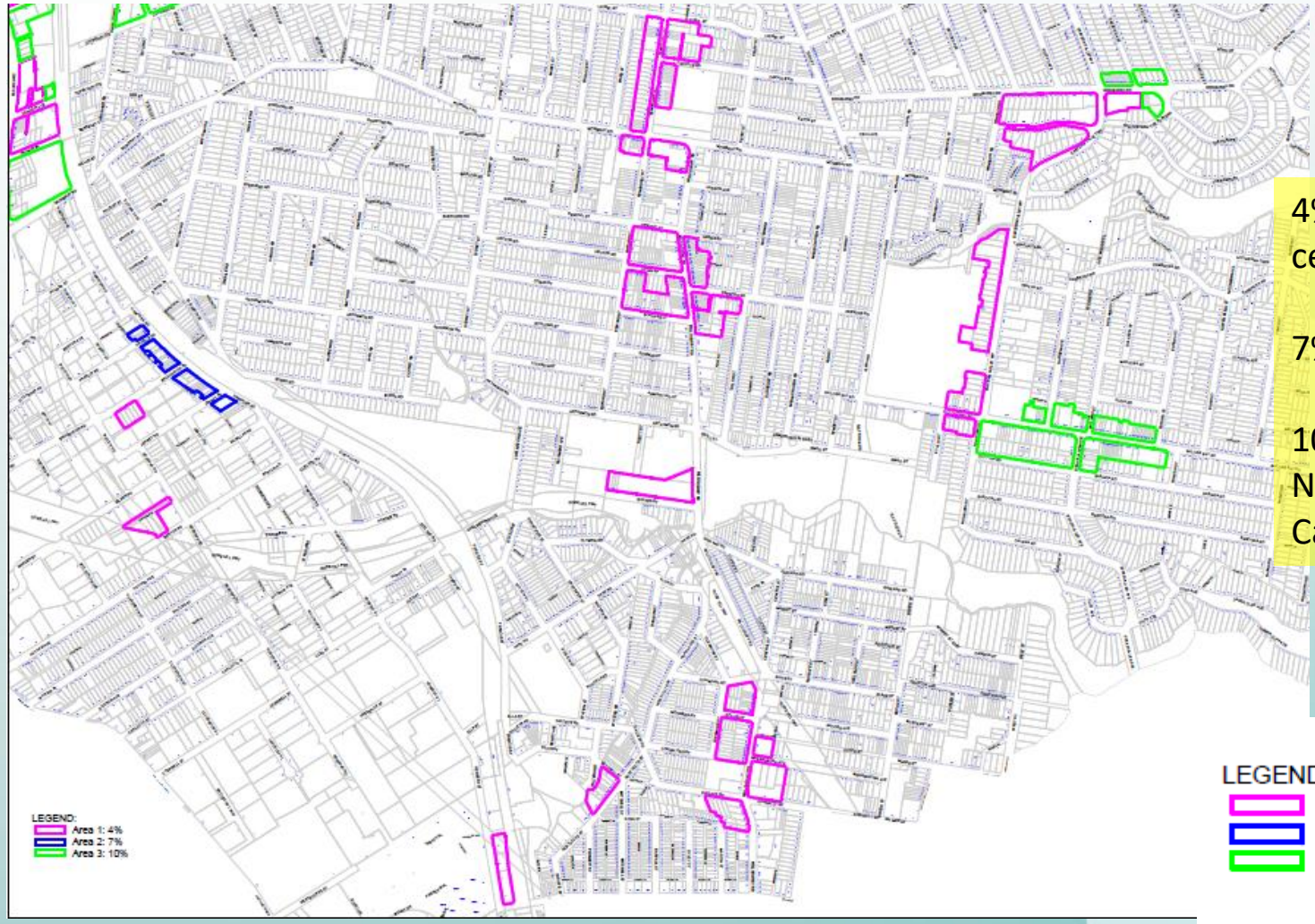
LEP Change - Affordable Housing



10% in North Willoughby

Mix of 10% and 4% in Chatswood

LEP Change - Affordable Housing



4% in local centers

7% in Artarmon

10% in parts of Northbridge and Castlecrag

LEGEND:
Area 1: 4%
Area 2: 7%
Area 3: 10%

Proposed change to LEP- Affordable Housing Clause

(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.

~~(3) 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,~~

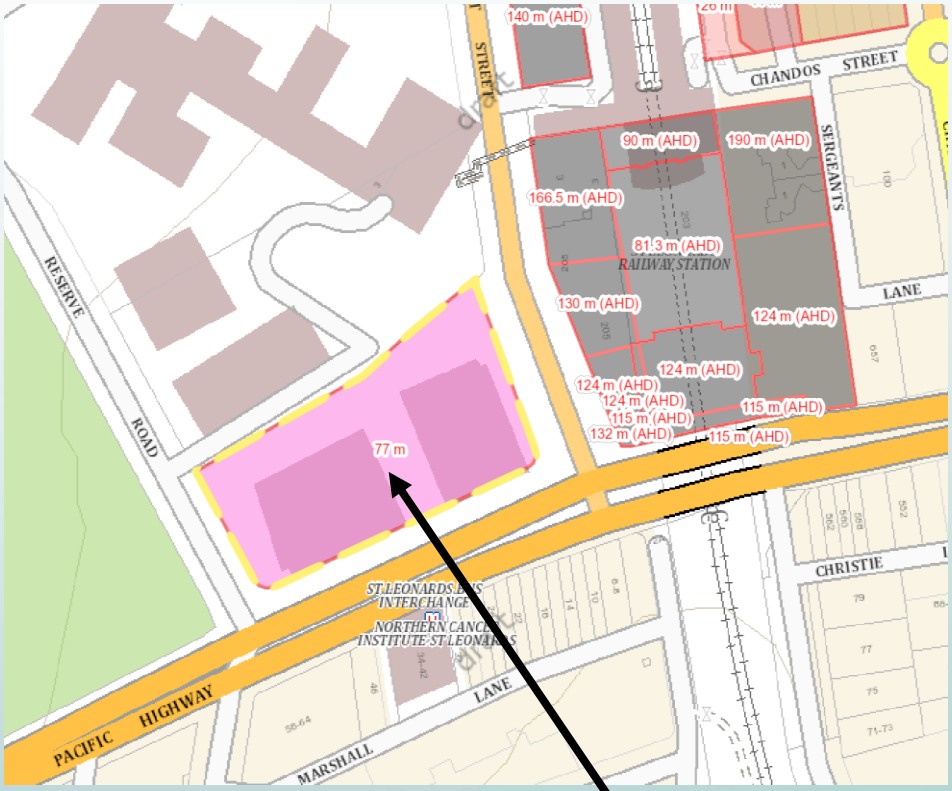
~~(c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.~~

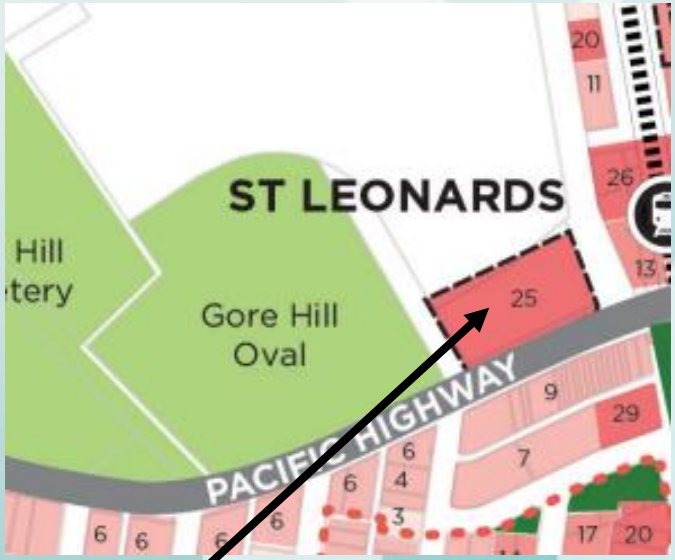
~~Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.~~

(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:

Simplifies considerations

Proposed change to LEP
207 Pacific Highway St Leonards

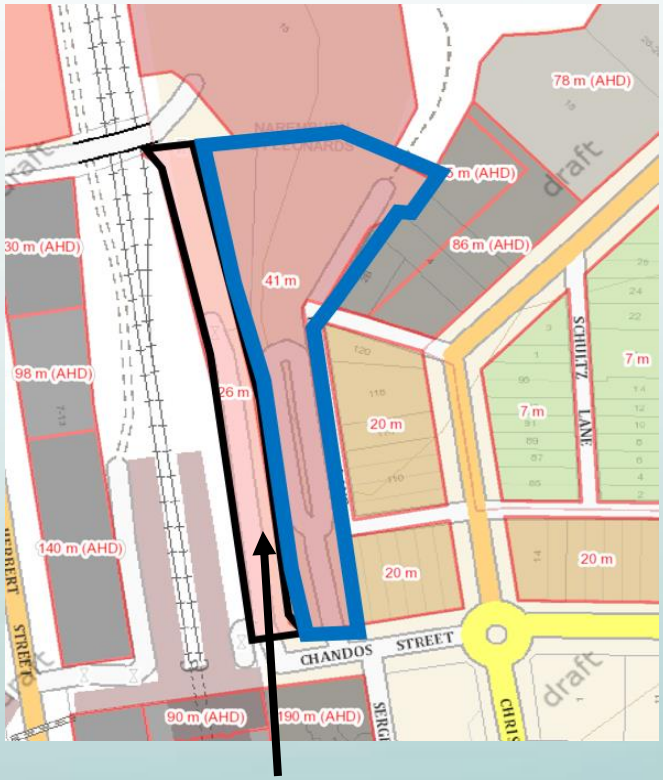




- Change the height from 77m to 83m
- Consistent with strategy, just uses a different floor to floor height
  (3.3m instead of 3m)

Extract from St Leonards Crows Nest Plan 2036 – 25st

Proposed change to LEP
2-10 Chandos St Leonards – Council car park

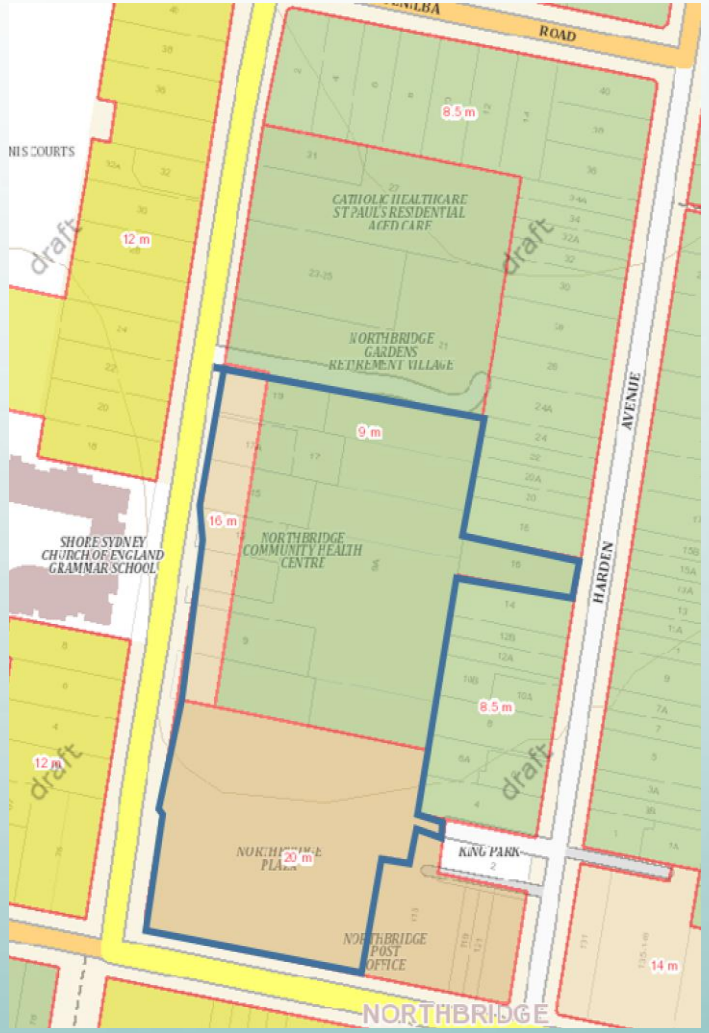




Extract from St Leonards Crows Nest Plan 2036 – 13st

- Change the height from 26m to 41m
- Consistent with strategy
- Addresses error, density stays at 4.5:1

Proposed change to LEP- Northbridge Plaza and car park



- Retain the existing controls to allow for further investigations and community engagement
- Seek a Gateway Determination for a separate Planning Proposal to implement the proposed changes to planning controls and reclassification of the land to operational.
- Should investigations require changes to the planning controls that were exhibited as part of the draft LEP, the matter is to be reported to Council for endorsement prior to exhibition.