

INTERIM DEVELOPMENT ORDER NO. 79

Published in Government Gazette No. 86 of 20th June, 1980

*(as amended to 26th September, 1980)*LOCAL GOVERNMENT ACT, 1919SUSPENSION OF THE PROVISIONS OF THE KU-RING-GAI PLANNING SCHEME IN RESPECT OF CERTAIN LAND WITHIN THE MUNICIPALITY OF KU-RING-GAI AND NOTIFICATION OF INTERIM DEVELOPMENT ORDER NO. 79 - KU-RING-GAI

IN pursuance of section 342Y of the Local Government Act, 1919, I, the Minister for Planning and Environment, having considered a report furnished by the New South Wales Planning and Environment Commission, do hereby notify that the provisions of the Ku-ring-gai Planning Scheme are suspended as respects such part of the land to which that scheme applies as is described in Schedule "A" and do, by this my notification, make an interim development order as set out in Schedule "B".
(78-1740)

ERIC BEDFORD,
Minister for Planning and Environment.

Sydney, 20th June, 1980.

SCHEDULE "A"

All those pieces or parcels of land situate in the Municipality of Ku-ring-gai having frontage to Eleham Road, Lindfield, as shown by heavy black edging on plan catalogued number 245:4013 in the office of the New South Wales Planning and Environment Commission.

SCHEDULE "B"INTERIM DEVELOPMENT ORDER NO. 79 -
KU-RING-GAI

1. This Order may be cited as "Interim Development Order No. 79 - Ku-ring-gai".
2. This order applies to all those pieces or parcels of land situate in the Municipality of Ku-ring-gai having frontage to Eleham Road, Lindfield, as shown by heavy black edging on plan catalogued number 245:4013 in the office of the New South Wales Planning and Environment Commission.

*Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979 - Order
Reference to Clauses 3, 4, 5 & 8 omitted
vide Government Gazette No. 139 of 26th September, 1980*

3. (1) The provisions of clause 2 contained in the set of standard or model provisions adopted by the Minister for Local Government on the recommendation of The State Planning Authority of New South Wales and published in Government Gazette No. 88 of 17th July, 1970, are adopted by reference for the purposes of this Order.

(2) In this Order -

"advertising structure" has the meaning ascribed to it in Ordinance No. 55 under the Act but does not include "temporary advertising structure" or "advertising structure for the purpose only of displaying a commercial sign" within the meaning of that Ordinance;

"child care centre" means a building or place used as a child care centre within the meaning of Part VII of the Child Welfare Act, 1939;

"council" means the Council of the Municipality of Ku-ring-gai;

"educational establishment" means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child car centre;

"gross floor area", in relation to a building, means the sum of the areas of all floors of the building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1 400 millimetres above that floor level, excluding -

- (i) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall;
- (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- (iii) so much of the car-parking in the building as is needed to meet any requirements of the council and any internal access thereto; and
- (iv) space for the loading and unloading of goods;

"institution" means -

- (a) a building used wholly or principally as a home or other establishment for mentally handicapped persons;
- (b) a mental hospital; or
- (c) a penal or reformatory establishment;

"place of public worship" means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training;

"public utility undertaking" means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf, harbour or river undertakings;
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services;

"storey" means any floor containing any habitable room or rooms or containing any room or rooms occupied or used or so constructed, designed or adapted as to be capable of being occupied or used as a shop, office or factory;

"the Act" means the Local Government Act, 1919;

"utility installation" means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

4. (1) Interim development may, with the consent, under this order, of the council be carried out on land to which this order relates for the purposes of a child care centre, an educational establishment, drainage, open space, roads or utility installations (other than gas holders and generating works).

(2) Interim development may be carried out on the land shown by heavy black edging and the words "5(a) School and Church" on Internal Plan No. 11462 in the office of the New South Wales Planning and Environment Commission for the purpose of a place of public worship.

5. Notwithstanding clause 4, interim development shall not be carried out for any purpose other than school administration on that part of the land to which this order relates which was occupied by the building referred to in clause 8 and used for that purpose immediately before the date on which this order is published in the Gazette.

6. (1) Subject to clause 8, the ratio of the gross floor area of all buildings erected on the land to which this order relates to the area of that land shall not exceed 0.25:1.

(2) Subject to clause 8, the ratio of the area of the ground floor of all buildings erected on the land to which this order relates including any verandahs or covered walkways attached to those buildings to the area of that land shall not exceed 0.24:1.

7. Subject to clause 8, the gross floor area of all buildings erected on the land referred to in clause 4(2) shall not exceed 1 063 square metres.

8. In calculating the gross floor area or ground floor area of buildings erected on land to which this order relates for the purposes of clause 6 or 7, that part to which this order relates of the gross floor area or ground floor area of the building existing at the date on which this order takes effect on lots 53 and 54 in Deposited Plan 6608 shall be excluded.

*Clauses 9, 10 & 11 altered
vide Government Gazette No. 117 of 22nd August, 1980*

9. Where interim development is carried out on the land to which this order relates for the purpose of an educational establishment, child care centre or both, no more than 420 children shall be admitted to that land at any one time in

10. (1) Interim development shall not be carried out on land to which this order relates for the purpose of an educational establishment, child care centre or place of public worship or for all of those purposes unless car parking for not less than 56 cars is provided on land adjoining that land and is used in conjunction with the use of that land for those purposes or the use of any land adjoining that land for the purpose of a place of public worship.

(2) Where car parking is provided in accordance with subclause (1), access to that car parking shall be obtained only from Treats (sic) Road and egress from that car parking shall be obtained only to Wolseley Road.

11. Where interim development is carried out on the land to which this order relates for the purpose of an educational establishment, child care centre or place of public worship or for all of those purposes no vehicular or pedestrian access to that land shall be obtained from Eleham Road or Wolseley Road.

12. An advertising structure may be erected with the consent of the council, only where -

(a) that structure is intended for the display of advertisements indicating the purposes for which the land on which it is erected is used; and

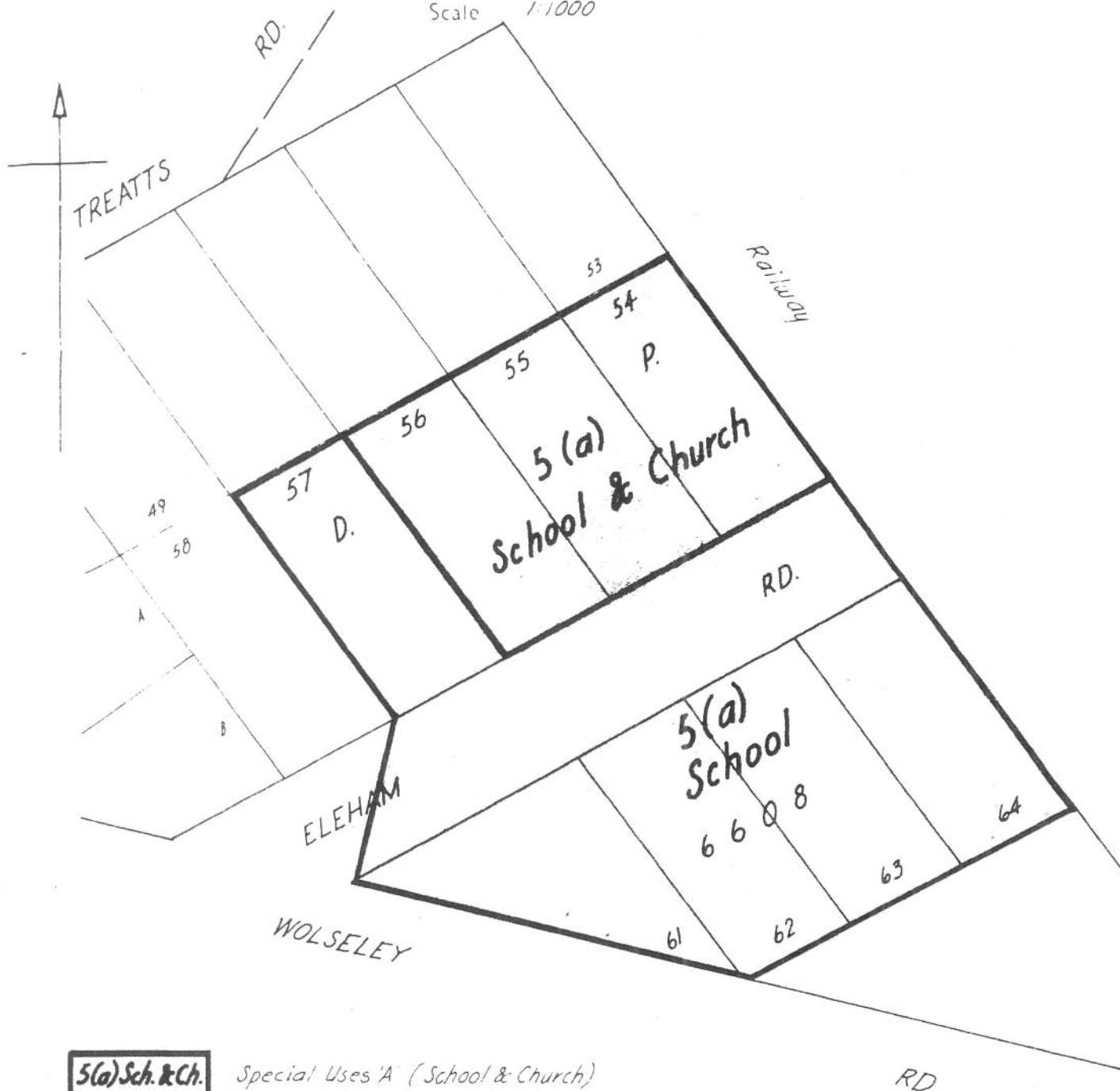
(b) the council is satisfied that the advertising structure is not likely to interfere with the amenity of the locality.

13. A building shall not be erected to a height greater than 2 storeys above natural ground level.

14. A person shall not, without the consent of the council, ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree.

Description *Lots 54 to 57 incl and 61 to 64 incl., D. P. 6608 and part of Eleham Road*
Mun ~~Shire City~~ *Ku ring-gai* Locality *Lindfield*
Parish of *Gordon* County of *Cumberland*

Scale 1:1000



5(a) Sch. & Ch.

Special Uses 'A' (School & Church)

5(a) Sch.

Special Uses 'A' (School)

COMPILED FROM INFORMATION IN

580/333

FILE REFERENCE

78/1740

PLAN APPROVED

Chris Watt

PRINCIPAL CARTOGRAPHER

PLAN NUMBER

11462

BY

DC

DATE *3.6.80*

KU-RING GAI
PLANNING SCHEME

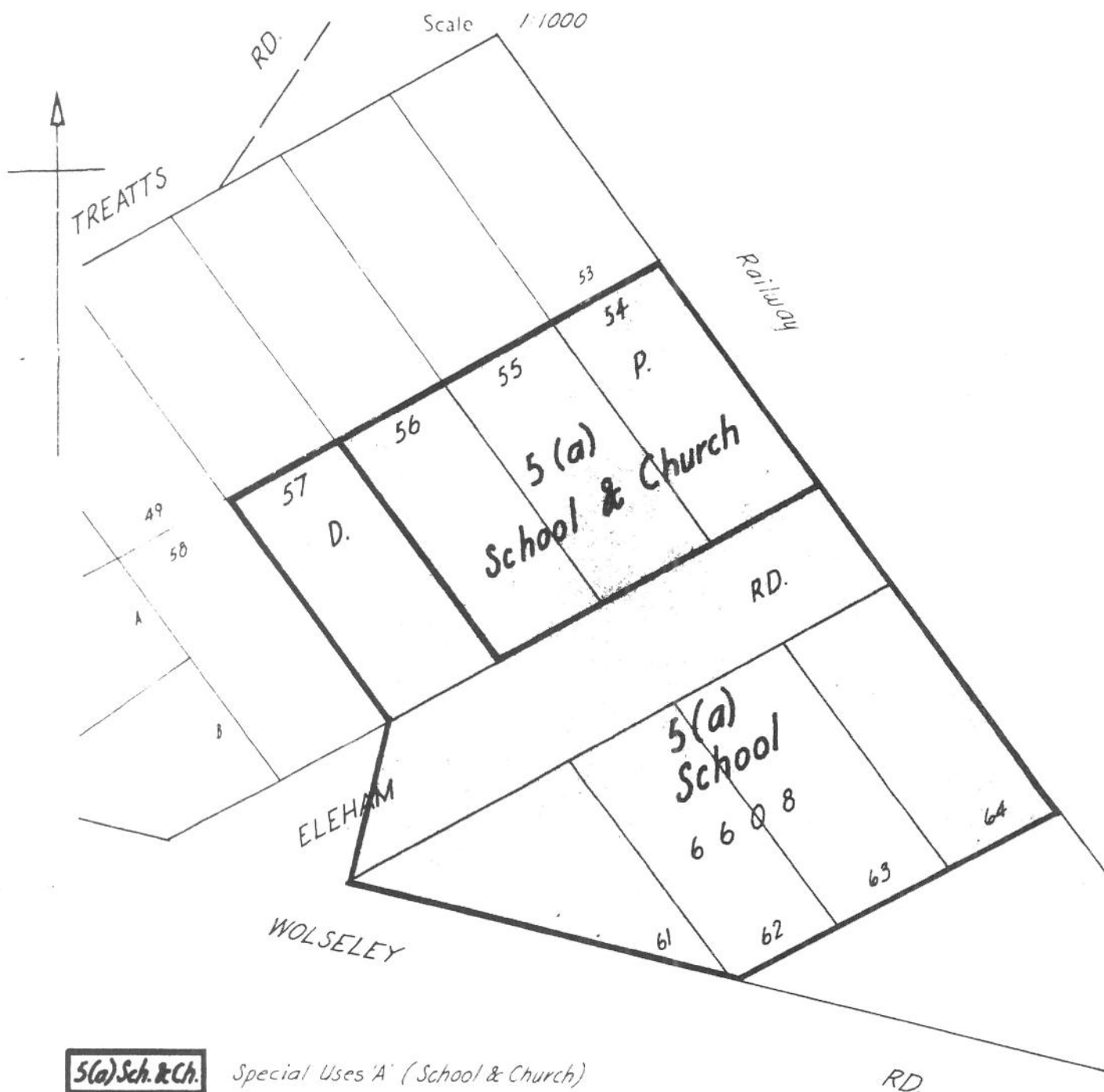
REFERRED TO IN INTERIM DEVELOPMENT ORDER NUMBER

79

MUN. ~~SHIRE CITY~~ OF *KU-RING GAI*

11462

Description *Lots 54 to 57 incl and 61 to 64 incl., D. P. 6608 and part of Eleham Road*
Mun ~~Shire~~ City *Kuring-gai* Locality *Lindfield*
Parish of *Gordon* County of *Cumberland*



5(a) Sch. & Ch.

Special Uses 'A' (School & Church)

5(a) Sch.

Special Uses 'A' (School)

COMPILED FROM INFORMATION IN

S80/333

FILE REFERENCE

78/1740

PLAN APPROVED

Curran & Stone

PRINCIPAL CARTOGRAPHER

PLAN NUMBER

11462

BY *DC*

DATE *3.6.80*

KU-RING-GAI
PLANNING SCHEME

PLAN REFERRED TO IN INTERIM DEVELOPMENT ORDER NUMBER *79*

MUN. ~~SHIRE~~ CITY OF *KU-RING-GAI*

N.S.W. GOVT GAZETTE No. *86* OF *20 JUN 80*

MINISTER FOR PLANNING AND ENVIRONMENT