



New South Wales

Woollahra Local Environmental Plan 1995 (Amendment No 38)

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*. (S01/01259/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2003 No 61

Clause 1 Woollahra Local Environmental Plan 1995 (Amendment No 38)

Woollahra Local Environmental Plan 1995 (Amendment No 38)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 38)*.

2 Aims of plan

This plan aims:

- (a) to rezone Sir David Martin Reserve and part of the plantation reserve adjoining that reserve from Zone No 5 (a) (Special Uses (Naval Depot) Zone) and Zone No 6 (a) (Existing Recreation (Open Space) Zone) under *Woollahra Local Environmental Plan No 24* to Zone No 6 (Open Space Zone) under *Woollahra Local Environmental Plan 1995*, subject to restrictions, and
- (b) to acknowledge the heritage significance of the site by listing it as a heritage item, and
- (c) to enable development of the site for certain purposes additional to those permitted in Zone No 6 (Open Space zone).

3 Land to which plan applies

This plan applies to Reserve No 100076, DP 752011, Portions 1141, 1142 and 1628, being land known as Sir David Martin Reserve, New Beach Road, Darling Point and to the part of the plantation reserve adjoining Portions 1141 and 1142 of Sir David Martin Reserve, as shown edged heavy black and by distinctive colouring and marking on the sheets marked “Woollahra Local Environmental Plan 1995 (Amendment No 38)” deposited in the office of Woollahra Council.

4 How this plan relates to other planning instruments

- (1) This plan repeals *Woollahra Local Environmental Plan No 24* to the extent that it applies to Reserve No 100076, DP 752011, Portions 1141, 1142 and 1628, being land known as Sir David Martin Reserve, New Beach Road, Darling Point and to the part of the plantation reserve adjoining Portions 1141 and 1142 of Sir David Martin Reserve, as shown edged heavy black and by distinctive colouring and marking on the sheets marked “Woollahra Local Environmental Plan 1995 (Amendment No 38)” deposited in the office of Woollahra Council
- (2) This plan amends *Woollahra Local Environmental Plan 1995* as set out in Schedule 1.

2003 No 61

Woollahra Local Environmental Plan 1995 (Amendment No 38)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4 (2))

[1] Clause 21D

Insert after clause 21C:

21D Sir David Martin Reserve and certain adjoining land

- (1) This clause applies to Reserve No 100076, DP 752011, Portions 1141, 1142 and 1628, being land known as Sir David Martin Reserve, New Beach Road, Darling Point and to the part of the plantation reserve adjoining Portions 1141 and 1142 of Sir David Martin Reserve, as shown edged heavy black and by distinctive colouring and marking on the sheets marked “Woollahra Local Environmental Plan 1995 (Amendment No 38)”.
- (2) Despite any other provision of this plan, other than clause 17, a person may, with the consent of the Council, carry out development of the land to which this clause applies only for a purpose that, in the opinion of the Council, is consistent with the terms of the reservation of the land known as Sir David Martin Reserve under the *Crown Lands Act 1989*.
- (3) The Council must not grant consent to an application to carry out development of the land to which this clause applies unless it has taken into consideration a plan of management for the land.

[2] Schedule 1 Definitions

Insert in appropriate order in the definition of *density map*:

Woollahra Local Environmental Plan 1995 (Amendment No 38)—
Density Map

[3] Schedule 1, definition of “height map”

Insert in appropriate order in the definition:

Woollahra Local Environmental Plan 1995 (Amendment No 38)—
Height Map

[4] Schedule 1, definition of “heritage conservation map”

Insert in appropriate order in the definition:

Woollahra Local Environmental Plan 1995 (Amendment No 38)—
Heritage Conservation Map

[5] Schedule 1, definition of “land use map”

Insert in appropriate order in the definition:

Woollahra Local Environmental Plan 1995 (Amendment No 38)—
Land Use Map

[6] Schedule 2 Development for certain additional purposes

Insert at the end of the Schedule:

Land being Reserve No 100076, DP 752011, Portions 1141, 1142 and 1628, being land known as Sir David Martin Reserve, New Beach Road, Darling Point and part of the plantation reserve adjoining Portions 1141 and 1142 of Sir David Martin Reserve, as shown edged heavy black and by distinctive colouring and marking on the sheets marked “Woollahra Local Environmental Plan 1995 (Amendment No 38)”:

- (a) the necessary management and operational support facilities for the Olympic legacy marina required to operate a ten-berth marina and hardstand facility, subject to the conditions that:
 - (i) the marina and hardstand are to be used only for community purposes, and
 - (ii) the facilities must be used to advance community access to the sport of sailing, in particular for people with a disability, and
- (b) in relation to that part of the land that is shown hatched on the plan attached to Lease Registered Book 4306 No 835 as shown on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 38)—RANSA”—use for the same purposes as it was being used immediately before the commencement of *Woollahra Local Environmental Plan 1995 (Amendment No 38)*, and

2003 No 61

Woollahra Local Environmental Plan 1995 (Amendment No 38)

Schedule 1 Amendments

- (c) a cafe, and
- (d) a kiosk.

[7] Schedule 3 Heritage items

Insert in Parts A and B in appropriate order:

New Beach Rd, Darling Pt.

Sir David Martin Reserve and the part of the plantation reserve adjoining portions 1141 and 1142 of the Reserve, as shown edged heavy black and by distinctive colouring and marking on the sheets marked "Woollahra Local Environmental Plan 1995 (Amendment No 38)"

BY AUTHORITY
