



New South Wales

North Sydney Local Environmental Plan 2001 (Amendment No 25)

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*. (9041326/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 102

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 25)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 25)*.

2 Aims of plan

The plan aims to amend *North Sydney Local Environmental Plan 2001 (the Principal Plan)*:

- (a) to rezone Lot 3, DP 616826, Yeo Street, Neutral Bay to the Road Zone under the Principal Plan, and
- (b) to rezone part of Kareela Road, Cremorne to the Road Zone under the Principal Plan, and
- (c) to rezone Lot 6, DP 848753, Bank Street, North Sydney to the Railways Zone under the Principal Plan, and
- (d) to allow development for the purposes of shop top housing to be carried out with development consent in the Residential D Zone (Neighbourhood Business) under the Principal Plan, and
- (e) to allow duplex development to be carried out within conservation areas or on land identified as a heritage item on:
 - (i) vacant land, or
 - (ii) land that contained a building, work or place, or a fixed component, that was identified as an uncharacteristic element on the Principal Plan when it came into effect, and
- (f) to omit a clause relating to site specific development control plans, and
- (g) to allow, with consent, development for the purposes of professional consulting rooms to be carried out at 34 McLaren Street, North Sydney, and
- (h) to include in the list of exempt development instant gas water heaters on balconies, but only if they are placed near floor level and are not visible from a public place, and

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- (i) to remove certain restrictions on development for the purposes of refreshment rooms along Blues Point Road.

3 Land to which plan applies

This plan applies to all land to which the Principal Plan applies.

4 Amendment of North Sydney Local Environmental Plan 2001

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

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Schedule 1 Amendments

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(Clause 4)

[1] Part 2 General provisions for the development of land

Insert “shop top housing;” in alphabetical order in item 2 of the matter relating to the Residential D Zone (Neighbourhood Business) in the Table to Part 2.

[2] Clause 22 Duplexes and dwelling-houses

Omit clause 22 (4). Insert instead:

(4) Restriction on development of duplexes

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

- (a) the land is vacant, or
- (b) the land contained a building, work or place, or a fixed component, identified as an uncharacteristic element on the appointed day, or
- (c) all of the following apply:
 - (i) the duplex is situated substantially within the fabric of an existing building,
 - (ii) the appearance of the existing building, as visible from a public place, is conserved,
 - (iii) the majority of significant fabric of the existing building is conserved.

[3] Clause 37 Site specific development control plans

Omit the clause.

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

Omit the clause.

[5] Clause 65

Insert after clause 64:

65 34 McLaren Street, North Sydney

(1) Subject land

This clause applies to that part of Lot 1, DP 62370 that extends northward for a distance of 38.3 metres from the southern boundary of that lot and which is known as 34 McLaren Street, North Sydney.

(2) Objective

The specific objective of the control in relation to the subject land is to permit professional consulting rooms on the subject land.

(3) Control

Despite the Table to Part 2, development for the purposes of professional consulting rooms is permitted, with development consent, on the land.

[6] Schedule 2 Definitions

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

North Sydney Local Environmental Plan 2001 (Amendment No 25)—Sheets 1, 2 and 3

[7] Schedule 2

Insert in alphabetical order:

shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

[8] Schedule 6 Exempt development

Omit the matter relating to water heaters from Schedule 6. Insert instead:

Water heaters (excluding solar systems, which are dealt with separately in this table)

Siting

Subject to the following, all water heaters must be located on ground level and behind the building line.

Instant gas water heaters may be located on balconies, but only if they are near floor level and not visible from a public place.

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Schedule 1 Amendments

[9] Schedule 7 Complying development

Insert the following after “*North Sydney Development Control Plan 2002.*” in the matter relating to “**Controls—Landscaped area**” in Part 1 (Part 1 Single storey dwellings—not in conservation areas):

If the landscaped area of a site, expressed as a percentage of site area, is less than the minimum landscaped area percentage set out for that site in clause 20, that landscaped area must not be reduced.

[10] Schedule 7, Part 2 Single storey dwellings—in conservation areas

Insert the following after “*North Sydney Development Control Plan 2002.*” in the matter relating to “**Controls—Landscaped area**”:

If the landscaped area of a site, expressed as a percentage of site area, is less than the minimum landscaped area percentage set out for that site in clause 20, that landscaped area must not be reduced.

[11] Schedule 7, Part 3 Attached dwellings and apartment buildings

Insert the following after “*North Sydney Development Control Plan 2002.*” in the matter relating to “**Controls—Landscaped area**”:

If the landscaped area of a site, expressed as a percentage of site area, is less than the minimum landscaped area percentage set out for that site in clause 20, that landscaped area must not be reduced.

[12] Schedule 13 Refreshment rooms, Residential D zone, Blues Point Road

Omit the Schedule.

BY AUTHORITY
