



New South Wales

## **Willoughby Local Environmental Plan 1995 (Amendment No 65)**

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*. (SRE0000206/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2007 No 10

Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 65)

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# Willoughby Local Environmental Plan 1995 (Amendment No 65)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 65)*.

### 2 Aims of plan

The aims of this plan are:

- (a) to rezone land (including reclassification of land currently in the 6 (a) Open Space “A” (Existing Recreation) zone) known as the Civic Place site in the Chatswood Town Centre to enable cultural, community, performing arts, open space and commercial development to occur, and
- (b) to rezone other land in the Chatswood Town Centre that will support the Civic Place outcomes and fix development standards having regard to the location of that land and any adjoining residential land on the periphery of the Centre.

### 3 Land to which plan applies

This plan applies to land within the Chatswood Town Centre, as shown edged heavy black on sheets 1 and 2 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”.

### 4 Amendment of Willoughby Local Environmental Plan 1995

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

### 5 Amendment of Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)

*Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)* is amended as set out in Schedule 2.

Willoughby Local Environmental Plan 1995 (Amendment No 65)

Amendment of Willoughby Local Environmental Plan 1995

Schedule 1

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**Schedule 1      Amendment of Willoughby Local  
Environmental Plan 1995**

(Clause 4)

**Clause 5 Definitions**

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Willoughby Local Environmental Plan 1995 (Amendment  
No 65)—Sheet 1

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Willoughby Local Environmental Plan 1995 (Amendment No 65)

Schedule 2 Amendment of Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)

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### Schedule 2 Amendment of Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)

(Clause 5)

#### [1] Clause 3 Aims, objectives etc

Insert after clause 3 (1) (i):

, and

- (j) to allow the establishment of new and additional recreational, civic and community facilities to provide a vibrant and stimulating heart for the Chatswood Town Centre.

#### [2] Clause 3 (2) (f)

Omit the paragraph. Insert instead:

- (f) Zone No 5 (a)—Special Uses “A”:  
to provide for various special uses required within Chatswood Town Centre, including Civic Place, civic and municipal purposes, parking facilities serving the Town Centre, the Bus and Rail Interchange and schools,

#### [3] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

***adjoining land*** means land which abuts other land or is separated from it only by a lane, pathway, driveway or similar thoroughfare.

***ancillary use*** means a use of premises which is incidental and subordinate to the predominant use.

***community facility*** means a building or place owned or controlled by the Council, any other public authority or an organisation established for non-profit community purposes which provides for the physical, social, cultural or intellectual development or welfare of the community.

***hotel*** means premises, licensed to sell liquor, which provide accommodation consisting of more than 20 rooms or self-contained suites for guests that are rented or hired on a short-term basis without a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1987*, and may include facilities such as function rooms, restaurants, recreational facilities and ancillary retail uses.

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*nursing home* has the same meaning as in the *Public Health Act 1991*.

*serviced apartment* means a building containing two or more dwellings which are cleaned and serviced on a commercial basis by the owner or manager of the building or the owner's or manager's agent, and which provide short-term accommodation for travellers or tourists, but does not include a hostel.

**[4] Clauses 5 (1), definition of “the map”, 15B (1), definition of “height control map” and Schedule 8**

Omit “deposited in the office of the council” wherever occurring except where secondly occurring in Schedule 8.

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

Insert in appropriate order:

Sheet 2 of Willoughby Local Environmental Plan 1995  
(Amendment No 65)

**[6] Clause 7J Zone 3 (c3) Business General Zone**

Insert “hospital” and “roads” in alphabetical order under the words “Development for the purpose of:” in clause 7J (2) (b).

**[7] Clause 11 Floor space ratio**

Insert after clause 11 (10):

- (11) Subclauses (1)–(10) do not apply to the following land:
  - (a) land within Zone 3 (c2) that is bounded by Thomas Street and Albert Avenue (other than 20 and 22 Thomas Street), as shown edged heavy black on Sheet 2 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”, and
  - (b) land within Zone 3 (c3) at the corner of Archer Street and Albert Avenue, as shown edged heavy black on Sheet 2 of that map.
- (12) The consent authority must not consent to the erection of a building on land referred to:
  - (a) in subclause (11) (a), if the ratio of the gross floor area to the site area exceeds 5.5:1, or
  - (b) in subclause (11) (b), if the ratio of the gross floor area to the site area exceeds 2.7:1, except:

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- (i) in respect of development for the purposes of a hospital, in which case the ratio of the gross floor area to the site area is not to exceed 4:1, or
- (ii) in respect of development for the purposes of a nursing home that is attached to, or used in conjunction with, other permissible development on the site (or both), in which case the consent authority is not to have regard to the gross floor area of the nursing home in the calculation of the floor space ratio.

### [8] Clauses 12 (4) and 15 (3)

Omit “deposited in the office of the Council” wherever occurring.

### [9] Clause 13 Land within Zones 3 (c1), 3 (c2) and 3 (c3)—floor space ratio for residential flat buildings

Insert after clause 13 (3):

- (4) Despite subclause (1), the consent authority may, subject to clause 39, grant consent to the carrying out of development for the purposes of a residential flat building on the land within Zone 3 (c2) (other than 20 and 22 Thomas Street) or within Zone 3 (c3) as shown edged heavy black on Sheet 2 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”, but only if the ratio of the gross floor area of the residential flat building to the area of its site does not exceed 2.5:1 in the case of the land within Zone 3 (c2) or 1.5:1 in the case of land within Zone 3 (c3).

### [10] Clause 15C

Insert after clause 15B:

#### 15C Height restrictions for Civic Place and other sites

- (1) In this clause:
  - height* has the same meaning as in clause 15B.
  - height control map* means Sheet 3 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”.
- (2) This clause applies to land within Zone 5 (a) (Special Uses “A” Zone)—Civic Place, Zone 3 (c2) (other than 20 and 22 Thomas Street) or Zone 3 (c3) as shown edged heavy black on Sheet 2 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”.

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- (3) The consent authority must not consent to the erection of a building on land to which this clause applies if the height of the building exceeds that shown on the height control map for the land.
- (4) Clause 15 does not apply to land to which this clause applies.

**[11] Clause 34**

Omit the clause. Insert instead:

**34 Provision of car parking**

- (1) This clause applies to land within Zone 3 (c2) (other than 20 and 22 Thomas Street), as shown edged heavy black on Sheet 2 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”.
- (2) The consent authority must not consent to development on land to which this clause applies unless the consent authority is satisfied that a car parking station will be provided on or under the land, comprising not less than 200 car parking spaces in addition to any car parking required by the consent authority to serve the needs of any development on the land.

**[12] Clause 36A Amusement centres**

Omit “, deposited in the office of the Council” from clause 36A (3).

**[13] Clause 39**

Insert after clause 38.

**39 Classification and reclassification of public land**

- (1) The object of this clause is to enable the council, by means of this Plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 11 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

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- (3) The public land described in Part 3 of Schedule 11 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 11:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 11, to the extent (if any) that it is a public reserve ceases to be a public reserve on the commencement of the relevant classification 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 11, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the **relevant classification Plan**, in relation to land described in Part 2 of Schedule 11, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 11, the Governor approved of subclause (5) applying to the land.

### [14] Schedule 8 Development for certain additional purposes

Omit the matter:

Land within Zone No 5 (a)—Special Uses—Business Parking—car parking station, commercial premises, purposes referred to in Schedule 3, refreshment rooms, taverns.

Land within Zone 5 (a)—Special Uses—Parking and Redevelopment—car parking, clubs, commercial premises, municipal purposes, shops.



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**[15] Schedule 8**

Omit the matter:

Land within Zone No 5 (a)—Special Uses “A”—Civic Centre, as shown edged heavy black on the map marked “Willoughby Local Environmental Plan 1997 (Chatswood Town Centre)—No 2” deposited in the office of the council—commercial premises, educational establishments, professional consulting rooms, refreshment rooms, shops.

Insert instead:

Land within Zone 5 (a) (Special Uses “A” Zone)—Civic Place, as shown edged heavy black on Sheet 2 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”—advertisements, advertising structures, car parking stations, commercial premises, community facilities, drainage, educational establishments, hotels, library, purposes referred to in Schedules 1, 2 or 7, recreation areas, roads, serviced apartments, shops, taverns, utility installations.

**[16] Schedule 11**

Insert after Schedule 10:

**Schedule 11    Classification and reclassification of public land**

(Clause 39)

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

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
	land within Zone 5 (a) (Special Uses “A” Zone)—Civic Place shown edged heavy black on Sheet 3 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 65)”	

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**Part 3      Land classified, or reclassified, as community land**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

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BY AUTHORITY