



New South Wales

North Sydney Local Environmental Plan 2001 (Amendment No 12)

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*. (S03/02251/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 68

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 12)

North Sydney Local Environmental Plan 2001 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 12)*.

2 Aims of plan

This plan aims to amend *North Sydney Local Environmental Plan 2001* as follows:

- (a) to effect a change to the environmental quality provision,
- (b) to incorporate provisions relating to plans of management under the *Crown Lands Act 1989* in relation to the Public Open Space and Bushland Zones,
- (c) to apply a building height plane to buildings in the Mixed Use Zone from the boundary of the site where adjacent to the Residential A1, A2, B, C, D or F (McMahons Point) Zone or the Public Open Space Zone,
- (d) to apply controls and further objectives in respect of the Private Recreation Zone,
- (e) to rectify referencing errors for heritage items at 75–77 Shellcove Road, Cremorne and 150 Walker Street, North Sydney and for a contributory item on part of the property listed for 100 West Street, Crows Nest,
- (f) to rectify errors shown on the heritage map relating to 2 properties in Wycombe Street, Neutral Bay,
- (g) to add the Lavender Bay Ferry Wharf as a heritage item in Schedule 3,
- (h) to update the bed and breakfast accommodations provisions of Schedule 6 (Exempt development),
- (i) to rezone part of the land to which this plan applies (known as Doris Street Reserve, Lot A, DP 369716, and Doris Fitton Park, Lot 2, DP 788579) to the Public Open Space Zone,

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- (j) to rezone part of the land (John Street, McMahons Point, Lot 1, DP 449731) to the Waterfront Zone,
 - (k) to rezone part of the land (89 Wycombe Road, Neutral Bay, Lot 41, DP 3104 and Lot 1, DP 805649) to the Residential A2 Zone,
 - (l) to rezone part of the land (23a Bayview Street, Lavender Bay, Lot 4, DP 24707) to the Residential B Zone,
 - (m) to specify the additional uses (by red lettering) for the Special Uses Zone surrounding North Sydney's civic centre.

3 Land to which plan applies

This plan applies to land within the local government area of North Sydney under *North Sydney Local Environmental Plan 2001* as shown on the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 12)" deposited in the office of North Sydney Council or referred to in clause 2 (or both).

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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North Sydney Local Environmental Plan 2001 (Amendment No 12)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Specific aims of this plan

Omit “flora and fauna” from clause 3 (d) (vi).

Insert instead “terrestrial and aquatic ecological communities”.

[2] Part 2, Zoning and permissible use table

Insert at the end of Item 1 (c) in the matter relating to the Public Open Space Zone:

, and

- (d) allow for the enhancement and management of recreation areas in accordance with plans of management adopted by the Council under Division 6 of Part 5 of the *Crown Lands Act 1989*.

[3] Part 2, Zoning and permissible use table

Insert at the end of Item 1 (c) in the matter relating to the Bushland Zone:

, and

- (d) allow for the enhancement and management of recreation areas in accordance with plans of management adopted by the Council under Division 6 of Part 5 of the *Crown Lands Act 1989*.

[4] Part 2, Zoning and permissible use table

Insert “ancillary to recreation use” after “clubs” and “recreation facilities” in Item 2 of the matter relating to the Private Recreation Zone.

[5] Clause 30 Building height plane

Insert at the end of clause 30 (2) (d):

, or

- (e) commencing 1.8 metres above existing ground level, projected at all points from each of the boundaries adjoining a laneway or other road of a similar width and character referred to in Schedule 14 that separates the land from land within the Residential A1, A2, B, D or F (McMahons Point) Zone or the Public Open Space Zone, or

- (f) commencing 3.5 metres above existing ground level, projected at all points from each of the boundaries adjoining a laneway or other road a similar width and character referred to in Schedule 14 that separates the land from land within the Residential C Zone.

[6] Part 3 Special provisions, Division 7, heading

Insert “and private recreation zone” after “Special use zone”.

[7] Clause 34 Buildings in the special use zone and private recreation zone

Insert “and private recreation zone” after “special use zone” wherever occurring in clause 34 (1) and (2).

[8] Schedule 2 Definitions

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

North Sydney Local Environmental Plan 2001 (Amendment No 12)—Sheets 1–9

[9] Schedule 2, definition of “recreation area”

Insert “open” after “an” wherever occurring in paragraphs (b) and (d).

[10] Schedule 2, definition of “recreation facility”

Omit “billiard saloon,” and “, bowling alley, fun parlour” wherever occurring.

[11] Schedule 3 Heritage items

Omit the matter relating to 75 Shellcove Road, St Augustine’s Church of England.

Insert instead under the headings “NSHS No” and “Address”, respectively:

1222 75–77 Shellcove Road, St Augustine’s Church of England

[12] Schedule 3

Insert after the matter relating to 28 Waiwera Street under the heading “Address”:

Walker Street, Lavender Bay Ferry Wharf

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Schedule 1 Amendments

[13] Schedule 3

Omit the matter relating to 159 Walker Street.

Insert instead under the headings “NSHS No” and “Address”, respectively:

1935 150 Walker Street

[14] Schedule 4 Contributory items

Omit the matter relating to 100A West Street, Crows Nest. Insert instead:

100 West Street, Crows Nest (that part of the 2 properties on the site under this address (being Lot B, DP 973362) that is physically known as 100A West Street)

[15] Schedule 6 Exempt development

Insert in Column 2 at the end of the matter set out opposite the heading “**Bed and breakfast accommodation**”:

Food safety	Must comply with the relevant provisions of the Food Standards Code within the meaning of the <i>Food Act 2003</i> and the <i>Food Regulation 2004</i> under that Act. Must comply with any notification requirement under the <i>Food Act 2003</i> in relation to the conduct of a food business prior to the commencement of the food business
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[16] Schedule 14

Insert after Schedule 13:

Schedule 14 Laneways (and other roads of similar width and character)

(Clause 30 (2) (e) and (f))

Alexander Lane, Crows Nest
Angelo Street, North Sydney
Browns Lane, North Sydney
Cheal Lane, Neutral Bay
Church Lane, North Sydney
Cunningham Street, North Sydney

Emmett Lane, Crows Nest
Falcon Lane, Crows Nest
Hayberry Lane, Crows Nest
Hayberry Place, Crows Nest
Hume Lane, Crows Nest
Ingram Lane, Crows Nest
Nicholson Lane, Crows Nest
Wheeler Lane, North Sydney
Wyllie Lane, Cremorne
Zig Zag Lane, Crows Nest