



New South Wales

Ku-ring-gai Local Environmental Plan No 220

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

JOHN McKEE, GENERAL MANAGER, KU-RING-GAI COUNCIL
As delegate for the Minister for Planning and Infrastructure

Ku-ring-gai Local Environmental Plan No 220

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Ku-ring-gai Local Environmental Plan No 220*.

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 land known as the former John Williams Memorial Hospital site, being Lot 1, DP 375262, 35 Water Street, Wahroonga, as shown coloured tan, edged heavy black and identified as “E4” on the map marked “Ku-ring-gai Local Environmental Plan No 220—Land Zoning Map” deposited in the office of Ku-ring-gai Council.

Schedule 1 Amendment of Ku-ring-gai Planning Scheme Ordinance

Part 3E

Insert after Part 3D:

Part 3E 35 Water Street, Wahroonga (former John Williams Memorial Hospital site)

26ZS Application of Part

- (1) This Part applies to the land known as the former John Williams Memorial Hospital site, being Lot 1, DP 375262, 35 Water Street, Wahroonga, as shown coloured tan, edged heavy black and identified as “E4” on the Land Zoning Map.
- (2) This Part prevails to the extent of any inconsistency with any other provisions of this Ordinance.

26ZT Interpretation

- (1) In this Part:
Land Zoning Map means the map marked “Ku-ring-gai Local Environmental Plan No 220—Land Zoning Map” deposited in the office of the Council.
- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

26ZU Zone objectives and Land Use Table

- (1) For the purposes of this Part, land is within the zone shown on the Land Zoning Map.
- (2) The Land Use Table at the end of this Part specifies for the zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (3) The consent authority must have regard to the objectives for development in the zone when determining a development application in respect of land within the zone.
- (4) In the Land Use Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition applying for the purposes of this Part) a reference to a type of building or other thing referred to separately in the Table in relation to the zone.
- (5) This clause is subject to the other provisions of this Part.

26ZV Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Ordinance or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

26ZW Subdivision—consent requirements

Land to which this Part applies may be subdivided, but only with development consent.

Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Ordinance or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

26ZX Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,
 - (b) to ensure that lot sizes and dimensions allow development to be sited to protect natural or cultural features, including heritage items, remnant vegetation, habitat and waterways, and provide for generous landscaping to support the amenity of adjoining properties and the desired character of the area.
- (2) This clause applies to a subdivision of any land to which this Part applies that requires development consent and that is carried out after the commencement of this Part.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than 1,500 square metres.
- (4) In addition to subclause (3), development consent must not be granted for a subdivision of land to which this clause applies if the subdivision would result in a lot that is less than 18 metres wide at 12 metres from the street frontage of the lot.
- (5) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

26ZY Height of buildings

- (1) The objective of this clause is to enable development with a built form that is compatible with the size of the land to be developed.
- (2) The maximum height of a building on any land is not to exceed 9.5 metres.

26ZZ Floor space ratio

- (1) The objective of this clause is to enable development with a built form and density compatible with the size of the land to be developed, its environmental constraints and its contextual relationship.
- (2) The maximum floor space ratio for a building on any land is not to exceed $((250 + (0.15 \times \text{site area})) / \text{site area})$: 1.

26ZZA Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Part, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Part, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Part, the carrying on of the home industry must not involve the use of more than 70 square metres of floor area.

(4) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Part, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling.

LAND USE TABLE

ZONE E4 ENVIRONMENTAL LIVING

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To ensure that development does not result in further fragmentation of ecological communities, biodiversity corridors or other significant vegetation or habitat.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation

works; Home-based child care; Home businesses; Home industries;
Recreation areas; Roads; Secondary dwellings

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other
development not specified in item 2 or 3