



New South Wales

North Sydney Local Environmental Plan 2001 (Amendment No 10)

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*. (S03/00795/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 382

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 10)

North Sydney Local Environmental Plan 2001 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 10)*.

2 Aim of plan

The aim of this plan is to amend *North Sydney Local Environmental Plan 2001*:

- (a) to include the maintenance of public access along North Sydney's foreshores as an aim of that plan, and
- (b) to clarify clauses 18 (2), (3) and (3A) and 30 (2), which relate to building height planes, and
- (c) to clarify clause 45 (1) (e) which requires development consent for interior amendments to a heritage property listed as having an interior of heritage significance, and
- (d) to update the definition of *restricted premises*, and
- (e) to amend Schedule 3 (Heritage items), and
- (f) to replace Schedules 6 (Exempt development), 7 (Complying development) and 8 (Complying development certificate standard conditions), and
- (g) to rezone part of 9 Westleigh Street, Neutral Bay from the Special Use—Club Zone to the Private Recreation Zone, and
- (h) to rezone 16 Bydown Street, Neutral Bay from the Special Use—School Zone to the Residential A2 zone, and
- (i) to rezone 6 Pine Street, Cammeray from the Special Use—School Zone to the Residential A2 Zone, and
- (j) to rezone the RTA Registry site, 303–321 Miller Street, Cammeray from the Special Use—Motor Registry Zone to the Residential C Zone, and
- (k) to reflect the amendments to Sheets 1 and 4 of the map marked “North Sydney Local Environmental Plan 2001”.

3 Land to which plan applies

- (1) This plan applies to all land within the North Sydney local government area.
- (2) To the extent that it rezones land, this plan applies to:
 - (a) No 9 Westleigh Street, Neutral Bay, and
 - (b) No 16 Bydown Street, Neutral Bay, and
 - (c) No 6 Pine Street, Cammeray, and
 - (d) Nos 303–321 Miller Street, Cammeray,as shown coloured and edged heavy black on Sheets 4–7 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 10)” deposited in the office of North Sydney Council.
- (3) To the extent that it has the effect of amending Sheet 4 of *North Sydney Local Environmental Plan 2001*, this plan applies to:
 - (a) 14 Harriette Street, Neutral Bay, and
 - (b) land in the vicinity of the Milsons Point Railway Station, and
 - (c) land comprising the Waverton Railway Station group,as shown coloured or edged heavy black on Sheets 1–3 of the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 10)” 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.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Specific aims of this plan

Insert at the end of clause 3 (g):

, and

- (h) 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.

[2] Clause 12 Exempt development

Insert at the end of clause 12 (1) (d):

, and

- (e) is carried out within property boundaries (unless Schedule 6 permits it to be carried out outside property boundaries).

[3] Clause 18 Building height plane

Omit clause 18 (2). Insert instead:

(2) Building height plane control in residential A1, A2, B and F zones

A building must not be erected in the residential A1, A2, B or F zone if any part of the building will exceed a building height plane, commencing at 1.8 metres above existing ground level, and projected at an angle of 45 degrees, at all points from each of the boundaries of the site.

[4] Clause 18 (3) (a) and (b)

Omit the paragraphs. Insert instead:

- (a) commencing at 3.5 metres above existing ground level, and projected at an angle of 45 degrees, at all points from each of the boundaries of the site, or
- (b) commencing at 1.8 metres above existing ground level, and projected at an angle of 45 degrees, at all points from each of the boundaries of the site that adjoins land within the residential A1, A2, B or F zone or open space zone, or from the centre of any road that separates the land from land within the residential A1, A2, B or F zone or open space zone.

[5] Clause 18 (3A) (a)–(d)

Omit the paragraphs. Insert instead:

- (a) commencing 1.8 metres above existing ground level, and projected at an angle of 45 degrees, from all points from each of the boundaries of the site that adjoin land within the residential A1, A2, B, or F zone or open space zone, or
- (b) commencing 1.8 metres above existing ground level, and projected at an angle of 45 degrees, from the centre of any road that separates the land from land within the residential A1, A2, B, or F zone or open space zone, or
- (c) commencing 3.5 metres above existing ground level, and projected at an angle of 45 degrees, from all points from each of the boundaries of the site that adjoin land within the residential C zone, or
- (d) commencing 3.5 metres above existing ground level, and projected at an angle of 45 degrees, from the centre of any road that separates the land from land within the residential C zone.

[6] Clause 30 Building height plane controls

Omit clause 30 (2) (a)–(d). Insert instead:

- (a) commencing 1.8 metres above existing ground level, and projected at an angle of 45 degrees, at all points from each of the boundaries of the site that adjoin land within the residential A1, A2, B or F zone or open space zone, or
- (b) commencing 1.8 metres above existing ground level, and projected at an angle of 45 degrees, from the centre of any road that separates the land from land within the residential A1, A2, B or F zone or open space zone, or
- (c) commencing 3.5 metres above existing ground level, and projected at an angle of 45 degrees, at all points from each of the boundaries of the site that adjoin land within the residential C zone, or
- (d) commencing 3.5 metres above existing ground level, and projected at an angle of 45 degrees, from the centre of any road that separates the land from land within the residential C zone.

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[7] Clause 45 Consent requirements

Omit clause 45 (1) (e). Insert instead:

- (e) making:
 - (i) structural changes to the detail or fabric of the interior of a heritage item, or
 - (ii) non-structural changes to the detail, fabric, finish or appearance of the interior of a heritage item listed in Schedule 3 as having an interior of heritage significance, or

[8] Schedule 2 Definitions

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

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[9] Schedule 2, definition of “restricted premises”

Omit the definition. Insert instead:

restricted premises means a building or place, not including a newsagency, pharmacy or home occupation, where:

- (a) adult sexual acts or services are engaged in (with the exception of live performances) in return for payment or other reward, or
- (b) publications, films and other media classified as Category 2 restricted or X 18+ Restricted, under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
- (c) a business to which section 578E of the *Crimes Act 1900* applies is conducted.

[10] Schedule 3 Heritage items

Omit the note to the Schedule. Insert instead:

Notes.

- (1) An asterisk symbol (*) indicates heritage items with interiors of heritage significance.
- (2) The letter “S” indicates heritage items that are listed on the State Heritage Register as being of State heritage significance. Such items are subject to the provisions of the *Heritage Act 1977*.

[11] Schedule 3

Omit “State” wherever occurring in the third column. Insert instead “S”.

[12] Schedule 3

Omit “Regional” and “Local” wherever occurring in the third column.

[13] Schedule 3

Omit the matter relating to 23 Albany Street. Insert instead:

0906	23 Albany Street, corner Oxley Street, Electricity Powerhouse	S
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[14] Schedule 3

Insert “S” in the third column of the matter relating to the following heritage items:

3 Amherst Street, Tarella

7 Bannerman Street

8 Bannerman Street, Dalkieth

11 Bayview Street, Ildemere

11A Bayview Street, Ildemere Boathouse

11 Cranbrook Avenue, Egglemont

2 Hayes Street, The Hastings

2–74 Middlemiss St (bays under expressway) refer to Sydney Harbour Bridge and approach viaducts

6 Napier Street, Don Bank

92–96 Pacific Highway, North Sydney Post Office—Court House—former Police Station

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[15] Schedule 3

Omit the matter relating to Bay Road, Waverton Railway Station.

Insert instead:

0822	Bay Road, Waverton Railway Station group, booking office, hut and tunnel	S
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[16] Schedule 3

Insert in alphabetical order of street names:

0763	36 Blue Street (refer to 103 Miller Street, Greenwood) (North Sydney Technical High School, former)	S
	Milsons Point Railway Station group, North Shore Railway	S

[17] Schedule 3

Omit the matter relating to Commodore Crescent, Subway Overbridge.

Insert instead:

0260	Commodore Crescent, Waverton rail underbridges	S
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[18] Schedule 3

Omit the matter relating to Falcon Street, Sewerage Vent, southwest of Warringah Expressway.

Insert instead:

0764	Falcon Street, Sewer Vent, southwest of Warringah Freeway	S
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[19] Schedule 3

Omit the following matter:

1631	14 Harriette Street, Walumetta	
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[20] Schedule 3

Omit the matter relating to Kurraba Road, Kurraba Point Reserve including Hodgson and Spains Lookouts.

Insert instead:

1135	Site and remains of Port Jackson and Manly Steamship Company depot, Kurraba Road, Kurraba Point Reserve including Hodgson and Spains Lookouts	S
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[21] Schedule 3

Omit the matter relating to 103 Miller Street (36 Blue Street, Greenwood).

Insert instead:

0763	103 Miller Street (refer to 36 Blue Street, Greenwood) (North Sydney Technical High School, former)	S
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[22] Schedule 3

Omit the matter relating to 49 Yeo Street, St John's Uniting Church, formerly Presbyterian Church.

Insert after the matter relating to 28 Yeo Street, Neutral Bay Fire Station:

*1209	49 Yeo Street, St John's Uniting Church, formerly Presbyterian Church and Pipe Organ	S
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[23] Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Exempt development

(Clause 12)

Note. Clause 12 of this plan provides as follows:

- (1) Subject to the provisions of the Act, development is exempt development if it is development which:
 - (a) is permissible, with or without consent, in the zone in which it is to be carried out, and
 - (b) is listed in column 1 of the Table in Schedule 6, and
 - (c) satisfies all of the requirements specified in column 2 of the Table in Schedule 6 that are relevant to the development, and

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-
- (d) complies with all development standards specified in the provisions of this plan which would apply to the development if it were not exempt development, and
 - (e) is carried out within property boundaries (unless Schedule 6 permits it to be carried out outside property boundaries).
- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (1) (d).

It is the obligation of those responsible for any exempt development undertaken to demonstrate, if required by the Council, that they have met the appropriate requirements for any exempt development outlined in this Schedule.

Clause 5 of *State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation* restricts the application of exempt development in relation to low-cost rental accommodation.

Table

Column 1	Column 2
Erection and use, or carrying out, of any of the following	Requirements
Any exempt development listed in this column	<p>Complies with the “deemed-to satisfy” provisions of the <i>Building Code of Australia</i> that are applicable to the relevant site.</p> <p>Meets all relevant Australian Standards.</p> <p>Does not contravene any valid consents that are applicable to the relevant site.</p> <p>Does not obstruct drainage of the site.</p> <p>Is carried out at least 1 m from any easement or public sewer main and complies with Sydney Water’s policy relating to building over or adjacent to sewers.</p> <p>Stormwater is connected to an existing system and not redirected onto an adjoining property.</p> <p>Does not require a tree with a height of 10 m, or a crown width of 10 m, or a trunk circumference of 1.5 m measured at 1 m above ground or more to be removed, unless a Tree Preservation Order has been obtained.</p> <p>Does not reduce the structural integrity of any building.</p> <p>All equipment is installed according to manufacturer’s specifications and by qualified tradespeople where relevant.</p>

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
		Meets all WorkCover requirements, particularly for work involving hoarding, scaffolding, removal of lead paint and asbestos. Note. It is the obligation of those responsible for any exempt development undertaken to have obtained consent from the owners or owners corporation (body corporate), if relevant.
Access ramps for the disabled and associated hand rails	Heritage	Not on the site of a heritage item or on the street elevation in a conservation area.
	Size	Maximum height of ramp: 1 m (above existing ground level). Maximum height of handrail: 1 m above the ramp or step.
Advertising:		
1 Business identification sign (flush wall sign)	Heritage	Not attached to a heritage item or adjacent to a heritage item.
	Illumination	Not illuminated.
	Usage	Maximum one per site (residential building). Maximum 2 per site (non-residential use or building for which consent granted).
	Size	Maximum 0.45 m in length and 0.3 m in height.
	Siting	Not above awning.

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Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
	Content	Sign contains only: <ul style="list-style-type: none"> (a) identification of the place or premises, (b) identification of an occupation or activity carried out at the place or premises, (c) necessary directions or cautions relating to the place or premises, (d) statutory notifications required or permitted to be displayed at the place or premises.
2 Change of message on existing sign	Status	Sign was previously consented to by the Council or was erected as exempt development.
	Illumination	No change to authorised illumination.
	Content	New message complies with any content requirements of the consent. Any advertisement for an alcohol product is on premises where that product is sold.
	Structure	No change in dimensions. Not a roof sign.
3 Community notice sign (a notice or display by a public authority)	Illumination	Not illuminated.
	Structure	Not permanently or structurally attached to the building.
	Content	Contains only a notice or display of public information giving information or directions about services provided by the authority.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
4 Fascia sign (a sign on the fascia or return end of an awning)	Heritage	Not attached to a heritage item or adjacent to a heritage item. Not in a conservation area.
	Illumination	Not illuminated.
	Usage	Maximum one per site.
	Size	Does not project above or below the fascia or return end of the awning. Is flush with the fascia.
5 Real estate sign	Illumination	Not illuminated.
	Size	No return exceeds 0.2 m. Residential premises or premises containing serviced apartments—does not exceed 2.5 m ² in total area. Commercial/industrial premises—does not exceed 4.5 m ² in total area.
	Content	Contains only a notice that the building or site to which it is fixed is for sale or letting.
	Duration	Use of the sign is not exempt development later than 14 days after letting or sale of the premises to which sign relates.
6 Temporary sign (a sign announcing a local event—religious, educational, cultural, political, social or recreational)	Size	Maximum height 3 m.

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Column 1	Column 2
Erection and use, or carrying out, of any of the following	Requirements
	Sign is no higher than building it is mounted on.
	Maximum area 3 m ² .
	Illumination Not illuminated.
	Content Any sponsor's names or logos are less prominent than message.
	Duration Displayed no earlier than 28 days before an event.
	Use of the sign is not exempt development later than 14 days after the event.
7 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)	Heritage Not attached to a heritage item or adjacent to a heritage item.
	Not in a conservation area.
	Siting Minimum height of 2.6 m above footpath.
	Usage Maximum one per premises.
	Size Does not extend below the head of the doorway or window to which it is attached.
	Does not extend more than 0.2 m beyond any building alignment.
	Illumination Not illuminated.
8 Under awning sign (a sign that is attached to and hangs below an awning)	Heritage Not attached to a heritage item or adjacent to a heritage item.
	Not in a conservation area.
	Illumination Not illuminated, except for commercial, mixed use and residential D zones.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
	Usage	Maximum one per premises.
	Siting	Securely fixed to awning. Erected horizontal to the ground.
	Size	Does not project beyond the awning. Not less than 2.6 m from the ground or footpath. Maximum length of 2.5 m. Maximum height of 0.5 m.
9 Window sign (a sign displayed on a shop window)	Heritage	Not attached to a heritage item or adjacent to a heritage item. Not in a conservation area.
	Illumination	Not illuminated.
	Usage	Maximum one per shop front.
	Siting	Located on ground level facade.
	Size	At least 75% of shop front window remains uncovered.
Aerials/Antennae (not including satellite dishes/microwave antennae—dealt with as telecommunications facilities)	Heritage	Not attached to a heritage item or adjacent to a heritage item.
	Usage	For domestic use only. Maximum of one per residential building.
	Size	Maximum height 3 m above roof ridge.
Air conditioning/central heating/heat pump units for residential buildings	Heritage	Not attached to a heritage item or on the street elevation in a conservation area.

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Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Awnings, canopies, shutters, storm blinds, vergolas	Siting	Attached to an external wall or ground mounted. Not on a street frontage. Minimum 1.5 m from boundary. Enclosed in a sound proof structure to meet noise requirements.
	Noise	Noise level does not exceed 5dB(A) above ambient background noise level measured at property boundary. Obtain certification for the noise level requirement, from a qualified sound engineer. Note. Failure to comply with, and obtain certification for the noise level requirement may result in removal and/or fine.
	Heritage	Not attached to a heritage item or on the street elevation in a conservation area.
	Usage	On residential buildings in residential zones only.
	Siting	Located wholly within property boundaries. On windows only, not on roofs.
	Size	Maximum combined area 10 m ² .
	Development standard	Does not exceed building height plane specified in clause 18. Note. Non-structural; capable of ready removal/retraction; canvas/plastic material or the like (not corrugated iron).
Balustrades	Heritage	Not on a heritage item. Not on the front facade in a conservation area.
	Type	Replacement only.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Barbecues (built structures)	Size	Maximum height 1 m.
	Foreshore	Not within foreshore building area.
	Siting	Located in rear yard.
		Minimum 0.9 m from property boundary.
	Size	Maximum area 2 m ² . Maximum height 1.8 m.
Bed and breakfast accommodation	Structure	Unroofed.
	Development standard	Does not exceed building height plane specified in clause 18. Landscaped area is no less than that required by clause 20.
	Usage	Involves the use of an existing lawful dwelling by its permanent residents for the temporary accommodation of visitors for commercial purposes. No employees other than permanent residents of the dwelling. No display or sale of goods from the premises. Would not have required the registration of the premises under sections 10–13 of the <i>Shops and Industries Act 1962</i> as in force immediately before their repeal.
	Amenity	No interference with the amenity of the surrounding residents or neighbourhood.
	Advertising	No display of advertisements on the premises (other than a notice or sign exhibited on that dwelling to indicate the name and occupation of the resident).

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Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Bird aviaries (including poultry)	Dwelling	A maximum of 3 guest bedrooms, accommodating no more than 6 persons total.
	Type	A minimum of 2 bathrooms.
	Fire safety	Has a smoke detection system that complies with relevant Australian Standards. Has smoke alarms and evacuation lighting in accordance with The Housing Provisions of the <i>Building Code of Australia</i> as applicable to a Class 1b building. Has a fire extinguisher and fire blanket in the kitchen.
	Approval	Approval has been obtained from the owners corporation, or the community, precinct or neighbourhood association, where a dwelling is subject to the <i>Strata Schemes Management Act 1996</i> or the <i>Community Land Management Act 1989</i> .
	Foreshore	Not within foreshore building area.
	Usage	Used only for domestic purposes.
	Siting	Located in rear yard. Minimum 0.9 m from boundary. Not within 6 m of any habitable room of any dwelling.
	Size	Maximum area 10 m ² . Maximum height 1.8 m.
	Development standard	Does not exceed building height plane specified in clause 18. Landscaped area is no less than that required by clause 20.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Bushfire hazard reduction	Work	Work to be carried out consistently with a plan of operations and a bush fire risk management plan under the <i>Rural Fires Act 1997</i> .
Cabanas, garden sheds, gazebos, greenhouses	Foreshore	Not within foreshore building line.
	Usage	Not used as a dwelling or habitable room.
	Siting	Located in rear yard.
		Minimum 0.9 m from property boundary.
	Size	Maximum area 10 m ² .
		Maximum height 2.7 m.
	Structure	Free-standing.
Structurally stable and securely anchored.		
Materials	Non-reflective surface finishes.	
Development standard	Does not exceed building height plane specified in clause 18.	
	Landscaped area is no less than that required by clause 20.	
Change of use of building:		
1 Change of use of one shop to another shop (excluding refreshment rooms or takeaway food shops)	Type	Previous use was a lawful use.
	Usage	Must be a permissible use in the zone.
		Must comply with any condition of consent.

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Column 1	Column 2
Erection and use, or carrying out, of any of the following	Requirements
2 Change of use of a refreshment room or takeaway food shop to a shop	Existing use rights do not apply.
	Obtain a Trade Waste Agreement with Sydney Water Corporation, if the specific use results in the discharge of trade waste.
	Duration No extension to hours outside existing approved hours of operation.
	Size No change to approved area of premises.
	Registration Where the use requires registration under other legislation, registration must be obtained.
	Type Previous use was a lawful use.
	Usage Must be a permissible use in the zone.
	Must comply with any condition of consent.
	Existing use rights do not apply.
	Obtain a Trade Waste Agreement with Sydney Water Corporation, if the specific use results in the discharge of trade waste.
Duration No extension to hours outside existing approved hours of operation.	
Size Floor area not to exceed 200 m ² . No change to approved area of premises.	
Registration Where the use requires registration under other legislation, registration must be obtained.	

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
3 Change of use of one refreshment room to another refreshment room	Type	Previous use was a lawful use.
	Usage	<p>Must be a permissible use in the zone.</p> <p>Must comply with any condition of consent.</p> <p>Existing use rights do not apply.</p> <p>Obtain a Trade Waste Agreement with Sydney Water Corporation, if the specific use results in the discharge of trade waste.</p>
	Duration	No extension to hours outside existing approved hours of operation.
	Size	<p>Floor area not to exceed 200 m².</p> <p>No change to approved area of premises.</p>
	Registration	Where the use requires registration under other legislation, registration must be obtained.
4 Change of use of one type of commercial premises to another type of commercial premises	Type	Previous use was a lawful use.
	Usage	<p>Must be a permissible use in the zone.</p> <p>Must comply with any condition of consent.</p> <p>Existing use rights do not apply.</p> <p>Not in a residential D zone.</p> <p>Obtain a Trade Waste Agreement with Sydney Water Corporation, if the specific use results in the discharge of trade waste.</p>

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Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
	Duration	No extension to hours outside existing approved hours of operation.
	Size	No change to approved area of premises.
	Registration	Where the use requires registration under other legislation, registration must be obtained.
5 Change of use of one type of commercial premises to a shop	Type	Previous use was a lawful use.
	Usage	Must be a permissible use in the zone. Must comply with any condition of consent. Existing use rights do not apply. Obtain a Trade Waste Agreement with Sydney Water Corporation, if the specific use results in the discharge of trade waste.
	Duration	No extension to hours outside existing approved hours of operation.
	Size	No change to approved area of premises.
	Registration	Where the use requires registration under other legislation, registration must be obtained.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Clothes hoist/lines	Siting	Located in rear yard. Not visible from street or public place.
Decks/verandahs	Heritage	Not on the site of a heritage item. Behind the building line in a conservation area.
	Siting	Side setbacks minimum 0.9 m from property boundary or match those for existing dwelling, whichever is greater. Minimum 10 m setback from any adjoining land in the Bushland zone.
	Foreshore	Not within the foreshore building area.
	Size	Maximum area 10 m ² . Finished level not greater than 0.5 m above existing ground level.
	Structure	Uncovered.
	Materials	Made of timber.
	Development standard	Landscaped area is no less than that required by clause 20.
Demolition of building/structure:		
1 Demolition of building eg pergolas, sheds, fences, decks etc	Heritage	Not of a heritage item. Not of a building in a conservation area, unless the building is an uncharacteristic element in the conservation area.

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Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
	Type	Demolition of part of a building (other than a retaining wall) the erection of which would be exempt development for the purpose of this plan. May involve non-structural demolition associated with decommissioning a building, but not involving any change to the external fabric or internal structure of the building. May involve stripping of internal, non-structural elements only of a building for maintenance or repair purposes.
	Works	Provision is made for erosion and sediment control in accordance with the Council's brochure called <i>Erosion and Sediment Control for Urban Redevelopment</i> .
2 Demolition of structure	Heritage	Not of a heritage item. Not of a structure in a conservation area, unless the structure is an uncharacteristic element in the conservation area.
	Type	Demolition of a structure the erection of which would be exempt development for the purpose of this plan.
	Size	Maximum area of structure 25 m ² .
	Works	Demolition carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i> .

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Display of goods on the footpath	Usage	<p>Used in conjunction with an existing shop for which consent has been granted in an area that is zoned commercial, mixed use or residential D.</p> <p>Permit must be obtained from the Council.</p> <p>Must not involve any live or recorded entertainment including music, broadcast programs, flashing lights or the like.</p> <p>Must not include sandwich boards or any other form of advertising placed on the ground.</p>
	Location	<p>Area is immediately adjoining the shop front and does not obstruct access to this or to adjacent shops.</p>
	Siting	<p>A minimum of 1.8 m of footpath, immediately adjacent to the roadway, remains clear of goods.</p>
	Size	<p>Area is no greater than 5 m².</p>
	Structure	<p>Goods are displayed at ground level or on stable, temporary structures no higher than 1.5 m.</p> <p>Goods are not stacked.</p> <p>No construction work involved.</p> <p>No permanent structures.</p>
	Advertising	<p>No signs or advertising displayed on footpath.</p> <p>All goods, materials and equipment are temporary and removed from the footpath at close of business.</p>

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Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Driveways and pathways	Heritage	Not on the site of a heritage item or on the street elevation in a conservation area.
	Siting	Not over public land. Does not require new gutter crossing, or new opening in front boundary fence.
	Structure	Not elevated or suspended above existing ground level. Replacement only.
	Drainage	Does not increase rate or concentration of stormwater run-off to neighbouring properties.
	Development standard	Landscaped area is no less than that required by clause 20.
	Heritage	Not on the site of a heritage item or adjacent to a heritage item.
Fences: (other than fences required to be erected by the Swimming Pools Act 1992)		Not forward of the front building line on a site in a conservation area.
	Foreshore	Not within foreshore building area.
1 Boundary fences: (a) Front and side (between the building line and street or any other public place)	Materials	Constructed of timber, metal or lightweight materials.
	Size	Maximum height 1 m.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
(b) Side (between the building line and the rear boundary) and rear	Materials	Constructed of timber, metal or lightweight materials.
	Size	Maximum height 1.8 m.
2 Masonry or brick fences	Size	Maximum height 0.9 m.
	Structure	Constructed in accordance with relevant Australian Standards.
Fire upgrading of a building	Heritage	Not in relation to a heritage item.
	Type	Does not involve structural alterations or changes to the external configuration of the building. Must obtain certification from a grade 1 or 2 Accredited Certifier that works have been completed in accordance with <i>Building Code of Australia</i> fire safety requirements.
	Work	Work to be carried out in compliance with the requirements of an order of the Council or as an approved voluntary fire safety upgrade. Note. Approval for a voluntary fire safety upgrade requires a letter of approval from the Council.
Home occupations	Usage	No employees other than permanent residents of the dwelling or dwelling-house. No display or sale of goods from the premises. Not restricted premises. Would not have required the registration of the premises under sections 10–13 of the <i>Shops and Industries Act 1962</i> as in force immediately before their repeal.

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Schedule 1 Amendments

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Letterbox	Amenity	No interference with the amenity of the surrounding residents or neighbours.
	Advertising	No display of advertisements on the premises (other than a notice or sign exhibited on that dwelling to indicate the name and occupation of the resident).
	Usage	<p>Note. Owners corporation (body corporate) approval is required for home occupation in a unit or flat.</p> <p>Designed for use and used in conjunction with residential premises.</p> <p>Not more than 2 letterboxes per site.</p>
	Size	Maximum height 1.2 m above ground level.
	Structure	Structurally stable with adequate footings.
Maintenance to heritage items and/or properties within a conservation area	Numbering	Recognised numbering visible from street alignment.
	Heritage	<p>On the site of a heritage item or in a conservation area:</p> <ul style="list-style-type: none"> (a) only minor conservation works, (b) no adverse effect on heritage significance, (c) the proponent has notified the Council in writing of the proposed development and the Council has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of this exemption. <p>No impact on heritage significance.</p>

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
	Type	Repainting of existing painted surfaces. Replacement of guttering, handrails, steps, fences, roofs (excluding skylights), driveways, doors, windows and gates and the like. Repointing. No change to windows and door openings. No change to roof configuration. Contributes to conservation of the building.
	Size	No change in dimensions of building or its elements. No additional structures.
	Materials	Replacing existing materials with the same materials. Replacing with materials that would originally have been used subject to engineers certification that roof structure can carry the load. Replacement windows and doors match existing original windows and doors.
Minor external alterations:	Heritage	Not to a heritage item. Not in a conservation area.
	Type	Attached fittings, bagging, maintenance, painting, rendering and repair, or the like.
1 Re-cladding of roofs or walls	Heritage	Not carried out on a heritage item or adjacent to a heritage item. Not in a conservation area.

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Schedule 1 Amendments

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
	Type	Replacing existing materials with similar materials that are compatible with the existing building and finish. Does not involve structural alterations or change to the external configuration of the building.
2 Replacement of windows, glazed areas, external doors	Heritage	Not involving a heritage item or on the street elevation in a conservation area.
	Size	Does not reduce or increase light and ventilation. Does not change opacity.
	Materials	Replacement in residential premises with materials that comply with Australian Standards.
Minor internal alterations:		
1 Residential premises	Type	Non-structural work. Renovation of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes. Replacement of: (a) doors, or (b) linings (wall, ceiling or floor), or (c) deteriorated frame members, with materials of equal or improved specifications.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
2 Non-residential premises	Heritage Type	Does not involve structural changes to the internal layout of the dwelling or removal of load bearing wall.
		Painting undertaken on existing painted surfaces.
	Work	Not to a heritage item.
		Non load-bearing work such as shelving, displays, benches, partitions.
	Usage	Building has a current fire safety measures schedule.
		Complies with fire safety requirements of the <i>Building Code of Australia</i> .
Outdoor dining	Usage	Does not involve, alter or interfere with the performance of any fire safety measure identified in the current fire safety measures schedule.
	Size	Complies with NSW food safety standards.
	Usage	Not a take-away food shop or drive-in take-away food shop.
		Does not increase floor space.
		Used in conjunction with an existing refreshment room for which consent has been granted in an area that is zoned commercial, mixed use or residential D.
		Permit must be obtained from the Council.
		Does not involve any live or recorded entertainment including music, broadcast programs, flashing lights, or the like.

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Column 1	Column 2
Erection and use, or carrying out, of any of the following	Requirements
	Location Area is immediately adjoining refreshment room and does not obstruct access to this, or to adjacent shops.
	Siting A minimum of 1.8 m between the seating and roadway remains clear of seating.
	Size No greater than 5 m ² .
	Structure Except where approved by the Council, does not use any permanent structures to delineate the area to be used for the accommodation of diners or for the display of goods. Where approved by the Council, uses removable screens or removable planter boxes, no higher than 0.5 m, to delineate the outdoor area.
	Amenity All materials and equipment are temporary and are removed from the footpath at close of business. No construction work involved.
	Advertising No signs or advertising displayed on the footpath. Display only the name or logo of the establishment on furniture and equipment. Do not display any general advertising. Do not place sandwich boards on the footpath.
	Umbrellas Subject to approval under existing permit, installation of up to 3 separate umbrellas. Maximum diameter of 1 m.

Note. Private use on public land is subject to licence agreement with the Council and issue of permit.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Park and street furniture, and engineering works undertaken by the Council only on public land (seats, bins, picnic tables, minor shelters, bollards, seawalls, fences and the like, not including bus shelters)	Heritage	Consultation must be undertaken with the Council's conservation planner when involving a heritage item or property within a conservation area.
	Location	Located on land under control of the Council.
	Siting	Does not affect sight lines or restrict pedestrian movement.
	Structure	Structurally stable and securely anchored.
	Consultation	Is included in a plan that has been subject to public consultation and approved by the Council resolution eg streetscape project, public domain strategy, public works program.
Patio/paving (for use incidental to the use of a dwelling)	Heritage	Not on the site of a heritage item.
		Not forward of the front building line on a site in a conservation area.
	Siting	At existing ground level.
	Size	Maximum combined area 20 m ² for site.
		Soft landscaping is at least 80% of total landscaped area of the site.
	Drainage	No entry of water into a building. No increase in rate or concentration of stormwater run-off from the site.

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Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Pergola (not vergola or the like)	Development standard	Landscaped area is no less than that required by clause 20.
	Heritage	Not on the site of a heritage item or on the street elevation in a conservation area.
	Type	Not roofed or enclosed.
	Siting	Minimum 0.9 m from property boundary.
	Size	Maximum area 20 m ² . Maximum height 2.4 m.
	Structure	Structurally stable and securely anchored.
	Development standard	Landscaped area is no less than that required by clause 20.
Playground equipment, cubby houses etc:		
1 If for residential use only	Siting	Minimum 0.9 m from side property boundaries. Rear yard only.
	Size	Maximum height 2.1 m. Maximum area 10 m ² .
	Structure	Structurally stable and securely anchored.
2 If for non-residential use eg child care, schools	Development standard	Landscaped area is no less than that required by clause 20.
	Type	Not for commercial use.
	Siting	Minimum 3 m from side and rear property boundaries.
	Size	Maximum height 2.1 m.
	Structure	Structurally stable and securely anchored.

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
3 On community land (as defined by the Local Government Act 1993)	Type	Replacing existing equipment only.
	Consultation	Works have been subjected to a public participation process ie public consultation, have been approved by the Council and included in Capital Works Budget.
Ponds, fountains, water features	Size	Maximum height 1.8 m.
	Structure	Freestanding or on a masonry or brick structure. Not on boundary fence. Not attached to wooden fence.
	Retaining walls	Foreshore
	Usage	Does not restrict or alter stormwater drainage.
	Size	Maximum height 0.5 m from existing ground level.
	Structure	Masonry and timber walls to comply with relevant Australian Standards.
Skylight/rooflight/air vent	Heritage	Not attached to a heritage item. Not on the front facade of a building in a conservation area.
	Usage	Not more than one installation per 25 m ² of roof area.
	Siting	Minimum 0.9 m from property boundary. Minimum 0.9 m from any common wall between attached dwellings.

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Schedule 1 Amendments

Column 1	Column 2	
Erection and use, or carrying out, of any of the following	Requirements	
Solar water heater (attached to a residential building)		Minimum 1.8 m from any rooflight in another building on the lot or in a detached part of the same building.
	Size	Maximum area of skylight not to exceed 20% of the roof plane on which it is located.
	Heritage	Not attached to a heritage item.
	Foreshore	Not within the foreshore building area.
	Siting	Located on rear of property. Not visible from street, foreshores or reserves.
	Structure	Installation must be flush with a roof alignment.
Telecommunications facilities		Refer to the <i>Telecommunications (Low-impact Facilities) Determination 1997</i> of the Commonwealth under the <i>Telecommunications Act 1997</i> of the Commonwealth.
Temporary structures on roads and open space	Usage	Structure is for purposes of a public market, gala, exhibition, entertainment or festival for which a permit has been issued by the Council.
	Roads	Road lawfully closed for event. Only on roads adjoining land in the commercial, mixed use or residential D zone.
	Location	Does not obstruct pedestrian access to shops or other premises. Does not obstruct footpaths.
	Structure	Erected no more than 12 hours before event.

Column 1	Column 2
Erection and use, or carrying out, of any of the following	Requirements
Water heaters (excluding solar systems, which are dealt with separately in this table)	<p>No disturbance to road or ground surface, or street furniture.</p> <p>Maximum height 3 m.</p> <p>Removal All temporary structures, goods and litter removed within 12 hours after the end of the event.</p> <p>No temporary structure to remain in place longer than 24 hours.</p> <p>Goods display Goods are displayed at ground level or on stable, temporary structures no higher than 1.5 m.</p> <p>Consultation Is included in a plan that has been subject to public consultation and approved by the Council resolution eg streetscape project, public domain strategy, public works program.</p> <p>Siting At ground level.</p> <p>Behind building line.</p> <p>Energy A Greenhouse Score of 4 or greater.</p>
Water tanks	<p>Refer to <i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i>: clause 16.</p>

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Schedule 1 Amendments

[24] Schedule 7

Omit the Schedule. Insert instead:

Schedule 7 Complying development

(Clause 13)

Note. *State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation*, Clause 5 restricts the application of complying development in relation to low-cost rental accommodation.

Section 76A (6) of the Act states that complying development is not available in the case of:

- (a) designated development, or
- (b) development that requires the concurrence of a person other than the consent authority, or the Director-General of the Department of Environment and Conservation, or
- (c) land that is critical habitat or a wilderness area, or
- (d) a heritage item subject to an interim heritage order or listed in an LEP or other planning instrument, or
- (e) land that is an environmentally sensitive area.

Clause 13 of this plan states:

- (1) Subject to the provisions of the Act, development is complying development if it is development which:
 - (a) is permissible, with consent, in the zone in which it is to be carried out, and
 - (b) is listed in a development category in Schedule 7, and
 - (c) satisfies all of the requirements specified in the standards for the relevant development category in Schedule 7, and
 - (d) complies with all development standards specified in the provisions of this plan which would apply to the development if it were not complying development, and
 - (e) would not be carried out on land reserved for acquisition by a public authority as identified in an environmental planning instrument.
- (2) A complying development certificate issued for any such development is subject to the conditions specified in Schedule 8.
- (3) A complying development certificate that relates to the erection of builders' sheds or portable facilities must:
 - (a) state that the sheds or toilet facilities are temporary buildings, and
 - (b) specify a removal date that is no later than one year after the date of issue of the complying development certificate.

Part 1 Single storey dwellings—not in conservation areas

Requirements

All building work complies with the “deemed-to-satisfy” provisions of the *Building Code of Australia*.

Development does not contravene any valid consents that are applicable to the relevant site.

Complies with residential controls in this plan and *North Sydney Development Control Plan 2002* that is, with provisions regulating building height, building height plane, landscaped area and lot size.

Maximum building height of 5.5 m.

Common controls

Controls—Acoustic privacy for residents

Noise levels within dwellings, with windows closed, do not exceed the following:

- (a) recreation/work areas—40dB(A),
- (b) sleeping areas—35dB(A).

Controls—Attics

No attic rooms.

Controls—Car parking

Do not provide underground parking for detached dwellings.

Carparking does not exceed the maximum requirements in *North Sydney Development Control Plan 2002*.

Controls—Decks

No decks or balconies above ground floor level.

Controls—Dormers

No new or enlarged dormers.

Controls—Fences

Do not build front fences higher than 1 m.

Do not build solid front fences (such as masonry, lapped and capped timber, brushwood) higher than 0.9 m.

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Schedule 1 Amendments

Controls—Foreshore

Not within the foreshore building line or on foreshore.

Controls—Form, massing and scale

Finish the height of the ceiling of the ground floor no higher than 3.4 m (measured vertically at any point above existing ground level).

Controls—Landscaped area

Provide landscaped area in accordance with clause 20 and *North Sydney Development Control Plan 2002*.

Provide a minimum of 80% of the landscaped area as soft landscaped elements such as gardens, lawns, shrubs and trees.

Finish the level of landscaped area to within 0.5 m of existing ground level.

Do not contravene the Council's Tree Preservation Order.

Do not undertake works within the drip line of any tree that has a height greater than 10 m, or a girth greater than 1.5 m measured 1 m above the base of the tree.

Controls—Laneways

Where a laneway is the principal frontage address dwelling to the lane, do not conceal the front facade behind high walls, fences or garages.

Do not cover more than 50% of the width of the laneway frontage with car spaces of any kind, or car park entrances.

Where a property has a frontage less than 7.5 m, do not provide more than one car space.

Setback all new and rebuilt fences and structures 1.2 m from the laneway alignment and landscape the setback with appropriate low maintenance plants.

Controls—Overshadowing

No increase in overshadowing to principal area of ground level private open space, habitable rooms or solar panels of any adjoining properties, between the hours of 9 am and 3 pm on 21 June.

Controls—Privacy

If a window will have a direct outlook to the windows of habitable rooms of an adjacent dwelling, the window in the proposed dwelling:

- (a) is offset from the edge of one window to the edge of the other by a distance of at least 0.5 m to limit views into the adjacent window, or
- (b) has sill heights of at least 1.5 m above floor level, or

- (c) has fixed obscure glazing in any part of the window below 1.5 m above floor level, or
- (d) provides a fence at least 1.8 m high between the buildings.

Controls—Properties adjoining bushland

Not adjacent to bushland (consult zoning map for properties with a boundary to bushland).

Controls—Roofs

Must have a pitched roof.

Maximum roof pitch of 36 degrees.

Minimum roof pitch of 26 degrees for a roof visible from any public place.

Minimum roof pitch of 14 degrees for a roof not visible from any public place.

Roof openings for skylights not visible on the primary street elevation of the dwelling.

Controls—Setbacks

All building work is set back behind the front building line. (The front building line being the line projected between the principal facades of the buildings on adjoining properties.)

All building work is set back by an average of the setback of the dwellings on land either side of the subject property, from the side and rear boundaries of the property, or a minimum of 0.9 m, whichever is the greater.

The eaves and roof gutter of any structure are a minimum distance, from the boundary, of 0.675 m.

Controls—Topography

Finish all ground levels no greater than 0.5 m from existing ground levels.

Locate all habitable rooms (does not include bathrooms, laundries and storerooms) above the existing ground level.

Do not remove or cover rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.

Do not excavate closer than 1 m to any boundary.

No excavation, footings or foundations within 1 m of any boundary.

Ensure soil depth around buildings can sustain trees as well as shrubs and smaller scale gardens.

Controls—Water and soil management

The land surrounding any structure is graded and drained to divert surface water to the street and clear of existing and proposed structures and adjoining premises (and does not require pumpouts, charged lines or on-site disposal).

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Schedule 1 Amendments

No construction over any registered easement without the approval of the owners corporation (body corporate) or relevant land owner benefiting from the easement.

No structure is constructed within 1 m 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.

The development must comply with an erosion and sediment control plan that contains measures as to how erosion will be controlled and sediments trapped on building sites, in accordance with the Council's brochure called *Erosion and Sediment Control for Urban Development*. The plan must accord with the guidelines for preparing an erosion and sediment control plan found in the brochure called *Preparing an Erosion and Sediment Control Plan* available from the Council.

Minimum requirements in relation to the erosion and sediment control plan are:

- (a) providing a single stabilised entry/exit point for site access, and
- (b) diverting run-off away from disturbed areas and stockpiles towards stabilised areas using banks or channels, and
- (c) sediment fences being installed downslope to treat site run-off, and
- (d) gutter protection being used only as a precautionary measure if there is a risk of untreated run-off entering the waterways, and
- (e) building material stockpiles being located and managed in accordance with the guidelines, and
- (f) as soon as the roof is complete, temporary or permanent downpipes being installed for roof water drainage, and
- (g) dust minimisation in accordance with the guidelines.

Controls—Views

Do not obstruct views from streets and other public places, as identified in the character statement in *North Sydney Development Control Plan 2002*.

Development categories

Construction of detached, single storey dwelling without attic rooms: additional controls

Controls—Building height

Must comply with the requirements of clause 17 concerning building heights.

Controls—Energy efficiency

Dwelling achieves a minimum 4 Star Rating when assessed in accordance with nationally accredited *National House Energy Rating Scheme* (NatHERS).

Controls—Lot frontage

Lot must have a minimum street frontage of 10 m.

Controls—Maintaining residential accommodation

There is no loss of residential accommodation on the site.

Controls—Streetscape

The street elevation of dwellings have:

- (a) a front door and window of a habitable room facing the street, and
- (b) a maximum unarticulated length of no more than 6 m elevation facing the public street.

Alterations and additions to a dwelling house: additional controls**Controls—Colours and materials**

Match the design of the main dwelling by having the same or similar roof form, materials, colours and detailing.

Part 2 Single storey dwellings—in conservation areas**Requirements**

All building work complies with the “deemed-to-satisfy” provisions of the *Building Code of Australia*.

Development must not contravene any valid consents that are applicable to the relevant site.

Development category**Alterations and additions behind the rear building line, not visible from a public place****Controls—Acoustic privacy for residents**

Noise levels within dwellings, with windows closed, do not exceed the following:

- (a) recreation/work areas—40dB(A),
- (b) sleeping areas—35dB(A).

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North Sydney Local Environmental Plan 2001 (Amendment No 10)

Schedule 1 Amendments

Controls—Attics

No attic rooms.

Controls—Car parking

Do not provide underground parking for detached dwellings.

Car parking does not exceed the maximum requirements in *North Sydney Development Control Plan 2002*.

Controls—Decks

No decks or balconies above ground floor level.

Controls—Dormers

No new or enlarged dormers.

Controls—Foreshore

Not within the foreshore building line or on foreshore.

Controls—Heritage, gardens and plantings

No removal of trees, garden designs or plantings of heritage significance.

Controls—Landscaped area

Provide landscaped area in accordance with clause 20 and *North Sydney Development Control Plan 2002*.

Provide a minimum of 80% of the landscaped area as soft landscaped elements such as gardens, lawns, shrubs and trees.

Finish the level of landscaped area to within 0.5 m of existing ground level.

Do not contravene the Council's Tree Preservation Order.

Do not undertake works within the drip line of any tree that has a height greater than 10 m, or a girth greater than 1.5 m measured 1 m above the base of the tree.

Controls—Laneways

Where a laneway is the principal frontage address dwelling to the lane, do not conceal the front facade behind high walls, fences or garages.

Do not cover more than 50% of the width of the laneway frontage with car spaces of any kind, or car park entrances.

Where a property has a frontage less than 7.5 m, do not provide more than one car space.

Set back all new and rebuilt fences and structures 1.2 m from the laneway alignment and landscape the setback with appropriate low maintenance plants.

Controls—Overshadowing

No increase in overshadowing to principal area of ground level private open space, habitable rooms or solar panels of any adjoining properties, between the hours of 9 am and 3 pm on 21 June.

Controls—Privacy

If a window will have a direct outlook to the windows of habitable rooms of an adjacent dwelling, the window in the proposed dwelling:

- (a) is offset from the edge of one window to the edge of the other by a distance of at least 0.5 m to limit views into the adjacent window, or
- (b) has sill heights of at least 1.5 m above floor level, or
- (c) has fixed obscure glazing in any part of the window below 1.5 m above floor level, or
- (d) provide a fence at least 1.8 m high between the buildings.

Controls—Properties adjoining bushland

Not adjacent to bushland (consult zoning map for properties with a boundary to bushland).

Controls—Roofs

Maximum roof pitch of 36 degrees.

Minimum roof pitch of 26 degrees for a roof visible from any public place.

Minimum roof pitch of 14 degrees for a roof not visible from any public place.

Roof openings for skylights not visible on the primary street elevation of the dwelling.

Controls—Set backs

All building work is set back by an average of the setback of the dwellings on land either side of the subject property, from the side and rear boundaries of the property, or a minimum of 0.9 m, whichever is the greater.

The eaves and roof gutter of any structure are a minimum distance, from the boundary, of 0.675 m.

Controls—Topography

Finish all ground levels no greater than 0.5 m from existing ground levels.

Locate all habitable rooms (does not include bathrooms, laundries and storerooms) above the existing ground level.

Do not remove or cover rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.

Do not excavate closer than 1 m to any boundary.

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North Sydney Local Environmental Plan 2001 (Amendment No 10)

Schedule 1 Amendments

No excavation, footings or foundations within 1 m of any boundary.

Ensure soil depth around buildings can sustain trees as well as shrubs and smaller scale gardens.

Controls—Water and soil management

The land surrounding any structure is graded and drained to divert surface water to the street and clear of existing and proposed structures and adjoining premises (and does not require pumpouts, charged lines or on-site disposal).

No construction over any registered easement without the approval of the owners corporation (body corporate) or relevant land owner benefiting from the easement.

No structure is constructed within 1 m 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.

The development must comply with an erosion and sediment control plan that contains measures as to how erosion will be controlled and sediments trapped on building sites, in accordance with the Council's brochure called *Erosion and Sediment Control for Urban Development*. The plan must accord with the guidelines for preparing an erosion and sediment control plan found in the brochure called *Preparing an Erosion and Sediment Control Plan* available from the Council.

Minimum requirements in relation to the erosion and sediment control plan are:

- (a) providing a single stabilised entry/exit point for site access, and
- (b) diverting run-off away from disturbed areas and stockpiles towards stabilised areas using banks or channels, and
- (c) sediment fences being installed downslope to treat site run-off, and
- (d) gutter protection being used only as a precautionary measure if there is a risk of untreated run-off entering the waterways, and
- (e) building material stockpiles being located and managed in accordance with the guidelines, and
- (f) as soon as the roof is complete, temporary or permanent downpipes being installed for roof water drainage, and
- (g) dust minimisation in accordance with the guidelines.

Controls—Views

Do not obstruct views from streets and other public places, as identified in the character statement in *North Sydney Development Control Plan 2002*.

Part 3 Attached dwellings and apartment buildings

Requirements

All building work complies with the “deemed-to-satisfy” provisions of the *Building Code of Australia*.

Development must not contravene any valid consents that are applicable to the relevant site.

Relevant owners corporation approval has been obtained.

Common controls

Controls—Acoustic privacy for residents

Noise levels within dwellings, with windows closed, do not exceed the following:

- (a) recreation/work areas—40dB(A),
- (b) sleeping areas—35dB(A).

Controls—Attics

No attic rooms.

Controls—Car parking

Provide all parking associated with attached dwelling developments and apartment buildings underground.

Car parking does not exceed the maximum requirements in *North Sydney Development Control Plan 2002*.

Controls—Colours and materials

Alterations, additions and outbuildings visible from a public place match the design of the main dwelling through roof form, materials, colours and detailing.

Controls—Decks

No decks or balconies above ground floor level.

Controls—Density

No increase or reduction in the number of dwellings.

Controls—Dormers

No new or enlarged dormers.

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North Sydney Local Environmental Plan 2001 (Amendment No 10)

Schedule 1 Amendments

Controls—Fences

Do not build front fences higher than 1 m.

Do not build solid front fences (such as masonry, lapped and capped timber, brushwood) higher than 0.9 m.

Controls—Foreshore

Not within the foreshore building line or on foreshore.

Controls—Form, massing and scale

Finish the height of the ceiling of the ground floor no higher than 3.4 m (measured vertically at any point above existing ground level).

Controls—Landscaped area

Provide landscaped area in accordance with clause 20 and *North Sydney Development Control Plan 2002*.

Provide a minimum of 80% of the landscaped area as soft landscaped elements such as gardens, lawns, shrubs and trees.

Finish the level of landscaped area to within 0.5 m of existing ground level.

Do not contravene the Council's Tree Preservation Order.

Do not undertake works within the drip line of any tree that has a height greater than 10 m, or a girth greater than 1.5 m measured 1 m above the base of the tree.

Controls—Laneways

Where a laneway is the principal frontage address dwelling to the lane, do not conceal the front facade behind high walls, fences or garages.

Do not cover more than 50% of the width of the laneway frontage with car spaces of any kind, or car park entrances.

Where a property has a frontage less than 7.5 m, do not provide more than one car space.

Set back all new and rebuilt fences and structures 1.2 m from the laneway alignment and landscape the setback with appropriate low maintenance plants.

Controls—Overshadowing

No increase in overshadowing to principal area of ground level private open space, habitable rooms or solar panels of any adjoining properties, between the hours of 9 am and 3 pm on 21 June.

Controls—Privacy

Skylights are a minimum of 1.5 m above the floor level.

If a window will have a direct outlook to the windows of habitable rooms of an adjacent dwelling, the window in the proposed dwelling:

- (a) is offset from the edge of one window to the edge of the other by a distance of at least 0.5 m to limit views into the adjacent window, or
- (b) has sill heights of at least 1.5 m above floor level, or
- (c) has fixed obscure glazing in any part of the window below 1.5 m above floor level.

Controls—Properties adjoining bushland

Not adjacent to bushland (consult zoning map for properties with a boundary to bushland).

Controls—Roofs

Maximum roof pitch of 36 degrees.

Minimum roof pitch of 26 degrees for a roof visible from any public place.

Minimum roof pitch of 14 degrees for a roof not visible from any public place.

Roof openings for skylights not visible on the primary street elevation of the dwelling.

Controls—Set backs

All building work is set back behind the front building line. (The front building line is defined as the line projected between the principal facades of the buildings on adjoining properties.)

All building work is set back by an average of the set back of the dwellings on land either side of the subject property, from the side and rear boundaries of the property, or minimum 0.9 m, whichever is the greater.

The eaves and roof gutter of any structure are a minimum distance, from the boundary, of 0.675 m.

Controls—Topography

No building above the ground level, within 1.5 m of any boundary.

No excavation, footings or foundations within 1 m of any boundary.

Controls—Water and soil management

The land surrounding any structure is graded and drained to divert surface water to the street and clear of existing and proposed structures and adjoining premises (and does not require pumpouts, charged lines or on-site disposal).

No construction over any registered easement without the approval of the owners corporation (body corporate) or relevant land owner benefiting from the easement.

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No structure is constructed within 1 m 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.

The development must comply with an erosion and sediment control plan that contains measures as to how erosion will be controlled and sediments trapped on building sites, in accordance with the Council's brochure called *Erosion and Sediment Control for Urban Development*. The plan must accord with the guidelines for preparing an erosion and sediment control plan found in the brochure called *Preparing an Erosion and Sediment Control Plan* available from the Council.

Minimum requirements in relation to the erosion and sediment control plan are:

- (a) providing a single stabilised entry/exit point for site access, and
- (b) diverting run-off away from disturbed areas and stockpiles towards stabilised areas using banks or channels, and
- (c) sediment fences being installed downslope to treat site run-off, and
- (d) gutter protection being used only as a precautionary measure if there is a risk of untreated run-off entering the waterways, and
- (e) building material stockpiles being located and managed in accordance with the guidelines, and
- (f) as soon as the roof is complete, temporary or permanent downpipes being installed for roof water drainage, and
- (g) dust minimisation in accordance with the guidelines.

Controls—Views

Do not obstruct views from streets and other public places, as identified in the character statement in *North Sydney Development Control Plan 2002*.

Development categories

Minor alterations and additions to attached dwellings or apartment buildings—not in conservation areas

Minor alterations and additions to attached dwellings or apartment buildings—in conservation areas: additional controls

Controls—Heritage, gardens and plantings

No removal of trees, garden designs or plantings of heritage significance.

Part 4 Fitout to alter a shop to a refreshment room or take away food shop

Requirements

All building work complies with the “deemed-to-satisfy” provisions of the *Building Code of Australia*.

Development must not contravene any valid consents that are applicable to the relevant site.

Development consent has been granted for change of use.

Complies with relevant Australian Standards for disabled access and the *Disability Discrimination Act 1992* of the Commonwealth.

Complies with relevant Australian Standards for exhaust system and discharge.

Development category

Minor alterations and internal fit out work to alter a shop to a refreshment room or take away food shop that does not change the building classification of the premises under the Building Code of Australia: additional controls

Controls—Compliance With North Sydney Council Food Premises Code, NSW Food Safety Standards and Protection of the Environment Operations Act 1997

All aspects of the food handling areas, waste storage areas and internal shop layout comply with the *North Sydney Food Premises Code*, as adopted by the Council in July 1995, Council’s *Garbage Bay Code* and any relevant Australian Standards.

Noise, air, waste and water emissions comply with the *Protection of the Environment Operations Act 1997* and the regulations under that Act.

Obtain a Trade Waste Agreement with Sydney Water Corporation, if the specific use results in the discharge of trade waste.

Controls—Floor space

No change in the gross floor area.

Maximum of 20 seats.

All proposed building work is within the existing approved envelope of the premises.

No change to external walls.

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Part 5 Land subdivision—not in conservation areas

Requirements

All building work complies with the “deemed-to-satisfy” provisions of the *Building Code of Australia*.

Development must not contravene any valid consents that are applicable to the relevant site.

The requirements of the relevant site-related controls are met, in accordance with this plan.

Development categories

Subdivision

Subdivision for the purpose of:

- (a) correcting an encroachment on a lot, or
- (b) boundary adjustments that do not create a different number of lots: additional controls.

Controls—Landscaped area

Provide landscaped area in accordance with clause 20 and *North Sydney Development Control Plan 2002*.

Controls—Lot frontage

Must maintain existing, or comply with the requirements for new, lot frontage and access from a public road in accordance with this plan.

Part 6 Construction of garages/carports—not in conservation areas

Requirements

All building work complies with the “deemed-to-satisfy” provisions of the *Building Code of Australia*.

Development must not contravene any valid consents that are applicable to the relevant site.

Relevant owners corporation approval has been obtained.

Development categories**Construction of garages/carports associated with a dwelling house****Controls—Building height**

Maximum building height 3 m.

Does not exceed the building height plane specified in clause 18.

Controls—Dwellings

No habitable rooms.

Controls—Properties adjoining bushland

Not adjacent to bushland (consult zoning map for properties with a boundary to bushland).

Controls—Site access and circulation

No new gutter or footpath crossing is to be created.

No alteration to existing front fence.

The finished level of the driveway is within a maximum of 0.25 m from existing ground level.

Driveways are a minimum of 0.5 m from the side boundary.

Driveways are a minimum of 0.5 m clear of all drainage structures on the kerb and gutter and do not interfere with the existing public utility infrastructure, including the Council drainage structures, unless prior approval is obtained from the relevant authority.

Driveways are a minimum distance of 6 m from a road intersection.

Car parking does not exceed the maximum requirements in *North Sydney Development Control Plan 2002*.

Open car parking spaces, accessways and driveways are surfaced with porous materials or are graded to provide for on-site stormwater management.

Controls—Size

1 car space only.

Maximum area 20 m².

Controls—Streetscape

Carports and garages that are visible from a public place:

- (a) face the public street or access way to which they provide access,
- (b) are set back behind the front building line of the building,

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- (c) complement the design of the associated dwelling by having the same or similar roof form, materials, colours and detailing.

Controls—Topography

Finish all ground levels no greater than 0.5 m from existing ground levels.

Do not remove or cover rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.

Ensure soil depth around buildings can sustain trees as well as shrubs and smaller scale gardens.

Controls—Water and soil management

The land surrounding any structure is graded and drained to divert surface water to the street and clear of existing and proposed structures and adjoining premises (and does not require pumpouts, charged lines or on-site disposal).

No construction over any registered easement without the approval of the owners corporation (body corporate) or relevant land owner benefiting from the easement.

No structure is constructed within 1 m 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.

The development must comply with an erosion and sediment control plan that contains measures as to how erosion will be controlled and sediments trapped on building sites, in accordance with the Council's brochure called *Erosion and Sediment Control for Urban Development*. The plan must accord with the guidelines for preparing an erosion and sediment control plan found in the brochure called *Preparing an Erosion and Sediment Control Plan* available from the Council.

Minimum requirements in relation to the erosion and sediment control plan are:

- (a) providing a single stabilised entry/exit point for site access, and
- (b) diverting run-off away from disturbed areas and stockpiles towards stabilised areas using banks or channels, and
- (c) sediment fences being installed downslope to treat site run-off, and
- (d) gutter protection being used only as a precautionary measure if there is a risk of untreated run-off entering the waterways, and
- (e) building material stockpiles being located and managed in accordance with the guidelines, and

- (f) as soon as the roof is complete, temporary or permanent downpipes being installed for roof water drainage, and
- (g) dust minimisation in accordance with the guidelines.

Controls—Views

Do not obstruct views from streets and other public places, as identified in the character statement in *North Sydney Development Control Plan 2002*.

[25] Schedule 8

Omit the Schedule. Insert instead:

**Schedule 8 Complying development certificate
standard conditions**

(Clause 13)

Part 1 Conditions prior to works commencing

1 Conditions that apply before work begins

- (1) Two days before any site works, building or demolition begins, the person having the benefit of the complying development certificate must notify adjoining owners that work will commence.
- (2) Before any site works, building or demolition is started, the person having the benefit of the complying development certificate must:
 - (a) notify the Council of the name, address, phone number and licence number of the builder, and
 - (b) erect a sign at the front of the property with the builder's name, licence number, site address, consent number and contact telephone number, 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.

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2 Approved plans on site

A copy of all approved certified plans, specifications and documents incorporating conditions of certification must be kept on site at all times so as to be readily available for perusal by any officer of the Council or the Principal Certifying Authority.

3 Building Code of Australia

All building work must be carried out in accordance with the “deemed-to-satisfy” provisions of the *Building Code of Australia*.

4 Home Building Act 1989

(1) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee’s name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person’s name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note. The amount referred to in paragraph (b) (ii) is prescribed by regulations under the *Home Building Act 1989*. As at the date on which this Schedule was gazetted, that amount was \$5,000 (inclusive of GST). As those regulations are amended from time to time, that amount may vary.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

5 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.

6 Retaining walls and drainage

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.

7 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.

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8 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.

9 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.

10 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.

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- (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*.

11 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.

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- (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*.

12 Site management

Where the proposed development may result in water run-off or affect stormwater run-off, the person having the benefit of the complying development certificate must install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, by taking the following measures:

- (a) diverting uncontaminated run-off around cleared or disturbed areas,
- (b) erecting a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) preventing tracking of sediment by vehicles onto roads,
- (d) stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site.

13 Vegetation and top soil

Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the approved building area.

14 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 pumpouts, 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*.

15 TV aerial

Only one common television aerial may be installed.

16 Brickwork to match

Any proposed new brickwork must match the existing brickwork.

Part 2 Subsidiary conditions prior to the issue of a construction certificate

17 Sydney Water certificate

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 building plans.

18 Chimney stack

The height of any chimney must be a minimum 1 m above the height of any structure (including the applicant's dwelling), or topographical feature within a 15 m 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.

19 Asbestos conditions

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*.

20 Reflectivity index of finishes

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

21 Service ducts

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

Part 3 Conditions prior to any demolition or commencement of building works

22 Protection of trees during works

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.

23 Prohibition on use of pavements

Building materials must not be placed on the Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect must be erected adjacent to the street alignment.

24 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.

25 Mobile plant

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.

Part 4 Conditions during demolition and building works

26 Site access

- (1) Where kerb and gutter is provided, driveways are to be a minimum of 0.5 m clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including the Council drainage structures, unless prior approval is obtained from the relevant authority.

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- (2) Where kerb and gutter is not provided, a gravel vehicular entrance incorporating a 0.375 m diameter stormwater pipe and concrete head walls or a 6 m by 6 m concrete slab dish drain must be constructed to provide access to the lot.
 - (3) Driveways are to be a minimum of 6 m from a road intersection.
 - (4) 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.

27 Progress inspections

The Council or the principal certifying authority, unless otherwise agreed in writing, must be given 48 hours notice:

- (a) for inspection of the following, where applicable:
 - (i) foundations before footings are laid,
 - (ii) reinforcement prior to encasement in concrete,
 - (iii) damp-proofing and flashing prior to covering,
 - (iv) structural steelwork prior to covering,
 - (v) timber framing prior to lining,
 - (vi) stormwater and drainage prior to backfilling, and
- (b) on completion of any building work, and
- (c) if required by any special conditions relevant to the complying development certificate.

28 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.

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29 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.

30 No removal of trees

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.

31 Cigarette butt receptacle

Provision must be made for cigarette butt receptacles on the site to minimise littering.

32 Hours of works

- (1) Demolition, earthworks, building construction and landscaping works are restricted to within the hours of 7.00 am to 5.00 pm, Monday to Friday and on Saturday to within the hours of 8.00 am and 1.00 pm inclusive, with no work on Sundays and public holidays.
- (2) Excavation works are restricted to within the hours of 8.00 am and 5.00 pm, Monday to Friday only. (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.)
- (3) 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.

33 Erosion signage

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.

34 Equipment noise

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.

35 Dust emission

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.)

Part 5 Conditions prior to the issue of an occupation certificate**36 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 63.0 Hz 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.

Part 6 Conditions prior to final completion**37 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:
 - (a) the total tonnage of all waste and excavated material disposed of from the site,

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- (b) the disposal points and methods used.
- (2) Such information must be categorised in accordance with the foregoing and is required for waste research purposes.

Part 7 Ongoing conditions

38 Prohibition on burning

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

Part 8 Advisings

39 Mail boxes

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 0.5 m of the footpath alignment for premises at ground level, or adjacent to the main entrance to the development site or the building, where applicable.

40 Street numbering

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.

41 Termites

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:

- (a) method of protection,
- (b) the date of installation of the system,
- (c) where a chemical barrier is used, its life expectancy as listed on the Australian Pesticides and Veterinary Medicines Authority label,
- (d) the need to maintain and inspect the system on a regular basis.

BY AUTHORITY
