



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 92
Friday, 28 May 2004

Published under authority by cmSolutions

SPECIAL SUPPLEMENT

NOTICE OF WATER RESTRICTIONS

Sydney Water Act 1994 (NSW)
Sydney Water Regulation 2000 (NSW)

Having regard to the effects of drought, and it being in the public interest for the purpose of maintaining the water supply, **NOTICE** is given in accordance with clause 17(1) of Part 3 of the Sydney Water Regulation 2000 of the following water restrictions in the area of operations of Sydney Water Corporation. The water restrictions which took effect on and from 1 October 2003 are rescinded on and from midnight on 31 May 2004. The water restrictions as contained in this Notice take effect on and from 12am 1 June 2004. The water restrictions remain in force until further notice.

Subject to the exclusions below the following uses of water supplied by Sydney Water Corporation anywhere within its area of operations are not permitted at any time:

- the use of water by sprinklers or other watering systems;
- the use of hoses for the watering of lawns and gardens;
- the hosing of hard surfaces and vehicles; and
- the filling of new or renovated pools greater than 10,000L capacity without a permit issued by Sydney Water.

The following uses are excluded from these restrictions:

- watering of lawns and gardens using a hose held in the hand before 9am or after 5pm on any Wednesday, Friday or Sunday;
- use of drip irrigation systems;
- use of recycled water from non-potable pipework;
- use of water for flushing boat engines and cleaning bilges and associated safety components;
- use of water for the maintenance of public health, firefighting and related activities or any other essential or approved purpose;
- topping up of water in pools to replace water lost through normal use conditions including evaporation.

FRANK SARTOR, M.P.,
Minister for Energy and Utilities
Minister for Science and Medical Research
Minister Assisting the Minister for Health (Cancer)
Minister Assisting the Premier on the Arts



Camden Local Environmental Plan No 134

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00534/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Camden Local Environmental Plan No 134

Camden Local Environmental Plan No 134

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Camden Local Environmental Plan No 134*.

2 Aim of plan

This plan aims to reclassify certain land at Camden South from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Camden, being so much of Lot 547, DP 241403, Lawson Avenue, Camden South as is shown edged heavy black on the map marked "Camden Local Environmental Plan No 134" deposited in the office of Camden Council.

4 Amendment of Camden Local Environmental Plan No 46

Camden Local Environmental Plan No 46 is amended as set out in Schedule 1.

Camden Local Environmental Plan No 134

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 6 Classification and reclassification of public land as operational land

Insert in Columns 1 and 2 of Part 3 in alphabetical order of locality:

Camden South

Lawson Avenue

So much of Lot 547, DP 241403 as is shown edged heavy black on the map marked "Camden Local Environmental Plan No 134".



Cessnock Local Environmental Plan 1989 (Amendment No 102)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00268/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 102)

Cessnock Local Environmental Plan 1989 (Amendment No 102)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 102)*.

2 Aims of plan

The aims of this plan are:

- (a) to reclassify Lot A, DP 420427, Wollombi Road, Bellbird from community land to operational land under the *Local Government Act 1993*, and
- (b) to rezone Lot A, DP 420427 from Zone No 6 (a) Open Space under *Cessnock Local Environmental Plan 1989* to Zone No 2 (a) Residential "A", and
- (c) to amend clause 47A of *Cessnock Local Environmental Plan 1989* by way of law revision.

3 Land to which plan applies

This plan applies to Lot A, DP 420427, Wollombi Road, Bellbird, as shown edged heavy black on the map marked "Cessnock Local Environmental Plan 1989 (Amendment No 102)" deposited in the office of Cessnock City Council.

4 Amendment of Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 1989 is amended as set out in Schedule 1.

Cessnock Local Environmental Plan 1989 (Amendment No 102)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Cessnock Local Environmental Plan 1989 (Amendment
No 102)

[2] Clause 47A Classification and reclassification of public land

Omit “Part 1” from clause 47A (1). Insert instead “Part 1, 2 or 3”.

[3] Schedule 6 Classification and reclassification of public land

Insert in alphabetical order of locality in Part 2:

Bellbird

Wollombi Road

Lot A, DP 420427, as shown edged
heavy black on the map marked
“Cessnock Local Environmental Plan
1989 (Amendment No 102)”.



Fairfield Local Environmental Plan 1994 (Amendment No 93)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00381/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Fairfield Local Environmental Plan 1994 (Amendment No 93)

Fairfield Local Environmental Plan 1994 (Amendment No 93)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 93)*.

2 Aims of plan

The aims of this plan are:

- (a) to utilise the principles of place management in pursuing the objectives for the Bonnyrigg Town Centre detailed in *Fairfield Development Control Plan No 28—Bonnyrigg Town Centre* (as adopted by the Council on 24 February 2004), and
- (b) to secure the vision for Bonnyrigg and general urban design strategies for the Bonnyrigg Town Centre that are set out in Part 3 (Master Plan of the Bonnyrigg Town Centre) of that development control plan, and
- (c) to allow for the establishment of a mix of land uses in certain parts of the Bonnyrigg Town Centre, and
- (d) to accommodate increased residential densities that will help sustain retail and commercial activities in the Bonnyrigg Town Centre and result in increased patronage of public transport facilities, and
- (e) to protect and regenerate the natural environment of the Bonnyrigg Town Centre, incorporating Clear Paddock Creek, a vegetated riparian corridor along either side of that creek and remnant native vegetation, to promote biological linkages between remnant native vegetation and to enhance water quality in that creek, and
- (f) to rezone land to support appropriate uses.

Fairfield Local Environmental Plan 1994 (Amendment No 93)

Clause 3

3 Land to which plan applies

This plan applies to Bonnyrigg Town Centre, as shown edged heavy black on Sheets 1, 2 and 3 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 93)” deposited in the office of Fairfield City Council.

4 Amendment of Fairfield Local Environmental Plan 1994

Fairfield Local Environmental Plan 1994 is amended as set out in Schedule 1.

Fairfield Local Environmental Plan 1994 (Amendment No 93)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 25H

Insert after clause 25G:

25H Bonnyrigg Town Centre

- (1) This clause applies to Bonnyrigg Town Centre, as shown edged heavy black on Sheets 1, 2 and 3 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 93)".
- (2) The objectives for the redevelopment of the Bonnyrigg Town Centre (the *Town Centre*) are as follows:
 - (a) to ensure that Part 3 (Master Plan of the Bonnyrigg Town Centre) of *Fairfield Development Control Plan No 28—Bonnyrigg Town Centre* (as adopted by the Council on 24 February 2004) (the *Town Centre DCP*) is considered by the consent authority before consent is granted to proposed development,
 - (b) to create a clearly defined urban structure for the Town Centre that is sympathetic to the scale and appearance of surrounding areas, integrating the existing public housing estate with surrounding residential areas and featuring clearly defined entrance points to the Town Centre,
 - (c) to allow for a mix of integrated land uses and activities that support the retail, commercial, cultural and social vitality and viability of the Town Centre,
 - (d) to restore the natural setting of Clear Paddock Creek and establish a vegetated riparian corridor along either side of that creek and an off-line stormwater treatment system, promoting opportunities for sustainable biodiversity and biological linkages between areas of remnant native vegetation,
 - (e) to enhance the use and enjoyment of urban spaces and restored open space areas in the Town Centre through landscape design measures,
 - (f) to minimise the potential impacts of flooding, urban waste and stormwater on the Town Centre and surrounding neighbourhoods,

Fairfield Local Environmental Plan 1994 (Amendment No 93)

Amendments

Schedule 1

-
- (g) to create a distinctive landscape character that enhances the image of the Town Centre, incorporating connections to public gathering places in Clear Paddock Creek Park and opportunities for focal points through landscape design, and highlighting the culture of the local community,
 - (h) to promote opportunities for infill development, ensuring that the form, appearance, size and placement of any such development helps to enhance the character of the Town Centre and emphasise the distinctiveness of local cultural environments,
 - (i) to enhance vehicular access and linkages within, and to and from, the Town Centre,
 - (j) to increase opportunities for the provision of, and access to and from, public transport,
 - (k) to improve access within, and to and from, the Town Centre for people with disabilities,
 - (l) to improve pedestrian access and amenity within, and to and from, the Town Centre,
 - (m) to create a pedestrian and cycleway network that:
 - (i) links all surrounding residential areas, public transport interchanges and areas of open space with the Town Centre, and
 - (ii) minimises any potential impact on the natural environment by locating primary pedestrian pathways away from the proposed (or, after its establishment, the existing) vegetated riparian corridor along either side of Clear Paddock Creek and away from areas of remnant native vegetation,
 - (n) to provide sufficient parking, and servicing access, to customers of the Town Centre, ensuring that parking and service areas are accessible to users and managed effectively,
 - (o) to allow development that incorporates a variety of housing, increasing housing choice and flexibility, to accommodate a range of income groups and encourage social diversity.

Fairfield Local Environmental Plan 1994 (Amendment No 93)

Schedule 1 Amendments

-
- (3) Despite the other provisions of this plan, development for the following purposes may be carried out with development consent on land within the Town Centre that is shown by vertical hatching on Sheet 2 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 93)”:
- (a) multi-unit housing,
 - (b) residential flat buildings,
 - (c) two or more of the following, incorporated within the ground or first floors of a building (for example, a residential flat building):
 - (i) business premises,
 - (ii) community facilities,
 - (iii) dwellings,
 - (iv) entertainment facilities,
 - (v) refreshment rooms,
 - (vi) shops.
- (4) Despite the other provisions of this plan, development for the purposes of multi-unit housing may be carried out with development consent on land within the Town Centre that is shown by cross hatching on Sheet 2 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 93)”.
- (5) Development for any of the purposes referred to in subclauses (3) and (4) is required to comply with the height controls detailed in section 5.1.4 of the Town Centre DCP.
- (6) *State Environmental Planning Policy No 1—Development Standards* applies to subclause (5) in the same way as that Policy applies to a development standard.
- (7) Despite the other provisions of this plan, development for the purposes of a bulky goods salesroom or showroom may be carried out with development consent at 685 Smithfield Road (Lot 114, DP 1327), as shown edged heavy black on Sheet 3 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 93)”.
- (8) Before granting consent to the carrying out of any development within the Town Centre, the consent authority must consider the objectives set out in subclause (2) that are of relevance to the proposed development.

Fairfield Local Environmental Plan 1994 (Amendment No 93)

Amendments

Schedule 1

-
- (9) Before granting consent to the carrying out of any development within the Town Centre on a site that is greater than 2,000 square metres, the consent authority must consider a site master plan, unless satisfied that the proposed development is minor.
- (10) For the purposes of subclause (9), a *site master plan* is a document, consisting of written information, maps and diagrams, that:
- (a) demonstrates how the design and configuration of proposed development achieves consistency with the objectives set out in subclause (2) that are of relevance to the proposed development, and
 - (b) includes information about measures to mitigate any environmental impacts of the proposed development, including measures for any of the following that are of relevance to the proposed development:
 - (i) noise attenuation,
 - (ii) flood mitigation and attenuation,
 - (iii) water management,
 - (iv) soil management, and
 - (c) includes information about any measures to enhance the natural environment, including any of the following measures that are of relevance to the proposed development:
 - (i) measures to establish a vegetated riparian corridor along either side of Clear Paddock Creek,
 - (ii) measures to protect or regenerate any remnant native vegetation,
 - (iii) measures to promote biological linkages between remnant native vegetation, and
 - (d) provides details in relation to urban design considerations (such as privacy, security, identified views and the relationship of the proposed development to the public domain), drawn from an analysis of the site and its context, together with an explanation of how the proposed development relates to provisions of the Town Centre DCP, and

Fairfield Local Environmental Plan 1994 (Amendment No 93)

Schedule 1 Amendments

- (e) incorporates information about the staging of the proposed development.
- (11) The consent authority must not consent to the carrying out of development on land within the Town Centre that adjoins an arterial road and would enable vehicular access to or from the land by the arterial road, unless:
 - (a) it is satisfied that there is no other practicable means of vehicular access to or from the land, and
 - (b) it has consulted with the RTA.

[2] Dictionary

Insert in appropriate order in the definition of *Map*:

Fairfield Local Environmental Plan 1994 (Amendment No 93)—Sheets 1 to 3

[3] Dictionary

Insert in alphabetical order:

RTA means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.



Fairfield Local Environmental Plan 1994 (Amendment No 98)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00604/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Fairfield Local Environmental Plan 1994 (Amendment No 98)

Fairfield Local Environmental Plan 1994 (Amendment No 98)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 98)*.

2 Aims of plan

The aims of this plan are:

- (a) to provide for orderly development for the purpose of granny flats in Zone 2 (a) Residential A consistent with the objectives for that zone, and
- (b) to allow for discrete forms of granny flat development in connection with existing and new dwelling houses.

3 Land to which plan applies

This plan applies to all land within the City of Fairfield situated within Zone No 2 (a) Residential A under *Fairfield Local Environmental Plan 1994*.

4 Amendment of Fairfield Local Environmental Plan 1994

Fairfield Local Environmental Plan 1994 is amended as set out in Schedule 1.

Fairfield Local Environmental Plan 1994 (Amendment No 98)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Clause 22G

Insert after clause 22F:

22G Granny flats in Zone 2 (a)

- (1) This clause applies to land within Zone 2 (a).
- (2) Despite the other provisions of this plan, the Council may consent to development for the purpose of a granny flat on any allotment of land, but only if:
 - (a) it is not proposed that the granny flat have a separate title from the dwelling to which it is subordinate (the *principal dwelling*), and
 - (b) in the case of the erection of a new granny flat together with a new principal dwelling—the granny flat is proposed to be located under the same roof as the main part of the principal dwelling.
- (3) The Council must not grant consent under this clause that could result in there being more than one granny flat on an allotment of land.
- (4) Despite the other provisions of this plan, the following requirements apply to development for the purpose of a granny flat:
 - (a) the area of an allotment of land on which a granny flat is erected is to be at least 500 square metres (excluding the area of the access handle in the case of battleaxe allotments),
 - (b) the total area of any impervious areas on the allotment on which a granny flat is erected, including the granny flat, is not to exceed 60% of the total area of the allotment,
 - (c) the gross floor area of the granny flat is not to exceed 50 square metres,
 - (d) the height of a detached granny flat is not to exceed 3.6 metres, as measured from natural ground level to the topmost point of the roof of the granny flat.

Fairfield Local Environmental Plan 1994 (Amendment No 98)

Schedule 1 Amendment

(5) In this clause:

granny flat means a dwelling the use and occupation of which is connected and subordinate to another larger dwelling on the same allotment of land whether physically connected to the other dwelling or not.

impervious area includes any area containing a building, parking area, driveway, swimming pool or paving.

(6) Subclause (2) (b) does not apply to a development application that was made, but not finally determined, before the commencement of *Fairfield Local Environmental Plan 1994 (Amendment No 98)*.



Hawkesbury Local Environmental Plan 1989 (Amendment No 140)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00423/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Hawkesbury Local Environmental Plan 1989 (Amendment No 140)

Hawkesbury Local Environmental Plan 1989 (Amendment No 140)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 140)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone No 3 (b) (Business Special) to Zone No 2 (a) (Residential "A") under *Hawkesbury Local Environmental Plan 1989*, and
- (b) to rezone part of the land to which this plan applies from Zone No 3 (b) (Business Special) to Zone No 3 (a) (Business General) under that plan, and
- (c) to rezone part of the land to which this plan applies from Zone No 3 (b) (Business Special) to Zone No 4 (b) (Industry Light) under that plan, and
- (d) to allow, with the consent of Hawkesbury City Council, a limited range of service shops on land within Zone No 4 (a) (Industry General) and Zone No 4 (b) (Industry Light) under that plan, and
- (e) to allow, without the consent of Hawkesbury City Council:
 - (i) development for the purposes of certain commercial premises and shops on land within Zone No 3 (b) (Business Special) under that plan, and
 - (ii) recreation areas on land classified as community land in the City of Hawkesbury.

3 Land to which plan applies

- (1) To the extent that this plan rezones land to Zone No 2 (Residential "A"), it applies to Lot 1, DP 1012497, 63 Bells Line of Road, North Richmond, as shown distinctly coloured and lettered "2 (a)" on

Sheet 1 of the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 140)” deposited in the office of Hawkesbury City Council.

- (2) To the extent that this plan rezones land to Zone No 3 (a) (Business General), it applies to:
 - (a) Part Lot 2 DP 624109, 1349 Bells Line of Road, Kurrajong Heights, as shown distinctly coloured and lettered “3 (a)” on Sheet 2 of that map, and
 - (b) Lot 20, DP 832826, 9 Bells Line of Road, and Lot 21, DP 832826, 13 Bells Line of Road, North Richmond, as shown distinctly coloured and lettered “3 (a)” on Sheet 3 of that map, and
 - (c) certain land, being land located in Windsor and Richmond, as shown distinctly coloured and lettered “3 (a)” on Sheets 4 and 5 of that map, and
 - (d) certain land, being land located in South Windsor, as shown distinctly coloured and lettered “3 (a)” on Sheet 6 of that map.
- (3) To the extent that this plan rezones land to Zone No 4 (b) (Industry Light), it applies to certain land, being land located on Windsor Road, between Groves Avenue and Park Road South, Mulgrave, as shown distinctly coloured and lettered “4 (b)” on Sheet 7 of that map.
- (4) To the extent that this plan allows the carrying out of development for a limited range of service shops, it applies to all land in Zone No 4 (a) (Industry General) and Zone No 4 (b) (Industry Light) under *Hawkesbury Local Environmental Plan 1989*.
- (5) To the extent that this plan allows the carrying out of development for the purposes of certain commercial premises and shops, it applies to all land in Zone No 3 (b) (Business Special) under *Hawkesbury Local Environmental Plan 1989*.
- (6) To the extent that this plan allows the carrying out of development for recreation areas, it applies to all land within the City of Hawkesbury that is classified as community land under the *Local Government Act 1993*.

4 Amendment of Hawkesbury Local Environmental Plan 1989

Hawkesbury Local Environmental Plan 1989 is amended as set out in Schedule 1.

Hawkesbury Local Environmental Plan 1989 (Amendment No 140)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert at the end of the definition of *the map* in clause 5 (1):

Hawkesbury Local Environmental Plan 1989 (Amendment No 140)

[2] Clauses 51, 52 and 53

Insert after clause 50:

51 Service shops in industrial zones

- (1) Despite the other provisions of this plan, development may be carried out, with the consent of the Council, on land within Zone No 4 (a) or 4 (b) for the purpose of service shops that are primarily intended to serve people employed or engaged in activities that are permitted in either of those zones.
- (2) In this clause, *service shops* means banks, chemist shops, dry-cleaning establishments, hairdressing salons, newsagencies, photographic outlets, post offices and takeaway food outlets.

52 Development for the purpose of certain commercial premises or shops on land within Zone No 3 (b)

- (1) This clause applies to land within Zone No 3 (b).
- (2) Despite the other provisions of this plan, a person may, without the consent of the Council, carry out development for the purposes of business special commercial premises or business special shops on the land to which this clause applies.
- (3) In this clause:

business special commercial premises means commercial premises with a gross floor area of 1,000 square metres or less.

business special shop means a shop with a gross floor area of 200 square metres or less.

gross floor area does not include any public amenities, public parking or loading areas.

Hawkesbury Local Environmental Plan 1989 (Amendment No 140)

Amendments

Schedule 1

53 Recreation areas on land classified as community land

Development for the purpose of recreation areas may be carried out, in accordance with the plan of management applying to the land and without consent of the Council, on land classified as community land under the *Local Government Act 1993*.



Ku-ring-gai Local Environmental Plan No 194

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S95/01707/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Ku-ring-gai Local Environmental Plan No 194

Ku-ring-gai Local Environmental Plan No 194

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 194*.

2 Aim of plan

This plan aims to rezone land to facilitate the development of multi-unit housing and increase housing choice.

3 Land to which plan applies

This plan applies to the land in the vicinity of the Railway/Pacific Highway corridor and the St Ives Centre, being the land shown edged heavy red on the map marked “Ku-ring-gai Local Environmental Plan No 194—Zoning Map” held at the office of Ku-ring-gai Council.

4 Relationship to other environmental planning instruments

This plan amends:

- (a) the *Ku-ring-gai Planning Scheme Ordinance* as set out in Schedule 1, and
- (b) *State Environmental Planning Policy No 53—Metropolitan Residential Development* by inserting at the end of clause 4:
 - (2) However, this Policy does not apply to the land within the area of Ku-ring-gai shown edged heavy red on the map marked “Ku-ring-gai Local Environmental Plan No 194—Zoning Map” held in the office of Ku-ring-gai Council.

Ku-ring-gai Local Environmental Plan No 194

Clause 5

5 Saving of certain development applications

State Environmental Planning Policy No 53—Metropolitan Residential Development applies to a development application made but not finally determined before the commencement of this plan as if this plan had not been made.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4 (a))

[1] Clause 4 Definitions

Insert at the end of the definition of *Scheme map* in clause 4 (1):

Ku-ring-gai Local Environmental Plan No 194—Zoning Map

[2] Clause 23 Development control table

Insert after the matter relating to Zone No 2 (c) in the Table to the clause:

(c1) Residential "C1" Light scarlet with dark red edging and lettered 2 (c1)	Exempt development referred to in clause 24 of this Ordinance and Schedule 1 to DCP 46.	Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: boarding-houses; drainage; dwelling-houses; educational establishments; family flats; home occupations; hospitals; open space; places of public worship; professional consulting rooms; roads; utility installations (other than generating works or gas holders). Subdivision of land.	Any development other than that permitted by Column 2 or 3.
---	---	--	--

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

<p>(c2) Residential "C2" Light scarlet with dark red edging and lettered 2 (c2)</p>	<p>Exempt development referred to in clause 24 of this Ordinance and Schedule 1 to DCP 46.</p>	<p>Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: apartment conversions; attached dual occupancies; boarding-houses; detached dual occupancies; drainage; dwelling-houses; educational establishments; family flats; home occupations; hospitals; open space; places of public worship; professional consulting rooms; roads; utility installations (other than generating works or gas holders). Subdivision of land.</p>	<p>Any development other than that permitted by Column 2 or 3.</p>
--	--	---	--

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

[3] Clause 23, Table

Insert after the matter relating to Zone No 2 (d):

(d3) Residential "D3" Light scarlet with dark red edging and lettered 2 (d3)	Exempt development referred to in clause 24 of this Ordinance and Schedule 1 to DCP 46.	Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: attached dual occupancies; boarding-houses; detached dual occupancies; drainage; dwelling-houses; educational establishments; family flats; home occupations; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; roads; townhouses; utility installations (other than generating works or gas holders); villas. Subdivision of land.	Any development other than that permitted by Column 2 or 3.
---	---	--	--

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

[4] Part 3A

Insert after clause 25:

Part 3A Rail Corridor and St Ives Centre

Division 1 Land to which Part 3A applies

25A Land to which this Part applies

This Part applies to the land in the vicinity of the North Shore Railway/Pacific Highway corridor and the St Ives Centre, as shown edged heavy red on the map marked “Ku-ring-gai Local Environmental Plan No 194—Zoning Map” held in the office of the Council.

Division 2 Definitions of terms used in Part 3A

25B Definitions

In this Part and the matter relating to Zones Nos 2 (c1), 2 (c2) and 2 (d3) in the Table to clause 23:

access handle means a strip of land that provides access from an allotment to a street or other public land, whether or not the strip forms part of the allotment.

apartment conversion means the creation of a residential flat building containing not more than 4 dwellings within an existing dwelling-house, where the residential flat building maintains the appearance of a single house in a garden setting that is common to all dwellings in the building.

attached dual occupancy means dual occupancy where the two dwellings are within one building.

attached small dwelling means a dwelling that:

- (a) is attached to another larger dwelling as a result of its being added to, or being constructed wholly or partly within the built form of, an existing dwelling-house, and
- (b) has a total floor space area of not more than 50 square metres, and
- (c) together with the other dwelling, maintain the appearance of a single dwelling-house, and

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

(d) does not have a separate land title.

building footprint means the total maximum extent of the two dimensional area of the plan view of a building including all levels, but excluding any part of the building below ground and minor ancillary structures such as barbeques, letterboxes and pergolas.

built upon area means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hardsurface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

Note. Any underground structure such as an on-site detention system or tank is not exempt from the built upon area calculation. Underground tanks should not be provided within areas suitable for landscaping and are encouraged to be provided, for example, under a driveway or car park, being an area which would normally be included as part of the built upon area.

deep soil landscaping means a part of a site area that:

- (a) is not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to 1metre wide), and
- (b) is not used for car parking.

Detached Dual Occupancies Map means the map marked “Ku-ring-gai Local Environmental Plan No 194—Detached Dual Occupancies Map” held in the office of the Council.

detached dual occupancy means two detached dwelling-houses on one allotment. Two dwellings connected by means only of a carport, breezeway, trellis or the like are taken to be detached dwelling-houses for the purposes of this definition.

dwelling means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

Dwelling-house Subdivisions Map means the map marked “Ku-ring-gai Local Environmental Plan No 194—Dwelling-house Subdivisions Map” held in the office of the Council.

ecologically sustainable development has the same meaning as in the *Local Government Act 1993* and includes the following:

- (a) conservation of natural resources,

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

-
- (b) optimisation of the use of natural features,
 - (c) optimisation of energy efficiency,
 - (d) maintenance or improvement of air, water and soil quality,
 - (e) reduction of car dependence, and
 - (f) waste avoidance and minimisation, and cleaner production.

family flats means two dwellings on one site where one dwelling is an attached small dwelling.

floor space ratio of a building means the ratio of the gross floor area of the building to the site area.

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the inner faces of the external enclosing walls, as measured at a height of 1,400 millimetres above each floor level, but excluding:

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external walls, and
- (b) lift towers, cooling towers, machinery and plant rooms, and air conditioning and ventilation ducts, and
- (c) ancillary car parking and any associated internal designated vehicular and pedestrian access thereto, and
- (d) space for loading and unloading of goods, and
- (e) internal public areas, such as arcades, atria and thoroughfares, terraces and balconies with outer walls less than 1,400 millimetres high.

ground level means the natural level of the ground before the erection of any building or the carrying out of any work.

manageable housing means housing in accordance with Class C—Adaptable Housing Features as set out in Australian Standard AS 4299—1995—*Adaptable housing* and must contain a bedroom, kitchen, dining area and bathroom on the ground floor or, where not on the ground floor, on a level to which lift access is provided.

multi-unit housing means three or more dwellings on one allotment, whether attached or not.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

perimeter ceiling height means the vertical distance measured between ground level at any point and the topmost point of any ceiling where it meets, or where a horizontal projection of the ceiling would meet, any external or enclosing wall of the building.

residential flat building means a building containing three or more dwellings.

site area, in relation to proposed development, means the areas of land to which an application for consent to carry out the development relates, excluding the area of any access handle.

site coverage means the proportion of the building footprint to the site area, expressed as a percentage.

site slope means the proportion, expressed as a percentage, of the vertical difference in levels between the highest and lowest points of the ground level at the outer edge of the building footprint of proposed development to the horizontal distance between those same two points.

townhouse means a dwelling included in multi-unit housing, being a dwelling that has a separate entrance door accessible from an outside area and a private courtyard area at a level the same as, or similar to, the floor level of the dwelling.

villa means a townhouse which has only one storey.

Division 3 Aims and objectives

25C Aims and objectives of Part 3A

- (1) The aims of this Part are as follows:
 - (a) to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai,
 - (b) to encourage orderly development of land and resources in Ku-ring-gai,
 - (c) to encourage environmental, economic, social and physical well-being so that Ku-ring-gai continues to be an enjoyable place to live in harmony with the environment.
- (2) The objectives of this Part are as follows:
 - (a) to provide increased housing choice,

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

-
- (b) to encourage the protection of the natural environment of Ku-ring-gai, including biodiversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce and mitigate adverse impacts of development on natural areas,
 - (c) to achieve high quality urban design and architectural design,
 - (d) to achieve development of Ku-ring-gai with regard to the principles of ecologically sustainable development,
 - (e) to ensure that development for the purpose of residential flat buildings on land within Zone No 2 (d3) has regard to its impact on any heritage items in the vicinity of that development,
 - (f) to encourage use of public transport, walking and cycling,
 - (g) to achieve a high level of residential amenity in building design for the occupants of buildings through sun access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.

25D Consideration of residential zone objectives and impact on heritage

(1) Heads of consideration for consent authority

Consent must not be granted to any development of land to which this Part applies unless the consent authority has had regard to:

- (a) the objectives for residential zones set out in this clause, and
- (b) if the application is for consent for a residential flat building in Zone No 2 (d3), a statement describing the extent, if any, to which carrying out the proposed development would affect the heritage significance of any heritage item in the vicinity of the subject land.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

(2) Objectives for residential zones

The objectives for residential zones are as follows:

- (a) to provide rear setbacks that ensure rear gardens are adjacent to rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the objectives of this Part,
- (b) to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out,
- (c) to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,
- (d) to minimise adverse impacts of car parking on landscape character,
- (e) to provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so the tree canopy will be in scale with the built form,
- (f) to encourage the planting of tree species that are endemic to Ku-ring-gai,
- (g) to require on-site detention for stormwater for all new development and refurbishment of existing housing so as to avoid excessive run-off and adverse impacts on natural watercourses, and to preserve the long-term health of tall trees and promote natural absorption,
- (h) to encourage water sensitive urban design,
- (i) to encourage the protection and enhancement of open watercourses,
- (j) to have regard for bushfire hazard,
- (k) to ensure sunlight access to neighbours and to provide sunlight access to occupants of new buildings,
- (l) to encourage safety and security of the public domain by facing windows and building entries to the street,

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

-
- where appropriate, and windows to open spaces in order to maximise casual surveillance opportunities,
- (m) to encourage safety and security of private development by requiring a high standard of building design and landscape design,
 - (n) to encourage the provision of housing for seniors and people with disabilities by prescribing appropriate standards for new development,
 - (o) to encourage the protection of the environmental qualities of the area by limiting the range of permissible residential uses and to allow a limited range of compatible non-residential uses in certain zones,
 - (p) to allow attached dual occupancies only on compliance with defined criteria and only where they are consistent with or enhance the character of the streetscape and its setting,
 - (q) to provide for waste management (including provision for garbage storage and collection) consistent with the objectives of this Part,
 - (r) to ensure that adequate provision of storage is made for residential development,
 - (s) to encourage the retention and expansion of bicycle infrastructure.

Division 4 Controls on development

25E Dual occupancies and multi-unit housing on land to which this Part applies

- (1) Consent may be granted to development for the purpose of an attached dual occupancy, a detached dual occupancy, a residential flat building, three or more townhouses or villas or any other form of multi-unit housing on land to which this Part applies only if the land has an area of at least 1,200 square metres.
- (2) In addition, consent may be granted to development for the purpose of a detached dual occupancy only on land shown coloured yellow on the Detached Dual Occupancies Map.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

25F Dual occupancies in Zone No 2 (c2)

- (1) The objectives of this clause are as follows:
 - (a) to give effect to the objectives for residential zones, while permitting detached and attached dual occupancy in limited circumstances,
 - (b) to nominate locations for detached dual occupancy,
 - (c) to ensure new attached dual occupancy has the appearance of a single dwelling in a single garden.
- (2) Consent may be granted to development for the purpose of a detached dual occupancy in Zone No 2 (c2) only if the total floor space ratio after the development has been carried out will be not greater than 0.4:1.
- (3) Consent may be granted to development for the purpose of an attached dual occupancy in Zone No 2 (c2), but only if:
 - (a) the site was occupied by a single dwelling-house on 28 March 2000 and when the development application is made, and
 - (b) the attached dual occupancy will be achieved by carrying out alterations or additions, or both, to the existing dwelling-house, and
 - (c) no more than 15% of the existing total floor space area of the existing dwelling-house will be demolished and the proposed development will result in not more than a 15% increase in the total floor space area over that of the existing dwelling-house as at 28 March 2000.

25G Apartment conversions in Zone No 2 (c2)

- (1) The objectives of this clause are:
 - (a) to encourage the retention of high quality large residential dwellings along the Pacific Highway, and
 - (b) to maintain the appearance of such dwellings as single houses set in landscaped grounds.
- (2) Consent may be granted to apartment conversions in Zone No 2 (c2) only if:
 - (a) the site has a frontage to the Pacific Highway, and
 - (b) the site area is not less than 1,500 square metres, and

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

-
- (c) the site was occupied by a single dwelling-house on 28 March 2000 and when the development application is made (except where an apartment conversion has already been carried out on the site pursuant to this clause), and
 - (d) no more than 15% of the existing total floor space area of the existing dwelling-house will be demolished and the proposed development will result in not more than a 15% increase in the total floor space area over that of the existing dwelling-house as at 28 March 2000, and
 - (e) the built upon area is not increased by more than 10% of that which exists or to more than 40% of the site area, whichever is the lesser, and
 - (f) on-site car parking can be provided in accordance with other requirements for development within Zone No 2 (c2) (being requirements relating to landscaped area, setbacks and protection of trees).
- (3) Strata subdivision of a lot containing a residential flat building that has been created pursuant to this clause may be carried out, but only with development consent.

25H Subdivision in the residential zones

- (1) The objectives of this clause are as follows:
 - (a) to set minimum lot areas that reflect previous minimum lot sizes,
 - (b) to set minimum lot areas and minimum street frontage lot widths that provide for development to occur in a garden setting by substantial setbacks to enable long-term sustainability of trees,
 - (c) to permit the subdivision of multi-unit housing,
 - (d) to provide for substantial common landscaped area to encourage good streetscape quality and areas for trees for each development.
- (2) Land to which this Part applies may be subdivided, but only with development consent.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

-
- (3) If land to which this Part applies is subdivided:
- (a) lots created for the purpose of dwelling-houses are to each have at least the area specified as the “Minimum Lot Sizes” for the relevant land on the Dwelling-house Subdivisions Map, and
 - (b) the only land on which a detached dual occupancy is situated that may be subdivided to create separate titles for the two dwellings comprising the detached dual occupancy is shown coloured yellow on the Detached Dual Occupancies Map, and
 - (c) each of the allotments occupied by a dwelling that formed part of a detached dual occupancy is to have a site area of at least 550 square metres.
- (4) Where development listed in Column 1 of the Table to this subclause is permissible in a zone, a subdivision of land (excluding strata subdivision or a neighbourhood subdivision) to create a lot to be used for that development must not result in an allotment with a street frontage less than the minimum street frontage specified for the development in Column 2 of that Table:

Table**Minimum street frontages**

Column 1	Column 2
Development for the purpose of:	Minimum street frontage width
Dwelling-houses	18 metres
Detached dual occupancy	18 metres
Attached dual occupancy	Not applicable
Residential flat buildings, townhouses and villas	23 metres

- (5) Without limiting the other provisions of this clause, consent may be given to subdivision of, or to create, battle-axe allotments.

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

Division 5 Further controls

251 Site requirements and development standards for multi-unit housing

(1) Heads of consideration for consent authority

Before granting consent to development for the purpose of multi-unit housing on land to which this Part applies, the consent authority must take into account the following:

- (a) the desirability to provide a high proportion of deep soil landscape to the site area,
- (b) the impact of any overshadowing, and any loss of privacy and loss of outlook, likely to be caused by the proposed development,
- (c) the desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,
- (d) the environmental features that are characteristic of the zone in which the site is situated by requiring sufficient space on-site for effective landscaping,
- (e) the desirability of adequate landscaping so that the built form does not dominate the landscape,
- (f) how the principles of water cycle management can be applied to limit the impacts of runoff and stormwater flows off site.

(2) Minimum standards for deep soil landscaping

The following standards relating to deep soil landscaping apply to multi-unit housing:

- (a) deep soil landscaping with a minimum width of 2 metres is to be provided on the site area,
- (b) a site with an area of less than 1,800 square metres is to have deep soil landscaping for at least 40% of the site area,
- (c) a site with an area of 1,800 square metres or more is to have deep soil landscaping for at least 50% of the site area.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

(3) **Minimum street frontages**

The standards for street frontages set out in the Table to this subclause apply to a site used for the purpose of multi-unit housing:

Table

Minimum street frontages

Site area	Minimum street frontage
1,800 square metres or more	30 metres
1,200 square metres or more but less than 1,800 square metres	23 metres

(4) **Multi-unit housing on smaller sites**

Despite clause 25E, multi-unit housing may be carried out within Zone No 2 (d3) on a site that has a site area of less than 1,200 square metres, or a street frontage of less than 23 metres, if the proposed development complies with all other requirements of this Ordinance.

(5) **Maximum number of storeys**

Buildings on land to which this Part applies are not to have more storeys than allowed by the Table to this subclause.

Table

Maximum number of storeys

Site area	Maximum number of storeys
Less than 1,800m ²	3
1,800m ² or more but less than 2,400m ²	4
2,400m ² or more	5

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

(6) **Maximum site coverage**

Buildings of a kind described below are not to occupy a greater percentage of the site area than is specified below for the kind of buildings. If a site is comprised of land in Zone No 2 (d3) and other land, the other land is not to be included in calculating site area.

Residential flat buildings—35%,

Townhouses—40%,

Villas—50%,

Combination of townhouses and villas—50%.

(7) **Limit on floor area of top storey**

In Zone No 2 (d3), where the maximum number of storeys permitted is attained, then the floor area of the top storey of a residential flat building of 3 storeys or more is not to exceed 60% of the total floor area of the storey immediately below it.

(8) **Maximum number of storeys and ceiling height**

Subject to subclause (5) and clause 25K, buildings on land to which this Part applies are not to have:

- (a) more storeys than the maximum number of storeys specified in Column 2 of the Table to this subclause, or
- (b) given the number of storeys in the building, a perimeter ceiling height greater than that specified in Column 3 of that Table.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

Table**Maximum number of storeys and ceiling height**

Column 1	Column 2	Column 3	
Zone	Maximum number of storeys	Calculation of maximum perimeter ceiling height	
	Number of storeys in a building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	Number of storeys in building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	Maximum perimeter ceiling height of building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)
2 (c1) and 2 (c2)	2	1 2	4.5 metres 7.2 metres
2 (d3)	4	1 2 3 4	4.5 metres 7.2 metres 10.3 metres 13.4 metres

- (9) Any storey which is used exclusively for car parking, storage or plant, or a combination of them, in accordance with the requirements of this Ordinance and no part of which (including any wall or ceiling which encloses or defines the storey) is more than 1.2 metres above ground level, is not to be counted as a storey for the purposes of the Table to subclause (8).

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

(10) **Excavation near Epping–Chatswood Rail Tunnel**

Before consent is granted for any substantial excavation of a site to accommodate basement levels in proximity to the Epping–Chatswood Rail Tunnel, the consent authority must consider an assessment of the likely effect of the excavation, and of the rail tunnel and its use, on:

- (a) the proposed excavation, and
- (b) the likely subsequent use of the land on which the excavation is proposed.

25J Car parking

- (1) Before granting consent to residential development on land to which this Part applies, the consent authority must take into account the following:
 - (a) the proximity of multi-unit housing zones to rail station centres and major bus routes along Mona Vale Road serving the St Ives Centre,
 - (b) the desirability of encouraging use of public transport,
 - (c) that the impact of car parking on the natural ground area of multi-unit housing lots should be minimised and the need to provide sufficient deep soil landscaping for trees and their long-term sustainability,
 - (d) that the visual impact of car parking both from the street and from other land (private or public) should be minimised.
- (2) Consent must not be granted to development that will result in more than one dwelling on a site unless:
 - (a) at least one car space is provided per dwelling and, if the site is not within 400 metres of a pedestrian entry to a railway station, one additional car space is provided for each dwelling with 3 or more bedrooms, and
 - (b) at least one additional visitor car space is provided for every 4 dwellings, or part thereof, that will be on the site.
- (3) All car parking provided must not be open air car parking unless it is for visitors, in which case it must be constructed with water-permeable paving unless the paving is directly above part of the basement.

Ku-ring-gai Local Environmental Plan No 194

Schedule 1 Amendments

25K Steep slope sites

Consent may be granted to a building on a site with a site slope greater than 15% that would:

- (a) exceed the number of storeys controls in clause 25I (8) by only one storey for up to 25% of the building footprint, or
- (b) exceed the height controls in clause 25I (8), but only by up to 3 metres for up to 25% of the building footprint, or
- (c) take advantage of the concessions conferred by both paragraphs (a) and (b), but only for up to the same 25% of the building footprint.

25L Zone interface

- (1) The objective of this clause is to provide a transition in the scale of buildings between certain zones.
- (2) The third and fourth storey of any building on land within Zone No 2 (d3) must be set back at least 9 metres from any boundary of the site of the building with land (other than a road) that is not within Zone No 2 (d3).
- (3) Landscaping required to screen development from any adjoining property must be provided on the site and must not rely on landscaping on the adjoining property.

25M Non-discretionary development standards for residential flat buildings in Zone No 2 (d3)

Pursuant to section 79C (6) (b) of the Act, the development standards for number of storeys, site coverage, landscaping and building set back that are set by this Part are identified as non-discretionary development standards for development for the purpose of a residential flat building on land within Zone No 2 (d3).

25N Manageable housing**(1) Objectives**

The objectives of this clause are:

- (a) to increase the housing choice for seniors and people with disabilities, and
- (b) to encourage ageing in place.

Ku-ring-gai Local Environmental Plan No 194

Amendments

Schedule 1

(2) **Requirement for manageable housing**

Consent must not be granted to development for the purpose of multi-unit housing in Zone No 2 (d3) unless:

- (a) at least one dwelling comprises manageable housing for each 10 dwellings (or part thereof) comprising the multi-unit housing, and
- (b) wheelchair access is provided to all dwellings comprising the manageable housing.

(3) **Requirement for lifts**

A lift must be provided in all multi-unit housing of more than 3 habitable storeys in Zone No 2 (d3).



North Sydney Local Environmental Plan 2001 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (s03/02872/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 14)

North Sydney Local Environmental Plan 2001 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 14)*.

2 Aims of plan

The aims of this plan are:

- (a) to remove reference to the land to which this plan applies from Schedule 9 (Local open space reservations) of *North Sydney Local Environmental Plan 2001 (the principal plan)*, and
- (b) to rezone the land to which this plan applies to the Residential C Zone under the principal plan, and
- (c) to amend, in relation to the land to which this plan applies, the foreshore building line and the line of the foreshore depicted on the zoning map supporting the principal plan.

3 Land to which plan applies

This plan applies to land known as No 1 Bayview Street and Nos 23, 25 and 33 East Crescent Street, McMahons Point, as shown distinctly coloured and edged heavy black on the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 14)", deposited at the office of North Sydney Council.

4 Amendment of North Sydney Local Environmental Plan 2001

North Sydney Local Environmental Plan 2001 is amended as set out in Schedule 1.

North Sydney Local Environmental Plan 2001 (Amendment No 14)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 2 Definitions

Insert in appropriate order in the definition of *map*:

North Sydney Local Environmental Plan 2001 (Amendment
No 14)

[2] Schedule 9 Local open space reservations

Omit the matter relating to No 1 Bayview Street and Nos 23, 25 and 33
East Crescent Street, McMahons Point.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**DIRECTION UNDER SECTION 117(2)**

Under s.117(2) of the *Environmental Planning and Assessment Act 1979*, I, the Minister for Infrastructure and Planning hereby:

1. revoke Ministerial Direction G9 Residential zones, made under s.117(2) of the *Environmental Planning and Assessment Act 1979*; and
2. direct each council identified in Schedule 1, to exercise its functions under Division 4 and 5 of Part 3 of the *Environmental Planning and Assessment Act 1979* in relation to the preparation of draft local environmental plans in accordance with the principles specified in Schedule 2 (the Direction).

The Direction shall be known as General Direction "G9 Residential zones No. 2".

The Hon. CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
Minister for Natural Resources

Dated: 24 May 2004.

SCHEDULE 1

All councils in New South Wales except those areas to which the North Coast Regional Environmental Plan, the Hunter Regional Environmental Plan, Illawarra Regional Environmental Plan No. 1 and the Lower South Coast Regional Environmental Plan No. 2 apply.

SCHEDULE 2

G9 Residential zones No. 2

- (i) Draft local environmental plans shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).
- (ii) Draft local environmental plans shall retain existing provisions enabling a dwelling house to be erected on an existing allotment.
- (iii) Provisions in environmental planning instruments relating to the minimum lot size for a dwelling house shall not be increased in draft local environmental plans.
- (iv) Draft local environmental plans which zone land for residential purposes:
 - (a) shall not contain provisions which will result in a reduction of the permissible residential density on any land to which the plan applies, unless such a reduction is in accordance with a strategy approved by the Director-General. (Such a strategy must demonstrate there will be no overall reduction in residential densities within the council area); and
 - (b) shall as much as is practicable and compatible with the environmental quality of the area, provide for a variety of housing forms and increase the permissible residential density on the land.
- (v) Draft local environmental plans shall not increase existing standards relating to residential flat development (except in rural regions, where justified by an environmental study).
- (vi) Draft local environmental plans in the Sydney region shall retain provisions to allow dual occupancy of dwelling houses; in other regions, draft local environmental plans may include such provisions.

ISSN 0155-6320

Authorised to be printed
R. J. MILLIGAN, Government Printer.