



New South Wales

Willoughby Local Environmental Plan 2012 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

STEPHEN MURRAY

As delegate for the Greater Sydney Commission

Willoughby Local Environmental Plan 2012 (Amendment No 5)

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1 Name of Plan

This Plan is *Willoughby Local Environmental Plan 2012 (Amendment No 5)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Willoughby Local Environmental Plan 2012* applies.

4 Maps

The maps adopted by *Willoughby Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

Schedule 1 Amendment of Willoughby Local Environmental Plan 2012

[1] Clause 1.2 Aims of Plan

Omit clause 1.2 (2) (f). Insert instead:

- (f) for housing:
 - (i) to provide opportunities for a range of housing choice in Willoughby to cater for changing population needs in accessible locations, and
 - (ii) to facilitate the provision of adaptable and affordable housing,

[2] Clause 4.1A Minimum subdivision lot size for dual occupancies

Omit “an occupation certificate” from clause 4.1A (1) (e).

Insert instead “a final occupation certificate”.

[3] Clause 4.1A

Renumber clause 4.1A as 4.1C and place in appropriate order.

[4] Clause 4.1A

Insert after clause 4.1AA:

4.1A Minimum subdivision lot size for strata plan schemes in Zone B3

- (1) The objective of this clause is to ensure that the land to which this clause applies is not fragmented by subdivision that would adversely impact the tenancy mix and long-term potential of commercial properties for redevelopment.
- (2) This clause applies to land in Zone B3 Commercial Core in the Chatswood central business district, identified as “Area 1” on the Lot Size Map.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies under the *Strata Schemes (Freehold Development) Act 1973* (other than any lot comprising common property within the meaning of that Act) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Note. Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

[5] Clause 4.1B Minimum subdivision lot size for shop top housing

Omit clause 4.1B (1). Insert instead:

- (1) Despite clause 4.1, development consent may be granted for the subdivision of shop top housing on a lot:
 - (a) on which development for the purpose of shop top housing is permitted under Schedule 1, and
 - (b) that comprises land identified as “Area 1” on the Lot Size Map, even if the size of any or all lots resulting from the subdivision is less than the minimum size shown on the Lot Size Map in relation to that land.

[6] Clause 4.3A Exceptions to height of buildings

Omit “building adjoins the street boundary of the land” from clause 4.3A (1) (a).

Insert instead “land adjoins the street frontage”.

[7] Clause 6.8 Affordable housing

Omit “Sydney Statistical Division” from clause 6.8 (1) (b).

Insert instead “Greater Sydney (Greater Capital City Statistical Area)”.

[8] Clause 6.8 (1) (d)

Insert “and money from the disposal of affordable housing received by or on behalf of the Council” after “dwellings)”.

[9] Clause 6.8 (1) (e)

Omit “other dwellings in Willoughby”.

Insert instead “the same type of dwellings within the development to which the development application relates”.

[10] Clause 6.8 (2) (c)

Omit the paragraph. Insert instead:

- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

[11] Clause 6.8 (3)

Omit the subclause. Insert instead:

- (3) The following are the *affordable housing conditions*:
 - (a) a condition requiring the dedication in favour of the consent authority, free of cost, of land comprised of one or more complete dwellings with a gross floor area of the amount equivalent to 4% of the accountable total floor space, with each dwelling having a gross floor area of at least 50 square metres,
 - (b) a condition requiring the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (4), of 4% of the accountable total floor space,
 - (c) a condition requiring:
 - (i) the dedication in favour of the consent authority, free of cost, of land comprised of one or more complete dwellings with a gross floor area of less than the amount equivalent to 4% of the accountable total floor space (the *dedication amount*), with each dwelling having a gross floor area of at least 50 square metres, and
 - (ii) the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (4), of the gross floor area equivalent to the difference between the dedication amount and 4% of the accountable total floor space.

[12] Clause 6.8 (7)

Omit the definition of *market value*.

[13] Clause 6.10 Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings

Omit “bounded by Julian Street, Edward Street and Borlaise Street” from clause 6.10 (4) (e).

Insert instead “fronting Borlaise Street, Edward Street, Julian Street or Penkivil Street”.

[14] Schedule 1 Additional permitted uses

Omit “Lot 8, DP 620843” from clause 12 (1). Insert instead “Lot 11, DP 1171717”.

[15] Schedule 1, clause 17A

Insert after clause 17:

17A Use of certain land at 28 Archer Street, Chatswood

(1) This clause applies to land at 28 Archer Street, Chatswood, being Lot 1, DP 900390.

(2) Development for the purposes of attached dwellings and multi dwelling housing is permitted with development consent.

[16] Schedule 1, clause 34 Use of certain land at East Chatswood and Roseville

Insert “and Roseville” after “East Chatswood” in clause 34 (1).

[17] Schedule 4 Classification and reclassification of public land

Omit “Nil” from Column 1 of Part 1. Insert in Columns 1 and 2, respectively:

1/7 Herbert Street, St Leonards	Lot 174, SP 69609
5/7 Herbert Street, St Leonards	Lot 178, SP 69609
6/7 Herbert Street, St Leonards	Lot 179, SP 69609
11/7 Herbert Street, St Leonards	Lot 184, SP 69609
5/9 Herbert Street, St Leonards	Lot 98, SP 69609
6/9 Herbert Street, St Leonards	Lot 99, SP 69609
7/13 Herbert Street, St Leonards	Lot 25, SP 67931
12/13 Herbert Street, St Leonards	Lot 30, SP 67931
14/13 Herbert Street, St Leonards	Lot 32, SP 67931
15/13 Herbert Street, St Leonards	Lot 33, SP 67931