



## **Report to General Manager**

Attachments:

1. NSLEP 2013 – Amendment No.19 - Instrument
2. NSLEP 2013 – Amendment No.20 - Instrument
2. NSLEP 2013 – Amendment No.20 – Heritage Map

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**SUBJECT:** Post Gazettal Report – NSLEP 2013 Amendment No's 19 & 20 (Property Descriptions & Heritage Map)

**AUTHOR:** Ben Boyd, Executive Strategic Planner

**ENDORSED BY:** Joseph Hill, Director City Strategy

## **EXECUTIVE SUMMARY:**

On 21 November 2016, Council resolved to notify the Department of Planning and Environment of Council's intent to prepare an amendment to North Sydney Local Environmental Plan 2013 in accordance with Section 73A of the Environmental Planning and Assessment Act, 1979 (EP&A Act). Section 73A of the EP&A Act enables certain types of minor amendments to be made to an LEP without the need to follow the usual procedures for preparing and amending an instrument (particularly public exhibition) under Part 3 of the EP&A Act.

In particular, the proposed amendments sought included:

- Remove all lot references where Strata Plans are mentioned throughout the LEP, with the exception of Clause 21 to Schedule 1;
- Remove all lot references where Company Titles are mentioned throughout the LEP, and inclusion of the underlying Deposited Plan information;
- Correction of the legal descriptions to heritage items within Schedule 5; and
- Replacement of the Heritage Map Sheet 002 with a new map that removes the references to nine heritage items that were previously formally removed from Schedule 5, prior to the LEP's commencement.

NSLEP 2013 (Amendment No's 19 & 20) give effect to Council's request under s.73A of the EP&A Act and is now in force following their publication on the NSW legislation website on 28 April 2017 and 5 May 2017 respectively.

This report is for the information of Councillors.

## **FINANCIAL IMPLICATIONS:**

Nil

Report of Ben Boyd, Executive Strategic Planner

Re: Post Gazettal Report – NSLEP 2013 Amendment No's 19 & 20 (Property Descriptions & Heritage Map)

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**Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period**

The Guidelines have been considered in the preparation of this report and are not applicable.

**RECOMMENDATION:**

**1. THAT** the report be received.

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## **LINK TO DELIVERY PROGRAM**

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment

Outcome: 2.4 North Sydney's heritage is preserved and valued

Direction: 5. Our Civic Leadership

Outcome: 5.3 Council is ethical, open, accountable and transparent in its decision making

## **BACKGROUND**

On 21 November 2016, Council resolved to notify the Department of Planning and Environment (DPE) of Council’s intent to prepare an amendment to North Sydney Local Environmental Plan 2013 in accordance with Section 73A of the Environmental Planning and Assessment Act, 1979 (EP&A Act). Section 73A of the EP&A Act enables certain types of minor amendments to be made to an LEP without the need to follow the usual procedures for preparing and amending an instrument (particularly public exhibition) under Part 3 of the EP&A Act.

In particular, the proposed amendments sought included:

- Remove all lot references where Strata Plans are mentioned throughout the LEP, with the exception of Clause 21 to Schedule 1;
- Remove all lot references where Company Titles are mentioned throughout the LEP, and inclusion of the underlying Deposited Plan information;
- Correction of the legal descriptions to heritage items within Schedule 5; and
- Replacement of the Heritage Map Sheet 002 with a new map that removes the references to nine heritage items that were previously formally removed from Schedule 5, prior to the LEP's commencement.

This report is for the information of Councillors.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **SUSTAINABILITY STATEMENT**

The sustainability implications were considered and reported on during the initiation phase of this project.

## **DETAIL**

### **1. Drafting of LEP amendment**

On 5 December 2016, Council forwarded its request to amend NSLEP 2013 under Section 73A of the EP&A Act to the DPE.

In response to this request, the DPE forwarded Council a draft Parliamentary Council Opinion (i.e. a draft version of the legal instrument) on 7 March 2017, for its comment prior to its finalisation. After a number of revisions, Council staff agreed to a final version of the draft LEP amendment on 3 April 2017 and requested that the DPE make the LEP.

As part of its finalisation of the Amendment to NSLEP 2013, all references to Company Titles were removed from the Amendment in their entirety, with only the property’s underlying Lot and DP references remaining. This amendment was made to ensure consistency with all other LEPs in the State where properties are affected by Company Titles.

### **2. Amendment 19 to NSLEP 2013**

NSLEP 2013 (Amendment No. 19) gives effect to the Planning Proposal, with the exception of the amendment to the Heritage Map, and is now in force following its publication on the NSW legislation website on 28 April 2017. A copy of the instrument is provided at Attachment 1.

### **3. Amendment 20 to NSLEP 2013**

In finalising Amendment No.19, the DPE had forgotten to include the proposed amendment to the Heritage Map. NSLEP 2013 (Amendment No. 20) gives effect to this administrative error, and is now in force following its publication on the NSW legislation website on 5 May 2017. A copy of the instrument is provided at Attachment 2 and a copy of the amended Heritage Map at Attachment 3.



New South Wales

## **North Sydney Local Environmental Plan 2013 (Amendment No 19)**

under the

**Environmental Planning and Assessment Act 1979**

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**STEPHEN MURRAY**

As delegate for the Greater Sydney Commission

North Sydney Local Environmental Plan 2013 (Amendment No 19) [NSW]

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## **North Sydney Local Environmental Plan 2013 (Amendment No 19)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *North Sydney Local Environmental Plan 2013 (Amendment No 19)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to land to which *North Sydney Local Environmental Plan 2013* applies and, in particular, to certain land in Cammeray, Cremorne, Cremorne Point, Crows Nest, Kirribilli, Kurraba Point, Lavender Bay, McMahon's Point, Milsons Point, Neutral Bay, North Sydney, Waverton and Wollstonecraft.

## **Schedule 1      Amendment of North Sydney Local Environmental Plan 2013**

- [1]    Schedule 1 Additional permitted uses**  
 Omit “Lots 1–13,” from clause 25 (1).
- [2]    Schedule 1, clause 26 (1)**  
 Omit “Lots 1–241,”.
- [3]    Schedule 1, clause 34 (1)**  
 Omit “Lots 1–49,”.
- [4]    Schedule 5 Environmental heritage**  
 Omit “Lot 0,” and “Lots 3 and 4,” from the matter relating to item no I0006 in Part 1.
- [5]    Schedule 5, Part 1, item nos I0011, I0071, I0737 and I0770**  
 Omit “Lots 0–5,” wherever occurring.
- [6]    Schedule 5, Part 1, item no I0017**  
 Omit “Lots 0–4, SP 273”. Insert instead “SP 273; SP 10734”.
- [7]    Schedule 5, Part 1, item no I0016**  
 Omit “Lots 5 and 6, SP 10734”. Insert instead “SP 273; SP 10734”.
- [8]    Schedule 5, Part 1, item nos I0040, I0149, I0660, I0662, I0677 and I0750**  
 Omit “Lots 0–3,” wherever occurring.
- [9]    Schedule 5, Part 1, item nos I0050, I0123, I0236 and I0741**  
 Omit “Lots 0–10,” wherever occurring.
- [10]   Schedule 5, Part 1, item nos I0057, I0113, I0122, I0551, I0739, I0416, I0556, I0624 and I1080**  
 Omit “Lots 0–6,” wherever occurring.
- [11]   Schedule 5, Part 1, item no I0061**  
 Omit “Lot 0,”.
- [12]   Schedule 5, Part 1, item no I0084**  
 Omit “Lot 0,” and “Lots 3 and 4,”.
- [13]   Schedule 5, Part 1, item nos I0092, I0124, I0238, I0465 and I0466**  
 Omit “Lots 0–7,” wherever occurring.
- [14]   Schedule 5, Part 1, item nos I0098, I0100, I0112, I0686, I0542, I0988, I1070, I1071 and I1077**  
 Omit “Lots 0–8,” wherever occurring.
- [15]   Schedule 5, Part 1, item nos I0117, I0134 and I0342**  
 Omit “Lots 0–12,” wherever occurring.

North Sydney Local Environmental Plan 2013 (Amendment No 19) [NSW]  
Schedule 1 Amendment of North Sydney Local Environmental Plan 2013

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- [16] Schedule 5, Part 1, item no I0125**  
Omit “Lots 0–13,” and “Lots 13 and 14,”.
- [17] Schedule 5, Part 1, item no I0126**  
Omit “Lots 0–4 and 6,” and “Lot 7,”.
- [18] Schedule 5, Part 1, item no I0190**  
Omit “Lots 0, 4 and 5,”.
- [19] Schedule 5, Part 1, item nos I0191, I0250, I0552, I0658, I0665, I0314 (3, 5, 7, 9, 23A and 23B Bayview Street, Lavender Bay), I0336, I0354, I0501, I0638, I0703, I0714, I0744, I0798, I1099 and I1119**  
Omit “Lots 0–2,” wherever occurring.
- [20] Schedule 5, Part 1, item nos I0192, I0235, I0692, I0420, I0655, I0738, I0872, I0880 and I1111**  
Omit “Lots 0–4,” wherever occurring.
- [21] Schedule 5, Part 1, item no I0239**  
Omit “Lots 0–10,” and “Lots 11 and 12,”.
- [22] Schedule 5, Part 1, item nos I0240 and I0484**  
Omit “Lots 0–16,” wherever occurring.
- [23] Schedule 5, Part 1, item no I0241**  
Omit “Lots 0, 1 and 3–9,” and “Lot 10,”.
- [24] Schedule 5, Part 1, item no I0260**  
Omit “Lots 0–5, 8 and 9,” and “Lot 10,”.
- [25] Schedule 5, Part 1, item nos I0265, I0554, I0628 and I0713**  
Omit “Lots 0–9,” wherever occurring.
- [26] Schedule 5, Part 1, item no I0288**  
Omit “Lots 0–17,” “Lots 20–23,” and “Lots 24 and 25,”.
- [27] Schedule 5, Part 1, item no I0289**  
Omit “Lots 0–21, CT 39, DP 322192”. Insert instead “Lot 1, DP 322192”.
- [28] Schedule 5, Part 1, item no I0292**  
Omit “Lot 0,” and “Lots 7–9,”.
- [29] Schedule 5, Part 1, item nos I0293 and I0469**  
Omit “Lots 0–11,” wherever occurring.
- [30] Schedule 5, Part 1, item no I0294**  
Omit “Lots 0–12, CT 3”. Insert instead “Lot 17, DP 13064; Lots 1 and 2, DP 179278”.
- [31] Schedule 5, Part 1, item no I0736**  
Omit “Lots 0–7,” and “Lots 8–12,”.



North Sydney Local Environmental Plan 2013 (Amendment No 19) [NSW]  
Schedule 1 Amendment of North Sydney Local Environmental Plan 2013

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- [32] Schedule 5, Part 1, item no I0359**  
Omit “Lots 0–23, CT 49”. Insert instead “SP 85383”.
- [33] Schedule 5, Part 1, item no I0408**  
Omit “Lots 0–146, 149, 150, 153–196 and 198–261,”.
- [34] Schedule 5, Part 1, item no I0463**  
Omit “Lots 0–14,”.
- [35] Schedule 5, Part 1, item no I0467**  
Omit “Lots 0–16, CT 19, DP 325054”. Insert instead “Lot B, DP 325054”.
- [36] Schedule 5, Part 1, item no I0314 (21 and 33 East Crescent Street, McMahon's Point)**  
Omit “Lots 0–80,”, “Lots 81 and 82,”, “Lots 83 and 84,”, “Lots 1 and 2,” and “Lots 0–12,”.
- [37] Schedule 5, Part 1, item no I0468**  
Omit “Lots 0–21, CT 20, DP 983771”. Insert instead “Lot 2, DP 983771”.
- [38] Schedule 5, Part 1, item no I0314 (2A Henry Lawson Avenue, 9 East Crescent Street, McMahon's Point)**  
Omit “Lots 0–82,”.
- [39] Schedule 5, Part 1, item no I0511**  
Omit “Lots 0 and 1, SP 15363”. Insert instead “Lot 4, DP 1214465”.
- [40] Schedule 5, Part 1, item no I0512**  
Omit “Lot 2, SP 15363”. Insert instead “Lot 3, DP 1214465”.
- [41] Schedule 5, Part 1, item no I0513**  
Omit “Lot 3, SP 15363”. Insert instead “Lot 2, DP 1214465”.
- [42] Schedule 5, Part 1, item no I0514**  
Omit “Lot 4, SP 15363”. Insert instead “Lot 1, DP 1214465”.
- [43] Schedule 5, Part 1, item no I0527**  
Omit “Lots 0–129,”.
- [44] Schedule 5, Part 1, item no I0685 (17 Wyagdon Street, Neutral Bay)**  
Omit “Lots 0, 2–6 and 9–11,” and “Lots 12–14,”.
- [45] Schedule 5, Part 1, item no I0755**  
Omit “Lot 2,”.
- [46] Schedule 5, Part 1, item no I0853**  
Omit “Lots 0–7, 9, 10 and 12,” and “Lots 13 and 14,”.
- [47] Schedule 5, Part 1, item no I0859**  
Omit “Lots 0–81,”.

North Sydney Local Environmental Plan 2013 (Amendment No 19) [NSW]  
Schedule 1 Amendment of North Sydney Local Environmental Plan 2013

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**[48] Schedule 5, Part 1, item no I0956**

Omit “Lots 0–19,”.

**[49] Schedule 5, Part 1, item no I1116**

Omit “Lots 0–68,”.



New South Wales

## **North Sydney Local Environmental Plan 2013 (Amendment No 20)**

under the

**Environmental Planning and Assessment Act 1979**

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**STEPHEN MURRAY**

As delegate for the Greater Sydney Commission

North Sydney Local Environmental Plan 2013 (Amendment No 20) [NSW]

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## **North Sydney Local Environmental Plan 2013 (Amendment No 20)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *North Sydney Local Environmental Plan 2013 (Amendment No 20)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to certain land to which *North Sydney Local Environmental Plan 2013* applies.

### **4 Maps**




The maps adopted by *North Sydney Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.




# North Sydney Local Environmental Plan 2013

## Heritage Map - Sheet HER\_002

### Heritage

-  Conservation Area - General
-  Item - General
-  Item - Landscape

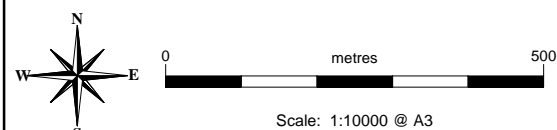
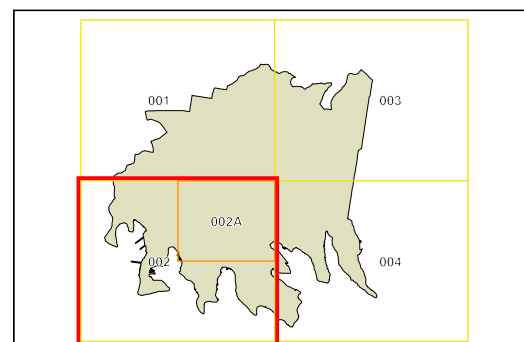
### Cadastre

-  Cadastre 02/11/16 © North Sydney Council

LANE COVE  
LGA

Refer to map HER\_002A

SYDNEY HARBOUR



Projection GDA 1994  
MGA Zone 56

Map identification number:  
5950\_COM\_HER\_002\_010\_20161102