



New South Wales

Willoughby Local Environmental Plan 1995 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/01799/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Willoughby Local Environmental Plan 1995 (Amendment No 42)

1 Name of plan

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 42)*.

2 Aims of plan

This plan aims:

- (a) to wholly repeal *Willoughby Local Environmental Plan No 40*, which applies to certain land in St Leonards, and to provide controls for that land in *Willoughby Local Environmental Plan 1995*, and
- (b) to remove the zoning of certain land zoned Special Uses “B” (Railways) so it will be unzoned, and
- (c) to rezone certain land zoned Special Uses “B” (Railways) to General Business so as to allow the additional permitted use of a car repair station on the site and to provide for public access through the site, and
- (d) to rezone certain land zoned Open Space “A” (Existing Recreation) to Open Space “D” (Private Recreation) under *Willoughby Local Environmental Plan 1995* to allow for the sale of the land, and
- (e) to rezone certain land zoned Open Space “C” (Regional Open Space Reservation) to Open Space “A” (Existing Recreation), and
- (f) to remove the zoning of certain land zoned Open Space “A” and reserved for proposed road closure so it will be unzoned, and
- (g) to rezone certain land zoned Residential “D” and Open Space “B” (Proposed Recreation Reservation) to Open Space “A” (Existing Recreation), and
- (h) to rezone certain land zoned General Business, Residential “A” and Special Uses “A” (zoned for carparking), to Special Uses “C” (Proposed County Road Reservation), and

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- (i) to remove from Schedule 7 (Heritage items classified to be of local significance) two items due to their demolition, and
 - (j) to correct the property description of one church identified in Schedule 7 (Heritage items classified to be of local significance), and the location of the property on Maps 11 and 14 supporting *Willoughby Local Environmental Plan 1995*, and
 - (k) to correct a property description in Schedule 7 (Heritage items classified to be of local significance), and the location of the property on Maps 11 and 14 supporting *Willoughby Local Environmental Plan 1995*, so that the property concerned is accurately identified as No 2 Quarry Street situated on Lot 1, DP 1012046, and
 - (l) to provide for the orderly development of certain land to which this plan applies for the use of warehouses, and
 - (m) to clarify that residential flat buildings are permitted in business zones only if attached to other permitted buildings or used in conjunction with other permitted uses in the business zones, and to allow such residential flat buildings with consent in Zone 3 (d) (the Neighbourhood Business Zone), and
 - (n) to amend a reference in clause 38 (Other business uses—Zone 3 (e)) that relates to the location of the list of land uses permitted with development consent in Zone 3 (e) (the Restricted Office Zone).

3 Land to which this plan applies

- (1) To the extent that this plan repeals *Willoughby Local Environmental Plan No 40*, it applies to land in the vicinity of St Leonards railway station, as shown edged heavy black on Sheet 1 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 42)” deposited in the office of Willoughby City Council.
- (2) To the extent that this plan rezones certain land and specifies height controls, it applies to land shown edged heavy black on Sheets 2–8 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 42)” deposited in the office of Willoughby City Council.
- (3) To the extent that this plan includes a definition of *warehouse*, it applies to land within Zones 4 (a) and 4 (b) under *Willoughby Local Environmental Plan 1995*.

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Clause 3

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- (4) To the extent that this plan permits dwellings or residential flat buildings only if attached to other permitted buildings or used in conjunction with other permitted uses, it applies to land within the business zones under *Willoughby Local Environmental Plan 1995*.
- (5) To the extent that this plan allows, with Willoughby City Council's consent, development for the purpose of a car repair station and requires a public accessway through the site, it applies to the premises known as 2A Chandos Street, St Leonards, being Lot 11 in DP 1003022.
- (6) To the extent that this plan removes items from Schedule 7 (Heritage items classified to be of local significance), it applies to 39 Central St, Naremburn, being Lot 2, DP 470, and 4 Darling St Chatswood being Lot 1, DP 774900, as shown edged heavy black on Sheets 9 and 10 of the map marked "Willoughby Local Environmental Plan 1995 (Amendment No 42)" deposited in the office of Willoughby City Council.
- (7) To the extent that this plan corrects the property description of the Holy Trinity Anglican Church in Schedule 7 (Heritage items classified to be of local significance) and removes an incorrect lot reference, being Lot 1, DP 17879, known as 44 Beaconsfield Road, and replaces it with the correct lot description, it applies to Lot 76, DP 14213, known as 46 Beaconsfield Road, shown on Map 11 "Land excluded from dual occupancy provisions" and Map 14 "Heritage and Conservation", as shown edged heavy black and coloured green on Sheet 11 of the map marked "Willoughby Local Environmental Plan 1995 (Amendment No 42)" deposited in the office of Willoughby City Council.
- (8) To the extent that this plan corrects another property description in Schedule 7 (Heritage items classified to be of local significance) and removes an incorrect lot reference on Map 11 "Land excluded from dual occupancy provisions" and Map 14 "Heritage and Conservation", it applies to Nos 2 and 2A Quarry Street, Naremburn, being Lots 1 and 2 in DP 1012046, as shown edged heavy black on Sheet 12 of the map marked "Willoughby Local Environmental Plan 1995 (Amendment No 42)" deposited in the office of Willoughby City Council.

4 Relationship to other environmental planning instruments

- (1) This plan amends *Willoughby Local Environmental Plan 1995* in the manner set out in Schedule 1.
- (2) This plan repeals *Willoughby Local Environmental Plan No 40*.

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Schedule 1 Amendments

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(Clause 4 (1))

[1] Clause 5 Definitions

Insert at the end of the definition of *Heritage and Conservation Map* in clause 5 (1):

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[2] Clause 5 (1)

Insert at the end of the definition of *land excluded from dual occupancy provisions map*:

Willoughby Local Environmental Plan 1995 (Amendment No 42)—Sheet 11–12

[3] Clause 5 (1)

Insert at the end of the definition of *the map*:

Willoughby Local Environmental Plan 1995 (Amendment No 42)—Sheets 2–8

[4] Clause 5 (1)

Insert in alphabetical order:

warehouse means a building or place used principally for the storing of goods, or for the storing or handling of goods or material after being produced or manufactured for sale, but not for the retail sale of items to the public from the building or place. It does not include any form of storage establishment elsewhere defined in this clause.

[5] Clause 35A Zone 3 (a)—General Business Zone

Insert “, or residential flat buildings,” in clause 35A (2) (b) after “dwellings”.

[6] Clause 35B Zone 3 (b)—Special Business Zone

Insert “, or residential flat buildings,” in clause 35B (2) (b) after “dwellings”.

[7] Clause 35C Zone 3 (c3)—Chatswood Secondary Business Zone

Insert “dwellings, or residential flat buildings, attached to other permitted buildings or used in conjunction with other permitted uses” in clause 35C (2) (b) after “drainage”.

[8] Clause 35C (2) (b)

Omit “residential flat buildings” where occurring after “recreation facilities”.

[9] Clause 35D Zone 3 (d)—Neighbourhood Business Zone

Insert “, or residential flat buildings,” in clause 35D (2) (b) after “dwellings”.

[10] Clause 35E Zone 3 (e)—Restricted Office Zone

Insert “dwellings, or residential flat buildings, attached to other permitted buildings or used in conjunction with other permitted uses” in clause 35E (2) (b) after “drainage”.

[11] Clause 35E (2) (b)

Omit “residential flat buildings” where occurring after “recreation facilities”.

[12] Clause 35F Zone 3 (e2)—Business Zone

Insert “dwellings, or residential flat buildings, attached to other permitted buildings or used in conjunction with other permitted uses” in clause 35F (2) (b) after “drainage”.

[13] Clause 35F (2) (b)

Omit “residential flat buildings” where occurring after “recreation facilities”.

[14] Clause 36 Floor space ratios

Omit clause 36 (3). Insert instead:

- (3) Subject to clause 37, the Council may consent to development for the purpose of dwellings, or residential flat buildings,

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attached to other permitted buildings or used in conjunction with other permitted uses within Zone 3 (a), 3 (b), 3 (c3), 3 (d), 3 (e) or 3 (e2) regardless of the gross floor area of the development.

[15] Clause 36 (6)

Insert after clause 36 (5):

- (6) The Council shall not consent to the erection or use of a building on land comprised of Lots 2, 3 and 5 DP 879307 known as 201–205 Pacific Highway St Leonards, being land bounded by Herbert Street, Pacific Highway, Sergeants Lane and Chandos Street unless:
- (a) the floor space ratio will be less than 4:1, except where some of the land is used to provide a public precinct, a community or recreation area, public road widening and a public pedestrian overpass or underpass, in which case the floor space ratio will be less than 5.5:1, and
 - (b) so much of the floor space ratio as is due to floor space used for shops will be less than 0.4:1, and
 - (c) the usable floor area of each shop, being the remainder of the gross floor area of the shop after excluding so much of that gross floor area as is occupied by corridors, foyers, amenities, kitchens and tea rooms (in each case, that are permanent features of the building) and by the walls of the building, will not exceed 150 square metres, except where the shop:
 - (i) is a supermarket, general mixed goods store, fruit and vegetable market or the like, and
 - (ii) services the shopping needs of the resident working and commuter population of the area in which it is erected, and
 - (iii) has a usable floor area not exceeding 800 square metres.

[16] Clause 37 Height—Zones 3 (a), 3 (b), 3 (c3), 3 (d), 3 (e), 3 (e2)

Insert after clause 37 (2) the following subclause:

- (3) The Council shall not consent to the erection of any building on land within Zone 3 (a) and being Lots 2, 3 and 5, DP 879307

known as 201–205 Pacific Highway St Leonards, being land bounded by Herbert Street, Pacific Highway, Sergeants Lane and Chandos Street unless the Council is satisfied that the height is in accordance with Sheet 3 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 42)”.

[17] Clause 38 Other business uses—Zone 3 (e)

Omit “Schedule 4” from clause 38 (a). Insert instead “clause 35E (2) (b)”.

[18] Clause 39 Development for certain additional purposes

Insert after clause 39 (b):

- (c) a car repair station at the premises known as 2A Chandos Street St Leonards, being Lot 11 in DP 1003022.

[19] Clause 39 (2)

Insert at the end of clause 39:

- (2) The Council shall not consent to the redevelopment of the premises known as 2A Chandos Street St Leonards, being Lot 11 in DP 1003022, unless a public accessway a minimum of 3 metres wide is provided through the site linking Chandos St to the Talus St Reserve.

[20] Schedule 7 Heritage items classified to be of local significance

Omit “44 Beaconsfield Road, Chatswood Lot 1, DP 17879” from the item relating to Holy Trinity Anglican Church.

Insert instead “46 Beaconsfield Road, Chatswood Lot 76, DP 14213”.

[21] Schedule 7

Omit “House 39 Central St, Naremburn Lot 2, DP 470” and “House 4 Darling St, Chatswood Lot 1, DP 774900”.

[22] Schedule 7

Omit “Lot A, DP 412257” from the item relating to 2 Quarry Street, Naremburn.

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Insert instead “Lot 1, DP 1012046”.

BY AUTHORITY