The new draft Willoughby Comprehensive LEP and DCP

Penshurst Street and High Street

9 May 2022

Local Community Briefing

On behalf of Willoughby City Council, I wish to acknowledge the traditional inhabitants of the land on which we stand, the Aboriginal People, their spirits and ancestors. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.

Short video:
Overview in relation to this exhibition from Mayor Tanya Taylor and Dr Deborah Dearing, the North District Commissioner for the Greater Sydney Commission (GSC)

https://youtu.be/7S4FKqdhIOo

How the webinar will run

- Presenters this evening introduced
- Common slides in all webinars- providing consistency and context
- Important message from Northern Sydney LHD about healthy built environments
- Welcome to all Councillors in attendance
- 73 registered tonight for Webinar and 5 in person in the Chamber- the 'hybrid' webinar approach
- QUESTIONS can be submitted any time in the Q&A function of the Zoom
- Staff will respond to these if straightforward – if not within the next 10 working days on HYS
- Take QUESTIONS at the end alternating between Chamber and on line
- FEEDBACK / COMMENTS in the 'CHAT' area of Zoom
- Cameras switched off and microphones muted to reduce background noise.
- Webinar is being recorded and will be available on HYS by the end of the following day. Those asking questions in the Chamber to note. Your image and voice may be recorded, publicly broadcast and archived. By attending this evening this should be understood

AGENDA

6.00 pm **Introduction**

- **Strategic Planning background**
- **Zoning name changes – State Government**

6.15 pm **Northern Sydney Local Health District – creating a Healthy Built Environment in Willoughby- Nicola Groskops**

6.30 pm **Draft LEP and DCP – Penshurst Street and High Street Local Centres**

- **Zoning**
- **Height**
- **Floor Space**
- **Special Provisions (affordable housing and design excellence)**
- **Active Street Frontages**
- **Design Excellence**
- **Heat island impacts**

6.50 **Draft LEP and DCP – residential zones**

7.15 pm **QUESTIONS**

7.30 **Thank you and next steps**

Headline Changes

Local Environment Plan

- **Growing Chatswood CBD** to the North and South – in line with CBD Strategy adopted by Council and publicly exhibited
- Increasing **density in our local centres** – in line with Local Centres Strategy adopted by Council and publicly exhibited
- 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%, and **manage urban heat** impacts.
- **Alignment** of residential controls **with Code SEPP** (Exempt and Complying)
- 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)

12 Week exhibition period with consultation events



Process for New Council Initiated Comprehensive LEP

Specific Strategies prepared to guide future LEP and DCP preparation
CBD; Housing; Local Centres; Industrial Lands; Affordable Housing; Integrated Transport; St Leonards/Crows Nest and North District Plan (GSC)

Local Strategic Planning Statement (Adopted by Council 10 February 2020)

Draft LEP (Planning Proposal)

To WLPP for advice

Reported to Council

Referred to DPE for 'Gateway' determination

'Gateway' granted Dec 2021 specifying requirements to proceed to exhibition

Satisfy 'Gateway' requirements

Exhibit minimum 28 days (3 months)

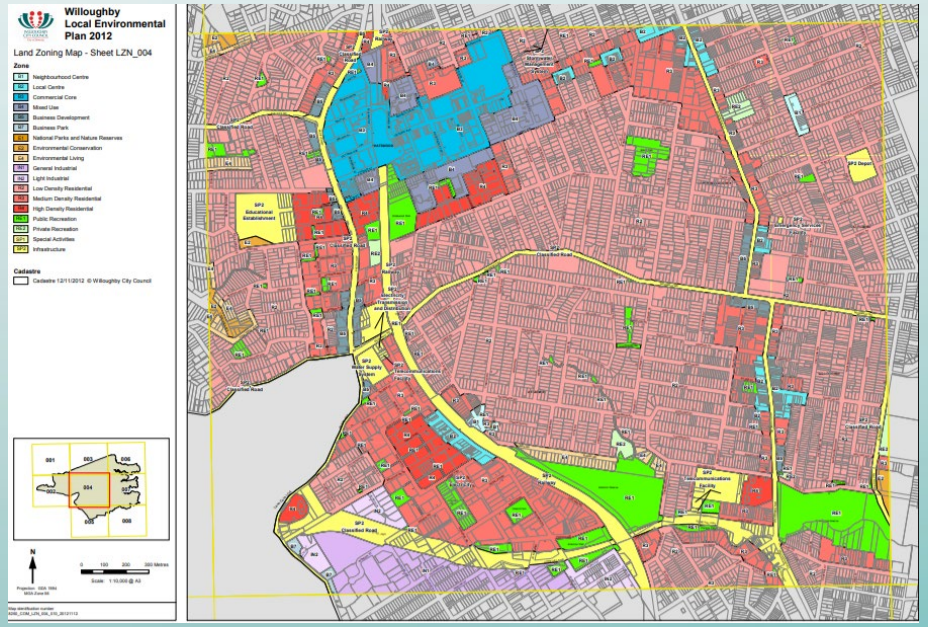
Report to Council

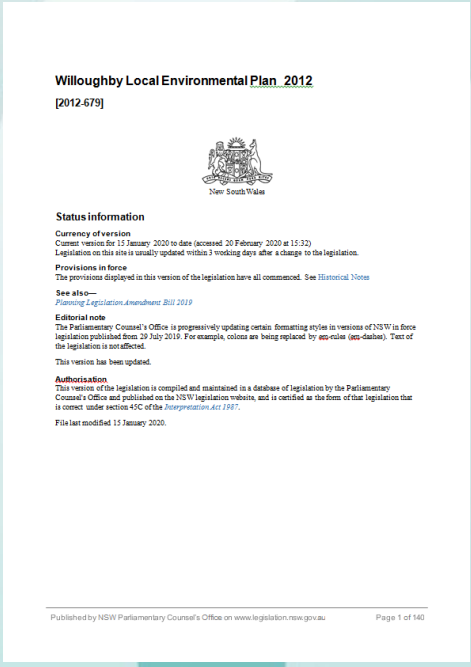
Refer to DPE for LEP to be made/gazetted

LEP takes effect from the date of notification on NSW Legislation website

Current Willoughby Local Environmental Plan 2012

- Work commenced in 2006
- Exhibited in 2010 and re-exhibited in 2012
- Came into force in February 2013 so now 9 years old
- 21 amendments since Gazettal





Willoughby Local Environmental Plan 2012

[2012-679]

New South Wales

Status information

Currency of version
Current version for 15 January 2020 to date (accessed 20 February 2020 at 15:32)
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force
The provisions displayed in this version of the legislation have all commenced. See Historical Notes

See also—
Planning Legislation Amendment Bill 2019

Editorial note
The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-rules (em-dashes). Text of the legislation is not affected.

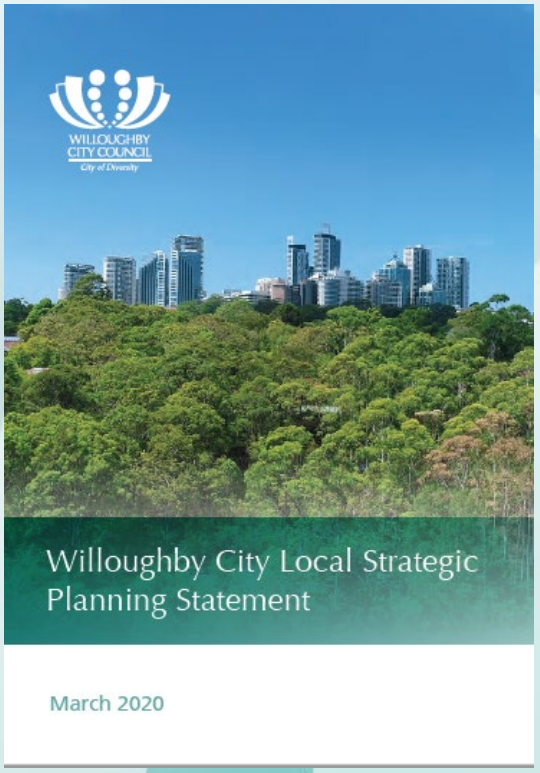
This version has been updated.

Authorisation
This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 15 January 2020.

Willoughby Local Strategic Planning Statement (LSPS)

- Following issue of District Plans across Sydney (GSC) in 2018 by the Greater Sydney Commission all Councils required to prepare an Local Strategic Planning Statement (LSPS)
- This sets a 20 year vision with priorities and actions for the entire LGA
- Comprehensive LEP gives statutory effect to LSPS actions by:
  - implementing the planning controls provided in the local strategies prepared by Council
  - providing land use controls to achieve the outcomes sought in terms of housing, transport, heritage, health and liveability, economy and employment, waterways, biodiversity, climate change, resilience, social infrastructure and collaboration.



Basis of the new dLEP

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

- *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*

and will assist in responding to the new

- *Resilient Willoughby Strategy and Action Plan 2021*



Basis of the new dLEP

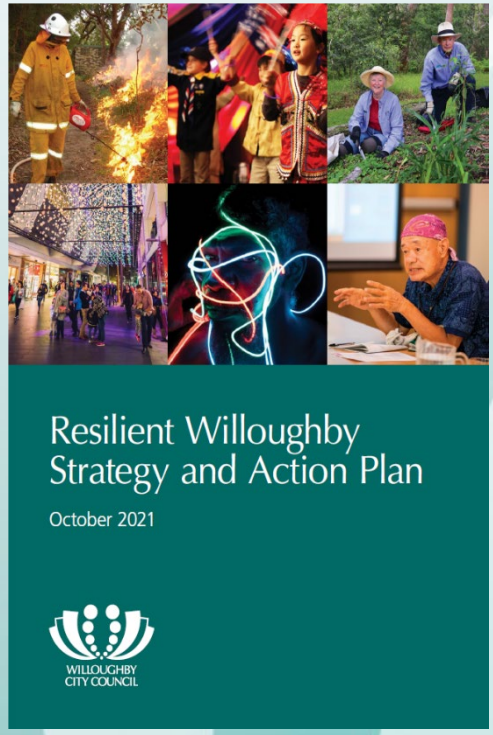
Council's *Resilient Willoughby Strategy* strives for:

Resilient places to withstand climate change, sustain biodiversity and support vibrant, connected communities

- Address the decline in urban biodiversity and tree canopy, reduced availability of green infrastructure
- Urban Greenways to better connect our unique green spaces and enhance opportunities for residents to enjoy nature and improve fitness by walking and cycling
- protect and extend the urban tree canopy (including green walls and roofs)

Resilient buildings which are safe, well-designed, affordable and sustainable

- Enhanced affordable housing opportunities e.g. improved access for vulnerable people and key workers, increased supply
- Response to extreme heat impacts which compromise comfort, productivity and health with sustainable programs to address thermal comfort in the built environment (indoors and outdoors)



Key statistics for Willoughby in future planning

Population, housing and jobs growth

The population is expected to grow from 78,000 in 2016 by 14,000 people to almost 92,000 in 2036.

The number of dwellings is expected to grow by over 6,700 from 30,367 in 2016 to over 37,000 in 2036. The 5 Year dwelling target of 1250 new dwellings between 2016 and 2021 met (North District Plan)

The number of jobs in Willoughby City is expected to grow from 64,000 to 74,600 in 2036 with a 6,300-8,300 jobs target for Chatswood CBD (North District Plan).



FORECAST POPULATION GROWTH TO 2036
Source: Willoughby Council, Draft Housing Strategy 2019

State changes to zones Environmental zones

- On Dec 1 2021, the NSW Government renamed ‘environment zones’ to ‘conservation zones’ under clause 2.1 Land use zones of the Standard Instrument – Principal Local Environmental Plans.
- The former E zones were:
  - E1 National Parks and Nature Reserves
  - E2 Environmental Conservation for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves.
  - E3 Environmental Management for land where there are special ecological, scientific, cultural or aesthetic attributes that require careful consideration/management and for uses compatible with these values.
  - E4 Environmental Living for land with special environmental qualities.

- The new conservation zones now in LEPs are:

  - Zone C1 – National Parks and Nature Reserves
  - Zone C2 – Environmental Conservation
  - Zone C3 – Environmental Management (NA)
  - Zone C4 – Environmental Living

State changes to Employment (IN and B)Zones

- The existing Business (B) and Industrial (IN) zones will be replaced with five new employment zones and three supporting zones under Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order).
- These are:

New zones	*Existing zones*
• E1 Local Centre	(B1 and B2)
• E2 Commercial Centre	(B3)
• E3 Productivity Support	(B5 and B7)
• E4 General Industrial	(IN1 and IN2)
• E5 Heavy Industrial	(IN3) (NA)

The 3 supporting Zones are:

• MU 1	(B4)
• W4	(IN 4) Working waterfront (NA)
• SP4	local enterprise zone (new precincts) (NA)

- The transition details are on exhibition with Council's dLEP at the request of the State government - the outcomes of exhibition will be reflected in the final LEP

Creating a Healthy Built Environment in Willoughby

Nicola Groskops

Prepared by **Andrew Wheeler**
Manager, Healthy Built Environments
Health Promotion

March 2022

NSW GOVERNMENT Health
Northern Sydney
Local Health District

What makes *you* feel healthy?

How does the neighborhood that you live in contribute to your health and wellbeing – both positively and negatively?

Please put your responses in the 'Chat' function of the Zoom call

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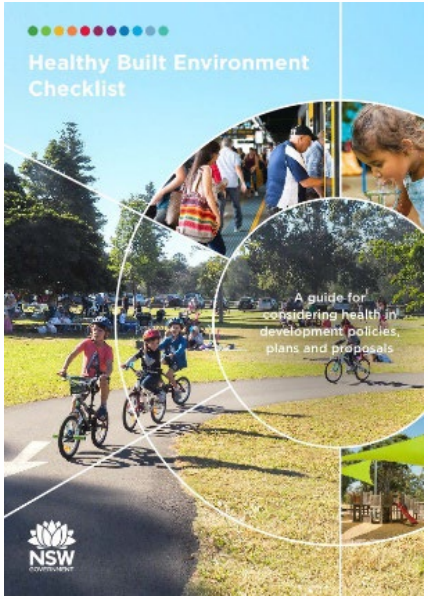

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Source: Frasers Property





Source: Bike North

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Healthy Neighbourhood Design

Centrally located ‘destinations’
e.g. primary school, library, community centre, open space

Nearby retail



Higher residential densities around neighbourhood centre/open space

Primary local traffic route with public and active transport options

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Local Health District

Housing





Health
Northern Sydney
Local Health District

Housing



Source: Architecture & Design AU

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Open space and natural features





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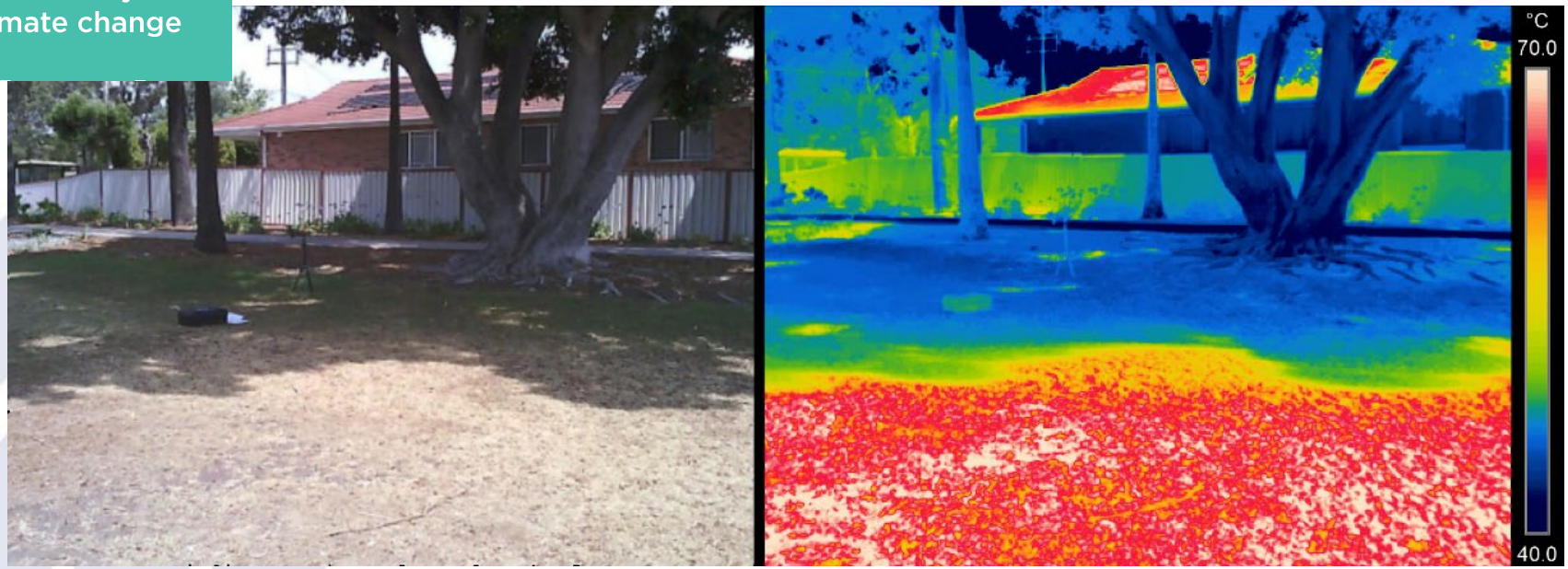
Environmental sustainability and climate change



Source: Dr Sebastian Pfautsch, WSU

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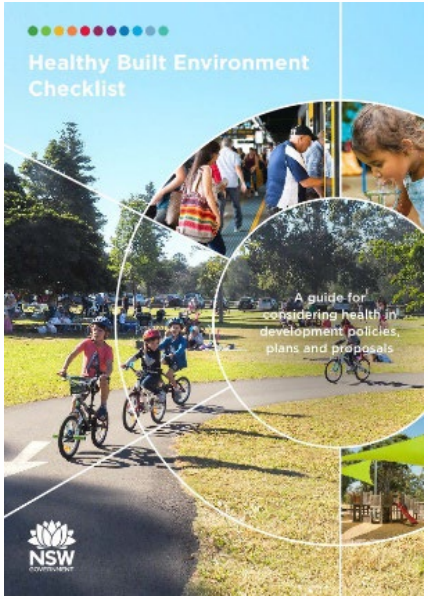
Northern Sydney Local Health District





NSW GOVERNMENT | Health
Northern Sydney
Local Health District

What makes *you* feel healthy?

How will the neighborhood that you live in contribute to *your community's* health and wellbeing over the next 15-20 years?

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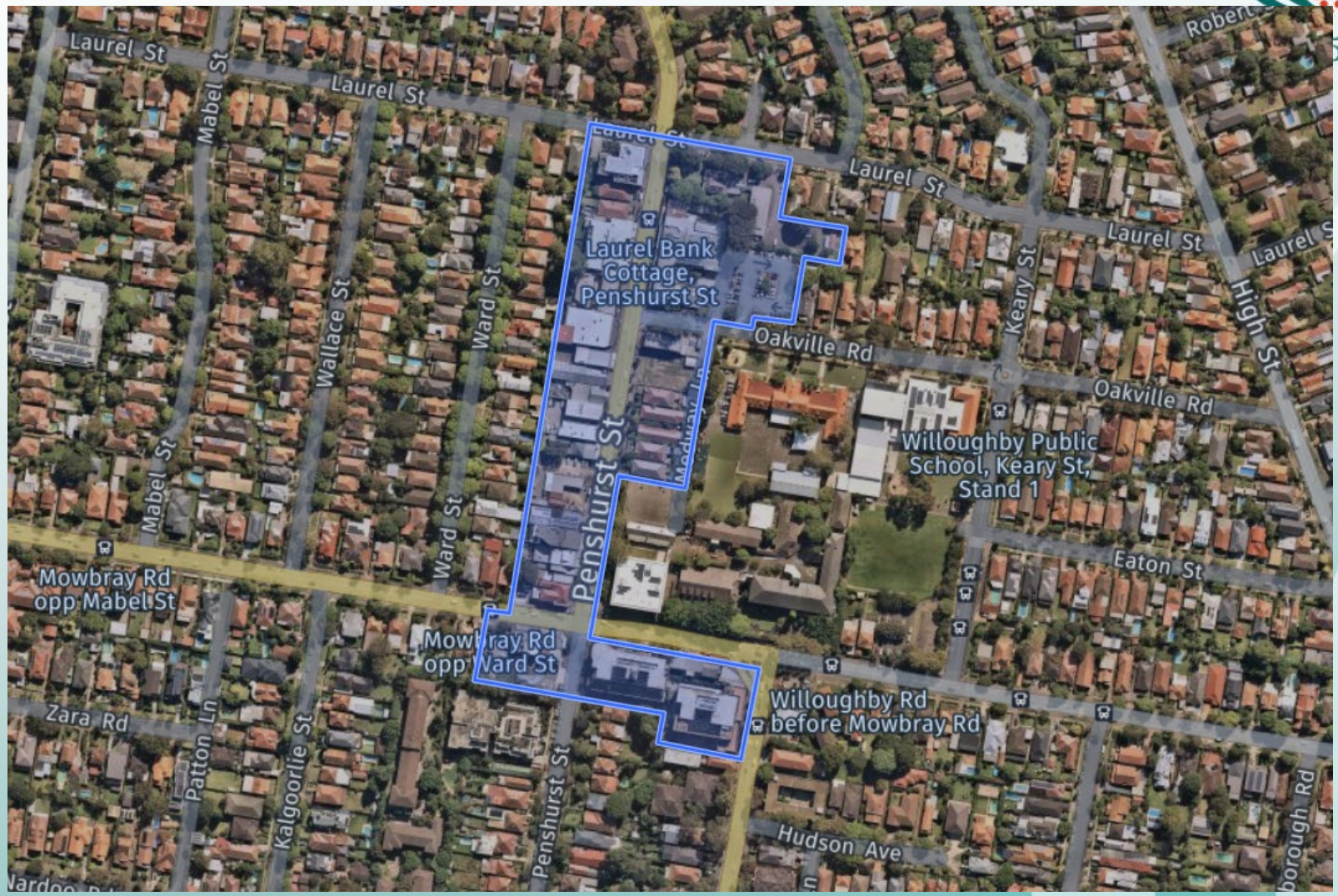
Northern Sydney Local Health District

Penshurst Street Local Centre

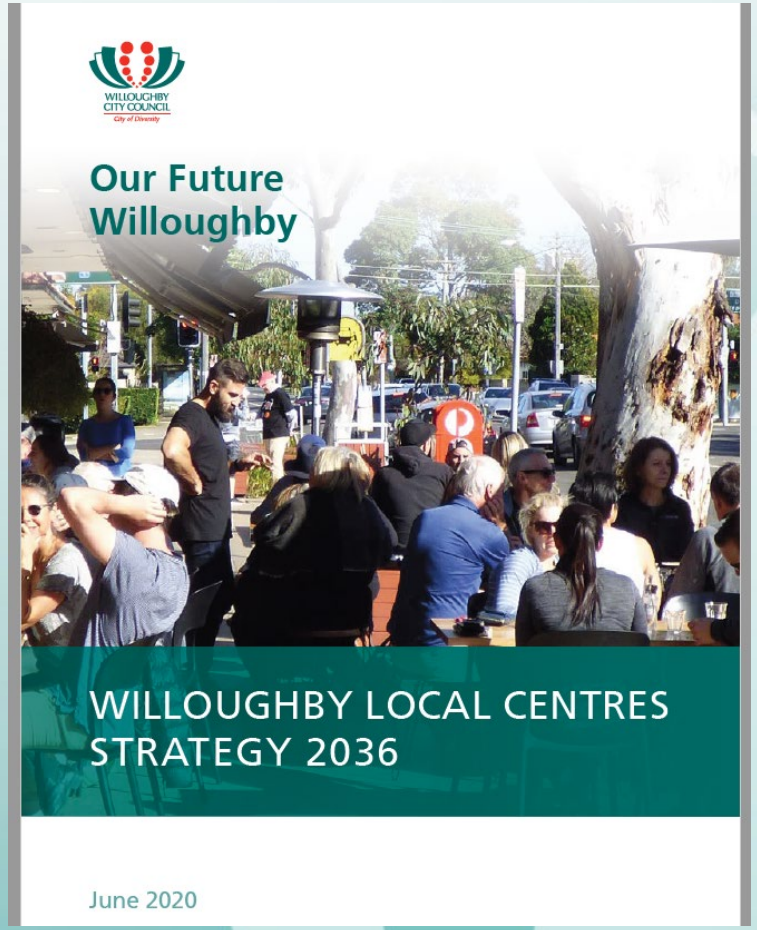


Key Changes to Penshurst Street Local Centre

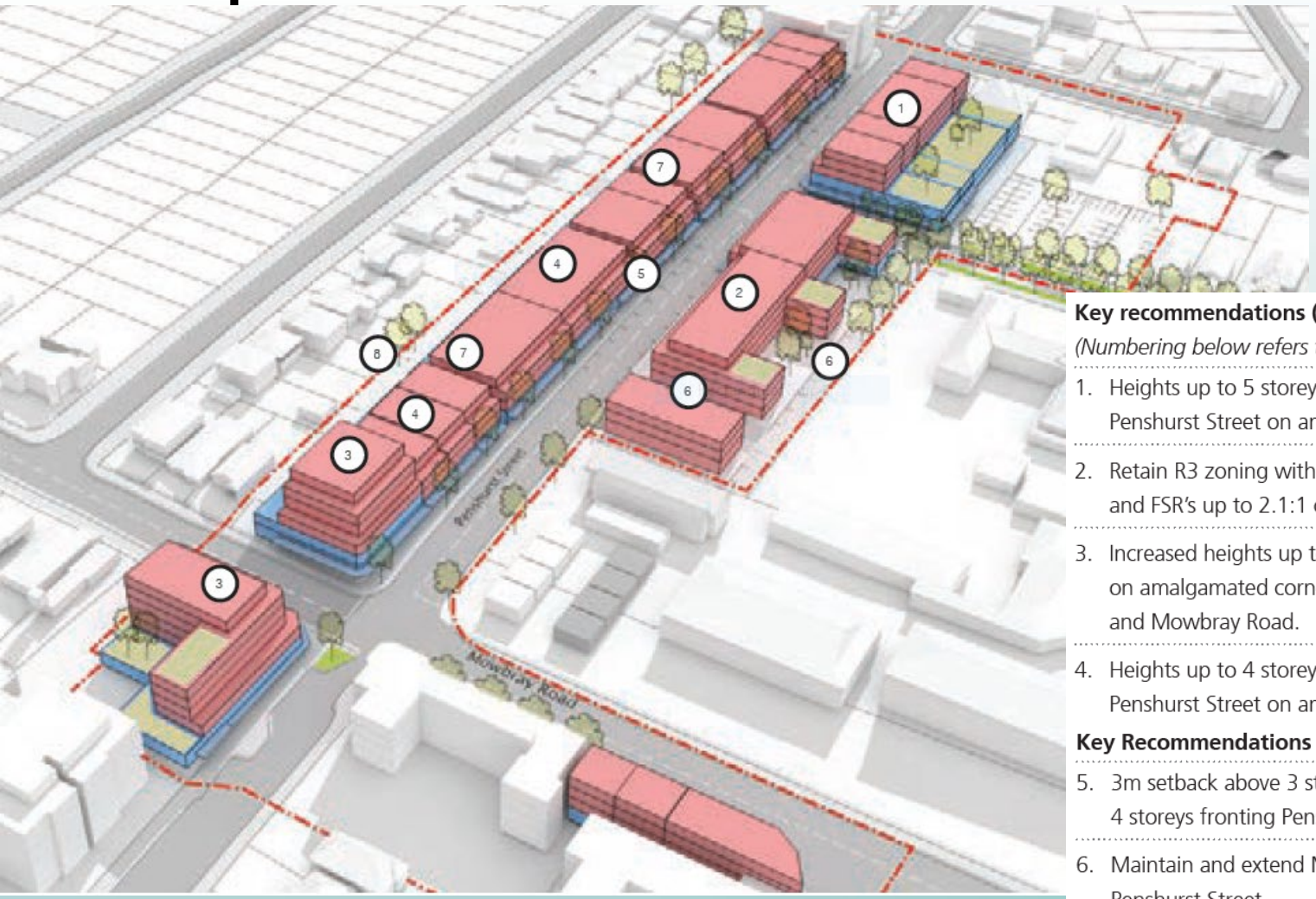
Plans for the Penshurst Street Local Centre is guided by the adopted Willoughby Local Centres Strategy to 2036.

Goals:

- Retain existing B2 Local Centre, B5 Business Development and R3 Medium Density zonings for the centre
- Introduce a minimum non-residential FSR control in B2 and B5 zones to ensure shops on ground floor
- Increase height up to 4 storeys and FSR up to 2:1 for sites fronting Penshurst Street if amalgamation of sites can be achieved
- Increase height up to 6 storeys and FSR up to 2.8:1 if amalgamation of the sites on the corner of Penshurst Street and Mowbray Road can be achieved
- Upgrade and improve pedestrian environment



Masterplan for Penshurst Street Local Centre in WDCP



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Key recommendations (LEP)

(Numbering below refers to the above scenario diagram)

1. Heights up to 5 storeys and FSR's up to 2.8:1 fronting Penshurst Street on amalgamated sites.
2. Retain R3 zoning with increased heights up to 4 storeys and FSR's up to 2.1:1 on amalgamated sites.
3. Increased heights up to 6 storeys and FSR's up to 2.8:1 on amalgamated corner lots fronting Penshurst Street and Mowbray Road.
4. Heights up to 4 storeys and FSR's up to 2:1 fronting Penshurst Street on amalgamated sites.

Key Recommendations (DCP)

5. 3m setback above 3 storeys and a maximum height of 4 storeys fronting Penshurst Street.
6. Maintain and extend Medway Lane to join Penshurst Street.
7. Encourage shared site access on amalgamated lot boundaries to minimise the number of driveways on Penshurst Street.
8. Maintain rear setback and solar access to adjoining properties on Ward Street.

Masterplan for Penshurst Street Local Centre in WDCP

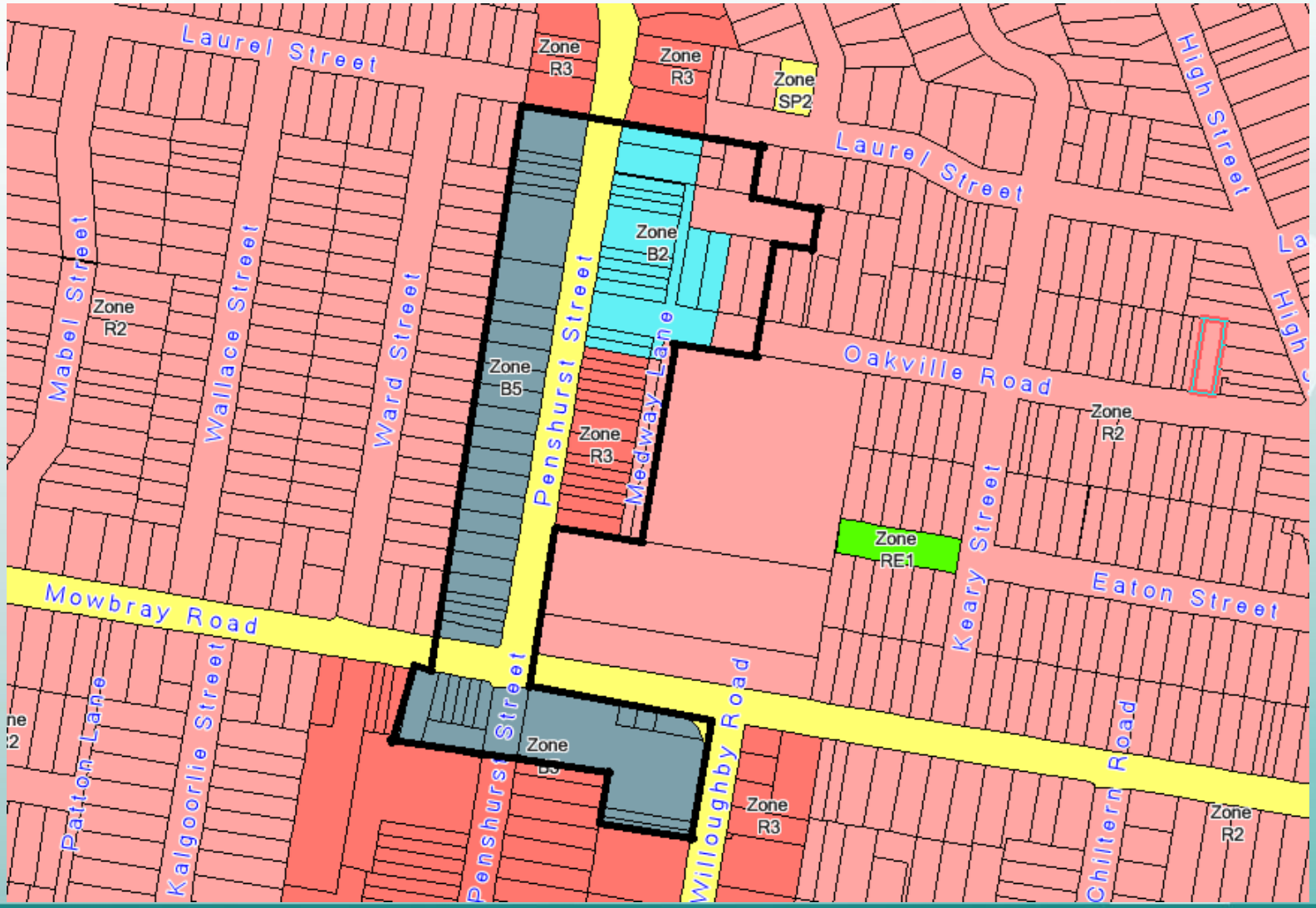


Key features

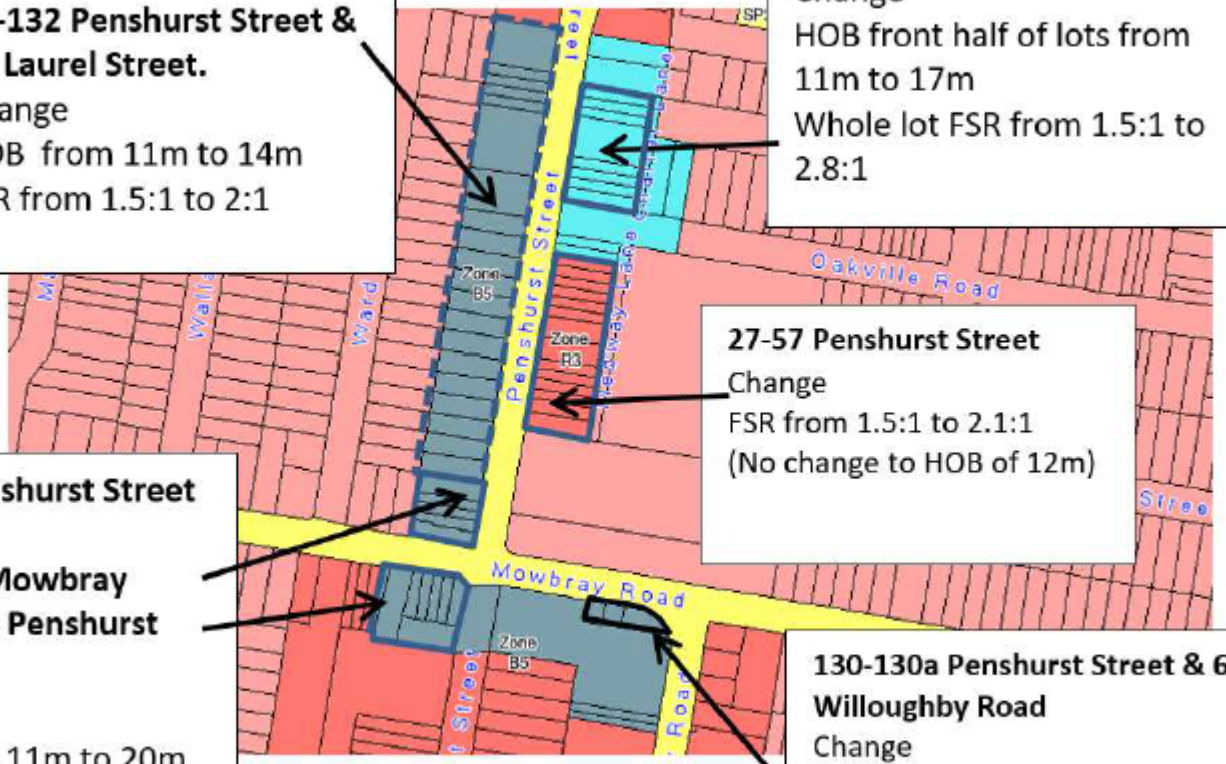
1. Up to 4 storeys with 3m setback above three storeys for shop top housing on amalgamated lots fronting the western side of Penshurst Street.
2. Encourage shared access on lot boundaries to reduce driveways onto Penshurst Street.
3. Consider additional crossing arm at the intersection of Penshurst Street and Oakville Road.
4. Streetscape improvements and additional street tree planting to Penshurst Street.
5. Residential apartments up to 4 storeys accessible from Medway Lane.
6. Extension of Medway Lane to Penshurst Street.
7. Retain at grade public parking.
8. Up to 5 storeys on amalgamated sites fronting the eastern side of Penshurst St.
9. Up to 6 storeys on amalgamated corner sites fronting Penshurst Street and Mowbray Road.

Land Zoning of Penshurst Street Local Centre

- No changes to existing zoning proposed in the new WLEP



Changes to Height and Floor Space Ratio



60-132 Penshurst Street & 72 Laurel Street.
Change
HOB from 11m to 14m
FSR from 1.5:1 to 2:1

63-83 Penshurst Street
Change
HOB front half of lots from 11m to 17m
Whole lot FSR from 1.5:1 to 2.8:1

27-57 Penshurst Street
Change
FSR from 1.5:1 to 2.1:1
(No change to HOB of 12m)

48-58 Penshurst Street & 152-162 Mowbray Road& 44 Penshurst Street
Change
HOB from 11m to 20m
FSR from 1.5:1 to 2.8:1

130-130a Penshurst Street & 684 Willoughby Road
Change
HOB from 11 m to 14m

Reasons for Penshurst Street Local Centre Masterplan

The draft WLEP aims to:

- Maintain surrounding heritage items
- Provide more suitable housing in a form and scale that is appropriate
- Transform the local centre to provide a high level of amenity and vibrancy
- A walkable local centre
- A local centre with high quality open space
- A sustainable balance between commercial, retail and residential to meet future growth
- A healthy, liveable neighbourhood

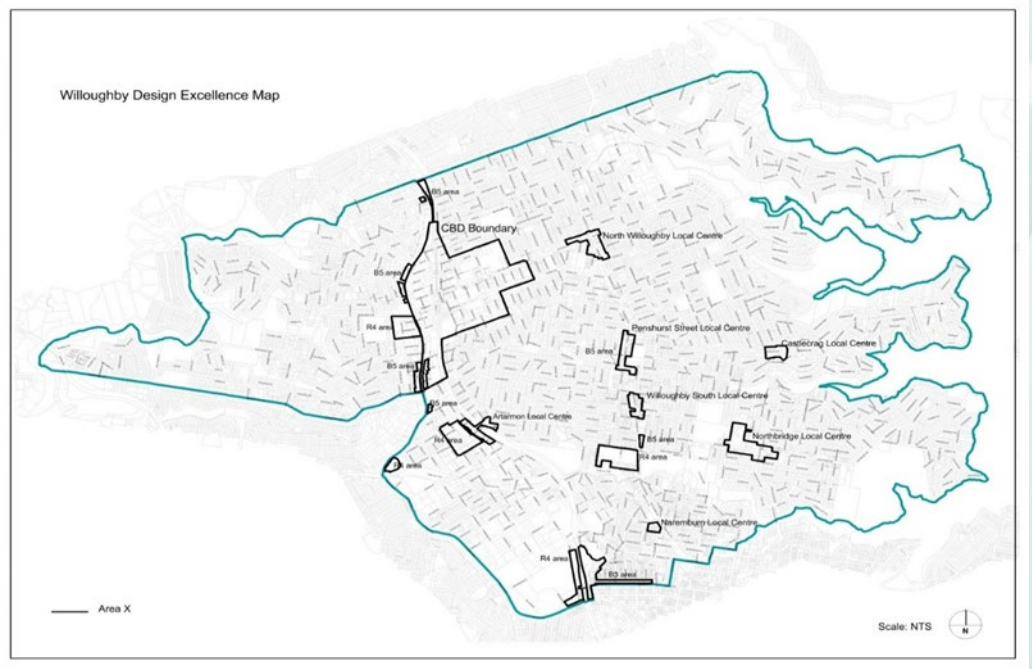
Affordable Housing Requirement in Penshurst Street Local Centre

- The proposed WLEP is seeking to improve the provision of affordable housing across the LGA to 10% of residential floorspace, however feasibility analysis indicates the Penshurst Street Local Centre may not be able to sustain this increase and should remain at the current 4% level.

- Penshurst Street Local Centre included in Area 3 (Special Provisions Map) which requires affordable housing to be provided for redevelopment.

Design Excellence Requirement for Penshurst Street Local Centre

- The proposed WLEP includes a new design excellence clause to achieve the best design outcomes



- The design excellence clause applies to the Penshurst Street Local Centre
- A Design Excellence Review Panel shall review and provide advice for proposed development within the Penshurst Street Local Centre

High Street Local Centre



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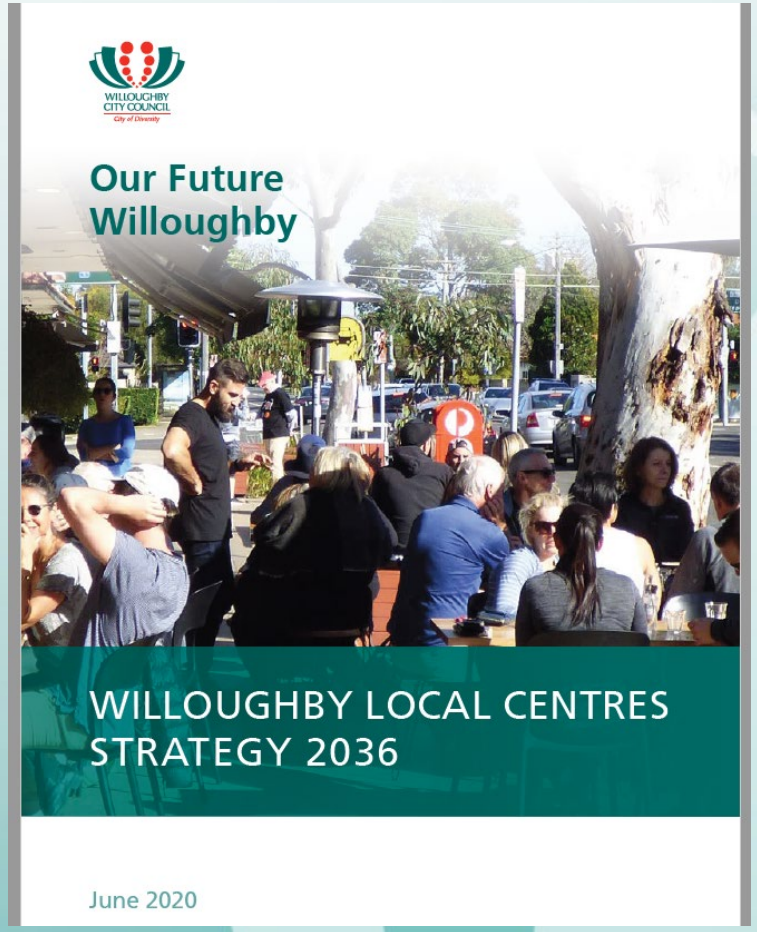
High Street Local Centre

Plans for the High Street Local Centre is guided by the adopted Willoughby Local Centres Strategy to 2036.

Goals:

- **No major changes**
- Maintain the existing maximum 3 storey limit for the local centre – Maximum 11.0m
- Maintain the existing maximum floor space ratio for the local centre – 1.3:1
- Maintain rear lane parking and laneway access
- Maintain mature trees
- Maintain active street frontage facing High Street
- Improve pedestrian amenity



Masterplan for High Street Local Centre in WDCP

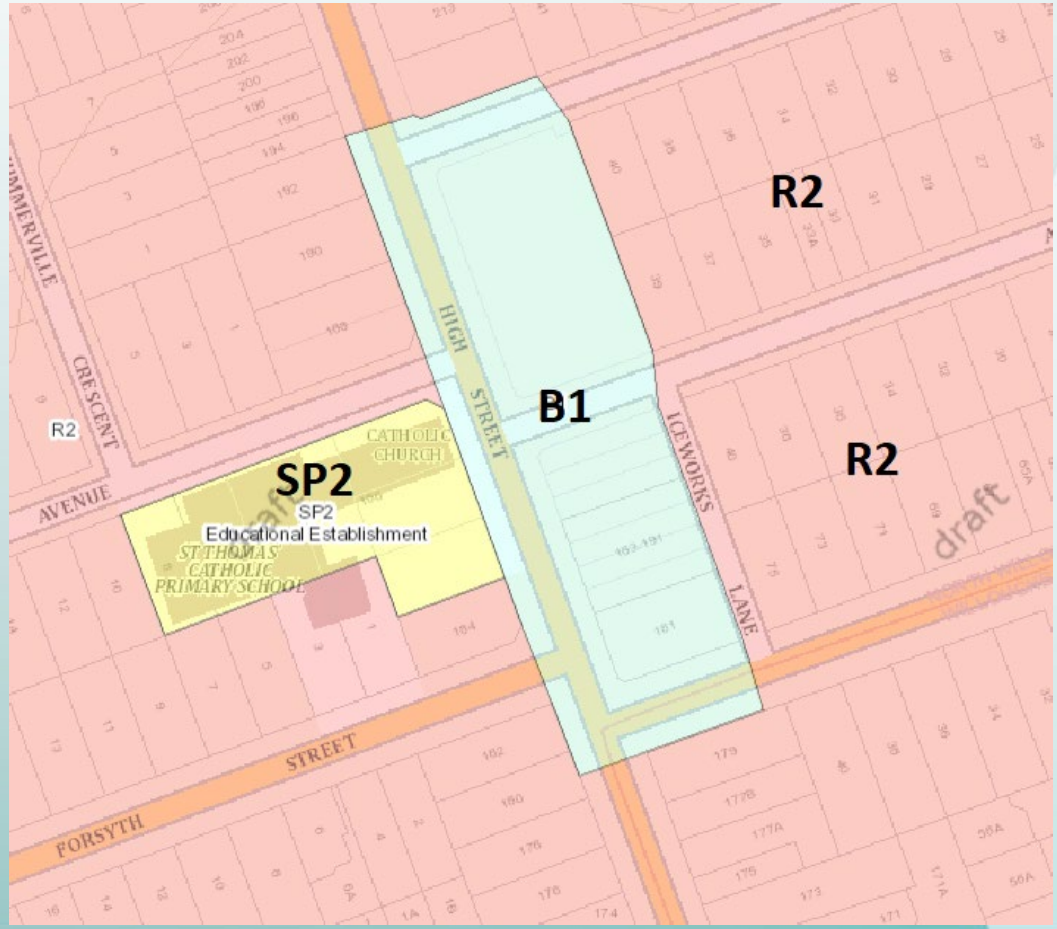


Key features

1. Up to 3 storeys with shop top housing.
2. Maintain rear lane car parking.
3. Maintain through site/arcade links.
4. Consider new relocated crossings to improve pedestrian amenity and align with through site links/arcades in both blocks.
5. Threshold treatment at intersections to improve pedestrian and visual amenity.
6. Threshold treatments to road to mark entry into the centre and assist with calming traffic speed.

Land Zoning of High Street Local Centre

- Rezone the school land from R2 Low Density Residential to SP2 Educational Establishment
- No other changes



Concept Drawing of Masterplan

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INDICATIVE SCALE FOR HIGH STREET GROWTH



Key Recommendations (LEP)

Retain existing planning controls as per Willoughby LEP 2012.

Key Recommendations (DCP)

1. Maintain rear parking and laneway access.
2. 3m setback above 2 storeys.

Other general LEP improvements

- Remove anomalies
- New Urban Heat Clause
  to ensure new development incorporates effective design and ongoing operation to reduce and remove urban heating from the environment, and protect community health and wellbeing.
- Removal of obsolete clauses (such as site specific where development completed)
- Update of state and local land acquisitions (road widening and open space)

Anomalies / corrections examples

233a Edinburgh Road



LEP Map boundary to be amended

Heritage Item 125– description in Schedule 5 is correct but map should extend further south to reflect the property which expands over 2 lots. Description should also mention 233 and 233a

Part L – Place based management plans

This Part includes specific guidelines and controls for the future development in the Chatswood Central Business District (CBD), the St Leonards precinct, and the local centres (such as Penshurst St and High St) identified in the Willoughby Local Centres Strategy.

It is intended that the relevant performance criteria and controls under Part B and D of WDCP relating to residential and commercial development will apply to place management plans. However, if there is any inconsistency with the controls under Parts B and D of the draft WDCP, the controls under Part L will prevail.

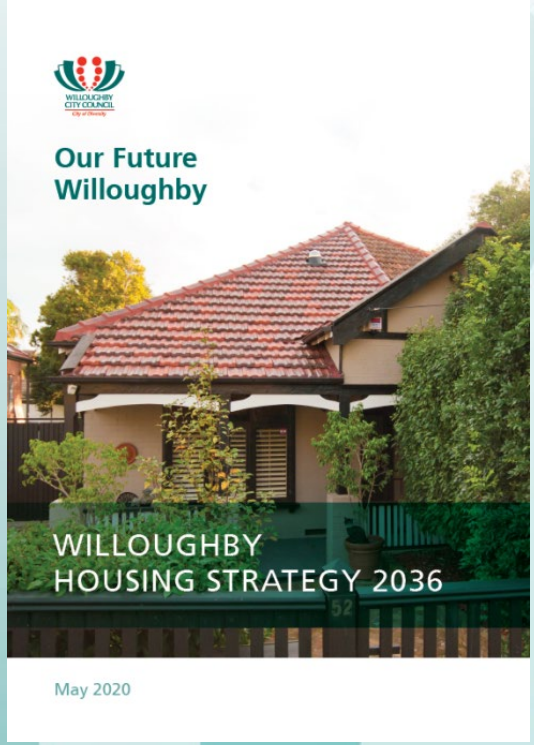
The new dLEP in relation to Housing- Willoughby Housing Strategy

Key focus areas for new housing in Willoughby:

- Chatswood CBD in mixed use developments as endorsed in the Chatswood CBD Strategy
- Local centres as identified in the Local Centres Strategy including Penshurst Street. No increase to density proposed for High Street.
- Existing R3 and R4 zones

Protection of the existing R2 Low Density Residential and C4 Environmental Living zones in the interests of housing choice and diversity.

Penshurst St Local Centre included in Area 3 (Special Provisions Map) which proposes affordable housing (10%) to be provided as part of redevelopment proposals.



LEP changes - Housing

- Change from an FSR control for R2 zone to GFA to create equity by aligning with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (known as the Codes SEPP)
- Introduce a new landscaping control into the LEP taken from the DCP to provide more legal strength.
- Amend dual occupancy provisions also be in line with the Codes SEPP by allowing immediate subdivision and removing battle axe configurations.
- Set a minimum lot size of 1,100m2 for a new dwelling type 'manor houses' introduced by the Low Rise Medium Housing Order in 2017 (A manor house is a single building which comprises three or four dwellings attached on one lot of up to two storeys in height)
- Change to the affordable housing clause in line with the Community Strategic Plan (CSP) and the LSPS from 4% to 10% where feasible.

Dwelling House Provisions

Examples of Dwellings approved by Complying Development



Lane Cove North



Northbridge

Examples of Dwellings approved by DA



Chatswood West



Northbridge

From FSR to GFA – R2 – Low Density Residential zone

WLEP 2012
FSR calculation

Site Area	Current FSR control	Achievable GFA
< 200	0.65:1	129
200-300	0.55:1	110-165
301-400	0.5:1	150.5-200
401-500	0.47:1	188.5-235
501-600	0.45:1	225.5-270
601-700	0.43:1	258.5-301
701-800	0.41:1	287.5-328
> 800	0.4:1	320

SEPP Complying
GFA calculation

Site Area	SEPP control	Achievable GFA
200-250	78%	156-195
>250-300	75%	188 - 225
>300-350	235	235
>350-450	25% + 150	237.5-262.5
>450-560	290	290
>560-600	25% + 150	290-300
>600-740	335	335
>740-900	25% + 150	335-375
>900-920	380	380
>920-1000	25% + 150	380-400
>1000	400	400

Landscaping – Single Dwelling Houses

Existing WDCP Control / Proposed draft LEP Control

Site Area	WDCP Control	Required Landscaped Area (m2)
< 200	0.25 x site area	50
200-400	(0.35 x site area) – 20	50 - 120
401-600	(0.6 x site area) – 120	120 - 240
601-1000	(0.525 x site area) – 75	240 - 450
1001-1500	(0.6 x site area) – 150	450 - 750
> 1500	(0.5 x site area)	750

Existing SEPP Complying Development Control for Dwelling House

Site Area	SEPP (Complying) Control	Required Landscaped Area
200 - 300	10% of site area	20 – 30m2
> 300 - 450	15% of site area	45 – 67.5m2
> 450 - 600	20% of site area	90 – 120m2
> 600 - 900	30% of site area	180 – 270m2
> 900 - 1500	40% of site area	360 – 600m2
> 1500	45% of site area	675m2

FSR to GFA with Landscaping comparison

Site Area:	650.3m2
Max FSR (LEP 2012):	279.6m2
Max GFA (Housing Code/Draft LEP):	335m2 (312.4m2 proposed/approved)
Min Landscaped Area (WDCP/Draft LEP):	266.4m2
Min Landscaped Area (SEPP Complying):	195m2 (255.5m2 provided)





Changes to Dual Occupancy Provisions

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Forms of Dual Occupancy









Changes to Dual Occupancy Provisions

Proposed GFA Controls

- Attached (Side by Side) and detached: 25% of site area + 300m2
- Attached (one above the other): 25% of site area + 150m2, to a max of 400m2

- Landscape control

Site Area	WDCP Control	Required Landscaped Area
< 200	0.25 x site area	50
200-400	(0.35 x site area) – 20	50 - 120
401-600	(0.6 x site area) – 120	120 - 240
601-1000	(0.525 x site area) – 75	240 - 450
1001-1500	(0.6 x site area) – 150	450 - 750
> 1500	(0.5 x site area)	750

- Subdivision: Immediate

Changes to Dual Occupancy Provisions

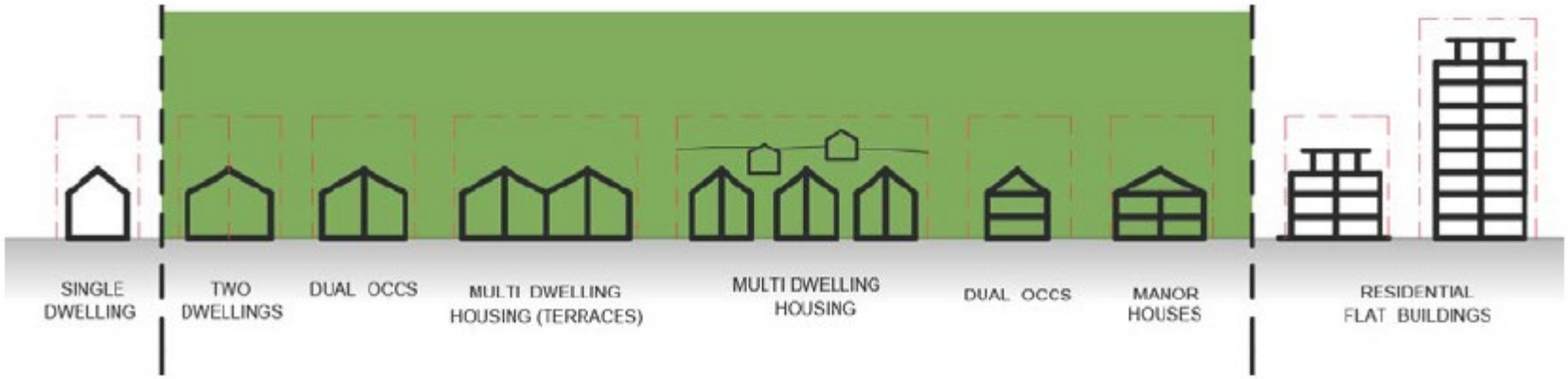
Site Area:	730.6m2
Max FSR (LEP 2012):	292.2m2 (292.2m2 proposed/approved)
Max GFA (SEPP Complying /Draft LEP):	482.6m2
Landscaped Area (DCP):	255.7m2 (311.5m2 provided)
Landscaped Area (SEPP Complying):	265.3m2
Landscaped Area (Draft LEP):	308.56m2





Manor Houses

Minimum lot size requirement for manor houses – 1100m² proposed
SEPP requires 600m2



Affordable Housing

WLEP Control:	4% of residential floor space in new development in specified areas provided in addition to permissible FSR (eg FSR = 1.5:1 + 4%)
LSPS Commitment:	Increase affordable housing requirement from 4% to 7% by 2021 and 10% by 2026 building on CSP
Draft LEP Proposal:	10% of residential floor space within permissible FSR (eg FSR = 1.5:1 of which 10% is affordable housing)

Note **Feasibility Report by SGS Planning and Economics** available for consideration during exhibition.

DCP Changes

Twelve (12) Parts of new dDCP

Part A – Overview of Draft WDCP 2021
Part B – Residential Development
Part C – Development in E4 Environmental Living Zones
Part D – Commercial Development
Part E – Industrial Development
Part F – Transport and Parking Management
Part G – Vegetation Management
Part H – Heritage and Heritage Conservation Areas
Part I – Water Management
Part J – Building Sustainability
Part K – Development near Lane Cove Tunnel Ventilation Stacks
Part L – Place Based Plans

Draft DCP 2021 – key changes

1) New format to be more 'user-friendly' – incorporated controls to be development based

2) Residential:

- Part B – Residential Development
- Part C – Development in C4 Environmental Living zone
- Minor and Major development
- R2 zone
  - controls to align with Complying SEPP (Exception landscaping incorporated in LEP
- C4 (previously E4) zone
  - additional documentation for applications adjoin bushland and/or places of potential aboriginal significance
  - landscape controls in LEP
- Heritage Conservation Areas
  - demolition of a building or removal of any significant elements is not supported
  - information required for justifying demolition where sought
  - additional controls for semi-detached development
  - reinforces importance of protecting the external fabric and streetscape character
- R3 and R4 zones and shop-top housing
  - alignment with ADG
  - where not inconsistent with ADG existing controls remain
  - deep soil controls

Draft DCP 2021 – key changes

3) Local Centres including Penshurst St

- Part B – Residential Development (shop-top housing)
- Part D – Commercial Development
- Part L – place based controls
  - reflecting controls contained in Local Centres Strategy (setbacks, façade treatment, through site links, public domain improvements, heritage and landscaping).

4) Other DCP provisions

- Part F – Transport and Parking Management
  - Changes adopting Integrated Transport Strategy recommendations
  - Travel demand management
- Part G – Vegetation Management
  - Changes adopted February 2020
  - Minimal further changes
- Part I – Water Management
  - Changes adopted October 2019
  - Minor changes to clarify provisions
- Part J – Building Sustainability
  - Changes adopted November 2020
  - No further changes proposed

Questions ?

How to find out more:

During the exhibition period a series of webinars is being held, with a focus on local areas.
A full program is available on;
www.haveyoursaywilloughby.com.au

Submissions on the new draft LEP and draft DCP can be made by visiting the above address or the NSW Planning Portal.

A submission can also be made in writing to:
The Chief Executive Officer, PO Box 57, Chatswood 2057 and may be published on line.

Contact our Strategic Planning Team on 9777 1000 or email to:
email@ willoughby.nsw.gov.au.

The planning proposal for the draft LEP is available on the NSW Planning Portal
www.planning.nsw.gov.au/About-Us/NSW-Planning-Portal

Thank you and next steps

- The dLEP and dDCP are now on exhibition until 7 June (a total period of 12 weeks)
- A series of webinars is being delivered to provide local and issue specific detail and the opportunity for questions.
- Your feedback today will be included in a feedback report.
- Report to Council with any suggested amendments for finalisation is anticipated around October.
- Referral to DPE to make the new WLEP and for Council to endorse new DCP could occur later this year unless a further exhibition period is determined necessary in which case finalisation is expected to be during 2023.