

Draft North Sydney Local Environmental Plan 2009

under the
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the compulsory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning

**DRAFT DOCUMENT – FOR S.64
PURPOSES**

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Part 1 Preliminary

Direction. In this standard instrument, provisions are identified as "compulsory" (including in certain cases only) or "optional" by those words being placed in brackets in connection with the clause or other discrete provision or provisions concerned. If an optional provision is adopted, it is to be adopted in the form (and in accordance with the directions) set out in this instrument. If an optional provision is not adopted, the number or other identifier of the provision is to be set out in the Plan with the words "Not adopted" or words to the same effect. If a compulsory provision is not applicable (because of the circumstances referred to in the heading to the provision), the number or other identifier of the provision is to be set out in the Plan with the words "Not applicable" or words to the same effect.

Any additional provisions (not inconsistent with the mandatory provisions) included in the Plan are generally to be included at the end of the Part, clause, subclause etc and are to be numbered in accordance with the usual protocol applicable to amendments made to existing Acts and statutory instruments.

1.1 Name of Plan [compulsory]

This Plan is **North Sydney** Local Environmental Plan 2009.

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **North Sydney** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to promote ecologically sustainable development,
 - (b) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,
 - (c) in relation to the *character of North Sydney's neighbourhoods*, to:
 - (i) to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and
 - (ii) maintain a diversity of activities while protecting residential accommodation and local amenity, and
 - (iii) ensure that new development on foreshore land does not adversely impact upon the visual qualities of that foreshore land, when viewed from Sydney Harbour and its tributaries,
 - (d) in relation to *residential development*, to:
 - (i) ensure new development does not adversely impact upon residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and

- (ii) maintain and provide for an increase in dwelling stock, where appropriate, and
- (e) in relation to *non-residential development*, to:
 - (i) maintain a diversity of employment, services, cultural and recreational activities, and
 - (ii) ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and
 - (iii) maintain waterfront activities and ensure that these activities do not adversely affect local amenity and environmental quality.
- (f) in relation to *environmental quality*, to:
 - (i) maintain and protect natural landscapes, topographic features and existing ground levels, and
 - (ii) minimise storm water run-off and its adverse effects and improve the quality of local waterways.
- (g) in relation to *environmental heritage*, to identify and protect the natural, archaeological and built heritage of North Sydney, and ensure that development does not adversely affect its significance.
- (h) in relation to *community well-being*, to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.
- (i) in relation to the *foreshore areas* of North Sydney, to improve access by acquisition or dedication or by gaining rights of public access over foreshore land where it will not diminish the natural values of the foreshore.

1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

Direction. The Land Application Map may be a separate map or be constituted by the outer boundary of the Land Zoning Map (by an annotation on that Map). The Plan should wherever practicable apply to the whole of the local government area.

1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes [compulsory]

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority [compulsory]

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

Direction. If required another person or body may be specified as the consent authority for all or any particular kind of development.

1.7 Maps [compulsory]

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

Note. The Local Provisions Map contains the following named maps:

- (a) Foreshore Building Line Map,
- (b) Open Space Building Area Map,
- (c) Prohibited Dual Occupancy Map, and
- (d) North Sydney Centre Map.

- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Direction. A note may be included listing the maps adopted by this Plan.

In order to effect a future rezoning of land subject to the Plan (or other change to a provision having effect by virtue of an adopted map), the amending local environmental plan (or other planning instrument) would not directly amend the Plan but merely declare that the relevant adopted map is amended by a named amending map.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the Department of Planning's website.

1.8 Repeal of other local planning instruments applying to land [compulsory]

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

Direction. Provision may also be included to repeal or amend specific instruments to reflect the operation of this clause.

Note. *North Sydney Local Environmental Plan 2001* and *North Sydney Local Environmental Plan 1989* are repealed under this provision.

1.8A Savings provision relating to pending development approvals

If a development application has been made before the commencement of this plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement,

the application must be determined as if this Plan had been exhibited but had not commenced.

1.9 Application of SEPPs and REPs [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

Direction. Additional instruments (or provisions of instruments) may be added if the relevant instrument or provision is covered by this Plan.

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.

- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

Business Zones

B1 Neighbourhood Centre

B3 Commercial Core

B4 Mixed Use

Industrial Zones

IN2 Light Industrial

IN4 Working Waterfront

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E2 Environmental Conservation

Direction 1. Additional zones or subzones are not to be prescribed.

Direction 2. If the land to which the Plan applies does not include any of the above zones or subzones, the reference to the zone or subzone in this clause and the provisions relating to it in the Land Use Table in clause 2.3 may, but need not, be included.

2.2 Zoning of land to which Plan applies [compulsory]

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table [compulsory]

- (1) The Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Table at the end of this Part:

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development. [*see—relevant clauses may be listed here*].

2.4 Unzoned land [compulsory]

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land [compulsory]

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with consent, or
 - (b) if the Schedule so provides—without consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Direction. While this clause and Schedule 1 are compulsory, it is not compulsory to include any items in the Schedule when the Plan is first made.

2.6 Subdivision—consent requirements [compulsory]

- (1) Land to which this Plan applies may be subdivided, but only with consent.

- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

2.6A Demolition requires consent

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

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

2.6B Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features

of the land, or increase the risk of natural hazards that may affect the land, and

- (d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Land Use Table

Direction 1. Additional objectives may be included in a zone at the end of the listed objectives to reflect particular local objectives of development, but only if they are consistent with the core objectives for development in the zone as set out in the Table.

Direction 2. Specified uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone. Additional uses may be added to an item of a zone even if some uses are already specified in that item. Additional permitted uses for particular land (but not all land in a particular zone) may be set out in Schedule 1.

Direction 3. Items 2, 3 and 4 of each zone require a relevant entry to be inserted. The following may be entered:

(a) particular uses,

(b) the word "Nil",

(c) the words "Any development not specified in item [specify item number or numbers]",so long as all residual (i.e. non-specified) uses are covered.

Note: This Table does not provide an exhaustive list of all uses that may be permissible in a particular zone. Other uses may be provided for elsewhere in this Plan or in other planning instruments such as the *State Environmental Planning Policy (Infrastructure) 2007* and the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

Zone R2 Low Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development of sites for low density housing forms, including dual occupancy development, where such development does not compromise the amenity of the surrounding areas, or the natural or cultural heritage of the area.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Environmental protection works; home-based childcare; Home occupations

3 Permitted with consent

Boarding Houses; Childcare centres; Dual occupancies (attached); Dwelling houses; Educational establishments; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Group homes; Medical centres; Places of public worship; Public utility undertakings; Recreation areas; Roads; Semi-detached dwellings; Seniors housing; Telecommunications facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development of sites for medium density housing forms, where such development does not compromise the amenity of the surrounding areas, or the natural or cultural heritage of the area.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Environmental protection works; Home occupation; Home-based child care

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public utility undertakings; Recreation areas; Roads; Semi-detached dwellings; Seniors housing; Telecommunications facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone R4 High Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the development of sites for high density housing forms, where such development does not compromise the amenity of the surrounding areas, or the natural or cultural heritage of the area.
- To ensure that a reasonable high level of residential amenity is achieved and maintained.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupation

3 Permitted with consent

Attached dwellings; Boarding Houses; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Information and education facilities; Neighbourhood shops; Multi dwelling housing; Places of public worship; Public utility undertakings; Recreation areas; Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Telecommunications facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To encourage active street life while maintaining high levels of residential amenity.
- To encourage shop top housing.

2 Permitted without consent

Environmental protection works; Home based childcare; Home occupation

3 Permitted with consent

Boarding houses; Business Premises; Child care centres; Community facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Health services facilities; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Places of public worship; Public administration buildings; Public utility undertakings; Roads; Recreation areas; Recreation facilities (indoor);

Restaurants; Shops; Shop top housing; Signage; Take away food and drink premises; Telecommunications facilities

4 Prohibited

Bulky goods premises; Any development not specified in item 2 or 3

Zone B3 Commercial Core

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To prohibit further residential development in the core of the North Sydney Centre.
- To minimise adverse effects of development on residents and occupiers of existing and new development.

2 Permitted without consent

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Business Premises; Childcare centres; Community facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Food and drink premises; Function centres; Health services facilities; Hotel or motel accommodation; Information and education facilities; Kiosks; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Registered clubs; Retail premises; Restricted premises; Roads; Serviced apartments; Sex service premises; Signage; Telecommunications facilities; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.
- To maintain existing commercial space and allow for residential development in mixed use buildings with non-residential uses at the lower levels and residential above.

2 Permitted without consent

Home based childcare; Home occupations

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Business Premises; Car parks; Childcare centres; Community facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Food and drink premises; Function centres; Health services facilities; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Kiosks; Office Premises; Passenger transport facilities; Places of public worship; Public administration buildings; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Registered clubs; Restricted premises; Retail Premises; Roads; Seniors housing; Serviced apartments; Sex service premises; Shop top housing; Signage; Telecommunications facilities; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals

4 Prohibited

Bulky goods premises; Any development not specified in item 2 or 3

Zone IN2 Light Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage a mix of lower scale housing types.

- Permit development which is compatible with the scale and character of the surrounding residential area.

2 Permitted without consent

Home based childcare; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Childcare centres; Depots; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Entertainment facilities; Group homes; Health services facilities; Home businesses; Home industries; Information and education facilities; Light industries; Multi dwelling housing; Neighbourhood shops; Office premises, Places of public worship; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Roads; Semi-detached dwellings; Seniors housing; Signage; Telecommunications facilities; Warehouse or distribution centres

4 Prohibited

Bulky goods premises; Any development not specified in item 2 or 3

Zone IN4 Working Waterfront

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boat launching ramps; Boat repair facilities; Charter and tourism boating facilities; Jetties; Kiosks; Light industries; Marinas; Public utility undertakings; Roads; Signage; Telecommunications facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Public utility undertakings; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Public utility undertakings; Roads; Signage; Telecommunication facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure sufficient public recreation areas are available for the benefit and use of residents and visitors to the North Sydney local government area.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Environmental facilities; Information and educational facilities; Kiosks; Public utility undertakings; Recreation areas; Recreational facilities (outdoor); Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To minimise the adverse effects of development on surrounding residential development.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Environmental facilities; Kiosks; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect and preserve bushland so as to provide representation of the natural state and to enable existing animal and plant communities to survive in the long term.
- To allow, where appropriate, for low impact recreational opportunities, which will protect the values of bushland.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3 Exempt and complying development

3.1 Exempt development [compulsory]

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
 - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3).
- (3A) To be exempt development, the development also:
- (a) must be undertaken in accordance with any relevant Sydney Water requirements that relate to building over sewers, and
 - (b) must not obstruct drainage of the site on which it is carried out, and
 - (c) must not restrict any vehicular or pedestrian access to or from the site.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.

(4A) A heading to an item in Schedule 2 is taken to be part of that Schedule.

3.2 Complying development [compulsory]

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
 is complying development.
- Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.
- (3) To be complying development, the development must:
 - (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land, and
- (3A) To be complying development, the development must also:
- (a) be undertaken in accordance with any relevant Sydney Water requirements that relate to building over sewers.

- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out in Part 2 of that Schedule.

(4A) A heading to an item in Schedule 3 is taken to be part of that Schedule.

3.3 Environmentally sensitive areas excluded [compulsory]

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
- the coastal waters of the State,
 - a coastal lake,
 - land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Direction. Additional areas may be added to this list.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
- to ensure that subdivision and associated development promotes the desired future character of the neighbourhood through consistent lot size, shape, orientation and housing density, and
 - to maintain a mix of dwelling sizes and affordable accommodation, and
 - to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations, and
 - to minimise any likely impact of subdivision and development on the amenity of neighbouring properties, and
 - to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (5) For the purpose of this clause, in calculating the area of any lot, the area of any access handle, access way, right of carriageway or the like, are to be excluded.

4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

Not applicable

4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
- to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient, and
 - to promote the retention of and, if appropriate, sharing of existing views, and
 - to maintain solar access to existing dwellings, public reserves and streets, and promote solar access to future development, and

- (d) to maintain privacy for residents of existing dwellings and promote privacy for residents of new buildings, and
 - (e) to ensure compatibility between development, particularly where zones meet, and
 - (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of an area, and
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), the street elevation of a building on land:
- (a) zoned R2 Low Density Residential, and
 - (b) within a heritage conservation area,
- must not exceed 5.5m in height, unless the street elevations of the buildings on adjoining land to that street frontage are 2 or more storeys in height.
- (2B) Despite subclauses (2) and (2A), a building on land within the R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential zone and with a site area less than 230m², excluding the area of any access corridor, right of carriageway or the like, must not exceed 5.5 m in height.

Direction. Different heights may be shown on the map for different zones or for different land in the same zone. This Plan may also provide for specified height restrictions to be varied or modified in certain circumstances, for example, to prevent overshadowing of public open space, for air safety reasons or for the purposes of promoting design excellence.

4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
- (a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land, and
 - (b) to limit traffic generation as a result of that development, and
 - (c) to limit the bulk and scale of development, and
 - (d) to ensure that street frontages are activated in the B1 Neighbourhood Centre and B4 Mixed Use zones.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), a building must not be erected in Areas 1-12 if the floor space ratio of the part of the building to be used for non-residential purposes is not within the range specified in the table to this subclause:

Area	Minimum Non-Residential Floor Space Ratio	Maximum Non-Residential Floor Space Ratio
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Area	Minimum Non-Residential Floor Space Ratio	Maximum Non-Residential Floor Space Ratio
1	3:1	-
2	0.75:1	2:1
3	3:1	4:1
4	1:1	2:1
5	0.6:1	2:1
6	0.5:1	2:1
7	0.5:1	1:1
8	3:1	4:1
9	4:1	5:1
10	0.5:1	-
11	1:1	-
12	0	2:1

Note. Areas 1-12 are shown on the Floor Space Ratio Map. The floor space comprising non-residential development must be within the non-residential floor space ratio range shown in the above table. The remainder of the building may comprise residential development.

- (2B) The non-residential component of a building to be erected in Areas 1-12 is to be provided at the lower levels of the building and, with the exception of Area 12, the ground level is not to be used for residential purposes other than for access.

Direction. Different floor space ratios may be shown on the FSR map for different zones, for different land in the same zone or for different land uses within a building. This Plan may provide that, despite subclause (2), the maximum floor space ratio for a building is to be determined partly by the FSR map and partly by other means, or wholly by other means.

4.5 Calculation of floor space ratio and site area [optional]

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

- (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)),
- (c) For the purpose of this clause, in calculating the area of any lot, the area of any access handle, access way, right of carriageway or the like, are to be excluded.

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) Existing buildings

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) Covenants to prevent “double dipping”

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) Covenants affect consolidated sites

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) Definition

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.6 Exceptions to development standards [compulsory]

- (1) The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
- (8A) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) clause 6.4 (2)(b) or (c).

Direction. Additional exclusions may be added.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)*.
Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.
- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone E2 Environmental Conservation and marked "Local Open Space"	Council
Zone E2 Environmental Conservation and marked "Regional Open Space"	The corporation constituted under section 8 of the Act

Direction. Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 26 (1) (c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the Corporations Act 2001 of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition

Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.1A Development on land intended to be acquired for a public purpose

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the authority of the State specified for the land in Clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of the Table to this clause.

Column 1	Column 2
Land	Development
Zone RE1 Public Recreation and marked "Local open space"	Earthworks; Environmental facilities; Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Earthworks; Environmental facilities; Recreation areas
Zone SP2 Infrastructure and marked "Classified road"	Earthworks; alterations and additions to existing attached dwellings, dual occupancy (attached), dwelling houses or multi dwelling housing
Zone E2 Environmental Conservation and marked "Local Open Space"	Earthworks; Environmental facilities
Zone E2 Environmental Conservation and marked "Regional Open Space"	Earthworks; Environmental facilities

5.2 Classification and reclassification of public land [compulsory]

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge

trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **25m from any zone boundary**.
- (3) This clause does not apply to:
 - (a) land zoned RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management or W1 Natural Waterways, **R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B3 Commercial Core, B4**

Mixed Use, IN2 Light Industrial, IN4 Working Waterfront, RE2 Private Recreation, or

- (b) land within the coastal zone, or
- (c) land proposed to be developed for the purpose of sex services or restricted premises.

Direction. Additional zones may be included in paragraph (a).

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) The clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses [compulsory]

(1) Bed and breakfast accommodation

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

(2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than **30** square metres of floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than **30** square metres of floor area.

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) **40%** of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or
- (b) **400** square metres,

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than **3** bedrooms.

(6) Kiosks

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 40 square metres.

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

(8) Roadside stalls

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.

(9) Secondary dwellings

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

- (a) 60 square metres,
- (b) 30% of the total floor area of both the self-contained dwelling and the principal dwelling.

Note: Industrial retail outlets, Farm stay accommodation, Roadside stalls and Secondary dwellings are not permitted uses in this Plan.

5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]

Not Applicable

5.6 Architectural roof features [optional]

- (1) The objectives of this clause are:
 - (a) to permit variations to maximum building height standards for roof features of visual interest, and
 - (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard, and
 - (c) to maintain solar access to new and existing buildings, public reserves and streets, and
 - (d) to promote the retention of and, if appropriate, sharing of existing views.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing.

- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

(3A) Development consent must not be granted to any such development unless the consent authority is satisfied that:

- (a) the architectural roof feature:
 - (i) if illuminated, will not cause excessive light spill to adjoining properties or add unreasonably to the ambient light levels experienced in the surrounding area, and
 - (ii) does not provide access to a public or private open space or a recreation facility, and
 - (iii) is an integral part of the design of the building in its context.

5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms [compulsory]

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of

a building so as to occupy a space of not more than 450mm x 100mm x 100mm.

- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation [optional]

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- development consent, or
 - a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- that is or forms part of a heritage item, or
 - that is within a heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:

- the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

5.10 Heritage conservation [compulsory]

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

(1) Objectives

The objectives of this clause are:

- to conserve the environmental heritage of **North Sydney**, and
- to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- to conserve archaeological sites, and
- to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- altering a heritage item that is a building by making structural changes to its interior,
- disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,

- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect on heritage significance

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage impact assessment

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Places of Aboriginal heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of item of State significance

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction [compulsory]

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional Local Provisions

Division 1 North Sydney Centre Provisions

6.1 Application of Division

This Division applies to land shown as “North Sydney Centre” on the North Sydney Centre Map.

6.2 Objectives for development in North Sydney Centre

- (1) The specific objectives of this Division are as follows:
 - (a) to maintain the status of the North Sydney Centre as a major commercial centre within Australia,
 - (b) to require arrangements for railway infrastructure to be in place before additional non-residential gross floor area is permissible in relation to any proposed development in the North Sydney Centre,
 - (c) to ensure that transport infrastructure, and in particular North Sydney Station, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport and will:
 - (i) be convenient and accessible, and
 - (ii) enable a reduction in dependence on private car travel to the North Sydney Centre, and
 - (iii) be adequate to achieve no increase in car parking, and
 - (iv) have the capacity to service the demands generated by development in the North Sydney Centre,
 - (d) to allow for 250,000m² (maximum) non-residential gross floor area in addition to the estimated existing (as at 28 February 2003) 700,000m² non-residential gross floor area,
 - (e) to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1000m²,
 - (h) to provide significant public benefits such as open space, through-site linkages, childcare and the like,
 - (i) to protect the privacy of residents, and the amenity of residential and open space area, within and around the North Sydney Centre,
 - (j) to prevent any net increase in overshadowing of any land zoned residential or RE1 Public Recreation or any land within a Special Area as shown on the North Sydney Centre Map,
 - (k) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and protect the amenity of these areas.

6.3 Railway infrastructure

- (1) Railway infrastructure objective

The specific objective of this clause is to ensure there will be railway infrastructure to accommodate the growth of the North Sydney Centre in accordance with this Division.

(2) Railway infrastructure control

Consent must not be granted to the carrying out of development on any land in the North Sydney Centre if the total non-residential gross floor area of buildings on the land after the development is carried out would exceed the total non-residential gross floor area of buildings lawfully existing on the land immediately before the development is carried out.

(3) Exception railway infrastructure control

Despite subclause (2) but subject to subclause (5), consent may be granted to the carrying out of development on any land in the North Sydney Centre that would result in an increase in the total non-residential gross floor area of buildings lawfully existing on the land, but only if the Director-General has first certified, in writing to the consent authority, that satisfactory arrangements have been made for railway infrastructure that will provide for the increased demand for railway infrastructure generated by the development.

(4) In determining whether to certify arrangements in accordance with subclause (3), the Director-General must consider the views of:

- (a) the New South Wales Department of Transport, and
- (b) any other public authority that the Director-General considers relevant.

(5) Development consent must not be granted in accordance with subclause (3) if the consent authority is satisfied that the increase in non-residential gross floor area authorised under the development consent concerned when added to the increases (reduced by any decreases) in non-residential gross floor area authorised under all consents granted in relation to land in the North Sydney Centre since the 28 February 2003 would exceed 250,000m².

(6) The Council is to review this Division to determine whether the policy objectives of the Division remain valid and whether the terms of the Division remain appropriate for securing those objectives. The review is to be undertaken as soon as practicable after development consent has been granted that would result in the sum of increases (reduced by any decreases) in the non-residential gross floor area authorised under all consents granted in relation to land in the North Sydney Centre since the 28 February 2003 exceeding 200,000m².

(7) For the purposes of subclauses (5) and (6):

- (a) an increase in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after a development consent is granted exceeds the non-residential gross floor area authorised on the land immediately before the consent was granted, and
- (b) a decrease in non-residential gross floor area is the amount by which the non-residential gross floor area authorised on land after

a development consent is granted is less than the non-residential gross floor area authorised on the land immediately before the consent was granted, and

- (c) a development consent does not include a consent that has lapsed.

(8) In this clause:

non-residential gross floor area means that part of the gross floor area of a building that is used for the purposes of: business premises (excluding funeral chapels, funeral homes, health consulting rooms and medical centres); hotel or motel accommodation; office premises; retail premises (excluding pubs); serviced apartments; or recreation facilities (indoor) (but only where those facilities are used for the purpose of gain).

6.4 Building heights and massing

(1) Building heights and massing objectives

The specific objectives of this clause are as follows:

- (a) to achieve a transition of building heights generally from 100 Miller Street (Northpoint) and 79-81 Berry Street (being the location of the tallest buildings) stepping down towards the boundaries of the North Sydney Centre, in accordance with the Height of Buildings Map,
- (b) to promote a height and massing that has no adverse impact on land in the RE1 Public Recreation zone or land within a Special Area as shown on the North Sydney Centre Map or on heritage items,
- (c) to minimise overshadowing of, and loss of solar access to, land in the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential or RE1 Public Recreation zones or land within a Special Area as shown on the North Sydney Centre Map,
- (d) to promote scale and massing that provides for pedestrian comfort, in terms of weather protection, solar access, human scale and visual dominance,
- (e) to encourage consolidation of sites for provision of high grade commercial space and provision of public benefits.

(2) Building heights and massing controls

Consent must not be granted to the erection of a building within the North Sydney Centre, if:

- (a) the building height will exceed the height for the land shown on the Height of Buildings Map, or
- (b) there will be a net increase in overshadowing between 12 noon and 2pm, Eastern Standard Time, of any land that is within the North Sydney Centre and is within the RE1 Public Recreation zone or within a Special Area as shown on the North Sydney Centre Map, or

- (c) there will be a net increase in overshadowing between 10am and 2pm, Eastern Standard Time, of the land known as Don Bank Museum, 6 Napier Street, North Sydney, or
- (d) the site area is less than 1,000m², or
- (3) Clause 4.6 of this plan – *Exceptions to development standards*, does not apply to subclause (2) (b) or (c).
- (4) Despite subclause (2) (a), consent may be granted for development that exceeds the maximum building height, but only if the consent authority is satisfied that:
 - (a) the variation is justified by the merits of the development and the public benefit to be gained, and
 - (b) any increase in overshadowing between the hours of 9am and 3pm, Eastern Standard Time, will not reduce the amenity of any dwelling that is outside the North Sydney Centre.

(6) Building design and public benefits

When determining whether or not to grant consent to a development application in respect of land within the North Sydney Centre, the consent authority must consider:

- (a) the impact of the proposed development in terms of scale, form and massing within the context of the locality and landform, the natural environment and neighbouring development and in particular lower scale development adjoining the North Sydney Centre, and
- (b) whether the proposed development provides public benefit, and
- (c) whether the proposed development preserves important view lines and vistas, and
- (d) whether the proposed development enhances the streetscape in terms of scale, materials and external treatments, and provides variety and interest, and
- (7) Mount Street Plaza public recreation zone

Despite any other provision of this plan, the consent authority may grant consent to an application for additions to the MLC building on land known as 105-153 Miller Street, North Sydney that may cause a net increase in overshadowing of that part of the land known as Mount Street Plaza that is within the RE1 Public Recreation zone.

- (8) For the purposes of clauses (1)(h), (4)(a) and (6)(b) public benefit includes, but is not limited to the provision of:
 - (a) dedication of land,
 - (b) streetscape improvements,
 - (c) social or community projects,
 - (d) civil infrastructure projects,
 - (e) public transport projects,

- (f) public open space and embellishment works, but does not include:

- (g) payment of development contributions under Section 94 of the Act or any works in kind for development specified in a contributions plan prepared under Section 94 of the Act, and
- (h) payments of railway infrastructure contributions under clause 6.3 of this plan.

6.5 Miller Street setback area

(1) Miller Street setback area objective

The specific objective of this clause is to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Street.

(2) Miller Street setback area control

A building must not be erected within the Miller Street Setback area as shown on the North Sydney Centre Map, unless it is less than 1.5 metres high and is required only for access to, or landscaping of, a site.

Division 2 General Provisions

6.6 Dual Occupancy Development

- (1) Despite any other provisions of this plan, development for the purpose of dual occupancies is prohibited on land within the R2 Low Density Residential zone and shown as “prohibited dual occupancy” on the Prohibited Dual Occupancy Map.
- (2) Despite any other provisions of this plan, a dual occupancy must not be erected on land that is located within a heritage conservation area or is identified as a heritage item, unless:
 - (a) the land is vacant, or
 - (b) all of the following apply:
 - (i) the dual occupancy is situated substantially within the fabric of an existing building,
 - (ii) the appearance of the existing building, as visible from a public place, is conserved,
 - (iii) the majority of significant fabric of the existing building is conserved.
- (3) A dual occupancy must not be erected unless:
 - (a) the form of building appears as a dwelling-house, and
 - (b) the dwellings in the dual occupancy are attached by at least 80% of the common wall, or 80% of the common floor or ceiling, as relevant, and
 - (c) the site area is at least 450m², and
 - (d) not more than one dual occupancy per 450m² of site area is proposed.

6.7 Development in recreation zones (RE1, RE2)

- (1) The consent authority must not grant consent to development within the RE1 Public Recreation or RE2 Private Recreation zones unless it has taken into consideration all of the following:
 - (a) the need for the proposed development on that land,
 - (b) whether the impact of the proposed development will be detrimental to the existing or future use of the land,
 - (c) whether the height and bulk of any proposed building or structure has regard to existing vegetation and topography,
 - (d) in the case of land zoned RE1 Public Recreation, whether the proposed development will significantly diminish public access to and use of that public recreation area,
 - (e) whether the proposal is not inconsistent with the most restrictive built form controls of any adjacent zone in relation to:
 - (i) height,
 - (ii) bulk,
 - (iii) setbacks, and
 - (iv) any other aspects that might conflict with surrounding land uses,
 - (f) whether the proposed development will impact on bushland and remnant bushland,
 - (g) whether the proposed development will impact on stormwater flow.
- (2) For the purposes of subclause (1)(e), the zone subject to the most restrictive development standards is to be determined having regard to all relevant zones except for SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation or E2 Environmental Conservation.

6.8 Development in special purposes zones (SP1, SP2)

- (1) The consent authority must not grant consent to development within the SP1 Special Activities or SP2 Infrastructure zones unless the proposal is not inconsistent with the most restrictive built form controls of any adjacent zone in relation to:
 - (a) height
 - (b) bulk
 - (c) setbacks, and
 - (d) any other aspects that might conflict with surrounding land uses.
- (2) For the purposes of subclause (1), the zone subject to the most restrictive development standards is to be determined having regard to all relevant zones except for SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation or E2 Environmental Conservation.

6.9 Development in the Working Waterfront zone (IN4)

- (1) The objectives of this clause are as follows:
 - (a) ensure development in the IN4 Working Waterfront zone is in scale with the site and its surroundings, and
 - (b) acknowledge the unique environmental quality of the foreshores of the harbour.
- (2) The consent authority must not grant consent to development within the IN4 Working Waterfront zone if:
 - (a) the proposed development is not inconsistent with the:
 - (i) size of the site and the part of the waterway where the development is situated, particularly in relation to the number, size and draft of any boats to be moored, or
 - (ii) proximity, scale and height of surrounding development, or
 - (iii) scenic, environmental and cultural qualities of the site and its surrounding area, or
 - (b) the proposed development will have an adverse effect on:
 - (i) public views and views from surrounding properties, or
 - (ii) natural features on, or adjoining the site, such as cliff lines, bushland and significant trees.
- (3) Despite any other provision of this plan, any outdoor seating area associated with a kiosk in the IN4 Working Waterfront zone must not exceed 40m².

Note. Draft of boat means the vertical distance between the vessel's waterline and its lowest point. The lowest point may be the hull itself or an attachment (such as a keel, rudder or propeller). It also means the minimum water depth in which a boat will float.

6.10 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area unless:
 - (a) by Council resolution, it is determined that the levels, depth or other exceptional features of the site make it appropriate to do so, or
 - (b) the development is for the purposes of any of the following:
 - (i) single storey boatsheds, which are ancillary to residential use, and are not used as habitable rooms, or
 - (ii) jetties, ramps and pontoons, which are ancillary to residential use, or
 - (iii) swimming pools with a maximum height of 500mm above ground level (existing) and associated fencing with a maximum height of 1.2m above ground level (existing), or

- (iv) fences with a maximum height of 1.2m above ground level (existing), or
 - (v) sea retaining walls, or
 - (vi) retaining walls, other than sea retaining walls, with a maximum height of 500mm above ground level (existing), or
 - (vii) structures to provide public or private access to the foreshore (including pathways, access for the aged and disabled, stairs and boardwalks), or
 - (viii) landscaping.
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained,
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - (h) sea level rise or change of flooding patterns as a result of climate change have been considered.

6.11 Open space building area

- (1) The objectives of this clause are as follows:
 - (a) to maintain the established open landscaped setting provided by the area, and
 - (b) to recognise and retain the scenic, environmental and cultural qualities of Newlands Lane, and
 - (c) to encourage a native bushland setting for surrounding areas, and

- (d) to minimise built development in the area.

- (2) Despite any other provision of this plan, development must not be carried out on land shown as open space building area, on the Open Space Building Area Map except for the purpose of:
 - (a) landscaping by means only of planting shrubs or trees, or
 - (b) fences with a height of no more than 900 millimetres, measured from existing ground level.

6.12 Earthworks and drainage

- (1) The objective of this clause are as follows:
 - (a) to ensure that any land earthworks or drainage works do not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items and features, and
 - (b) to retain existing vegetation and to allow for substantial new vegetation and trees, and
 - (c) to minimise site disturbance so as to retain natural landforms, natural rock faces, sandstone retaining walls and the like, and
 - (d) to retain natural water runoff patterns and underground water table and flow patterns, and
 - (e) to ensure the structural integrity of adjoining properties.
- (2) Development consent is required to earthworks or drainage.
- (3) Before granting any such development consent, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns, soil stability, natural features and existing vegetation in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or of the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material or the destination of any excavated material,
 - (f) the likelihood of disturbing Aboriginal objects or relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, or environmentally sensitive area.
- (4) This clause is subject to the provisions of clause 3.1 which provides for certain development to be exempt development.

6.14 Serviced apartments

- (1) The objective of this clause is to ensure that serviced apartments are designed to provide reasonably levels of amenity for occupants similar to that expected within a residential flat building.

- (2) Development consent must not be granted for the erection of a building containing serviced apartments unless the consent authority is satisfied that the following are achieved for the serviced apartment component of the development as if it were a residential flat development:
- (a) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,
 - (b) the design principles of the *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).

6.16 Residential flat buildings

- (1) The objective of this clause is to ensure that dwelling-houses or dual occupancies will not be left isolated on sites that are not reasonably capable of development for residential flat buildings.
- (2) Consent must not be granted to develop a residential flat building within the R4 High Density Residential zone if:
 - (a) the site area is less than 900m², or
 - (b) it can not be adequately demonstrated that any dwelling-house or dual occupancy left isolated on an adjoining allotment as a result of the development, are not reasonably capable of development for residential flat buildings.

6.17 Vehicular Access

- (1) Despite any provision of this Plan, development for the purposes of a driveway and vehicular crossing within a road reserve associated with a permissible use in an adjoining zone is permissible with development consent.

6.18 Office premises in the B1 Neighbourhood Centre Zone

- (1) The objective of this clause is to permit additional compatible uses within the B1 Neighbourhood Centre zone but only where that use does not impact upon the activation of street frontages.
- (2) Despite any other provision of this Plan, development for the purposes of an office premises is permissible with development consent within the B1 Neighbourhood Centre zone.
- (3) Development consent must not be granted for an office premises pursuant to subclause (2), unless the office premises is located above the ground floor level of the building in which it is located, excluding any access thereto.

Part 7 Site specific provisions

7.1 James Milson Village

- (1) This clause applies to Lots 1 and 2 DP 215942, Lot 1 DP 540282, Lot 2 DP 594966, Lot 8 DP 17717 and Lot 1 DP 524258, Clark Road, North Sydney, being land known as “James Milson Village”.
- (2) The specific objective of the controls in relation to the land are to ensure that a reasonable level of amenity is provided for existing and future residents.
- (3) This clause only applies if the land to which this clause applies is used for seniors housing.
- (4) A building must not be erected on the land for seniors housing purposes if the landscaped area is less than 25% of site area.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 12 Abbott Street, Cammeray

- (1) This clause applies to land at 12 Abbott Street, Cammeray, being Lots 1 & 2, DP 219968, Lots 4 & 5, DP 177777 and Lot 1, DP 999845.
- (2) Development for the purposes of a registered club is permitted with consent.

2 Use of certain land at Amherst Street, Cammeray

- (1) This clause applies to land at Amherst Street, Cammeray, being Lot A, DP 395369, Lots C & D, DP 395371, Lot 1, DP 923119 and Lot 1, DP 923147.
- (2) Development for the purposes of a car park is permitted with consent.

3 Use of certain land at 2 Anzac Avenue, Cammeray

- (1) This clause applies to land at 2 Anzac Avenue, Cammeray, being Lot 2, DP 1080152.
- (2) Development for the following purposes is permitted with consent:
 - (a) Registered club,
 - (b) Recreation facility (indoor),
 - (c) Recreation facility (outdoor).

4 Use of certain land at Cammeray Road, Cammeray

- (1) This clause applies to land at Green Park, Cammeray Road, Cammeray, being Lot 7138, DP 93723.
- (2) Development for the purposes of a childcare centre is permitted with consent.

5 Use of certain land at 429-431 Miller Street, Cammeray

- (1) This clause applies to land at 429-431 Miller Street, Cammeray, being Lot 3, DP 10462 and Lot 1, DP 1047285.
- (2) Development for the purposes of a pub is permitted with consent.

6 Use of certain land at Park Avenue, Cammeray

- (1) This clause applies to land at Cammeray Park, Park Avenue, Cammeray, being Lot 1103, DP 752067.
- (2) Development for the purposes of a registered club is permitted with consent.

7 Use of certain land at 2-4 Raleigh Street, Cammeray

- (1) This clause applies to land at 2-4 Raleigh Street, Cammeray, being Lots 1 & 12, DP 652.
- (2) Development for the purposes of a car park is permitted with consent.

8 Use of certain land at 250 West Street, Cammeray

- (1) This clause applies to land at St Thomas Rest Park, 250 West Street, Cammeray, being Lot 100, DP 790953.
- (2) Development for the purposes of a dwelling is permitted with consent.

9 Use of certain land at 106-108 Parraween Street, Cremorne

- (1) This clause applies to land at 106-108 Parraween Street, Cremorne, being Lot 1, DP 980455, Lot 1, DP 572817, Lots A & B, DP 318784, Lot 1, DP 980451, and Lots 1, 2, 3 & 4, DP 1122786
- (2) Development for the following purposes are permitted with consent:
 - (a) Car park,
 - (b) Restaurant.

10 Use of certain land at 34-48 Alexander Street, Crows Nest

- (1) This clause applies to land at 34-48 Alexander Street, Crows Nest, being Lots 10, 11 & 12, Sec 4, DP 1265, Lot 1, DP 185720, and Lot 1, DP 1081820.
- (2) Development for the purposes of a car park is permitted with consent.

11 Use of certain land at 84-90 Atchison Street, Crows Nest

- (1) This clause applies to land at 84-90 Atchison Street, Crows Nest, being Lots 8, 9, 10 & 11, Sec 6, DP 2872.
- (2) Development for the purposes of a retail premises is permitted with consent.

12 Use of certain land at 111-115 Chandos Street, Crows Nest

- (1) This clause applies to land at 111-115 Chandos Street, Crows Nest, being Lots 28 & 29, Sec 6, DP 2872.
- (2) Development for the purposes of office premises is permitted with consent.

13 Use of certain land at 6-10 Falcon Street, Crows Nest

- (3) This clause applies to land at 6-10 Falcon Street, Crows Nest, being Lot 1, DP 314750, Lot 1, DP 104029, Lot 1, DP 104030, Lots 1,2 & 3, DP 455869, Lot 13, Sec 4, DP 1265, Lot 1, DP 185720, and Lot 1, DP 1081820.
- (4) Development for the purposes of a car park is permitted with consent.

14 Use of certain land at 1 Bradly Avenue, Kirribilli

- (1) This clause applies to land at 1 Bradly Avenue, Kirribilli, being Lot 1, DP 1091583.
- (2) Development for the purposes of a business premises, not to exceed a total floor area of 325m², is permitted with consent.

15 Use of certain land at 37 Broughton Avenue, Kirribilli

- (1) This clause applies to land at 37 Broughton Avenue, Kirribilli, being Lot 1, DP 336189.
- (2) Development for the purposes of a pub is permitted with consent.

16 Use of certain land at 2-28 Ennis Road, Kirribilli

- (1) This clause applies to land at 2-28 Ennis Road, Kirribilli, Bays 24-44, being cubic spaces under the Warringah Expressway.
- (2) Development for the purposes of any use permissible in the B1 Neighbourhood Centre zone is permitted with consent.

17 Use of certain land at 40 McDougall Street, Kirribilli

- (1) This clause applies to land at 40 McDougall Street, Kirribilli, being Lot 3, DP 740787.
- (2) Development for the purposes of a car park is permitted with consent.

18 Use of certain land at 76 McDougall Street, Kirribilli

- (1) This clause applies to land at 76 McDougall Street, Kirribilli, being Lot 2, DP 1046761.
- (2) Development for the purposes of a registered club is permitted with consent.

19 Use of certain land at 78 McDougall Street, Kirribilli

- (1) This clause applies to land at 78 McDougall Street, Kirribilli, being Lot 2, DP 326759.
- (2) Development for the following purposes is permitted with consent:
 - (a) Restaurant,
 - (b) Entertainment facility.

20 Use of certain land at 162 Blues Point Road, McMahons Point

- (1) This clause applies to land at 162 Blues Point Road, McMahons Point, being Lot 1, DP 565890.
- (2) Development for the purposes of business premises is permitted with consent.

21 Use of certain land at 206 Blues Point Road, McMahons Point

- (1) This clause applies to land at 206 Blues Point Road, McMahons Point, being Lot 1, DP 565890.
- (2) Development for the purposes of a pub is permitted with consent.

22 Use of certain land at 35-51 Mitchell Street, McMahons Point

- (3) This clause applies to land at 35-51 Mitchell Street, McMahons Point, being Lot 1, DP 557873 and Lots 4, 5, 6 & 7, DP 16870.
- (4) Development for the purposes of business premises is permitted with consent.

23 Use of certain land at 2 Thomas Street, McMahons Point

- (1) This clause applies to land at 2 Thomas Street, McMahons Point, being Lot 1, SP 55380.
- (2) Development for the purposes of a restaurant is permitted with consent.

24 Use of certain land at 4 Alfred Street South, Milsons Point

- (1) This clause applies to land at North Sydney Pool, 4 Alfred Street South, Milsons Point, being Lot 100, DP 875048, lot 101, DP 880236, Lot 102, DP 854064, Lot 6, DP 127637 and Lot 103, DP 1007291.
- (2) Development for the following purposes is permitted with consent:
 - (a) Recreation facility (indoor),
 - (b) Restaurant.

25 Use of certain land at 41 Alfred Street South, Milsons Point

- (1) This clause applies to land at Bradfield Park, 41 Alfred Street South, Milsons Point, being Lot 1, DP 873687.
- (2) Development for the purposes is permitted with consent:
 - (a) Markets,
 - (b) Restaurant.

26 Use of certain land at 6A Glen Street, and 1 Olympic Drive, Milsons Point

- (1) This clause applies to land at Luna Park, 6A Glen Street, Milsons Point, being Lots 1-91, SP 72642, and 1 Olympic Drive, Milsons Point, being Lots 2, 3 & 4, DP 1066900, Lots 1247, 1250, & 1258, DP 48514 and Lots 10, 11 & 12, DP 1113743.
- (2) Development for any use permissible under the *Luna Park Site Act 1990* following purposes is permitted with consent.

Note: *The Luna Park Sites Act 1990 identifies the following uses as being permissible:*

Restaurant; cafes; functions; exhibitions; conventions; meetings; markets; theatres; other entertainment uses declared by the Regulations; and

Additional authorised uses for cliff top area (Lots 10, 11 & 12, DP 1113743 and Lots 1-91, SP 72642):

hotels; shops; offices accommodation; car parking; other commercial uses permitted by the Regulations for land comprising the cliff top properties.

27 Use of certain land at Montpelier Street, Neutral Bay

- (1) This clause applies to land at Forsyth Park, Montpelier Street, Neutral Bay, being Lot 1, DP 182655.
- (2) Development for the purposes of a childcare centre is permitted with consent.

28 Use of certain land at 263 Alfred Street, North Sydney

- (1) This clause applies to land at 263 Alfred Street, North Sydney, being Lots 1-13, SP 71563.
- (2) Development for residential purposes is permitted with consent.

29 Use of certain land at 77-81 Berry Street, North Sydney

- (1) This clause applies to the northern portion of land at 77-81 Berry Street, North Sydney, being Lots 1-241, SP 74602.
- (2) Development for residential purposes in accordance with DA1466/96 is permitted with consent.

30 Use of certain land at 88 Berry Street, North Sydney

- (1) This clause applies to land at 88 Berry Street, North Sydney, being Lot 1, DP 1063620.
- (2) Development for the purposes of a registered club is permitted with consent.

31 Use of certain land at Miller Street, North Sydney (North Sydney Oval)

- (1) This clause applies to land at North Sydney Oval, Miller Street, North Sydney, being Lot 1108, DP 48839.
- (2) Development for the following purposes is permitted with consent:
 - (a) Business premises,
 - (b) Childcare centres,
 - (c) Depots,
 - (d) Educational establishments,
 - (e) Entertainment facilities
 - (f) Function centres,
 - (g) Health consulting rooms,
 - (h) Kiosks,
 - (i) Office premises,
 - (j) Public administration buildings,
 - (k) Recreational facilities (major),
 - (l) Shops,
 - (m) Signage.

32 Use of certain land at Miller Street, North Sydney (St Leonards Park)

- (1) This clause applies to land at St Leonards Park, Miller Street, North Sydney, being part Crown land 316-3000.
- (2) Development for the purposes of an entertainment facility is permitted with consent.

33 Use of certain land at 32-76 Pacific Highway, North Sydney

- (1) This clause applies to the land at 32-76 Pacific Highway, North Sydney, being the Middlemiss Street Bays 1-10 (cubic spaces under North Sydney Railway Line).
- (2) Development for the purposes of any use permissible in the B1 Neighbourhood Centre zone, vehicle repair stations and vehicle sales or hire premises is permitted with consent.

34 Use of certain land at 93-95 Pacific Highway, North Sydney

- (1) This clause applies to land at 93-95 Pacific Highway, North Sydney, being Lots 1-49, SP 73356.
- (2) Development for residential purposes is permitted with consent.

35 Use of certain land at 190 Pacific Highway, North Sydney

- (1) This clause applies to land at 190 Pacific Highway, North Sydney, being Lot 1, DP 781667.
- (2) Development for the use of an educational establishment (instruction centre for unemployed persons participating in job training projects at other sites) is permitted with consent.

36 Use of certain land at 37 Ridge Street, North Sydney

- (1) This clause applies to land at 37 Ridge Street, North Sydney, being Lot 105, DP 1026333.
- (2) Development for the purposes of a recreation facility (outdoor) is permitted with consent.

37 Use of certain land at 50 Ridge Street, North Sydney (St Leonards Park)

- (1) This clause applies to land at 50 Ridge Street, North Sydney, being Lots 1104, 1105, 1106 & 1107, DP 46990.
- (2) Development for the purposes of a registered club is permitted with consent.

38 Use of certain land at Balls Head Drive, Waverton (former Quarantine boat depot)

- (1) This clause applies to the former Quarantine boat depot at Balls Head Drive, Waverton, being Part Lot 100, DP 1048930 and land located between Mean High Water Mark and Part Lot 100, DP 1048930.
- (2) Development for the following purposes are permitted with consent:
 - (a) Community facility,
 - (b) Information and education facility.

39 Use of certain land at Balls Head Drive, Waverton (Ex Coal Loader and Caltex sites)

- (1) This clause applies to the ex-coal loader and Caltex sites at Balls Head Drive, Waverton, being Lot 99, DP 1048930.
- (2) Development for the purposes of an emergency services facility is permitted with consent.

40 Use of certain land at Woolcott Street, Waverton (Waverton Bowling Club)

- (1) This clause applies to land at Waverton Park, Woolcott Street, Waverton, being Lot 1, DP 115703.
- (2) Development for the purposes of a registered club is permitted with consent.

- 41 Use of certain land at Milray Avenue, Wollstonecraft (Smoothey Park)**
- (1) This clause applies to land at Smoothey Park, Milray Avenue, Wollstonecraft, being Lot A, DP 6622.
 - (2) Development for the purposes of a community facility is permitted with consent.
- 42 Use of certain land at 7-17 Nicholson Street, Wollstonecraft**
- (1) This clause applies to land at 7-17 Nicholson Street, Wollstonecraft, being Lots 28, 29 & 30, Sec 33, DP 4320, Lot 1, DP 1089027 and Lot 32, DP 961019.
 - (2) Development for the purposes of a car park is permitted with consent.

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, specifies exempt development under that Policy. The Policy has state-wide application.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners property rights and the common law still apply. (For example, requirements relevant to this Schedule are contained in the Act, the Regulation, various State Environmental Planning Policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993* and the *Swimming Pools Act 1992* etc).

Access ramps

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Aerials and antennae, other than communication dishes

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Air-conditioning units

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Aviaries

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Awnings, blinds and canopies

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Awning blinds over public footpaths

Note. Applies to the attachment of operable blinds underneath an awning over a public footpath.

- (1) Must be in connection with a business premises, light industrial premises or a retail premises located in B1 Neighbourhood Centre, B3 Commercial Core, B4 Mixed Use or IN2 Light Industrial zones.
- (2) Must obtain a Permit from Council pursuant to the *Roads Act 1993* prior to undertaking any works.
- (3) Must be attached to the underside of a lawfully approved awning.
- (4) Minimum unobstructed vertical clearance—2.6m above ground level (existing) when fully extended.
- (5) Must not be located on the return end of the awning.

- (6) Must not be attached to a building on land containing a heritage item or on land within a heritage conservation area.

Balconies, decks, patios, pergolas, terraces and verandahs

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Balustrades

- (1) Must not apply to a “low-cost residential building” as defined under *SEPP (Affordable Rental Housing) 2009*.
- (2) Must only involve the replacement of existing balustrades.
- (3) All balustrades on a building must be consistent with each other in terms of architectural design, colours, materials and finishes.
- (4) Must not be located between any street frontage and the respective street elevation of the building on land containing a heritage item or on land within a heritage conservation area.
- (5) Where works affect a strata titled building, the written consent of the body corporate (or the entity which owns the building) must be obtained prior to carrying out the proposed works.
- (6) Where a structure is proposed to be constructed on land containing a heritage item, prior to the commencement of any works, the applicant must notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development would not adversely affect the significance of the heritage item.

Barbecues

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Basketball hoops and backing boards (fixed)

- (1) Must be in connection with an attached dwelling, dwelling house, dual occupancy, multi-dwelling housing or semi attached dwelling.
- (2) Must not be located between the street frontage and the respective street elevation of the building.
- (3) Must not be permanently affixed to a heritage item.

Bed and Breakfast Accommodation

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Bollards

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Carports

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Change of use of premises – other than food and drink premises to another food and drink premises

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Change of use of premises – food and drink premises to another food and drink premises

- (1) The current use must be a lawful use.
- (2) The current use must not be an existing use within the meaning of section 106 of the Act.
- (3) The new use must be permissible in the zone.
- (4) The new use must not cause the contravention of any existing condition of a development consent that applies to the premises relating to hours of operation, car parking, vehicular movement, traffic generation, landscaping or waste management.
- (5) If there is no existing condition relating to hours of operation, the premises must not be operated outside of:
 - (a) 7.00am and 9.00pm Monday to Saturday, and
 - (b) 8.00am and 6.00pm on a Sunday or public holiday.
- (6) The new use must not result in a change of building use under the *Building Code of Australia*.
- (7) Must not involve the carrying out of any alterations other than alterations that are themselves exempt development.
- (8) Must not result in an increase in the gross floor area of any building within which it is carried out.
- (9) Must not involve the subdivision of the existing floor area.
- (10) Must satisfy the requirements for a compliance certificate for trade waste purposes under section 73 of the *Sydney Water Act 1994*.
- (11) Must not generate an increase in vehicular movement to and from the site or require the creation of additional parking spaces on site.

Note. See North Sydney Council Development Control Plan 2009.
- (12) Must not use the curtilage of the premises for storage or display purposes.
- (13) Must not involve the erection of signage, other than signage that itself is exempt development.
- (14) The new use must not compromise the amenity of the locality in any greater, different or additional way, than the existing use.
- (15) Must not result in the increase in the approved customer numbers or seating capacity.

- (16) Maximum gross floor area—200m².
- (17) Must not change any approved outdoor dining area if applicable, unless exempt under this Schedule.

Clothes hoists and clothes lines

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Communication dishes (radio and satellite)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Demolition

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Display of goods on the footpath

- (1) Must be in connection with a lawfully approved business premises, office premises or retail premises which is located on land zoned B1 Neighbourhood Centre, B3 Commercial Core, B4 Mixed Use, IN4 Working Waterfront or a neighbourhood shop on land zoned R3 Medium Density Residential, R4 High Density Residential or IN2 Light Industrial.
- (2) Must obtain a Permit from Council pursuant to the *Roads Act 1993* prior to undertaking any display of goods.
- (3) Maximum area—5m².
- (4) Must be located directly adjacent to the shopfront and not project past the prolongation of the premise's side boundaries.
- (5) Must be at least 1.8m from the kerb.
- (6) Display areas associated with a premise located at an intersection of two roads, must not be located with 3m of the intersection measured from the property boundary.
- (7) Must not obstruct access to the host premise or to adjacent premises.
- (8) Must not involve the broadcasting of any live or recorded entertainment including music, broadcast programs, flashing lights, or the like.
- (9) Maximum height of temporary display structures—1.5m above ground level (existing).
- (10) All materials and equipment are temporary in nature and are removed from the footpath at close of business.
- (11) Must not involve construction work.
- (12) Any signage must be limited to displaying the name or logo of the establishment on furniture and equipment in accordance with *North Sydney Outdoor Dining and Goods Display Policy*.

Driveways (residential)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Driveways (non-residential)

- (1) Only applies to the replacement or resurfacing of existing driveways with similar or existing materials.
- (2) Does not apply to driveways that are elevated or suspended above ground level (existing).
- (3) Must be within the boundary of the property to which it applies.
- (4) Must not require a new gutter crossing or new opening in a boundary fence.
- (5) Must not alter the alignment or setback of the driveway to any property boundary.
- (6) Maximum gradient—must not exceed the maximum and transient gradient rates within AS 2890.1 - 2004: *Parking facilities – Off-street car parking*.
- (7) Must not further reduce the existing amount of landscaped area on a site.
- (8) Must not adversely affect the flow of water onto adjoining properties.

Earthworks and retaining walls (residential)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Earthworks and retaining walls (non-residential)

- (1) **New retaining walls**
 - (a) Must be at least 900mm from any neighbouring building.
 - (b) Must not be located in a foreshore building area.
 - (c) Maximum depth of fill—500mm above ground level (existing).
 - (d) Maximum depth of excavation—500mm below ground level (existing)
 - (e) Maximum wall height—900mm (excluding footings).
- (2) **Replacement of existing retaining walls**
 - (a) Must be at least 900mm from any neighbouring building.
 - (b) Maximum wall height—900mm (excluding footings).
 - (c) Must not result in a change to the wall's location, alignment or relative ground levels either side of the retaining wall.
 - (d) Must utilise identical materials if located on land containing a heritage item.
- (3) Must be structurally adequate for the intended purpose and comply with:
 - (a) AS 3700—2001: *Masonry structures*, or

- (b) AS 3600—2001: *Concrete structures*, or
 - (c) AS/NZS 1170.0—2002: *Structural design actions—General principles*, or
 - (d) AS 1170.1—2002: *Structural design actions—Permanent, imposed and other actions*, or
 - (e) AS 1170.2—2002: *Structural design actions—Wind actions*, or
 - (f) AS 1170.4—2007: *Structural design actions—Earthquake actions in Australia*, or
 - (g) AS 1720.1—1997: *Timber structures—Design methods*, or
 - (h) AS 1720.2—2006: *Timber structures—Timber properties*, or
 - (i) AS 1720.4—2006: *Timber structures—Fire resistance for structural adequacy of timber members*.
- (4) Must use clean fill to fill behind any retaining wall.
 - (5) Must not prevent the natural flow of stormwater and have adequate subsoil drainage behind the wall.
 - (6) Must not alter the soil level within the dripline of any existing tree, unless a report from a qualified aborist has been obtained which concludes that the proposed works will not affect the health and safety of the tree.
 - (7) Must not involve any pruning, cutting down, removal or destruction of trees to allow the development, unless previous approval has been granted by Council or is exempt under this Schedule.

Fences (non rural) – behind the building line

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Fences (non rural) – forward of the building line

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Filming

- (1) Repealed.
- (2) May only be carried out on land:
 - (a) on which there is a heritage item, or
 - (b) within a heritage conservation area, or
 - (c) identified in clause 3.3 as an environmentally sensitive area for exempt development,
 if the filming does not involve or result in any of the following:
 - (d) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
 - (e) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),

- (f) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
 - (g) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (3) Must not create significant interference with the neighbourhood.
 - (4) The person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000.
 - (5) If the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location.
 - (6) A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
 - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
 - (c) the proposed location of the filming,
 - (d) the proposed commencement and completion dates for the filming at the location,
 - (e) the proposed daily length of filming at the location,
 - (f) the number of persons to be involved in the filming,
 - (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
 - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
 - (i) proposed arrangements for parking vehicles associated with the filming during the filming,
 - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
 - (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,

- (l) a copy of the public liability insurance policy that covers the filming at the location,
- (m) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
 - (i) an approval by the Roads and Traffic Authority for the closure of a road,
 - (ii) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (iii) an approval by the Environment Protection Authority for an open fire,
 - (iv) an approval by the NSW Police Force for the discharge of firearms,
 - (v) an approval by the Department of Services, Technology and Administration for the use of Crown land.
- (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.
- (7) The person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
 - (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
 - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
 - (c) the proposed commencement and completion dates for the filming at the location,
 - (d) the proposed daily length of filming at the location.

Note. See also Division 4 of Part 1 of Chapter 7 of the *Local Government Act 1993*.

Note. See also the *Local Government Filming Protocol* published by the NSW Department of Local Government.

Note. See also the *Guide to NSW EPA Requirements for the Film and Television Industry* published by the NSW Environment Protection Authority.

Flagpoles

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Greywater systems for residential buildings

- (1) Must be in connection with an attached dwelling, dual occupancy, dwelling house or semi-detached dwelling.
- (2) Must only apply to greywater diversion systems.

Note. Greywater diversion devices redirect greywater for use outside the home on gardens or lawns using sub-surface irrigation.

- (3) Must not apply to greywater treatment systems.

Note. Greywater treatment systems treat water for reuse inside the home (e.g. toilet flushing, washing machine) as well as outside on gardens or lawns.
- (4) Must comply with the *NSW Code of Practice: Plumbing and Drainage 3rd Edition 2006*.

Home businesses, home industries and home occupations

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Home-based child care

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Hot water systems

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Landscaping structures

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Letter boxes

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Lighting (external)

- (1) Does not apply to the lighting of tennis courts.
- (2) Must contain light spill wholly within the site.
- (2) Must comply with AS 4282 –1997: *Control of Obtrusive Effects of Outdoor Lighting*.

Minor building alterations (external)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Minor building alterations (internal)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Minor routine maintenance of buildings identified as a heritage item or within a conservation area

Note. Some additional minor works may be undertaken without development consent pursuant to the satisfaction of the provisions contained within Clause 5.10(3)(a) of this Plan.

- (1) Only applies to maintenance of buildings and structures on land which are identified under Schedule 5 of this Plan as being a heritage item or located within a heritage conservation area.
- (2) Must apply to one or more of the following works:
 - (a) Replacement of screws and bolts to secure fixtures.
 - (b) Re-hinging doors or gates.
 - (c) Replacement of plumbing and or wiring which does not involve the replacement of fixed floor, wall or ceiling linings.
 - (d) Repairing (does not include the replacement of floorboards), sanding, polishing or oiling timber floorboards.
 - (e) Removal or replacement of floor coverings (does not include removal of floorboards attached to joists or concrete slabs).
 - (f) Maintenance or upgrade of kitchens or bathrooms (does not include removal of walls, widening of openings, demolition of chimney breast or fireplaces).
 - (g) Removal or replacement of built in cupboards.
 - (h) Removal or replacement of internal light fittings.
 - (i) Repainting internal surfaces of a building.
 - (j) Replacement of broken glass panes within windows and does not involve a change in the opacity or colour of the glass.
 - (k) Replacement of broken roof tiles.

Outdoor Dining Areas

- (1) Must be in connection with an existing lawfully approved food and drink premises which is located on land zoned R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B3 Commercial Core, B4 Mixed use or IN4 Working Waterfront or a neighbourhood shop on land zoned R3 Medium Density Residential, R4 High Density Residential or IN2 Light Industrial.
- (2) Prior to undertaking any outdoor dining activities, a Permit must be obtained from Council pursuant to the *Roads Act 1993*.
- (3) Maximum area—10m² in the B1 Neighbourhood Centre, B3 Commercial Core, B4 Mixed use or IN4 Working Waterfront zones.
- (4) Maximum area—5m² in the R3 Medium Density Residential, R4 High Density Residential or IN2 Light Industrial zones.
- (5) Must be located directly adjacent to the food and drink premises and not project past the prolongation of the premise's side boundaries.
- (6) Must be at least 1.8m from the kerb.
- (7) Outdoor dining areas associated with a premise located at an intersection of two roads, must not be located within 3m of the intersection measured from the property boundary.
- (8) Must not obstruct access to the host premise or to adjacent premises.

- (9) Must not involve the broadcasting of any live or recorded entertainment including music, broadcast programs, flashing lights, or the like.
- (10) Must not operate more than the hours specified in any approval for the existing food or drink premises.
- (11) Must not use any permanent structures to delineate the area to be used for the accommodation of diners, unless previously approved by Council.
- (12) Maximum height of removable screens or removable planter boxes—900mm where approved by Council.
- (13) All materials and equipment are temporary in nature and are removed from the footpath at close of business.
- (14) Must not involve construction work.
- (15) Any signage must be limited to displaying the name or logo of the establishment on furniture and equipment in accordance with *North Sydney Outdoor Dining and Goods Display Policy*.
- (16) Must not involve the placing of sandwich boards on the footpath.
- (17) **Umbrellas**
 - (a) Maximum number—3 in the B1 Neighbourhood Centre, B3 Commercial Core, B4 Mixed use or IN4 Working Waterfront zones or 1 in the R3 Medium Density Residential, R4 High Density Residential or IN2 Light Industrial zones.
 - (b) Maximum diameter—2.0m.

Pathways and paving (residential)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Pathways and paving (non-residential)

- (1) Only applies to the replacement or resurfacing of existing pathways with similar or existing materials.
- (2) Does not apply to pathways that are elevated or suspended above ground level (existing).
- (3) Must be within the boundary of the property to which it applies.
- (4) Must not alter the alignment or setback of the pathway to any property boundary.
- (5) Must not further reduce the existing amount of landscaped area on a site.
- (6) Must not adversely affect the flow of water onto adjoining properties.

Playground equipment (residential)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Playground equipment (non-residential)

- (1) Applies to swings, trampolines, climbing structures, slides and the like provided on private land.
- (2) Must not involve any pruning, cutting down, removal or destruction of trees to allow the development, unless previous approval has been granted by Council or is exempt under this Schedule.
- (3) Must be at least 900mm from any property boundary.
- (4) Maximum height—2.7m above ground level (existing).
- (5) Must not be located between any street frontage and the respective street elevation of a building.

Portable swimming pools and spas and child resistant barriers

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Privacy screens

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Rainwater tanks (above ground)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Scaffolding, hoardings and temporary site fences

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Screen enclosures (of balconies, deck, patios, pergolas, terraces and verandahs)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Security cameras

- (1) Installation of cameras required for security purposes.
- (2) Must be attached to a building on the site.
- (3) Must not be aimed to overlook adjoining private properties.

Shade structures of canvas, fabric, mesh or the like

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Signage

- (1) Does not apply to signage for home occupations (sex services), sex service premises or restricted businesses.
- (2) Must relate to the lawful use of the property or building to which the sign is attached, except for temporary signs and community notices.

- (3) Must not cover mechanical ventilation inlets or outlets.
- (4) Must not cover architectural features of a building.
- (5) Must not be animated, flashing or moving.
- (6) Must not comprise a variable message or video sign.
- (7) Where signage is proposed to be constructed on land containing a heritage item or within a heritage conservation area, prior to the commencement of any works, the applicant must notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development would not adversely affect the significance of the heritage item or conservation area.
- (8) **Business Identification & Building Identification Signs**
 - (a) The content of the sign must only contain one or more of the following:
 - (i) identification of the place or premises,
 - (ii) identification of an occupation or activity carried out at the place or premises,
 - (iii) necessary directions or cautions relating to the place or premises,
 - (iv) statutory notifications required or permitted to be displayed at the place or premises,
 - (v) telephone number.
 - (b) **Flush wall sign** (a sign fixed flush with the wall of a building)
 - (i) Maximum number—1 per residential building and 2 per non-residential or mixed use building.
 - (ii) Maximum length—600mm.
 - (iii) Maximum height—300mm.
 - (iv) Maximum wall projection—200mm.
 - (v) Must not be located above an awning or the ground floor level of the building, whichever is the lesser.
 - (vi) Must not be illuminated.
 - (c) **Fascia sign** (a sign on the fascia or return end of an awning)
 - (i) Maximum number—1 per ground level tenancy with a street frontage.
 - (ii) Must be flush to the fascia or return end of an awning.
 - (iii) Must not project above or below the fascia or return end of the awning.
 - (iv) Must not project past the perpendicular street alignment of the tenancy.
 - (v) Must not be illuminated.
 - (d) **Top hamper sign** (a sign painted on or attached to the transom of a doorway or display window at the ground floor level of a building)

- (i) Maximum number—1 per ground level tenancy with a street frontage.
- (ii) Must be at least 2.6m above any public footpath.
- (iii) Does not extend below the head of the doorway or window to which it is attached.
- (iv) Does not extend more than 200mm beyond any building alignment.
- (v) Must not be illuminated.
- (e) **Under awning sign**
 - (i) Maximum number—1 per ground level tenancy with a street frontage.
 - (ii) Maximum length—2.5m.
 - (iii) Maximum height—500mm.
 - (iv) Minimum unobstructed vertical clearance—2.6m above ground level (existing).
 - (v) Must be at least 600mm from the kerb of any public road.
 - (vi) Must be attached to and hang horizontally below an awning.
 - (vii) Must be erected at right angles to the face of the building.
 - (viii) Must not project beyond the awning to which it is attached.
 - (ix) The content of the sign must be associated with an approved business, office premises or retail premises that is located in the immediately adjoining building or tenancy.
 - (x) Must be installed subject to certification from a structural engineer that the structure is stable and compliant with all relevant structural standards.
 - (xi) Must not be externally illuminated.
 - (xii) Must not be internally illuminated except in the B1, B3, B4, B7, IN4 zones:
 - (xiii) Internally illuminated signs must use high efficiency (T5 or similar) lighting.
- (f) **Window sign** (a sign displayed in a shop or office window)
 - (i) Maximum number—1 per ground level tenancy with a street frontage.
 - (ii) Must be located on the façade fronting the primary street address at the ground level.
 - (iii) Maximum area—25% of the overall shop front window.
 - (iv) Must not be illuminated
- (9) **Change of message on existing sign**
 - (a) Does not apply to a roof or sky sign.
 - (b) Must relate to an existing sign which has been lawfully erected.
 - (c) Must not result in any change to the dimensions or orientation of the advertisement or advertising structure.
 - (d) Must not result in new or any change to the existing illumination.
- (e) New message must comply with any content requirements of any previous approval granted for the erection of the original sign.
- (f) If the message is for an alcohol product, it must be located on the premises where that product is sold.
- (g) The new message must not display any tobacco advertising products, offensive words or graphics and no discriminatory material.
- (10) **Community notice sign** (a notice or display by a public authority)
 - (a) Must only contain a notice or display of public information providing information or directions about services provided by the authority.
 - (b) Must not be permanently or structurally attached to a building.
 - (c) Must not be illuminated.
 - (d) Must not impede pedestrian access or result in a traffic hazard.
 - (e) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (11) **Real estate signs**
 - (a) Must only contain a notice that the premises of land to which the sign is fixed is for sale or for lease.
 - (b) Must be removed within 14 days after the premises or land is sold or let.
 - (c) Must be within the boundary of the advertised property.
 - (d) Must not be located on the roof of any building.
 - (e) Maximum area relating to residential premises—2.5m²
 - (f) Maximum area relating to non-residential premises—4.5m²
 - (g) No return exceeds 200mm.
 - (h) Must not be illuminated.
 - (i) Must not impede pedestrian access or result in a traffic hazard.
 - (j) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (12) **Temporary sign** (a sign announcing a local event - religious, educational, cultural, political, social or recreational)
 - (a) Maximum number — 1 per street frontage.
 - (b) Maximum height—3m above ground level (existing).
 - (c) Maximum cumulative area—5m².
 - (d) Must not be permanently or structurally attached to the building.
 - (e) Must not be illuminated.
 - (f) Must not be displayed earlier than 28 days before, or later than 14 days after, the event.
 - (g) Must not be used in relation to recurring events within a calendar year.
 - (h) Must not include commercial advertising apart from name of event sponsor.

- (i) Any sponsor's names or logos must be less prominent than the message.
- (j) Must not impede pedestrian access or result in a traffic hazard.
- (k) Must not obstruct the sight line of vehicle or pedestrian traffic.

Skylights, roof windows and ventilators

- (1) Refer to requirements under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Solar photovoltaic and hot water systems

- (1) Refer to requirements under State Environmental Planning Policy (Infrastructure) 2007.

Stair lifts (platform type)

- (1) Must be in connection with an attached dwelling, dual occupancy, dwelling houses, multi-dwelling housing, residential flat building or semi-detached dwelling.
- (2) Must not be visible from the foreshore.
- (3) Must be attached to existing stairs only.
- (4) Must be installed to manufacturer's specification.
- (5) Must leave a clear width of at least 900mm to enable pedestrians to use the stairs.

Subdivision

- (1) Must be of a type listed in Clause 2.6(2) of this Plan.
- (2) Must not result in the area of each allotment, other than exercising a lot for public purposes, changing by more than 5% of the original allotments size or 20m² whichever ever is the lesser.
- (3) Must not result in an alteration to the physical or legal access to the allotment.
- (4) Must comply with the requirements of the *Conveyancing Act 1919*.
- (5) The rectification of an encroachment must be for the purposes of correcting an encroachment of an approved structure.
- (6) Must not result in a non-compliance with the floor space ratio requirements to Clause 4.2 of this LEP.
- (7) Must not result in the landscaped area of the site falling below:
 - (a) 40% of the site area for dual occupancies or residential flat buildings,
 - (b) 30% of the site area for multi-dwelling housing,
 - (c) for attached dwellings, dwelling houses or semi-detached dwellings:
 - (i) 15% for lots less than 230m²;
 - (ii) 30% for lots between 230m² and 499m²;

- (iii) 40% for lots between 500m² and 749m²;
- (iv) 45% for lots between 750m² and 999m²;
- (v) 50% for lots greater than 1000m²

- (8) Must not result in a further reduction in the landscaped area of the site, where the existing landscaped area is already below the minimum requirements in subclauses (7)(a)-(7)(c).
- (9) Must not result in the site coverage of the site exceeding:
 - (a) 45% of the site area for dual occupancies and residential flat buildings,
 - (b) 50% for multi-dwelling housing.
 - (c) for attached dwellings, dwelling houses or semi-detached dwellings:
 - (i) 65% for lots less than 230m²;
 - (ii) 50% for lots between 230m² and 499m²;
 - (iii) 40% for lots between 500m² and 749m²;
 - (iv) 35% for lots between 750m² and 999m²;
 - (v) 30% for lots greater than 1000m²
- (10) Must not result in a further increase in site coverage, where the existing site coverage already exceeds the minimum requirements in subclauses (9)(a)-(9)(c).
- (11) Must not result in the need to create a section 88B Instrument.

Note. For instance must not result in creating or modifying an easement or right of carriageway.
- (12) Must not require any new or modified water, sewerage or stormwater connections.
- (13) Where a subdivision is proposed on land containing a heritage item, prior to undertaking the subdivision, the applicant must notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development would not adversely affect the significance of the heritage item.

Subscriber connections to existing telecommunications lines

- (1) Refer to requirements under State Environmental Planning Policy (Infrastructure) 2007.

Temporary builder's structures

- (1) Refer to requirements under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Temporary Events

Note. Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes, and the erection of temporary structures associated with such events.

- (1) Erection of temporary structures must be in connection with events for purposes of a public market, gala, exhibition, entertainment or festival or activity for which an approval has been issued by the Council.
- (2) Must be consistent with any applicable Plan of Management under the *Local Government Act 1993* for the land.
- (3) Where roads are to be used for an event, the road must be lawfully closed.
- (4) The event and or use of structures associated with the event have been approved by the Council under Chapter 7 of the *Local Government Act 1993* (as a temporary structure, place of public entertainment or both).
- (5) Where works area carried out within a public road have been approved by the Council or other relevant roads authority under the *Roads Act 1993*.
Note. An application to Carry out Works in a Public Road must be submitted.
- (6) Development is carried out in accordance with a licence or hire agreement with the Council.
- (7) Must not obstruct pedestrian access to shops or other premises, public facilities or the foreshore.
- (8) Must not adversely obstruct footpaths.
- (9) Must not be erected more than 24 hours before the commencement of the event.
- (10) Must not remain in place greater than 72 hours.
- (11) Must not result in a disturbance to a road, ground surface, or street furniture.
- (12) Maximum height of temporary structures—3m.
- (13) Must be included in a Plan that has been subject to public consultation and approved by the Council resolution e.g. streetscape project, public domain strategy, public works program.

Temporary tents or marquees

- (1) Refer to requirements under *State Environmental Planning Policy (Temporary Structures) 2007*.

Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes

- (1) May only be erected, used, altered or added to in connection with filming that is exempt development.
- (2) Temporary structure must not be at the location for more than 30 days within a 12-month period.
- (3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.
- (4) Temporary structure, or building or work in its altered or added to form, must not be accessible to the public.

Tents or marquees used solely for filming purposes

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m².
- (3) Must be located within at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (a) 1 exit if the floor area of the tent or marquee does not exceed 25m²,
 - (b) 2 exits in any other case.
- (5) Width of each exit must be at least:
 - (a) 800mm if the floor area of the tent or marquee is less than 150m², or
 - (b) 1m in any other case.
- (6) Height of the walls must not exceed:
 - (a) 4m if erected on private land, or
 - (b) 5m in any other case.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.
- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
 - (a) AS/NZS 1170.0—2002: *Structural design actions—General principles*,
 - (b) AS/NZS 1170.1—2002: *Structural design actions—Permanent, imposed and other actions*,
 - (c) AS/NZS 1170.2—2002: *Structural design actions—Wind actions*.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

Tree Removal / Pruning

Note. A “tree” for the purpose of this Schedule includes a living perennial plant with a single, woody self-supporting stem or trunk, unbranched from some distance from the ground.

- (1) Does not apply to a “prescribed tree” that is identified within *North Sydney Development Control Plan 2009* pursuant to Clause 5.9(2) of this Plan, unless:
 - (a) a Permit has been issued by Council pursuant to Clause 5.9(3) of this Plan, prior to undertaking any works, and
 - (b) the works are undertaken by a qualified Arborist in accordance with AS 4373—2007: *Pruning of amenity trees*, and

- (c) the Arborist undertaking any approved works, has the approved Permit with them at the time of removing or pruning of the tree(s) and displays the Permit on the front fence of the subject site or vehicle window and shown to a North Sydney Council officer if requested.
- (2) Applies to the removal, cutting down, lopping, topping or pruning any of the following:
 - (a) non-prescribed trees;
 - (b) trees that are declared to be dead or dying as confirmed by Council in writing,
 - (c) pruning of deadwood from a tree,
 - (d) noxious weeds as prescribed by the *Noxious Weeds Act 1993*,
 - (e) trees that are being maintained or removed by North Sydney Council staff on land under Council's ownership or care and control,
 - (f) trees that have been authorised to be removed or pruned pursuant to a development consent issued under the Act, but not prior to the issue of a Construction Certificate relating to that development consent,
 - (g) Cocos Palms (*Syagrus romanzoffiana*),
 - (h) African Olive Trees (*Olea africana*).

Water features and ponds

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Works to be undertaken by electricity supply authorities

- (1) Refer to requirements under *State Environmental Planning Policy (Infrastructure) 2007*.

Works to be undertaken by gas supply authorities

- (1) Refer to requirements under *State Environmental Planning Policy (Infrastructure) 2007*.

Works undertaken by telecommunication supply authorities

- (1) Refer to the *Telecommunications (Low-impact Facilities) Determination 1997* of the Commonwealth under the *Telecommunications Act 1997* of the Commonwealth.

Works to be undertaken by transport supply authorities

- (1) Refer to requirements under *State Environmental Planning Policy (Infrastructure) 2007*.

Works to be undertaken by water supply authorities

- (1) Refer to requirements under *State Environmental Planning Policy (Infrastructure) 2007*.

Schedule 3 Complying development

(Clause 3.2)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, specifies complying development under that Policy. The Policy has state-wide application and commenced on 27 February 2009.*

Note 2. *Information relevant to this Part is also contained in the Act, the Environmental Planning and Assessment Regulation 2000, the Protection of the Environment Operations Act 1997, and the Roads Act 1993.*

Part 1 Types of development

Alterations and additions to attached dwellings, dual occupancies, multi-dwelling housing, residential flat buildings and semi-detached dwellings

- (1) Must be in connection with a lawfully approved and constructed attached dwelling, dual occupancy, multi-dwelling housing, residential flat building or a semi-detached dwelling.
- (2) Does not apply to: a “low-cost residential building” as defined under *SEPP (Affordable Rental Housing) 2009*.
- (3) Must have approval from the owner’s corporation, or the community, precinct or neighbourhood association, where a dwelling is subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*.
- (4) If located on land identified as Bushfire Prone Land on the North Sydney Bushfire Prone Land Map, the development must comply with the acceptable solutions of the *Planning for Bushfire Protection 2006*.
- (5) Must not result in an increase in the number of dwellings on the property.
- (6) Must not result in an increase in the number of bedrooms in a dwelling.
Note. *Studies are deemed to be a bedroom if they are provided with a window and have dimensions greater than 2m x 3m.*
- (7) Maximum site coverage—
 - (a) 65% of the site for attached dwellings and semi-detached dwellings on lots less than 230m²,
 - (b) 50% of the site for attached dwellings and semi-detached dwellings on lots 230m² - 499m²,
 - (c) 40% of the site for attached dwellings and semi-detached dwellings on lots 500m² - 749m²,
 - (d) 35% of the site for attached dwellings and semi-detached dwellings on lots 750m² - 999m²,
 - (e) 30% of the site for attached dwellings and semi-detached dwellings on lots greater than 1000m²,

- (f) 45% of the site for dual occupancies and residential flat buildings,
 - (g) 50% of the site for multi-dwelling housing,
 - (h) Must not result in a further increase in the site coverage of the site, where the existing site coverage is already above the maximum requirements in subclauses (7)(a)-(g).
- (8) Minimum setback from the front property boundary—must not be further reduced.
 - (9) Must maintain a 1.2m deep landscape setback to a laneway, where that laneway comprises the property’s primary street frontage.
 - (10) Minimum setback from a side property boundary—900mm or not further reduced, whichever is the greater.
 - (11) Minimum setback from the rear property boundary—6m or 30% of the length of the site, whichever is greater.
 - (12) Garages must be located a minimum of 500mm behind the front wall of the building.
 - (13) No more than 6m or 50% of the building width, whichever is the lesser, is to comprise car accommodation such as garages, carports or hard stand spaces.
 - (14) Must not involve construction over any registered easement without the approval of the owner’s corporation (body corporate) or relevant land owner benefiting from the easement.
 - (15) Must not involve construction within 1m of a sewer or water main without the prior approval of the relevant service authority, or relevant land owner, and must be in accordance with Sydney Water Corporation’s policy relating to building over or adjacent to sewers.
 - (16) Maximum height of any external alterations or additions (other than a structure that is exempt development)—5.5m above ground level (existing).
 - (17) Maximum number of storeys of proposed external alterations or additions—1.
 - (18) Non-habitable attics may be permitted, provided they are for storage purposes only, are not provided with stair access and are not provided with access to natural daylight.
 - (19) Maximum height of the finished ground floor level of the dwelling—500mm above ground level (existing).
 - (20) Minimum height between a floor in a habitable area and the ceiling above—2.4m.
 - (21) Minimum height between a floor in a non-habitable area and the ceiling above—2.1m.
 - (22) Must not prevent at least 3 hours of direct sunlight between 9:00 am and 3:00 pm on 21 June:
 - (a) to the main living area windows of any dwelling on adjoining properties, and

- (b) to at least 50% of the main area of private open space on the property or any neighbouring properties.
- (23) Earthworks must not extend more than:
- 500mm above ground level (existing), and
 - 500mm below ground level (existing).
- (24) No excavation, footings or foundations within 900mm of a property boundary.
- (25) No removal or covering of rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.
- (26) External materials, colours and finishes must be visually compatible with those existing in the surrounding area.
- (27) The street elevation of the dwelling must:
- have a front door and window of a habitable room facing the street, and
 - have a maximum unarticulated length of no more than 6m elevation facing the public street.
- Note.** *Unarticulated length means that part of a wall that contains no windows, doors or a change in setback of less than 500mm.*
- not be concealed behind high walls, fences or garages, where the property's principal frontage is to a laneway.
- (28) Roofs of dwellings must:
- be pitched,
 - not exceed a maximum pitch of 36°,
 - match existing where alterations and additions to existing dwellings are proposed,
 - not incorporate dormer windows.
- (29) Minimum landscaped area—
- 15% of the site for attached dwellings and semi-detached dwellings on lots less than 230m²,
 - 30% of the site for attached dwellings and semi-detached dwellings on lots 230m² - 499m²,
 - 40% of the site for attached dwellings and semi-detached dwellings on lots 500m² - 749m²,
 - 45% of the site for attached dwellings and semi-detached dwellings on lots 750m² - 999m²,
 - 50% of the site for attached dwellings and semi-detached dwellings on lots greater than 1000m²,
 - 40% of the site for dual occupancies and residential flat buildings,
 - 30% of the site for multi-dwelling housing.
 - Must not result in a further reduction in the landscaped area of the site, where the existing landscaped area is already below the minimum requirements in subclauses (30)(a)-(g).

- (30) Maximum of 50% of the area forward of the building line may be paved or sealed.
- (31) Minimum private open space area—
- 50m² of the site for attached dwellings and semi-detached dwellings on lots 500m² - 999m²,
 - 70m² of the site for attached dwellings and semi-detached dwellings on lots greater than 1000m²,
 - 40m² of the site for dual occupancies,
 - 25m² of the site for dwellings at ground floor and 12m² for dwellings located above ground level in residential flat buildings,
 - 35m² of the site for ground level dwellings and 8m² for dwellings located above ground level in multi-dwelling housing,
 - Must not result in a further reduction in the private open space of the site, where the existing private open space area is already below the minimum requirements in subclauses (33)(a)-(d).
- (32) Must not result in more than 2 car parking spaces being provided per dual occupancy or semi attached dwellings containing 3 or more bedrooms or 1 space in any other circumstance.
- (33) Car parking spaces must be located behind the front building line.
- (34) The internal dimensions of a garage must comply with the requirements of AS 2890.1-2004: *Parking facilities – Off-street car parking*.
- (35) Maximum width of driveways between the kerb and property boundary:
- if to the front street—3.5m,
 - if to a side or rear street—6m.
- (36) Minimum width of driveways within the property—2.5m.
- (37) Maximum width of driveway within the property—6m.
- (38) Minimum distance of driveway from any road intersection—6m.
- (39) Minimum distance of driveway from any side or rear boundary—900mm.
- (40) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture, drainage structure or public utility infrastructure.
- (41) Driveways must not be positioned where they will result in the loss of any street trees.
- (42) Vehicle crossings beyond the property boundaries must comply with Council's requirements.
- (43) Any covered outdoor area (including awnings, pergolas, gazebos, verandahs, entry foyers or similar) must be open for at least 50% of its perimeter between 1m and 2m above the inside floor level.

- (44) Any structure with a roof area of more than 10m² must have guttering and downpipes that capture the water from the roofed area and discharge that water:
- into the inter-allotment or street stormwater drainage system, or
 - into rainwater tanks that discharge any overflow into any such stormwater system.
- (45) Decks must:
- not exceed 500mm above ground level (existing), excluding any handrails or balustrades,
 - be uncovered,
 - not be located between any street frontage and the respective street elevation of the building,
 - have a minimum setback of 1.5m from any side or rear boundary,
 - not exceed a cumulative area of 20m².
- (46) Fences must comply with the requirements for fences pursuant to Schedule 2 – Exempt Development.
- (47) Must not result in any new, relocation of, change in opacity of any opening in the roof or an external wall, such as a doorway or window other than at the ground floor level.
- (48) Must not result in the removal of any privacy screening devices such as louvres as required to be in existence by any conditions to a previous development consent issue to the property.
- (49) Any new window or doorway proposed at the ground floor level which will have a direct outlook to the window or door of habitable rooms in an adjacent dwelling less than 6m away, the new window or door must:
- be offset from the edge of one window to the edge of the other by a distance of at least 500mm to limit views into the adjacent window; or
 - has a sill height of at least 1.5m above the finished floor level; or
 - has fixed obscure glazing in any part of the window less than 1.5m above finished floor level.
- (50) Where a dwelling is located adjacent to a railway corridor, or a road carrying more than an average daily traffic volume of more than 40,000 vehicles, noise levels within the dwelling, with windows closed, must not exceed:
- in any bedroom in the dwelling—40dB(A) between 10pm and 7am,
 - anywhere else in the dwelling (other than a garage, kitchen, bathroom or hallway)—35dB(A) at any time.
- (51) All rainwater drainage must be gravity fed to a lawfully approved stormwater drainage system.
- (52) Drainage must not pass over another property unless there is an existing easement in place enabling this to occur.

- (53) The proposed development must not prevent or impede the natural flow of stormwater drainage/runoff from adjoining sites.
- (54) Must not involve any pruning, cutting down removal or destruction of trees to allow the development, unless previous approval has been granted by Council or is exempt pursuant to Schedule 2 of this Plan.
- (55) Must not involve any works within the drip line of any tree to be retained that has a height greater than 10m, or a girth greater than 1.5m measured 1m above the base of the tree.
- (56) A BASIX Certificate must be submitted with all applications where relevant.
- (57) An Erosion and Sediment Control Plan must be submitted to the Principal Certifying Authority, prior to any works being undertaken.
- (58) A Waste Management Plan must be submitted to the Principal Certifying Authority, prior to any works being undertaken.
- (59) Rainwater tanks must comply with the requirements for rainwater tanks pursuant to Schedule 2 – Exempt Development.

Carpports and Garages

- Must be in connection with a lawfully approved and constructed attached dwelling, dual occupancy or a semi-detached dwelling on lots greater than 500m² in area.
- If located on land identified as Bushfire Prone Land on the North Sydney Bushfire Prone Land Map, the development must comply with the acceptable solutions of the *Planning for Bushfire Guidelines 2006*.
- May comprise a single or double carport or garage.
- Must not be used for a habitable room.
Note. A habitable room may consist a bedroom, gym, lounge room, home office, games room or the like.
- Must not include any plumbing for water supply or wastewater removal.
- Maximum number of car parking spaces—
 - 1 space per 1-2 bedroom dwelling; or
 - 2 spaces per 3 + bedroom dwelling.
- Maximum gross floor area of garage or carport—36m².
- Maximum site coverage—
 - 40% of the site for lots 500m² - 749m²,
 - 35% of the site for lots 750 m² - 999m² and
 - 30% of the site for lots greater than 1000m²
- Maximum width of garage or carport—6.0m, or 50% of the width of the street elevation of the building, whichever is lesser.
- The internal dimensions of a garage must comply with the requirements of AS 2890.1-2004: *Parking facilities – Off-street car parking*.
- Maximum height—3.5m above ground level (existing).

- (12) Maximum height of the finished ground floor level of the structure—500mm above ground level (existing).
- (13) Garages and carports must be located a minimum of 500mm behind the street elevation of the building.
- (14) Minimum setback from a side or rear property boundary—900mm.
- (15) Must not involve construction over any registered easement without the approval of the owner's corporation (body corporate) or relevant land owner benefiting from the easement.
- (16) Must not involve construction within 1m of a sewer or water main without the prior approval of the relevant service authority, or relevant land owner, and must be in accordance with Sydney Water Corporation's policy relating to building over or adjacent to sewers.
- (17) If attached to an existing dwelling, it must be designed such that it does not block any window opening or prevent daylight to a habitable room.
Note. Substituting a window with a skylight to provide the sole means of daylight access in order to accommodate a garage is not permitted.
- (18) Must not prevent at least 3 hours of direct sunlight between 9:00 am and 3:00 pm on 21 June:
- to the main living area windows of any dwelling on adjoining properties, and
 - to at least 50% of the main area of private open space on the property or any neighbouring properties.
- (19) Earthworks must not extend more than:
- 500mm above ground level (existing), and
 - 500mm below ground level (existing).
- (20) No excavation, footings or foundations within 900mm of a property boundary.
- (21) No removal or covering of rock outcrops overhangs boulders, sandstone platforms or sandstone retaining walls.
- (22) External materials, colours and finishes must be visually compatible with those existing in the surrounding area.
- (23) Carports and garages that are visible from a public place must:
- Face the public street or access way to which they provide access, and
 - Complement the design of the associated dwelling by having the same or similar roof form, materials, colours and detailing.
- (24) Minimum landscaped area—
- 40% of the site for attached dwellings, dwelling houses and semi-detached dwellings on lots 500m² - 749m²,
 - 45% of the site for attached dwellings, dwelling houses and semi-detached dwellings on lots 750 m² - 999m²,
 - 50% of the site for attached dwellings, dwelling houses and semi-detached dwellings on lots greater than 1000m²,
 - 40% of the site for dual occupancies and residential flat buildings,
 - 30% of the site for multi-dwelling housing.
 - Must not result in a further reduction in the landscaped area of the site, where the existing landscaped area is already below the minimum requirements in subclauses (31)(a)-(e).
- (25) Maximum of 50% of the area forward of the building line may be paved or sealed.
- (26) Maximum width of driveways between the kerb and property boundary:
- if to the front street—3.5m,
 - if to a side or rear street—6m.
- (27) Minimum width of driveways within the property—2.5m.
- (28) Maximum width of driveway within the property—6m.
- (29) Minimum distance of driveways from any road intersection—6m.
- (30) Minimum distance of driveways from any side or rear boundary—900mm.
- (31) Driveways outside the property boundary must be constructed at right angles to the kerb and guttering and must be at least 500mm from any telegraph pole, street furniture, drainage structure or public utility infrastructure.
- (32) Driveways must not be positioned where they will result in the loss of any street trees.
- (33) Vehicle crossings beyond the property boundaries must comply with Council's requirements.
- (34) Vehicle crossings beyond the property boundaries are to comply with Council's requirements.
- (35) Must not involve the removal of any street trees.
- (36) All rainwater drainage must be gravity fed to a lawfully approved stormwater drainage system.
- (37) The proposed development must not prevent or impede the natural flow of stormwater drainage/runoff from adjoining sites.
- (38) The proposed development must not increase or concentrate existing stormwater flows over adjoining properties.
- (39) Must not involve any pruning, cutting down removal of destruction of trees to allow the development, unless previous approval has been granted by Council or is exempt pursuant to Schedule 2 of this Plan.
- (40) Must not involve any works within the drip line of any tree to be retained that has a height greater than 10m, or a girth greater than 1.5m measured 1m above the base of the tree.

Demolition – other than detached dwelling houses

- (1) Must relate to the demolition of all or part of a building (excluding buildings on contaminated sites, as confirmed by a preliminary site investigation), but only where it is required to accommodate a new development pursuant to this Schedule or a development which has been issued a development consent.
- (2) Does not apply to buildings identified on the heritage register of the National Trust.
- (3) Must be within the property boundary.
- (4) Must be undertaken in accordance with AS 2601—2001: *Demolition of structures*.
- (5) Must not involve any pruning, cutting down removal of destruction of trees to allow the development, unless previous approval has been granted by Council or is exempt pursuant to Schedule 2 of this Plan.
- (6) Maximum gross floor area of structure to be demolished—500m².

Detached dwelling houses

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Electricity generating works

- (1) Refer to requirements under *State Environmental Planning Policy (Infrastructure) 2007*.

Fire upgrading of a building (conversion of fire alarms)

- (1) Refer to requirements under *State Environmental Planning Policy No.4 – Development without Consent and Miscellaneous Exempt and Complying Development*.

Non-residential Buildings - Internal alterations

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Swimming pools (residential)

- (1) Refer to requirements under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Strata subdivision of residential development

- (1) Must be in connection with a lawfully approved and constructed dual occupancy, multi-dwelling housing or residential flat building.
- (2) Does not apply to a “low-cost residential building” as defined under *SEPP (Affordable Rental Housing) 2009*.
- (3) The development to be subdivided must have been constructed in accordance with the deemed-to-satisfy provisions of the Building Code of Australia.

- (4) The subdivision layout must comply with the development consent for the completed development.
- (5) An Occupation Certificate and Final Fire Safety Certificate has been issued with respect to all development on the land.
- (6) The requirements of all service authorities in respect of the subdivision of the development shall be satisfied.
- (7) Must comply with all requirements of the *Strata Schemes (Freehold Development) Act 1973*.
- (8) Visitor parking shall be nominated as common property and shall be in accordance with the development consent.

Part 2 Complying development certificate conditions

Note. Information relevant to this Part is also contained in the Act, the Regulation, the Protection of the Environment Operations Act 1997 and the Roads Act 1993.

A. CONDITIONS PRIOR TO WORKS COMMENCING**Conditions that apply before work begins**

- (1) The person having the benefit of the complying development certificate must before any site works, building or demolition commences must:
 - (a) give any property owner or occupier (if the occupier is not the property owner) of an adjoining premises at least 2 days written notice before work commences; and
 - (c) provide a temporary on-site toilet or access to an existing toilet on site; and
 - (d) protect and support any neighbouring buildings that might be affected by the proposed development; and
 - (e) protect any public place from obstruction or inconvenience caused by the carrying out of the proposed development; and
 - (f) set up barriers sufficient to prevent any substance from the site falling onto a public place.

Approved plans on site

- (1) Stamped plans, specifications and a copy of the complying development certificate must be available on site at all times during construction.

Excavation/Demolition

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with any appropriate Australian Standards including those relating to safety.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Retaining walls and drainage

- (1) If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage.

Support for neighbouring buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in a manner approved by the Council, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot of land, give notice of intention to do so to the owner of the adjoining lot of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) In this clause, lot of land includes a public road and any other public place.

Protection of public places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or hindered, or
 - (b) involves the enclosure of a public place or any part of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

Site sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the owner of the premises and of the person in charge of the work site, and a telephone number at which that person may be contacted outside working hours.

- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
 - (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:
 - **accredited sewage management facility** means a sewage management facility to which Subdivision 5 of Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of that Regulation.
 - **approved by the Council**, in relation to a sewage management facility, means a sewage management facility the subject of an approval in force under Subdivision 3 of Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.
 - **public sewer** has the same meaning as it has in clause 3 (1) of the *Local Government (General) Regulation 2005*.
 - **sewage management facility** has the same meaning as it has in clause 3 (1) of the *Local Government (General) Regulation 2005*.

Fire safety

- (1) A building in respect of which there is a change of building use:
 - (a) must, on completion of any building work, ensure that the fire protection and structural capacity of the building will be appropriate to the proposed use, and

- (b) must comply with such of the Category 1 fire safety provisions applicable to the proposed use.
- (2) A building in respect of which building work involving the alteration, enlargement or extension of an existing building, where no change of building use is proposed, must, on completion of the building work, ensure that the fire protection and structural capacity of the building will not be reduced.
- (3) In this clause, Category 1 fire safety provision has the same meaning as in clause 3 of the *Environmental Planning and Assessment Regulation 2000*.
- (4) Works must comply with the fire safety schedule for the development attached to the complying development certificate.

Site management

- (1) The applicant must ensure that run-off and erosion controls are implemented to prevent erosion, water pollution or the discharge of loose sediment on surrounding land by:
 - (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting and maintaining a silt fence to prevent debris escaping into drainage systems or waterways, and
 - (c) preventing tracking of sediment by vehicles onto roads, and
 - (d) stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site, and
 - (e) set up barriers sufficient to prevent any substance from the site falling onto a public place, and
 - (f) Providing a single stabilised entry/exit point for site access, and
 - (g) Providing gutter protection as a precautionary measure, but only where there is a risk of untreated run-off entering the waterways, and
 - (h) As soon as the roof is complete, temporary or permanent downpipes being installed for roof water drainage, and
 - (i) Dust minimisation in accordance with the guidelines.
- (2) The applicant must ensure that removal or disturbance of vegetation and topsoil is confined to within 3m of the proposed building.

Vegetation and top soil

- (1) Removal or disturbance of vegetation and top soil must be confined to within 3m of the approved building area.

Drainage

- (1) Where the proposed development may affect drainage of the site, the land surrounding any structure must be graded to divert surface water to the street and clear of existing and proposed structures and adjoining premises.

- (2) Where the proposed development may affect drainage of the site and the water falls to the rear of the property, it must be collected and drained via a gravity system (and not by pump outs, charge lines or on-site disposal) to the Council's stormwater line or must be disposed of in a manner consistent with the Council's *Soil and Water Management Policy*.
- (3) The applicant must ensure that pipework is constructed in any drainage easement that benefits the allotment and is not already piped.

TV aerials

- (1) Only one television aerial may be installed per residential building.

Chimney stacks

- (1) The height of any chimney must be a minimum 1m above the height of any structure (including the applicant's dwelling), or topographical feature within a 15m radius of the chimney stack. Exhaust gases must be discharged vertically and the proposed stack must be protected by a concentric extended shrouded rain excluder in accordance with the Department of Environment and Conservation's guidelines. It must terminate in such a position that it is not a risk of fire to nearby combustibles and does not permit the penetration of flue gases through nearby windows or other openings.

Materials and Finishes

- (1) Any proposed new face brickwork must match the existing brickwork.

Reflectivity index of finishes

- (1) The reflectivity index of external finishes, including painted surfaces, walls or roof treatment of the proposed development, is to be no greater than 20%.

Service ducts

- (1) Service ducts must be provided to keep external walls free of plumbing or any other utility installations.

Approval of Council

- (1) Works must not involve any of the following unless the prior written approval of the Council has been obtained:
 - (a) the closure of any public footway or roadway,
 - (b) the lifting or craning of materials over a public footway, roadway or other public place,
 - (c) the erection of hoardings (other than hoardings that are exempt development),
 - (d) the storage of building materials or equipment on any public footway, roadway or other public place.

Required payments

- (1) If payments are required in relation to any of the following, evidence of those payments must be provided to the Council on or before the lodging of the complying development certificate with the Council:
 - (a) road reserve deposits,
 - (b) opening of roads,
 - (c) inspections,
 - (d) registration.

Sydney Water Certificate

- (1) The person having the benefit of the complying development certificate must submit to the Council or the principal certifying authority a certificate from the Sydney Water Corporation under section 73 of the *Sydney Water Act 1994* demonstrating that the Corporation's requirements, if any, in relation to the development have been met, prior to the release of the stamped plans.

Survey Certificate

- (1) In order to ensure compliance with approved plans, a survey certificate, to Australian Height Datum must be prepared by a registered surveyor, as follows:
 - (a) on completion of slab framework before concrete is poured, detailing the location of the structure to the boundaries; and
 - (b) at completion of the lowest floor, confirming that the levels are in accordance with the certificate (levels must relate the datum on the Certificate).

Roads Permit

- (1) A Permit under Section 138 of the *Roads Act 1993* must be obtained from Council for the design and construction of any new driveway crossing and/or kerb layback that is not located on private property.

B. CONDITIONS PRIOR TO ANY DEMOLITION OR COMMENCEMENT OF BUILDING WORKS**Asbestos conditions**

- (1) Prior to the commencement of works, a survey of the existing building fabric must be undertaken identifying the presence or otherwise of asbestos contamination. Any works subsequently required to address asbestos contamination must be undertaken in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and the *Code of Practice for the Safe Removal of Asbestos*.

Protection of trees during works

- (1) All trees that are to be retained must be maintained and protected during any demolition, excavation and construction on the site. The protection

method must be provided to the principal certifying authority by an appropriately qualified person prior to commencement of works.

Disposal schedule

- (1) A disposal schedule for waste materials arising from any demolition and excavation must be submitted to the Council prior to the commencement of work, identifying:
 - (a) those materials to be recycled, and
 - (b) those materials to be reused, and
 - (c) those materials to be disposed of.
- (2) A maximum amount of materials must be recycled or reused.

Mobile plant

- (1) Where on-street use of mobile plant is approved, such approval will be subject to the issue of a permit under section 68 of the *Local Government Act 1993* on each occasion from the Council's Customer Services Unit. Such permit must be obtained and the fee paid at least 2 clear working days in advance of each relevant date.

C. CONDITIONS DURING DEMOLITION AND BUILDING WORKS**Site access**

- (1) Access to the site is provided by a driveway approved by Council pursuant to Section 138 of the *Roads Act 1993*.
- (2) Where kerb and gutter is not provided, a gravel vehicular entrance incorporating a 375mm diameter stormwater pipe and concrete head walls or a 6m by 6m concrete slab dish drain must be constructed to provide access to the lot.
- (3) Driveways are to be constructed in accordance with Australian Standard AS/NZS 2890.1-2004: *Parking Facilities, Part 1: Off-street car parking*, with appropriate transition zones.
- (4) The applicant must ensure that any damage caused to the kerb, guttering or footpaths during construction work is rectified in accordance with the Council's requirements.
- (5) Redundant driveway crossings are to be removed and the kerb and gutter reinstated to match existing.

Progress inspections

- (1) An appointed PCA shall carry out mandatory critical stage inspections required by the *Environmental Planning & Assessment Act, 1979* and the *Environmental Planning and Assessment Regulations, 2000*.

Progress survey-minor development

- (1) In order to ensure compliance with approved plans, a survey certificate, to Australian Height Datum, must be prepared by a registered surveyor, as follows:

- (a) at the completion of the first structural floor level, indicating the level of that floor and the relationship of the building to the boundaries,
 - (b) at the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials,
 - (c) at completion, indicating the relationship of the building, and any projections thereto, to the boundaries.
- (2) Progress certifications in response to the stages described in subclause (1) (a)-(c) must be provided to the Council or the principal certifying authority at the time of carrying out relevant progress inspections.

Hazardous materials

- (1) Unless tested by a person with suitable experience and expertise and shown to be otherwise, buildings constructed before 1970 are assumed to:
 - (a) have accumulated hazardous amounts of fine lead dust in ceiling and wall cavities, and
 - (b) contain components and surfaces coated with lead paint.
- (2) Appropriate measures to minimise hazards and contamination from lead are to be implemented.

No removal of trees

- (1) No trees on public property (footpaths, roads, reserves etc) must be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.

Cigarette butt receptacle

- (1) Provision must be made for cigarette butt receptacles on the site in relation to non residential development to minimise littering.

Hours of works

- (1) Construction, excavation or demolition work that is audible in adjoining premises must be carried out only between the following hours:
 - (a) Monday–Friday—7.00am and 5.00pm,
 - (b) Saturday—8.00am and 1.00pm,

no such work to be carried out at any time on a Sunday or a public holiday.

Note. Excavation work includes the operation of any excavation machinery and the use of jack hammers, rock breakers, excavators and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or involve breaking up or removing materials from the site.

- (2) The builder and any excavator must each display onsite their contact telephone number which is to be clearly visible and legible from any public place adjoining the site.

Erosion signage

- (1) A durable sign, which is available from the Council, must be erected during building works in a prominent location onsite warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

Equipment noise

- (1) Silencing mechanisms of a type approved by the Council must be provided and maintained in respect of all power-operated plant used in demolition, excavation, earthworks and erection of the building.

Dust emission

- (1) Suitable screens or barricades must be erected during any demolition, excavation and building works, where necessary to reduce the emission of dust, water effluent or other matter from the site. (Screening is to consist of a minimum 2 m height of shade cloth or similar material secured to a chain wire fence or the like.)

Demolition & Building Works

- (1) Explosives must not be used to undertake any demolition or excavation works.
- (2) All waste material resulting from demolition or construction shall be removed from the site within 14 days of completion of works. The waste material shall be disposed of at an appropriate landfill/tip.
- (3) Must not involve burning of waste materials on the site or public land.

D. CONDITIONS PRIOR TO THE ISSUE OF A STRATA CERTIFICATE

Strata Subdivision

- (1) The applicant must ensure that any necessary alterations to public utility installations are undertaken in accordance with the requirements of both the Council and the relevant public authority before the issue of a Strata Certificate.
- (2) Strata subdivision must not encroach on any statutory boundary clearances or setbacks. A survey plan prepared by a registered surveyor, showing the relative position of all buildings to the proposed boundaries must be submitted to the principal certifying authority.
- (3) An application must be submitted to the PCA for the issue of a Strata Certificate. The application is to be accompanied by the original subdivision plan and 4 copies of the plan. The following information is to be shown on each copy of the plan:
 - (a) location of all buildings and/or other permanent improvements, and
 - (b) statutory boundary clearances or setbacks as defined by the Building Code of Australia or as approved as part of the

completed development in accordance with the development consent, and

- (c) all existing services wholly contained within the lot served and/or covered by an appropriate easement(s).

E. CONDITIONS PRIOR TO THE ISSUE OF AN INTERIM OCCUPATION CERTIFICATE

Noise impact of plant

- (1) All sound producing plant, equipment, machinery or fittings associated with or forming part of any mechanical ventilation system or the refrigeration system involved in the proposed development, must be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the background level, in any octave band from 63.0Hz centre frequencies inclusive, at any time the plant is in operation, at the boundary of the site.

Note. The method of measurement of sound must be carried out in accordance with Australian Standard AS 1055.1-1997, Acoustics-Description and measurement of environmental noise, Part 1: General procedures.

- (2) A report prepared by an appropriately qualified or accredited person must be submitted to the principal certifying authority demonstrating compliance with this condition prior to the occupation of the completed works.

F. CONDITIONS PRIOR TO FINAL OCCUPATION CERTIFICATE

Disposal information

- (1) On completion of works and prior to occupation, the person with the benefit of the certificate must provide to the Council the following information:
- the total tonnage of all waste and excavated material disposed of from the site,
 - the disposal points and methods used.
- (2) Such information must be categorised in accordance with the foregoing and is required for waste research purposes.

Driveways, footpaths, kerb crossings and stormwater drainage

- (1) The applicant must ensure that any damage caused to kerb, guttering or footpaths during construction work is rectified in accordance with the Council's requirements, and

G. ONGOING CONDITIONS

Prohibition on burning

- (1) Materials or rubbish resulting from any land clearing, demolition and building works must not be burnt on the site.

Storage of materials

- (1) The applicant must ensure that a public road or public reserve is not to be used for construction purposes or storage of building materials without approval of the Council.

H. ADVISING

Mail boxes

- (1) Mail boxes must be provided in accordance with Australia Post guidelines. In general, a clearly marked mailbox (or group of mailboxes) must be provided within 500mm of the footpath alignment for premises at ground level, or adjacent to the main entrance to the development site or the building, where applicable.

Street numbering

- (1) Prior to completion of the development, a street number is to be obtained, in accordance with the *Local Government Act 1993*, from the Council, where applicable.

Termites

- (1) The structural members of the building that are subject to attack by subterranean termites must be protected in accordance with AS 3660.1-2000: *Termite management, Part 1: New building work*. A durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating the following:
- method of protection,
 - the date of installation of the system,
 - where a chemical barrier is used, its life expectancy as listed on the Australian Pesticides and Veterinary Medicines Authority label,
 - the need to maintain and inspect the system on a regular basis.

Notification to Council on completion

- (1) The Council must be notified that all works have been completed within a reasonable time after the completion of the works.

Schedule 4 **Classification and reclassification of public land**

Nil	Nil
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(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Cammeray	Part Tunks Park, Rowlison Parade, Lots 4A and 5A, DP 431013

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Cammeray	Anzac Memorial Club, 2 Anzac Avenue, Lot 2, DP 1080152	Nil
Cremorne	106-108 Parraween Street, Cremorne, being Lot 1, DP 980455, Lots A & B, DP 318784, Lot 1, DP 980451 and Lots 1, 2, 3 & 4 in DP 1122786	Nil
Crows Nest	34-48 Alexander Street (also known as 11 Burlington Street), Lots 10, 11 & 12, Sec 4, DP 1265, Lot 1, DP 1081820 and Lot 1, DP 185720	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Schedule 5 Environmental heritage

(Clause 5.10)

S = Items of State significance

Suburb	Item name	Address	Property description	Significance	Item number
		3 Adderstone Avenue			0039
		5 Adderstone Avenue			0038
		9 Adderstone Avenue			0047
		23 Albany Street, corner Oxley Street, Electricity Powerhouse		S	0906
		103 Alexander Street			0962
		439 Alfred Street North			2720
		Alfred Street South, Alfred Street Entrance to Luna Park		S	0296
		22 Alfred Street			1435
		24 Alfred Street			1436
		26A Alfred Street			1437
		26 Alfred Street			1438
		28 Alfred Street			1439
		48-56 Alfred Street		S	0036
		100 Alfred Street, Chinese Christian Church			0035
		3 Amherst Street, Tarella		S	0875
		3 Ancrum Street			0417
		5 Ancrum Street			0418
		31 Ancrum Street			0424
		Anderson Park		S	1187
		11 Armstrong Street			1018
		Arthur Street and Arthur Lane Corner, Electricity Substation No. 219			0359
		23 Arthur Street			0361
		27 Arthur Street			0362
		29 Arthur Street			1444
		31 Arthur Street			0363

Suburb	Item name	Address	Property description	Significance	Item number
		33 Arthur Street			1445
		24 Arthur Street			0364
		26 Arthur Street			0365
		28 Arthur Street			1440
		30 Arthur Street			0366
		32 Arthur Street			1441
		34 Arthur Street			1442
		114 Atchison Street			0964
		37 Aubin Street, Aubin Cottage			1302
		39 Aubin Street			1301
		10 Aubin Street			2710
		12 Aubin Street			2711
		14 Aubin Street			2712
		36 Aubin Street			1300
		44 Aubin Street, Clarence			1225
		46 Aubin Street, Grafton			1446
		2 Baden Road			1228
		6 Baden Road			2510
		8 Baden Road			2509
		15 Balfour Street			0995
		22 Balfour Street			0996
		Balls Head Drive, former Coal Loader		S	0699
		Balls Head Drive, former Quarantine Boat Depot		S	0697
		Balls Head Drive, Balls Head Reserve		S	1133
		Balls Head Reserve, Uncle Tom's Cabin			0769
		Balls Head Foreshore Relics Group, Balls Head Drive			0691
		Balls Head Drive, Steps to former harbour pool			0695
		Balls Head Drive, Ring Bolt			0694
		Balls Head Drive, Ring bolt and iron screen			0693
		Balls Head Drive, remains of			0692

Suburb	Item name	Address	Property description	Significance	Item number
		windlass spindle			
		Balls Head Drive, HMAS Waterhen Cliff-face			0823
		Balls Head Road, Woodleys			0690
		3a Balls Head Road, BP site			
		39 Balls Head Road			0927
		27 Bank Street			0571
		29 Bank Street			0572
		59 Bank Street			0574
		18 Bank Street			0532
		50 Bank Street			0540
		64 Bank Street			0546
		74 Bank Street			0550
		76 Bank Street			1453
		82 Bank Street			0419
		100 Bank Street			0563
		7 Bannerman Street		S	1463
		9 Bannerman Street			1464
		8 Bannerman Street, Dalkeith		S	1022
		Bay Road, Palm Trees, opposite Railway Station			1142
		Bay Road, Waverton Railway Station group, booking office, hut and tunnel		S	0822
		75 Bay Road			
		122 Bay Road, Waverton			1953
		Bayview Street stone retaining wall			0557
		9 Bayview Street			0554
		11 Bayview Street, Ildemere		S	0527
		11A Bayview Street, Ildemere Boathouse		S	0601
		23A Bayview Street			0554
		1/23B Bayview Street			0554
		2/23B Bayview Street			0554
		25 Bayview Street			0530
		27 Bayview Street			1466

Suburb	Item name	Address	Property description	Significance	Item number
		29 Bayview Street			1467
		31 Bayview Street			1468
		33 Bayview Street			1469
		135 Bellevue Street			0902
		143 Bellevue Street, Electricity Substation			0907
		41 Ben Boyd Road			1306
		43 Ben Boyd Road			1470
		43A Ben Boyd Road			1307
		45 Ben Boyd Road			1309
		47 Ben Boyd Road			1308
		107 Ben Boyd Road			1348
		179 Ben Boyd Road, Neutral Bay Public School			1339
		6 Ben Boyd Road, Plaques commemorating Ben Boyd			1303
		8 Ben Boyd Road			1921
		12A Ben Boyd Road			1924
		16 Ben Boyd Road, Bengallala (14 Ben Boyd Road)			1226
		18 Ben Boyd Road			1311
		20 Ben Boyd Road			1471
		22 Ben Boyd Road			1312
		24 Ben Boyd Road			1472
		26 Ben Boyd Road			1313
		28 Ben Boyd Road			1473
		30 Ben Boyd Road			1314
		32 Ben Boyd Road			1474
		34 Ben Boyd Road			1315
		36 Ben Boyd Road			1475
		56 Ben Boyd Road, Mt. Edgecombe			1227
		Ben Boyd Road (Customs Marine Centre)			2000
		19 Bennett Street, Ingleneuk			1041
		33 Bennett Street			2634
		36 Bennett Street			1023

Suburb	Item name	Address	Property description	Significance	Item number
		38 Bennett Street			1024
		40 Bennett Street			1025
		42 Bennett Street			1026
		5 Bertha Road			1040
		17 Bertha Road			1405
		4 Bertha Road			1028
		24 Bertha Road			1027
		Bligh Street, Electricity Substation No. 217			0020
		36 Blue Street (refer to 103 Miller Street, Greenwood) (North Sydney Technical School, former)		S	0763
		Blues Point foreshore shelf			0678
		Blues Point Waterfront Group, Blues Point Road and Henry Lawson Drive		S	0677
		Blues Point, World War II Observation Post and stone stair			0686
		Blues Point vehicular ferry dock, Blues Point Road, south end cul-de-sac			0681
		Blues Point Road, bollard			0684
		Blues Point Road, bollard with chain			0685
		Blues Point Road, excavation			0687
		Blues Point Road, steps with bollards			0688
		Blues Point Road, stone retaining wall			0683
		Blues Point Road (No. 179), St Peter's Presbyterian School Hall			0308
		Blues Point Road (12 Miller Street), St Peter's Presbyterian School House			0309
		101 Blues Point Road (house excluding shop)			0619
		143-147 Blues Point Road			0634
		149-151 Blues Point Road			0635
		163 Blues Point Road			0636
		167 Blues Point Road			0637

Suburb	Item name	Address	Property description	Significance	Item number
		169 Blues Point Road			1484
		193 Blues Point Road			0638
		195 Blues Point Road			1485
		197 Blues Point Road			1486
		201 Blues Point Road			0639
		203 Blues Point Road			1487
		205 Blues Point Road			1488
		207 Blues Point Road			1489
		14-28 Blues Point Road (Blues Point Tower)		S	0599
		30-40 Blues Point Road			2041
		58 Blues Point Road			0644
		136 Blues Point Road			0653
		138 Blues Point Road			1508
		140 Blues Point Road			0654
		176 Blues Point Road (Clifton Flats)			0662
		178-180 Blues Point Road (La Potiniere Restaurant)			0663
		182 Blues Point Road			1330
		208-210 Blues Point Road			0664
		218 Blues Point Road (St Peters Presbyterian Church and grounds)			0310
		218 Blues Point Road (St Peters Presbyterian Church Manse)			0311
		Bogota Avenue, Head of Shell Cove			1140
		15 Bogota Avenue, Sydney Ancher House		S	1210
		17 Bogota Avenue, Arden			1215
		29 Bogota Avenue			1465
		Bradfield Park		S	0028
		Bradley Avenue, east end, Careening Cove slipways and seawall			0217
		2 Bray Street			0230
		Brennan Park			1132
		5 Bromley Avenue, Balangowan			1045

Suburb	Item name	Address	Property description	Significance	Item number
		2 Bromley Avenue			1043
		4 Bromley Avenue, Roslyn			1046
		6 Bromley Avenue			1044
		Broughton and McDougall Street Corner, Greenway Flats		S	0015
		7-9 Broughton Street, St John The Baptist Church		S	*0016
		11 Broughton Street, The Fantasia Preschool			0021
		5 Burroway Street			1344
		7 Burroway Street			1345
		29 Burton Street - St Aloysius (14- 24 Bligh Street)		S	0018
		1 Byrnes Avenue			1376
		3 Byrnes Avenue			1524
		5 Byrnes Avenue			1525
		7 Byrnes Avenue			1375
		9 Byrnes Avenue			1526
		2 Byrnes Avenue			1374
		4 Byrnes Avenue			1527
		6 Byrnes Avenue			1528
		8 Byrnes Avenue			1373
		10 Byrnes Avenue			1529
		12 Byrnes Avenue			1530
		14 Byrnes Avenue			1389
		16 Byrnes Avenue			1531
		Cammeray Park including golf course			1146
		31 Carabella Street, Keston			0011
		69 Carabella Street, Fairhaven		S	0002
		71 Carabella Street, Araluen House		S	0007
		73-87 Carabella Street, Elamang		S	0066
		119 Carabella Street			2007
		8 Carabella Street			0019
		10 Carabella Street			0003
		12A Carabella Street, Glenferrie Private Hotel			0005

Suburb	Item name	Address	Property description	Significance	Item number
		28 Carabella Street			0023
		40 Carabella Street			0004
		42 Carabella Street			1532
		44 Carabella Street			0006
		48 Carabella Street, Burnleigh		S	0014
		54 Carabella Street		S	0013
		56 Carabella Street		S	0012
		58 Carabella Street		S	1533
		64 Carabella Street			0008
		66 Carabella Street			0009
		100 Carabella Street			0153
		102 Carabella Street			1577
		104 Carabella Street			1578
		106 Carabella Street			1579
		108 Carabella Street			1580
		37 Carr Street			2721
		47 Carr Street			1952
		22 Carr Street			2713
		24 Carr Street			2714
		5-7 Carter Street, All Saints Church			0904
		1-9 Chandos Street			1328
		Church and West Streets corner, St Thomas' Church Rectory			0807
		Church and McLaren Streets corner, St Thomas' Kindergarten Hall			0808
		34 Church Street (corner West and Church Streets) St Thomas' Church		S	*0809
		9 Chuter Street			0460
		11 Chuter Street			1534
		2 Chuter Street			0453
		4 Chuter Street			1535
		6 Chuter Street			1536
		8 Chuter Street			1537
		10 Chuter Street			1538
		Clark Park			1421

Suburb	Item name	Address	Property description	Significance	Item number
		14 Clark Road			2049
		16 Clark Road			2050
		28-34 Clarke Street, The St Leonards Centre			1335
		6 Claude Avenue			1047
		8 Claude Avenue			1048
		10 Claude Avenue			1049
		12 Claude Avenue			1050
		14 Claude Avenue			1051
		21 Clifton Street			0405
		22 Clifton Street			0404
		24 Clifton Street			1551
		12 Colin Street, Heatherbrae and stables			0901
		Commodore Crescent, east side, south side of railway, Down Waverton Home signal with calling on arm			0256
		Commodore Crescent, Waverton rail underbridges		S	0260
		3 Commodore Crescent, Monte Cristo			0700
		7 Cranbrook Avenue, Belvedere		S	1054
		11 Cranbrook Avenue, Egglemont		S	1055
		24 Cranbrook Avenue			1056
		32 Cranbrook Avenue			1057
		34 Cranbrook Avenue			1058
		Cremorne Point, Robertsons Point Lighthouse		S	1060
		Cremorne Reserve, including Robertsons Point			1141
		9 Cremorne Road			1062
		15 Cremorne Road			3094
		17 Cremorne Road			3093
		27 Cremorne Road			1063
		83 Cremorne Road			1067
		14 Cremorne Road			1070
		18-20 Cremorne Road			1071

Suburb	Item name	Address	Property description	Significance	Item number
		26 Cremorne Road			1072
		56 Cremorne Road			1074
		58 Cremorne Road			1073
		62 Cremorne Road			1552
		5 Darley Street			1581
		7 Darley Street			1582
		9 Darley Street			1583
		11 Darley Street			1584
		13 Darley Street			1585
		15 Darley Street			1586
		17 Darley Street			1587
		19 Darley Street			1588
		31 Darley Street			1589
		35 Darley Street			1590
		37 Darley Street			1591
		6 Darley Street			1592
		10 Darley Street			1593
		12 Darley Street			1594
		14 Darley Street			1595
		16 Darley Street			1596
		18 Darley Street			1597
		20 Darley Street			1598
		22 Darley Street			1599
		24 Darley Street			1600
		26 Darley Street			1601
		28 Darley Street			1602
		30 Darley Street			1603
		9 Davidson Parade, Dunbrody			1075
		7 Doris Street			0199
		9 Doris Street			1554
		25 Doris Street			0205
		27-29 Doris Street			0206
		31 Doris Street			0207
		33 Doris Street			0208
		35 Doris Street			0209

Suburb	Item name	Address	Property description	Significance	Item number
		12 Doris Street, Dorking			0213
		1 Doohat Avenue			0812
		50 Dumbarton Street (53 Union Street)			0484
		Between 1 and 3 East Crescent Street, ferry access steps			0680
		7 East Crescent Street, ADEA Court Apartment Building			0624
		9 East Crescent Street, seawall			
		11 East Crescent Street			0625
		15 East Crescent Street			0626
		19 East Crescent Street			0627
		21 East Crescent Street, seawall			
		23-25 East Crescent Street			0590
		33 East Crescent Street, seawall			
		43 East Crescent Street, Lurline			1408
		47 East Crescent Street			0598
		49 East Crescent Street			0597
		12 East Crescent Street			0593
		26 East Crescent Street			0596
		9 Eaton Street, Henbury Villa			1407
		11 Edward Street			0811
		13 Edward Street			1555
		45 Edward Street			0805
		51 Edward Street			0772
		53 Edward Street			0773
		55 Edward Street			0774
		57 Edward Street			0775
		59 Edward Street			0776
		61 Edward Street			0777
		63 Edward Street			0778
		65 Edward Street			0779
		67 Edward Street, Kenilworth			0780
		20 Edward Street, Graythwaite, including outbuildings and grounds		S	*0830
		22 Edward Street, Upton Grange		S	0831

Suburb	Item name	Address	Property description	Significance	Item number
		28 Edward Street			0829
		32 Edward Street			0828
		40 Edward Street, Rockleigh Grange			0810
		48 Edward Street			0826
		5 Elamang Avenue			0073
		17 Elamang Avenue			2008
		29 Elamang Avenue		S	0074
		8 Elamang Avenue			
		10 Elamang Avenue, Vandaura			0092
		7 Ellalong Road			1099
		317 Ernest Street			1567
		319 Ernest Street			1568
		321 Ernest Street			1569
		323 Ernest Street			1570
		325 Ernest Street			1571
		3 Euroka Street			0432
		11 Euroka Street			0435
		13 Euroka Street			1573
		26 Euroka Street			0443
		28 Euroka Street			1606
		30 Euroka Street			1607
		34 Euroka Street			0444
		36 Euroka Street			0445
		38 Euroka Street			1608
		40 Euroka Street, Ferryman			0446
		42 Euroka Street			0447
		44 Euroka Street			0448
		50 Euroka Street			0449
		Falcon Street, Sewer Vent, southwest of Warringah Freeway		S	0764
		69 Falcon Street, former Church of Christ			1008
		127 Falcon Street, North Sydney Boy's High			0925
		182 Falcon Street, Winstone			0978

Suburb	Item name	Address	Property description	Significance	Item number
		184 Falcon Street			0979
		186 Falcon Street			0980
		188 Falcon Street			0981
		210 Falcon Street			0893
		212 Falcon Street			1610
		214 Falcon Street			1611
		216 Falcon Street			1612
		14 Fitzroy Street, Illingullin		S	0017
		16-18 Fitzroy Street, Kirribilli Neighbourhood Centre			0001
		20 Fitzroy Street			0117
		22 Fitzroy Street			1613
		24 Fitzroy Street			1614
		26 Fitzroy Street			1615
		28 Fitzroy Street			0118
		30 Fitzroy Street			1616
		32 Fitzroy Street			1617
		34 Fitzroy Street			0119
		36 Fitzroy Street			0120
		38 Fitzroy Street, Morookra			0121
		40 Fitzroy Street, Oakdene			0122
		42 Fitzroy Street			0123
		44 Fitzroy Street			0124
		46 Fitzroy Street			1618
		48 Fitzroy Street			0125
		50 Fitzroy Street			1619
		1 Florence Lane			1102
		7 Florence Street			1103
		Forsyth Park, two former oil tanks			1197
		2 French Street			0711
		16 French Street			0712
		22 Gerard Street			1104
		24 Gerard Street			1105
		13 Gillies Street			0949
		20 Gillies Street, Astley Bank			0950

Suburb	Item name	Address	Property description	Significance	Item number
		Glen Street, north of Dind Street, former Glen Street tram terminus			0264
		2-2A Glen Street			
		Grafton Street, opposite Fall Street, remains of Willoughby Falls			1188
		Green Street, Site of Cremorne smelter, east of No. 5 Green Street		S	1110
		3 Green Street		S	1107
		5 Green Street, The Laurels		S	1108
		6 Green Street		S	1109
		8 Green Street, Sydney Amateur Sailing Club			1111
		10 Guthrie Avenue, Bundabulla			1112
		6 Hampden Avenue			1114
		2 Hampden Street			1624
		4 Hampden Street			1625
		6 Hampden Street			1626
		8 Hampden Street			1627
		10 Hampden Street			1628
		12 Hampden Street			1629
		14 Hampden Street			1630
		3-5 Harriette Street			1269
		18 Harriette Street, Ben Nevis			1632
		34 Harriette Street			1265
		4 Harrison Street			1351
		6 Harrison Street			1352
		8 Harrison Street			1353
		14 Harrison Street			1336
		23 Hayberry Street			1019
		14 Hayberry Street, former hall			1010
		104 Hayberry Street			1020
		1-7 Hayes Street			1296
		19-21 Hayes Street former Neutral Bay Post Office			1218
		Hayes Street, Neutral Bay Wharf			1377
		2 Hayes Street, The Hastings		S	1379

Suburb	Item name	Address	Property description	Significance	Item number
		4 Hayes Street			1378
		Hazelbank Road, Plane Trees, north of intersection with Gillies Street			1172
		Henry Lawson Drive, former tram turning circle and McMahons Point ferry wharf			0679
		1/1A Henry Lawson Drive, Former Holmes' residence and slipway			0682
		2A Henry Lawson Drive, seawall			0554
		High Street, east end, Kesterton Park			1174
		119 High Street, Rocklea			0045
		123 High Street, Kenilworth			0046
		145 High Street			2027
		165 High Street			*2032
		68 High Street			0219
		110 High Street			2022
		114 High Street, Cliff Bank			0042
		114A High Street			0042
		116 High Street, Heatherlie			0041
		118-138 High Street, gasworks remains, HMAS Platypus		S	0037
		144 High Street, Rockcliff Mansions			0044
		11 Hipwood Street, Newton			0049
		23 Hipwood Street, Newton			0040
		Hodgson Avenue, site of Cremorne coal bore			1115
		14 Hodgson Avenue			1128
		11 Holbrook Avenue, Sunnyside		S	0133
		17 Holbrook Avenue			0128
		19 Holbrook Avenue, The Walder Apartments			0129
		21 Holbrook Avenue, The Mayfair Apartments			0130
		23 Holbrook Avenue, Renown			0131
		2 Holbrook Avenue, Mt Warwick Apartments			0127

Suburb	Item name	Address	Property description	Significance	Item number
		6 Holbrook Avenue, Huntingdon Apartments			0063
		6 Holtermann Street, Crows Nest performing arts centre			0958
		8 Holtermann Street, Uniting Church Hall			0959
		10 Holtermann Street, Uniting Church Parsonage			0960
		86 Holtermann Street			1032
		1 Honda Road			1266
		3 Honda Road			1267
		20 Iredale Avenue			1117
		19 Ivy Street, Kyneton Apartments			0989
		Jeffreys Street, Copes Lookout, east side of wharf			0079
		26 Jeffreys Street			0084
		28 Jeffreys Street			1643
		30 Jeffreys Street			1644
		32 Jeffreys Street			1645
		34 Jeffreys Street			0085
		36 Jeffreys Street			1646
		38 Jeffreys Street			1647
		40 Jeffreys Street			1648
		42 Jeffreys Street			1649
		44 Jeffreys Street			0086
		46 Jeffreys Street			1650
		48 Jeffreys Street			1651
		50 Jeffreys Street			1652
		Kareela Road foreshore of Mosman Bay, Old Cremorne Wharf			1120
		43 Kareela Road			0607
		63 Kareela Road, Coomera			1127
		28 Kareela Road, Nenagh			1119
		68 Kareela Road			
		1 Kiara Close - gasworks remains		S	0037
		King Street, Former King Street wharf			0689

Suburb	Item name	Address	Property description	Significance	Item number
		King/Ross Street, Oyster Cove Gasworks Buildings		S	0696
		25 King Street			0993
		27 King Street			0994
		31 King Street, Rinaultrie			0792
		33 King Street, St Elmo			1390
		37 King Street, Miroma			0991
		King George Street/Lavender Crescent, Blues Point: Lavender Bay Railway Tunnel		S	0253
		King George Street, Lavender Bay Low-Level Sewerage Pumping Station			0556
		11 King George Street			0559
		15 King George Street			0558
		17 King George Street			1656
		23A King George Street, Sail Australia Boatsheds			0553
		Kirribilli Avenue, foreshore in front of Mary Booth Park and 55 and 59 Kirribilli Avenue, boatslips, sandstone walling, cliff face			0134
		55 Kirribilli Avenue, Elsiemere			0135
		59 Kirribilli Avenue, Studley Royal			0136
		107 Kirribilli Avenue, St Julian			0093
		109 Kirribilli Avenue, Kirribilli Point Fortifications		S	0101
		109 Kirribilli Avenue, Admiralty House		S	0103
		111 Kirribilli Avenue, Kirribilli House		S	0104
		40 Kirribilli Avenue			0102
		42 Kirribilli Avenue			1657
		88 Kirribilli Avenue			2716
		126 Kirribilli Avenue, Soma			0106
		Site and remains of Port Jackson and Manly Steamship Company depot, Kurraba Road, Kurraba Point Reserve including Hodgson and Spains Lookouts		S	1135

Suburb	Item name	Address	Property description	Significance	Item number
		31 Kurraba Road, Kurraba Cottage			0324
		33 Kurraba Road			0325
		47 Kurraba Road			1234
		51 Kurraba Road			1236
		53 Kurraba Road			1666
		55 Kurraba Road			1237
		57 Kurraba Road			1238
		59 Kurraba Road			1667
		65 Kurraba Road, Wavertree			1239
		75 Kurraba Road			1387
		95 Kurraba Road			1388
		115A Kurraba Road, Once Upon A Time			1382
		2 Kurraba Road			0326
		4 Kurraba Road			1669
		38 Kurraba Road			0331
		68 Kurraba Road			1304
		72 Kurraba Road, Lucellen			1385
		102 Kurraba Road			1320
		130 Kurraba Road			1370
		132 Kurraba Road, Mona			1369
		142 Kurraba Road			1384
		144 Kurraba Road			1383
		146 Kurraba Road, Hollowforth		S	1244
		168 Kurraba Road, Casa Madrona			1323
		172 Kurraba Road, Edzell House			1229
		174B Kurraba Road			1230
		176 Kurraba Road, Gingie			1231
		40 Larkin Street, Oakhill			0928
		44 Larkin Street, Cheltenham			0987
		Lavender Bay, Neptune Engineering Site			0371
		Lavender Bay Railway Line, between Luna Park and Waverton Railway Station, including the following:			0236

Suburb	Item name	Address	Property description	Significance	Item number
		<ul style="list-style-type: none"> Footbridge between Union Street and Commodore Crescent Mile post between Woolcott Street and Union Street SW side of line John Street Railway Bridge, John Street Original Milson's Point Station Line, NE of Luna Park Railway viaduct, Lavender Bay Railway Marshalling Yards, Lavender Bay Manual quadrant signal, north side 40m east of railway tunnel Steps leading from marshalling yard to tram terminus, north edge of Lavender Bay Marshalling yards Lavender Bay Up Landmark, Lavender Bay Line, north side Rubble seawall, railway marshalling yard, Lavender Bay Brick retaining wall, south of John Street Working platform, south of John Street Signal box, south of tunnel, Lavender Bay Lavender Bay starting signal, 40m east of Railway Tunnel, Lavender Bay 			
		Lavender Bay seawalls and boat slips			0554
		Lavender Crescent, Lavender Crescent stone wall			0552
		19-21 Lavender Street			0369
		23 Lavender Street, Quibree			0312
		41 Lavender Street			0402
		43 Lavender Street			0374
		45 Lavender Street			0375
		10 Lavender Street			0389
		12 Lavender Street			1674
		14 Lavender Street			1675

Suburb	Item name	Address	Property description	Significance	Item number
		16 Lavender Street			1676
		18 Lavender Street			1677
		20 Lavender Street			1678
		22 Lavender Street			1679
		24 Lavender Street			1680
		26 Lavender Street, Gateposts and fence of former Folkestone House			0385
		28 Lavender Street, Christ Church Rectory			0313
		16 Lindsay Street - former St Josephs Catholic Church (now hall)			1356
		16 Lindsay Street - St Josephs Catholic Church			1357
		6 Lodge Road, Warringah Lodge			1129
		32 Lord Street			0760
		34 Lord Street			1686
		36 Lord Street			1687
		38 Lord Street			1688
		40 Lord Street			0761
		42 Lord Street			1689
		44 Lord Street			1690
		46 Lord Street			1691
		48 Lord Street			0762
		50 Lord Street			1692
		52 Lord Street			1693
		1 Lytton Street			0891
		3 Lytton Street			1694
		11 Lytton Street			0976
		8 Lytton Street			0931
		10 Lytton Street			1695
		22 Lytton Street			1696
		26 Lytton Street			0932
		28 Lytton Street			1697
		30 Lytton Street			1698
		7 Manns Avenue			
		9-11 Manns Avenue			1294

Suburb	Item name	Address	Property description	Significance	Item number
		1 Margaret Street, Carlettie			0194
		3 Margaret Street			1700
		5 Margaret Street			0195
		7 Margaret Street			1699
		4-6 Margaret Street			1329
		74 McDougall Street, Low Level Sewerage Pumping Station No. 33			0113
		76 McDougall Street, Sydney Flying Squadron Ltd			1708
		78 McDougall Street, Ensemble Theatre			1709
		19 Mackenzie Street			*0305
		19 Mackenzie Street, St Francis Xaviers School Hall			0370
		20 Mackenzie Street St Francis Xaviers Presbytery		S	0304
		3 McLaren Street, Torwood			0857
		9 McLaren Street, Grahwey			0858
		11 McLaren Street, Kelvin			0859
		21-23 McLaren Street			0860
		25 McLaren Street, Tara			0861
		27 McLaren Street, Stormanston			0862
		29 McLaren Street, Fairhaven			0863
		31-33 McLaren Street			0864
		12 McLaren Street			0868
		34 McLaren Street, Memorial Hall of St Thomas			0855
		34 McLaren Street			0869
		41 McLaren Street, Simsmetal House			1326
		48 Middle Street			0670
		2-74 Middlemiss St (bays under expressway) refer to Sydney Harbour Bridge and approach viaducts		S	0030
		5 Mil Mil Street			0716
		219 Military Road, Former Cremorne Post Office/telephone exchange			1205

Suburb	Item name	Address	Property description	Significance	Item number
		116 Military Road, former Neutral Bay Tram Depot and Water Tower			1245
		194 Military Road			1338
		196 Military Road			1713
		228 Military Road, former CBC Bank			1346
		274 Military Road, SCEGGS Redlands			1334
		386 Military Road, Cremorne Orpheum Theatre		S	1198
		Miller Street, The North Bridge		S	0922
		10 Miller Street			0307
		12 Miller Street, St Peters Presbyterian School House			0309
		103 Miller Street (refer to 36 Blue Street, Greenwood) (North Sydney Technical High School, former)		S	0763
		105-153 Miller Street, MLC Centre		S	0854
		128 Miller Street, Monte Sant Angelo College including:	Masalou Monte Sant Angelo Chapel Monte Sant Angelo Mercy Hall		0894
		187 Miller Street			0834
		192 Miller Street, O'Regan			0848
		196 Miller Street, Lincontro Restaurant			0865
		199 Miller Street, The Rag & Famish Hotel			0852
		200 Miller Street North Sydney Council Chambers Fountain in park adjacent to Council Chambers			0851
		200 Miller Street, Wyllie Wing			1422
		201 Miller Street			1331
		232-232A Miller Steet, Jago's Cafe			1423
		240 Miller Street, Trewyn Terraces			0870
		242 Miller Street, Trewyn Terraces			1714
		243 Miller Street, Four Seasons Gallery			0850

Suburb	Item name	Address	Property description	Significance	Item number
		244 Miller Street, Trewyn Terraces			1715
		246 Miller Street, Trewyn Terraces			1716
		248 Miller Street, Trewyn Terraces			0871
		255-257 Miller Street			0849
		269 Miller Street, The Independent Theatre			0843
		292-294 Miller Street, The North Sydney Hotel			1013
		336 Miller Street, Wieewa			1925
		338 Miller Street, Franklea			1926
		9 Milner Crescent			1006
		13 Milner Crescent			0935
		17 Milner Crescent			0933
		27 Milner Crescent			0937
		29 Milner Crescent, Morville			1007
		54 Milner Crescent, Wyagdon			1005
		56 Milner Crescent			0936
		3 Milray Avenue			0942
		Milson Park			1139
		Milsons Point Railway Station Group, North Shore Railway		S	
		Milson's Point, seawall and wharf site		S	0026
		Milson Road, Low Level Sewerage Pumping Station No. 57			1166
		Milson Road/Wharf Road, Former tram turning loop and ferry interchange			1148
		Milson Road/Wharf Road, former Tram terminus shed			1149
		1 Milson Road, Wallenundgal			1181
		3 Milson Road, The Waldorf Apartments			1182
		13 Milson Road, Warrigal Flats			1150
		33 Milson Road			1152
		59 Milson Road, Blackwood			1155
		61 Milson Road, Mobarik			1156
		63 Milson Road, Eventide			1157

Suburb	Item name	Address	Property description	Significance	Item number
		67 Milson Road, Coolooba			1159
		73 Milson Road, Riviera Flats			1160
		101 Milson Road			1161
		14 Milson Road			1162
		18 Milson Road, Woollooware			1164
		32 Milson Road			1184
		86 Milson Road, Mayfair Court			1191
		90 Milson Road			1193
		96 Milson Road			1194
		136 Milson Road			1195
		146 Milson Road			
		1 Mitchell Street, Farinbourne			0718
		7 Mitchell Street			0720
		13 Mitchell Street			0722
		2 Mitchell Street, Waterview			0723
		10 Mitchell Street, Tamas			0724
		48-50 Mitchell Street			0726
		Montpelier Street, horse trough			1349
		18 Morton Street			1546
		20 Morton Street			1547
		22 Morton Street			1548
		24 Morton Street			1549
		26 Morton Street			1550
		Mount Street Plaza, Old GPO Column			0838
		7-11 Mount Street, St Josephs Convent School and Chapel			0765
		51 Mount Street, Former Bank of NSW			0839
		67 Mount Street			0836
		67-69 Mount Street (No. 67A) façade of S. Thompson Building			0835
		2A Mount Street (aka 9 Edward Street)			1556
		Munro and John Streets, Sandstone cliff behind boat yard east side of Berry's Bay			0250

Suburb	Item name	Address	Property description	Significance	Item number
		Munro Street and John Street, Stannard Bros Shipyard and Associated industrial buildings			0702
		10 Munro Street			0706
		16-18 Munro Street			
		7 Murdoch Street			1167
		57 Murdoch Street (2 Allister Street) former Cremome Hall			1021
		57 Murdoch Street, Cremorne Girls High School			1143
		59 Murdoch Street			1171
		58 Murdoch Street			1169
		82 Murdoch Street, Willsdene Hall			1224
		1 Napier Street			0798
		3 Napier Street			1717
		5 Napier Street			1718
		7 Napier Street			1719
		6 Napier Street, Don Bank		S	*0796
		15 Neutral Street			0344
		19 Neutral Street			0346
		21 Neutral Street			1722
		23 Neutral Street			1723
		31 Neutral Street			0347
		33 Neutral Street			1724
		35 Neutral Street			1725
		37 Neutral Street			1726
		41 Neutral Street			0350
		41A Neutral Street			1727
		18 Neutral Street			0338
		20 Neutral Street			1734
		2 Nicholson Street			0974
		North Sydney bus shelters			1325
		15 Northcliff Street			0033
		17 Northcliff Street			1736
		19 Northcliff Street			0034
		21 Northcliff Street			1737

Suburb	Item name	Address	Property description	Significance	Item number
		1 Oak Street			0800
		3 Oak Street			1738
		5 Oak Street			1739
		7 Oak Street			1740
		9 Oak Street			1741
		11 Oak Street			1742
		13 Oak Street			1743
		2 Oak Street, "Two Oak"			0801
		4 Oak Street			0802
		6 Oak Street			0803
		8 Oak Street			1744
		10 Oak Street			0804
		12 Oak Street			1745
		Olympic Drive, Luna Park		S	0269
		1 Olympic Place, North Sydney Olympic Pool		S	0027
		Pacific Highway, (between David and Myrtle Streets) North Sydney Girls High School			0899
		265 Pacific Highway, The Cloisters Antiques			0766
		271 Pacific Highway, Union Hotel			1938
		317 Pacific Highway, Former Masonic Temple			0897
		429 Pacific Highway, Willoughby House, former OJ Williams store			0956
		583 Pacific Highway, Former Marco Building			0900
		92-96 Pacific Highway, North Sydney Post Office - Court House - former Police Station		S	*0837
		168 Pacific Highway			0767
		170 Pacific Highway			1746
		172 Pacific Highway, Woodstock			0782
		182 Pacific Highway, Gates and fence of former Crows Nest House			0783
		192 Pacific Highway, Bradfield TAFE College			0898

Suburb	Item name	Address	Property description	Significance	Item number
		286 Pacific Highway, Former North Shore Gas Co Office			0930
		306 Pacific Highway, Westpac Bank			0896
		308 Pacific Highway, former National Australia Bank			1003
		312 Pacific Highway			0998
		314 Pacific Highway			1747
		316 Pacific Highway			1748
		318 Pacific Highway			1749
		320 Pacific Highway			1750
		322-324 Pacific Highway			1751
		326 Pacific Highway			0999
		330 Pacific Highway			1000
		332 Pacific Highway			1752
		334 Pacific Highway			1753
		336 Pacific Highway			1754
		338 Pacific Highway			1001
		366 Pacific Highway, Higgins Buildings			1002
		368 Pacific Highway			1755
		370 Pacific Highway			1756
		372 Pacific Highway			1757
		374 Pacific Highway			1758
		376 Pacific Highway			1759
		68 Palmer Street, corner Bellevue Street, Cammeray Public School			0905
		4 Parker Street			0672
		8 Parkes Street			0077
		12 Parkes Street			0095
		9 Peel Street			1760
		11 Peel Street			1761
		13 Peel Street			1762
		15 Peel Street			1763
		17 Peel Street			1764
		19 Peel Street			1765

Suburb	Item name	Address	Property description	Significance	Item number
		21 Peel Street			1766
		23 Peel Street			1767
		25 Peel Street			1768
		33 Peel Street, Carabella			0099
		24 Peel Street			1418
		12 Phillips Street, Derry			1216
		14 Phillips Street, Douglas			1769
		41 Pitt Street			0082
		43 Pitt Street			1770
		45 Pitt Street			1771
		38 Pitt Street, Bratton			0081
		1 Plunkett Street			0139
		Primrose Park			1138
		2 Prior Avenue			1200
		3 Prior Avenue			1201
		4 Prior Avenue			1202
		5 Prior Avenue			1203
		7A Prior Avenue			2094
		6 Prior Avenue			1204
		5 Priory Road, The Priory		S	0768
		19 Rangers Road, Neutral Bay House			1144
		14 Raymond Road (20 Harriette Street), Beaumoris			1633
		11 Ridge Street			0877
		45 Ridge Street			0971
		47 Ridge Street			1790
		49 Ridge Street			1791
		51 Ridge Street			1792
		81 Ridge Street			0885
		85 Ridge Street			0880
		87 Ridge Street			1794
		91 Ridge Street, St Helens			0879
		95 Ridge Street, St Malo			0878
		2 Ridge Street, Playfair House			0970

Suburb	Item name	Address	Property description	Significance	Item number
		4 Ridge Street			1795
		6 Ridge Street			1796
		8 Ridge Street			1797
		10 Ridge Street			1798
		12 Ridge Street			1799
		14 Ridge Street			1800
		48 Ridge Street, St Mary's Presbytery			1012
		48 Ridge Street, (Miller St) St Mary's Church			0841
		48 Ridge Street, St Marys Primary School			0840
		2 Rose Avenue			2715
		4 Rose Avenue (sandstone rock wall and cliff face)			
		17 Ross Street			0983
		21 Ross Street			0984
		Sawmiller's Reserve			0704
		St Leonards Park			0911
		11 Shellcove Road, "Englemere"			1279
		13 Shellcove Road			1213
		27 Shellcove Road			1247
		29 Shellcove Road, Keynsham			1248
		31 Shellcove Road, Brent Knowle		S	1249
		33 Shellcove Road, Ailsa			1250
		37 Shellcove Road, St Anne's			1251
		39 Shellcove Road, Gundamaine			1252
		49 Shellcove Road, The Cobbles		S	1253
		55 Shellcove Road, Honda			1299
		61 Shellcove Road			1298
		73 Shellcove Road			1291
		75 -77 Shellcove Road, St Augustine's Church of England			1222
		42 Shellcove Road			1297
		52 Shellcove Road			1293
		54 Shellcove Road			1292

Suburb	Item name	Address	Property description	Significance	Item number
		60A Shellcove Road, San Michele			1278
		66 Shellcove Road, Bovington			1220
		70 Shellcove Road, Cossington			1282
		72 Shellcove Road, Trequean			1283
		80 Shellcove Road			1287
		Shirley Road, Berry Island Reserve		S	1137
		25 Shirley Road, Carpenter House			0944
		99 Shirley Road, Crows Nest Fire Station			0895
		8 Shirley Road			0816
		36 Shirley Road			0945
		42 Shirley Road			0947
		46 Shirley Road			0948
		62 Shirley Road			0943
		96 Shirley Road, Illaroo			0955
		122 Shirley Road, Corner Nicholson Street, Uniting Church			0888
		7 Sinclair Street Former Mater Misericordiae Maternity Hospital		S	0910
		Spains Wharf Road, Site of Spains Wharf			1270
		14 Spofforth Street			1173
		15 Spruson Street			1276
		17 Spruson Street			1274
		19 Spruson Street			1803
		21 Spruson Street			1273
		23 Spruson Street			1804
		31 Spruson Street			1272
		16 Spruson Street, The Gables			1207
		St Thomas Rest Park including Sexton's Cottage and cemetery fence			*0894
		Sydney Harbour Bridge and approach viaducts		S	0030
		2-4 Ennis Road bays			0030
		2-74 Middlemiss Street bays			0030
		Sydney Harbour Bridge, north		S	0076

Suburb	Item name	Address	Property description	Significance	Item number
		pylons			
		3 Telopea Street, The Briars			0953
		11 Telopea Street, Tullamore			0952
		2 Telopea Street			0951
		4A Telopea Street			0941
		5 The Boulevarde			1039
		49 The Boulevarde			0908
		26 Thomas Street			0508
		28 Thomas Street			0509
		18 Thrupp Street			1406
		22 Thrupp Street, Nazareth			1322
		26 Toongarah Road			
		Tunks Park, sewerage viaduct			0903
		2 Tunks Street			0929
		16 Tunks Street, Luton			0988
		23 Undercliff Street			1431
		25 Undercliff Street			1936
		27 Undercliff Street			1432
		29 Undercliff Street			1433
		29A Undercliff Street			1434
		4 Undercliff Street			1342
		6 Undercliff Street			
		8 Undercliff Street			1424
		10 Undercliff Street			1425
		12 Undercliff Street			1426
		14 Undercliff Street			1427
		16 Undercliff Street			1428
		18 Undercliff Street			1429
		20 Undercliff Street			1430
		22 Undercliff Street, Hermon			1217
		77 Union Street			0490
		79 Union Street			1816
		81 Union Street			0491
		93 Union Street			0493
		2 Union Street			0463

Suburb	Item name	Address	Property description	Significance	Item number
		20A Union Street			0469
		26 Union Street			0471
		28 Union Street			0472
		30 Union Street			1830
		32 Union Street			0473
		34 Union Street			0474
		36 Union Street			1831
		38 Union Street			0475
		40 Union Street			1832
		44 Union Street, Kailoa		S	0832
		70-76 Union Street			0784
		49 Upper Pitt Street			2716
		59 Upper Pitt Street			2038
		61 Upper Pitt Street			
		67 Upper Pitt Street, Greenmount		S	0142
		69 Upper Pitt Street, The Grange			0143
		46 Upper Pitt Street, Wyalla			0141
		2 Vale Street			0975
		Victoria Street, adjacent to bridge, Signal footing			0252
		37 Victoria Street			0751
		43 Victoria Street			0752
		45 Victoria Street			1839
		51 Victoria Street, Kilmorey Terrace			0753
		53 Victoria Street			1840
		55 Victoria Street			1841
		36 Victoria Street			0745
		40 Victoria Street			0747
		62 Victoria Street			0748
		64 Victoria Street			1846
		66 Victoria Street			1847
		68 Victoria Street			1848
		1 Waiwera Street			0588
		15 Waiwera Street			0560

Suburb	Item name	Address	Property description	Significance	Item number
		23 Waiwera Street, Bellarion Court			0555
		4 Waiwera Street			0583
		16 Waiwera Street			0585
		18 Waiwera Street			0586
		20 Waiwera Street			1854
		22 Waiwera Street			1855
		Walker Street, Lavender Bay Ferry Wharf			
		Walker Street, stone wall near Hampden Street			0921
		1 Walker Street			0373
		3 Walker Street			0373
		9 Walker Street, Mercedes		S	0303
		11 Walker Street, Brenda			0377
		11A Walker Street, Glenlewis			1858
		15 Walker Street, Merryula			0378
		17 Walker Street, Kiengal			1859
		19 Walker Street			0380
		21 Walker Street			0379
		23 Walker Street			0381
		25-27 Walker Street, Royal Art Society of NSW			0382
		29 Walker Street			1860
		31 Walker Street			1861
		33 Walker Street			1862
		35 Walker Street			1863
		37 Walker Street			1864
		189 Walker Street			0874
		207 Walker Street			1038
		209 Walker Street			1037
		2 Walker Street, Berowra			0244
		10 Walker Street, Christchurch Anglican Church Lavender Bay		S	*0306
		20 Walker Street			0383
		22 Walker Street			0384
		24 Walker Street			1865

Suburb	Item name	Address	Property description	Significance	Item number
		26 Walker Street			1866
		28 Walker Street			1867
		30 Walker Street			1868
		86 Walker Street, former fire station			0872
		144 Walker Street			1932
		146 Walker Street			1933
		148 Walker Street			1934
		150 Walker Street			1935
		185 Walker Street			2717
		186 Walker Street, Wenona - part of Wenona Girls School (179 Walker Street)			0923
		186 Walker Street (184 Walker Street), Ralston House - part of Wenona Girls School			1035
		186 Walker Street (79 Ridge Street)			0886
		186 Walker Street (83 Ridge Street)			0887
		186 Walker Street, Karakatta - part of Wenona Girls School			1036
		5 Wallaringa Avenue, Nutcote		S	*1243
		7 Wallaringa Avenue			1381
		9 Wallaringa Avenue			1380
		29 Waruda Street, The Regent Apartments			0065
		8 Waruda Street, Redlynn			0145
		3 Warung Street			0674
		5 Warung Street			0675
		7 Warung Street			0676
		9 Warung Street			1870
		29 Waters Road, St Peters Anglican Church (corner Gerard and Winnie Streets)			1175
		7 Watson Street			1208
		9 Watson Street			1871
		Watt Park			1136
		8 Webb Street			0758
		33 West Street			1029

Suburb	Item name	Address	Property description	Significance	Item number
		35 West Street			1873
		41 West Street			1030
		43 West Street			1874
		45 West Street			1875
		67 West Street			1034
		87 West Street			1404
		89 West Street			1565
		89A West Street			1566
		169 West Street			1015
		179 West Street			1016
		205 West Street			0969
		36 West Street, Courtney Creche			1017
		44 West Street, Vera Loblay House			1031
		58A West Street			0965
		58 West Street			1876
		280 West Street			0889
		12 West Crescent Street			0708
		1 Whaling Road			0162
		3 Whaling Road			1877
		5 Whaling Road			0163
		7 Whaling Road			1878
		9 Whaling Road			0164
		11 Whaling Road			1879
		15 Whaling Road			0165
		17 Whaling Road			0166
		19 Whaling Road			1880
		21 Whaling Road			0167
		23 Whaling Road			1881
		25 Whaling Road			0168
		27 Whaling Road			1882
		29 Whaling Road			0169
		31 Whaling Road			1883
		41 Whaling Road			0172
		45 Whaling Road			0174
		47 Whaling Road			1886

Suburb	Item name	Address	Property description	Significance	Item number
		49 Whaling Road			0175
		51 Whaling Road			1887
		53 Whaling Road			1888
		55 Whaling Road			1889
		57 Whaling Road			1890
		Wharf Road, former Tram terminus shed			1149
		William Street, Shore Sydney Church of England Grammar School			0784
		6 William Street, Waiwera			0551
		8 William Street			1898
		1-3 Willoughby Road, Crows Nest Hotel			1004
		63 Willoughby Road, Northside Baptist Church			0961
		29 Willoughby Street			0147
		31 Willoughby Street			1899
		45 Willoughby Street			0149
		60 Willoughby Street			0155
		62 Willoughby Street, Patons Slipways			0115
		6 Winslow Street, Fern Lodge			0056
		2 Winter Avenue			2718
		Wollstonecraft foreshore reserves - east and west of peninsula			1134
		11 Woolcott Avenue, Robs Cottage			0926
		2 Woolcott Street			0789
		3 Wulworra Avenue, The Gloucester Flats			1178
		5 Wulworra Avenue, The Windsor Flats			1177
		8 Wulworra Avenue, 2 Storey Residence			1180
		17 Wyagdon Street (sandstone rock wall and cliff face)			2719
		19 Wycombe Road, Wallaringa Mansions			1242
		23 Wycombe Road, St Julians			1363

Suburb	Item name	Address	Property description	Significance	Item number
		23A Wycombe Road			1371
		31 Wycombe Road, Tenalba			1361
		49 Wycombe Road, Tendring			1360
		75 Wycombe Road			1358
		89 Wycombe Road, St Augustine's Rectory and Curate's Lodge			1223
		89 Wycombe Road, Isla			1368
		95 Wycombe Road, Arlington			1221
		143 Wycombe Road			1256
		145 Wycombe Road			1257
		149 Wycombe Road			1258
		151 Wycombe Road			1259
		2-4 Wycombe Road			1367
		18 Wycombe Road			1364
		28 Wycombe Road, Wycombe Private Hotel			1366
		40 Wycombe Road, Rilstone			1341
		56 Wycombe Road			1359
		68 Wycombe Road, Dartmouth			1219
		82 Wycombe Road			2667
		104 Wycombe Road, Yarran			1340
		120 Wycombe Road			1261
		122 Wycombe Road			1262
		124 Wycombe Road			1263
		126 Wycombe Road			1264
		128 Wycombe Road			1919
		130 Wycombe Road			1211
		132 Wycombe Road			1920
		134 Wycombe Road			1212
		144 Wycombe Road			1214
		49 Yeo Street, St John's Uniting Church, formerly Presbyterian Church and Pipe Organ		S	*1209
		28 Yeo Street, Neutral Bay Fire Station			1277
		Young Street, Folly Point Sewage Works (within Primrose Park)		S	1095

Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means an industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

This Dictionary also contains definitions of **natural water-based aquaculture**, **pond-based aquaculture** and **tank-based aquaculture**.

archaeological site means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) that has rooms, some of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
 - (b) the outside face of any balcony, deck or the like, or
 - (c) the supporting posts of a carport or verandah roof,
- whichever distance is the shortest.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cemetery means a building or place for the interment of deceased persons or their ashes.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
 - (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
- but does not include:
- (c) a building or place used for home-based child care, or
 - (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
 - (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
 - (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
 - (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
 - (i) a school, or
 - (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see *Roads Act 1993* for meanings of these terms).

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
 - (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.
- (See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal lake means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the **North Sydney Council**.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or

(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

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 means a building containing only one dwelling.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,

(d) the NSW Police Force,

(e) the State Emergency Service,

(f) the New South Wales Volunteer Rescue Association Incorporated,

(g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,

(h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) animal boarding or training establishments,
- (e) aquaculture,

- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of "fish"

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and

- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3) **Fish** also includes any part of a fish.

(4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the **North Sydney Local Environmental Plan 2009 Floor Space Ratio Map**.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.

Foreshore Building Line Map means the North Sydney Local Environmental Plan 2009 Foreshore Building Line Map.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral chapel means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and

viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

funeral home means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a dwelling that is a permanent group home or a transitional group home.

group home (permanent) or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

group home (transitional) or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

health services facility means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or

produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

Height of Buildings Map means the North Sydney Local Environmental Plan 2009 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

Heritage Map means the North Sydney Local Environmental Plan 2009 Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

highway service centre means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following:

- (a) restaurants or take away food and drink premises,
- (b) service stations and facilities for emergency vehicle towing and repairs,
- (c) parking for vehicles,
- (d) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the business.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,
- but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the light industry.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

Note. See clause 5.4 for controls relating to the retail floor area.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

intensive plant agriculture means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area.

Land Application Map means the North Sydney Local Environmental Plan 2009 Land Application Map.

Land Reservation Acquisition Map means the North Sydney Local Environmental Plan 2009 Land Reservation Acquisition Map.

Land Zoning Map means the North Sydney Local Environmental Plan 2009 Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

livestock processing industry means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

Lot Size Map means the North Sydney Local Environmental Plan 2009 Lot Size Map.

Local Provisions Map means the North Sydney Local Environmental Plan 2009 Local Provisions Map. The Map comprises a combination of the following Maps:

- (a) Foreshore Building Line Map,
- (b) Open Space Building Area Map,
- (c) Prohibited Dual Occupancy Map, and
- (d) North Sydney Centre Map.

maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and

- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

market means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of "native vegetation"

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub),
 - (b) understory plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

North Sydney Centre means the area shown as the North Sydney Centre on the North Sydney Centre Map.

North Sydney Centre Map means the North Sydney Local Environmental Plan 2009 North Sydney Centre Map.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

open space building area means the area shown as the open space building area on the Open Space Building Area Map.

Open Space Building Area Map means the North Sydney Local Environmental Plan 2009 Open Space Building Area Map.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

place of public entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

place of public entertainment means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 2007*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pond-based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

Prohibited Dual Occupancy Map means the North Sydney Local Environmental Plan 2009 Prohibited Dual Occupancy Map.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted 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 or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the

purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club in respect of which a certificate of registration under the [Registered Clubs Act 1976](#) is in force, whether or not entertainment is provided at the club.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of **North Sydney**, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or
- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise,

undertaken for commercial purposes.

rural supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and

- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area.

self-storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and

- (e) sewage overflow structures, and
- (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.