



New South Wales

Ku-ring-gai Local Environmental Plan No 188

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. (S01/00577/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Ku-ring-gai Local Environmental Plan No 188

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 188*.

2 Aims of plan

This plan aims to convert all imperial (non-metric) standards into metric in the *Ku-ring-gai Planning Scheme Ordinance*.

3 Land to which plan applies

This plan applies to all land within the local government area of Ku-ring-gai under the *Ku-ring-gai Planning Scheme Ordinance*.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Omit paragraph (a) of the definition of *Home industry*. Insert instead:

- (a) the building does not occupy a floor space exceeding 27.9 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by such person,

[2] Clause 36 Consultation

Omit clause 36 (b) and (c). Insert instead:

- (b) the erection of any building or group of buildings to be used wholly or partly as commercial premises where the total floor space in such building or group of buildings exceeds 1,858 square metres,
- (c) the erection of any building or group of buildings to be used wholly or partly as a shop where the total floor space in such building or group of buildings exceeds 1,393.5 square metres,

[3] Clause 43 Minimum size of allotments

Omit clause 43 (1)–(4). Insert instead:

- (1) A dwelling-house shall not be erected in Zone No 2 (a):
 - (a) on any allotment which has an area of less than 790 square metres,
 - (b) on any rectangularly shaped allotment which has a width of less than 18 metres,
 - (c) on any irregularly shaped allotment, other than a hatchet-shaped allotment, which has a width of less than 18 metres at a distance of 12.2 metres from the street alignment,

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- (d) on any hatchet-shaped allotment which has an area of less than 1,105 square metres exclusive of the area of the access corridor which shall have a width of not less than 4.6 metres,
 - (e) on any allotment, other than a hatchet-shaped allotment, having a frontage to a main road or county road which allotment has a width of less than 27.4 metres at a distance of 12.2 metres from the street alignment.
- (2) A dwelling-house shall not be erected in Zone No 2 (b):
 - (a) on any allotment which has an area of less than 836 square metres,
 - (b) on any rectangularly shaped allotment which has a width of less than 18 metres,
 - (c) on any irregularly shaped allotment, other than a hatchet-shaped allotment, which has a width of less than 18 metres at a distance of 12.2 metres from the street alignment,
 - (d) on any hatchet-shaped allotment which has an area of less than 1,170 square metres exclusive of the area of the access corridor which shall have a width of not less than 4.6 metres,
 - (e) on any allotment, other than a hatchet-shaped allotment, having a frontage to a main road or county road which allotment has a width of less than 27.4 metres at a distance of 12.2 metres from the street alignment.
- (3) A dwelling-house shall not be erected in Zone No 2 (c):
 - (a) on any allotment which has an area of less than 929 square metres,
 - (b) on any rectangularly shaped allotment which has a width of less than 18 metres,
 - (c) on any irregularly shaped allotment, other than a hatchet-shaped allotment, which has a width of less than 18 metres at a distance of 12.2 metres from the street alignment,

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- (d) on any hatchet-shaped allotment which has an area of less than 1,300 square metres exclusive of the area of the access corridor which shall have a width of not less than 4.6 metres,
 - (e) on any allotment, other than a hatchet-shaped allotment, having a frontage to a main road or a county road which allotment has a width of less than 27.4 metres at a distance of 12.2 metres from the street alignment.
- (4) A dwelling-house shall not be erected in Zone No 2 (g) on any allotment of land which has an area of less than 10,120 square metres and a frontage to a road of less than 36.6 metres.

[4] Clause 43 (6) and (7)

Omit the subclauses. Insert instead:

- (6) A residential flat building shall not be erected in Zone No 2 (d):
 - (a) on any allotment which has an area of less than 1,208 square metres,
 - (b) on any rectangularly shaped allotment which has a width of less than 24.4 metres,
 - (c) on any irregularly shaped allotment, other than a hatchet-shaped allotment, which has a width of less than 24.4 metres at a distance of 12.2 metres from the street alignment,
 - (d) on any hatchet-shaped allotment which has a width of less than 24.4 metres at the building line, an area of less than 1,672 square metres exclusive of the area of the access corridor which shall have a width of not less than 6.1 metres,
 - (e) on any allotment, other than a hatchet-shaped allotment, having a frontage to a main road or county road which allotment has a width of less than 27.4 metres at a distance of 12.2 metres from the street alignment,
 - (f) to a height exceeding three storeys.
- (7) A residential flat building shall not be erected in Zone No 2 (e):
 - (a) on any allotment which has an area of less than 929 square metres,

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- (b) on any rectangularly shaped allotment which has a width of less than 18 metres,
- (c) on any irregularly shaped allotment, other than a hatchet-shaped allotment, which has a width of less than 18 metres at a distance of 12.2 metres from the street alignment,
- (d) on any hatchet-shaped allotment which has a width of less than 18 metres at the building line, an area of less than 1,300 square metres exclusive of the area of the access corridor which shall have a width of not less than 4.6 metres,
- (e) on any allotment, other than a hatchet-shaped allotment, having frontage to a main road or county road which allotment has a width of less than 27.4 metres at a distance of 12.2 metres from the street alignment,
- (f) to a height exceeding two storeys.

[5] Clause 44

Omit the clause. Insert instead:

44 Hotel and motel

- (1) A hotel shall not be erected on any parcel of land which has an area of less than 9,290 square metres.
- (2) A motel shall not be erected on any parcel of land which has a frontage to a public road of less than 30.5 metres, a width at the building line of less than 30.5 metres and an area of less than 1,858 square metres.

[6] Clause 45

Omit the clause. Insert instead:

45 Liquid fuel depots

A liquid fuel depot having an aboveground storage capacity of 454,600 litres or more of inflammable liquid shall not be established, enlarged or used except with the consent of the responsible authority and the concurrence of the WorkCover Authority.

[7] Clause 47 Restrictions on excavations

Omit “fifty feet”. Insert instead “15.2 metres”.

[8] Clause 50

Omit the clause. Insert instead:

50 Building lines along county and main roads

Notwithstanding any other provision of this Ordinance, a residential building shall not be erected in Zone No 2 (d) or 2 (e) closer than 9.1 metres to a county road or a main road.

[9] Clause 53 Residential flat buildings

Omit clause 53 (1) (a). Insert instead:

- (a) vehicular parking space of an area of not less than 5.5 metres by 2.4 metres for each flat within the building, and

[10] Clause 54 Service stations or car repair stations

Omit clause 54 (1) (a)–(e). Insert instead:

- (a) the site is more than 91.4 metres from the junction or intersection of a county road or a main road with another county road or a main road,
- (b) where the site has frontage to a county road or a main road:
 - (i) the Police Service and the Roads and Traffic Authority have been consulted, and
 - (ii) where the site is not a corner lot the frontage to such road is not less than 38.1 metres or, where the site is a corner lot, the frontage to such road is not less than 30.5 metres,
- (c) where the site has frontage to a road other than a county road or a main road such frontage is not less than 30.5 metres,
- (d) the width of a vehicular crossing over a footpath is not more than 9.1 metres,

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- (e) any vehicular crossing over a footpath is not closer than 6.1 metres to a road intersection,

[11] Clause 54 (2) (b) and (d)

Omit the paragraphs. Insert in appropriate order:

- (b) fuel pumps are within the site and not closer than 3.7 metres to the road alignment,
- (d) vehicular access to or from the site from or to an adjoining road is situated not closer than 24.4 metres to any traffic lights on such road, and

[12] Clause 55 Drive-in theatres

Omit clause 55 (a) and (b). Insert instead:

- (a) a vehicular entrance to or exit from a drive-in theatre shall not be located within 91.4 metres of a county road or a main road,
- (b) within the site of a drive-in theatre there shall be a vehicular driveway, at least 61 metres in length and 21.3 metres in width, leading from the entrance to the site to the ticket office,

[13] Clause 60 Floor space of buildings

Omit clause 60 (2) (c). Insert instead:

- (c) the area of private balconies not enclosed above a height of 1.2 metres from the floor on at least one side.

BY AUTHORITY