



New South Wales

Woollahra Local Environmental Plan 1995 (Amendment No 61)

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*. (S06/00398/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 575

Clause 1 Woollahra Local Environmental Plan 1995 (Amendment No 61)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 61)*.

2 Aims of plan

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

- (a) to replace the definition of *community facility*, and
- (b) to allow, with development consent, the carrying out of development for the purposes of child care centres and clubs (other than clubs registered under the *Registered Clubs Act 1976*) on land within Zone No 6 (Open Space Zone), and
- (c) to exclude certain development from the amendments made by this plan.

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to all land to which the 1995 plan applies.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to all land within Zone No 6 (Open Space Zone) under the 1995 plan.
- (3) In respect of the aim referred to in clause 2 (c), this plan applies to land known as Nos 6 and 6A Kent Road, Rose Bay.

4 Amendment of Woollahra Local Environmental Plan 1995

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Development control tables

Insert at the end of Item 3 (e) of the matter relating to Zone No 6 (Open Space Zone) in the development control table for that zone:

, and

- (f) to retain the landscaped, vegetated and open nature of the existing open space within the Council's area.

[2] Clause 8, Development control table—Zone No 6—(Open Space Zone)

Omit "Community facilities;" from Item 5.

Insert instead "Child care centres; clubs (other than clubs registered under the *Registered Clubs Act 1976*); community facilities;"

[3] Clause 37 Savings and transitional provisions

Insert after clause 37 (6):

- (7) If a development application has been made before the commencement of *Woollahra Local Environmental Plan 1995 (Amendment No 61)* in relation to land to which that plan applies and the application has not been finally determined before that commencement, the application must be determined as if this plan had been exhibited but had not commenced.
- (8) For the purposes of any development application, or any application for the modification of development consent DA 508/2005/1 or any other development consent, that is made before 16 February 2012 in relation to the land comprising Nos 6 and 6A Kent Road, Rose Bay, any reference in this plan (including any reference on the land use map) to a **community facility** is taken to include a reference to a building or place owned or controlled by or on behalf of a school for either or both of the following purposes:
- (a) the provision of educational, recreational and sporting facilities (or any of those facilities) to primary (or preparatory) schoolchildren,
- (b) the provision of administrative support to the school in relation to primary (or preparatory) schoolchildren.

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Schedule 1 Amendments

[4] Schedule 1 Definitions

Omit the definition of *community facility*. Insert instead:

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

BY AUTHORITY
