



Willoughby Local Environmental Plan 1995 (Amendment No 51)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/02143/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

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Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 51)

Willoughby Local Environmental Plan 1995 (Amendment No 51)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 51)*.

2 Aims of plan

The aims of this plan are:

- (a) to zone or rezone certain land to which *Willoughby Local Environmental Plan 1995* applies as follows:
 - (i) from unzoned to Open Space “A” (Existing Recreation),
 - (ii) from unzoned to Residential “B”,
 - (iii) from Open Space “B” (Proposed Recreation Reservation) to Open Space “A” (Existing Recreation),
 - (iv) from Special Uses “C” (Proposed County Road Reservation) to Open Space “A” (Existing Recreation),
 - (v) from Residential “A” to Residential “B”,
 - (vi) from Residential “A” to Open Space “A” (Existing Recreation),
 - (vii) from Open Space “A” (Existing Recreation) to Residential “B”,
 - (viii) from Open Space “B” (Proposed Recreation Reservation) to Residential “B”,
 - (ix) from Open Space “A” (Existing Recreation) to Special Uses “A” (School),
 - (x) from Residential “A” to Special Uses “A” (School),
 - (xi) from Special Uses “A” (School) to Open Space “A” (Existing Recreation), and
- (b) to include certain land in that area within the Willoughby Local Housing Precinct, and

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- (c) to specify minimum allotment size requirements for certain land in that area, and
 - (d) to require the consideration of a master plan before consent can be granted to the development of certain land in that area so as to ensure that the form and scale of development is appropriate for its context and the environmental constraints of the land and, in doing so, to exclude that land from the height, floorspace ratio and minimum allotment size requirements otherwise applicable, and
 - (e) to reclassify certain land in that area from community to operational.

3 Land to which plan applies

This plan applies to land in the City of Willoughby, being land bounded by Eastern Valley Way, Sailors Bay Creek, Alpha Road, Remuera Street, Windsor Road and extending north of Mowbray Place, Willoughby, as shown by black edging on Sheet 1 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 51)”, deposited in the office of Willoughby City Council.

4 Amendment of Willoughby Local Environmental Plan 1995

Willoughby Local Environmental Plan 1995 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in clause 5 (1):

master plan means a document consisting of written information, maps and diagrams that:

- (a) makes detailed provisions relating to development of land, and
- (b) outlines in broad terms the long-term proposals for the development of land and explains how those proposals address the planning principles and development controls in this plan and any development control plan adopted by the Council that applies to the land.

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Willoughby Local Environmental Plan 1995 (Amendment No 51)—Sheet 1

[3] Clause 5 (1), definition of “Willoughby Local Housing Precinct”

Insert in appropriate order:

“Local Housing Precinct 4”, being the parcel of land shown as being within Zone 2 (b) on Sheet 1 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 51)”

[4] Clause 15 Minimum allotment sizes

Insert in appropriate order in clause 15 (1):

Willoughby Local Environmental Plan 1995 (Amendment No 51)—Sheet 2

[5] Clause 26D

Insert after clause 26C:

26D Special controls for Willoughby Paddocks site, Mowbray Place, Willoughby

- (1) This clause applies to land identified on Sheet 4 of the map marked “Willoughby Local Environmental Plan (Amendment No 51)”.
- (2) The Council must not grant consent to the development of the land to which this clause applies unless the Council has had regard to the provisions of a master plan that applies to the land and that complies with this clause.
- (3) Despite clauses 23 (1) (a) and 24 (1) (a), the Council may consent to development that does not comply with the requirements of those clauses in relation to land zoned 2 (b) by *Willoughby Local Environmental Plan 1995 (Amendment No 51)* if the Council has had regard to a master plan that makes provision for floor space ratio or height and that complies with this clause.
- (4) A master plan complies with this clause if:
 - (a) a draft of the master plan was publicly exhibited for at least 28 days, and
 - (b) any submissions made by the public as a result of that exhibition were considered before the draft was finalised.
- (5) A master plan complies with this clause if it contains or deals with all of the following:
 - (a) urban design principles to apply to the development in relation to the form, character and siting of buildings, landscaping, building heights, views, privacy, solar access and security, and other design elements, with an explanation of how they relate to an analysis of the site and its context,
 - (b) proposals for the distribution of the major land uses, including public and private access, design elements and open space,

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Schedule 1 Amendments

- (c) proposals relating to the mitigation of environmental impacts, including noise attenuation, flood mitigation, water and soil management, remediation of contaminated land, solar access, energy efficiency, environmental sustainability and protection of significant flora and fauna habitat,
 - (d) proposals for access, embracing public transport, pedestrian, cycle and road access and circulation networks, as well as local traffic and parking management,
 - (e) proposals for the enhancement of, and integration with, the existing and proposed public domain,
 - (f) proposed patterns of site amalgamation and subdivision,
 - (g) proposals for creek restoration, site landscaping and bushland management,
 - (h) concept plans showing the indicative layout, form and scale of proposed housing,
 - (i) any other matter required in writing by the Council.
- (6) A master plan may be amended, revoked or replaced by a subsequent master plan that complies with this clause.
- (7) The Council must not grant consent to development for the purposes of a dwelling on land zoned 2 (b) by *Willoughby Local Environmental Plan 1995 (Amendment No 51)* if, as a result of the development, the number of dwellings on that land would exceed 80.

[6] Clause 54A

Insert after clause 54:

54A Classification and reclassification of public land

- (1) The public land described in Part 1 or 2 of Schedule 8 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 8:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and

- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 8, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 8, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (4) In this clause, ***the relevant amending plan***, in relation to land described in Part 2 of Schedule 8, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (5) The public land described in Part 3 of Schedule 8 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (6) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 8, the Governor approved of subclause (3) applying to the land.

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Schedule 1 Amendments

[7] Schedule 8

Insert after Schedule 7:

Schedule 8 Classification and reclassification of public land

(Clause 54A)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Locality	Description
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Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Willoughby	Land identified on Sheet 3 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 51)”, being Lots 6 and 7 in DP 21172 and Part Portion 714, Parish of Willoughby, in Folio 826, Volume 1463	
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**Part 3 Land classified, or reclassified, as
community land**

Column 1

Column 2

Locality

Description
