



New South Wales

Ku-ring-gai Local Environmental Plan No 183

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/01083/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 13th March 2001.

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Clause 1 Ku-ring-gai Local Environmental Plan No 183

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1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 183*.

2 Aims of plan

This plan aims to introduce subdivision development standards into *Ku-ring-gai Planning Scheme Ordinance* which are consistent with those applying to the erection of dwelling-houses as contained in clause 43 of that instrument.

This plan also repeals from that instrument a definition of *home occupation* that was made redundant by a definition inserted by *Ku-ring-gai Local Environmental Plan No 171*.

3 Land to which plan applies

This plan applies to the land to which the *Ku-ring-gai Planning Scheme Ordinance* applies.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

5 Savings

- (1) Clause 58B of the *Ku-ring-gai Planning Scheme Ordinance*, as amended by this plan, does not apply to any application for consent to a subdivision of land that was lodged before the commencement of this plan.
- (2) This plan does not affect the application of *State Environmental Planning Policy No 53—Metropolitan Residential Development* to land to which this plan applies.

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Omit the definition of *home occupation* following the definition of that term inserted by *Ku-ring-gai Local Environmental Plan No 171*.

[2] Clause 4A

Insert after clause 4:

4A References to allotments

In this Ordinance, a reference to an allotment of land shall be construed as including a reference to any lot of land.

[3] Clause 58B

Insert after clause 58A:

58B Subdivision requirements for dwelling-house lots

- (1) This clause applies to land within Zone No 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (g) or 2 (h).
- (2) In this clause, *lot* means a lot occupied or intended to be occupied by a single dwelling-house.
- (3) Land to which this clause applies is not to be subdivided unless each separate lot created:
 - (a) in the case of land within **Zone No 2 (a)**:
 - (i) as to a lot, other than a hatchet-shaped (battleaxe) lot not having frontage to a main road or county road—has an area of not less than 790 square metres and also a width of not less than 18 metres at a distance of 12.2 metres from the street alignment,
 - (ii) as to a lot, other than a hatchet-shaped (battleaxe) lot having frontage to a main road or county road—has an area of not less than 790 square metres and also a width of not less

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than 27.4 metres at a distance of 12.2 metres from the street alignment,

(iii) as to a hatchet-shaped (battleaxe) lot—has an area of not less than 1105 square metres exclusive of the access corridor, which access corridor is to have a width of not less than 4.6 metres,

(b) in the case of land within **Zone No 2 (b)**:

(i) as to a lot, other than a hatchet-shaped (battleaxe) lot not having frontage to a main road or county road—has an area of not less than 836 square metres and also a width of not less than 18 metres at a distance of 12.2 metres from the street alignment,

(ii) as to a lot, other than a hatchet-shaped (battleaxe) lot having frontage to a main road or county road—has an area of not less than 836 square metres and also a width of not less than 27.4 metres at a distance of 12.2 metres from the street alignment,

(iii) as to a hatchet-shaped (battleaxe) lot—has an area of not less than 1170 square metres exclusive of the access corridor, which access corridor is to have a width of not less than 4.6 metres,

(c) in the case of land within **Zone No 2 (c)**:

(i) as to a lot, other than a hatchet-shaped (battleaxe) lot not having frontage to a main road or county road—has an area of not less than 929 square metres and also a width of not less than 18 metres at a distance of 12.2 metres from the street alignment,

(ii) as to a lot, other than a hatchet-shaped (battleaxe) lot having frontage to a main road or county road—has an area of not less than 929 square metres and also a width of not less than 27.4 metres at a distance of 12.2 metres from the street alignment,

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- (iii) as to a hatchet-shaped (battleaxe) lot—has an area of not less than 1300 square metres exclusive of the access corridor, which access corridor is to have a width of not less than 4.6 metres,
- (d) in the case of land within **Zone No 2 (d)** or **2 (e)**:
 - (i) as to a lot, other than a hatchet-shaped (battleaxe) lot not having frontage to a main road or county road—has an area of not less than 929 square metres and also a width of not less than 27.4 metres at a distance of 12.2 metres from the street alignment,
 - (ii) as to a lot, other than a hatchet-shaped (battleaxe) lot having frontage to a main road or county road—has an area of not less than 929 square metres and also a width of not less than 27.4 metres at a distance of 12.2 metres from the street alignment,
 - (iii) as to a hatchet-shaped (battleaxe) lot—has an area of not less than 1300 square metres exclusive of the access corridor, which access corridor is to have a width of not less than 4.6 metres,
- (e) in the case of land within **Zone No 2 (g)**—has an area of not less than 1.012 hectares (10,120 square metres) and a frontage of not less than 36.6 metres,
- (f) in the case of land within **Zone No 2 (h)**:
 - (i) as to a lot, other than a hatchet-shaped (battleaxe) lot not having frontage to a main road or county road—has an area of not less than 650 square metres and also a width of not less than 18 metres at a distance of 12.2 metres from the street alignment,
 - (ii) as to a lot, other than a hatchet-shaped (battleaxe) lot having frontage to a main road or county road—has an area of not less than 650 square metres and also a width of not less than 27.4 metres at a distance of 12.2 metres from the street alignment,

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- (iii) as to a hatchet-shaped (battleaxe) lot—has an area of not less than 1105 square metres exclusive of the access corridor, which access corridor is to have a width of not less than 4.6 metres.
- (4) Land to which this clause applies must not be subdivided for the purpose of dwelling-houses unless each separate lot created has a boundary to a public road.
- (5) This clause does not apply to a subdivision creating two adjoining lots if the dwelling-houses on those lots are lawful because of a consent granted pursuant to *Sydney Regional Environmental Plan No 12—Dual Occupancy* or *State Environmental Planning Policy No 53—Metropolitan Residential Development* before or after the commencement of this clause.

BY AUTHORITY