



New South Wales

## **North Sydney Local Environmental Plan 2001 (Amendment No 6)**

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*. (S01/01845/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 720

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 6)

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# North Sydney Local Environmental Plan 2001 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 6)*.

## 2 Aims of plan

- (1) This plan aims to amend *North Sydney Local Environmental Plan 2001* as follows:
  - (a) to require all aims and objectives to be taken into account in development assessment and to modify the requirements for consistency with particular aims and objectives,
  - (b) to impose further controls on development in residential zones,
  - (c) to make further provision with respect to exempt and complying development,
  - (d) to provide specific provisions relating to land comprising the Ennis Road Bays and Luna Park/Glen Street frontage,
  - (e) to replace several definitions (including *apartment building adaptation, boarding house, character of a neighbourhood, demolition, hotel* and *land adjoining*) and to add new definitions of *cultural resource* and *tavern* in Schedule 2,
  - (f) to correct a misdescription of a heritage item known as Nazareth (currently listed as 22 Thrupp Street, Neutral Bay, instead of as 20 Thrupp Street) in Schedule 3 (Heritage items),
  - (g) to add a property (203A Chandos Street, Crows Nest) to Schedule 5 (Uncharacteristic elements),
  - (h) to rezone so much of the land in Walker Street, Lavender Bay, as is shown edged heavy black on Sheet 1 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment

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No 6)” deposited in the office of North Sydney Council, from the Railways Zone to the Roads Zone,

- (i) to zone so much of the land in Edwin Lane, Cammeray, as is shown distinctively coloured on Sheet 2 of that map, to the Residential C Zone,
  - (j) to apply a foreshore building line in respect of land known as 11A, 15 and 15A Holbrook Avenue, Kirribilli, as shown by a black broken line on Sheet 3 of that map,
  - (k) to remove certain land at St Leonards, as shown edged heavy black on Sheet 4 of that map, from the provisions relating to DCP Specific Sites,
  - (l) to apply a non-residential floor space ratio and maximum height to certain land at Milsons Point, Neutral Bay and Cremorne, as shown distinctively coloured on Sheets 6–8 of that map,
  - (m) to rezone 4 Rangers Road, Cremorne, as shown edged heavy black and distinctively coloured on Sheet 8 of that map, from the Residential C Zone to the Mixed Use Zone.
- (2) Provisions relating to Luna Park land uses and the reclassification of land adjacent to 108 Carabella Street, Kirribilli (Lot D, DP 396813) from community land to operational land have been excluded from this plan, being deferred matter within the meaning of section 70 (4) of the *Environmental Planning and Assessment Act 1979*.

### **3 Land to which plan applies**

This plan applies to all land within the local government area of North Sydney under *North Sydney Local Environmental Plan 2001*.

### **4 Amendment of North Sydney Local Environmental Plan 2001**

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

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

#### [1] Clause 3 Specific aims of this plan

Omit “achieve any desired character for the neighbourhood that is described in a character statement for the neighbourhood, and promote” from clause 3 (a) (i).

Insert instead “promote the character of the neighbourhoods and”.

#### [2] Clause 3 (g)

Omit “or cultural assets” wherever occurring.

#### [3] Clause 5 How this plan relates to other planning instruments

Insert after clause 5 (3):

- (4) This plan, as in force immediately before the commencement of *North Sydney Local Environmental Plan 2001 (Amendment No 6)*, continues to apply in relation to any development application lodged before that commencement as if that plan had not been made.

#### [4] Clause 12 Exempt development

Insert after clause 12 (2):

- (3) For the removal of doubt, all development requires consent under this plan, unless the development is exempt development or prohibited development.

#### [5] Clause 14

Omit the clause except for the table to the clause. Insert instead:

##### 14 Consistency of aims and objectives

- (1) When considering a development application, the consent authority must take into account the aims and objectives stated in this plan.
- (2) Consent must not be granted to the carrying out of any development that, in the opinion of the consent authority, is inconsistent with the specific aims of this plan, the objectives of the zone or the objectives of controls.

**[6] Clause 14, Zoning and permissible use table**

Omit Item 1 (c) from the matter relating to the Residential A2 Zone.

Insert instead:

- (c) encourage the retention of existing contributory items or neutral items in conservation areas, and
- (c1) promote affordable housing, and

**[7] Clause 14, Zoning and permissible use table**

Omit Item 1 (b) from the matter relating to the Residential G Zone.

Insert instead:

- (b) ensure that the features of development (such as height, bulk, subdivision pattern, building footprint and orientation, setback and landscaping) are similar to those of characteristic development and fit into the existing streetscape.

**[8] Clause 14, Zoning and permissible use table**

Insert after Item 1 (c) in the matter relating to the Mixed Use Zone:

- , and
- (d) promote affordable housing.

**[9] Clause 14, Zoning and permissible use table**

Omit “vehicle access to a permissible use within the Luna Park zone;” from Item 2 in the matter relating to the Public Recreation Zone.

Insert instead “vehicle access to the Luna Park Zone by emergency, construction and service vehicles for the delivery and removal of goods and equipment (vehicle access for the purpose of parking is prohibited);”.

**[10] Clause 15 Subdivision**

Omit clause 15 (1) (a). Insert instead:

- (a) ensure subdivision and associated development maintain the character of the neighbourhood as reflected in lot size, orientation and shape, and housing density, and

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### [11] Clause 16 Residential zone objectives

Omit clause 16 (d). Insert instead:

- (d) development that promotes the character of the neighbourhood, and

### [12] Clause 17 Building heights

Insert after clause 17 (1) (a):

- (a1) promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient, and

### [13] Clause 17 (1) (b)

Omit the paragraph. Insert instead:

- (b) promote gabled and hipped roofs in all residential zones and avoid other roof forms except:
  - (i) skillion roofs over verandas and rear extensions to buildings that have a main roof that is gabled or hipped, or
  - (ii) where it is desirable to preserve views, other roof forms that are characteristic of the area, and

### [14] Clause 17 (8)

Omit the subclause.

### [15] Clause 17 (9)

Omit the subclause. Insert instead:

#### (9) Attics

A building must not be erected, in a residential zone, so as to provide attic space with a floor area of more than half the floor area of the floor below.

### [16] Clause 18 Building height plane

Omit “, D” and “, D” wherever occurring in clause 18 (2) and (3) (b).

**[17] Clause 18 (3A)**

Insert after subclause (3):

**(3A) Building height plane control in residential D zone**

A building must not be erected in the residential D zone if any part of the building will exceed a building height plane:

- (a) commencing at 1.8 metres above existing ground level, projected at all points from each of the boundaries of the site which adjoins land within the residential A1, A2, B or F zone or open space zone, or
- (b) commencing at 1.8 metres above existing ground level, projected from the centre of any road which separates the land from land within the residential A1, A2, B or F zone or open space zone, or
- (c) commencing at 3.5 metres above existing ground level, projected at all points from each of the boundaries of the site which adjoins land within the residential C zone, or
- (d) commencing at 3.5 metres above existing ground level, projected from the centre of any road which separates the land from land within the residential C zone.

**[18] Clause 19 Building setbacks**

Omit the clause.

**[19] Clause 20 Landscaped area**

Omit clause 20 (1) (a). Insert instead:

- (a) promote the character of the neighbourhood, and

**[20] Clause 21 Residential D zone (Neighbourhood Business)**

Omit clause 21 (1) (b). Insert instead:

- (b) ensure that development is of a scale and intensity that promotes the character of the neighbourhood, and

**[21] Clause 22 Duplexes and dwelling-houses**

Omit clause 22 (3) (c) and (d). Insert instead:

- (c) achieve building forms that promote the character of the neighbourhood, and
- (d) avoid excavation of sites for garages or car parking.

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### [22] Clause 22 (4)

Omit the subclause. Insert instead:

#### (4) **Restriction on development of duplexes**

Despite the Table to Part 2, a duplex must not be erected on land that is located within a conservation area or is identified as a heritage item, unless:

- (a) the duplex is situated substantially within the fabric of an existing building, and
- (b) the appearance of the existing building, as visible from a public place, is conserved, and
- (c) the majority of significant fabric of the existing building is conserved.

### [23] Clause 22 (6)

Insert after subclause (5):

#### (6) **Prohibited development**

Development that contravenes subclause (1), (2) or (4) (a) is prohibited development.

### [24] Clause 24 Attached dwellings revision

Omit clause 24 (2) (d) and (e). Insert instead:

- (d) materially increase the height of the attached dwellings that lawfully existed on the appointed day, or
- (e) materially decrease the landscaped area of those attached dwellings below the requirements set out in clause 20, or decrease the landscaped area where the landscaped area is already below the requirements in clause 20.

### [25] Clause 24 (3)

Insert after subclause (2):

#### (3) **Prohibited development**

Development that contravenes subclause (2) (d) or (e) is prohibited development.



**[26] Clause 26 Apartment building revision or adaption**

Omit clause 26 (2) (d) and (e). Insert instead:

- (d) materially increase the height of the existing apartment or other building, or
- (e) materially decrease the landscaped area of the existing apartment or other building below the requirements set out in clause 20, or decrease the landscaped area where the landscaped area is already below the requirements in clause 20.

**[27] Clause 26 (3)**

Insert after subclause (2):

**(3) Prohibited development**

Development that contravenes subclause (2) (d) or (e) is prohibited development.

**[28] Clause 27 Small lots**

Omit clause 27 (2). Insert instead:

**(2) Small lot controls**

Despite any other provision of this plan, a small lot, if developed for residential purposes, must contain no more than one dwelling.

**(3) Prohibited development**

Development that contravenes subclause (2) is prohibited development.

**[29] Clause 29 Building height**

Omit clause 29 (1) (b). Insert instead:

- (b) encourage an appropriate scale and density of development for each neighbourhood that is in accordance with, and promotes the character of, the neighbourhood, and
- (c) provide reasonable amenity for inhabitants of the building and neighbouring buildings, and
- (d) provide ventilation, views, building separation, setback, solar access and light and to avoid

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overshadowing of windows, landscaped areas, courtyards, roof decks, balconies and the like, and

- (e) promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient, and
- (f) avoid the application of transitional heights as justification for exceeding height controls.

### [30] Clause 30 Building height plane

Omit clause 30 (1) (b). Insert instead:

- (b) minimise adverse effects on land in adjoining residential or open space zones in relation to ventilation, views, building separation, solar access and light and to avoid overshadowing of windows, landscaped areas, courtyards, roof decks, balconies and the like.

### [31] Clause 32 Design of development

Omit clause 32 (2) (c). Insert instead:

- (c) the residential component of the building is provided with an entrance separate from the entrances to the remainder of the building, and
- (d) the building is set back above a podium.

### [32] Clause 32 (4)

Insert after subclause (3):

#### (4) Prohibited development

Development that contravenes subclause (2) (a) is prohibited development.

### [33] Clause 34 Buildings in the special use zone

Omit clause 34 (3)–(5). Insert instead:

#### (3) Building controls

A building must not be erected on land to which this clause applies unless:

- (a) the building is consistent with the objectives and permissible uses that apply to the land adjoining the site and land directly across a road from the site, and
  - (b) the building complies with the relevant development standards, for the particular type of building, that apply to the land adjoining the site and land directly across a road from the site.
- (4) If the site adjoins, or is directly across a road from, land in more than one zone, the objectives, permissible uses and development standards that are applied by subclause (3) are the most restrictive development standards.
- (5) For the purposes of subclause (4), the zone subject to the most restrictive development standards is to be determined having regard to all relevant zones except for the road, railway, public open space, private recreation or public recreation zones.

**[34] Clause 38 Development within the foreshore building area**

Omit clause 38 (2) and (3). Insert instead:

**(2) Foreshore building area controls**

Despite any other provision of this plan, development must not be carried out within the foreshore building area, which further encroaches on the foreshore building area, except for the purpose of:

- (a) boatsheds or jetties with a maximum height of 3 metres, which are ancillary to residential use, and are not used as habitable rooms, or
  - (b) retaining walls, or swimming pools with a maximum height of 500mm and associated fencing with a maximum height of 1.2 metres, or
  - (c) barbecues and fences with a maximum height of 1.2 metres, or
  - (d) a structure or a work, at or below the surface of the ground, or
  - (e) sea retaining walls.
- (3) Prohibited development**

Development that contravenes subclause (2) is prohibited development.

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### [35] **Clause 45 Consent requirements**

Omit “wholly or partly” from clause 45 (1) (c).

### [36] **Clause 45 (2)**

Omit the subclause.

### [37] **Clause 46 Aboriginal sites and relics**

Insert “and an assessment of cultural impacts” after “at the site” in clause 46 (2) (a).

### [38] **Clause 47 Archaeological resources**

Omit clause 47 (2) (a). Insert instead:

- (a) has considered an archaeological assessment that evaluates:
  - (i) the probable extent, nature and integrity of the archaeological resource at a site, and
  - (ii) the significance of that resource, and
  - (iii) the appropriate management for that resource, having regard to its significance and any statutory requirements, and

### [39] **Clause 48 Heritage items**

Omit clause 48 (4). Insert instead:

#### (4) **Required documentation: heritage items**

Before determining whether or not to grant consent to a development application in respect of a heritage item, the consent authority may require the submission of:

- (a) a statement of heritage impact or a conservation management plan, and
- (b) a structural engineer’s report.

### [40] **Clause 48 (5)**

Insert “**complete**” before “**demolition**” and “the complete” before “demolition” wherever occurring.

**[41] Clause 48 (6)**

Omit the subclause. Insert instead:

**(6) Site development**

Despite any other provision of this plan, the consent authority must not grant consent to an application for the complete demolition of a heritage item unless the consent authority, at the same time, grants consent to a replacement building or work on the site.

**[42] Clause 48 (7)**

Insert “**complete**” before “**demolition**” and “complete” before “demolition” wherever occurring.

**[43] Clause 49 Conservation areas**

Omit clause 49 (1) (a). Insert instead:

- (a) conserve the character of the neighbourhood and heritage significance of the conservation area, as a whole or any part of the conservation area, and

**[44] Clause 49 (1) (f) and (g)**

Omit clause 49 (1) (f). Insert instead:

- (f) encourage the removal of uncharacteristic elements from conservation areas and their replacement with buildings or works that reinforce the character of the neighbourhood and heritage significance of the conservation area, and
- (g) discourage development that is similar to uncharacteristic elements.

**[45] Clause 49 (2) (a)**

Omit “not”.

**[46] Clause 49 (3)**

Omit the subclause.

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### [47] Clause 49 (4) and (5)

Omit the subclauses. Insert instead:

(4) **Required documentation: conservation areas**

Before determining whether or not to grant consent to a development application in respect of a heritage item, the consent authority may require the submission of:

- (a) a statement of heritage impact or a conservation management plan, and
- (b) a structural engineer's report.

(5) **Consideration of complete demolition: conservation areas**

Consent must not be granted to development involving the complete demolition of a building, work or place within a conservation area, until the consent authority has considered:

- (a) whether the proposed development will adversely affect the character of the neighbourhood and heritage significance of the conservation area, as a whole and in the immediate vicinity of the proposed development, and
- (b) whether the building, work or place is structurally sound and reasonably capable of conservation, and
- (c) whether the proposed building or work intended to replace that being demolished will contribute to the character of the neighbourhood and heritage significance of the conservation area, in particular in terms of subclause (2) (c).

### [48] Clause 49 (6)

Insert “**complete**” before “**demolition**” and “complete” before “demolition” wherever occurring.

**[49] Clause 49 (7)**

Omit subclause (7). Insert instead:

**(7) Site redevelopment**

Despite any other provision of this plan, the consent authority must not grant consent to an application for the complete demolition of a building, work or place within a conservation area unless the consent authority, at the same time, grants consent to a replacement building or work on the site.

**[50] Clause 50 Development in the vicinity of heritage items**

Omit clause 50 (3). Insert instead:

- (3) Before determining a development application relating to land in the vicinity of a heritage item, the consent authority may require the submission of a statement of heritage impact on the heritage item and its curtilage.

**[51] Clause 51 Conservation incentives**

Insert “or, if a statement of heritage impact has been required by the consent authority under clause 48 (4), a statement of heritage impact for the heritage item” after “the heritage item” in clause 51 (3).

**[52] Clause 53**

Omit the heading to the clause and subclause (1). Insert instead:

**53 Ennis Road Bays**

**(1) Ennis Road Bays under Warringah Freeway**

This clause applies to the cubic spaces which comprise Bays 24–44, at 2–28 Ennis Road, Kirribilli, as marked “Ennis Rd Bays” on the map.

**[53] Clause 59 Luna Park: Glen Street frontage**

Omit clause 59 (2) (a). Insert instead:

- (a) ensure that the bulk and height of new buildings does not detract from the amenity of surrounding areas (including existing views), and

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### [54] Clause 60 Refreshment rooms, Residential D Zone, Blues Point Road

Insert after clause 60 (3):

#### (4) Prohibited development

Development that contravenes subclause (2) or (3) is prohibited development.

### [55] Schedule 2 Definitions

Omit the definitions of *apartment building adaption*, *boarding house*, *character*, *characteristic building height*, *demolish*, *hotel* and *land adjoining*.

### [56] Schedule 2

Insert in alphabetical order:

***adjoining***, in relation to specified land, means:

- (a) land that immediately joins any boundary of the specified land, or
- (b) land that is separated from the specified land only by a driveway, right-of-way or access way (not being a public road).

***apartment building adaption*** means the creation of an apartment building substantially within a building (other than an apartment building) that lawfully existed on the appointed day.

***boarding house*** means a residential building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence, and
- (c) that has shared facilities, such as a communal bathroom, kitchen or laundry,

but does not include backpackers' accommodation, a serviced apartment or a motel.

***character*** of a neighbourhood within the North Sydney local government area means the combination of features (including environment, built form, landscape, community and function) that makes the neighbourhood distinctive.



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***cultural resource*** means places, topography, buildings and their aesthetic qualities that contribute to community cultural life, identity and sense of place, including:

- (a) Aboriginal sites and relics,
- (b) archaeological resources,
- (c) heritage items and conservation areas,
- (d) significant streetscapes and intact street frontages,
- (e) sandstone outcrops and walls,
- (f) public art and monuments,
- (g) lookouts and significant views from lookouts, streets, or public open space,
- (h) community centres, halls, churches, theatres, libraries, museums and galleries,
- (i) recreation and leisure facilities,
- (j) neighbourhood shops and refreshment rooms,
- (k) the network of roads, lanes, footpaths, steps and means of access to the foreshore,
- (l) those aspects of cultural life that utilise, or are presented in, any of the matters specified in paragraphs (a)–(k).

***demolition*** of a heritage item or a building, work or place within a conservation area means the complete or partial demolition, destruction, dismantling or removal of any fixed element of the heritage item or the building, work or place within a conservation area.

***hotel*** means premises that provide accommodation consisting of rooms, self-contained suites or serviced apartments for guests, as well as facilities such as a restaurant or bar.

***tavern*** means any premises specified in a hotelier's licence under the *Liquor Act 1982* which does not provide overnight accommodation on a commercial basis.

**[57] Schedule 2, definition of “map”**

Insert in appropriate order:

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**[58] Schedule 2, definition of “serviced apartment”**

Omit “a hostel or”.

**[59] Schedule 3 Heritage items**

Omit the matter relating to 20 Thrupp Street. Insert instead:

1322	22 Thrupp Street, Nazareth	Local
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**[60] Schedule 5 Uncharacteristic elements**

Insert after the matter relating to 201A Chandos Street, Crows Nest:

203A Chandos Street, Crows Nest

**[61] Schedule 6 Exempt development**

Insert after the heading to the Schedule:

**Table**

**Column 1**

**Column 2**

**[62] Schedule 6**

Insert in Column 2 (as inserted by item [61]) at the end of the matter set out opposite the heading **Driveways and pathways**:

Drainage	Does not increase rate or concentration of stormwater run-off to neighbouring properties
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**[63] Schedule 6**

Omit “Not in a conservation area” from Column 2 (as inserted by item [61]) of the matter set out opposite the heading **Fences (other than fences required to be erected by the *Swimming Pools Act 1992*)**.

Insert instead “Not forward of the front building line on a site in a conservation area”.

**[64] Schedule 6**

Omit all the matter relating to **Letterbox**. Insert instead:

<b>Letterbox</b>	Usage	Designed for use and used in conjunction with residential premises Not more than 2 letterboxes per site
	Size	Maximum height 1.2m above ground level
	Structure	Structurally stable with adequate footings
	Numbering	Approved numbering visible from street alignment.

**[65] Schedule 6**

Omit Item 2 (Non-residential premises) from the matter appearing under the heading **Minor internal alterations**.

Insert instead:

<b>2 Non-residential premises</b>	Heritage	Not to a heritage item
	Type	Non-load-bearing work such as shelving, displays, benches, partitions  Building has a current fire safety measures schedule
	Work	Complies with fire safety requirements of the <i>Building Code of Australia</i>  Does not involve, alter or interfere with, the performance of any fire safety measure identified in the current fire safety measures schedule
	Usage	Not a refreshment room, take-away food shop or drive-in take-away food shop

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### [66] Schedule 6

Omit all the matter relating to **Patio/paving**. Insert instead:

<b>Patio/paving (for use incidental to the use of a dwelling)</b>	Heritage	Not on the site of a heritage item
		Not forward of the front building line on a site in a conservation area
	Siting	At natural ground level
	Size	Maximum area 20m <sup>2</sup>
	Drainage	Soft landscaping is at least 80% of total landscaped area of the site
		No entry of water into a building
		No increase in rate or concentration of stormwater run-off from the site

### [67] Schedule 6

Insert after the matter relating to **Re-cladding of roofs or walls**:

<b>Repairs to buildings</b>	Heritage	On the site of a heritage item or in a conservation area: (a) only minor conservation works, (b) no adverse effect on heritage significance, (c) the proponent has notified the Council in writing of the proposed development and the Council has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of this exemption
	Type	Repainting, replacement of damaged guttering, pointing, handrails and steps

Size	No change in dimensions of building No additional structures
Materials	Replacing existing materials with similar materials which are compatible with the existing building and finish

**[68] Schedule 6**

Insert after the matter relating to **Skylight/rooflight/air vent**:

<b>Temporary structures on roads and open space</b>	Usage	Structure is for purposes of a public market, gala, exhibition, entertainment or festival for which a permit has been issued by Council
	Roads	Road lawfully closed for event  Only on roads adjoining land in the commercial or mixed use zone
	Location	Does not obstruct pedestrian access to shops or other premises  Does not obstruct footpaths
	Structure	Erected no more than 12 hours before event  No construction work involved, except assembly using hand tools  Maximum height 3m  No disturbance to road or ground surface or street furniture
	Removal	All temporary structures, goods and litter removed within 4 hours after the end of the event

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No temporary structure to remain in place longer than 24 hours

Goods display Goods are displayed at ground level or on stable, temporary structures no higher than 1.5m

### [69] Schedule 6

Omit “Not in a conservation area” from Column 2 (as inserted by item [61]) of the matter set out opposite the heading **Business identification sign**.

### [70] Schedule 6

Insert after the matter relating to **Business identification sign**:

<b>Change of message on existing sign</b>	Status	Sign was previously consented to by the Council, or was erected as exempt development
	Illumination	No change to authorised illumination
	Content	New message complies with any content requirements of the consent

Any advertisement for an alcohol product is on premises where that product is sold

### [71] Schedule 6

Omit from Column 2 (as inserted by item [61]) of the matter set out opposite the heading **Community notice sign**:

Heritage	Not attached to a heritage item or adjacent to a heritage item
	Not in a conservation area

**[72] Schedule 6**

Omit from Column 2 (as inserted by item [61]) of the matter set out opposite the heading **Real estate sign**:

Heritage            Not attached to a heritage item or adjacent to a heritage item  
Not in a conservation area

**[73] Schedule 6**

Omit from Column 2 (as inserted by item [61]) of the matter set out opposite the heading **Temporary sign**:

Heritage            Not attached to a heritage item or adjacent to a heritage item  
Not in a conservation area

**[74] Schedule 6**

Insert in Column 2 (as inserted by item [61]) of the matter set out opposite the heading **Temporary sign** after the matter relating to illumination:

Size                 Maximum height 3m  
Sign is no higher than building it is mounted on  
Maximum area 3m<sup>2</sup>

**[75] Schedule 6**

Insert “/STRUCTURE” after “DEMOLITION OF BUILDING”.

**[76] Schedule 6**

Insert “of building” after “Demolition” in Column 1 (as inserted by item [61]).

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### [77] Schedule 6

Insert after the matter relating **Demolition of building** (as amended by item [76]):

<b>Demolition of structure</b>	Heritage	Not of a heritage item  Not of a structure in a conservation area, unless the structure is an uncharacteristic element in the conservation area
	Type	Demolition of a structure the erection of which would be exempt development for the purpose of this plan
	Size	Maximum area of structure 25m <sup>2</sup>
	Works	Demolition carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i>

### [78] Schedule 6

Insert in Column 2 (as inserted by item [61]) of the matter set out opposite the heading for Item 3 (**Commercial ground mounted**) under the heading **RADIO TELECOMMUNICATIONS FACILITIES**:

Size	Maximum height 1.8m
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### [79] Schedule 6

Omit from Column 2 (as inserted by item [61]) of the matter set out opposite the heading for Item 4 (**Commercial roof mounted**) the matter relating to size where firstly occurring under the heading **RADIO TELECOMMUNICATIONS FACILITIES**:

Size	Maximum height of 1.8m
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**[80] Schedule 6**

Omit from Column 2 (as inserted by item [61]) of the matter set out opposite the heading for Item 4 (**Commercial roof mounted**) the matter relating to size where secondly occurring under the heading **RADIO TELECOMMUNICATIONS FACILITIES**.

Insert instead:

Size	Maximum height above roof 2m
	Maximum diameter 2m

**[81] Schedule 7 Complying development**

Omit “All building work must comply with the ‘deemed-to-satisfy’ provisions of the *Building Code of Australia*.” from Part A under the heading **Requirements**.

**[82] Schedule 7**

Insert after the last dot point in Part A under the headings **Design element—privacy** and **Standards**:

- , or
- there is a fence at least 1.5m high between the buildings

**[83] Schedule 7**

Omit “*North Sydney Development Control Plan No 1* as approved on 18 December 1990” wherever occurring in Parts A–F.

Insert instead “*North Sydney Development Control Plan 2002* as approved on 18 February 2002”.

**[84] Schedule 7**

Omit from Part B the heading **Development categories** and the two dot points under the heading.

Insert instead:

**Development categories:**

- alterations behind the front building line, not visible from a public place, or

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- single storey additions behind the rear building line of a detached, single storey dwelling, not visible from a public place, or
- construction of car spaces (not involving carports or garages).

### [85] Schedule 7

Omit “All building work complies with the ‘deemed-to-satisfy’ provisions of the *Building Code of Australia*.” wherever occurring in Parts B–E under the heading **Requirements**.

### [86] Schedule 7

Insert after the last dot point in Part B under the headings **Design element—privacy** and **Standards**:

- , or
- there is a fence at least 1.5m high between the buildings

### [87] Schedule 7

Omit “All buildings and works on the land comply with the ‘deemed-to-satisfy’ provisions of the *Building Code of Australia*.” wherever occurring in Parts F and G under the heading **Requirements**.

BY AUTHORITY

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