

# Drummoyne Local Environmental Plan 1986 (1987 EPI 43)

[1987-43]



New South Wales

## Status Information

### Currency of version

Repealed version for 28 September 2005 to 6 March 2008 (accessed 18 July 2024 at 6:44)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Plan was repealed by cl 1.8 (1) of the [Canada Bay Local Environmental Plan 2008 \(64\)](#) (GG No 30 of 7.3.2008, p 1464) with effect from 7.3.2008.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 7 March 2008

# Drummoyne Local Environmental Plan 1986 (1987 EPI 43)



New South Wales

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# Drummoyne Local Environmental Plan 1986 (1987 EPI 43)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Drummoyne Local Environmental Plan 1986*.

### 2 Aims, objectives etc

This plan aims:

- (a) to provide for residential densities which adequately represent the present and perceived aspirations of the community and which reflect the anticipated growth potential of the Municipality of Drummoyne, having regard to its water orientation, proximity to the Central Business District and availability of transport and other services,
- (b) to provide for densities of residential development which will not detrimentally affect existing and proposed service facilities,
- (c) to ensure that the provision of commercial, service and industrial facilities will be adequate for, and commensurate with, the anticipated residential component and will not detrimentally affect the existing and likely future facilities,
- (d) to provide measures to retain, and where possible, to extend, public access to the foreshore areas within the Municipality of Drummoyne and to control development in relation to those foreshore areas, and
- (e) to conserve and enhance the environmental heritage of the Municipality of Drummoyne.

#### 2A Aims in relation to heritage

The aims of this plan in relation to heritage items and buildings and features of conservation areas are:

- (a) to ensure that any alterations and additions to heritage items and buildings in

conservation areas are in scale and character with the surrounding land,

- (b) to ensure that new development in conservation areas is designed to take account of the scale and character of surrounding development,
- (c) to protect significant buildings and features of conservation areas, including their setting and context, from loss of significance through inappropriate changes, and
- (d) to control the demolition of heritage items and buildings in conservation areas.

### 3 Land to which plan applies

This plan applies to all the land within the Municipality of Drummoyne as shown on the map.

### 4 Relationship to other environmental planning instruments

This plan repeals:

- (a) the *Drummoyne Planning Scheme Ordinance*,
- (b) Interim Development Orders Nos 1–11—Municipality of Drummoyne,
- (c) Drummoyne Local Environmental Plan Nos 1 to 11 and 13, and
- (d) such other deemed environmental planning instruments and local environmental plans as, immediately before the appointed day, applied to the land to which this plan applies, to the extent to which those instruments and plans so applied to that land.

### 5 Interpretation

- (1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

**alter**, in relation to a heritage item or to a building, work, relic, tree or place within a conservation area, means make:

- (a) structural changes to its exterior, or
- (b) non-structural changes to the details, fabric, finish or appearance of its exterior.

**appointed day** means the day on which this plan takes effect.

**brothel** means any building or place used or designed to be used by one or more persons for the purposes of prostitution.

**commercial premises** means a building or place used as an office or for other business or commercial purposes but, in the Table to clause 9, does not include a building or place elsewhere specifically defined for the purposes of this plan or a building or place used for a land use elsewhere specifically defined for those purposes.

**community facility** means:

- (a) a building or place owned by the council and used to provide facilities comprising or relating to one or more of the following purposes:
  - (i) public libraries,
  - (ii) public health and welfare services,
  - (iii) rest rooms,
  - (iv) meeting rooms,
  - (v) indoor recreation,
  - (vi) child minding,
  - (vii) baby health centres,
  - (viii) public halls,
  - (ix) exhibition spaces,
  - (x) public buildings,
  - (xi) club rooms,
  - (xii) refreshment rooms,
  - (xiii) any similar purpose, and
- (b) any shops and other commercial premises ancillary to and used in conjunction with such facilities.

**conservation area** means the land shown by distinctive colouring on the heritage conservation map and listed in Schedule 1A.

**conservation plan** means a document establishing the significance of a heritage item and recommending an appropriate policy to enable that significance to be retained.

**council** means the Council of the Municipality of Drummoyne.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

**dual occupancy** means development that results in two dwellings (whether attached or detached) on a single allotment of land.

**exempt development**—see clause 7A.

**floor space ratio** in relation to a building, means the ratio of the gross floor area (within the meaning of clause 4 (1) of the *Environmental Planning and Assessment Model Provisions 1980*) of the building, exclusive of the area of any carport or garage, to the area of the allotment on which the building is erected.

**height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

**heritage conservation map** means the maps marked as follows:

*Drummoyne Local Environmental Plan 1986 (Amendment No 37)—Map (B)—Curtilage of Chatham House,*

*Drummoyne Local Environmental Plan 1986 (Amendment No 37)—Map (C)—Curtilage of Abbotsford House,*

*Drummoyne Local Environmental Plan 1986 (Amendment No 37)—Map (D)—Curtilage of Clubhouse Pavilion,*

*Drummoyne Local Environmental Plan 1986 (Amendment No 44)—Heritage Conservation,*

as amended by the maps (or, if sheets of maps are specified, by the specified sheets of the maps) marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

**heritage item** means a landscape feature, place, building, relic or other work of heritage significance to the local government area of Drummoyne that is situated on land shown by distinctive colouring on the heritage conservation map and listed in Schedule 1.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**home occupation** means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*,
- (b) the employment of persons other than those residents,
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise,

- (d) the display of goods, whether in a window or otherwise,
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident),
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
- (g) the use of the premises as a brothel.

**maintenance** means the ongoing protective care of the fabric, contents and setting of a place, without the introduction of new material, but does not include repair which involves restoration or reconstruction.

**marina** has the meaning ascribed to it in section 490A (1) of the [Local Government Act 1919](#).

**medical consulting rooms** means a building (or part of a building) or placed used by a health care professional, legally qualified medical practitioner or dentist (within the meaning of the [Dentists Act 1989](#)) for the provision of health care, or the practice of medicine or dentistry, as appropriate.

**prostitution** means the offering by a person of his or her body to another person of the same or different sex for sexual gratification in return for payment and includes:

- (a) sexual intercourse as defined in section 61H of the [Crimes Act 1900](#), and
- (b) masturbation by one person of another.

**reconstruction** means the returning of a place as nearly as possible to a known earlier state. It may be effected by the introduction of new or old material into the fabric.

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
  - (i) the council, or
  - (ii) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or showground.

**relic** means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) prior to 1 January 1900 of the area of the council.

**restoration** means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

**serviced apartment** means a self contained dwelling (in a building containing three or more self contained dwellings) which is cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), which provides short term accommodation for persons who have their principal place of residence elsewhere, but does not include a backpackers hostel, boarding house, bed and breakfast, hotel, motel or private hotel.

**statement of heritage impact** means a statement prepared in accordance with the publication “Statements of Heritage Impact” published by the Heritage Office (available from the office of the council, the Heritage Office and the Head Office of the Department) and:

- (a) in the case of a place of Aboriginal heritage significance, prepared in accordance with any guidelines for the time being notified to the council by the Director-General of National Parks and Wildlife (available from the Heritage Office and the Head Office of the Department), and
- (b) in the case of a place of non-Aboriginal heritage significance, prepared in accordance with the publication “Archaeological Assessment” published by the Heritage Office (available from the Heritage Office and the Head Office of the Department).

**storey**, in relation to a building, does not include a floor or level of the building used exclusively for the purposes of carparking, storage or laundry facilities, or any combination of those purposes, where the ceiling of the floor or level is below ground level.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**the map** means the map marked “Drummoyne Local Environmental Plan 1986”, as amended by the maps marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Drummoyne Local Environmental Plan 1986 (Amendment No 1)*

*Drummoyne Local Environmental Plan 1986 (Amendment No 3)*

*Drummoyne Local Environmental Plan 1986 (Amendment No 5)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 8)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 10)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 12)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 14)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 15)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 19)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 21), sheet 1*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 22)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 23)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 24)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 25)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 26)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 27)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 28)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 29)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 30)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 31)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 32)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 35)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 40)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 41)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 45)—Sheet 1*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 48)*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 53)—Sheet 1*  
*Drummoyne Local Environmental Plan 1986 (Amendment No 55)*

*Drummoyne Local Environmental Plan 1986 (Amendment No 57)—Sheet 1*

*Drummoyne Local Environmental Plan 1986 (Amendment No 58)*

**villa house** means a dwelling within a one storey building containing two or more dwellings, where each dwelling has, within the curtilage, pedestrian access and open space at ground level for the exclusive use of the occupants of the dwelling.

- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:
- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (b) a reference to a map is a reference to a map deposited in the office of the council.

## **6 Adoption of Model Provisions**

The *Environmental Planning and Assessment Model Provisions 1980* (except for the definitions of **commercial premises**, **home occupation**, **map** and **units for aged persons** in clause 4 (1) and clauses 6 and 15) are adopted for the purposes of this plan.

## **7 Consent authority**

The council shall be the consent authority for the purposes of this plan.

### **7A What is exempt development?**

- (1) Development listed in Schedule 10 is exempt development, except as provided for by subclauses (2) and (3).
- (2) Development is exempt development only if:
  - (a) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
  - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
  - (c) it does not contravene any condition of a development consent applying to the land, and
  - (d) it does not obstruct drainage of the site on which it is carried out, and
  - (e) it does not restrict any vehicular or pedestrian access to or from the site, and
  - (f) it is carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements of the Sydney Water Corporation applying to the land, and

(g) it does not require a tree to be removed.

(3) Development is not exempt development if it is carried out on land that:

(a) is the site of a heritage item, or

(b) is within a conservation area and the proposed development is forward of the front alignment of the main building (if any) on the site,

(c) is land or an item subject to an order under the *Heritage Act 1977*, or

(d) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or

(e) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or

(f) is an aquatic reserve declared under the *Fisheries Management Act 1994*.

#### **7B What is complying development?**

(1) Development listed in the *Complying Development—Development Control Plan* adopted by council on 21 September 1999 (as amended by the Development Control Plan adopted by the council on 15 August 2000) is complying development if:

(a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) it is not an existing use, as defined in section 106 of the Act, except as provided by subclauses (2) and (3).

(2) Development is complying development only if:

(a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and

(b) it complies with the relevant development standards set for the development by this plan and by Complying Development—Control Plan adopted by the council on 21 September 1999 (as amended by the Development Control Plan adopted by the council on 15 August 2000), and

(c) it does not contravene any condition of a development consent applying to the land, and

(d) a section 73 certificate of compliance under the *Sydney Water Act 1994* has been obtained for the development, if required, from the Sydney Water Corporation, and

(e) council approval under a Tree Preservation Order has been given, if any tree on the site is to be removed, and

- (f) it is carried out at least one metre from an easement or public sewer and complies with any building over sewer requirements.
- (3) Development is not complying development if it is carried out on land that:
- (a) is the site of a heritage item, or
  - (b) is within a conservation area and the development is not permitted by Table 1 of the *Complying Development—Development Control Plan* adopted by council on 21 September 1999 (as amended by the Development Control Plan adopted by the council on 15 August 2000), or
  - (c) (Repealed)
  - (d) is subject to an order under the *Heritage Act 1977*, or
  - (e) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
  - (f) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
  - (g) is an aquatic reserve dedicated under the *Fisheries Management Act 1994*.
- (4) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in the *Complying Development—Development Control Plan* adopted by the council on 21 September 1999 (as amended by the Development Control Plan adopted by the council on 15 August 2000).

## **Part 2 General restrictions on development**

### **8 Zones indicated on the map**

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 2 (a) (Residential “A” Zone)—coloured light scarlet.

Zone No 2 (b) (Residential “B” Zone)—coloured light scarlet with red edging and lettered “2 (b)”.

Zone No 3 (a) (Business General Zone)—coloured light blue.

Zone No 3 (b1) (Business Special Zone)—coloured light blue with red edging and lettered “3 (B1)”.

Zone No 3 (b2) (Business Special Restricted Zone)—coloured light blue with red

edging and lettered “3 (b2)”.

Zone No 3 (c) (Business Automotive Zone)—coloured light blue with red edging and lettered “3 (c)”.

Zone No 4 (a) (Industrial General Zone)—coloured purple.

Zone No 4 (b) (Industrial Light Restricted Zone)—coloured purple with red edging and lettered “4 (b)”.

Zone No 5 (a) (Special Uses “A” Zone)—coloured yellow with red lettering.

Zone No 6 (a) (Open Space—Recreation Existing Zone)—coloured dark green.

Zone No 6 (b) (Open Space—Recreation Private Zone)—coloured dark green with yellow edging and lettered “6 (b)”.

Zone No 9 (a) (Reservation—Arterial Roads Zone)—broken red band between broken black lines.

Zone No 9 (b) (Reservation—Arterial Road Widening Zone)—broken red band between a broken black line and a firm black line.

Zone No 9 (c) (Reservation—Local Open Space Zone)—coloured light green.

Zone No 9 (d) (Reservation—Special Uses Zone)—coloured yellow with dark green edging and red lettering.

## **9 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives

of the zone within which the development is proposed to be carried out.

Table

## **Zone No 2 (a) (Residential “A” Zone)**

### **1 Objectives of zone**

The objectives are:

- (a) to set aside land to be used for housing and associated facilities,
- (b) to delineate, by means of a development control plan, the nature and intended future use of land within the zone,
- (c) to allow a variety of housing types while maintaining the existing character of the zone,
- (d) to ensure full and efficient use of the existing social and physical infrastructure,
- (e) to ensure the provision in the future of services and facilities to meet any increased demand, and
- (f) to encourage the revitalisation of residential areas and by rehabilitation and suitable redevelopment.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose specified in item 4 of the matter relating to this zone.

### **4 Prohibited**

Brothels; bulk stores; car repair stations; caravan parks; commercial premises; advertising structures (except where existing use rights apply); generating works; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; quarries; refreshment rooms; residential flat buildings (other than villa houses and dual occupancies); roadside stalls; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses.

## **Zone No 2 (b) (Residential “B” Zone)**

### **1 Objectives of zone**

The objective is to provide a predominantly residential zone which also permits a limited range of small scale professional and community uses to serve the local population.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose specified in Item 4 of the matter relating to this zone.

### **4 Prohibited**

Advertising structures; brothels; bulk stores; car repair stations; caravan parks; commercial premises and associated car parking; generating works; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; quarries; refreshment rooms; roadside stalls; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses.

## **Zone No 3 (a) (Business General Zone)**

### **1 Objectives of zone**

The objectives are:

- to allow for a diverse range of retail and commercial activities,
- to encourage the revitalisation of commercial localities by encouraging residential and other development in certain localities, and
- to ensure that the bulk and scale of development is compatible with the amenity of the surrounding localities.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose specified in Item 4 of the matter relating

to this zone.

#### **4 Prohibited**

Brothels; caravan parks; gas holders; generating works; industries referred to in Schedule 2 and Schedule 3; institutions; junk yards; liquid fuel depots; mines; stock and sale yards; transport terminals.

### **Zone No 3 (b1) (Business Special Zone)**

#### **1 Objectives of zone**

The objective is to provide for tourist-orientated commercial development and residential, cultural and recreational facilities.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Car parking; child care centres; clubs; craft workshops; community centres; community facilities; drainage; educational facilities; exhibition facilities; health and fitness centres; libraries; marina and boating centres; maritime museums; offices; open space; places of entertainment; recreation facilities; residential flat buildings; restaurants; roads; shops; taverns; utility installations (other than gas holders or generating works); yacht clubs.

#### **4 Prohibited**

Any purpose other than a purpose specified in Item 3 of the matter relating to this zone.

### **Zone No 3 (b2) (Business Special Restricted Zone)**

#### **1 Objectives of zone**

The objectives are to enable development to be carried out in accordance with a consent granted and to conserve and enhance the environmental heritage of the area.

#### **2 Without development consent**

Nil.

### **3 Only with development consent**

Car parking; drainage; offices and compatible commercial usage; open space; public buildings; recreational facilities; roads; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose specified in Item 3 of the matter relating to this zone.

## **Zone No 3 (c) (Business Automotive Zone)**

### **1 Objectives of zone**

The objective is to provide for specific commercial development connected with the automotive industry.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Auto-electricians' workshops; automotive spare part sales; car battery supplies and repairs; car repair stations; child care centres; community facilities; drainage; drive-in restaurants; motels; motor showrooms; open space; roads; service stations; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose specified in Item 3 of the matter relating to this zone.

## **Zone No 4 (a) (Industrial General Zone)**

### **1 Objectives of zone**

The objective is to allow the continuation and consolidation of both light and heavy industrial operations, and to allow specific uses not suitable in other zones.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose specified in Item 4 of the matter relating to this zone.

### **4 Prohibited**

Boarding-houses; caravan parks; commercial premises; dwelling-house; educational establishments; extractive industries; hospitals; institutions; mines; motels; motor showrooms; offensive or hazardous industries; places of assembly; residential flat buildings; roadside stalls; stock and sale yards; shops (other than those referred to in Schedule 4).

## **Zone No 4 (b) (Industrial Light Restricted Zone)**

### **1 Objectives of zone**

The objective is to allow a range of light industrial operations in areas of consolidated industrial activity, and to allow specific uses not suitable in other zones.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose specified in Item 4 of the matter relating to this zone.

### **4 Prohibited**

Boarding-houses; car repair stations; caravan parks; clubs; commercial premises; dwelling-houses; educational establishments; extractive industries; general stores; hospitals; hotels; industries referred to in Schedule 2; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; places of public worship; public buildings; refreshment rooms; residential flat buildings; roadside stalls; service stations; stock and sales yards; transport terminals.

## **Zone No 5 (a) (Special Uses "A" Zone)**

### **1 Objectives of zone**

The objectives are to identify the need for, and to provide, adequate and

efficient utility services and community facilities.

**2 Without development consent**

Nil.

**3 Only with development consent**

Advertising structures; community facilities; drainage; open space; roads; the particular purpose indicated by red lettering on the map; utility installations (other than gas holders).

**4 Prohibited**

Any purpose other than a purpose specified in Item 3 of the matter relating to this zone.

**Zone No 6 (a) (Open Space—Recreation Existing Zone)**

**1 Objectives of zone**

The objective is to identify areas of existing open space and recreational use.

**2 Without development consent**

Landscaping, gardening or bushfire hazard reduction.

**3 Only with development consent**

Community facilities; drainage; marinas; racecourses; recreation areas; roads; showgrounds; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purpose other than a purpose specified in Item 2 or 3 of the matter relating to this zone.

**Zone No 6 (b) (Open Space—Recreation Private Zone)**

**1 Objectives of zone**

The objective is to identify areas of existing open space and recreational use owned by private organizations.

**2 Without development consent**

Landscaping, gardening or bushfire hazard reduction.

**3 Only with development consent**

Community facilities; drainage; racecourses; recreation areas (including bowling greens and golf courses); roads; utility installations (other than gas holders).

**4 Prohibited**

Any purpose other than a purpose specified in Item 2 or 3 of the matter relating to this zone.

**Zone No 9 (a) (Reservation—Arterial Roads Zone)**

**1 Objectives of zone**

The objective is to identify land reserved for arterial road purposes.

**2 Without development consent**

Nil.

**3 Only with development consent**

Drainage; open space; roads; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purpose other than a purpose specified in Item 3 of the matter relating to this zone.

**Zone No 9 (b) (Reservation—Arterial Road Widening Zone)**

**1 Objectives of zone**

The objective is to identify land reserved for arterial road widening purposes.

**2 Without development consent**

Nil.

**3 Only with development consent**

Drainage; open space; roads; utility installations (other than gas holders or

generating works).

#### **4 Prohibited**

Any purpose other than a purpose specified in Item 3 of the matter relating to this zone.

### **Zone No 9 (c) (Reservation—Local Open Space Zone)**

#### **1 Objectives of zone**

The objective is to identify areas of proposed local open space and recreation areas.

#### **2 Without development consent**

Landscaping, gardening or bushfire hazard reduction.

#### **3 Only with development consent**

Drainage; public reserves; recreation facilities; roads; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than a purpose specified in Item 2 or 3 of the matter relating to this zone.

### **Zone No 9 (d) (Reservation—Special Uses Zone)**

#### **1 Objectives of zone**

The objective is to identify lands which are intended to accommodate future special use purposes.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Drainage; open space; parking ancillary to a purpose included in this Item; roads; the particular purpose indicated by red lettering on the map; utility installations (other than gas holders or generating works).

## 4 Prohibited

Any purpose other than a purpose specified in Item 3 of the matter relating to this zone.

## Part 3 Special provisions

### 10 Floor space ratio restrictions on land within the Drummoyne and Five Dock Commercial Centres

- (1) This clause applies to all land in Zone No 3 (a) within the Drummoyne and Five Dock Commercial Centres, being the land shown edged heavy black on Sheets 2 and 3 of the map marked "*Drummoyne Local Environmental Plan 1986 (Amendment No 45)*".
- (2) A person must not erect a building on land within the Drummoyne Commercial Centre in an area identified on Sheet 2 of the map marked "*Drummoyne Local Environmental Plan 1986 (Amendment No 45)*" if the floor space ratio of that building will exceed the floor space ratio for that area in the Table to this clause.
- (3) However, the maximum floor space ratio specified in respect of Area No 3 may be reached only if the site concerned fronts Formosa Street.
- (4) A person must not erect a building on land within the Five Dock Commercial Centre shown edged heavy black on Sheet 3 of the map marked "*Drummoyne Local Environmental Plan 1986 (Amendment No 45)*" if the floor space ratio of that building will exceed 2.0:1 (or 2.5:1 if the residential component of the building will be at least 30% of the gross floor area).

#### Table

Area No	Site Area	Maximum Floor Space Ratio
1	All sites	2.0:1
2	<1000m <sup>2</sup>	2.0:1
	1000m <sup>2</sup> -1500m <sup>2</sup>	2.25:1
	>1500m <sup>2</sup> -2000m <sup>2</sup>	2.5:1
	>2000m <sup>2</sup> -2500m <sup>2</sup>	2.75:1
	>2500m <sup>2</sup> -3000m <sup>2</sup>	3.0:1
	>3000m <sup>2</sup> -3500m <sup>2</sup>	3.25:1
	>3500m <sup>2</sup>	3.5:1
	3	<1000m <sup>2</sup>
1000m <sup>2</sup> -1250m <sup>2</sup>		2.25:1

	>1250m <sup>2</sup> -1500m <sup>2</sup>	2.5:1
	>1500m <sup>2</sup> -2000m <sup>2</sup>	2.75:1
	>2000m <sup>2</sup>	3.0:1
4	All sites	1.0:1
5	All sites	2.0:1
6	<1000m <sup>2</sup>	2.0:1
	1000m <sup>2</sup> -1250m <sup>2</sup>	2.25:1
	>1250m <sup>2</sup> -1500m <sup>2</sup>	2.5:1
	>1500m <sup>2</sup> -2000m <sup>2</sup>	2.75:1
	>2000m <sup>2</sup>	3.0:1

#### **11 Consideration for development consent on land within Zone No 6 (a) and 9 (c).**

In considering whether to grant consent to the carrying out of development on land within Zone No 6 (a) or 9 (c), being land owned or controlled by the council, the council shall take into account:

- (a) the need for the proposed development on the land,
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

#### **12 (Repealed)**

#### **13 Dwelling-house floor space ratio in Zone No 2 (a)**

Notwithstanding clause 9, a person shall not erect a dwelling-house exceeding 7.2 metres in height on land within Zone No 2 (a) where the floor space ratio of the building will exceed 0.5:1.

#### **13A Floor space ratio for certain sites**

A person must not erect a building on a site described in Schedule 8 if the floor space ratio of the building will exceed the ratio specified for the site in that Schedule or if the building does not comply with any other requirement relating to floor space set out in that Schedule.

#### **13B Building envelope controls for certain sites**

A person must not erect a building on a site described in Schedule 8A unless the building is erected in accordance with the building envelope controls specified for that site in that

Schedule and any maximum site coverage specified in that Schedule.

#### **14 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the council, from carrying out development on land referred to in Schedule 7 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the council in respect of the development.

#### **15 Acquisition of reserved land**

- (1) The owner of any land within:
  - (a) Zone No 9 (a) or 9 (b), or
  - (b) Zone No 9 (c) or 9 (d),may, by notice in writing, require:
  - (c) the Commissioner for Main Roads, or
  - (d) the council,respectively, to acquire that land.
- (2) Upon receipt of a notice referred to in subclause (1), the council or the Commissioner for Main Roads, as the case requires, shall acquire the land to which the notice relates.
- (3) Until such time as land referred to in subclause (1) is acquired for the purpose for which it reserved, a person may, with the consent of the council, carry out development on that land for any purpose.
- (4) The council shall not consent as referred to in subclause (3) to the carrying out of development on land within Zone No 9 (a) or 9 (b) without the concurrence of the Commissioner for Main Roads.
- (5) In considering whether to grant concurrence as referred to in subclause (4), the Commissioner for Main Roads shall take into consideration whether:
  - (a) a development application has, since the land last became subject to this clause, been made in respect of the land,
  - (b) the development the subject of the development application consists of development for a purpose for which development could have been carried out on the land (whether or not with development consent) immediately before the land

last became subject to this clause, and

(c) the council has refused its consent to that development application.

#### **16 Community use of school facilities and sites**

Notwithstanding any other provision of this plan, the council may consent to:

- (a) the community use of the facilities and sites of schools, colleges and other educational establishments,
- (b) the commercial operation of those facilities and sites for community purposes, and
- (c) the carrying out of development for community uses on land used for the purpose of schools, colleges or other educational institutions, whether or not the development is ancillary to those purposes.

#### **17 Retailing of bulky goods in industrial zones**

- (1) This clause applies to land within Zone No 4 (a) or 4 (b).
- (2) In this clause **bulky goods** means large goods which are, in the opinion of the council, of such a size and shape as to require:
  - (a) a large area for handling, storage or display, and
  - (b) easy and direct vehicular access to enable the goods to be collected by customers after sale.
- (3) Subject to subclauses (4) and (5), nothing in this plan shall prevent a person, with the consent of the council, from carrying out development for the purpose of selling bulky goods on land to which this plan applies.
- (4) The council shall not consent to a development application made for the purposes of subclause (3) unless it is satisfied that:
  - (a) suitable land for the development is not available in any nearby business centre,
  - (b) to grant consent would not, by reason of the number of retail outlets which exist or are proposed on land within Zone No 4 (a) or 4 (b), defeat the predominantly industrial nature of the zone,
  - (c) the proposed development will not detrimentally affect the viability of any business centre.
- (5) this clause does not apply to development for the purposes of shops selling food or clothing or development for the purpose of produce stores.

### **17A Brothels in industrial zones**

- (1) Development for the purpose of brothels may be carried out with consent on land within Zone No 4 (a) or 4 (b), except as provided by subclause (2).
- (2) Brothels are prohibited if located on land that abuts, or that is separated by a road only from:
  - (a) land within Zone No 2 (a) or 2 (b), or
  - (b) land within Zone No 5 (a) that is reserved for community, school or church uses, or
  - (c) land within Zone No 6 (a), or
  - (d) land in the vicinity of premises frequented by children.

### **18 Protection of heritage items and conservation areas**

A person must not, without the consent of the council, in respect of a heritage item or a building, work, relic or place in a conservation area:

- (a) demolish or alter the building or work,
- (b) damage or despoil the relic or any part of the relic,
- (c) excavate any land for the purpose of exposing or removing the relic,
- (d) erect a building on the land on which the building, work or relic is situated or on the land which comprises the place, or
- (e) subdivide the land on which the building, work, or relic is situated or the land which comprises the place.

### **19 Conservation incentive relating to heritage items**

The council may grant consent to the use, for any purpose, of a building that is a heritage item or the land on which the building is situated, even though the use would otherwise be prohibited by this plan if it is satisfied that:

- (a) the proposed use would not adversely affect the heritage significance of the item, and
- (b) the conservation of the building depends on the granting of the consent.

### **20 Advertising and notice to the Heritage Council of applications relating to heritage items**

- (1) The following development is identified as advertised development:
  - (a) the complete or substantial demolition of a heritage item,

(b) the complete or substantial demolition of any significant feature of a heritage item,

(c) the carrying out of development under clause 19.

(2) Before granting development consent to the demolishing, defacing or damaging of a heritage item of State heritage significance, the council must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

## **21 Considerations relating to development of heritage item**

(1) Unless it has considered a conservation plan, the council must not consent to development on:

(a) the site of a heritage item identified by the council as having State or national significance, or

(b) a site or place identified by the council as having known or potential archaeological significance.

(2) Except where a conservation plan is required by subclause (1), the council must not consent to development involving a heritage item unless it has considered a statement of heritage impact relating to the proposed development.

(3) The council must not grant consent to a development application in respect of a heritage item unless it has made an assessment of:

(a) the significance of the heritage item,

(b) the extent to which the carrying out of the proposed development, in accordance with the consent, would affect the significance of the heritage item and its setting,

(c) whether the setting of the heritage item and, in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained, and

(d) whether the heritage item constitutes a danger to the users or occupiers of that item or to the public.

(4) The council's consent is not required for the restoration or maintenance of a heritage item.

## **22 Photographic records of buildings subject to demolition**

(1) Consent must not be granted to the demolition of a building on land listed in Schedule 1B, unless the council has considered a photographic record concerning the building.

(2) The photographic record must be prepared in accordance with the publication "Guidelines for Photographic Recording of Heritage Site, Buildings, Structures and

Movable Items” published by the Heritage Office (available from the Heritage Office and the Head Office of the Department.

## **22A Considerations relating to development within conservation areas**

- (1) When considering applications for consent to erect a building or to alter a building or work that is within a conservation area, the council must consider the impact that the proposed development will have on the heritage significance of the conservation area and make an assessment of:
  - (a) the pitch and form of the roof, if any,
  - (b) the style, size, proportion and position of the openings for windows or doors, if any, and
  - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with those of the materials used in existing buildings within the conservation area.
- (2) The council’s consent is not required for the restoration or maintenance of a building or work in a conservation area.

## **22B Development of known or potential archaeological sites**

- (1) The council may grant consent to the carrying out of development on land which, in its opinion, comprises an archaeological site that has Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
  - (a) it has considered a statement of heritage impact relating to the proposed development, and
  - (b) it has notified the Director-General of National Parks and Wildlife of its intention to grant consent and has taken into consideration any comments received from that Director-General within 28 days of the notice being sent.
- (2) The council may grant consent to the carrying out of development on land which, in its opinion, comprises an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
  - (a) it has considered a statement of heritage impact relating to the proposed development, and
  - (b) it has notified the Heritage Council of its intention to grant consent and has taken into consideration any comments received from the Heritage Council within 28 days of the notice being sent.

- (3) Subclause (2) does not apply if the proposed development does not involve the disturbance of below-ground deposits and the council is of the opinion that the heritage significance of any above-ground deposits would not be adversely affected by the proposed development.

**22C Development in the vicinity of heritage items, conservation areas, archaeological sites or potential archaeological sites**

The council must consider the likely effect of the proposed development on the heritage significance of a heritage item, conservation area, or a site which, in its opinion, comprises an archaeological site or a potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

**23 Development for the purposes of villa houses**

The council shall not consent to the carrying out of development for the purposes of villa houses on land to which this plan applies where the land falls within the 20–25 ANEF contours of the Australian Noise Exposure Forecast 1995 unless the council is satisfied that the building or buildings to be erected on that land will comply with Australian Standard AS 2021 with respect to indoor noise levels.

**23A Restriction on development of the “Drummoyne Bowling Club” site affected by aircraft noise**

- (1) This clause applies to land known as the “Drummoyne Bowling Club”, being the land shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 24)*”.
- (2) The Council must not consent to the carrying out of the following development on land to which this clause applies, unless it is satisfied that the development meets Australian Standard AS 2021—1994, (*Acoustics—Aircraft noise intrusion—Building siting and construction*) regarding interior noise levels:
- (a) for residential purposes, where the ANEF is between 20 and 25, or
  - (b) for the purpose of educational establishments, where the ANEF is between 20 and 25, or
  - (c) for the purpose of public buildings, where the ANEF is between 20 and 30.

**24 Development of land at 3-5 Bayswater Street, Drummoyne**

The council shall not consent to the carrying out of development on the land known as 3-5 Bayswater Street, Drummoyne (being Lots B and C, DP 108407) unless the council is satisfied that the building or buildings to be erected on the land will comply with Australian Standard AS 2021 with respect to indoor noise levels.

#### **24A Development of the former Sydney Wire Mill site**

- (1) This clause applies to property known as the Sydney Wire Mill site, Blackwall Point Road, Chiswick, as shown edged heavy black on the map marked "*Drummoyne Local Environmental Plan 1986 (Amendment No 32)*".
- (2) Despite any other provision of this plan, the Council must not grant consent to any residential or commercial development of land to which this clause applies unless it is satisfied that not less than 5,000 square metres of the total floor space that will be created on the land will be developed for housing for older people or people with a disability in accordance with the provisions of *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.
- (3) Despite any other provision of this plan (except subclause (2)), development may be carried out on land to which this clause applies, but only with the consent of the Council, for the purpose of grocery stores, video shops, hairdressing salons, refreshment rooms, take-away shops, delicatessens, pharmacies, medical consulting rooms, fruit and vegetable stores, bottle shops, newsagencies, bookstores or commercial premises, if:
  - (a) the total floor space occupied by those uses does not exceed 1,200 square metres, and
  - (b) no single use occupies more than 300 square metres or, in the case of a use as commercial premises, 400 square metres.

#### **24B Development of the former Energy Australia site, Five Dock**

- (1) This clause applies to land known as the former Energy Australia site, being Lots 1–5, DP 22943 (48 Great North Road, Five Dock) and Lots 1–4, DP 18635 (57–63 Fairlight Street, Five Dock), as shown edged heavy black on the map marked "*Drummoyne Local Environmental Plan 1986 (Amendment No 55)*".
- (2) Despite any other provision of this plan, the Council must not grant consent to the carrying out of residential development of the land to which this clause applies unless it is satisfied that 10 per cent of the gross floor space complies with the provisions of *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.
- (3) Nothing in this plan prevents the carrying out of development of the whole of the land to which this clause applies for the purpose of housing for older people or people with a disability in accordance with the provisions of *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.

#### **25 Remediation of certain contaminated land at Abbotsford**

- (1) This clause applies to land at Abbotsford known as the "Nestlé site", being the land

shown edged heavy black on sheet 1 of the map marked "*Drummoyne Local Environmental Plan 1986 (Amendment No 21)*".

- (2) A person must not, on land to which this clause applies:
- (a) disturb or excavate any land for any purpose, or
  - (b) carry out any land filling, or
  - (c) clear trees or other vegetation from the land, or
  - (d) alter the landscape or carry out any landscaping,
- except with the consent of the council.
- (3) The council must not grant consent to the carrying out of any development (other than subdivision) on land to which this clause applies that is land known by the council to require remediation unless the consent is subject to conditions:
- (a) requiring remediation of the land in a manner acceptable to the Environment Protection Authority, and
  - (b) prohibiting the construction or erection of a building or the carrying out of a work on any part of that land pursuant to the consent until the Authority has advised the council that, according to a report provided by a consultant recognised by the Authority, the part of the land has been remediated in accordance with the ANZECC and NH&MRC Guidelines to the extent necessary for the proposed development.

This subclause does not prevent the imposition of other kinds of conditions on such a consent or limit the extent of the conditions that may be imposed on such a consent.

- (4) Subclauses (2) and (3) do not apply to any land to which this clause applies after the Environment Protection Authority has advised the council that the land has been remediated as referred to in subclause (3) (b).
- (5) In this clause, **ANZECC and NH&MRC Guidelines** means the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC) published in January 1992.

## **26 Remediation of certain contaminated land**

- (1) This clause applies to land described in Schedule 9.
- (2) A person must not:
- (a) disturb or excavate any land for any purpose, or

- (b) carry out any land filling, or
- (c) clear trees or other vegetation from the land, or
- (d) alter the landscape or carry out any landscaping,

except with the consent of the council. The purpose of this subclause is to ensure that an assessment is made of whether remedial works need to be carried out because of contamination of land to which this clause applies.

- (3) In determining whether or not to grant such a consent, the council must take into consideration any guidelines, protocols or standards known to the council to have been published by the Environment Protection Authority or Department of Urban Affairs and Planning and which are relevant to remediation procedures, the type of contamination on the land or the type of use to which the land was, is or is proposed to be, put.
- (4) When granting a consent, the council may impose conditions which:
  - (a) require the investigation, sampling and testing of the site area, and
  - (b) require preparation of a remedial action plan for the site area, being a detailed plan for the remediation and validation of the remediation in relation to any land affected by contamination, and
  - (c) require remediation of the site area or any part of it to an appropriate standard, and
  - (d) prohibit the construction or erection of a building or the carrying out of a work on any part of the land pursuant to the consent until the council accepts in writing an independent review verifying the remediation of the site area to an appropriate standard.

This subclause does not prevent the imposition of other kinds of conditions on such a consent or limit the extent of the conditions that may be imposed on such a consent.

- (5) Subclauses (2) and (4) do not apply to the land to which this clause applies or any part of it on receipt by the council of an independent review determining that the land or part has been remediated to an appropriate standard.

(6)

**appropriate standard** means remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC), published in January 1992.

**independent review** means the checking of adherence to standards, procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a person:

- (a) who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out, and
- (b) who is recognised by the Environment Protection Authority as satisfying a suitable public standard of competence and expertise (such as is provided by appointment as an environmental auditor under the Victorian *Environment Protection Act 1970*).

## **Covenants, agreements etc**

### **27 Covenants, agreements etc**

- (1) If any agreement, covenant or similar instrument prohibits or restricts development permitted under this plan, the agreement, covenant or instrument does not apply to that development to the extent necessary to allow that development to be carried out, except where the covenant, agreement or instrument only restricts building materials.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under the registered instrument.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before the plan which inserted this clause was made.

### **28 Classification or reclassification of public land as operational land**

- (1) The public land described in Schedule 11 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (2) In accordance with section 30 of the [Local Government Act 1993](#), a parcel of land described in Schedule 11, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:
  - (a) any reservations that except land out of a Crown grant relating to the land, and
  - (b) reservations of minerals (within the meaning of the [Crown Lands Act 1989](#)).
- (3) In this clause, the **relevant amending plan**, in relation to a parcel of land described in Schedule 11, is the local environmental plan cited at the end of the description of the parcel.
- (4) Before the relevant amending plan that inserted the description of a parcel of land

into Schedule 11 was made, the Governor approved of subclauses (2) and (3) applying to the land.

## Schedule 1

(Clause 5 (1))

“Abbotsford House”, Melrose Crescent, Abbotsford, and its curtilage (including garden statues of 5 ladies and 2 lions), as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 37)—Map (C)—Curtilage of Abbotsford House*”.

“Chatham House”, corner of Walton Crescent and Great North Road, Abbotsford, and its curtilage, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 37)—Map (B)—Curtilage of Chatham House*”.

“The Clubhouse Pavilion, corner of Great North Road and Blackwall Point Road, Abbotsford, and its curtilage, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 37)—Map (D)—Curtilage of the Clubhouse Pavilion*”.

Barnstaple, Ingham, Park	Five Dock	Five Dock Oval and Park
Battersea Street	Abbotsford	Battersea Park
25 Battersea Street	Abbotsford	House
7 Bayswater Street	Drummoyne	Semi-detached House
9 Bayswater Street	Drummoyne	Semi-detached House
Bevin Street	Canada Bay	Hill’s Fig Trees (12)
Blackwall Point Road	Abbotsford	AWI Office Building
92 Blackwall Point Road	Chiswick	Shop and Residence
34 Bowman Street	Drummoyne	Drummoyne Baptist Church
13 Burnell Street	Drummoyne	House
33B Byrne Avenue	Russell Lea	MWS&DB Pump House No 65
14 Cambridge Road	Drummoyne	House “Carthona”
Cary Street	Drummoyne	Birkenhead Point Dunlop Factory Buildings
Checkly & Spring Sts	Abbotsford	Former Animal Quarantine Station
Chiswick Street	Chiswick	Chiswick Steps and Retaining Wall
16A Chiswick Street	Chiswick	Entry Gates
18 Chiswick Street	Chiswick	House
19 College Street	Drummoyne	St Bede’s Anglican Church Rectory
20 College Street	Drummoyne	St Bede’s Anglican Church

21 College Street	Drummoyne	St Bede's Anglican Church Hall (Former Church)
33 College Street	Drummoyne	Uniting Church and Hall
63 College Street	Drummoyne	The Manse
5 Collingwood Street	Drummoyne	House
7 Collingwood Street	Drummoyne	House
9 Collingwood Street	Drummoyne	House
11 Collingwood Street	Drummoyne	House
23 Collingwood Street	Drummoyne	House "Glendalough"
30 Connecticut Avenue	Five Dock	House
11 Dening Street	Drummoyne	Scout Hall, Former Residence
13 Dening Street	Drummoyne	House "Emstone House"
22 Dening Street	Drummoyne	House "Dorothy"
24 Dening Street	Drummoyne	House
25 Dening Street	Drummoyne	House
26 Dening Street	Drummoyne	House
54 Dening Street	Drummoyne	House
1 Drummoyne Avenue	Drummoyne	House "Clovelley"
14 Drummoyne Avenue	Drummoyne	Marist Brothers' House
16 Drummoyne Avenue	Drummoyne	House "Shalimar"— Private Garden, Fence & Gate
44 Drummoyne Avenue	Drummoyne	House "Tobique"
18 Erina Avenue	Five Dock	House "Erina"
93 First Avenue	Five Dock	House
121 First Avenue	Five Dock	Domremy Convent Group
177 First Avenue	Five Dock	Five Dock Masonic Hall
18 Formosa Street	Drummoyne	House
20 Formosa Street	Drummoyne	Semi-detached House
22 Formosa Street	Drummoyne	Semi-detached House
32 Formosa Street	Drummoyne	House
2 Fortescue Street	Chiswick	House

14 Garfield Street	Five Dock	Police Station
Great North Road	Abbotsford	Tram Lines
Great North Road	Abbotsford	Tram Shelter Shed
Great North Road	Abbotsford	Electric Street Lights
Great North Road	Abbotsford	Abbotsford Point Boatshed
Great North Road	Abbotsford	Sandstone Kerbing
Great North Road	Abbotsford	Werrell Park
76 Great North Road	Five Dock	Five Dock Hotel
94 Great North Road	Five Dock	Former CBC of Sydney Bank
133 Great North Road	Five Dock	One of a group of 2 Attached Shops
135 Great North Road	Five Dock	One of a group of 2 Attached Shops
173 Great North Road	Five Dock	St Alban's Anglican Church
175 Great North Road	Five Dock	St Alban's Anglican Church Rectory
177 Great North Road	Five Dock	St Alban's Church Hall and Shops
187 Great North Road	Five Dock	Post Office
189 Great North Road	Five Dock	One of a row of 3 Terrace Shops
191 Great North Road	Five Dock	One of a row of 3 Terrace Shops
193 Great North Road	Five Dock	One of a row of 3 Terrace Shops
350 Great North Road	Abbotsford	Abbotsford Public School
350 Great North Road	Abbotsford	Abbotsford Community Centre
373 Great North Road	Abbotsford	House "Mona"
396 Great North Road	Abbotsford	House "Coniston"
432 Great North Road	Abbotsford	House
443 Great North Road	Abbotsford	Tippett Memorial Presbyterian Church & Hall
613 Great North Road	Abbotsford	Sydney Rowing Club—Boatshed
19 Hampden Road	Drummoyne	House
21 Hampden Road	Drummoyne	House
Henley Marine Drive	Drummoyne	Natural Foreshore between Ullathorne St
Henley Marine Drive	Drummoyne	Iron Cove Bridge Abutment (1882)

Henley Marine Drive	Five Dock	Iron Cove Foreshore
Henley Marine Drive	Rodd Point	Rodd Park & Family Vault
Cnr Henley Marine Drive & Ullathorne	Drummoyne	MBWS&BD Sewerage Pumping Station
13 Henry Street	Five Dock	Five Dock Public School and Garden
28 Henry Street	Five Dock	House
58 Henry Street	Five Dock	House
60 Henry Street	Five Dock	House
62 Henry Street	Five Dock	House
64 Henry Street	Five Dock	House
44 Kings Road	Five Dock	House
46 Kings Road	Five Dock	House
48 Kings Road	Five Dock	House
20 Kirrang Street	Five Dock	House
21 Lamrock Avenue	Russell Lea	House "Glenwood"
30 Lavender Street	Five Dock	Corner Shop and Residence
7 Lucas Avenue	Russell Lea	House
Lyons Road	Drummoyne	Palms, Camphor Laurels, Brush Box
Lyons Road	Drummoyne	Hill's Figs
29 Lyons Road	Drummoyne	Drummoyne Fire Station
31 Lyons Road	Drummoyne	Drummoyne Presbyterian Church and Sir Thomas Henley Memorial Sunday School and Hall
50 Lyons Road	Drummoyne	Sutton Place Shops
54 Lyons Road	Drummoyne	House "Kinvara"
60a Lyons Road	Drummoyne	Sydney Electricity Substation
68 Lyons Road	Drummoyne	House
153 Lyons Road	Drummoyne	House
313 Lyons Road	Russell Lea	Service Station
410 Lyons Road	Five Dock	House
Lyons Road West	Five Dock	Brush Box Street Planting

Marlborough Street	Drummoyne	War Memorial Monument (on grounds of Council Chambers)
35 Marlborough Street	Drummoyne	Rosebank—Waratah
38 Minnesota Avenue	Five Dock	House “Allowrie”
43 Minnesota Avenue	Five Dock	House
11 Mooculta Avenue	Russell Lea	House
24 Moore Street	Drummoyne	House
31 Moore Street	Drummoyne	House
40 Moore Street	Drummoyne	House
42 Murralong Avenue	Five Dock	House “Murralong”
1 Norman Street	Five Dock	House “Lazy Acres”
121 Parramatta Road	Five Dock	Rosebank College
10 Park Avenue	Drummoyne	House
39 Park Avenue	Drummoyne	House
1 Poolman Street	Abbotsford	House
3 Poolman Street	Abbotsford	House
16 Queens Road	Five Dock	House
18 Queens Road	Five Dock	House
44 Queens Road	Five Dock	House “Riverview”
140 Queens Road	Five Dock	One of a pair of Terrace Houses
142 Queens Road	Five Dock	One of a pair of Terrace Houses
82-84 Ramsay Road	Five Dock	Pair of Shops
Rawson Avenue	Drummoyne	Reservoir
Rawson Avenue	Drummoyne	Drummoyne Public School
4 Rawson Avenue	Drummoyne	Shop
14 Raynor Avenue	Abbotsford	House “Gloaming”
1 Renown Street	Canada Bay	House
6 Rodd Road	Five Dock	House
70 Roseby Street	Drummoyne	House
72 Roseby Street	Drummoyne	House
7 South Street	Drummoyne	House

41 St Georges Crescent	Drummoyne	House
52 St Georges Crescent	Drummoyne	House
123 St Georges Crescent	Drummoyne	House
125 St Georges Crescent	Drummoyne	House
129 St Georges Crescent	Drummoyne	House
1 Stuart Crescent	Drummoyne	House
Thompson & Plunkett Sts	Drummoyne	Bourketown Square
Thompson Street	Drummoyne	Electric Street Light
50 Thompson Street	Drummoyne	Shop and Residence
53 Thompson Street	Drummoyne	House "The Laurels"
54 Thompson Street	Drummoyne	Shop and Residence
55 Thompson Street	Drummoyne	House "Glendenning"
57 Thompson Street	Drummoyne	House "Wyncroft"
62a Thompson Street	Drummoyne	House "Rhodesia"
66 Thompson Street	Drummoyne	House "Alma"
29 Tranmere Street	Drummoyne	St Marks Catholic Church and Grounds
308 Victoria Place	Drummoyne	House
339 Victoria Place	Drummoyne	House
341 Victoria Place	Drummoyne	House
343 Victoria Place	Drummoyne	House
348 Victoria Place	Drummoyne	Boatshed
352 Victoria Place	Drummoyne	House
Victoria Place	Drummoyne	Abutments Gladesville Bridge Five Dock Pt
Victoria Place	Drummoyne	Howley Park Five Dock Point
64 Victoria Road	Drummoyne	Shop and Residence
191 Victoria Road	Drummoyne	Westpac Bank
195 Victoria Road	Drummoyne	Hotel
234 Victoria Road	Drummoyne	Reorganised Church Of Jesus Christ Of Latter Day Saints
18 Walker Street	Canada Bay	House

Walton Crescent	Abbotsford	Stone Steps
40 Walton Crescent	Abbotsford	House
55 Walton Crescent	Abbotsford	House
32 Wareemba Street	Five Dock	House
39 Waterview Street	Five Dock	House
54 Westbourne Avenue	Drummoyne	MWS&DB Pump House
46 Westbourne Avenue	Drummoyne	House
1 Wolseley Street	Drummoyne	House
3 Wolseley Street	Drummoyne	House
4 Wolseley Street	Drummoyne	House
9 Wolseley Street	Drummoyne	House
11 Wolseley Street	Drummoyne	House
Wrights Road	Drummoyne	Stone Abutments
Wrights Road	Drummoyne	Brush Box Street Plantings
2 Wrights Road	Drummoyne	House
8 Wrights Road	Drummoyne	House “Dunaverty”—Garden
28–36 Wrights Road	Drummoyne	Canary Island Palms (2)
45 Wrights Road	Drummoyne	House “Omrah”
Wymston Parade	Abbotsford	Port Jackson Fig Trees (4)
96 Wymston Parade	Abbotsford	MWS&DB Pumping Station
1a York Avenue	Five Dock	Semi-detached House
3 York Avenue	Five Dock	Semi-detached House

## Schedule 1A Conservation areas

(Clause 5 (1))

- A Bourketown Square, Drummoyne Conservation Area,
- B Bennett Avenue and Mitchell Street, Five Dock Conservation Area,
- C Cambridge, Wrights, Lyons, Collingwood and Victoria Roads and Napier and Seymour Streets, Drummoyne Conservation Area,
- D Drummoyne Avenue, Drummoyne Conservation Area “D”,
- E Drummoyne Avenue, Drummoyne Conservation Area “E”,

- F Victoria Road Retail Precinct, Drummoyne Conservation Area,
- G Gears Avenue, Drummoyne Conservation Area,
- H Hampden Roads, Russell Lea Conservation Area
- I Thompson Street, Drummoyne Conservation Area
- J Gipps Street, Drummoyne Conservation Area,
- K Marlborough and Tavistock Streets, Drummoyne Conservation Area,
- L Renwick, Day, Alexandra and Thornley Streets, Drummoyne,
- M Mons Street and Lyons Road, Russell Lea Conservation Area,
- N Moore Street, Drummoyne Conservation Area.

## **Schedule 1B Photographic record**

(Clause 5 (1))

- 39 Abbotsford Parade, Abbotsford
- 8 Bay Road, Abbotsford
- 10 Bay Road, Abbotsford
- 14 Bay Road, Abbotsford
- 52 Gipps Street, Drummoyne
- 585 Great North Road, Abbotsford
- 593 Great North Road, Abbotsford
- 50 Moore Street, Drummoyne
- 102 Victoria Road, Drummoyne
- 104 Victoria Road, Drummoyne

## **Schedule 2**

(Clause 9)

- Abattoirs
- Agricultural machinery manufacture
- Aluminium products manufacture
- Asbestos cement products manufacture
- Bag and sack (textile) manufacture
- Boilermaking
- Cement manufacture
- Electric machinery manufacture
- Electroplating
- Generating works
- Glass products (other than optical glass) manufacture
- Hardboard manufacture
- Heavy engineering
- Heavy machinery manufacture
- Heavy steel product manufacture

Metal founding  
Motor body building  
Motor vehicle manufacture and assembly  
Offensive or hazardous industry  
Panelbeating  
Ready-mix cement manufacture  
Sawmilling  
Stone cutting and crushing  
Wire manufacture

### **Schedule 3**

(Clause 9)

Abrasive manufacture  
Boots, shoes and accessories manufacture  
Brooms and brushes manufacture  
Clothing, knitted goods and hat manufacture  
Drawing and writing materials manufacture  
Drugs, patent medicines, cosmetics and other toilet preparations (excluding soap) manufacture  
Furniture and fittings, bedding and furnishing and drapery manufacture  
Haberdashery articles manufacture  
Jewellery manufacture, watchmaking, electroplating and minting  
Job and general printing, bookbinding  
Linoleum and leather cloth manufacture  
Manufacture and repair of machinery and machinery parts other than agriculture and earthmoving machines (including tractors), stationary machines and power transmitting equipment  
Manufacture and repair radio and electronic apparatus, electrical machinery and cables  
Manufacture of bicycles and bicycle parts and accessories  
Manufacture of cutlery and small tools (not machine tools), stoves, heaters, metal furniture and builders' hardware  
Manufacture of goods of leather and leather substitutes  
Manufacture of parts and accessories for motor vehicles, caravans and trailers  
Manufacture of textile products, other than bags and sacks  
Musical, surgical and scientific instruments and apparatus manufacture  
Paper products (other than paper board) manufacture  
Plastic products manufacture  
Toys, games and sporting requisites manufacture

### **Schedule 4**

(Clause 9)

Beauty Salon  
Chemist shop  
Confectionery shop  
Milk bar  
Hairdressing salon  
Newsagency  
Sandwich shop

Smallgoods shop  
Tobacconist's shop

## **Schedules 5, 6 (Repealed)**

## **Schedule 7**

(Clause 14)

Lot 4, MPS (RP) 121391, known as 31A Queens Road, Five Dock, as shown edged heavy black on the map marked "*Drummoyne Local Environmental Plan No 9*"—bulk store.

Certificates of Title, volume 4294, folio 85 (being the land in DP 323422), volume 4298, folio 99 (being part lot 3, DP 10516), volume 5673, folio 122 (being lot A, DP 353011, and part lot 4, DP 10516), and volume 5749, folio 64 (being part lot B, DP 353011), Lyons Road and Russell Street, Five Dock, as shown edged heavy black on the map marked "*Drummoyne Local Environmental Plan No 11*"—carrying out of development in accordance with this plan or in accordance with a consent granted under the Act where the covenants contained in Transfer Nos A712844 and B102458, to the extent necessary to serve that purpose, shall not apply to the development.

Portion 298, being part of Drummoyne Park situated in Cometrowe Street, Drummoyne—childcare centre, kindergarten, council and community facilities, public buildings, cultural facilities, recreational and sporting facilities, landscaping, parking and uses and structures ancillary or incidental to any one or more of the foregoing purposes.

Notwithstanding any other provisions of this plan, occupation of the land to which this clause applies shall be deemed to include occupation by or on behalf of the Boy Scouts Association (NSW Division), in accordance with a consent granted by the council.

Lot 1 in Deposited Plan 84721 known as 126–130 Kings Road, Five Dock—wholesale butchery establishment including techniques described as "brining", "smoking" and the production of smallgoods, with the consent of the council, but not including any cooking process nor the retailing of products from the property.

Lots 33–38 and part lot 39 in Deposited Plan 979462, part portion 256, and part closed road situated in The Parade, Moore Street and The Esplanade, Drummoyne—residential flat buildings in accordance with a consent granted to or at the request of the Minister for Housing.

Properties known as 1–77 Parramatta Road, 255–283 Parramatta Road, 1 York Avenue, 2–4 Lavender Street, 2A Courland Street, 5–7 Courland Street and 2–10 Harris Road, Five Dock—bicycle, boat, caravan or motor cycle showroom, bicycle, boat, caravan or motor cycle repairs and/or spare parts and accessory sales and installation, bulky goods salesroom and showroom, car accessory sales, service and installation, clothing manufacturing and ancillary sales to a maximum of 25% of the products manufactured on the premises, commercial premises, computer assembly and repairs, convenience stores, dwelling houses used in conjunction with a purpose permissible in the zone, electricians' workshops, electrical home appliance repairs, furniture repairs and restoration, instrument repair workshops, lawnmower repairs and sales, locksmith services, medical consulting rooms, motor vehicle smash repair station, office machine and equipment repairs, photographic and film development, radio and television mechanic's workshop, recreational facilities excluding fun parlours, tailoring, tyre sales and repairs, upholstering, veterinary surgeon establishments, warehouses.

Property known as Lot 1 in DP 9978, 361 Lyons Road, Five Dock—residential flat building.

Property known as Lot 2 in DP 826686, 213–253 Parramatta Road, Five Dock—convenience store.

Property known as Part Lot 1 and Part Lot 2 in DP 4811 and Lot B in DP 312563, 172–176 Lyons Road, Drummoyne, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 20)*”—mechanical repair workshop.

The “Nestlé site” at Abbotsford, being the land shown edged heavy black on sheet 1 of the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 21)*”, in particular, Abbotsford House, Chatham House and the Clubhouse pavilion—refreshment rooms, reception centres or offices, provided such use is consistent with the conservation and preservation of the buildings.

Part of the “Nestlé site” at Abbotsford, being land shown shaded on sheet 2 of the map marked “*Drummoyne Local Environment Plan 1986 (Amendment No 21)*”—public open space and recreation purposes.

Property known as Lot 4 in DP 826686, 213 Parramatta Road, Five dock—the sale of bulk food and beverage items, where this activity is carried out in connection with the primary activity of bulky goods retailing of office equipment and furniture.

Property known as Lot C in DP 4846, corner William Street and Bevin Avenue, Five Dock—carparking and serviced apartments, for use only in conjunction with the adjoining Western Suburbs Soccer Sports and Community Club.

Lots 12 and 13, Section 1, DP 1117 and Lots 1 and 2, DP 723685, being land known as 25–27 Regatta Road, Five Dock—motor showroom.

Lots 62, 63 and 64 DP 456977, being land known as 126–130 Kings Road, Five Dock as shown edged heavy black on Sheet 1 of the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 53)*”—commercial premises and associated car parking and light industry.

Lot 1, DP 607226 and Lot 1, DP 738950 and known as 49–51 Queens Road, Five Dock—commercial purposes.

## **Schedule 8 Floor space ratio for certain sites**

(Clause 13A)

11–27 Harris Road, Five Dock, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 30)*”—0.7:1.

Sydney Wire Mill Site, Blackwall Point Road, Chiswick, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 32)*”—0.7:1.

126–130 Kings Road, Five Dock, as shown edged heavy black on Sheet 1 of the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 53)*”—1.0:1. Ten per cent of the gross floor area of the site must be used for commercial or light industrial development or both.

Lot 1, DP 607226 and Lot 1, DP 738950 and known as 49–51 Queens Road, Five Dock—1.0:1.

## Schedule 8A Building envelope controls for certain sites

(Clause 13B)

Lots 62, 63 and 64 DP 456977 being land known as 126–130 Kings Road, Five Dock—any building erected on the site must meet the building envelope controls shown on Sheet 2 of the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 53)*” and must have a maximum site coverage of 40% of the site area of the land.

Lot 2, DP 521915 being land known as 420 Lyons Road, Five Dock—any building erected on the site:

- (a) must meet the building envelope controls shown on Sheet 2 of the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 57)*”, and
- (b) must not cover more than 30% of the area of the site, and
- (c) must, at the third storey level, have a setback of not less than 8.5 metres from the McKinnon Avenue boundary of the site.

## Schedule 9 Remediation of certain contaminated land

(Clause 26)

349 Lyons Road, Five Dock, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 26)*”.

11–27 Harris Road, Five Dock, as shown edged heavy black on map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 30)*”.

16–18 William Street, Five Dock, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (amendment No 35)*”.

Sydney Wire Mill site, Blackwall Point Road, Chiswick, as shown edged heavy black on the map marked “*Drummoyne Local Environmental Plan 1986 (Amendment No 32)*”.

## Schedule 10 Exempt development

(Clause 7A (1))

<b>Development Type</b>	<b>Conditions</b>
<b>Erection of a building or structure</b>	

- either attached to an external wall or mounted on the ground
  - located a minimum of 3m off any property boundary and located behind required street setback to any street frontage
- Air-conditioning units for dwellings
- the building work must not reduce the structural integrity of the section of the building affected by the installation of the unit
  - any opening created by the installation is to be adequately weatherproofed and the required fire-rating is not reduced
- Barbecue
- located at least 900mm from any property boundary
  - located behind building line to any street frontage
  - maximum height 1.8m above natural ground level
  - maximum area of base 3m<sup>2</sup>
  - attached to a dwelling
  - maximum area 10m<sup>2</sup>
- Canopies, awnings and storm blinds
- located at least 900mm from any property boundary
  - located behind building line to any street frontage
  - installed to manufacturer's specifications
- Children's play equipment (except cubby-houses with floor level more than 1m above natural ground level and playground equipment constructed by or for the council)
- maximum height 2.4m
  - maximum area 20m<sup>2</sup>
  - located at least 900mm from any property boundary
- Clothes line
- located behind building line to any street frontage
  - installed to manufacturer's specifications
- Deck
- maximum area of deck 10m<sup>2</sup>
  - located behind building line to any street frontage
  - located at least 3m from property boundary
  - deck is not roofed
  - maximum height 500mm above ground level to top of deck with balustrade height no exceeding 1.2m above top of deck

- not over public land
  - to be of structurally sound and of stable construction with adequate reinforcement
  - may not be elevated or suspended above existing ground level
  - rainwater not to be redirected onto adjoining property
  - an appropriate fall and grated drain is to be provided to prevent the entry of stormwater onto the footpath, dwelling or garage
- Driveway and pathways
- consult with relevant utility providers regarding underground infrastructure and easements
  - maximum height 1.8m above existing ground level, if it is located behind the street setback area
  - masonry fences are to be structurally adequate for the intended purpose and to comply with AS 3700-1998, AS 1170.1-1989, AS 1170.2-1989, and AS 1170.4-1993
  - not to contain barbed wire
  - maximum height 1.2m above existing ground level if it is located within the street setback area
  - maximum height 1.8m above existing ground level, if it is located behind the street setback area
- Fence
- masonry fences are to be structurally adequate for the intended purpose and to comply with AS 3700-1998, AS 1170.1-1989, AS 1170.2-1989, and AS 1170.4-1993
  - not to contain barbed wire
  - maximum height 6m above existing ground level and located at least 7m from any boundaries
- Flag pole
- one only for each allotment
  - to be structurally adequate

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| Hoardings  | <ul style="list-style-type: none"><li>• not to encroach onto public footway or thoroughfare</li><li>• appropriate signs are to be provided in accordance with AS 1319-1994</li><li>• the hoarding is to be structurally adequate</li><li>• in instances where the building is situated away from the boundary by twice the measurement of the height of the building other non-solid hoardings may be provided subject to appropriate signs being provided</li><li>• these structures are of a temporary nature and are only permitted as exempt development if installed for less than 12 months</li><li>• subject to payment of fees as per the council's Fees and Charges schedule adopted by the council</li></ul> |
| Letter box                                       | <ul style="list-style-type: none"><li>• maximum height of 1.2m above ground level</li><li>• structurally stable with adequate footings</li><li>• work to comply with the <i>Building Code of Australia</i></li><li>• exemption applies to non-structural work such as replacement of doors, walls, ceiling or floor linings or deteriorated frame members, and renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes</li></ul>  |
| Minor internal alterations to domestic dwellings | <ul style="list-style-type: none"><li>• applies only to renovations or alterations of previously completed buildings</li><li>• works must not change room configurations, reduce window arrangements for light or ventilation needs, reduce doorways for egress or enclose open areas</li></ul>  |

- Outbuildings used exclusively for the following:
- garden shed
  - cubby-house
  - greenhouse
  - bird aviary
  - gazebo
  - cabana
- other than of masonry construction
  - detached from main dwelling
  - maximum gross floor area 10m<sup>2</sup>
  - located behind building line to any street frontage
  - maximum height 2.1m
  - located at least 900mm from any property boundary
  - only one of each type per property
  - safety glazing to any glass doors conforming to AS/NZS 2208:1996
  - at existing ground level
  - not exceed an area of 20m<sup>2</sup>
- Paving
- rainwater not to be redirected onto adjoining property
  - Sufficient step down is to be provided to prevent the entry of water into the dwelling
  - not enclosed
  - maximum area 20m<sup>2</sup>
  - maximum height 2.4m above natural ground level
- Pergola
- attached to a dwelling
  - located behind the front setback line to any street frontage
  - located at least 900mm from any property boundary
  - must be structurally adequate
  - minimum front setback of 1.5m to any street
  - location must only be in school grounds and not contravene any other consent
- Portable classrooms and school buildings
- rainwater to be connected to an adequate rainwater system
  - must not exceed 1 storey in height
  - these buildings are of a temporary nature and installation under an exemption is only permitted for up to 5 years

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| Access ramps  | <ul style="list-style-type: none"><li>• maximum height of less than 1m (above existing ground level)</li><li>• to comply with the minimum front setback and be a minimum of 900mm from the side boundary</li><li>• grade to be a minimum of 1:14 and otherwise in accordance with AS 1428.1-1998</li><li>• no alteration to existing window or door opening or their location and size</li><li>• materials other than masonry with a low reflectivity index and with equivalent or improved quality materials</li></ul>                          |
| Replacement or repair of existing roof and walls to dwelling/carport/garage | <ul style="list-style-type: none"><li>• no structural alterations required</li><li>• no change to the roof height, pitch or profile</li><li>• all stormwater is to be directed to a suitable system</li><li>• all work involving asbestos cement must comply with the WorkCover Authority's <i>Short Guide to Working with Asbestos</i> (as in force from time to time)</li><li>• maximum height 900mm above or below existing ground level and located at least 900mm off any property boundary</li></ul>                                       |
| Retaining wall  | <ul style="list-style-type: none"><li>• retaining walls are to be structurally adequate for the intended purpose and to comply with AS 3700-1998, AS 3600-1994 and AS 1170.1-1989, AS 1170.2-1989 and AS 1170.4-1993 and timber walls must comply with AS 1720.1-1997, AS 1720.2-1990, and AS 1720.4-1990</li><li>• maximum area of installation not to exceed 1m<sup>2</sup></li><li>• the building work must not reduce the structural integrity of the building or involve structural alterations and must be structurally adequate</li></ul> |
| Roof ventilators and skylight roof windows                                  | <ul style="list-style-type: none"><li>• located a minimum of 900mm from property boundary or 900mm from a separating wall between 2 dwellings</li><li>• must comply with the <i>Building Code of Australia</i></li><li>• installed to manufacturers' specifications</li><li>• must neither reduce weatherproofing of roof or wall in which it is located or fire resistance</li></ul>  |

- Satellite dish
- roof or rear yard mounted
  - maximum diameter 1.5m
  - the building work must not reduce the structural integrity of the building or involve structural alterations and must be structurally adequate
  - one only for each lot
  - maximum height 1.8m as measured from the roof level on which it is mounted
  - installed to manufacturer's specifications
  - to meet with all of the WorkCover Authority's requirements
  - not to encroach onto footpath or public thoroughfare
  - to have sufficient structural strength to withstand and be impenetrable to the impact of falling rubble
- Scaffolding
- must enclose the work area
  - must comply with AS/NZS 1576.1:1995, AS 1576.2-1991, AS/NZS 1576.3:1995, AS 1576.4-1991, and AS/NZS 1576.5:1995
  - must be removed immediately after the purpose for which it was initially provided has concluded and no safety problem will result due to removal
- Television aerial/microwave antennae
- maximum height 6m above roof
- Temporary structures and temporary buildings:
- builder's shed,
  - portaloos,
  - marquees,
  - mini stages
- must be structurally adequate
  - removal must occur after construction of associated development or 5 months, whichever is the lesser
  - located within property boundaries
  - marquees/mini stages not in place longer than one week with a maximum gross floor area of 12m<sup>2</sup>

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| Water heaters                            | <ul style="list-style-type: none"><li>• includes solar systems</li><li>• the work must not reduce the structural integrity of the building or involve structural alterations</li><li>• the work must not interfere with views from surrounding properties</li><li>• installed to manufacturer's specifications and by a licensed person</li><li>• located at least 900mm from any property boundaries</li><li>• located behind building line to any street frontage</li><li>• maximum height 1.8m above ground level</li><li>• overflow to suitable stormwater system</li></ul> |
| Water tanks                              | <ul style="list-style-type: none"><li>• maximum size 1000 litres</li><li>• tank to be installed on a solid base or attached to existing single storey buildings in accordance with manufacturer's specifications</li><li>• work must not interfere with views from adjoining properties</li><li>• replacement in residential premises with materials that comply with:<ul style="list-style-type: none"><li>(a) AS 1288-1994, and</li><li>(b) AS/NZS 2208:1996 and to be of the same size and location</li></ul></li></ul>  |
| Windows, glazed areas and external doors | <ul style="list-style-type: none"><li>• no reduction in the area provided for light and ventilation is permitted and structural support members cannot be removed</li></ul>   |

- approval is not required if the council has consented to demolition or an order to demolish has been issued by the council under section 124 of the *Local Government Act 1993*
  - approval is not required for demolition of any building where approval to erect the building would not be necessary whether erected before or after this Schedule took effect
- Demolition of a building
- demolition to be carried out in accordance with AS 2601-1991
  - all works involving asbestos cement must comply with the WorkCover Authority's *Short Guide to Working with Asbestos* (as in force from time to time)
  - all work involving lead paint removal must not cause lead contamination of air or ground
- Signs: identification, interpretative, directional and advance warning signs
- constructed and installed by or on behalf of the council or the Roads and Traffic Authority
- signs on motor vehicles
- vehicle is to be driven with the sign displayed and the vehicle is used principally for the conveyance of passengers and/or goods
- internal signs
- must relate to the use and occupation of the land
- replacing of any existing approved sign
- no enlargement of the sign
  - no more than one sign with a maximum area of 600mm<sup>2</sup>
- home occupation sign
- attached to the ground floor facade of a dwelling unless the land is located on a main road, in which case the sign may be attached to a front fence
- real estate signs (sale/lease of property)
- relating to the sale of the property only, with a maximum advertising area of 1.1m<sup>2</sup> per site
- under awning sign
- no more than one sign per site which is a minimum of 2.7m above existing ground level, does not extend beyond the width of the awning and is no closer than 3m to any other under awning sign

## **Use of land**

- Change of use (not involving a change of class of building as defined in the *Building Code of Australia*):
- from shop to another shop
  - from office to another office
  - between social and sporting clubs
  - between community or cultural centres
- Commercial use of footpath or road (or closed road)
- Use of public open space for community, cultural or commercial purposes
- Home occupation
- use must be an existing authorised use
  - change of use of no more than 200m<sup>2</sup> of floor space
  - no extension to hours outside of approved hours of operation
  - no display or sale of publications within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*, or display of objects primarily concerned with sexual behaviour
  - the curtilage of any shop or office must not be used for storage or display purposes
  - social and sporting clubs does not include clubs registered under the *Registered Clubs Act 1976*
  - any use that is changed must continue subject to the conditions of any development consent relating to the use of the building or land
  - no change of use if the new use attracts additional car parking requirements
  - full compliance with travel distances or widths of means or egress as required in the *Building Code of Australia*
  - On council-owned land and in accordance with terms and conditions of a licence/lease obtained from the council prior to use
  - consistent with any Plan of Management that applies to the land
  - must be in accordance with a temporary licence/ lease or hire agreement issued by the council
  - occupation of a kind referred to in the definition of home occupation in clause 5 (1)

**Public works**

- |  |  |
|--|--|
| Bridges and staircases installed in public parks and recreation spaces                   | <ul style="list-style-type: none"><li>• construction to be by or on behalf of the council</li><li>• bridges to a maximum span of 5 metres</li><li>• designed, fabricated and installed in accordance with the <i>Building Code of Australia</i> (Section B) and AS 4100-1998 (for steel structures) and AS 1720.1-1997, AS 1720.2-1990 and AS 1720.4-1990 (for timber structures) and AS 3600-1994 for concrete structures</li><li>• <i>Walking Track Management: A Guide to the Construction, Restoration and Maintenance of Walking Tracks</i> (ISBN 7246-1945, 3 June 1987) published jointly by the Tasmanian Department of Lands, Parks and Wildlife and Australian National Parks and Wildlife Service must be complied with</li><li>• must be suitably designed and constructed by or on behalf of the council</li><li>• structurally adequate construction</li></ul> |
| Bus shelters   | <ul style="list-style-type: none"><li>• not to obstruct the line of sight of vehicular traffic</li><li>• a maximum height of 2.7m above the footpath</li><li>• area of less than 10m<sup>2</sup></li><li>• non reflective surface finishes</li><li>• construction by or for the council and installed in accordance with relevant Australian Standards and the <i>Building Code of Australia</i></li></ul>   |
| Goal posts, sight screens and similar ancillary sporting structures (excluding lighting) | <ul style="list-style-type: none"><li>• located in public parks or recreation areas</li><li>• exemption specifically excludes buildings which accommodate people</li><li>• such as seats, bins, picnic tables, community notice boards and minor shelters (not including bus shelters and playground equipment)</li></ul>  |
| Park and street furniture and playground equipment                                       | <ul style="list-style-type: none"><li>• construction by or for the council and designed, fabricated and installed in accordance with relevant Australian Standards and the <i>Building Code of Australia</i></li><li>• located on land under the control of the council</li></ul>  |

## **Schedule 11**

### **LAND**

Lots 1, 2 and 3 DP 811036 at 2 Garfield Street (at rear of 133-149 Great North Road) and 151-153 Great North Road, Five Dock—*Drummoyne Local Environmental Plan 1986 (Amendment No 49)*.