



New South Wales

# **Willoughby Local Environmental Plan 1995 (Amendment No 60)**

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*. (SRE0000179/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2007 No 370

Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 60)

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# Willoughby Local Environmental Plan 1995 (Amendment No 60)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 60)*.

## 2 Aims of plan

This plan amends *Willoughby Local Environmental Plan 1995*:

- (a) to substitute a new Industrial Park Zone for the existing Business Park Zone and to include additional permissible uses in the zone, and
- (b) to rezone certain land from Zone 4 (a) (General Industrial Zone) to Zone 4 (c) (Industrial Park Zone), and
- (c) to rezone certain land from Zone 4 (a) (General Industrial Zone) to Zone 3 (b) (Special Business Zone), extend the application of certain height restrictions to the rezoned land and specify certain development on that land for which development consent must not be granted, and
- (d) to amend floor space ratio controls applying to certain land, and
- (e) to introduce objectives for floor space ratio controls under *Willoughby Local Environmental Plan 1995*, and
- (f) to amend restrictions applying to development for the purposes of ancillary offices and showrooms on certain land to which this plan applies, and
- (g) to amend the general objectives for industrial zones under *Willoughby Local Environmental Plan 1995*, and
- (h) to include laboratories as a permissible use in Zones 4 (a) (General Industrial Zone) and 4 (b) (Light Industrial Zone), and
- (i) to amend the definition of *car repair station* to include premises used for the servicing of motor vehicles, watercraft or caravans, and

- (j) to allow the gross floor area of community facilities on certain land to be excluded for the purpose of floor space ratio calculation, and
- (k) to omit a provision from *Willoughby Local Environmental Plan 1995* that requires 10% of car parking spaces provided on the ABC Gore Hill site to be allocated for visitor parking, and
- (l) to prohibit development for the purpose of a child care centre on certain land.

### 3 Land to which plan applies

- (1) To the extent that this plan:
  - (a) substitutes a zone as referred to in clause 2 (a), and
  - (b) rezones land as referred to in clause 2 (b),it applies to the land shown coloured purple with red edging and lettered “4 (c)” on the map (within the meaning of *Willoughby Local Environmental Plan 1995*, as amended by this plan).
- (2) To the extent that this plan rezones land, extends the operation of height restrictions and specifies development for which development consent must not be granted, as referred to in clause 2 (c), it applies to the land shown coloured blue with red edging and lettered “3 (b)” on Sheet 2 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 60)” deposited in the office of Willoughby City Council.
- (3) To the extent that this plan amends floor space ratio controls as referred to in clause 2 (d), it applies to all land within the local government area of Willoughby within Zones 4 (a) (General Industrial Zone), 4 (b) (Light Industrial Zone) and 4 (c) (Industrial Park Zone) (as substituted by this plan).
- (4) To the extent that this plan introduces objectives for floor space ratio controls as referred to in clause 2 (e), it applies to all land to which *Willoughby Local Environmental Plan 1995* applies.
- (5) To the extent that this plan amends restrictions applying to development for the purposes of ancillary offices and showrooms as referred to in clause 2 (f), it applies to all land within the local government area of Willoughby within Zones 4 (a) (General Industrial Zone), 4 (b) (Light Industrial Zone) and 4 (c) (Industrial Park Zone) (as substituted by this plan).
- (6) To the extent that this plan includes an additional permissible use as referred to in clause 2 (h), it applies to all land within the local government area of Willoughby within Zones 4 (a) (General Industrial Zone) and 4 (b) (Light Industrial Zone).

## 2007 No 370

Clause 4 Willoughby Local Environmental Plan 1995 (Amendment No 60)

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- (7) To the extent that this plan amends the general objectives for industrial zones as referred to in clause 2 (g), it applies to all land within the local government area of Willoughby within Zones 4 (a) (General Industrial Zone), 4 (b) (Light Industrial Zone) and 4 (c) (Industrial Park Zone) (as substituted by this plan).
- (8) To the extent that this plan amends the definition of *car repair station* as referred to in clause 2 (i), it applies to all land to which *Willoughby Local Environmental Plan 1995* applies.
- (9) To the extent that this plan allows the gross floor area of community facilities to be excluded for the purpose of floor space ratio calculation on land to which this plan applies as referred to in clause 2 (j), it applies to all land within the local government area of Willoughby within Zones 4 (a) (General Industrial Zone), 4 (b) (Light Industrial Zone) and 4 (c) (Industrial Park Zone) (as substituted by this plan).
- (10) To the extent that this plan omits a requirement relating to the allocation of car parking spaces as referred to in clause 2 (k), it applies to the ABC Gore Hill site within the meaning of *Willoughby Local Environmental Plan 1995*.
- (11) To the extent that this plan prohibits development for the purpose of a child care centre as referred to in clause 2 (l), it applies to Lot 1, DP 528955, Lot 1, DP 226278 and Lot 1, DP 1081652, Artarmon.

#### 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

(Clause 4)

**[1] Clause 5 Definitions**

Insert “or servicing of” after “repairs to” in the definition of *car repair station* in clause 5 (1).

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

Insert in appropriate order:

Willoughby Local Environmental Plan (Amendment No 60)—  
Sheets 1 and 2

**[3] Clause 12 Zones indicated on the map**

Omit “Business Park Zone” from the matter relating to Zone 4 (c).

Insert instead “Industrial Park Zone”.

**[4] Clause 13E**

Insert after clause 13D:

**13E Objectives of floor space ratio controls**

The objectives of the floor space ratio controls contained in this plan are as follows:

- (a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,
- (b) to limit traffic generation as a result of that development,
- (c) to limit the bulk and scale of that development.

**[5] Clause 36 Floor space ratios**

Omit “clause 37” from clause 36 (3). Insert instead “clauses 37 and 41A”.

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

Insert after clause 37 (1) (e):

- (ea) on land within Zone 3 (b) and being Lots A, B and C, DP 336139, Lots A, B and C, DP 323918, Lot 4, DP 658911, Lots 1 and 2, DP 503150 and Lot 6, DP 806583, known as Nos 269, 279, 285, 289 and 291 Pacific Highway, Artarmon, where the height must not exceed 9 metres, or

## 2007 No 370

Willoughby Local Environmental Plan 1995 (Amendment No 60)

Schedule 1 Amendments

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### [7] Clause 41A

Insert after clause 41:

#### **41A 269, 279, 285, 289 and 291 Pacific Highway, Artarmon**

Despite any other provision of this plan, development consent must not be granted to the carrying out of development on any of Lots A, B and C, DP 336139, Lots A, B and C, DP 323918, Lot 4, DP 658911, Lots 1 and 2, DP 503150 and Lot 6, DP 806583, known as 269, 279, 285, 289 and 291 Pacific Highway, Artarmon, for any of the following purposes:

- (a) a dwelling or a residential flat building,
- (b) a building with a gross floor area of greater than 500 square metres if the allotment concerned has an area of less than 1,000 square metres.

### [8] Clause 42 Industrial areas

Omit "Business Park Zone". Insert instead "Industrial Park Zone".

### [9] Clause 42

Omit the matter under the heading "General Objectives". Insert instead:

- (a) To identify and preserve core service industrial lands to meet the current and future needs of the City of Willoughby and the wider region, and
- (b) To accommodate industrial development that produces a range of goods and services and provides employment, without adversely affecting the amenity, health or safety of nearby residents in adjacent areas, and
- (c) To enable industrial development that does not pollute or adversely affect adjoining land, air or water, and
- (d) To allow only those shops and services that serve the daily convenience needs of workers employed in the industrial areas, and
- (e) To protect the viability of business zones in the City of Willoughby by enabling development for the purposes of offices or showrooms only where they are ancillary to and used in conjunction with industrial, manufacturing, warehousing or other permitted uses on the same land, and

- (f) To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be or are inappropriate to be located in other zones, and

**Note.** Such requirements or characteristics may include the following:

- (i) commercial vehicle access,
  - (ii) loading bays and docks,
  - (iii) high floor to ceiling requirements for activities such as truck access, the storage of goods or the containment of machinery or equipment,
  - (iv) requirements for special fittings and features (such as those required in laboratories and research facilities) that are not normally associated with an office use,
  - (v) requirements for open space storage or assembly or manufacturing space,
  - (vi) an employee to floor space ratio that is lower than that which would ordinarily be associated with an office use.
- (g) To prohibit development if it is inappropriate in an industrial zone and can be located in established residential or business zones, such as residential and retail development and offices that are not ancillary to an industrial use, and
  - (h) To improve the environmental quality of the City of Willoughby by ensuring that industries conform to environmental and hazard reduction guidelines.

**[10] Clause 42A Zone 4 (a)—General Industrial Zone**

Insert in alphabetical order in the list following the words “Development for the purpose of:” in clause 42A (2) (b):

laboratories

**[11] Clause 42B Zone 4 (b)—Light Industrial Zone**

Insert in alphabetical order in the list following the words “Development for the purpose of:” in clause 42B (2) (b):

laboratories

## 2007 No 370

Willoughby Local Environmental Plan 1995 (Amendment No 60)

Schedule 1 Amendments

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### [12] Clause 42C

Omit the clause. Insert instead:

#### 42C Zone 4 (c)—Industrial Park Zone

##### (1) Specific Objectives

- (a) To accommodate a variety of light industrial and high technology uses that contribute to employment generation, provision of services, research and development enterprises and the economy of the City of Willoughby and the surrounding region.
- (b) To create a park-like environment emphasising the integration of all structures and landscaped areas.
- (c) To promote development that encourages public transport use and minimises private traffic generation.

##### (2) Development Within the Zone

- (a) Within the 4 (c) Industrial Park Zone, the following development may be carried out **without development consent**:

exempt development

- (b) Within the 4 (c) Industrial Park Zone, the following development may only be carried out **with development consent**:

Demolition

Development for the purpose of:

advertisements

banks

car repair stations

child care centres

community facilities

drainage

dwellings used in conjunction with and attached to a building used for a permitted light industry, warehouse or high technology industry

educational establishments, excluding schools and coaching colleges

exhibition or conference centres

film and television production facilities

high technology industries



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hotels  
laboratories  
light industries  
motor showrooms  
museums  
newsagencies  
pharmacies or chemist shops  
places of public worship  
recreation areas  
recreation facilities  
restaurants  
roads  
service stations  
take-away food shops including milk bars, hot food bars and sandwich shops, but excluding drive-in take-away food shops  
utility installations  
veterinary hospitals  
warehouses  
weekend markets

- (c) Within the 4 (c) Industrial Park Zone, any other development is prohibited.

**[13] Clause 43**

Omit the clause. Insert instead:

**43 Floor space ratios**

- (1) Development consent must not be granted for development for the purpose of the erection of a building on land within Zone 4 (a), 4 (b) or 4 (c) if the floor space ratio will exceed 1:1.
- (2) Despite subclause (1), development consent may be granted for development for the purpose of the erection of a building on land within Zone 4 (a), 4 (b) or 4 (c) that will result in the floor space ratio exceeding 1:1 if:
  - (a) the land is over 1,000 square metres in area, and
  - (b) the floor space ratio will not exceed 1.5:1, and

## 2007 No 370

Willoughby Local Environmental Plan 1995 (Amendment No 60)

Schedule 1 Amendments

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- (c) where the building is on land within Zone 4 (c), the site coverage will not exceed 45% of the site area.
- (3) For the purposes of subclause (2), *site coverage* means that portion of a site covered by any building as defined by the outer face of the external walls of the building, including garages, carports and enclosed structures, but excluding:
  - (i) sunshade devices, awnings and minor garden structures, and
  - (ii) the roof of any excavated or covered car parking area that is permanently landscaped and does not project above the natural ground level of the site by more than 1,000 mm, and
  - (iii) roads.
- (4) In calculating the floor space ratio for so much of Lots 26, 29, 30, 31, 32 and 33, DP 4088, as is known as 10–20 Hotham Parade, Artarmon, and within Zone 4 (a), the site area includes any land dedicated for a public road.
- (5) The gross floor area of community facilities on land within Zone 4 (a), 4 (b) or 4 (c) is not to be taken into account in calculating the floor space ratio of a site.

### [14] Clauses 43A and 43B

Insert after clause 43:

#### 43A Planning principles for Zone 4 (c)

Before granting consent for development on land within Zone 4 (c), the consent authority must be satisfied that the development achieves, to the extent relevant to the development:

- (a) a high standard of urban design (having regard to proposals relating to density, height controls, building envelopes, identified views, privacy, security and other design elements, and any explanation of how they relate to an analysis of the land and its context), and
- (b) if the development is on land fronting Herbert Street, a boulevard style entry, and
- (c) equitable, efficient, safe and convenient access, including public transport, pedestrian, cycle and road access and circulation networks (having regard to proposals relating to local traffic impact, car parking and pedestrian and bicycle circulation and the provisions of any green travel

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plan that optimises public transport use by employees and visitors), and

- (d) car parking (if required for the development) of not more than 1 car space per 100 square metres of gross floor area, and
- (e) a high standard of energy efficiency, water conservation, waste management (during and after construction), air and water quality and noise control through appropriate building design and site management.

**43B Offices and showrooms—Zones 4 (a), 4 (b) and 4 (c)**

Development consent must not be granted for development on land within Zone 4 (a), 4 (b) or 4 (c) for the purposes of an office or showroom unless:

- (a) the office or showroom is ancillary to a permitted industrial use on the land, and
- (b) on land bounded by Campbell Street, Cleg Street, Herbert Street, the Gore Hill Freeway and the Pacific Highway:
  - (i) if the development is on land fronting the Pacific Highway—not more than 50% of the total floor area of all buildings on the site will be used for the office or showroom, and
  - (ii) if the development is not on land fronting the Pacific Highway—not more than 30% of the total floor area of all buildings on the site will be used for the office or showroom, and
  - (iii) the development is consistent with the general objectives for industrial areas set out in clause 42.

**[15] Clause 46A Special controls for the ABC Gore Hill site**

Omit “100m gross floor area, (10% of which should be allocated for visitor parking)” from clause 46A (3) (f).

Insert instead “100 square metres of gross floor area”.

**[16] Clause 46B**

Insert after clause 46A:

**46B Prohibited development**

Despite any other provision of this plan, development for the purpose of a child care centre is prohibited on Lot 1, DP 528955, Lot 1, DP 226278 and Lot 1, DP 1081652, Artarmon.