



New South Wales

Willoughby Local Environmental Plan 2012 (Amendment No 34)

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*.

ALISON BURTON

As delegate for the Minister for Planning and Public Spaces

Willoughby Local Environmental Plan 2012 (Amendment No 34)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Willoughby Local Environmental Plan 2012 (Amendment No 34)*.

2 Commencement

This plan commences on the commencement of the *Standard Instrument (Local Environmental Plans) Amendment (Willoughby) Order 2023* and is required to be published on the NSW legislation website.

3 Land to which plan applies

This plan applies to land to which *Willoughby Local Environmental Plan 2012* applies.

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 1.2 Aims of Plan

Omit “Willoughby City Strategy” from clause 1.2(2)(a)(ii).

Insert instead “community strategic plan titled *Our Future Willoughby 2032*, published by the Council in June 2022.”.

[2] Clause 1.2(2)(b)(ii)

Insert “resilient,” after “sustainable,”.

[3] Clause 1.2(2)(b)(vi)

Insert at the end of clause 1.2(2)(b)(v)—

, and

- (vi) to manage and, where possible, minimise urban heat impacts on people and the environment, indoors and outdoors, through innovative, effective and sustainable urban design and use of green infrastructure,

[4] Clause 1.2(2)(c)(iv) and (v)

Omit clause 1.2(2)(c)(iv). Insert instead—

- (iv) to prevent loss of life and property and to minimise impacts on people, property and the environment from bush fires and natural disasters by—
 - (A) discouraging incompatible land uses in vulnerable areas, and
 - (B) incorporating, as part of compatible land uses, protective measures including appropriate construction techniques and materials, and
 - (C) avoiding unacceptable environmental degradation, and
 - (D) incorporating adequate measures to enable the safe evacuation of people from areas impacted by bush fires and natural disasters and ensure access to the areas by emergency services, and
- (v) to reduce carbon emissions from buildings, transport, commerce and other activities,

[5] Clause 1.2(2)(d)(i)

Omit the subparagraph. Insert instead—

- (i) to ensure development embraces the principles of quality urban design and encourages innovative, high quality architectural design to deliver durable, resilient and environmentally sustainable long-term outcomes, and
- (ia) to establish, maintain and enhance green corridors and open spaces in accordance with the Sydney green grid principles set out in the *Sydney Green Grid* published by the Department in March 2017, and

[6] Clause 1.2(2)(d)(iii)

Omit “wherever possible”.

[7] Clause 1.2(2)(e)

Omit the paragraph. Insert instead—

- (e) for amenity, wellbeing, health and safety—
 - (i) to maintain and enhance the existing amenity, wellbeing, health and safety of the local community, and
 - (ii) to reduce adverse impacts from development on adjoining or nearby residential properties, and
 - (iii) to provide for social, cultural, recreational and community activities to meet the needs of residents, workers and visitors in Willoughby,

[8] Clause 1.2(2)(f)(iii)

Insert at the end of clause 1.2(2)(f)(ii)—

, and

- (iii) to support housing that maximises thermal comfort and minimises the impact of urban heat,

[9] Clause 1.2(2)(g)(iii)

Omit the subparagraph. Insert instead—

- (iii) to retain and manage industrial land,

[10] Clause 1.2(2)(h)

Omit the paragraph.

[11] Clause 1.8A, heading

Omit “**provision**”. Insert instead “**provisions**”.

[12] Clause 1.8A(2)

Insert at the end of the clause, before the note—

- (2) An amendment made to this plan by *Willoughby Local Environmental Plan 2012 (Amendment No 34)* does not apply to a development application made, but not finally determined, before the commencement of that plan.

[13] Clause 2.1 Land use zones

Insert in appropriate order—

Employment Zones

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

Mixed Use Zones

MU1 Mixed Use

[14] Land Use Table

Insert “and to ensure heritage items and conservation areas are not damaged, demolished or otherwise adversely impacted by new development” after “places” in the 5th bullet point in Zone R2, item 1.

[15] Land Use Table, Zone R2, item 3

Insert “Secondary dwellings;” in appropriate order.

[16] Land Use Table

Insert in appropriate order—

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To provide for services and employment within walking distance of residences.
- To generally conserve and enhance the unique sense of place of local centres by ensuring new development—
 - (a) displays architectural and urban design quality, and
 - (b) integrates with the desired character and cultural heritage of local centres.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities;

Industries; Jetties; Marinas; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone E2 Commercial Centre

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To encourage employment opportunities to strengthen the Eastern Economic Corridor of the Greater Cities Commission.
- To maximise public transport patronage and encourage walking and cycling, including by protecting and encouraging safe and accessible pedestrian routes.
- To support the role of St Leonards as a health and education centre.
- To strengthen the role of Chatswood as a strategic centre for the North District of the Greater Cities Commission.
- To improve the public domain and pedestrian links in Chatswood.
- To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation

facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries, Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewage treatment plants; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To accommodate businesses and other uses of land if the access requirements of, and the traffic generated by, the uses do not interfere with the safety and efficiency of the road network.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community

facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Home industries; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Marinas; Mooring pens; Open cut mining; Port facilities; Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To identify and preserve industrial land to meet the current and future general industrial needs of Willoughby and the wider region.
- To accommodate industrial development that provides employment and a range of goods and services without adversely affecting the amenity, health or safety of residents in adjacent areas.
- To protect the viability of employment zones in Willoughby by permitting offices that are ancillary to, and used in conjunction

with, industrial, manufacturing, warehousing or other permitted uses on the same land.

- To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be, or are inappropriate to be, located in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Pubs; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sewage treatment plants; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To allow for city living on the edges of the city centre of Chatswood, which encourages public transport use, shopping and

the use of businesses and recreational services that contribute to the vitality of the city, without undermining its commercial role.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

[17] Clause 4.1A

Omit clauses 4.1A and 4.1B. Insert instead—

4.1A Minimum subdivision lot size for strata plan schemes in Zone E2

- (1) The objective of this clause is to ensure land in Zone E2 Commercial Centre is not fragmented by subdivision that would adversely impact the tenancy mix and long-term potential of commercial properties for redevelopment.
- (2) The size of a lot resulting from subdivision of land in Zone E2 Commercial Centre by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015* must not be less than—
 - (a) the minimum size shown for the land on the Lot Size Map, or
 - (b) if no minimum size is shown for the land on the Lot Size Map—1,800m².

Note— *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 6 provides that strata subdivision of a building in certain circumstances is complying development.

- (3) Subclause (2) does not apply to a lot comprising common property within the meaning of the *Strata Schemes Development Act 2015*.

[18] Clause 4.1C Minimum subdivision lot size for dual occupancies

Omit “and” from the end of clause 4.1C(1)(d) and omit clause 4.1C(1)(e).

[19] Clause 4.3A

Omit the clause. Insert instead—

4.3A Exceptions to height of buildings

- (1) The maximum height of a building on land in Zone C4 Environmental Living that is identified as “Area 1” on the Height of Buildings Map is—
 - (a) for the part of the building on land immediately adjoining the street frontage—3.5m above ground level (existing), and
 - (b) otherwise—10m above ground level (existing).
- (2) The maximum height of a building on land identified as “Area 2” on the Height of Buildings Map is 17m if the first 2 storeys of the building are used only for the purposes of commercial premises.
- (3) The maximum height of a building used for the purposes of a dual occupancy (detached) is 5.7m if—
 - (a) there is an existing dwelling house on the lot that will form part of the dual occupancy (detached), or
 - (b) the building will not have a street frontage, or
 - (c) for a corner lot—the building will have only one street frontage.
- (4) The maximum height of a secondary dwelling is 5.7m if the secondary dwelling is separate from the principal dwelling.
- (5) The maximum height of a building on land in the foreshore area is 3.5m above ground level (existing).
- (6) The following structures located on the rooftop of a building on land identified as “Area 4” on the Height of Buildings Map may exceed the maximum height shown for the land on the map—
 - (a) balustrades with a height of less than 1.2m above the finished floor level of the rooftop,
 - (b) a structure, with a height of no more than 3.75m above the finished floor level of the rooftop, used to enclose a lift for access to communal areas on the rooftop,
 - (c) a structure, with a height of no more than 2.55m above the finished floor level of the rooftop, used to enclose—
 - (i) stair access to the rooftop, or
 - (ii) shared facilities for the use of residents of the building, such as bathrooms,
 - (d) service installations, including air conditioning systems, lights, solar panels and skylights, with a height of less than 2m above the finished floor level of the rooftop.

[20] Clause 4.4 Floor space ratio

Omit “or” from the end of clause 4.4(2A)(b)(ii) and omit clause 4.4(2A)(b)(iii).

[21] Clause 4.4A

Omit the clause. Insert instead—

4.4A Exceptions to floor space ratio

- (1) A reference in this clause to a numbered area is a reference to land in the area with that number on the Floor Space Ratio Map.
- (2) The maximum floor space ratio for a building in the area and with a site area specified in the table to this subclause is the floor space ratio specified opposite.

Area	Site area	Maximum floor space ratio
Area 1, Area 3	<200m ²	0.65:1
Area 1, Area 3	≥200m ² and <300m ²	0.55:1
Area 1, Area 3	≥300m ² and <400m ²	0.50:1
Area 1, Area 3	≥400m ² and <500m ²	0.47:1
Area 3	≥500m ²	0.45:1
Area 1	≥500m ² and <600m ²	0.45:1
Area 1	≥600m ² and <700m ²	0.43:1
Area 1	≥700m ² and <800m ²	0.41:1
Area 1	≥800m ²	0.40:1
Area 5	>1,000m ²	1.5:1
Area 6	>1,000m ²	2:1
Area 7	>1,000m ²	2.5:1
Area 9	>1,140m ²	3.7:1
Area 10	>3,900m ²	2.5:1
Area 13	>1,000m ²	3.5:1
Area 14	>1,000m ²	1.5:1
Area 15	>12,000m ²	4.5:1
Area 17	>1,000m ²	2:1

- (3) Subclause (2) only applies to a building in Area 6, Area 13, Area 14 or Area 15 if the site coverage of the building does not exceed the following—
 - (a) for Area 6—45% of the site area,
 - (b) for Area 13, Area 14 and Area 15—60% of the site area.
- (4) The maximum floor space ratio for a building on land in Area 2 with a site area specified in the table to this subclause is the floor space ratio specified opposite.

Site area	Maximum floor space ratio
<400m ²	0.5:1
≥400m ² and <500m ²	0.44:1
≥500m ² and <600m ²	0.40:1
≥600m ² and <700m ²	0.37:1
≥700m ² and <800m ²	0.35:1
≥800m ² and <900m ²	0.32:1
≥900m ² and <1,000m ²	0.3:1
≥1,000m ² and <1,100m ²	0.28:1
≥1,100m ² and <1,200m ²	0.27:1
≥1,200m ² and <1,300m ²	0.26:1
≥1,300m ²	0.25:1

- (5) The maximum floor space ratio for a building on land in Area 8 with a site area specified in the table to this subclause is the floor space ratio specified opposite.

Site area	Maximum floor space ratio
<400m ²	0.45:1
≥400m ² and <500m ²	0.4:1
≥500m ² and <600m ²	0.36:1
≥600m ² and <700m ²	0.34:1
≥700m ² and <800m ²	0.32:1
≥800m ² and <900m ²	0.3:1
≥900m ² and <1,000m ²	0.28:1
≥1,000m ² and <1,100m ²	0.26:1
≥1,100m ² and <1,300m ²	0.25:1
≥1,300m ²	0.24:1

- (6) The maximum floor space ratio for a building in Area 11 or Area 12 is as follows—
- (a) for a building used for the purposes of a hospital in Area 11, with a site area of more than 1,000m²—3:1,
 - (b) for a building used for the purposes of a hospital in Area 12—2.5:1,
 - (c) 1.5:1 if—
 - (i) the site area is more than 1,000m², and
 - (ii) the site coverage of the building does not exceed 45% of the site area.
- (7) The maximum floor space ratio for a building in Area 16 is 3:1 if—
- (a) the building is used for the purposes of—

- (i) commercial premises or health services facilities, and
 - (ii) shop top housing, and
 - (b) the floor space ratio of the part of the building used for commercial premises or health services facilities is at least 1:1, and
 - (c) the floor space ratio of the part of the building used for shop top housing does not exceed 2:1.
- (8) The maximum floor space ratio for a building in Area 18 is 3:1 if—
- (a) the site area is more than 1,500m², and
 - (b) the floor space ratio of the part of the building used for non-residential purposes is at least 1.5:1, and
 - (c) the consent authority is satisfied development on the land will provide for adequate publicly accessible open space.
- (9) The maximum floor space ratio for a building in Area 21 is 1.8:1 if the floor space ratio of the part of the building located at or above the street level of Edinburgh Road does not exceed 1.6:1.
- (10) The maximum floor space ratio for shops on Lot 1, DP 1013682, 79–113 Sailors Bay Road, Northbridge is 1:1.
- (11) The maximum floor space ratio for a dual occupancy on land in Zone R2 Low Density Residential is 0.4:1.

[22] Clauses 6.2–6.26

Omit clauses 6.2–6.25. Insert instead—

6.2 Earthworks

- (1) The objective of this clause is to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
 - (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to other development for which development consent has been granted.
- (3) In deciding whether to grant development consent for earthworks, the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of fill material and the destination of excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to and potential for adverse impacts on a watercourse, drinking water catchment or environmentally sensitive area,

- (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note— The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

6.3 Urban heat

- (1) The objective of this clause is to ensure new development incorporates effective design and ongoing operation to—
 - (a) reduce and remove urban heating from the environment, and
 - (b) protect community health and wellbeing.
- (2) In deciding whether to grant development consent to development for the purposes of commercial premises, industries or residential accommodation, the consent authority must consider whether—
 - (a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and
 - (b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and
 - (c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and
 - (d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and
 - (e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and
 - (f) the building is designed to achieve high passive thermal performance.
- (3) In this clause—
 - deep soil zone—**
 - (a) means the soft landscaped part of a site area used for growing trees, plants and grasses that—
 - (i) is unimpeded by buildings or structures above and below ground, and
 - (ii) provides opportunities for groundwater infiltration and canopy trees, and
 - (b) does not include basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.

solar heat means radiant heat contained in the full spectrum of sunlight.

6.4 Limited development on foreshore area

- (1) The objective of this clause is to ensure that development in the foreshore area will not—
 - (a) impact on natural foreshore processes, or
 - (b) affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following—

- (a) single storey structures such as boat sheds, slipways and jetties that have a direct functional relationship with the waterway,
 - (b) inclinators, stairs and other structures designed to provide pedestrian access to the waterway,
 - (c) development for the purposes of barbecues, cycleways, fences, garden sheds, pergolas, picnic facilities, public amenities, retaining walls, swimming pools or walking trails.
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied of the following—
- (a) the development will contribute to achieving the objectives for the zone in which the land is located,
 - (b) the appearance of a proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area,
 - (c) the development will not cause environmental harm, for example—
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns,
 - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway,
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised,
 - (f) the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained,
 - (g) for development involving the alteration or rebuilding of an existing building wholly or partly in the foreshore area—the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore,
 - (h) sea level rise or change of flooding patterns as a result of climate change have been considered.

6.5 Signage

- (1) The objective of this clause is to ensure that signage does not interfere with the visual amenity and safety of surrounding areas.
- (2) Development consent must not be granted to the erection or display of signage unless the consent authority is satisfied—
 - (a) the signage is associated with or ancillary to another permitted use of the land, and
 - (b) the signage specifies one or more of the following—
 - (i) the purpose for which the land or premises is used,
 - (ii) the identification of a person residing or carrying on an occupation or business on the land or premises, including a description of the occupation or business,
 - (iii) the goods or services provided on the land or premises, and
 - (c) the erection, siting, dimensions or display of the signage will not have a significant adverse impact on the visual amenity or the safety of the area.

6.6 Airspace operations

- (1) The objective of this clause is to protect—
 - (a) airspace around airports, and
 - (b) hospital helicopter airspace.
- (2) Development consent must not be granted to development that is a controlled activity within the meaning of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4, unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that division.
Note— *Controlled activities* include the construction or alteration of buildings or other structures that causes an intrusion into airspace around airports.
- (3) Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.
- (4) In this clause—
hospital helicopter airspace means the airspace above the following land in St Leonards—
 - (a) Lots 11–13, DP 1003022, Lot 2, DP 1015776 and Lot 1, DP 746018, 2–10 Chandos Street,
 - (b) Lots 7–10 and 15, Section 28, DP 4241, Lot 2, DP 900827 and SP 60114, 110–120 Christie Street,
 - (c) Lot 11, DP 1013030, 207 Pacific Highway.

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 E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support and Zone MU1 Mixed Use.
- (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, unless the consent authority is satisfied that the building will have an active street frontage.
- (4) Despite subclause (3), an active street frontage is not required for part of a building that is used for the following—
 - (a) entrances and lobbies, including as part of mixed use development,
 - (b) access for fire services,
 - (c) vehicular access.
- (5) In this clause, a building has an ***active street frontage*** if—
 - (a) for land in Zone E2 Commercial Centre—all ground floor premises facing the street are used for retail premises or business premises, or
 - (b) otherwise—all ground floor premises facing the street are used for commercial premises.

6.8 Affordable housing

- (1) In this clause, the ***Willoughby Affordable Housing Principles*** are as follows—

- (a) affordable housing must be provided and managed to make accommodation for a diverse residential population representative of all income groups available in Willoughby,
 - (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,
 - (c) dwellings provided for affordable housing must be managed to maintain their continued use for affordable housing,
 - (d) the Council must use the following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in Willoughby—
 - (i) rent from affordable housing, excluding landlord's expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,
 - (ii) money from the disposal of affordable housing,
 - (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 forming part of the proposed development, particularly in relation to internal fittings and finishes, solar access and privacy.
- (2) This clause applies to the erection of residential accommodation on land identified as “Area 1”, “Area 2” or “Area 3” on the Affordable Housing Map, other than development for the purposes of boarding houses, community housing, group homes, hostels and public housing.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
- (a) the Willoughby Affordable Housing Principles,
 - (b) the impact of the development on the existing mix and likely future mix of residential accommodation in Willoughby.
- Note—** The matters set out in *State Environmental Planning Policy (Housing) 2021*, section 15 may also apply to the development.
- (4) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (5).
- (5) The contribution for development on land is the amount of gross floor area equivalent to the mapped percentage of the gross floor area of the residential component of the development.
- (6) A condition imposed under this clause must permit a person to satisfy the contribution by one or both of the following—
- (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m²,
 - (b) a monetary contribution paid to the Council.
- (7) A monetary contribution must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.
- (8) In this clause—
- community housing** has the same meaning as in the *Community Housing Providers National Law (NSW)*.

mapped percentage, in relation to development on land, means the percentage shown on the Affordable Housing Map for the land.

public housing has the same meaning as in the *Housing Act 2001*.

6.9 Serviced apartments

- (1) The objectives of this clause are—
 - (a) to ensure that a change of use from a dwelling in a residential flat building or shop top housing to a serviced apartment does not impact on the amenity, safety or security of residents in the building, and
 - (b) to prevent substandard residential building design by converted serviced apartment development.
- (2) Development consent must not be granted for the change of use from a dwelling in a residential flat building or shop top housing to a serviced apartment unless the consent authority is satisfied that the amenity, safety and security of the residents of the dwellings in the building is maintained.
- (3) Development consent must not be granted for the change of use from serviced apartments to a residential flat building, with or without strata subdivision, unless the consent authority is satisfied that the development complies with the design principles of the Apartment Design Guide, within the meaning of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

Note— The design quality principles set out in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, Schedule 1 also apply to the development.

6.10 Minimum lot sizes for certain residential accommodation

- (1) The objectives of this clause are—
 - (a) to achieve planned residential density in certain zones by—
 - (i) enabling development sites to be of sufficient size to provide adequate area for drainage, landscaping, and separation between buildings for privacy and solar and vehicular access, and
 - (ii) reducing the instances of isolated lots being left with reduced development potential, and
 - (b) to increase the efficiency and safety of the road network by minimising the number of driveway crossings.
- (2) Development consent must not be granted to development on a lot in a zone for a purpose specified in the table to this subclause unless the lot is at least the size shown opposite for the zone.

Land use	Zone	Lot size
Attached dwellings	Zone R3	1,100m ²
Dual occupancies (attached)	Zone R2	700m ²
Dual occupancies (attached)	Zone C4	700m ²
Dual occupancies (detached)	Zone R2	900m ²
Dual occupancies (detached)	Zone C4	900m ²
Multi dwelling housing	Zone R3	1,100m ²
Residential flat buildings	Zones R3 and R4	1,100m ²

Land use	Zone	Lot size
Secondary dwellings	Zone C4	450m ²

- (3) Despite subclause (2), development consent must not be granted to development for the purposes of dual occupancies on land identified as “Area 1” on the Dual Occupancy Restriction Map unless the size of the lot is at least 5,000m².
- (4) Despite subclause (2), development consent must not be granted to development for the purposes of residential flat buildings or shop top housing on land identified as “Area 6” on the Special Provisions Area Map unless the size of the lot is at least 6,000m².
- (5) Despite subclause (2), development consent must not be granted to development for the purposes of attached dwellings, multi dwelling housing or residential flat buildings on land specified in the table to this subclause unless the site area of the development is at least the area specified opposite.

Land	Site area
Land bounded by William Street, Archer Street, Boundary Road and the North Shore Rail Line, Roseville, being Lot 1, DP 322710, Lot A, DP 410021, Lots 1 and 2, DP 9007, Lots 1 and 2, DP 1035179, Lot 91, DP 1035179, Lots 11–13, DP 1143427, Lots 1 and 2, DP 883023, Lots 11 and 12, DP 1134441, Lot 1, DP 119494, Lots 4 and 5, DP 9007, Lot 27, DP 787070, Lot 1, DP 739689, Lot 26, DP 787070, Lots 3 and 4, DP 739689 and Lots 10–12, DP 9007	4,000m ²
Lot A, DP 361071, Lots C and D, DP 437928 and Lots F and G, DP 413340, 1–7 Hotham Street and 2 Wyvern Avenue, Chatswood	3,500m ²
Lot 5, DP 4139, Lot 1, DP 960977, Lot 2, DP 1002202 and Lot 1, DP 843241, 849–859 Pacific Highway and 2 Wilson Street, Chatswood	3,000m ²
Lots 100 and 101, DP 857252 and Lot 28, DP 977055, 29a, 29 and 31 Walter Street, Willoughby	1,640m ²
Lot 1, DP 1084753, 1 Walter Street, Lot 12, DP 129153, 1A Walter Street, Lot 2, DP 1161181, 3 Walter Street, Lots 1, 2, 3, DP 150607, 5, 7 and 9 Walter Street, Lots 1 and 2, DP 590018, 11 and 11a Walter Street, Lots 361 and 362, DP 1032203, 13 and 13a Walter Street, Lot 11, DP 129153, 452 Willoughby Road, Lot 1, DP 178528, 454 Willoughby Road, Lot 1, DP 75133, 456 Willoughby Road, Lot 1, DP 81135, 458 Willoughby Road, Lot 1, DP 1161181, 460 Willoughby Road, Lot 2, DP 586037, 462 Willoughby Road, Willoughby	7,960m ²
Lot 34 and 35, DP 1037751, 15 and 17 Walter Street, Lot 33, DP 508777, 19 Walter Street, Lot 1, DP 1239384, remnant strip of reserve between 19 and 21 Walter Street, Lots 1 and 2, DP 166910, 21 and 23 Walter Street, Lot 1, DP 168467, 25 Walter Street, Lot 30, DP 977055, 27 Walter Street, Willoughby	4,969m ²

6.11 Maximum gross floor areas for certain dual occupancies

Development consent must not be granted to development for the purposes of dual occupancies on land identified as “Area 1” on the Dual Occupancy Restriction Map if the gross floor area of more than one of the dwellings exceeds 60m².

6.12 Gross floor area in Willoughby Market Gardens

- (1) This clause applies to land identified as “Area 1” on the Special Provisions Area Map and known as the Willoughby Market Gardens.
- (2) The sum of the gross floor area of all the dwellings on the land must not exceed 16,000m².

6.13 Location of sex services premises

- (1) Development consent must not be granted for the purposes of sex services premises unless the consent authority has considered the following—
 - (a) the distance between the premises and—
 - (i) a place of public worship, school, community facility, hospital or medical centre, or
 - (ii) any other place near the premises that is regularly frequented by children,
 - (b) whether the operation of the premises could cause a disturbance in the neighbourhood, taking into account the location of other sex services premises operating in the neighbourhood,
 - (c) whether sufficient off-street parking will be provided,
 - (d) whether the premises will be accessed by a separate entrance,
 - (e) whether the operation of the premises will interfere with the amenity of the neighbourhood because of the size, operating hours, traffic generation, lighting or noise or the number of employees and clients,
 - (f) whether the operations of the premises will use circulation areas common to another use of the premises.
- (2) Development consent must not be granted for sex services premises in an employment zone unless the premises will be located—
 - (a) above the ground floor, and
 - (b) in a building used for commercial premises.
- (3) Development consent must not be granted for sex services premises unless the premises are located more than 100m from other premises for which a similar development consent has been granted.
- (4) The distance between 2 premises referred to in subclause (3) must be measured as the shortest distance between the premises.

6.14 Council infrastructure development

- (1) Development may be carried out by or on behalf of the Council without development consent on land, other than—
 - (a) land in a heritage conservation area, or
 - (b) land containing a heritage item, or
 - (c) land in an environmentally sensitive area for exempt and complying development.
- (2) This clause does not apply to the following development—
 - (a) the erection of a class 1–9 building under the *Building Code of Australia*,
 - (b) development with a capital investment value of more than \$1 million that is not exempt development under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.

6.15 Sun access

- (1) Development consent must not be granted to development on land in Zone E2 Commercial Centre or Zone MU1 Mixed Use that results in additional overshadowing on land identified as “Area 1” on the Sun Access Protection Map at mid-winter between 12pm and 2pm.
- (2) Development consent must not be granted to development that results in additional overshadowing on land identified as “Area 2” on the Sun Access Protection Map at mid-winter between 11am and 2pm.
- (3) Development consent must not be granted to development that results in a dwelling on land identified as “Area 3” on the Sun Access Protection Map receiving less than 3 hours of direct sunlight between 9am and 3pm at mid-winter.
- (4) Development consent must not be granted to development that results in additional overshadowing on the tree canopy of the *Angophora costata* tree identified as Schedule 5, Part 1, item I237 at mid-winter between 12pm and 2pm.

6.16 Minimum lot sizes for commercial and mixed use development in Chatswood CBD

- (1) This clause applies to land identified as “Area 8” on the Special Provisions Area Map.
- (2) The minimum lot size for development for the purposes of commercial premises on land to which this clause applies in Zone E2 Commercial Centre is 1,800m².
- (3) The minimum lot size for development for the purposes of mixed use development on land to which this clause applies in Zone MU1 Mixed Use is 1,200m².

6.17 Manor houses prohibited in Zone R4

- (1) Development for the purposes of manor houses is prohibited in Zone R4 High Density Residential.
- (2) In this clause—
manor house has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

6.18 Vehicle body repair workshops in Zone E4

- (1) The objective of this clause is to ensure that development for the purposes of vehicle body repair workshops in Zone E4 General Industrial will not have a detrimental impact on the amenity and environmental quality of neighbouring residential properties.
- (2) Development consent must not be granted to development for the purposes of vehicle body repair workshops on land in Zone E4 General Industrial unless the consent authority is satisfied that the development will not interfere with the amenity of neighbouring residential properties because of—
 - (a) the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit or oil, or
 - (b) traffic generation, or
 - (c) the testing of motor vehicles in residential streets.

6.19 Public access through certain land in St Leonards

- (1) This clause applies to land identified as “Area 2” on the Special Provisions Area Map.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that there will be public access—
 - (a) through the land linking Chandos Street to the Talus Street Reserve, and
 - (b) from Evans Lane to Herbert Street.

6.20 Centre-based child care facilities and respite day care centres at Tyneside Avenue, Willoughby North

- (1) The objective of this clause is to ensure that development for the purposes of centre-based child care facilities or respite day care centres on land at Tyneside Avenue, Willoughby North will not have a detrimental impact on the amenity of adjoining residential properties.
- (2) This clause applies to land identified as “Area 4” on the Special Provisions Area Map.
- (3) Development consent must not be granted to development for the purposes of centre-based child care facilities or respite day care centres unless the site area of the development is at least 5,000m².

6.21 Dwellings at 126 Greville Street, Chatswood and part of 25 Millwood Avenue, Chatswood West

- (1) This clause applies to the following land—
 - (a) Lot 1, DP 532353, 126 Greville Street, Chatswood,
 - (b) Lot 1, DP 408490, part of 25 Millwood Avenue, Chatswood West.
- (2) Development consent must not be granted to development on land to which this clause applies that would result in more than 60 dwellings on the land unless—
 - (a) all the dwellings on the land will be located in a building that existed on 13 June 2014 (an *existing building*), and
 - (b) the existing building will not be altered to create additional floor space.

6.22 Business and office premises at Broadcast Way, Artarmon

- (1) This clause applies to Lots 5 and 6, DP 270714, 2 and 4 Broadcast Way, Artarmon.
- (2) Development consent must not be granted to development for the purposes of business premises or office premises unless the consent authority is satisfied that—
 - (a) each business premises and office premises will have a gross floor area of at least 1,200m², and
 - (b) the development will not detrimentally affect the viability of the Chatswood or St Leonards central business districts.

6.23 Design excellence

- (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 5” 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 existing or proposed development 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) Development consent must not be granted to development to which this clause applies unless—
 - (a) for a building with a height of more than 12m and less than 35m above ground level (existing)—
 - (i) a design excellence panel has reviewed the development, and
 - (ii) the consent authority has taken into account the design excellence panel’s review, or
 - (b) for a building with a height of 35m or more above ground level (existing)—the design of the development is the winner of the architectural design competition held in relation to the development.

- (7) Subclause (6) does not apply to development involving external alterations to an existing building if the consent authority is satisfied that compliance with the subclause is unreasonable or unnecessary in the circumstances.
- (8) Subclause (6)(b) does not apply if—
- (a) the consent authority is satisfied that compliance with the paragraph is unreasonable or unnecessary in the circumstances, and
 - (b) a design excellence panel reviews the development, and
 - (c) the consent authority takes into account the findings of the design excellence panel.
- (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.

6.24 61A Albert Avenue, Chatswood

- (1) This clause applies to land identified as “Area 7” on the Special Provisions Area Map.
- (2) Development for the purposes of amusement centres and shop top housing is permitted with development consent on the land.
- (3) Development consent must not be granted to development for the purposes of shop top housing unless the floor space ratio of commercial premises or health services facilities on the land is at least 7.68:1.
- (4) Development for the purposes of serviced apartments is prohibited on the land.

6.25 Shop top housing in Zone MU1

Development consent for the purposes of shop top housing on land in Zone MU1 Mixed Use must not be granted unless the consent authority is satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.

6.26 Maximum floor space ratio for certain dual occupancies

Development consent must not be granted to the change of use of a building from a dwelling house to a dual occupancy if the floor space ratio of the dual occupancy would exceed the floor space ratio of the dwelling house before the change of use.

[23] Schedule 1 Additional permitted uses

Omit “, garden centres, hardware and building supplies,” wherever occurring in clauses 2(2) and 34(2).

[24] Schedule 1, clauses 2(3)(c) and 34(3)(c)

Omit “Zone IN1 General Industrial or Zone IN2 Light Industrial” wherever occurring.
Insert instead “Zone E4 General Industrial”.

[25] Schedule 1, clause 13, heading

Omit “**Albert Avenue**”. Insert instead “**Thomas Street**”.

[26] Schedule 1, clause 13(1)

Omit the subclause. Insert instead—

- (1) This clause applies to Lot 22, DP 1215977, 18 Thomas Street, Chatswood.

[27] Schedule 1, clause 14

Omit the clause. Insert instead—

14 Use of certain land in Zone E3 for shop top housing

- (1) This clause applies to land identified as “Area 3” on the Special Provisions Area Map.
- (2) Development for the purposes of shop top housing is permitted with development consent.

[28] Schedule 1, clauses 17A, 31, 32, 35, 42, 47, 53 and 54

Omit the clauses.

[29] Schedule 1, clause 19

Omit the clause. Insert instead—

19 Use of certain land at 250 Sailors Bay Road, Northbridge

- (1) This clause applies to Lot 16, DP 7749, 250 Sailors Bay Road, Northbridge.
- (2) Development for the purposes of business premises and office premises is permitted with development consent.

[30] Schedule 1, clause 27

Omit the clause. Insert instead—

27 Use of certain land in Chatswood CBD

- (1) This clause applies to land in Zone MU1 Mixed Use and identified as “Area 8” on the Special Provisions Area Map.
- (2) Development for the purposes of residential flat buildings is permitted with development consent if—
 - (a) the ground floor is used for non-residential purposes only, and
 - (b) at least 17% of the gross floor area of the building will be used for non-residential purposes.

[31] Schedule 1, clause 33, heading

Omit “**Zone B3 and Zone B4**”. Insert instead “**Zone E2**”.

[32] Schedule 1, clause 33(1)

Omit “**Zone B3 Commercial Core and Zone B4 Mixed Use**”.

Insert instead “**Zone E2 Commercial Centre**”.

[33] Schedule 1, clause 50, heading

Omit “**Zone IN2**”. Insert instead “**Zone E4**”.

[34] Schedule 1, clause 50(1)

Omit “Zone IN2 Light Industrial”. Insert instead “Zone E4 General Industrial”.

[35] Schedule 1, clause 62(1)

Omit “land at 85 Penshurst Street, Willoughby, being Lot 18, DP 33364 and Lots 1–3, Section 2, DP 977087”.

Insert instead “the part of Lot 18, DP 33364 and Lots 1–3, Section 2, DP 977087, 85 Penshurst Street, Willoughby that is in Zone R2”.

[36] Schedule 1, clause 72(1)

Omit “Area 17”. Insert instead “Area 12”.

[37] Schedule 1, clause 74(1)

Omit “Area 15”. Insert instead “Area 11”.

[38] Schedule 2 Exempt development

Omit the matters relating to **Clothing bins** and **Signage—generally**.

[39] Schedule 5 Environmental heritage

Insert in appropriate order in Part 1—

Artarmon	Artarmon Bowling Club	1A Burra Road	Lot 2, DP 856286	Local	I254
Castlecrag	Griffin Centre	120 Edinburgh Road	Lot 1, DP 591269	Local	I253

[40] Schedule 5, Part 1, item I25

Insert “and 233A” after “233”.

[41] Schedule 5, Part 1, item I133

Omit “Part of Lot 1, DP 828606”. Insert instead “Lot 1, DP 1234620”.

[42] Dictionary

Insert in alphabetical order—

Affordable Housing Map means the Willoughby Local Environmental Plan 2012 Affordable Housing Map.

green infrastructure means the network of green spaces, natural systems and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy and green ground cover, parks and open spaces.

Sun Access Protection Map means the Willoughby Local Environmental Plan 2012 Sun Access Protection Map.