



New South Wales

Woollahra 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. (9043029/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 548

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

Woollahra Local Environmental Plan 1995 (Amendment No 60)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

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

2 Aims of plan

This plan aims to amend *Woollahra Local Environmental Plan 1995*:

- (a) to rezone certain land at Bellevue Hill from Zone No 3 (c)—(Neighbourhood Business “C” Zone) to Zone No 2 (b)—(Residential “B” Zone), and
- (b) to amend the maximum height for buildings erected on certain land at Vacluse, Rose Bay, Bellevue Hill, Woollahra and Darling Point, and
- (c) to amend the floor space ratios for buildings erected on certain land in Zone No 3 (c)—(Neighbourhood Business “C” Zone) at Vacluse, Rose Bay, Bellevue Hill and Woollahra, and
- (d) to provide a higher floor space ratio for buildings erected on certain land in Zone No 3 (c)—(Neighbourhood Business “C” Zone) at Vacluse, Rose Bay, Bellevue Hill and Woollahra if the development satisfies relevant requirements including, in certain circumstances, identified adjacent land having vehicular access to a road, and
- (e) to amend the definitions of *mixed development* and *restaurant*, and
- (f) to omit “cafes” as a land use that is permitted with development consent in Zone No 3 (b1)—(Restricted Special Business “B1” Zone), and
- (g) to permit the use of land for a restaurant in Zone No 3 (c)—(Neighbourhood Business “C” Zone), and
- (h) to prohibit the use of land for a dwelling-house in Zone No 3 (c)—(Neighbourhood Business “C” Zone).

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to land shown edged heavy black and coloured on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 60)—Land Use Map”, deposited in the office of Woollahra Municipal Council.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to land shown edged heavy black and coloured on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 60)—Height Map” (Sheets 1–10), deposited in the office of Woollahra Municipal Council.
- (3) In respect of the aim referred to in clause 2 (c), this plan applies to land shown edged heavy black on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 60)—Density Map” (Sheets 1–4), deposited in the office of Woollahra Municipal Council.
- (4) In respect of the aim referred to in clause 2 (d), this plan applies to 11, 13–17, 27, 27A, 100A Bellevue Road, Bellevue Hill, 196–204 Victoria Road, Bellevue Hill, 484–486, 488–492, 500, 502, 520, 538–544, 554 Old South Head Road, Rose Bay, 42–44, 46, 103 New South Head Road, Vaucluse, 2, 26–28 Old South Head Road, Vaucluse and 156 Edgecliff Road, Woollahra.
- (5) In respect of the aim referred to in clause 2 (e), this plan applies to all land to which *Woollahra Local Environmental Plan 1995* applies.
- (6) In respect of the aim referred to in clause 2 (f), this plan applies to land in Zone No 3 (b1)—(Restricted Special Business “B1” Zone) under *Woollahra Local Environmental Plan 1995*.
- (7) In respect of the aims referred to in clause 2 (g) and (h), this plan applies to land in Zone No 3 (c)—(Neighbourhood Business “C” Zone) under *Woollahra Local Environmental Plan 1995*.

4 Amendment of Woollahra Local Environmental Plan 1995

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

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Woollahra Local Environmental Plan 1995 (Amendment No 60)

Schedule 1 Amendments

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(Clause 4)

[1] Clause 8 Development control tables

Omit “Cafes; car parking stations;” from Item 5 of the development control table relating to Zone No 3 (b1)—(Restricted Special Business “B1” Zone).

Insert instead “Car parking stations;”.

[2] Clause 8, Development control table—Zone No 3 (c)—(Neighbourhood Business “C” Zone)

Omit “Dwelling-houses within the foreshore scenic protection area (but not those also within a heritage conservation area or those identified as heritage items); drainage;” from Item 4.

Insert instead “Drainage;”.

[3] Clause 8, Development control table—Zone No 3 (c)—Neighbourhood Business “C” Zone

Omit “Paddington),” from Item 6.

Insert instead “Paddington); dwelling houses;”.

[4] Clause 8, Development control table—Zone No 3 (c)—Neighbourhood Business “C” Zone

Omit “restaurants (other than restaurants on land known as Nos 2, 4, 6, 8, 10 Elizabeth Street, Paddington, Nos 338–410 Oxford Street, Paddington, Nos 1A, 3A, 3B, 5, 7, 52 Victoria Street, Paddington, Nos 220, 222–226, 228, 205–241 Glenmore Road, Paddington, Nos 6–14 Goodhope Street, Paddington, Nos 2A, 2–8 Heeley Street, Paddington);” from Item 6.

[5] Clause 8, Development control table—Zone No 3 (c)—Neighbourhood Business “C” Zone

Insert “(other than as part of a mixed development)” after “serviced apartments” in Item 6.

[6] Clause 11 Floor space ratios

Insert after clause 11 (3):

- (3A) Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 11, 27, 27A, 100A Bellevue Road, Bellevue Hill, 196–204 Victoria Road, Bellevue Hill, 484–486, 488–492, 500, 502, 520, 538–544, 554 Old South Head Road, Rose Bay, 42–44, 46, 103 New South Head Road, Vaucluse or 2, 26–28 Old South Head Road, Vaucluse, may

exceed the floor space ratio provided on the density map in respect of the property if:

- (a) the floor space ratio of the building or buildings does not exceed 2:1, and
 - (b) the Council consents to the building or buildings having the floor space ratio.
- (3B) Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 13–17 Bellevue Road, Bellevue Hill may exceed the floor space ratio provided on the density map in respect of the property if:
- (a) the floor space ratio of the building or buildings does not exceed 2:1, and
 - (b) the Council consents to the building or buildings having the floor space ratio.
- (3C) Despite subclause (1), the floor space ratio of any building or buildings erected or proposed to be erected on 156 Edgecliff Road, Woollahra may exceed the floor space ratio provided on the density map in respect of the property if:
- (a) the floor space ratio of the building or buildings does not exceed 1.5:1, and
 - (b) the Council consents to the building or buildings having the floor space ratio.

[7] Clause 11 (4)

Omit the subclause. Insert instead:

- (4) The Council may only grant development consent for the purpose of subclause (3) (b), (3A) (b), (3B) (b) or (3C) (b) if it is satisfied that:
 - (a) the building or buildings will enhance the spatial definition of the spaces addressed, and
 - (b) the building or buildings will, through articulation and distribution of massing, create strong corner buildings, and
 - (c) the building or buildings will appropriately address the street geometry, topography, sight lines and the design of skyline elements, and
 - (d) in the case of development on land specified in Column 1 of the Table to this clause—the adjoining land specified opposite that land in Column 2 of the Table to this clause, being land within Zone No 3 (c)—(Neighbourhood

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Schedule 1 Amendments

- Business “C” Zone), has, or will have, direct vehicular access or vehicular access via a right of way to a road, and
- (e) in the case of development on land described in subclause (3B)—all of that land has, or will have, direct vehicular access or vehicular access via a right of way to Buller Street, Bellevue Hill.

Table

Column 1	Column 2
Land with higher floor space ratio	Adjoining land
11 Bellevue Road, Bellevue Hill	7–9 Bellevue Road, Bellevue Hill
27 Bellevue Road, Bellevue Hill	25A Bellevue Road, Bellevue Hill
27A Bellevue Road, Bellevue Hill	27 Bellevue Road, Bellevue Hill
100A Bellevue Road, Bellevue Hill	98B Bellevue Road, Bellevue Hill
196–204 Victoria Road, Bellevue Hill	3–5 Bellevue Road, Bellevue Hill
488–492 Old South Head Road, Rose Bay	494–498 Old South Head Road, Rose Bay
500 Old South Head Road, Rose Bay	494–498 Old South Head Road, Rose Bay
502 Old South Head Road, Rose Bay	504 Old South Head Road, Rose Bay
520 Old South Head Road, Rose Bay	522 Old South Head Road, Rose Bay
538–544 Old South Head Road, Rose Bay	532–536 Old South Head Road, Rose Bay
554 Old South Head Road, Rose Bay	556 Old South Head Road, Rose Bay
42–44 New South Head Road, Vaucluse	40 New South Head Road, Vaucluse
46 New South Head Road, Vaucluse	48 New South Head Road, Vaucluse
103 New South Head Road, Vaucluse	101 New South Head Road, Vaucluse
2 Old South Head Road, Vaucluse	4 Old South Head Road, Vaucluse

Column 1	Column 2
Land with higher floor space ratio	Adjoining land
26–28 Old South Head Road, Vaucluse	22 Old South Head Road, Vaucluse

[8] Schedule 1 Definitions

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

Woollahra Local Environmental Plan 1995 (Amendment No 60)—Density Map (Sheets 1–4)

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

Insert in appropriate order:

Woollahra Local Environmental Plan 1995 (Amendment No 60)—Height Map (Sheets 1–10)

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

Insert in appropriate order:

Woollahra Local Environmental Plan 1995 (Amendment No 60)—Land Use Map

[11] Schedule 1, definition of “mixed development”

Insert “or serviced apartment” after “one or more dwellings (or a boarding house”.

[12] Schedule 1, definition of “restaurant”

Omit the definition. Insert after the definition of *residential flat building*:

restaurant means a building or place the principal purpose of which is the provision of food or beverages (or both) to people for consumption on the premises and that may also provide takeaway meals and beverages.