



New South Wales

North Sydney Local Environmental Plan 2001 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01014/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 731

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 5)

North Sydney Local Environmental Plan 2001 (Amendment No 5)

1 Name of plan

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 5)*.

2 Aims of plan

This plan aims:

- (a) to allow attached dwellings on the land to which this plan applies, and
- (b) to place specific controls on that land in relation to building form.

3 Land to which plan applies

This plan applies to the land known as 3 Balls Head Road, Waverton, as shown edged heavy black on the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 5)” deposited in the office of North Sydney Council.

4 Amendment of North Sydney Local Environmental Plan 2001

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 63

Insert after clause 62:

63 Balls Head Road

(1) **Subject land**

This clause applies to the land known as 3 Balls Head Road, Waverton.

(2) **Permissible development**

Despite the Table to Part 2, development for the purpose of attached dwellings is permitted, with development consent, on the land.

(3) **Objectives**

The specific objectives of the controls for attached dwellings on the land are:

- (a) to maintain views through the site from nearby residences, and
- (b) to enhance views of the site from the harbour and foreshores, and
- (c) to ensure that the height, bulk and scale of new buildings do not have an adverse impact on the amenity of nearby residents or adjacent open space, or when viewed from the harbour or foreshores, and
- (d) to retain the existing rock outcrop on the site and ensure that it is not built upon, and
- (e) to ensure that the bulk and scale of the new buildings, when viewed from the harbour or foreshores, have the appearance substantially of two storey dwellings.

(4) **Controls**

Attached dwellings must not be erected on the land unless:

- (a) at least one of the dwellings has its primary frontage and orientation to Balls Head Road, and

2002 No 731

North Sydney Local Environmental Plan 2001 (Amendment No 5)

Schedule 1 Amendments

- (b) the height of buildings is less than RL 17.5 where critical to views of nearby residences and less than RL 18.5 otherwise, and
 - (c) a landscaped area of 355 square metres is consolidated at the eastern end of the site and incorporates the rock outcrop and cliff face, and
 - (d) the existing rock outcrop and cliff face are maintained, and
 - (e) the attached dwellings contain only 3 or 4 dwellings, and
 - (f) any buildings between the ground and first floor levels, when viewed from the harbour or foreshores, are substantially screened by landscaping.
- (5) **Development on landscaped area**
Development on the landscaped area referred to in subclause (4) (c) is prohibited, except for the purposes of landscaping.

[2] Schedule 2 Definitions

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

North Sydney Local Environmental Plan 2001 (Amendment No 5)

BY AUTHORITY