



New South Wales

Willoughby Local Environmental Plan 2012 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MALCOLM McDONALD

As delegate for the Minister for Planning and Public Spaces

Willoughby Local Environmental Plan 2012 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Willoughby Local Environmental Plan 2012 (Amendment No 15)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to certain land at Walter Street and Willoughby Road, Willoughby.

4 Maps

The maps adopted by *Willoughby Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Willoughby Local Environmental Plan 2012

[1] Clause 6.8 Affordable housing

Insert “or “Area 9” ” after “as “Area 3” ” in clause 6.8(2).

[2] Clause 6.8(7)

Omit the subclause. Insert instead—

(7) In this clause—

accountable total floor space means the following—

- (a) for development on land identified as “Area 3” on the Special Provisions Area Map—the gross floor area of the residential component of the development, excluding the residential floor space of the development that is used for affordable housing,
- (b) for development on land identified as “Area 9” on the Special Provisions Area Map—the gross floor area of the part of the development used for residential accommodation.

[3] Clause 6.10 Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings

Omit clause 6.10(4)(g). Insert instead—

- (g) 1,640 square metres for land at 29a, 29 and 31 Walter Street, Willoughby, being Lots 100 and 101, DP 857252 and Lot 28, DP 977055,
- (h) 7,960 square metres for land in Willoughby described in the table to this paragraph—

Column 1

Address

1 Walter Street
1A Walter Street
3 Walter Street
5 Walter Street
7 Walter Street
9 Walter Street
11a Walter Street
11 Walter Street
13a Walter Street
13 Walter Street
452 Willoughby Road
454 Willoughby Road
456 Willoughby Road
458 Willoughby Road
460 Willoughby Road

Column 2

Description

Lot 1, DP 1084753
Lot 12, DP 129153
Lot 2, DP 1161181
Lot 3, DP 150607
Lot 2, DP 150607
Lot 1, DP 150607
Lot 1, DP 590018
Lot 2, DP 590018
Lot 361, DP 1032203
Lot 362, DP 1032203
Lot 11, DP 129153
Lot 1, DP 178528
Lot 1, DP 75133
Lot 1, DP 81135
Lot 1, DP 1161181

Column 1

Address

462 Willoughby Road

- (i) 4,969 square metres for land in Willoughby described in the table to this paragraph—

Column 2

Description

Lot 2, DP 586037

Column 1

Address

15 Walter Street

17 Walter Street

19 Walter Street

Remnant strip of reserve between 19 and 21 Walter Street

21 Walter Street

23 Walter Street

25 Walter Street

27 Walter Street

Column 2

Description

Lot 35, DP 1037751

Lot 34, DP 1037751

Lot 33, DP 508777

Lot 1, DP 1239384

Lot 1, DP 166910

Lot 2, DP 166910

Lot 1, DP 168467

Lot 30, DP 977055

[4] Part 6 Additional local provisions

Insert at the end of the Part, with appropriate clause numbering—

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 12” 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 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 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) 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.