



New South Wales

Ku-ring-gai Local Environmental Plan No 182

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*. (S01/01942/PC)

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

2005 No 290

Clause 1 Ku-ring-gai Local Environmental Plan No 182

Ku-ring-gai Local Environmental Plan No 182

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 182*.

2 Aim of plan

The aim of this plan is to permit the land at 14–18 Coonanbarra Road, Wahroonga, to be redeveloped as residential flat buildings that sit harmoniously in their setting and to rezone Archdale Park to open space to reflect its role as a recreation area. Further aims are as outlined in Schedule 1 to this plan in the amendments to the *Ku-ring-gai Planning Scheme Ordinance*.

3 Land to which plan applies

This plan applies to the land at Nos 14–18 Coonanbarra Road, Wahroonga (being lot 24 in DP 2666, lot 1 in DP 726103 and lot C in DP 369438) and to Archdale Park, Neringah Avenue South, Wahroonga (being lot B in DP 369438), which is shown coloured light scarlet with dark red edging and lettered “2 (d)” and coloured dark green, respectively, on the map marked “Ku-ring-gai Local Environmental Plan No 182” held at the office of Ku-ring-gai Council.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Definitions

Insert in appropriate order in the definition of *Scheme map* in clause 4 (1):
 Ku-ring-gai Local Environmental Plan No 182

[2] Part 3B

Insert after clause 25N:

Part 3B 14–18 Coonanbarra Road and Archdale Park, Wahroonga

25O What land is affected by this Part of the Ordinance?

This Part of the Ordinance applies to the land at Nos 14–18 Coonanbarra Road, Wahroonga (being lot 24 in DP 2666, lot 1 in DP 726103 and lot C in DP 369438) and to Archdale Park, Neringah Avenue South, Wahroonga (being lot B in DP 369438), which is shown coloured light scarlet with dark red edging and lettered “2 (d)” and coloured dark green, respectively, on the map marked “*Ku-ring-gai Local Environmental Plan No 182*” held in the office of the Council.

25P What is Council’s vision for this land?

Council’s vision for Archdale Park is continuation of its role as an open space recreation area for residents and visitors to Ku-ring-gai, with this role formalised through the rezoning proposed by *Ku-ring-gai Local Environmental Plan No 182*.

Council’s vision for Nos 14–18 Coonanbarra Road is a site in which vegetation, especially in the form of tall trees, is the dominant impression when viewed from Coonanbarra Road and the town centre opposite. Council envisages a future development of the site in which new buildings are softened and screened from adjoining sites by vegetation located in sizeable setbacks along side and rear boundaries. Council’s preferred built form for the site is two apartment buildings which appear as 3 storeys but which may also accommodate additional floorspace unobtrusively in an attic style arrangement within roof space. Council prefers the creation of human scaled, climatically responsive dwellings that are comfortable to live in without the need for artificial heating or cooling. Council envisages a development outcome in which surrounding residences retain

2005 No 290

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

current levels of privacy and access to sunlight and residents of new development may provide informal surveillance of Archdale Park and the pedestrian walkway to enhance the safety of these public spaces.

25Q Definitions

In this Part:

attic means a storey:

- (a) comprising space at one level only wholly contained within the roof space (except for any dormer or clerestory windows which may project above the roof) of, and forming part only of, a dwelling, and
- (b) where the pitch of the roof creating the space does not exceed 35 degrees from the horizontal, and
- (c) where the total floor space area of the storey comprising the attic does not exceed 60% of the total floor space area of the storey immediately below the attic, and
- (d) which does not have any balcony, terrace or the like.

building footprint means the total maximum extent of the two dimensional area of the plan view of a building including all levels and including any part of the building below ground.

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

- (a) is not occupied by structure whatsoever, whether below or above the surface of the ground (except for paths up to 1 metre wide), and
- (b) is at least 2 metres wide, and
- (c) is not used for car parking.

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.

ecologically sustainable development has the meaning of that term in the *Local Government Act 1993* and includes the following:

- (a) conservation of natural resources,
- (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.

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

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

manageable housing is 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.

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 any land on which the development is not permitted under any environmental planning instrument and excluding the area of any access handle.

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

special qualities of Ku-ring-gai include:

- (a) its natural features, such as steep terrain, ridge tops dominated by trees and rich shale soils, and
- (b) its tall tree character, and especially the Blue Gum High Forests and Sydney Turpentine Ironbark Forests, and
- (c) its relatively undisturbed soil profiles.

tall tree means a native tree which is greater than 15 metres in height when mature and endemic to the site and its surrounds.

25R General aims, objectives and principles of this Part

- (1) The general aims of this Part are:
 - (a) to protect and enhance the environmental, heritage and special qualities of Ku-ring-gai, and
 - (b) to encourage orderly development of land and resources in Ku-ring-gai, and

2005 No 290

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

- (c) to foster 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, and
 - (d) to encourage new development to be compatible with the character of the surrounding neighbourhood.
- (2) The general objectives of this Part for residential development are:
- (a) the provision of increased housing choice, and
 - (b) the achievement of high quality urban design and architectural design:
 - (i) of buildings, and
 - (ii) in the relationship of buildings with neighbouring development, the public domain and landscape quality, and
 - (c) the development of Ku-ring-gai with regard to the principles of ecologically sustainable development, and
 - (d) the encouragement of use of public transport, walking and cycling, and
 - (e) the achievement of 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, and
 - (f) the protection of the natural environment of Ku-ring-gai, including bio diversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce and mitigate impacts on natural areas including the National Parks and bushland reserves.
- (3) The principles to be followed for the purpose of achieving the aims of this Part for residential development are as follows:
- (a) recognition of the responsibilities of current generations to future generations in relation to environmental quality and resource usage by respecting the limits of natural and physical resources,
 - (b) involvement of the community in the planning process by ensuring openness, accountability and transparency in the decision-making process,

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- (c) consistent application of the provisions of this Part so that the aims and objectives can be achieved in practice, and provide certainty for applicants for development consents, investors, residents and the public,
 - (d) consistent and proper regard for the aims, objectives and principles of this Part by the consent authority, in particular when it considers development applications.

25S Specific objectives for development of 14–18 Coonanbarra Road, Wahroonga

- (2) The specific objectives for development of land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga, are as follows.
 - (a) to ensure that building heights are compatible with the local context,
 - (b) to provide rear setbacks that ensure rear gardens are adjacent rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the general objectives of this Part,
 - (c) to protect existing trees within setback areas and to ensure that new development provides sufficient viable deep soil landscaping and tall trees in rear and front gardens,
 - (d) to provide side setbacks and setbacks to Archdale Park that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and screening of the building when seen from the park,
 - (e) to minimise the impact on landscape character of car parking required by new development,
 - (f) to limit the frontage width of buildings in order to minimise visual impact of multi-unit housing on the streetscape,
 - (g) to provide built upon area controls to ensure the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, and to be in scale with the built form,
 - (h) to encourage the planting of nominated tree species that are endemic to Ku-ring-gai,
 - (i) to require on-site detention for stormwater for all new development to avoid excessive run-off and impacts on natural watercourses and the long term health of tall trees, and to promote natural absorption,
 - (j) to encourage water-sensitive urban design,

2005 No 290

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

- (k) to ensure sunlight access to neighbours and to provide sunlight access to occupants of new buildings,
- (l) to ensure compatibility of scale between buildings,
- (m) to encourage safety and security of the public domain by facing windows and building entries to the street or public footways where appropriate and windows to Archdale Park in order to maximise casual surveillance opportunities,
- (n) to encourage safety and security of private developments by building design and landscape design,
- (o) to encourage the provision of housing for aged and disabled persons by prescribing appropriate dwelling design standards for new development,
- (p) to ensure that adequate documentation is provided with development applications so that proposals may be understood by members of the public and the consent authority may carry out a thorough assessment of the application,
- (q) to provide for waste management (including provision for garbage storage and collection) consistent with the general objectives of this Part,
- (r) to ensure that residential development on the site makes adequate provision for the storage needs of eventual occupants.

25T Effect of objectives

The consent authority, before granting consent for any development, must have regard to the general objectives of this Part and any specific objectives relevant to the proposed development.

25U Subdivision standards applying to 14–18 Coonanbarra Road, Wahroonga

- (1) The objectives of this clause are as follows:
 - (a) to provide minimum lot areas that respond to the existing minimum subdivision lot sizes,
 - (b) to provide minimum lot areas and minimum street frontage lot widths that provide for development to occur in a garden setting with substantial setbacks to enable long term sustainability of trees,
 - (c) to permit strata subdivision of multi-unit housing development,

- (d) to provide for substantial common landscaped areas to enhance streetscape quality and provide areas for trees for each development.
- (2) Where development listed in Column 1 of the Table to this subclause is permissible, a subdivision of land (excluding strata subdivision or a neighbourhood subdivision) to create a lot to be used for that development is not to result in an allotment with an area or street frontage less than the minimum area or street frontage specified for the development in Columns 2 and 3 of that Table:

Table—Subdivision Controls

Column 1	Column 2	Column 3
Development for the purpose of:	Minimum site area (square metres)	Minimum street frontage width (metres)
Residential flat buildings	2,000	30

- (3) However, consent must not be given to a subdivision of that land where, in the opinion of the consent authority, the result would or could be the isolation of lots (for example, creation of a lot of insufficient size to allow its development), except where the lot is created for the purpose of drainage, roads or open space.

25V Site requirements for multi-unit buildings and building heights

- (1) The objectives of this clause are as follows:
- (a) to achieve site-responsive development at a scale which is compatible with existing localities by control of visual impacts relating to height and bulk,
 - (b) to take into consideration the impact of overshadowing and loss of privacy and loss of outlook,
 - (c) to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines,
 - (d) to protect and enhance the environmental features which are characteristic of the land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga, by requiring sufficient space on-site for effective landscaping,
 - (e) to provide for landscaping to ensure that the built form does not dominate the landscape.

2005 No 290

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

- (2) A residential flat building is not to be erected on the land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga:
- (a) on any allotment which has a site area of less than 2,000 square metres, or
 - (b) on any allotment which has a street frontage of less than 30 metres, or
 - (c) so as to result in a floor space ratio of more than 0.92:1, or
 - (d) so as to result in the creation of less than two apartment buildings, which may or may not be joined by a small common foyer which is largely transparent in nature, or
 - (e) so as to result in a site coverage of more than 36%, or
 - (f) so as to result in a building setback (above natural ground level) to property boundaries with Coonanbarra Road of less than 10 metres, a setback to the property boundary with Archdale Park of less than 5 metres, a setback to the property boundary with No 12 Coonanbarra Road of less than 6 metres, a setback to the property boundary with No 3 Neringah Avenue of less than 14 metres and a setback to the property boundary with the public footway on the northern boundary of less than 6 metres, or
 - (g) so as to result in a building of more than three storeys and an attic, or
 - (h) so as to result in the loss of any existing healthy camphor laurel trees along the Coonanbarra Road frontage of the property or along the nature strip.
- (3) Development on land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga, is to comply with the Table below:

Table—Building heights

Zone	Maximum perimeter ceiling height, not including attics	Maximum number of storeys
No 2 (d)	10 metres	3 storeys plus 1 attic

- (4) Any storey which is used exclusively for car parking or for storage or plant in accordance with the requirements of this Ordinance or a recommendation in any development control plan 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 subclause (3).

25W Car parking

- (1) This clause applies to the land within Zone No 2 (d) known as 14–18 Coonanbarra Road, Wahroonga.
- (2) The objectives of this clause are as follows:
- (a) to acknowledge the proximity of land to which this clause applies to Wahroonga rail station,
 - (b) to encourage use of public transport,
 - (c) to minimise the impact of car parking on the natural ground area of multi-unit housing lots and to provide for sufficient deep soil landscaping for trees and their long term sustainability,
 - (d) to minimise the visual impact of car parking both from the street and from other land (private or public).
- (3) For development that results in more than one dwelling on a site:
- (a) one car space is to be provided per dwelling and one additional car space may be provided for each dwelling with 3 or more bedrooms, and
 - (b) one additional visitor car space is to be provided for every 4 dwellings, or part thereof.
- (4) No car parking, other than for visitors, is to be open air car parking. Any open air car parking is to be constructed with water permeable paving.

25X Manageable housing

(1) **Objectives of this clause**

The objectives of this clause are:

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

2005 No 290

Ku-ring-gai Local Environmental Plan No 182

Schedule 1 Amendments

(2) **Development to which this clause applies**

This clause applies to all development for the purpose of residential flat buildings on the land within Zone No 2 (d) known as 12–14 Coonanbarra Road, Wahroonga.

(3) **Requirement for manageable housing**

All residential flat buildings are to be designed so that at least one dwelling in each 10 dwellings (or part thereof) comprises manageable housing.

(4) **Requirement for lifts**

A passenger lift is to be provided in all residential flat buildings of more than three storeys.

BY AUTHORITY
