

**Report to General Manager**

Attachments:

1. North Sydney Local Planning Panel Assessment Report & Minutes
2. Draft LEP Maps to the Planning Proposal

SUBJECT: Planning Proposal No. 7/19 – North Sydney LEP Review 2019**AUTHOR:** Ben Boyd, Executive Strategic Planner**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

The Environmental Planning and Assessment Act, 1979 (EP&A Act), requires all councils to periodically review their local environmental plans (LEPs) and determine if those LEPs should be amended following such a review. Councils are also required to prepare a Local Strategic Planning Statement (LSPS) which is to provide the basis for strategic planning in a council's local government area (LGA). The LSPS is to have regard to economic, social and environmental matters and identify how the desired outcomes of any regional and district level strategic plan applying to the LGA will be addressed. The LSPS is then to inform any changes to a council's local environmental plan and/or other planning policies.

In accordance with these legislative requirements, Council adopted a draft LSPS on 24 June 2019 for the purposes of public exhibition. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LSPS is being considered concurrently with this item at its meeting of 25 November 2019.

On 24 June 2019, Council also resolved to adopt a draft Local Housing Strategy (LHS) for the purposes of exhibition. The draft LHS fulfils one of the actions to the draft LSPS. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LHS is being considered concurrently with this item at its meeting of 25 November 2019.

Since the commencement of North Sydney Local Environmental Plan (NSLEP) 2013, Council staff have maintained a register of issues and anomalies with respect to the operation of the LEP. Over this period, there has been 21 key issues raised, giving rise to approximately 120 individual issues. Given the legislative need to review the LEP, it is timely to incorporate these miscellaneous housekeeping amendments to ensure that the LEP remains clear, transparent and contemporary.

In line with the recommendations of the Draft LSPS and Draft LHS as exhibited and to ensure a clear, transparent and contemporary planning instrument is maintained, the following amendments are proposed to NSLEP 2013:

- Permitting residential flat buildings within the *R3 Medium Density Residential* zone, but only where they do not adversely impact upon the desired scale and character of the zone;
- Permitting veterinary hospitals within the *B1 Neighbourhood Centre* zone;

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- Rezoning two Sydney Water properties to *SP2 Infrastructure* to reflect their primary use;
 - Rezone a number of properties to *SP2 Infrastructure* to reflect the extent of land gazetted for classified road purposes;
 - Rezoning land owned and used by schools to *SP2 Infrastructure* to reflect their primary use and to be consistent with Council's existing policy of zoning schools;
 - Rezoning a number of private properties to correct historical errors;
 - Rezoning a number of road reserves for open space purposes to reflect their current usage;
 - Expanding the ability to undertake functions across the entirety of the North Sydney Olympic Pool site to provide increased flexibility with its future redevelopment;
 - Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling;
 - Identifying the following properties as new heritage items:
 - 33 Spruson Street, Neutral Bay;
 - 3 Parker Street, McMahons Point;
 - Removal of heritage item listings to reflect those which have been demolished or removed;
 - Revising all LEP maps to ensure that the planning controls accurately align with a state government requirement to move a new base cadastre;
 - Correcting minor errors pertaining to the location of the local government area and NSLEP 2013 boundaries;
 - Removal of redundant clauses, due to ceasing operation or duplication under other planning instruments;
 - Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
 - Correcting errors in relation to street addresses and property descriptions;
 - Correcting errors in relation to the location and extent of identified heritage items;
 - Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP;
 - Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits to land; and
 - Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and an Assessment Report prepared by Council Officers on 23 October 2019 and resolved to support the Planning Proposal proceeding to Gateway Determination. The NSLPP also suggested that Council give consideration to a number of matters prior to the Planning Proposal's progression. In response to these matters raised by the NSLPP, it is recommended that the Planning Proposal be amended to remove the incorporation of the proposed new local clause (6.12AA) which seeks to impose additional considerations where development for the purposes of residential flat buildings within the *R3 Medium Density Residential* zone are proposed.

Council staff have also identified a number of other minor inconsequential errors or omissions within the initial Planning Proposal considered by the NSLPP that would benefit from amendment to improve readability clarity and transparency.

As the principle purpose of the Planning Proposal is to amend NSLEP 2013 to give effect to the recommendations and actions of the finalised versions of the LSPS and LHS, thereby meeting the legislative requirements under the EP&A Act, it is important that Council endorses

the adoption of the finalised versions of LSPS and LHS concurrently with this Planning Proposal.

FINANCIAL IMPLICATIONS:

Council entered into a grant funding agreement with the Department of Planning Industry and Environment in late 2018 which facilitates the funding of projects associated with the preparation, public exhibition and finalisation of the Planning Proposal which is the subject of this report. If Council does not resolve to progress the subject Planning Proposal now, it may complicate the receiving of future funding from the State government to complete this project and other significant strategic planning projects.

RECOMMENDATION:

1. THAT Council resolves to endorse the attached Planning Proposal and associated maps and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

2. THAT prior to forwarding the Planning Proposal to the Minister for Planning for a Gateway Determination, that the Planning Proposal be amended to:

- a.** reflect Council's endorsed position in relation to the adoption of the final versions of the Local Strategic Planning Statement and Local Housing Strategy if required;
- b.** remove the proposed incorporation of a new local clause which requires the consent authority to consider additional matters relating to proposed residential flat buildings in the *R3 Medium Density Residential* zone;
- c.** incorporate within Section 5.2 of the Planning Proposal, the specific amendment proposed to clause 6.12 which seeks to prevent the isolation of adjoining sites;
- d.** correct minor grammatical and typographical errors observed by Council staff; and
- e.** group similar amendments and incorporate appropriate introductory text to improve clarity and readability.

3. THAT Council note that an amendment to North Sydney Development Control Plan 2013 is currently being prepared, with a view to be concurrently exhibited it with the subject Planning Proposal in 2020.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

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|------------|---|
| Direction: | 1. Our Living Environment |
| Outcome: | 1.1 Protected and enhanced natural environment and biodiversity |
| Outcome: | 1.2 North Sydney is sustainable and resilient |
| Outcome: | 1.3 Quality urban greenspaces |
| Outcome: | 1.4 Public open space and recreation facilities and services meet community needs |
| Direction: | 2. Our Built Infrastructure |
| Outcome: | 2.1 Infrastructure and assets meet community needs |
| Outcome: | 2.2 Vibrant centres, public domain, villages and streetscapes |
| Outcome: | 2.3 Sustainable transport is encouraged |
| Direction: | 3. Our Future Planning |
| Outcome: | 3.1 Prosperous and vibrant economy |
| Outcome: | 3.2 North Sydney CBD is one of NSW's pre-eminent commercial centres |
| Outcome: | 3.4 North Sydney is distinctive with a sense of place and quality design |
| Outcome: | 3.5 North Sydney is regulatory compliant |
| Direction: | 4. Our Social Vitality |
| Outcome: | 4.1 North Sydney is connected, inclusive, healthy and safe |
| Outcome: | 4.2 North Sydney is creative and home to popular events |
| Outcome: | 4.3 North Sydney supports lifelong learning |
| Outcome: | 4.4 North Sydney's history is preserved and recognised |
| Direction: | 5. Our Civic Leadership |
| Outcome: | 5.1 Council leads the strategic direction of North Sydney |

BACKGROUND

A detailed history to the background of the Planning Proposal is contained in Council's Assessment Report which was considered by the North Sydney Local Planning Panel (NSLPP) on 5 June 2019 (refer to Attachment 1). In summary:

- On 29 October 2018, Council resolved to accept funding from the Department of Planning Infrastructure and Environment (DPIE), to prepare:
 - A Local Environmental Plan (LEP) Review "Road Map";
 - Local Strategic Planning Statement (LSPS); and
 - Local Housing Strategy (LHS).
 - On 19 November 2018, Council considered a report outlining a Road Map for its LEP Review, noting that the planning framework for North Sydney is robust and reasonably
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consistent with the District directions and aspirations with a number of priorities identified to achieve a more holistic consistency with the North District Plan.

- On 19 April 2019, the Greater Sydney Commission (GSC) gave in principal support for Council's assessment under the North District Plan and identification of further work to inform its planning controls, such that they better align with the directions of the North District Plan.
- On 24 June 2019, Council resolved to endorse draft versions of its LSPS and LHS for the purposes of public exhibition.
- On 4 July 2019, the Draft LSPS and Draft LHS were placed on public exhibition for 42 days, concluding on 15 August 2019.
- On 23 September 2019, Council resolved to prepare a Planning Proposal to give effect to the LSPS and LHS and incorporation of house-keeping amendments and to refer the Planning Proposal to the North Sydney Local Planning Panel (NSLPP) for its recommendation, prior to determining that the Planning Proposal should be supported to proceed to Gateway Determination.
- On 23 October 2019, the NSLPP resolved to support the Planning Proposal progressed to Gateway Determination.
- On 28 October 2019, Council deferred adopting the LHS in its final form.

CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol, the requirements of any Gateway Determination issued in relation to the Planning Proposal and the Environmental Planning and Assessment Regulations 2000.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none">• The proposed rezoning of several road reserves for open spaces purposes, will provide long term protection to existing green spaces that positively contribute to North Sydney's Green Grid.• It is not proposed to intensify development in the vicinity of Council's foreshores or environmentally sensitive lands that would lead to a reduction in the environmental quality of these places.
Social	<ul style="list-style-type: none">• The proposal would provide increased levels of protection to existing heritage items through the correction of their descriptions and locations.• The proposal would provide protection to two formerly unidentified items of heritage significance.• The proposal would result in a net increase in land zoned for open space purposes, achieved through the rezoning of several road reserves.

QBL Pillar	Implications
Economic	<ul style="list-style-type: none">Introducing veterinary hospitals as a permissible use in the <i>B1 Neighbourhood Centre</i> zone will provide more opportunities for such uses to be established to service the local community.Permitting function centres across the entirety of the North Sydney Olympic Pool site, will enable a more flexible approach to its redevelopment in line with Council resolutions in formulating a preferred redevelopment option for the site.
Governance	<ul style="list-style-type: none">The removal of redundant provisions and correction of errors will greatly improve the legibility and usability of the LEP.The proposal will help to deliver on the Directions and Outcomes of Council's Community Strategic Plan and associated Delivery Program.

DETAIL

1. Planning Proposal

1.1. Applicant

The applicant for the proposal is North Sydney Council.

1.2. Site Description

The North Sydney LEP Review 2019 applies to the entire North Sydney Local Government Area.

1.3. Current Planning Provisions

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The specific parts of the LEP that are proposed to be amended include the following:

- Land Use Table;
- Height of Buildings (clause 4.3);
- Exceptions to development standards (clause 4.6);
- Development near zone boundaries (clause 5.3);
- Part 6 – Local Provisions (new local clause 6.12AA);
- Residential flat buildings (clause 6.12);
- Schedule 1 – Additional Permitted Uses;
- Schedule 2 – Exempt Development;
- Schedule 3 – Complying Development;
- Schedule 5 – Environmental Heritage;
- Dictionary; and
- All LEP Maps

1.4. Proposed Instrument Amendment

The principle purpose of the Planning Proposal is to amend NSLEP 2013 such that it gives effect to the recommendations and actions of the LSPS and LHS, meeting the legislative requirements under the Environmental Planning and Assessment Act 1979 to regularly review and update Council's principal LEP and to ensure that it remains a clear, transparent and contemporary planning instrument by incorporating a number of minor housekeeping amendments. In particular, the following high-level amendments are proposed:

- Permitting residential flat buildings within the *R3 Medium Density Residential* zone, but only where they do not adversely impact upon the desired scale and character of the zone;
- Permitting veterinary hospitals within the *B1 Neighbourhood Centre* zone;
- Rezoning two Sydney Water properties to *SP2 Infrastructure* to reflect their primary use;
- Rezone a number of properties to *SP2 Infrastructure* to reflect the extent of land gazetted for classified road purposes;
- Rezoning land owned and used by schools to *SP2 Infrastructure* to reflect their primary use and to be consistent with Council's existing policy of zoning schools;
- Rezoning a number of private properties to correct historical errors;
- Rezoning a number of road reserves for open space purposes to reflect their current usage;
- Expanding the ability to undertake functions across the entirety of the North Sydney Olympic Pool site to provide increased flexibility with its future redevelopment;
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling.
- Identifying the following properties as new heritage items:
 - 33 Spruson Street, Neutral Bay;
 - 3 Parker Street, McMahon's Point;
- Removal of heritage item listings to reflect those which have been demolished or removed;
- Revising all LEP maps to ensure that the planning controls accurately align with a state government requirement to move a new base cadastre;
- Correcting minor errors pertaining to the location of the local government area and NSLPP 2013 boundaries;
- Removal of redundant clauses, due to ceasing operation or duplication under other planning instruments;
- Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
- Correcting errors in relation to street addresses and property descriptions
- Correcting errors in relation to the location and extent of identified heritage items;
- Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP;
- Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits to land; and
- Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority.

Details of the specific amendments are contained within Section 5 of the Planning Proposal comprising Attachment 1 to the NSLPP Assessment Report (refer to ATTACHMENT 1).

1.5. Assessment

A detailed assessment of the Planning Proposal is contained within the Assessment Report considered by the NSLPP on 23 October 2019 (refer to ATTACHMENT 1). The Assessment Report concluded that the Planning Proposal should proceed to a Gateway Determination.

1.6. Local Planning Panel

By Ministerial direction, all planning proposals are required to be referred to the Local Planning Panel.

The NSLPP considered the proposal at its meeting on 23 October 2019, where it recommended that the Council support the progression of the Planning Proposal to Gateway Determination.

The minutes of the meeting and the Panel's recommendation forms ATTACHMENT 1 to this report. As part of its consideration, the Panel identified the following two issues for further consideration:

- A review of proposed clause 6.12AA relating to residential flat buildings in the *R3 Medium Density Residential* zone; and
- Implications arising for the individual heritage listing for 3 Parker Street, McMahon's Point.

These concerns are addressed in the following subsections.

1.6.1. Residential Flat Buildings in the R3 Zone

In accordance with the recommended actions of the Draft LSPS and Draft LHS, the Planning Proposal sought to prevent the exploitation of the redevelopment of residential flat buildings in the lower residential density zones under existing use rights provisions contained within the EP&A Act. It was proposed to achieve this by amending NSLEP 2013 as follows:

- permitting residential flat buildings within the *R3 Medium Density Residential* zone;
- incorporating a new objective to the *R3 Medium Density Residential* zone;
- incorporating a new objective to clause 4.3 - *Height of Buildings*, to reinforce the desired built form in the lower density residential zones;
- incorporating a new local clause (6.12AA) to give consideration to a number of matters where an existing residential flat building is to be altered, added to or rebuilt within the *R3 Medium Density Residential* zone.

The proposed new local clause states:

6.12AA Residential flat buildings in Zone R3 Medium Density Residential

- (1) *The objective of this clause is to ensure that where an existing development for residential flat buildings on land in Zone R3 Medium Density Residential is to be redeveloped, that it maintains the desired character of the area in terms of scale and form and to minimise impacts upon adjoining residential premises.*
- (2) *This clause applies to land in Zone R3 Medium Density Residential.*
- (3) *Development consent must not be granted for development for the purpose of altering, adding or rebuilding of a residential flat building constructed before [INSERT DATE THAT THIS CLAUSE COMMENCES] on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) does not cause any material loss of views from other properties or public places, or*
 - (b) does not cause any material overshadowing of other properties or public places, or*
 - (c) does not cause any material loss of privacy to other properties, or*
 - (d) does not materially increase the height of the existing apartment or other building, or*
 - (e) does not materially decrease the landscaped area of the existing residential flat building below 40%, or decrease the landscaped area where the landscaped area is already below 40%.*
 - (f) does not materially increase the site coverage of the existing residential flat building above 45%, or increase the site coverage where the site coverage is already above 45%.*

The NSLPP stated that the proposed new clause could be reviewed to:

- *ensure that the impacts from the proposals affected by the clause are material and related to the proposed additions;*
- *consider whether excessive excavation be a matter for consideration in the clause;*
- *consider compliance with other controls and standards when considering the materiality of an impact;*
- *consider whether the clause be modified and extended to apply to all residential flat buildings in the R3 Zone.*

Comment

An internal meeting was held with Council's development assessment officers to discuss the issues raised by the NSLPP. From these deliberations, it was queried as to whether there was any benefit in incorporating the proposed local clause, due to it largely duplicating considerations under existing planning controls and provisions under NSLEP 2013 and NSDCP 2013. Conversely, it was also recognised that there was opportunity to reinforce these existing planning controls and provisions within the NSLEP 2013 and NSDCP 2013 to maintain the intent of Council's adopted policy position.

The subject Planning Proposal already seeks to incorporate new objectives to the *R3 Medium Density Residential* zone within the Land Use Table and new objectives in clause 4.3 - *Height of buildings* to NSLEP 2013. Therefore, no additional amendments were considered necessary.

NSDCP 2013 is currently being reviewed by council staff with the view to incorporate any actions from the LSPS and LHS and other minor house-keeping amendments. This provides the perfect opportunity to determine if additional amendments to NSDCP 2013 are appropriate to give effect to the intent of proposed clause 6.12AA, to ensure that where a development already exceeds a particular development standard, that any future development considers the material impacts of any further non-compliance with the relevant development standard.

Therefore, it is recommended that the proposed inclusion of a new local provision (i.e. clause 6.12 AA) within NSLEP 2013, to give additional consideration to the redevelopment of non-compliant residential flat buildings within the *R3 Medium Density Residential* zone, be removed from the Planning Proposal and associated references thereto, prior to forwarding it for Gateway Determination.

1.6.2. Heritage Listing of 3 Parker Street, McMahon's Point

The NSLPP did not object to the proposed heritage listing on 3 Parker Street, based on the independent heritage assessment that had been undertaken. However, the NSLPP had noted that the proposed listing had arisen from the assessment of a development application on the site and an unsuccessful request to impose an interim heritage order over the property. Furthermore, it was considered that there are other potential items, perhaps with even greater heritage value than 3 Parker Street, that have not been recognised. This led the Panel's determination that a comprehensive review of potential items of heritage in the municipality needs to be undertaken. The Panel noted that Council will be embarking on this exercise through the recommendations and actions of the LSPS.

Comment

No further amendments to the Planning Proposal are recommended in this regard, noting that Council is proposing to incorporate an action within its LSPS to undertake a comprehensive heritage assessment for the LGA.

1.6.3. Grouping of Similar Amendments

Whilst not reflected in the NSLPP's published advice, the NSLPP had suggested to Council staff that in the interests of clarity and readability, if some of the proposed amendments could be grouped together to better explain the proposed changes. For example, it was suggested that all of the proposed amendments relating to school sites be grouped together.

Comment

Whilst it is noted that some sections of the Planning Proposal are heavily loaded with detailed technical changes, there is the potential to improve the readability, by first introducing a high-level change, with the details dot pointed underneath. Accordingly, the Planning Proposal should be reviewed and revised to improve its readability.

1.7. Minor Corrections

After finalising the Planning Proposal and conclusion of the NSLPP meeting, Council staff noted that the whilst the intent of extending the isolation of single dwelling sites to include semi-detached dwellings when proposing residential flat buildings is covered by the Planning proposal, the specific amendment proposed to clause 6.12 – *Residential flat buildings*, was not included within Section 5.2 of the Planning Proposal.

To improve the level of clarity and transparency, it is recommended that prior to the Planning Proposal being forwarded for the purposes of obtaining a Gateway Determination, that the Planning Proposal be amended to include the specific amendment within section 5.2 of the Planning Proposal.

In addition, a number of minor typographical and grammatical errors were found, which could also benefit from correction, prior to forwarding the Planning Proposal for the purposes of obtaining a Gateway Determination.

1.8. Local Housing Strategy

On 28 October 2019, Council considered a post exhibition report to the Draft LHS, with a recommendation that Council adopt a revised version of the LHS in light of the submissions made. The revisions to the draft LHS generally relate to the following:

- Addition of an acknowledgement of Country;
 - Inclusion of an introduction to improve readability and to clarify the purpose of the document;
 - Amendment to comments made in relation to the exclusion of the Seniors Housing SEPP applying to land within a heritage conservation area the LGA, as a result of an amendment to the SEPP which granted Council an exemption from this exclusion;
 - Amendment to include a reference to the Northern CBD Planning Study which has progressed since the drafting of the LHS; and
 - Updating Section 4 – Actions, Monitoring and Review to improve readability, respond to submissions received under key point – 'Housing demand and supply' and to continue to set the strategic direction for housing in North Sydney in accordance with local needs and appropriate housing delivery in the right location.
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However, Council resolved to defer making a determination on the matter to allow Councillors more time to review the information. Council is to reconsider the post exhibition report to the Draft LHS on 25 November 2019, which will occur concurrently with Council's consideration of this Planning Proposal.

The subject revisions have no impact with respect to the intent of the Planning Proposal. However, in the interests of providing an increased level of clarity and transparency, it is recommended that prior to the Planning Proposal progressed for the purposes of obtaining a Gateway Determination, that the Planning Proposal be amended reflect Council's adoption of the LHS.

1.9. Local Strategic Planning Statement

Council is to consider the post exhibition report to the Draft LSPS at the same meeting as this Planning Proposal. A number of revisions are proposed to the Draft LSPS (post exhibition) prior to its endorsement in light of the submissions made and feedback received from the Greater Sydney Commission. These include:

- Amending the overall structure of the LSPS and text to improve its readability, clarity and provide greater understanding of where we are, where we are going, and its alignment with the *North Sydney Community Strategic Plan 2018-2028*;
- Amending the list of planning priorities and actions to be more succinct and clearer in their intent;
- Updating the Infrastructure and Collaboration section to provide greater detail on local infrastructure funding and provision, and incorporate greater detail on Council's strategic planning work in St Leonards/Crows Nest;
- Updating the liveability section to incorporate the findings and recommendations of the Draft LHS regarding future potential housing, Council's approach to incorporating cultural diversity, place-making and place-management through the planning process;
- Updating productivity sections to incorporate greater detail on North Sydney's role in the Eastern Economic Corridor, the proposed Miller Street Plaza, Council's Visitor Economy Strategy and Smart City Strategy;
- Updating sustainability sections to incorporate greater detail on Council's approach to bushland management and biodiversity, open space enhancement and increased tree canopy cover in line with Council's adopted strategies; climate change, greenhouse gas emission reductions, water savings, waste management and the urban heat island effect;
- Inclusion of new mapping to illustrate and support the content of the LSPS; and
- Inclusion of an Implementation and Monitoring section to provide a framework for the ongoing review of the LSPS and reporting on the implementation of planning priorities and actions.

The revisions have no impact with respect to the intent of the Planning Proposal. However, in the interests of clarity and transparency, it is recommended that prior to the Planning Proposal progressing for the purposes of a Gateway Determination, that the Planning Proposal be updated to reflect Council's latest endorsed version of the LSPS.

1.10. LEP Acceleration Funding

The delivery of LEP Acceleration funding is dependent upon Council meeting various milestones. In particular, Council is required to have its comprehensive LEP revised to be consistent with its LSPS and LHS by July 2020. In order to meet this deadline, it is important

that the LEP is placed on public exhibition in early 2020. However, this can only be achieved once a Gateway Determination has been provided by DPIE. It typically takes 1-3 months to receive a Gateway Determination depending upon its complexity. Therefore, it is important that Council resolves to support the progression of the Planning Proposal now, otherwise it may jeopardise the receiving of future funding from the State government to complete this project and other significant strategic planning projects.

2. North Sydney Development Control Plan (NSDCP) 2013

Some of the proposed amendments to NSLEP 2013 contained within the Planning Proposal have direct implications for operation and application of NSDCP 2013. Therefore, there is a need to amend NSDCP 2013 to ensure that it remains consistent and complimentary to NSLEP 2013.

Once adopted, the priorities and actions contained within the LSPS and LHS will result in the need to amend NSDCP 2013 to ensure that it delivers the desired future outcomes set for the LGA.

Furthermore, Council staff have maintained a register of issues and anomalies with respect to the operation and use of NSDCP 2013 since its commencement. Given the need to align the DCP with the Planning Proposal, SLPS and LHS, it is timely to incorporate these miscellaneous housekeeping amendments to ensure that the DCP remains clear, transparent and contemporary.

It is proposed to seek Council adoption of proposed amendments to NSCP 2013 in early 2020, such that these amendments can be placed on public exhibition concurrently with the Planning Proposal.

3. Conclusion

The Planning Proposal seeks to amend NSLEP 2013 such that it gives effect to the recommendations and actions of the LSPS, LHS, meeting the legislative requirement under the EP&A Act to regularly review and update Council's principal LEP and to ensure that it remains a clear, transparent and contemporary planning instrument by incorporating a number of minor housekeeping amendments. The relevant requirements under s.3.34 of the EP&A Act and the matters identified in the DPIE's '*A guide to preparing planning proposals*' (December 2018) have been adequately addressed in the Planning Proposal. The proposal is appropriate and is adequately justified.

It is therefore recommended that Council support the forwarding of the Planning Proposal to the DPIE, seeking a Gateway Determination under s3.34 of the EP&A Act 1979, subject to making some minor amendments as outlined in this report. This will enable the public exhibition of the Planning Proposal, with the consideration of submissions made to be reported to a future council meeting in 2020 prior to the making of an LEP amendment giving effect to the Planning Proposal.

Furthermore, as the principle purpose of the Planning Proposal is to amend NSLEP 2013 to give effect to the recommendations and actions of the finalised versions of the LSPS and LHS, thereby meeting the legislative requirements under the EP&A Act, it is important that Council endorses the adoption of the finalised versions of LSPS and LHS concurrently with this Planning Proposal.

**NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON 23 OCTOBER 2019, AT 12 NOON.****PRESENT****Chair:**

Jan Murrell in the Chair.

Panel Members:

Grant Christmas, Panel Member
Jason Perica, Panel Member
Jane Van Hagen, Community Representative

Staff:

Lara Huckstepp, Executive Assessment Planner
Ben Boyd, Executive Strategic Planner
Liam Rogers, Student Strategic Planner

Administrative Support

Peita Rose, Governance Officer (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP - Planning Proposal Meeting of 14 August 2019 were confirmed following that meeting.

2. Declarations of Interest

Nil

NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS – 23/10/19
Page No 2

3. Business Items

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instance when a Planning Proposal must be referred to a Local Planning Panel for advice prior to a Council determining as to whether that Planning Proposal should be forwarded to the Department of Planning and Environment for the purposes of seeking a Gateway Determination.

The Panel has considered the following Business Items and provided recommendations on each matter as described in these Minutes.

ITEM 1

PROPOSAL No:	PP 7/19
ADDRESS:	North Sydney LEP Review 2019 (T/V/W)
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 to give effect to the recommendations and actions of the Draft Local Strategic Planning Statement (endorsed on 24 June 2019 for public exhibition), Draft Local Housing Strategy (endorsed on 24 June 2019 for public exhibition), meeting the legislative requirement under the Environmental Planning and Assessment Act to regularly review and update Council's principal LEP and to ensure that it remains a clear, transparent and contemporary planning instrument by incorporating a number of minor housekeeping amendments.
REPORT BY NAME:	Ben Boyd, Executive Strategic Planner
APPLICANT:	North Sydney Council

Panel Recommendation to Council:

The Council Officer's Report is endorsed and the Panel recommends to the Council that it proceed to a Gateway Determination and exhibition of the proposal.

The Panel makes the following observations:

- a) Clause 6.12.AA could be reviewed to:
 - ensure that the impacts from the proposals affected by the clause are material and related to the proposed additions;
 - consider whether excessive excavation be a matter for consideration in the clause;
 - consider compliance with other controls and standards when considering the materiality of an impact;
 - consider whether the clause be modified and extended to apply to all residential flat buildings in the R3 Zone.
- b) The Panel notes the proposed listing of the two additional heritage items and with the benefit of site inspections makes the following comments:
 - With respect to 33 Spruson Street, the Panel agrees that it is merely an administrative oversight as one half of the building is heritage listed and the other semi is not. These are clearly two of the oldest dwellings in the area and the listing warrants being extended to cover the whole building.

NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS – 23/10/19
Page No 3

- For the proposed listing of number 3 Parker Street, the Panel notes that while there has been an independent heritage review recommending the listing of the site, this appears to have been initiated by submission of a development application and the request for an Interim Heritage Order. While the Panel does not disagree with the listing being exhibited in the draft plan, at the same time the Panel notes that there are other potential items, perhaps of even greater heritage value that currently have not been recognised due to the need for a comprehensive review of potential items of the heritage in the municipality. It is understood Council will be embarking on this exercise and this should limit the need for future IHOs with a more comprehensive and informed study.

The Panel acknowledges the extensive amount of work and commitment given to prepare the Draft Plan and other documentation.

The Panel supports the Officer's Comprehensive Report and Recommendation and considers this review warrants Council's support. The Panel notes this is the first of regular reviews in accordance with Council's requirement to implement new planning controls to give effect to the strategic plans that apply to the LGA, in particular the Local Strategic Plan Statement, North District Plan and Sydney Metropolitan Plan. The Panel recognises from the officer's report that there will be a need for the three documents (Local Housing Strategy, Local Strategic Planning Statement and Planning Proposal) to be consistent and minor changes may be required prior to forwarding to the Department for Gateway.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Grant Christmas	X				
Jason Perica	X				

ITEM 2

PROPOSAL No:	PP 8/19
ADDRESS:	Kirribilli Village Planning Proposal 2019 (T/V/W)
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 by: 1. Including new clauses to permit small bars with development consent on land at: <ul style="list-style-type: none"> 11-33 Broughton Street, Kirribilli 32 Burton Street, Kirribilli Amending clause 14 (use of certain land at Bays 2-44 Ennis Road) to permit small bars with development consent
REPORT BY NAME:	Lara Huckstepp, Executive Assessment Planner
APPLICANT:	North Sydney Council

Panel Recommendation to Council:

The Panel conducted a site inspection of the nominated area in the context of Kirribilli village zoned B1 where it is proposed in the draft planning proposal to allow small bars as an additional use.

The Panel notes the sites nominated have no direct interface with the residential area and as such, the Panel supports the additional use. The Panel is of the opinion that this is a desirable addition given the context of this village abutting the Harbour Bridge viaducts.

NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS – 23/10/19
Page No 4

It is noted that public consultation has informed the officer's report and recommendation with 7000 notifications to local residents and a response of 918 survey responses of the concept with a 75% positive response.

The Panel is cognisant of the need for a variety of services to be provided by the village to service the local residents and as such, in the event that there is a concentration of small bars at the expense of diversity in the retail village, Council may wish to review the additional use at the next general review of the LEP. It is noted that it is proposed to concurrently exhibit a DCP amendment for extended trading hours and the Panel supports this.

The Council Officer's Report is endorsed and the Panel recommends to the Council that it proceed to a Gateway Determination and Exhibition of the proposal.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Grant Christmas	X				
Jason Perica	X				

The public meeting concluded at 12.35pm.

The Panel Determination session commenced at 12.40pm.

The Panel Determination session concluded at 3.10pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel
23 October 2019

Item **1 – PP7/19** - REPORTS **23/10/19**

N O R T H S Y D N E Y C O U N C I L R E P O R T S

NSLPP MEETING HELD ON 23/10/19

Attachments:
1. Planning Proposal

ADDRESS/WARD: North Sydney LEP Review 2019 (T/V/W)

PROPOSAL NO: PP 7/19

PROPOSAL: To amend North Sydney Local Environmental Plan 2013 to give effect to the recommendations and actions of the Draft Local Strategic Planning Statement (endorsed on 24 June 2019 for public exhibition), Draft Local Housing Strategy (endorsed on 24 June 2019 for public exhibition), meeting the legislative requirement under the Environmental Planning and Assessment Act to regularly review and update Council's principal LEP and to ensure that it remains a clear, transparent and contemporary planning instrument by incorporating a number of minor housekeeping amendments.

OWNER: N/A

APPLICANT: North Sydney Council

AUTHOR: Ben Boyd, Executive Strategic Planner

DATE OF REPORT: 15 October 2019

DATE LODGED: 23 September 2019

EXECUTIVE SUMMARY

The Environmental Planning and Assessment Act, 1979 (EP&A Act), requires councils to periodically review their local environmental plans (LEPs) and determine if those LEPs should be amended following such a review. Councils are also required to prepare a Local Strategic Planning Statement (LSPS) which is to provide the basis for strategic planning in a council's local government area (LGA). The LSPS is to have regard to economic, social and environmental matters and identify how the desired outcomes of any regional and district level strategic plan applying to the LGA will be addressed. The LSPS is then to inform any changes to a council's local environmental plan and/or other planning policies.

In accordance with these legislative requirements, Council adopted a draft LSPS on 24 June 2019 for the purposes of public exhibition. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LSPS is scheduled to be considered by Council on 25 November 2019.

On 24 June 2019, Council also resolved to adopt a draft Local Housing Strategy (LHS) for the purposes of exhibition. The draft LHS fulfils one of the actions to the draft LSPS. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LHS is scheduled to be considered by Council on 28 October 2019.

In addition, since the commencement of North Sydney Local Environmental Plan (NSLEP) 2013, Council staff have maintained a register of issues and anomalies with respect to the operation of the LEP. Over this period, there has been 21 key issues raised, giving rise to approximately 120 individual issues.

Given the legislative need to review the LEP, it is timely to incorporate these miscellaneous housekeeping amendments to ensure that the LEP remains clear, transparent and contemporary.

In line with the recommendations of the Draft LSPS, Draft LHS and to ensure a clear, transparent and contemporary planning instrument is maintained, the following amendments are proposed to NSLEP 2013:

- Revising all LEP maps to ensure that the planning controls accurately align with a state government requirement to move a new base cadastre;
 - Correcting minor errors pertaining to the location of the local government area and NSLEP 2013 boundaries;
 - Removal of redundant clauses, due to ceasing operation or duplication under other planning instruments;
 - Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
 - Correcting errors in relation to street addresses and property descriptions
 - Correcting errors in relation to the location and extent of identified heritage items;
 - Permitting residential flat buildings within the *R3 Medium Density Residential* zone, but only where they do not adversely impact upon the desired scale and character of the zone;
 - Permitting veterinary hospitals within the *B1 Neighbourhood Centre* zone;
 - Rezoning two Sydney Water properties to *SP2 Infrastructure* to reflect their primary use;
-

Report of Ben Boyd, Executive Strategic Planner
RE: PP 7/19 North Sydney LEP Review 2019

(3)

-
- Rezone a number of properties to *SP2 Infrastructure* to reflect the extent of land gazetted for classified road purposes;
 - Rezoning land owned and used by schools to *SP2 Infrastructure* to reflect their primary use and to be consistent with Council's existing policy of zoning schools;
 - Rezoning a number of private properties to correct obvious historical errors;
 - Rezoning a number of road reserves for open space purposes to reflect their current usage;
 - Expanding the ability to undertake functions across the entirety of the North Sydney Olympic Pool site to provide increased flexibility with its future redevelopment;
 - Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP;
 - Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits to land;
 - Identifying the following properties as new heritage items:
 - 33 Spruson Street, Neutral Bay;
 - 3 Parker Street, McMahon's Point;
 - Removal of heritage item listings to reflect those which have been demolished or removed;
 - Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority;
 - Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling.

The Planning Proposal is supported as it:

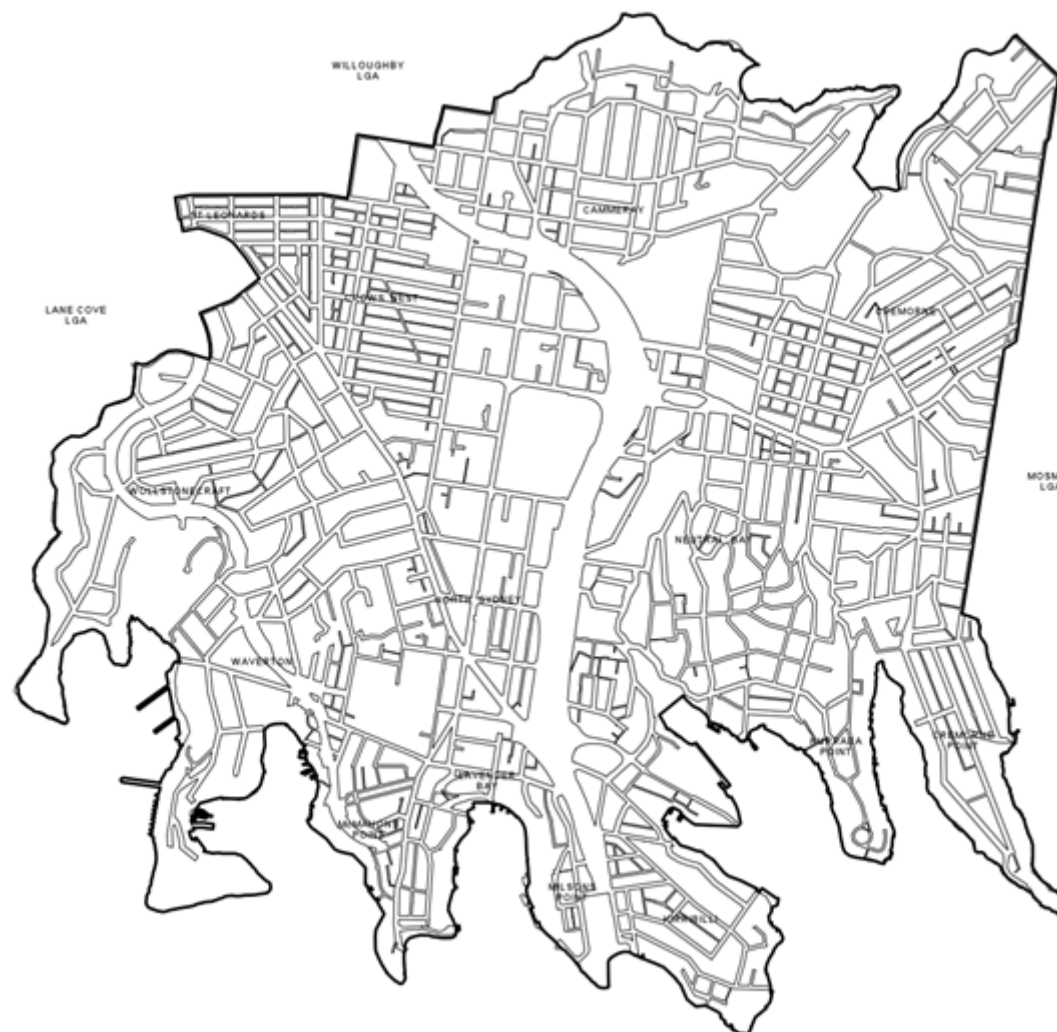
- generally complies with the relevant LEP making provisions under the EP&A Act;
- generally complies with the Department of Planning, Industry and Environment's (DPIE) 'A guide to preparing planning proposals' (December 2018); and
- is unlikely to result in any adverse impacts on the environment or wider community.

For these reasons, the Planning Proposal is considered to be satisfactory and it is recommended that the Local Planning Panel supports the progression of the Planning Proposal to the DPIE seeking a Gateway Determination

Report of Ben Boyd, Executive Strategic Planner
RE: PP 7/19 North Sydney LEP Review 2019

(4)

LOCATION MAP



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 RE: PP 7/19 North Sydney LEP Review 2019

(5)

DESCRIPTION OF PROPOSAL

Planning Proposal 7/19 seeks to amend the North Sydney Local Environmental Plan (NSLEP) 2013 to give effect to the recommendations and actions of the Draft LSPS, Draft LHS and to ensure that the LEP remains a clear, transparent and contemporary planning instrument. The principle amendments relate to the following:

- Revising all LEP maps to ensure that the planning controls accurately align with a state government requirement to move a new base cadastre;
 - Correcting minor errors pertaining to the location of the local government area and NSLEP 2013 boundaries;
 - Removal of redundant clauses, due to ceasing operation or duplication under other planning instruments;
 - Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
 - Correcting errors in relation to street addresses and property descriptions
 - Correcting errors in relation to the location and extent of identified heritage items;
 - Permitting residential flat buildings within the *R3 Medium Density Residential* zone, but only where they do not adversely impact upon the desired scale and character of the zone;
 - Permitting veterinary hospitals within the *B1 Neighbourhood Centre* zone;
 - Rezoning two Sydney Water properties to *SP2 Infrastructure* to reflect their primary use;
 - Rezone a number of properties to *SP2 Infrastructure* to reflect the extent of land gazetted for classified road purposes;
 - Rezoning land owned and used by schools to *SP2 Infrastructure* to reflect their primary use and to be consistent with Council's existing policy of zoning schools;
 - Rezoning a number of private properties to correct obvious historical errors;
 - Rezoning a number of road reserves for open space purposes to reflect their current usage;
 - Expanding the ability to undertake functions across the entirety of the North Sydney Olympic Pool site to provide increased flexibility with its future redevelopment;
 - Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP;
 - Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits to land;
 - Identifying the following properties as new heritage items:
 - 33 Spruson Street, Neutral Bay;
 - 3 Parker Street, McMahons Point;
 - Removal of heritage item listings to reflect those which have been demolished or removed;
 - Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority;
-

Report of Ben Boyd, Executive Strategic Planner
RE: PP 7/19 North Sydney LEP Review 2019

(6)

-
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling.

A detailed description all amendments to NSLEP 2013 are contained within Section 4 of the Planning Proposal (refer to Attachment 1).

PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the DPIE for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that council's general manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

BACKGROUND

The Environmental Planning and Assessment Act, 1979 (EP&A Act), requires all councils to periodically review their local environmental plans (LEPs) and determine if those LEPs should be amended following such a review. Councils are also required to prepare a Local Strategic Planning Statement (LSPS) which is to provide the basis for strategic planning in a council's local government area (LGA). The LSPS is to have regard to economic, social and environmental matters and identify how the desired outcomes of any regional and district level strategic plan applying to the LGA will be addressed. The LSPS is then to inform any changes to a council's local environmental plan and/or other planning policies.

In accordance with these legislative requirements, Council adopted a draft LSPS on 24 June 2019 for the purposes of public exhibition. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LSPS is scheduled to be considered by Council on 25 November 2019.

On 24 June 2019, Council also resolved to adopt a draft Local Housing Strategy (LHS) for the purposes of exhibition. The draft LHS fulfils one of the actions to the draft LSPS. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LHS is scheduled to be considered by Council on 28 October 2019.

Report of Ben Boyd, Executive Strategic Planner
RE: PP 7/19 North Sydney LEP Review 2019

(7)

In addition, since the commencement of North Sydney Local Environmental Plan (NSLEP) 2013, Council staff have maintained a register of issues and anomalies with respect to the operation of the LEP. Given the legislative need to review the LEP, it is timely to incorporate these miscellaneous housekeeping amendments to ensure that the LEP remains clear, transparent and contemporary.

Current Planning Proposal

In response to the changes made to the plan making process in February 2018, Council considered a report on 23 September 2019, providing a high level overview of the purpose and intent of this Planning Proposal, ahead of it being reported to the Local Planning Panel in October 2019. Council subsequently resolved to proceed with the preparation of a Planning Proposal and to refer the Planning Proposal to Council's Local Planning Panel for its advice, prior to determining that the Planning Proposal should be supported to proceed to Gateway Determination. The attached Planning Proposal satisfies this resolution. It should be noted that some Annexures to the attached Planning Proposal have been specifically excluded to avoid the Local Planning Panel being overwhelmed with supplementary information to assist at public exhibition stage. The excluded Annexures comprise:

- a copy of the existing written LEP;
- a copy of the full existing LEP map set;
- a copy of the full proposed LEP map set (to allow it to be completed in line with the DPIE's guidelines from preparing LEP maps).

These Annexures will accompany the Planning Proposal when reported to Council in November 2019.

Moratorium on Residential Planning Proposals

Council has a long held position of not supporting the progression of planning proposals to Gateway Determination, which seek departures from current planning controls and are not supported by an endorsed precinct wide based planning study. This position was reinforced at Council's meeting of 30 July 2018, wherein it resolved to not accept any new planning proposals involving a residential use, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the Department of Planning's Priority Precinct planning process.

Council received a response to its position of 30 July 2018 from the Minister for Planning dated 16 November 2018, which indicated that the Minister would seek further advice from the Greater Sydney Commission before considering their position.

DETAIL

1. Applicant

The applicant for the proposal is North Sydney Council.

Report of Ben Boyd, Executive Strategic Planner
RE: PP 7/19 North Sydney LEP Review 2019

(8)

2. Site Description

The North Sydney LEP Review 2019 applies to the entire North Sydney Local Government Area.

3. Local Context

The North Sydney LGA has a total area of 10.5km², bounded by the waters of Middle Harbour and Willoughby Council to the north, Mosman Council to the east, the waters of Port Jackson to the south and Lane Cove Council to the west.

The LGA primarily comprises a diverse mix of business and residential areas with large areas of recreational land abutting the foreshores.

4. Current Planning Provisions

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013.

5. Proposed Instrument Amendment

The objectives and primary intent of the Planning Proposal are described in the “Description of Proposal” section of this report, with a detailed description of all amendments to NSLEP 2013 contained within Section 4 of the Planning Proposal (refer to Attachment 1).

ASSESSMENT

6. Planning Proposal Structure

The Planning Proposal is considered to be generally in accordance with the requirements of s.3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPIE’s ‘*A guide to preparing planning proposals*’ (December 2018). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

7. Justification of the Planning Proposal

The Planning Proposal has principally been prepared to give effect to the recommendations and actions of the Draft LSPS and Draft LHS which set out the strategic direction for the North Sydney LGA, in accordance with the requirements of the EP&A Act.

Report of Ben Boyd, Executive Strategic Planner
RE: PP 7/19 North Sydney LEP Review 2019

(9)

The Draft LSPS and Draft LHS are anticipated to be adopted in final form, either before or at the same time as this Planning Proposal is to be considered by Council at its meeting in November 2019. To ensure that the Planning Proposal remains consistent with the relevant actions and recommendations of any final adopted version of the LSPS and LHS, the Planning Proposal should be subject to a further amendment prior to forwarding to the DPIE with a request for a Gateway Determination if required.

Furthermore, the Planning Proposal seeks to incorporate a number of minor house-keeping amendments to ensure that the LEP remains a clear, transparent and contemporary planning instrument.

The proposed amendments do not give rise to any adverse environmental, social or economic impacts.

8. Moratorium on Planning Proposals

As previously indicated, Council has resolved to not accept any new planning proposals involving a residential use, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the NSLEP 2013 in respect of any Land Use and Infrastructure Plan produced by the DPIE's Priority Precinct planning process.

Whilst the Planning Proposal does seek to permit residential flat buildings within the *R3 Medium Density Residential* zone, this proposed amendment is consistent with the outcomes of the Draft LSPS and Draft LHS, which have been prepared as part of a strategic approach to development within the entire LGA. Therefore, the progression of the Planning Proposal is not considered to be inconsistent with the intent of the Moratorium, which is principally aimed at unsolicited planning proposals for spot rezonings.

9. Submissions

There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination.

However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

These submissions are normally considered as part of Council's assessment report for a Planning Proposal, to illustrate the level of public interest in the matter before Council makes its determination.

At the time of reporting, no (0) submissions have been received.

CONCLUSION

The Planning Proposal seeks to amend NSLEP 2013 to give effect to the recommendations and actions of the Draft LSPS and Draft LHS and incorporate a number of minor house-keeping amendments to ensure that the LEP remains a clear, transparent and contemporary planning instrument.

Report of Ben Boyd, Executive Strategic Planner
RE: PP 7/19 North Sydney LEP Review 2019

(10)

The relevant requirements under s.3.33 of the EP&A Act and the matters identified in the DPIE's 'A guide to preparing planning proposals' (December 2018) have been adequately addressed in the Planning Proposal. The proposal is appropriate and is adequately justified.

It is therefore recommended that North Sydney Local Planning Panel support the forwarding of the Planning Proposal to the DPIE, seeking a Gateway Determination under s.3.34 of the EP&A Act 1979. In addition, it is also recommended that if supported, that the Planning Proposal be amended to be consistent with the final adopted version of the LSPS and LHS, prior to forwarding it to the DPIE with a request for a Gateway Determination if required.

RECOMMENDATION

THAT the Panel resolves to support the Planning Proposal being forwarded to the Department of Planning and Environment seeking a Gateway Determination, subject to it being amended to be consistent with the final adopted version of the LSPS and LHS if required.

Ben Boyd
EXECUTIVE STRATEGIC PLANNER

Marcelo Occhiuzzi
MANAGER STRATEGIC PLANNING



PLANNING PROPOSAL

North Sydney LEP Review 2019

15 October 2019

1 INTRODUCTION

The Environmental Planning and Assessment Act, 1979 (EP&A Act), requires councils to periodically review their local environmental plans (LEPs) and determine if those LEPs should be amended following such a review. Councils are also required to prepare a Local Strategic Planning Statement (LSPS) which is to provide the basis for strategic planning in a council's local government area (LGA). The LSPS is to have regard to economic, social and environmental matters and identify how the desired outcomes of any regional and district level strategic plan applying to the LGA will be addressed. The LSPS is then to inform any changes to a council's local environmental plan (LEP) and/or other planning policies.

In accordance with these legislative requirements, Council adopted a draft LSPS on 24 June 2019 for the purposes of public exhibition. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LSPS is scheduled to be considered by Council on 25 November 2019.

On 24 June 2019, Council also resolved to adopt a draft Local Housing Strategy (LHS) for the purposes of exhibition. The draft LHS fulfils one of the actions to the draft LSPS. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LHS is scheduled to be considered by Council on 28 October 2019.

The key recommendations to the draft LSPS and draft LHS, which have an immediate implication for the North Sydney LEP Review 2019 include:

- Permitting residential flat buildings within the *R3 Medium Density Residential* zone, but only where they do not adversely impact upon the desired scale and character of the zone (LSPS - Action L1.6; LHS)
- Reinforcing and protecting foreshore areas (LSPS - Actions S2.1 and S2.2);
- Protecting commercial cores for employment purposes (LSPS – Actions P1.1 and P2.1);
- Enhancing business opportunities (LSPS – Actions P2.2 and P4.3)
- Protecting existing industrial lands (LSPS – Action P3.1)
- Reinforcing green corridors and expanding open space (LSPS - Actions S2.5, S2.6, S2.7 and S2.8);
- Providing accurate and up-to-date heritage protection (LSPS - Actions L4.5 and P3.3);

Furthermore, since the commencement of North Sydney Local Environmental Plan (NSLEP) 2013, Council staff have maintained a register of issues and anomalies with respect to the operation of the LEP. These issues and anomalies include:

- A need to amend all LEP maps to ensure that the planning controls accurately align with a state government requirement to move a new base cadastre;
- Correcting minor errors pertaining to the location of the local government area boundary and NSLEP 2013 boundary;
- Removal of redundant clauses due to them ceasing operation or duplication under other planning instruments such as State Environmental Planning Policies;
- Renumbering clauses to align with the directions under the Standard Instrument LEP Order;

- Correcting errors in relation to the descriptions and locations of heritage items;
- Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits;
- Addressing outstanding resolutions of Council, including:
 - Identifying 33 Spruson Street, Neutral Bay as a heritage item;
 - Identifying 3 Parker Street, McMahons Point as a heritage item; and
 - Allowing "residential flat buildings" as a permissible form of development with consent in the *R3 Medium Density Residential* zone.
- Improving the flexibility of the *B1 Neighbourhood Centre Zone* by permitting veterinary hospitals;
- Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority;
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling;
- Rezoning two Sydney Water properties containing infrastructure used to pump sewage to better reflect their primary use;
- Rezone a number of properties to reflect the extent of land gazetted for classified road purposes;
- Increasing the ability to establish veterinary hospitals within business zones;
- Rezone land owned and used by schools for infrastructure purposes to reflect their primary use, consistent with current zoning practices adopted by Council;
- Rezoning a number of private properties to correct obvious historical errors;
- Rezoning a number of road reserves for open space purposes to reflect their current usage.
- Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP.

Given the need to review the LEP, it is timely to incorporate the above miscellaneous housekeeping amendments to ensure that the LEP remains clear, transparent and contemporary.

The intent of the Planning Proposal is proposed to be achieved by:

- Amending the Land Use Table to:
 - Include a new objective to the *R3 Medium Density Residential zone*, to ensure that the character of these areas are not diminished;
 - Include "residential flat buildings" as permissible with consent in the *R3 Medium Density Residential zone*;
 - Include "veterinary hospitals" as permissible with consent in the *B1 Neighbourhood Centre zone*.
- Amending Clause 4.3 - Height of buildings, to incorporate a new objective to reinforce the existing 1-2 storey built form character in the *R2 Low Density Residential*, *R3 Medium Density Residential* and *E4 Environmental Living* zones.
- Repeal of the following clauses:
 - 4.6(8)(ca)

- 4.6(8A)
- Relabel clause “5.3(3)(a1)” to “5.3(3)(aa)”
- Amend clause 6.12(3) to include “semi-detached dwellings” after the words “single dwelling house”.
- Include a new local provision which restricts the redevelopment of existing residential flat buildings in the *R3 Medium Density Residential* zone to ensure that the desired future character of development in the zone is not adversely impacted upon.
- Amending Schedule 1 – Additional permitted uses as follows:
 - Repealing clauses:
 - 21 – Use of certain land at 2 Thomas Street, McMahon's Point;
 - 27 – Use of certain land at 88 Berry Street, North Sydney;
 - Amending:
 - clause 22 – Use of certain land at 4 Alfred Street, Milsons Point to allow functions centres to be permitted across the entire site;
 - clause 14 – Use of certain land 2-28 Ennis Road, Kirribilli to apply to 2-44 Ennis Road;
- Amending *Schedule 2 – Exempt Development* by repealing in their entirety, the following:
 - Outdoor dining areas;
 - Signage (Other than signs for home occupations (Sex services), sex services premises or restricted premises); and
 - Tree removal or pruning;
- Amending *Schedule 3 – Complying Development*, by repealing in their entirety, the following:
 - Strata subdivision of dual occupancies
- Amending *Schedule 5 – Environmental Heritage* as follows:
 - Incorporate the following new heritage items:
 - Item I1138 – 3 Parker Street, McMahon's Point;
 - Item I1139 – 33 Spruson Street, Neutral Bay;
 - Incorporating an additional reference for Item I0302 at 21 King George Street, Lavender Bay;
 - Amending the item name of:
 - Item I0306 – to “Brett Whiteley House and visual curtilage”;
 - Amending the street address of:
 - Item I0064 – to “213 Military Road”;
 - Item I0186 – to “5 Broughton Street”;
 - Item I0736 - to “17 Lower Wycombe Road and include 3 Wallaringa Avenue”;
 - Item I0740 - to “23A Lower Wycombe Road”;
 - Item I0322 – to “2, 6, 8, 10, 12, 12A, 16, 18 and 38 Bay View Street and Bay View Street”;
 - Item I0530 - to “2-44 Ennis Road and 32-76 Middlemiss Street”
 - Item I0554 - to “Ben Boyd Road”
 - Item I0737 - to “2 Lower Wycombe Road”
 - Item I0738 - to “18 Lower Wycombe Road”
 - Item I0741 - to “28 Lower Wycombe Road”
 - Item I0796 - to “14 The Avenue”
 - Item I0797 - to “16 The Avenue”
 - Item I1055 –to “37 Carr Street”;

- Amending the property description of:
 - Item I0024 – to “Lot 1, DP 166171; Lots 2-6, DP 244543; Closed Road; Crown Lots 7302 and 7303, DP 1136001”
 - Item I0025 – to “Crown Lot 7349, DP 1166085; Lot 1, DP 1038592”
 - Item I0064 – to “Lot 11 DP 877844”;
 - Item I0580 – to “Lot 1, DP 974533; Part Crown Lot 7337, DP 1139892; waters of Shell Cove”;
 - Item I0102 - to “Part Crown Lot 7339, DP 1139892”;
 - Item I0129 - to “Part Crown Lot 7338, DP 1139892”;
 - Item I0130 - to “Crown Lot 1128, DP 752067; Lot 11, DP 970706; Wilson Road road reserve, south of Wharf Road”;
 - Item I0136 - to “Lot 1, DP 974533; Crown Lots 7337-7341, DP 1139892; Lot 1, DP 911147; Lot 193, DP 1206495; Lot 1 DP 449844; Part Lot 1, DP 1086010; Lot 2, DP 1086010; Lot 1, DP 911459; McCallum Pool”;
 - Item I0186 –to “Lots 9 and 10, Section B, DP 1537”;
 - Item I0193 - to “Lot 101, DP 1154168”
 - Item I0194 - to “Lot 100, DP 1154168”
 - Item I0244 - to “Part Lot 20, DP 1215745”
 - Item I0245 - to “Part Lot 20, DP 1215745”
 - Item I0264 – to “Lot 109, DP 1151872”
 - Item I0688 - to “Lot 1, DP 1196925”;
 - Item I0736 – to include “SP 84353”
 - Item I0322 – to “Lot 10, DP 1237911; Lots 1 and 2, DP 312181; Lot 10, DP 1196777; SP 10075; Lot 5, DP 11282; SP 75267; Lot 1, DP 810493; Lot 1, DP 316373; and Bay View Street Road Reserve”;
 - Item I0360 - to “Lot 1, DP 931832; Crown Lots 1-3, DP 931990; Crown Lots 7325 and 7326, DP 1165248; Part Lot 1, DP 917865; Part Lot 62, DP 3756; Part Lot 123, DP 870371; Lot 1, DP 1220077; Part Lot 2, DP 1220077; Part Lot 100, DP 1103512; Part Lot 1187, DP 48335; Lot 1136, DP 752067; Lot 1, DP 175422; Part Lot 1, DP 868707; Lot 31, DP 12668; Crown Lot 11 DP, 1165235; Lot 1 DP, 599474; waters of Lavender Bay”
 - Item I0385 – to “Lot 11, DP 1165235; Crown Lots 7325 and 7326, DP 1165248”
 - Item I0387 - to include “Lot 120, DP 870371”
 - Item I0423 - to include “Lots 1 and 2, DP230594; Lot 1 DP902933; Lot 1 DP 1159898; Lot 1 DP 581992; Lots 1 and 2, DP 1146537; Lot 14, Section D, DP 8; Part Lot 15, Section D, DP 8; Crown Lots 1007, 1008 1134 and 1135, DP 752067”
 - Item I0483 – to include “Lot 1, DP 449731”
 - Item I0484 – to include “Lot 1, DP 182585; Lot 987, DP 752067; Lots 1-4, DP 179730”
 - Item I0522 - to “SP 83350”
 - Item I0523 - to “SP 83350”
 - Item I0554 - to “Ben Boyd Road road reserve (adjacent to 6 Ben Boyd Road)”
 - Item I0864 - to “Lot 100, DP 1233008”
 - Item I0865 - to “Lot 101, DP 1233008”
 - Item I0866 - to “Lot 102, DP 1233008”
 - Item I0867 - to “Lot 103, DP 1233008”
 - Item I0868 - to “Lot 104, DP 1233008”

- Item I0869 - to "Lot 105, DP 1233008"
 - Item I0870 - to "Lot 106, DP 1233008"
 - Item I0916 – to "Lots 1104-1107, DP 46990; Lot 1108, DP 48839; Lot 1, DP 560566; Lot 7321, DP 1149783"
 - Item I0961 - to "Lot 1 DP 1244831; SP 96408"
 - Item I1051 - to "Part Lot 80 and part Lot 81, DP 1208186"
 - Item I1055 – to "Lot, 2 DP 1138299";
 - Item I1123 – to "Part Crown Lot 7321, DP 1149783"
 - Item I1124 – to "Part Crown Lot 7321, DP 1149783"
- Amending the significance of:
 - Item I0360 – to "State";
 - Item I1125 – to "State";
 - Item I0916 – to "State";
- Deletion of the following listings in their entirety:
 - Item I0898 – 187 Miller Street, North Sydney
 - Item I0922 – Old GPO Column, Mount Street Plaza, North Sydney
 - Item I1030 – 1 Wheeler Lane, North Sydney
- Deletion of the term "Exceptions to Development Standards Map" and its definition from the Dictionary.
- Amending all LEP maps:
 - to ensure that relevant planning controls apply to the current revised State based cadastre;
 - to include all land located above Mean High Water Mark;
 - to reflect the landward extent of the North Sydney LGA boundary;
- Amending the Land Zoning Map to NSLEP 2013 by rezoning:
 - Land located below Mean High Water mark to *UL Unzoned land*, where sufficient information dictates;
 - 2 Nicholson Street, Wollstonecraft from *SP2 Infrastructure* (Place of public worship) to *R4 High Density Residential*;
 - 80 Bent Street, Neutral Bay from part *R4 High Density Residential* and part *RE1 Recreation Area* to all *R4 High Density Residential*;
 - Lot B 378256 comprising part of 19 Elamang Avenue, Kirribilli from *R4 High Density Residential* to *R2 Low Density Residential*
 - Parts of the former and current Warringah Freeway comprising:
 - West Street off ramp (Lots 4, 5, 27-30 and 32, Section A, DP 1922) from *R3 Medium Density Residential* to *SP2 Infrastructure (Classified Road)*;
 - 55 Jenkins Street (Lot 11 DP 247471 from part *R3 Medium Density Residential* and *SP2 Infrastructure (Classified Road)* to all *SP2 Infrastructure (Classified Road)*;
 - Metcalfe Street (Lots 115 and 116, DP 1192624) from *R3 Medium Density Residential* and *SP2 Infrastructure (Classified Road)* to all *SP2 Infrastructure (Classified Road)*;
 - Jenkins Street Lot 14, DP 818140 from part *R3 Medium Density Residential* and *SP2 Infrastructure (Classified Road)* to all *SP2 Infrastructure (Classified Road)*;
 - West Street - *SP2 Infrastructure (Classified Road)* to all *R3 Medium Density Residential*;
 - the following properties from *R2 Low Density Residential* to *SP2 Infrastructure (Educational establishment)*:
 - 5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720);
 - 9 Emmett Street, Crows Nest (Lots 1&2 DP105126);
 - 18 Myrtle Street, North Sydney (Lot 1, DP794607);
 - Lot A , DP 386501 (Lord Street, North Sydney);

- 81 Ridge Street, North Sydney (Lot B, DP 354165);
 - 57 Murdoch Street, Cremorne (Lot 1, DP 731455);
- the following properties from part *R2 Low Density Residential* and part *SP2 Infrastructure (Educational establishment)* to entirely *SP2 Infrastructure (Educational establishment)*:
 - 73 Ridge Street, North Sydney (Lot 100, DP 1150569);
 - 1-5 Jeffereys Street, Kirribilli (Lot 101, DP 1108496);
- The following properties from *R3 Medium Density Residential* to *SP2 Infrastructure (Educational establishment)*:
 - 5 McLaren Street, North Sydney (Lot 1, DP 104072)
 - 9 McLaren Street, North Sydney (Lots A&B, DP 339358)
 - 21-23 McLaren Street, North Sydney (Lot 10, DP 5030)
 - 11 McLaren Street, North Sydney (Lot 11, DP 5030)
 - 27 McLaren Street, North Sydney (Lots 7&8, DP 5030)
 - 29 McLaren Street, North Sydney (Lot 6, DP 5030)
 - 31 McLaren Street, North Sydney (Lot 5, DP 5030)
- The following properties from *R4 High Density Residential* to *SP2 Infrastructure (Educational establishment)*:
 - 2 Anzac Avenue, Cammeray (Lot 2, DP 1080152)
 - 1 Gerard Street, Cremorne (Lot 21A, DP 83152);
 - 3 Gerard Street, Cremorne (Lot 22A, DP 152693);
 - 7 Gerard Street, Cremorne (Lot 1, DP 81061);
 - 9 Gerard Street, Cremorne (Lot 1, DP 83047);
 - 2 Monford Place, Cremorne (SP13814);
 - 5 Monford Place, Cremorne (Lot 6, DP 19282);
 - 7 Monford Place, Cremorne (Lot 5, DP 19282);
 - 8 Monford Place, Cremorne (Lot 4 DP 19282);
 - 6 Winnie Street, Cremorne (Lot 1 DP 90591)
- The following properties from *B4 Mixed Use* to *SP2 Infrastructure (Educational establishment)*:
 - 255 Miller Street, North Sydney (Lots 8 & 9, DP 996381; Lots 8-13, DP 979505; Lots A and B, DP 173234);
 - 263 Miller Street, North Sydney (Lot 1 DP 997232; Lots 16 & 17 DP 2798)
 - 265 Miller Street, North Sydney (Lot 1, DP 76126); and
 - 6 Elliot Street, North Sydney (Lot 1, DP 301487),
- 176 Walker Street, North Sydney (Lot 101, DP 1172241) from part *B4 Mixed Use* and *SP2 Infrastructure (Educational establishment)* to all *SP2 Infrastructure (Educational establishment)*;
- 85-87 Carabella Street, Kirribilli (Lot 200, DP 1166282) from part *R2 Low Density Residential*, part *R4 Low Density Residential* and part *SP2 Infrastructure (Educational establishment)* to all *SP2 Infrastructure (Educational establishment)*;
- the south-eastern corner of Wilson Street, Cammeray from part *B1 Neighbourhood Centre* and part *R2 Low Density Residential* to *RE1 Public Recreation*
- the northern end of Benelong lane adjacent to 107A Young Street, Cremorne from *RE1 Public Recreation* to *R2 Low Density Residential*,
- 74 McDougal Street, Kirribilli (Lot 1 DP 773343) from *IN4 Working Waterfront* to *SP2 Infrastructure (sewage reticulation system)*
- Lot 1 DP 786793 (located to the rear of 33A-33B Shellcove Road, Kurraba Point) from *R2 Low Density Residential* to *SP2 Infrastructure (sewage reticulation system)*;

- That part of Blues Point Road reserve directly adjacent to 5 Blue Street zoned *R3 Medium Density Residential* to *B3 Commercial Core*;
- The northern end of Arthur Street, south of its intersection with Middlemiss Street, Lavender Bay, from *R3 Medium Density Residential* to *RE1 Public Recreation*;
- Amend the Heritage Map to NSLEP 2013 as follows:
 - Include the following new items:
 - Item I1138 – 33 Spruson Street, Neutral Bay
 - Item I1139 – 3 Parker Street, McMahon's Point
 - Delete the following existing items:
 - Item I1030 – 1 Wheeler Lane, North Sydney
 - Item I0898 – 187 Miller Street, North Sydney
 - Item I0922 – GPO Column, Mount Street Plaza, North Sydney
 - Amend the extent of the following existing items:
 - Item I0064 – relocate item from 219 Military Road to 213 Military Road;
 - Item I0102 – limit its extent to adjacent to 5 Green Street and include item I0136 as well;
 - Item I0186 – remove existing identification from 11-17 Broughton Street and apply to 5 Broughton Street, Kirribilli;
 - Item I0322 – relocate the item off the road reserve onto adjacent properties at 2, 6, 8, 10, 12, 12A, 16, 18 and 38 Bay View Street and 21 King George Street and extend further south along Bay View Street road reserve;
 - Item I0360 - extend the boundary of the item to include Lot 1, DP 931832; Crown Lots 1-3, DP 931990; Crown Lots 7325 and 7326, DP 1165248; Part Lot 1, DP 917865; Part Lot 62, DP 3756; Part Lot 123, DP 870371; Lot 1, DP 1220077; Part Lot 2, DP 1220077; Part Lot 100, DP 1103512; Part Lot 1187, DP 48335; Lot 1136, DP 752067; Lot 1, DP 175422; Part Lot 1, DP 868707; Lot 31, DP 12668; Crown Lot 11 DP, 1165235; Lot 1 DP, 599474
 - Item I0554 – relocate to Ben Boyd Road road reserve, directly adjacent to 6 Ben Boyd Road
 - Item I0688 – remove the extent of the listing from No.s 29A and 27 Shellcove Road;
 - Item I0916 – extend the boundary of the item to include Lot 1, DP 560566;
 - Items I1123 and I1124 – Specifically identify the location of the items within Item I0916;
 - Amend the colours of heritage items as follows:
 - Item I0129 - Change the colour from green to brown;
 - Item I0130 – Change the colour from green to brown and extend over Lot 11 DP 970708;
 - Item I0136 – Change the colour from brown to green over the south western portion of the site;
 - Item I0580 - change colour from brown to green - extend item to northern boundary alignment with SP34053 (112 Milson Road)
 - Amend the extent of the following existing conservation areas:
 - CA11 – Kirribilli – by including all of 29 Waruda Street and 109 Kirribilli Avenue;

- CA17 – Edward Street - by excluding 12-14 Bay Road, North Sydney.
- Amending the Height of Buildings Map to NSLEP 2013 as follows:
 - Applying an 8.5m height limit to:
 - The Avenue (private road reserve);
 - 25 Shirley Road, Wollstonecraft (Lot B, DP 964648; Lot 7376, DP 1167508);
 - 19 Elamang Avenue, Kirribilli (Lot B 378256)
 - Removal of the 12m height limit to:
 - 19 Elamang Avenue (Lot B 378256)
 - Applying a 12m height limit to:
 - 80 Bent Street, Neutral Bay (SP 47542)
- Amending the Lot Size Map to NSLEP 2013 by:
 - Removal of Lot size “B” to:
 - 5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720);
 - 9 Emmett Street, Crows Nest (Lots 1&2 DP105126);
 - Lot A, DP 386501 (Lord Street, North Sydney);
 - 5 McLaren Street, North Sydney (Lot 1, DP 104072)
 - 9 McLaren Street, North Sydney (Lots A&B, DP 339358)
 - 11 McLaren Street, North Sydney (Lot 11, DP 5030)
 - 21-23 McLaren Street, North Sydney (Lot 10, DP 5030)
 - 27 McLaren Street, North Sydney (Lots 7&8, DP 5030)
 - 29 McLaren Street, North Sydney (Lot 6, DP 5030)
 - 31 McLaren Street, North Sydney (Lot 5, DP 5030)
 - 18 Myrtle Street, North Sydney (Lot 1, DP794607);
 - Removal of Lot size “G” to:
 - 57 Murdoch Street, Cremorne (Lot 1, DP 731455);
 - 85-87 Carabella Street, Kirribilli (Lot 200, DP 1166282)
 - 1-5 Jeffereys Street, Kirribilli (Lot 101, DP 1108496);
 - 73 Ridge Street, North Sydney (Lot 100, DP 1150569);
 - 81 Ridge Street, North Sydney (Lot B, DP 354165);
 - Applying of Lot size “G” to:
 - 19 Elamang Avenue, Kirribilli (Lot B, DP 378256);
- Amend the Non-residential Floor Space Ratio Map to NSLEP 2013 by:
 - Applying “Area D” (0.5:1) across the entirety of the following sites:
 - 30 Ridge Street, North Sydney (SP 55939);
 - 32 Ridge Street, North Sydney (Lot 1, DP 574642)
- Delete the Exceptions to Development Standards Map (incorporated into the Local Provisions Map) in its entirety;
- Delete the following properties from the Local Reservation Acquisition Map:
 - 90 Willoughby Road, Crows Nest (Lot 11, Section 4, DP 2872);
 - 2 Vale Street, Cammeray (Lot 3 DP 1170092);
 - Lot 6 DP 735191 (located behind 2A Cambridge Street) Cammeray;
- Deleting “Area A” (4 Alfred Street South, Milsons Point) in its entirety from the Additional Permitted Uses Map to NSLEP 2013.

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the Department of Planning, Industry and Environment’s (DPIE) document “*A guide to preparing planning proposals*” (December 2018).

2 BACKGROUND

The EP&A Act, requires all councils to periodically review their LEPs and determine if those LEPs should be amended following such a review. Councils are also required to prepare a LSPS which is to provide the basis for strategic planning in a council's LGA. The LSPS is to have regard to economic, social and environmental matters and identify how the desired outcomes of any strategic plan applying to the LGA will be addressed. The LSPS is then to inform any changes to its LEP and/or other planning policies.

As part of the Greater Sydney Commission's (GSC) regional plan for Sydney, *A Metropolis of Three Cities* and the *North District Plan*, there are requirements for all Sydney councils to prepare:

1. A Local Environmental Plan Review "Road Map"
2. A Local Strategic Planning Statement
3. A Local Housing Strategy

The purpose of this mandated work is to align all LEPs throughout Sydney to the respective District Plans. The relevant legislation requires that all Sydney councils align their LEPs with the objectives and actions outlined in the Regional Plan and District Plans within 3 years (i.e. by mid 2021).

Council endorsed the acceptance of LEP Acceleration Funding from the DPIE at its meeting on 29 October 2018 to complete the above program of works in two rather than three years (i.e. by mid 2020).

2.1 LEP Review (Road map)

On 19 November 2018, Council considered the first of the GSC mandated requirements and also fulfilled the first task in the initial milestone required for the LEP Acceleration Grant Funding.

The purpose of the Review was to identify how closely aligned the provisions of the NSLEP 2013 and other Council policies and strategies to the North District Plan. This LEP review provided the context that helped identify the priorities for investigation to inform Council's preparation of the LSPS.

This assessment also assisted to identify the planning priorities for Council in the short term. This not only assisted in the preparation of the mandated LSPS, but also the projects and strategies that will be given priority with the LEP Acceleration Grant Funding – including subsequent amendments to NSLEP 2013.

The Review found that the planning framework for North Sydney is robust and reasonably consistent with the District directions and aspirations but that further work could be conducted in several key areas to achieve a more holistic consistency with the North District Plan. The following priorities were identified and proposed to be pursued in the short term:

- St Leonards/Crows Nest Planned Precinct implementation;
- Local Housing Strategy;
- Military Road Corridor – Stage 2;
- North Sydney CBD North Precinct Planning Study;
- Developer Contributions review to better account for growth and infrastructure requirements;

- North Sydney CBD Public Domain Implementation Plan;
- Ward St MP Implementation Plan;
- Tourism and Visitation Strategy; and
- Investigation of whether Floor Space Ratio Controls should be introduced into the LEP.

The GSC assessed Council's LEP Review in conjunction with the LSPS in April 2019, where it gave in principle support for Council to continue. It is acknowledged that given the strategic significance of the projects listed above and the timeframes required to properly finalise them with genuine community consultation, their implementation has not figured in this current Planning Proposal. These projects are discussed in further detail at Section 2.4 to this report.

2.2 North Sydney Local Strategic Planning Statement

Section 3.9 of the EP&A Act requires all councils to prepare and make an LSPS to inform strategic planning for an area. An LSPS is designed to be a relatively simple-to-understand document that sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and will guide the content of Council's LEP and DCP.

On 24 June 2019, Council resolved to endorse a draft LSPS for the LGA and place it on public exhibition for a minimum of 42 days.

The key actions in the draft LSPS which have direct implications for NSLEP 2013 are as follows:

Action L1.6:

Preserve the existing character of lower density zones by:

- *Amending the North Sydney Local Environmental Plan 2013 (under Council's Accelerated LEP review) to provide better mechanisms to minimise amenity impacts through the redevelopment of sites benefiting from existing use rights.*

Action L4.5:

Continue to provide accurate heritage planning advice to stakeholders to ensure heritage items and heritage conservation areas are appropriately protected.

Action P1.1

Implement the North Sydney Centre Capacity and Land Use Strategy, in collaboration with the DPE, industry stakeholders and the community to:

- *Prioritise and increase commercial floorspace capacity and employment growth to contribute towards achieving mandated jobs target for the North Sydney CBD;*
- *Deliver high quality commercial floorspace that caters to the needs of existing and emerging industries;*
- *Restrict residential development opportunities to the mixed-use periphery to preserve a critical mass of employment in the Centre;*
- *Encourage a diverse mix of entertainment, recreation, retail and commercial uses that contribute to the Centre's diversity, amenity and commercial sustainability; and*
- *Ensure high-quality design that responds to context and enhances the amenity of the Centre*

Action P1.4

Ensure the night-time economy's diversity and ability to grow by refining planning controls to enable a range of entertainment, recreational, cultural and retail options in appropriate locations and allow for the contemporary requirements of late night trading and small bars to activate North Sydney's streets and public spaces.

Action P2.1

Protect B3 Commercial Core zoned land and encourage new commercial buildings to ensure employment uses are protected into the future, and to contribute towards jobs targets for St Leonards/Crows Nest.

Action P2.2

Ensure new employment sites cater to a range of business types and sizes.

Action P2.3

Encourage a diverse mix of retail in St Leonards and Crows Nest Village including night-time uses such as restaurants, bars, theatre, music and comedy venues in appropriate locations and support extended trading hours to increase night-time activity.

Action P3.1

Ensure all existing IN2 Light Industrial and IN4 Working Waterfront zones are safeguarded from competing land use pressures, especially residential and mixed use development and retained exclusively for employment purposes

Action P3.3

Ensure the important industrial and maritime heritage of North Sydney's IN4 Working Waterfront zones is protected.

Action P4.1

Support North Sydney's visitor economy, maximising the economic benefits, while managing the environmental and social impacts on the LGA

Action P4.2

Encourage performance, creative and cultural activities by:

- reducing regulatory barriers for public events and providing more certainty to the industry and community; and ...

Action P4.3

Retain and enhance commercial and business opportunities for start-ups, creative industries and other knowledge-intensive sectors and clusters. This includes advocating for the inclusion of affordable co-working spaces in major developments, where suitable.

Action P6.1

Support and encourage land use density and diversity within a walkable distance of commercial, mixed use and neighbourhood centres that contain local shops and facilities and also offer access to high quality public transport services.

Action S1.9

Pursue opportunities to link bushland reserves using means such as wildlife corridors and habitat islands and opportunities to further develop green corridors between bushlands and other parks and reserves.

Action S2.1

Continue to review, update and implement planning controls that ensure development does not impact on natural foreshore processes or affect the significance and amenity of North Sydney's Foreshore areas.

Action S2.5

Ensure that no further public open space is lost to accommodate car parking, by restricting parking to neighbouring streets and nearby designated car parks.

Action S2.6

Pursue opportunities to further develop green corridors between bushlands and other parks and reserves.

Action S2.7

Continue to pursue opportunities to extend the existing network of foreshore parks and reserves via innovative and co-operative methods in which land may be provided for open space such as development negotiations, land 'swap' arrangements, grants, dual use of land etc.

Action S2.8

Pursue opportunities to create new or improved links between existing foreshore parks and reserves to facilitate a mix of continuous foreshore access and streetbased linkages, including the potential incorporation of mechanisms within Council's planning policies to facilitate future foreshore access to important missing links (such as land dedication, rights of way, easements etc).

Council has yet to consider the submissions received in relation to the public exhibition of the LSPS and endorse a final version. The submissions and final version of the LSPS is due to be reported to Council for adoption on 25 November 2019, being the same day as the adoption of this Planning Proposal. It is intended to amend this Planning Proposal prior to forwarding it to DPIE for the purposes of Gateway Determination to ensure that the Planning Proposal is consistent with the adopted final version of the LSPS.

2.3 North Sydney Local Housing Strategy

Both the Regional and District Plans require all councils to prepare local housing strategies identifying how the housing targets under these plans is to be delivered. The intent of a local housing strategy is to be given effect through amendments to LEPs.

On 24 June 2019, Council resolved to endorse a draft LHS and place it on public exhibition for a minimum of 42 days.

The land use planning approach and mechanisms to implement the draft LHS are to:

- Continue Council's long term housing approach of concentrating residential density in and around existing centres and transport nodes and rely on the existing capacity of current land use planning controls;
- Manage housing delivery in the St Leonards Crows Nest Planned Precinct;
- Continue Council's approach of place based strategic planning with detailed consultation to seek the best planning outcomes.

The key actions identified in the draft LHS which have direct implications for NSLEP 2013 are as follows:

- Amend NSLEP 2013 to allow residential flat buildings in the *R3 Medium Density Residential* zone;
- Amend NSLEP 2013 to adopt an Affordable Housing Contributions Scheme if applicable;
- Amend NSLEP 2013 to implement the finalised *St Leonards Crows Nest 2036 Plan*, as agreed in collaboration with DPIE and in accordance with the agreed development phasing plan and the outcomes of the LHS and adopted planning studies;

Council has yet to consider the submissions received in relation to the public exhibition of the draft LHS and endorse a final version. The submissions and final version of the LHS for endorsement are due to be reported to Council on 28 October

2019. It is intended to amend this Planning Proposal prior to forwarding it to DPIE for the purposes of Gateway Determination to ensure that the Planning Proposal is consistent with the adopted final version of the LHS.

2.4 Additional Studies

2.4.1 St Leonards/Crows Nest Planned Precinct

In July 2016, the Minister for Planning announced the strategic planning investigation of the St Leonards and Crows Nest Station Precinct off the back of the progression of the second stage of the Sydney Metro project between Chatswood and Sydenham.

The DPIE announced the investigation area as a Planned Precinct, in June 2017, followed by the release of an Interim Statement in August 2017 which outlined a 20-year vision and guiding principles for the area.

Following the review of submissions to the Interim Statement, DPIE released a draft vision and strategy for the Precinct in October 2018 which was subsequently placed on public exhibition until February 2019. DPIE is currently assessing the 1000+ submissions made in response to the draft vision and strategy. It is unknown as to when vision and strategy is likely to be finalised.

The draft material identified that councils, including North Sydney Council, will be responsible for the delivery and implementation of the Precinct's final adopted vision and strategy. Due to the uncertainty around the finalisation of the vision and strategy, and the potential for significant change in response to the submissions made, any subsequent amendments to NSLEP 2013 will occur separately to this planning proposal process.

2.4.2 Military Road Corridor

The Military Road Corridor is a precinct that has been the subject of significant levels of development pressure. Council commenced a planning study in 2018 to manage this pressure.

Due to the overall size of the Corridor, the Planning Study was broken into two stages:

- Stage 1: Western Study Area (land generally straddling Military Road between the Warringah Freeway and Winne Street / Murdoch Street)
- Stage 2: Eastern Study Area (land generally straddling Military Road between the Winne Street / Murdoch Street and Spofforth Street/McPherson Street)

Stage 1 has undergone a pre-consultation phase to determine what the community values about the Corridor are and what issues need to be addressed. Council adopted a draft Stage 1 Planning Study in July 2019 and proceeded to place that draft Study of public exhibition.

Council has yet to consider the submissions received in relation to the public exhibition of the Stage 1 Planning Study, which is anticipated to be reported to Council for adoption in early 2020. Stage 2 of the Planning Study is due to commence after the completion of Stage 1.

It is anticipated that there could be significant change to the planning controls under Council's LEP and DCP in response to the outcomes of this Study. Therefore, it is proposed to allow this work to occur separately to this planning proposal process, to

ensure that Council can adequately meet the timing requirements which are tied to the LEP acceleration funding.

2.4.3 North Sydney CBD North Precinct Planning Study

The announcement of a northern Metro portal to service the Victoria Cross station has led to development pressure on the northern side of the North Sydney CBD. Council commenced a wider planning study in early 2019 to enable the constraints of this precinct to be fully accounted for as well as developing the opportunities associated with increased accessibility as represented by the Metro portal. It is anticipated that this Planning Study will be completed by June 2020. This work will identify the specific amendments to NSLEP 2013 to ensure that the intent of the Planning Study can be successfully delivered.

2.4.4 Local Infrastructure Contributions Review

Council's current local infrastructure contributions plan is currently being reviewed in the context of a changing demographic and development/growth environment. There is an opportunity to align local housing and job growth with updated demographic and infrastructure characteristics and requirements for North Sydney. Work in relation to this review is anticipated to be reported to Council in early 2020.

2.4.5 North Sydney CBD Public Domain Implementation Strategy

In May 2019, Council adopted a Public Domain Strategy for the North Sydney CBD. This Strategy comprised the first stage of a more definitive program which will identify implementation strategies to make some of the interventions and opportunities actually come to fruition.

The North Sydney Public Domain Strategy seeks to outline the basis to deliver a high quality public domain befitting a globally-oriented CBD. It aims to ensure that North Sydney CBD growth and the Victoria Cross Metro Station are complimented by a public domain that improves the safety, amenity, vibrancy and overall appeal of the Centre for workers, residents, students, visitors and investors. In particular, the Strategy seeks to:

- Define the future character of the North Sydney CBD based on the delivery and future operation of the Sydney Metro, growth anticipated by Council and the North District Plan, and stakeholder and community engagement;
- Identify desired locations and design requirements for through-block links, building setbacks, open spaces, sun access and active frontages;
- Coordinate streetscape upgrades by developing a masterplan that defines paving, lighting, street furnishing, landscaping, art and heritage treatments;
- Develop workable strategies to increase activity in the CBD for workers, residents, students and visitors; and
- Develop workable strategies to 'green the CBD'.

The Strategy will be used to align both private and public investment in the CBD around a common vision for its future. It will be used to inform:

- Council's planning decisions and capital works for the centre; and
- discussions with state agencies and the development industry.

Projects developed as part of the Strategy will be assessed against the following:

- *Attract* - Create a public domain that contributes to the attractiveness of the centre as a place to invest, do business, work and spend time
- *Connect* - Improve physical and psychological connectivity within the CBD, to surrounding neighbourhoods, schools and other centres
- *Diversify* - Develop socially engaging spaces that offer diverse spatial and sensory experiences
- *Satisfy* - Create places that satisfy user needs.

Stage 2 involves the preparation of an Implementation Strategy which will in part identify the specific amendments to NSLEP 2013 to ensure that the intent of the Public Domain Strategy can be successfully delivered. It is anticipated that a draft Implementation Strategy will be adopted for public exhibition in early 2020.

2.4.6 Ward Street Precinct Masterplan Implementation Plan

In 2016, Council resolved to commence a strategic planning exercise for the Ward Street Precinct in response to a number of catalysts, including:

- the return of the Ward Street car park to Council control in 2020;
- the planned Victoria Cross Metro Station;
- strong private development interest;
- the opportunity to set the direction for contemporary best practice planning; and
- the activation of the North Sydney CBD.

On 24 June 2019, Council resolved to endorse the finalised Ward Street Masterplan, which identifies two different masterplan options. The final masterplan reflects community feedback and the preferred masterplan Option 2, with a central civic precinct, additional open public space and green space for the CBD. The masterplan also includes new commercial developments that will deliver 5,000 additional jobs, a new knowledge and cultural hub, as well as fine-grain “eat streets”. All these elements will contribute to the emerging 18-hour economy in the heart of the CBD.

Council is in the process of developing an implementation plan to take the project to the next stage. The implementation plan will include rigorous financial and design analysis and a process for ensuring full Council transparency in any partnerships required to deliver the project. This work will in part also identify the specific amendments to NSLEP 2013 to ensure that the intent of the Masterplan can be successfully delivered.

2.4.7 Visitor Economy Strategy

As part of Council’s review of its Community Strategic Plan in early 2018, Council identified a deficiency in relation to addressing the LGA’s tourism and visitation needs and functions. In response to this, Council resolved to prepare a Visitor Economy Strategy, and was funded through the GSC’s LEP Acceleration Fund, which aims to align the provisions of Council’s LEP and related policies and strategies to the North District Plan.

On 26 August 2019, Council endorsed a draft Visitor Economy Strategy and draft Action Plan for the purposes of public exhibition.

The purpose of the Strategy is to provide the strategic direction to guide the growth of a sustainable visitor economy for the future of the North Sydney local government area. It is supported by a prioritised three-year draft Action Plan.

The Strategy identifies the long-term vision and actions required to develop North Sydney's visitor economy, based on the following high-level objectives:

- Attracting the right markets for North Sydney; and
- Creating vibrant communities and world-class visitor experiences.

The Strategy also includes a 'destination positioning statement', which is intended to inform the future marketing of the LGA, plus the following cross-cutting themes:

- Connected Community;
- Living Heritage;
- Dynamic Centres.

The Strategy is supported by a prioritised Action Plan, which includes the actions, performance measures, responsible departments and timeframe for delivering the objectives. There are no specific amendments to NSLEP 2013 identified under the draft Strategy or draft Action Plan.

Council has yet to consider the submissions received in relation to the public exhibition of the draft Strategy and draft Action Plan and endorse a final Strategy and Plan. The submissions and final versions of the Visitor Economy Strategy and Action Plan is due to be reported to Council for adoption on 25 November 2019, being the same day as the adoption of this Planning Proposal. If required, it is intended to amend this Planning Proposal prior to forwarding it to DPIE for the purposes of Gateway Determination to ensure that the Planning Proposal is consistent with the adopted final version of the Visitor Economy Strategy and Action Plan.

2.4.8 North Sydney Integrated Transport Plan Working Group

Council is continuing to liaise and collaborate with TfNSW and RMS with the view to work towards a balanced place and movement outcome for the North Sydney CBD in the context of Council's strategic planning work, and the NSW Government's Metro initiative and Western Harbour Tunnel/Beaches Link proposal.

2.4.9 Floor Space Ratio Controls

Council's residential zones were developed without floor space ratio (FSR) controls. There are sound arguments supporting a design based approach to development without the need to rely on FSR controls. However, over time, and on advice from Council's development assessment staff and Design Excellence Panel, it is evident that the introduction of FSR controls is worth considering, especially given the extent of appeals in North Sydney.

This work is ongoing has yet to be completed by Council staff before reporting the matter to Council for its consideration. If required, this issue can be addressed in a future amendment to NSLEP 2019.

2.4.10 North Sydney CBD Transport Masterplan

In late 2016, Council commenced the preparation of the North Sydney CBD Transport Masterplan following from an identified need to undertake a significant review of transport studies, policies and action plans directly arising from Stage 2 of the Sydney Metro Project being given the green light to proceed.

On 27 August 2018, Council resolved to adopt the North Sydney CBD Transport Masterplan. The Masterplan intends to:

- Facilitate planned growth in the North Sydney CBD and associated growth in travel demand in a manner that improves the vibrancy and appeal of the centre and supports happier, healthier and more prosperous North Sydney communities;
- Ensure that increased travel demand is channelled towards walking, cycling and public transport mode share and does not result in proportional increases in single occupant vehicle journeys;
- Identify where community aspirations for walking, cycling and public transport passenger mode share combined with the mode shift implications of the Sydney Metro will result in infrastructure and services exceeding safe use/capacity; and
- Identify a suite of interventions that will address increased travel demand and desired mode split outcomes.

The primary purpose of the Masterplan is to ensure that walking, cycling and public transport mode share is maximised, the enormous mode shift benefits of Metro are capitalised upon, and that this contributes to a happier, healthier and more prosperous North Sydney community. The work will be predicated on modelling and consultation with agencies such as Transport for NSW and the Roads and Maritime Service.

2.5 Register of issues

NSLEP 2013 was made on 2 August 2013 and come into force on 13 September 2013. Since its making, Council staff have maintained a register of issues and anomalies with respect to the operation of the LEP. These issues have primarily arisen from previous Council resolutions, through the assessment of development applications, the processing planning certificates and various other customer and staff queries.

Whilst some of the more pressing matters have been addressed through subsequent amendments to the LEP, there still remains a number of issues which have yet to be addressed.

Given the impetus to review the LEP in light of the preparation of the LSPS and LHS, it is timely to also incorporate any miscellaneous housekeeping amendments to ensure that the LEP remains clear transparent and contemporary.

The relevant issues that have been identified for inclusion within the current review include:

- Amending all LEP maps to ensure that the planning controls accurately align with a state government requirement to move a new base cadastre;
- Correcting minor errors pertaining to the location of the local government area boundary and NSLEP 2013 boundary;
- Removal of redundant clauses due to them ceasing operation or duplication under other planning instruments such as State Environmental Planning Policies;
- Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
- Correcting errors in relation to the descriptions and locations of heritage items;
- Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits;

- Addressing outstanding resolutions of Council, including:
 - Identifying 33 Spruson Street, Neutral Bay as a heritage item;
 - Identifying 3 Parker Street, McMahon's Point as a heritage item; and
 - Allowing "residential flat buildings" as a permissible form of development with consent in the *R3 Medium Density Residential* zone.
- Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority;
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling;
- Rezone two Sydney Water properties housing and used to pump sewage for infrastructure purposes to reflect their primary use;
- Rezone a number of properties to reflect the extent of land gazetted for classified road purposes;
- Increasing the ability to establish veterinary hospitals within business zones;
- Rezone land owned and used by schools for infrastructure purposes to reflect their primary use, consistent with current zoning practices adopted by Council;
- Rezoning a number of private properties to correct obvious historical errors;
- Rezoning a number of road reserves for open space purposes to reflect their current usage;
- Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP.

The background to the specific issues outlined above are addressed in ANNEXURE A.

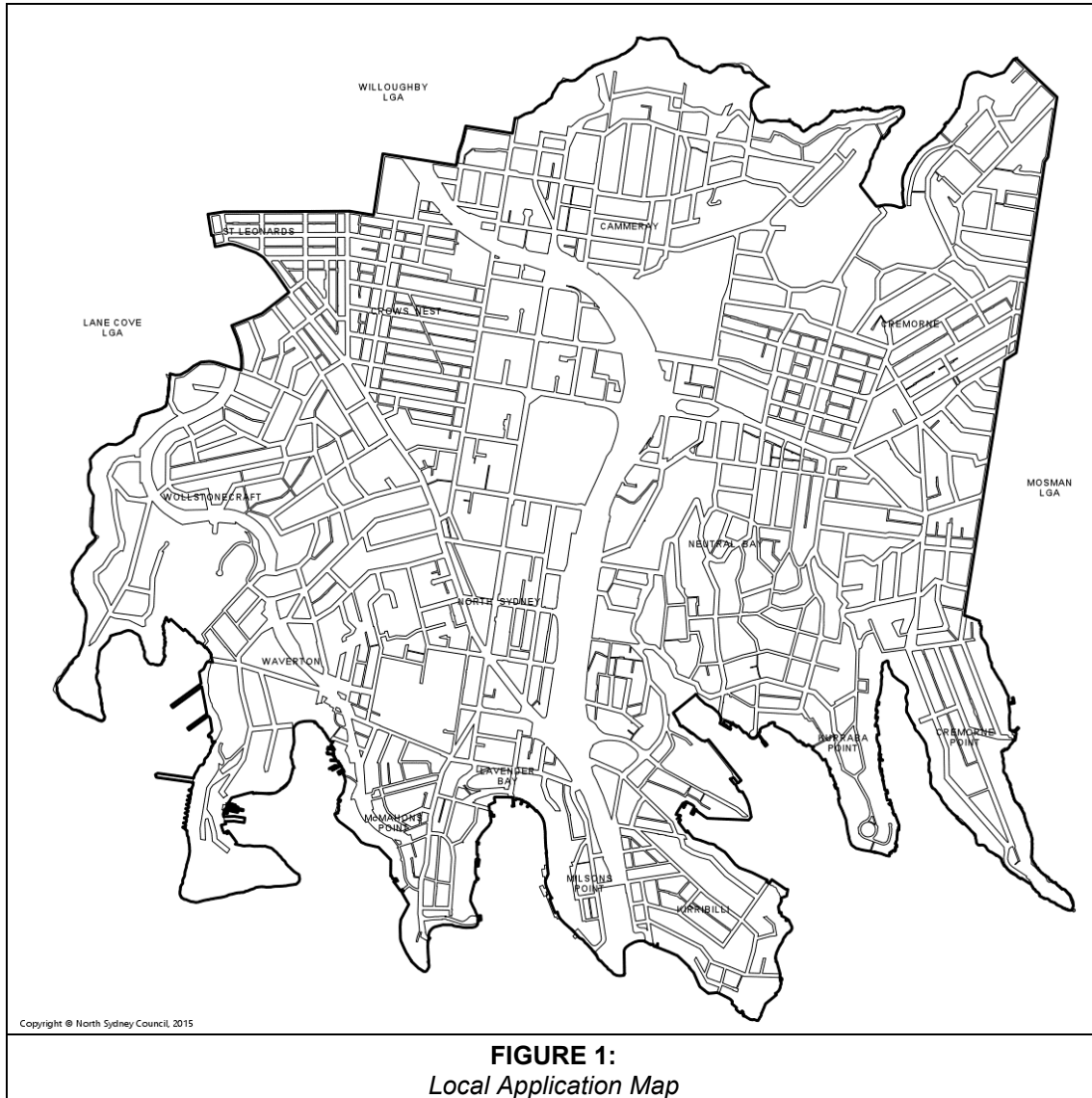
2.6 Local Planning Panel

Changes made to the plan making process in February 2018, require councils to report planning proposals to their Local Planning Panels for advice prior to being reported to council for its formal consideration. This gives rise to the unusual situation, in that a council considers a Planning Proposal for the first time after it has already been publicly ventilated in a different public forum.

In response to this change in the plan making process, Council considered a report on 23 September 2019, providing a high level overview of the purpose and intent of this Planning Proposal, ahead of it being reported to the Local Planning Panel in October 2019. Council subsequently resolved to proceed with the preparation of a Planning Proposal and to refer the Planning Proposal to Council's Local Planning Panel for its advice, prior to determining that the Planning Proposal should be supported to proceed to Gateway Determination.

3 SITE LOCALITY

The Planning Proposal applies to all land currently identified within the North Sydney Local Government Area, as identified under NSLEP 2013 and illustrated by a heavy black line in FIGURE 1.



The North Sydney LGA has a total area of 10.5km², bounded by the waters of Middle Harbour and Willoughby Council to the north, Mosman Council to the east, the waters of Port Jackson to the south and Lane Cove Council to the west.

The LGA primarily comprises a diverse mix of business and residential areas with large areas of recreational land abutting the foreshores.

4 STATUTORY CONTEXT

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The LEP has been amended 24 times since its coming into force.

A copy of the current written instrument is provided at ANNEXURE B.

A copy of the current maps are provided at ANNEXURE C.

A number of planning proposals are currently progressing through the plan making system at different stages. These planning proposals may result in future changes to the NSLEP 2013, prior to this planning proposal being made and include:

- PP 7/15 – 575-583 Pacific Highway, St Leonards;
- PP 6/16 – 100 Christie Street, St Leonards;
- PP 1/18 – 23-35 Atchison Street, St Leonards; and
- PP 5/19 – 6 Hayes Street, Neutral Bay.

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to give effect to the outcomes of the North Sydney LSPS and LHS. The key recommendations to the LSPS and LHS which have an immediate implication for the LEP include:

- Permitting residential flat buildings within the *R3 Medium Density Residential* zone, but only where they do not adversely impact upon the desired scale and character of the zone;
- Continue to ensure heritage items and heritage conservation areas are appropriately protected;
- Protect B3 Commercial Core zoned land and encourage new commercial buildings to ensure employment uses are protected into the future, and to contribute to the jobs targets for St Leonards/Crows Nest;
- Ensure all existing IN2 Light Industrial and IN4 Working Waterfront zones are safeguarded from competing land use pressures, especially residential and mixed use development and retained exclusively for employment purposes;
- Support North Sydney's visitor economy, maximising the economic benefits, while managing the environmental and social impacts on the LGA
- Support and encourage land use density and diversity within a walkable distance of commercial, mixed use and neighbourhood centres that contain local shops and facilities and also offer access to high quality public transport services;
- Pursue opportunities to link bushland reserves using means such as wildlife corridors and habitat islands and opportunities to further develop green corridors between bushlands and other parks and reserves;
- Continue to review, update and implement planning controls that ensure development does not impact on natural foreshore processes or affect the significance and amenity of North Sydney's Foreshore areas;
- Ensure that no further public open space is lost to accommodate car parking, by restricting parking to neighbouring streets and nearby designated car parks;
- Pursue opportunities to further develop green corridors between bushlands and other parks and reserves.

It is also proposed to undertake a number of housing keeping amendments to address a number of anomalies, errors, unactioned resolutions of Council, duplicate requirements which are covered under other legislation or planning instruments conflicting requirements. These issues and anomalies include:

- Ensuring all LEP maps accurately align with a state government requirement to move a new base cadastre;
- Correcting minor errors pertaining to the location of the local government area boundary and NSLEP 2013 boundary;
- Correcting errors with respect to the legal description and street addresses of properties identified under the LEP;
- Rezoning a number of private properties to correct historical errors;
- Rezoning a number of road reserves for open space purposes to reflect their current usage;

- Rezoning land owned and used by schools for infrastructure purposes to reflect their primary use, consistent with current zoning practices adopted by Council;
- Rezoning two Sydney Water properties housing and operating sewage pumping infrastructure to better reflect their primary use;
- Rezoning a number of properties to reflect the extent of land gazetted for classified road purposes;
- Increasing the ability to establish veterinary hospitals within business zones;
- Expanding the ability to undertake functions across the entirety of the North Sydney Olympic Pool site to provide increased flexibility with its future redevelopment;
- Removal of redundant clauses due to them ceasing operation or duplication under NSLEP 2013, or other planning instruments such as State Environmental Planning Policies;
- Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
- Correcting errors in relation to the descriptions and locations of heritage items;
- Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits;
- Addressing outstanding resolutions of Council, including:
 - Identifying 33 Spruson Street, Neutral Bay as a heritage item;
 - Identifying 3 Parker Street, McMahons Point as a heritage item; and
 - Allowing "residential flat buildings" as a permissible form of development with consent in the *R3 Medium Density Residential* zone.
- Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority;
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling;
- Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP.

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The specific amendments sought to the written instrument and associated maps are identified in the following subsections.

5.2.1 Land Use Table

The intent of the Planning Proposal is proposed to be achieved by amending the Land Use Table as follows (blue underline represents an insertion):

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
 - To provide for a suitable visual transition between high density residential areas and lower density residential areas.
 - To ensure that a high level of residential amenity is achieved and maintained.
 - To enable the redevelopment of sites containing residential flat buildings, where they do not result in an adverse impact upon the amenity of adjoining residences.
- 2 Permitted without consent**
Environmental protection works
- 3 Permitted with consent**
Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture
- 4 Prohibited**
Pond based aquaculture; Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

- 1 Objectives of zone**
- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
 - To encourage active street life while maintaining high levels of residential amenity.
 - To encourage development for the purpose of shop top housing.
- 2 Permitted without consent**
Environmental protection works
- 3 Permitted with consent**
Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises; Tank-based aquaculture Veterinary hospitals
- 4 Prohibited**
Pond-based aquaculture; Any development not specified in item 2 or 3

5.2.2 Height of Buildings

The intent of the Planning Proposal is proposed to be achieved by amending clause 4.3 as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

- 4.3 Height of buildings**
- (1) The objectives of this clause are as follows:
- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,
 - (b) to promote the retention and, if appropriate, sharing of existing views,
 - (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
 - (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,

- (e) to ensure compatibility between development, particularly at zone boundaries,
 - (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area-
 - (g) to maintain a predominantly 1 to 2 storey built form in Zones R2 Low Density Residential, R3 Medium Density Residential and E4 Environmental Living.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A)–(2C) (Repealed)

5.2.3 Exceptions to Development Standards

The intent of the Planning Proposal is proposed to be achieved by amending clause 4.6 as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

4.6 **Exceptions to development standards**

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include all of these zones.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) ~~in relation to land identified as "Land in St Leonards" on the Exceptions to Development Standards Map—clause 4.3 (2) by more than 3 metres (excluding plant rooms and similar structures)~~ Repealed,
 - (cb) clause 6.3 (2) (a) and (b).
 - (cc) clause 6.20.
- (8A) ~~Subclause (8) (ca) ceases to apply on 31 December 2015~~ Repealed.

5.2.4 Development near zone boundaries

The intent of the Planning Proposal is proposed to be achieved by amending clause 5.3 as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 25 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - ~~(a1)~~ (aa) land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone IN2 Light Industrial, Zone IN4 Working Waterfront, Zone RE2 Private Recreation or Zone E4 Environmental Living, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- Note. When this Plan was made it did not include all of these zones.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.2.5 Residential flat buildings in Zone R3 Medium Density Housing

The intent of the Planning Proposal is proposed to be achieved by inserting a new local provision (represented by blue underline) after Clause 6.12A as follows:

6.12AA Residential flat buildings in Zone R3 Medium Density Housing

- (1) The objective of this clause is to ensure that where an existing development for residential flat buildings on land in Zone R3 Medium Density Residential is to be redeveloped, that it maintains the desired character of the area in terms of scale and form and to minimise impacts upon adjoining residential premises.
- (2) This clause applies to land in Zone R3 Medium Density Residential.
- (3) Development consent must not be granted for development for the purpose of altering, adding or rebuilding of a residential flat building constructed before [INSERT DATE THAT THIS CLAUSE COMMENCES] on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) does not cause any material loss of views from other properties or public places, or
 - (b) does not cause any material overshadowing of other properties or public places, or
 - (c) does not cause any material loss of privacy to other properties, or
 - (d) does not materially increase the height of the existing apartment or other building, or
 - (e) does not materially decrease the landscaped area of the existing residential flat building below 40%, or decrease the landscaped area where the landscaped area is already below 40%.
 - (f) does not materially increase the site coverage of the existing residential flat building above 45%, or increase the site coverage where the site coverage is already above 45%.

5.2.6 Schedule 1 – Additional permitted uses

The intent of the Planning Proposal is proposed to be achieved by amending Schedule 1 – Additional permitted uses as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

- 14 Use of certain land at 2–~~2844~~44 Ennis Road, Kirribilli
 - (1) This clause applies to land at Bays 24–44, 2–~~2844~~44 Ennis Road, Kirribilli, being cubic spaces under the Warringah Expressway.
 - (2) Development for the purposes of any permissible use in Zone B1 Neighbourhood Centre is permitted with development consent.
- 21 ~~Use of certain land at 2 Thomas Street, McMahon's Point~~Repealed
 - ~~(1) This clause applies to land at 2 Thomas Street, McMahon's Point, being Lot 1, SP 55380.~~
 - ~~(2) Development for the purposes of a restaurant or cafe is permitted with development consent.~~
- 22 Use of certain land at 4 Alfred Street South, Milsons Point
 - (1) This clause applies to land at North Sydney Pool, 4 Alfred Street South, Milsons Point, being Lot 100, DP 875048, Lot 101, DP 880236, Lot 102, DP 854064, Lot 6, DP 127637 and Lot 103, DP 1007291.
 - (2) Development for the following purposes is permitted with development consent:
 - (a) a recreation facility (indoor),
 - (b) a restaurant or cafe,
 - (c) a function centre.
 - ~~(3) Development for the purpose of a function centre is permitted with development consent on the part of Lot 100, DP 875048 that is identified as "Area A" on the Additional Permitted Uses Map.~~

- 23 Use of certain land at 41 Alfred Street South, Milsons Point
- (1) This clause applies to land at Bradfield Park, 41 Alfred Street South, Milsons Point, being Lot 1, DP 873687.
 - (2) Development for the ~~following~~ purposes of markets is permitted with development consent.
 - ~~(a) markets,~~
 - ~~(b) a restaurant or cafe.~~
- 24 Use of certain land at Montpelier Street, Neutral Bay
- (1) This clause applies to land at Forsyth Park, Montpelier Street, Neutral Bay, being ~~Lot 1, DP 182655~~ Lot 2 DP 1168334.
 - (2) Development for the purposes of a centre-based child care facility is permitted with development consent.
- 27 ~~Use of certain land at 88 Berry Street, North Sydney~~ Repealed
- ~~(1) This clause applies to land at 88 Berry Street, North Sydney, being Lot 1, DP 1063620.~~
 - ~~(2) Development for the purposes of a registered club is permitted with development consent.~~
- 31 Use of certain land at Miller Street, North Sydney
- (1) This clause applies to land at St Leonards Park, Miller Street, North Sydney, being part Crown ~~land 316-3000~~ Lot 7321, DP 1149783.
 - (2) Development for the purposes of an entertainment facility is permitted with development consent.
- 36 Use of certain land at 40 Ridge Street, North Sydney
- (1) This clause applies to land at 40 Ridge Street, North Sydney, being ~~Lots 8 and 9, DP 758790~~ Lots 8-10, DP 1137427.
 - (2) Development for the purposes of a place of public worship is permitted with development consent.
- 40 Use of certain land at Woolcott Street, Waverton
- (1) This clause applies to land at Waverton Park, Woolcott Street, Waverton, known as Waverton Bowling Club, being ~~Lot 1, DP 115703~~ Crown Lot 1205, DP 752067.
 - (2) Development for the purposes of a registered club is permitted with development consent.
- 41 Use of certain land at Milray Avenue, Wollstonecraft
- (1) This clause applies to land at Smoothey Park, Milray Avenue, Wollstonecraft, being ~~Lot A, DP 6622~~ Lot 1, DP 134132.
 - (2) Development for the purposes of a community facility is permitted with development consent.

5.2.7 Schedule 2 – Exempt Development

The intent of the Planning Proposal is proposed to be achieved by deleting the following exempt development types in their entirety from *Schedule 2 – Exempt Development*:

- Outdoor dining areas
- Signage (other than signs for home occupations (sex services), sex services premises or restricted premises)
- Tree removal or pruning

5.2.8 Schedule 3 – Complying Development

The intent of the Planning Proposal is proposed to be achieved by deleting the following complying development types in their entirety from Part 1 to *Schedule 3 – Complying Development*:

- Strata subdivision of dual occupancies

5.2.9 Schedule 5 – Environmental Heritage

The intent of the Planning Proposal is proposed to be achieved by including a new item within Schedule 5 as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

Locality	Item Name	Address	Property description	Significance	Item No.
Cammeray	Tunks Park, sewerage viaduct	Tunks Park	Crown reserve (Tunks Park); Lot 1, Section 7, DP 2407 <u>Crown Lot 7349, DP 1166085; Lot 1, DP 1038592</u>	Local	I0025
Cammeray	Cammeray Park (including golf course)		<u>Lot 1, DP 166171; Lots 2-46, DP 244543; Closed road; Crown reserve</u> <u>Crown Lots 7302 and 7303, DP 1136001</u>	Local	I0024
Cremorne	Former Cremorne Post Office/telephone exchange	249 <u>213</u> Military Road	Lot 12 <u>11</u> , DP 877844	Local	I0064
Cremorne Point	Head of Shell Cove	Bogota Avenue	Lot 1, DP 974533; <u>Part Crown Lot 7337, DP 1139892; waters of Shell Cove</u>	Local	I0580
Cremorne Point	Site of Cremorne smelter	Cremorne Reserve, east of 5 Green Street	Lot 7033, DP 1060232 <u>Part Crown Lot 7339, DP 1139892</u>	Local	I0102
Cremorne Point	Low Level Sewage Pumping Station No 57	Milson Road (adjacent to Cremorne Wharf)	Crown reserve (western section of Cremorne Reserve stretching from Bogota Avenue around Robertsons Point) <u>Part Crown Lot 7338, DP 1139892</u>	Local	I0129
Cremorne Point	Former tram turning loop and ferry interchange	Milson Road and Wharf Road	Crown reserve (western section of Cremorne Reserve stretching from Bogota Avenue around Robertsons Point) <u>Crown Lot 1128, DP 752067; Lot 11, DP 970706; Wilson Road road reserve, south of Wharf Road</u>	Local	I0130

Locality	Item Name	Address	Property description	Significance	Item No.
Cremorne Point	Cremorne Reserve (including Robertsons Point)		Lot 1, DP 974533; Lots 7168 and 7169, DP 1060231; Lot 1, DP 449844; Lot 7033, DP 1060232; Crown reserve (linking Green Street and Old Cremorne Wharf); Crown reserve (western section of Cremorne Reserve stretching from Bogota Avenue around Robertsons Point) Crown Lots 7337-7341, DP 1139892; Lot 1, DP 911147; Lot 193, DP 1206495; Lot 1 DP 449844; Part Lot 1, DP 1086010; Lot 2, DP 1086010; Lot 1, DP 911459; McCallum Pool	Local	I0136
Kirribilli	The Fantasia Preschool	11-17 5 Broughton Street	Lots 3 and 4 9 and 10, Section B, DP 1537	Local	I0186
Kirribilli	"Sunnyside"	40 Carabella Street	Lot 1, DP 983668 Lot 101, DP 1154168	Local	I0193
Kirribilli	House	42 Carabella Street	Lot 1, DP 902108 Lot 100, DP 1154168	Local	I0194
Kirribilli	House	26 Jeffreys Street	Lot 1, DP 1074240; Lots 2 and 3, DP 792680 Part Lot 20, DP 1215745	Local	I0244
Kirribilli	House	28 Jeffreys Street	Lot 3, DP 230232 Part Lot, 20 DP 1215745	Local	I0245
Kirribilli	Kirribilli House	111 Kirribilli Avenue	Lot 109, DP 1151872	Local*	I0264
Kurraba Point	"Keynsham"	29 Shellcove Road	Lot 101, DP 1067984 Lot 1, DP 1196925	Local	I0688
Kurraba Point	Wallaringa Mansions	1 Wallaringa Avenue (49 17 Lower Wycombe Road & 3 Wallaringa Avenue)	SP 73259; SP 75886; SP 84353; Lots 2 and 3, DP 876732	Local	I0736
Kurraba Point	House	23A Lower Wycombe Road	Lot 33, DP 3183; Lot 31, DP 68342	Local	I0740

Locality	Item Name	Address	Property description	Signifi- cance	Item No.
Lavender Bay	Stone retaining wall	2, 6, 8, 10, 12, 12A, 16, 18 and 38 Bay View Street and Bay View Street	Lot 10, DP 1237911; Lots 1 and 2, DP 312181; Lot 10, DP 1196777; SP 10075; Lot 5, DP 11282; SP 75267; Lot 1, DP 810493; Lot 1, DP 316373; and Bay View Street road reserve	Local	I0322
Lavender Bay	Stone retaining wall	21 King George Street	Lot 7, DP 520996	Local	I0322
Lavender Bay	Brett Whiteley House and visual curtilage	1 Walker Street	Lot 1, DP 931832; Crown Lots 1-3, DP 931990; Crown Lots 7325 and 7326, DP 1165248; Part Lot 1, DP 917865; Part Lot 62, DP 3756; Part Lot 123, DP 870371; Lot 1, DP 1220077; Part Lot 2, DP 1220077; Part Lot 100, DP 1103512; Part Lot 1187, DP 48335; Lot 1136, DP 752067; Lot 1, DP 175422; Part Lot 1, DP 868707; Lot 31, DP 12668; Crown Lot 11 DP, 1165235; Lot 1 DP, 599474; waters of Lavender Bay	Local State	I0360
Lavender Bay	Clark Park	Walker Street	Lot 62, DP 3756; Lots 1-3, DP 931990; Lot 1, DP 917865; Crown Land Plan No 2137-3000; unidentified Crown land Lot 11, DP 1165235; Crown Lots 7325 and 7326, DP 1165248	Local	I0385
Lavender Bay, McMahon's Point and Waverton	Lavender Bay Railway Line	Between Luna Park and Waverton Railway Station	Lot 100, DP 1103512; Lot 1, DP 825406; Lot 123, DP 870371; Lot 1187, DP 48335; Lot 120, DP 870371	Local	I0387

Locality	Item Name	Address	Property description	Signifi- cance	Item No.
McMahons Point	Blues Point Waterfront Group	Blues Point Road and Henry Lawson Drive	Lots 1 and 2, DP 230594; Lot 1 DP 902933; Lot 1 DP 1159898; Lot 1 DP 581992; Lots 1 and 2, DP 1146537; Lot 14, Section D, DP 8; Part Lot 15, Section D, DP 8; Crown Lots 1007, 1008, 1134 and 1135, DP 752067; Crown Lot 7048, DP 1077149; Lot 1, DP 209345; Lots 1007, 1132 and 1133, DP 752067; Crown Land Reserve 944-690; Lot 2, DP 581992; Lot 2, DP 572828; Lots 50-51, DP 861201; part Henry Lawson Avenue road reserve; Lot 11, DP 853338; public pathway/steps to foreshore, East Crescent Street; Blues Point Road road reserve (southern end)	Local	I0423
McMahons Point	Sandstone cliff	Munro and John Streets (behind boat yard, east side of Berry's Bay)	Lot A, DP 420377; Lot 1, DP 449731 ; Lot 100, DP 1103512; Lot 2, DP 77853	Local	I0483
McMahons Point	Stannard Bros Shipyard and associated industrial buildings	Munro Street	Lots A and B, DP 420377; Lot 1, DP 127195; Lots 1-4, DP 179730; Lot 1, DP 182585 ; Lot 1, DP 449731; Lot 1, DP 849188; Lot 2, DP 77853; Lot 987, DP 752067 ; Lot 102, DP 1005413; SP 63626	Local	I0484
McMahons Point	Residential Flat Building	3 Parker Street	Lot 1, DP 127151	Local	I1138
Milsons Point	House	22 Alfred Street South	Lot C, DP 437985 SP 83350	Local	I0522
Milsons Point	House	24 Alfred Street South	Lot B, DP 437985 SP 83350	Local	I0523

Locality	Item Name	Address	Property description	Significance	Item No.
Milsons Point	Sydney Harbour Bridge approach viaducts, arches and bays under Warringah Freeway	Sydney Harbour Bridge and approach viaducts, including 2– 4 <u>44</u> Ennis Road and <u>32–746</u> Middlemiss Street		State	I0530
Neutral Bay	Plaques commemorating Ben Boyd	6 Ben Boyd Road	SP 6028 Ben Boyd Road road reserve (adjacent to 6 Ben Boyd Road)	Local	I0554
<u>Neutral Bay</u>	<u>House</u>	<u>33 Spruson Street</u>	<u>Lot 1, DP 201662</u>	<u>Local</u>	<u>I1139</u>
Neutral Bay	House	2 <u>Lower</u> Wycombe Road	SP 41344	Local	I0737
Neutral Bay	Flat building	18 <u>Lower</u> Wycombe Road	SP 13441	Local	I0738
Neutral Bay	Wycombe Private Hotel	28 <u>Lower</u> Wycombe Road	SP 22240	Local	I0741
North Sydney	House	14 Clark Road <u>The Avenue</u>	Lot 1, DP 940094	Local	I0796
North Sydney	House	16 Clark Road <u>The Avenue</u>	Lot 5, DP 940093	Local	I0797
North Sydney	House	40 Lord Street	Lot A, DP 83712 <u>Lot 100 DP 1233008</u>	Local	I0864
North Sydney	House	42 Lord Street	Lot A, DP 83712 <u>Lot 101 DP 1233008</u>	Local	I0865
North Sydney	House	44 Lord Street	Lot A, DP 83712 <u>Lot 102 DP 1233008</u>	Local	I0866
North Sydney	House	46 Lord Street	Lot A, DP 83712 <u>Lot 103 DP 1233008</u>	Local	I0867
North Sydney	House	48 Lord Street	Lot A, DP 83712 <u>Lot 104 DP 1233008</u>	Local	I0868
North Sydney	House	50 Lord Street	Lot A, DP 83712 <u>Lot 105 DP 1233008</u>	Local	I0869
North Sydney	House	52 Lord Street	Lot A, DP 83712 <u>Lot 106 DP 1233008</u>	Local	I0870
North Sydney	North Sydney Oval	Miller Street	Lot 1108, DP 48839	Local <u>State</u>	I1125
North Sydney	St Leonards Park	Miller Street	Lots 1104–1107, DP 46990; Lot 1108, DP 48839; Part Crown Land Plan 316–3000 <u>Lot 1, DP 560566; Lot 7321, DP 1149783</u>	Local <u>State</u>	I0916
North Sydney	Shop	187 Miller Street	Lot 1, DP 1008019	Local	I0898

Locality	Item Name	Address	Property description	Significance	Item No.
North Sydney	Old GPO column	Mount Street Plaza	Part of Mount Street Plaza	Local	I0922
North Sydney	Former Masonic Temple	317 Pacific Highway	Lot 1, DP 1052632 Lot 1, DP 1244831; SP 96408	Local	I0961
North Sydney	War memorial	Ridge Street	Part Crown Land Plan 3163000 Part Crown Lot 7321, DP 1149783	Local	I1123
North Sydney	W. Tunks Memorial Fountain	Miller Street	Part Crown Land Plan 3163000 Part Crown Lot 7321, DP 1149783	Local	I1124
North Sydney	Telephone exchange	1 Wheeler Lane	Lot 101, DP 1076397	Local	I1030
Waverton	Waverton Railway Station group (including booking office, hut and tunnel)	Bay Road	Lot 1, DP 746295; Lot 3, DP 224574; Lot 1, DP 825406 Part Lot 80 and Part Lot 81, DP 1208186	State	I1051
Waverton	House	37A Carr Street	Lots 1 and 2, DP 1138299	Local	I1055
Waverton	House Flat Building	25 King Street	SP 33020	Local	I1070
Waverton	House Flat Building	27 King Street	SP 33020	Local	I1071

In order to align with the DPIE's guide for completing Schedule 5 to the Standard Instrument LEP, the following amendments will also need to be implemented:

- Reordering Heritage Items I0737, I0738, I0740, I0741, I0796 and I0797 within Schedule 5 to reflect the amended street addresses;
- Insert Heritage Item I1138 – 3 Parker Street, McMahons Point after Heritage Item I0481 – 10 Munro Street, McMahons Point;
- Insert Heritage Item I1139 – 33 Spruson Street, Neutral Bay after Heritage Item I0712 – 31 Spruson Street, Neutral Bay; and
- Insert the additional reference for Heritage Item I0332 located at 21 King George Street, Lavender Bay after Heritage Item I0328 – 17 King George Street, Lavender Bay.

5.2.10 Dictionary

The intent of the Planning Proposal is proposed to be achieved by deleting the following definitions in their entirety from the *Dictionary*:

- Exceptions to Development Standards Map

5.2.11 LEP Maps

The Planning Proposal requires all sheets to the existing maps to NSLEP 2013 (refer to Annexure C) be replaced with an entire new set (refer to Annexure D).

All maps will be required to amended to:

- ensure that relevant planning controls apply to the current revised State based cadastre;
- include all land located above Mean High Water Mark;

- include all land that comprises a registered title, with the exception of lots created by a lease subdivision through the Roads and Maritime Services over the waters of Port Jackson or Long Bay, unless that lot in whole or part:
 - is located above Mean High Water Mark;
 - comprises a structure which is directly attached to land above Mean High Water Mark and is also identified as a heritage item under NSLEP 2013.
- reflect the correct extent of the landward side component of the North Sydney LGA boundary.

More specific changes to the individual map sets to NSLEP 2013 are described below.

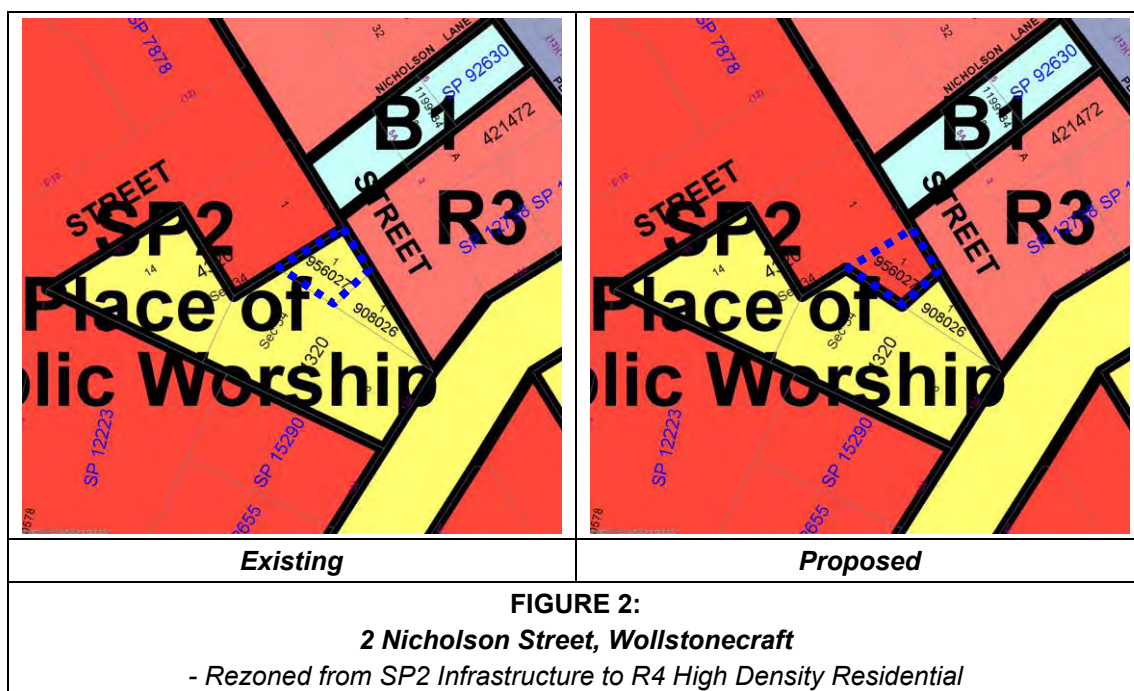
Land Zoning Map

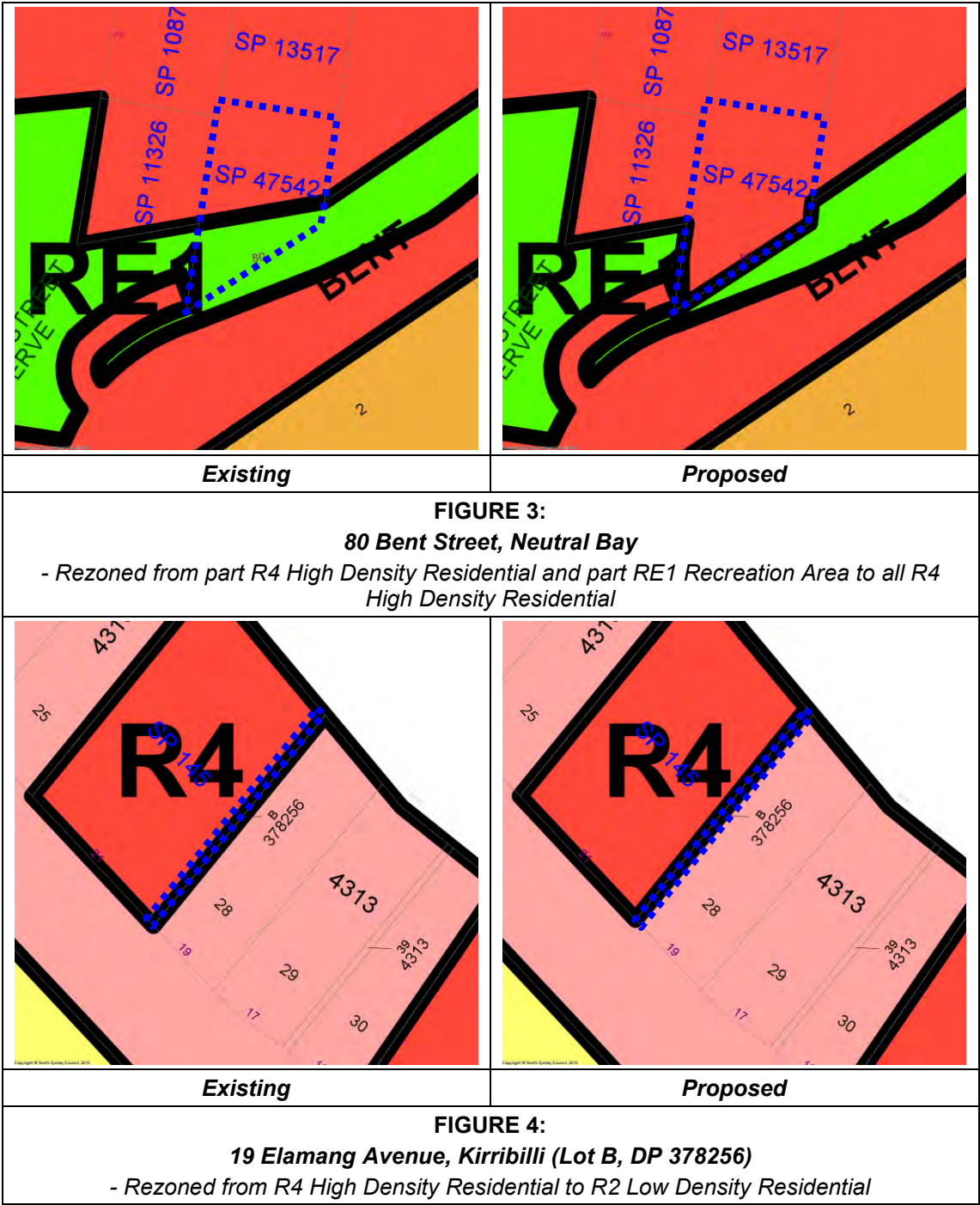
The intent of the Planning Proposal is proposed to be achieved by amending the Land Zoning Map as follows:

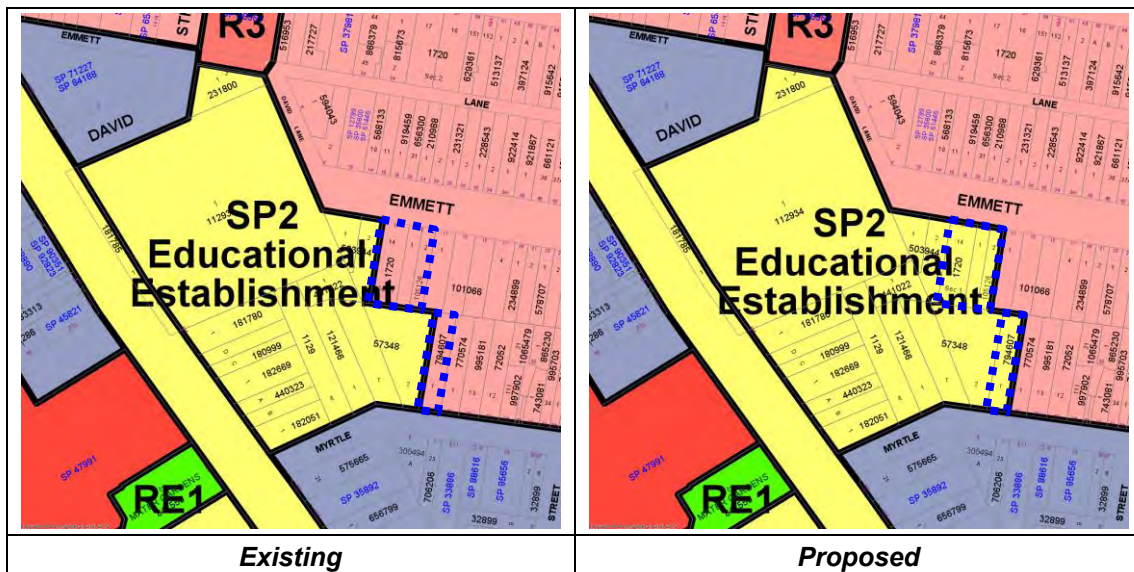
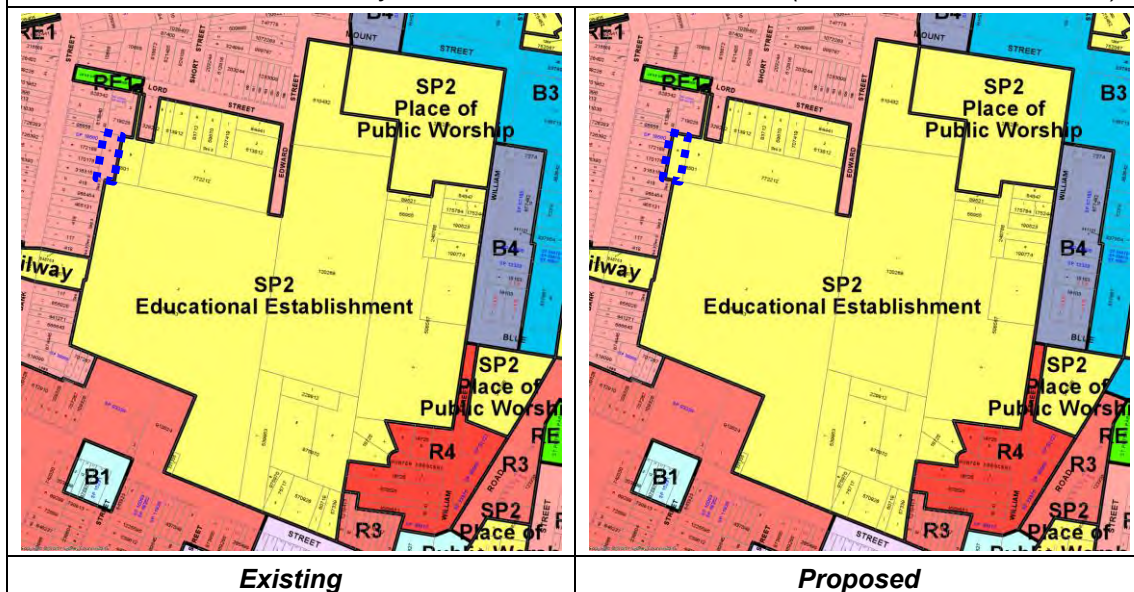
- All land located below Mean High Water Mark to be rezoned to *UL Unzoned land*, where sufficient information dictates;
- 2 Nicholson Street, Wollstonecraft from *SP2 Infrastructure (Place of public worship)* to *R4 High Density Residential* – refer to *Figure 2*;
- 80 Bent Street, Neutral Bay from part *R4 High Density Residential* and part *RE1 Recreation Area* to all *R4 High Density Residential* – refer to *Figure 3*;
- Lot B 378256 comprising part of 19 Elamang Avenue, Kirribilli from *R4 High Density Residential* to *R2 Low Density Residential* – refer to *Figure 4*;
- the following properties from *R2 Low Density Residential* to *SP2 Infrastructure (Educational establishment)*:
 - 5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720) – refer to *Figure 5*;
 - 9 Emmett Street, Crows Nest (Lots 1&2 DP105126) – refer to *Figure 5*;
 - 18 Myrtle Street, North Sydney (Lot 1, DP794607) – refer to *Figure 5*;
 - Lord Street, North Sydney (Lot A, DP 386501) – refer to *Figure 6*;
 - 81 Ridge Street, North Sydney (Lot B, DP 354165) – refer to *Figure 7*;
 - 57 Murdoch Street, Cremorne (Lot 1, DP 731455) – refer to *Figure 8*;
- the following properties from part *R2 Low Density Residential* and part *SP2 Infrastructure (Educational establishment)* to entirely *SP2 Infrastructure (Educational establishment)*:
 - 73 Ridge Street, North Sydney (Lot 100, DP 1150569) – refer to *Figure 7*;
 - 1-5 Jeffereys Street, Kirribilli (Lot 101, DP 1108496) – refer to *Figure 9*;
- The following properties from *R3 Medium Density Residential* to *SP2 Infrastructure (Educational establishment)*:
 - 5 McLaren Street, North Sydney (Lot 1, DP 104072) – refer to *Figure 10*;
 - 9 McLaren Street, North Sydney (Lots A&B, DP 339358) – refer to *Figure 10*;

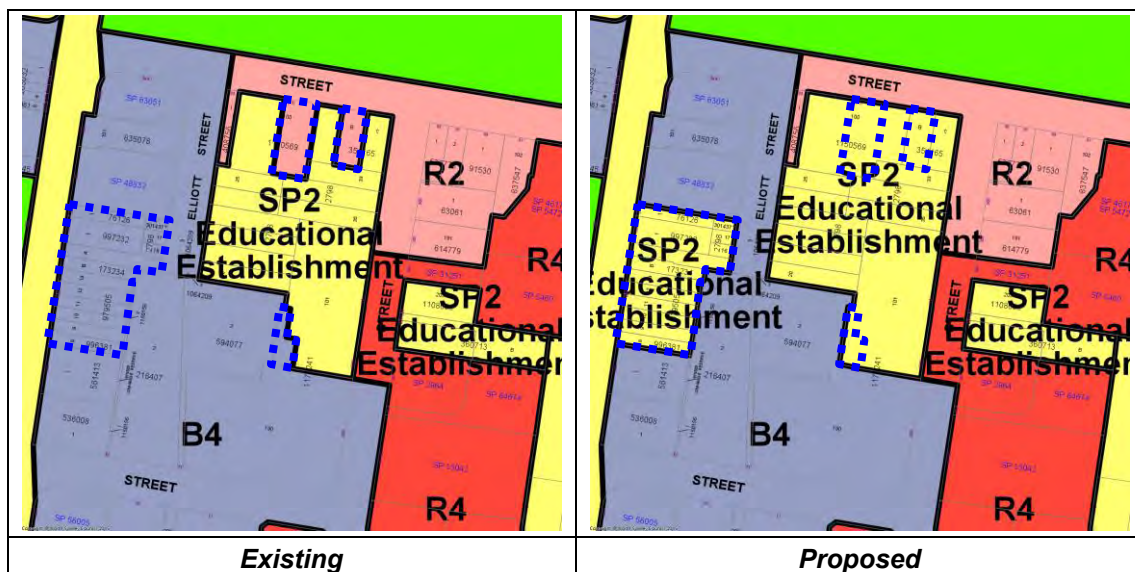
- 21-23 McLaren Street, North Sydney (Lot 10, DP 5030) – refer to *Figure 10*;
- 11 McLaren Street, North Sydney (Lot 11, DP 5030) – refer to *Figure 10*;
- 27 McLaren Street, North Sydney (Lots 7&8, DP 5030) – refer to *Figure 10*;
- 29 McLaren Street, North Sydney (Lot 6, DP 5030) – refer to *Figure 10*;
- 31 McLaren Street, North Sydney (Lot 5, DP 5030) – refer to *Figure 10*;
- The following properties from *R4 High Density Residential* to *SP2 Infrastructure (Educational establishment)*:
 - 2 Anzac Avenue, Cammeray (Lot 2, DP 1080152) – refer to *Figure 11*;
 - 1 Gerard Street, Cremorne (Lot 21A, DP 83152) – refer to *Figure 12*;
 - 3 Gerard Street, Cremorne (Lot 22A, DP 152693) – refer to *Figure 12*;
 - 7 Gerard Street, Cremorne (Lot 1, DP 81061) – refer to *Figure 12*;
 - 9 Gerard Street, Cremorne (Lot 1, DP 83047) – refer to *Figure 12*;
 - 2 Monford Place, Cremorne (SP13814) – refer to *Figure 12*;
 - 5 Monford Place, Cremorne (Lot 6, DP 19282) – refer to *Figure 12*;
 - 7 Monford Place, Cremorne (Lot 5, DP 19282) – refer to *Figure 12*;
 - 8 Monford Place, Cremorne (Lot 4 DP 19282) – refer to *Figure 12*;
 - 6 Winnie Street, Cremorne (Lot 1 DP 90591) – refer to *Figure 12*;
- The following properties from *B4 Mixed Use* to *SP2 Infrastructure (Educational establishment)*:
 - 255 Miller Street, North Sydney (Lots 8 & 9, DP 996381; Lots 8-13, DP 979505; Lots A and B, DP 173234) – refer to *Figure 7*;
 - 263 Miller Street, North Sydney (Lot 1 DP 997232; Lots 16 & 17 DP 2798) – refer to *Figure 7*;
 - 265 Miller Street, North Sydney (Lot 1, DP 76126) – refer to *Figure 7*;
 - 6 Elliot Street, North Sydney (Lot 1, DP 301487) – refer to *Figure 7*;
- 176 Walker Street, North Sydney (Lot 101, DP 1172241) from part *B4 Mixed Use* and *SP2 Infrastructure (Educational establishment)* to all *SP2 Infrastructure (Educational establishment)* – refer to *Figure 7*;
- 85-87 Carabella Street, Kirribilli (Lot 200, DP 1166282) from part *R2 Low Density Residential*, part *R4 Low Density Residential* and part *SP2 Infrastructure (Educational establishment)* to all *SP2 Infrastructure (Educational establishment)* – refer to *Figure 13*;
- 74 McDougal Street, Kirribilli (Lot 1 DP 773343) from *IN4 Working Waterfront* to *SP2 Infrastructure (sewage reticulation system)* – refer to *Figure 14*;
- Lot 1 DP 786793 (located to the rear of 33A-33B Shellcove Road, Kurraba Point) from *R2 Low Density Residential* to *SP2 Infrastructure (sewage reticulation system)* – refer to *Figure 15*;
- the northern end of Benelong lane adjacent to 107A Young Street, Cremorne from *RE1 Public Recreation* to *R2 Low Density Residential* refer to *Figure 16*
- That part of Blues Point Road reserve directly adjacent to 5 Blue Street zoned *R3 Medium Density Residential* to *B3 Commercial Core* – refer to *Figure 17*;

- The northern end of Arthur Street, south of its intersection with Middlemiss Street, Lavender Bay, from *R3 Medium Density Residential* to *RE1 Public Recreation* – refer to *Figure 18*;
- the south-eastern corner of Wilson Street, Cammeray from part *B1 Neighbourhood Centre* and part *R2 Low Density Residential* to *RE1 Public Recreation* – refer to *Figure 19*;
- Parts of the former and current Warringah Freeway (refer to *Figure 20*) comprising:
 - West Street off ramp (Lots 4, 5, 27-30 and 32, Section A, DP 1922) from *R3 Medium Density Residential* to *SP2 Infrastructure (Classified Road)*;
 - 55 Jenkins Street (Lot 11 DP 247471 from part *R3 Medium Density Residential* and *SP2 Infrastructure (Classified Road)* to all *SP2 Infrastructure (Classified Road)*;
 - Metcalfe Street (Lots 115 and 116, DP 1192624) from *R3 Medium Density Residential* to *SP2 Infrastructure (Classified Road)*;
 - Jenkins Street Lot 14, DP 818140 from part *R3 Medium Density Residential* and *SP2 Infrastructure (Classified Road)* to all *SP2 Infrastructure (Classified Road)*;
 - West Street - *SP2 Infrastructure (Classified Road)* to all *R3 Medium Density Residential*;





**FIGURE 5:****North Sydney Girls High School****5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720);****9 Emmett Street, Crows Nest (Lots 1&2 DP105126);****18 Myrtle Street, North Sydney (Lot 1, DP794607)****- Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment)****FIGURE 6:****Sydney Church of England Grammar School (Shore)****Lord Street, North Sydney (Lot A, DP 386501)****- Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment)**

**FIGURE 7:****Wenona School:****73 Ridge Street, North Sydney (Lot 100, DP 1150569)****81 Ridge Street, North Sydney (Lot B, DP 354165)**

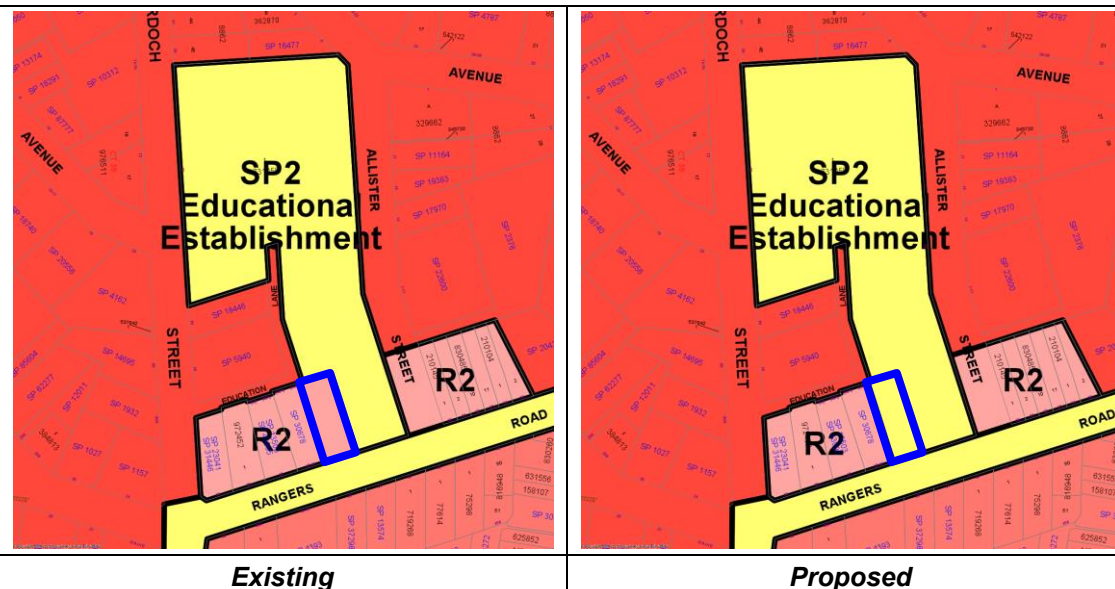
- Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment)

176 Walker Street, North Sydney (Lot 101, DP 1172241)

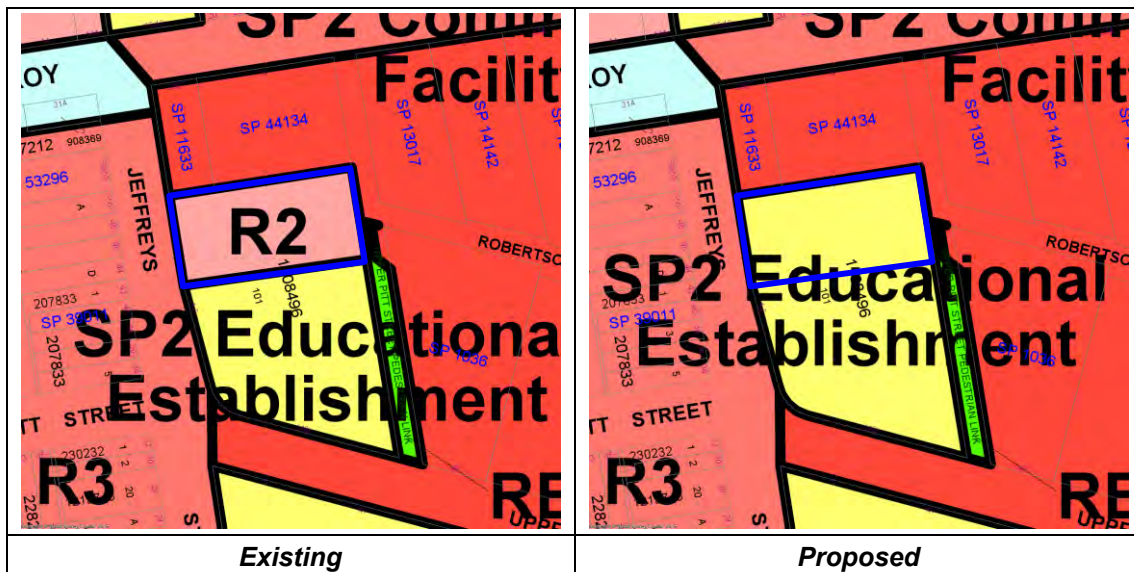
-Rezone from part B4 Mixed Use and SP2 Infrastructure (Educational establishment) to all SP2 Infrastructure (Educational establishment);

255 Miller Street, North Sydney (Lots 8 & 9, DP 996381; Lots 8-13, DP 979505; Lots A and B, DP 173234);**263 Miller Street, North Sydney (Lot 1 DP 997232; Lots 16 & 17 DP 2798)****265 Miller Street, North Sydney (Lot 1, DP 76126); and****6 Elliot Street, North Sydney (Lot 1, DP 301487);**

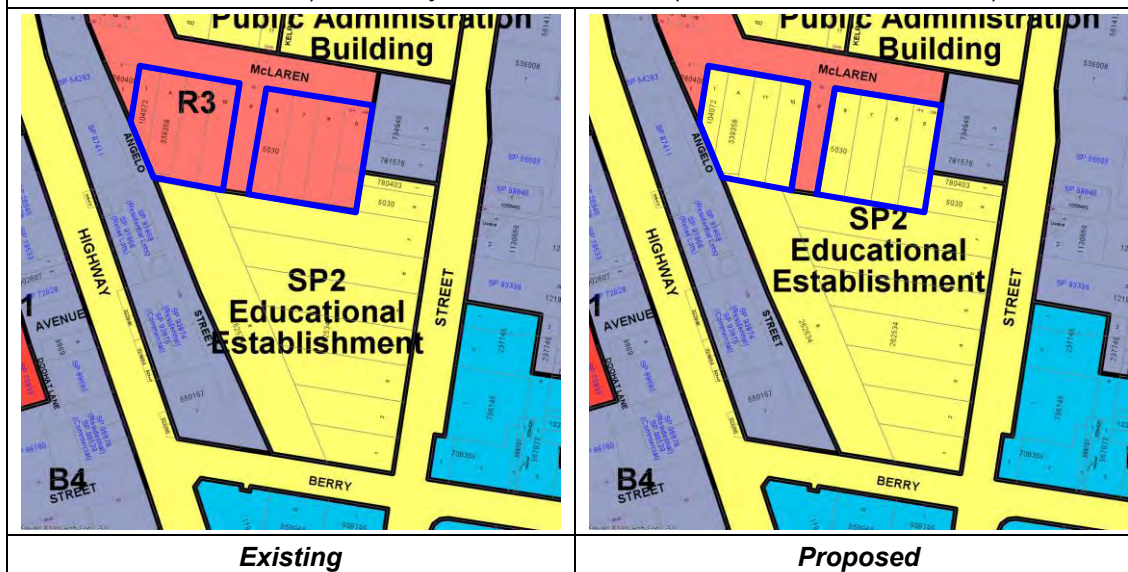
- Rezone from B4 Mixed Use to SP2 Infrastructure (Educational establishment)

**FIGURE 8:****Redlands, Sydney Church of England Co-educational Grammar School (Junior Campus)****57 Murdoch Street, Cremorne (Lot 1, DP 731455)**

- Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment)

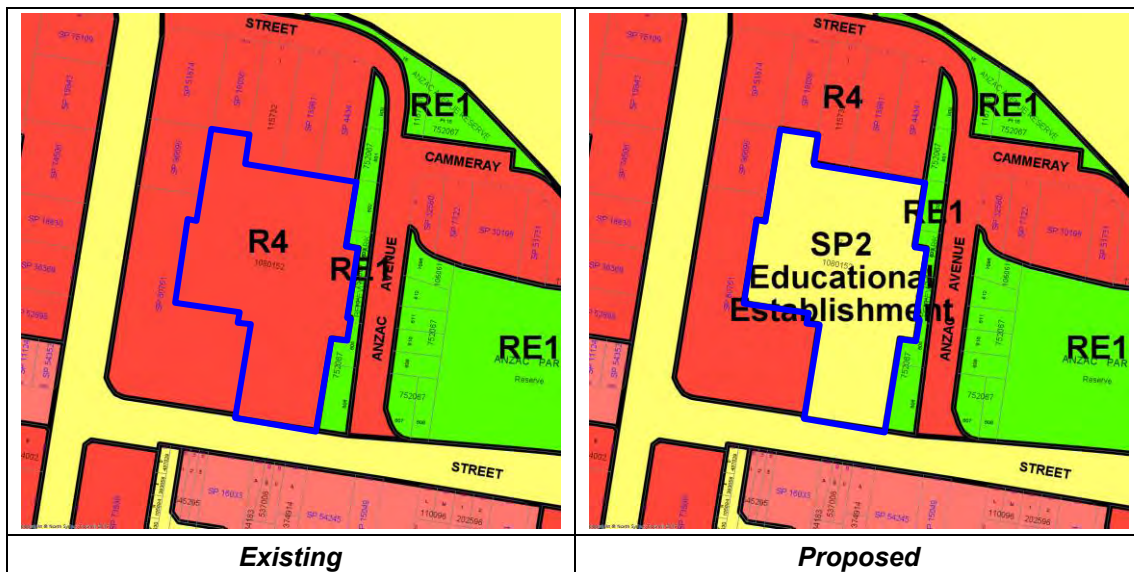
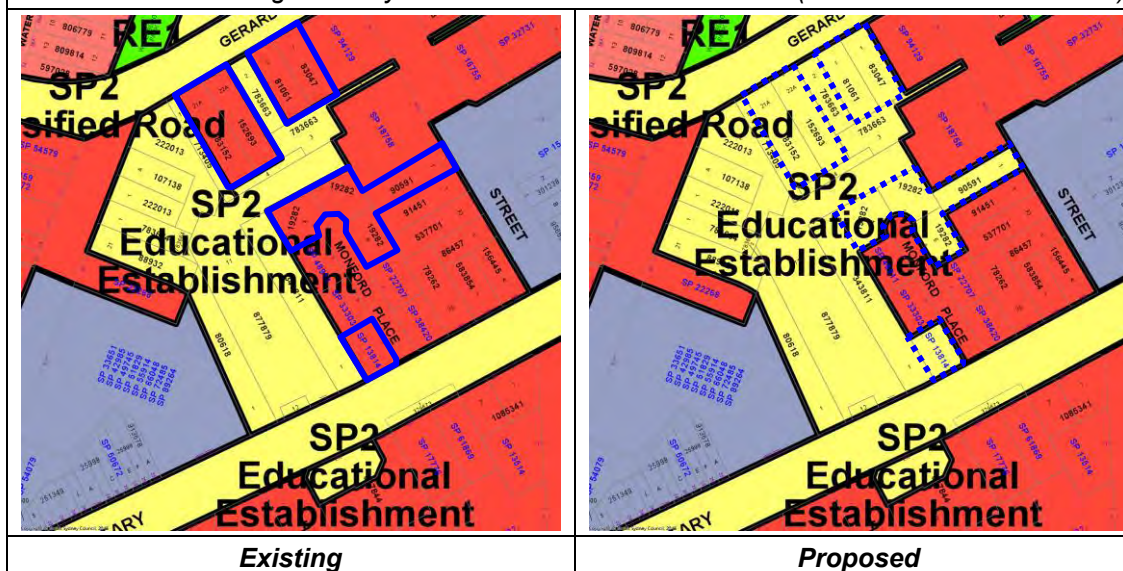
**FIGURE 9:****St Aloysius College****1-5 Jeffreys Street, Kirribilli (Lot 101, DP 1108496)**

– Rezone from part R2 Low Density Residential and part SP2 Infrastructure (Educational establishment) to entirely SP2 Infrastructure (Educational establishment)

**FIGURE 10:****Monte Sant' Angelo Mercy College****5, 9, 11, 21-23, 27, 29 & 31 McLaren Street, North Sydney**

(Lot 1, DP 104072; Lots A&B, DP 339358; Lot 11, DP 5030; Lot 10, DP 5030; Lots 7&8, DP 5030; Lot 6, DP 5030; Lot 5, DP 5030)

– Rezone from R3 Medium Density Residential to SP2 Infrastructure (Educational establishment)

**FIGURE 11:****ANZAC Park Public School:****2 Anzac Avenue, Cammeray (Lot 2, DP 1080152)****– Rezone from R4 High Density Residential to SP2 Infrastructure (Educational establishment)****FIGURE 12:****Redlands, Sydney Church of England Co-educational Grammar School
(Senior Campus)****1 Gerard Street, Cremorne (Lot 21A, DP 83152);****3 Gerard Street, Cremorne (Lot 22A, DP 152693);****7 Gerard Street, Cremorne (Lot 1, DP 81061);****9 Gerard Street, Cremorne (Lot 1, DP 83047);****2 Monford Place, Cremorne (SP13814);****5 Monford Place, Cremorne (Lot 6, DP 19282);****7 Monford Place, Cremorne (Lot 5, DP 19282);****8 Monford Place, Cremorne (Lot 4 DP 19282);****6 Winnie Street, Cremorne (Lot 1 DP 90591)****– Rezone from R4 High Density Residential to SP2 Infrastructure (Educational establishment):**

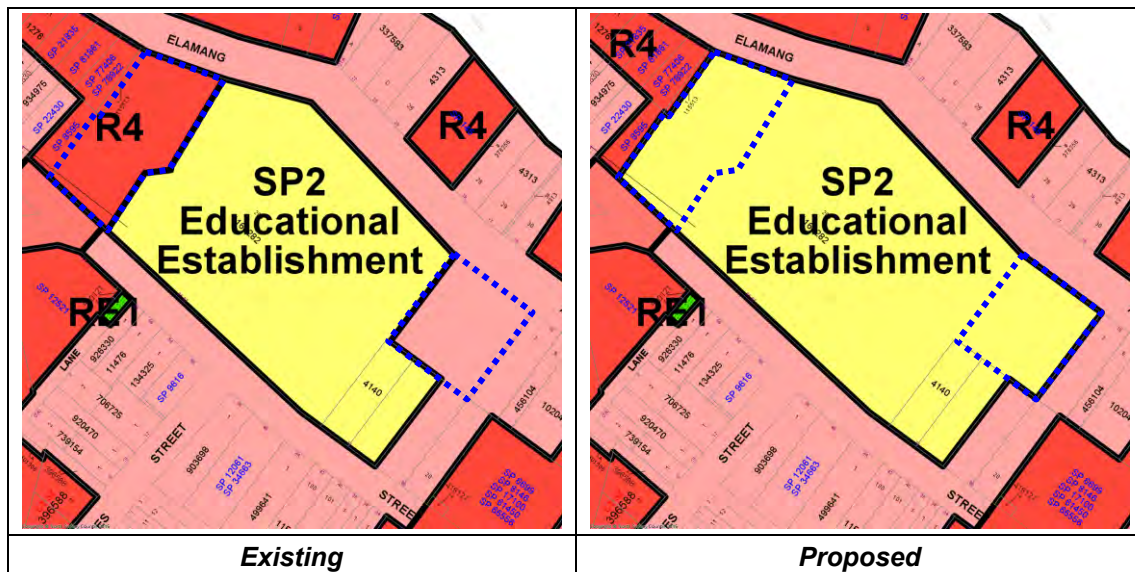


FIGURE 13:
Loreto Kirribilli

85-87 Carabella Street, Kirribilli (Lot 200, DP 1166282)

Rezone from part R2 Low Density Residential, part R4 Low Density Residential and part SP2 Infrastructure (Educational establishment) to all SP2 Infrastructure (Educational establishment)

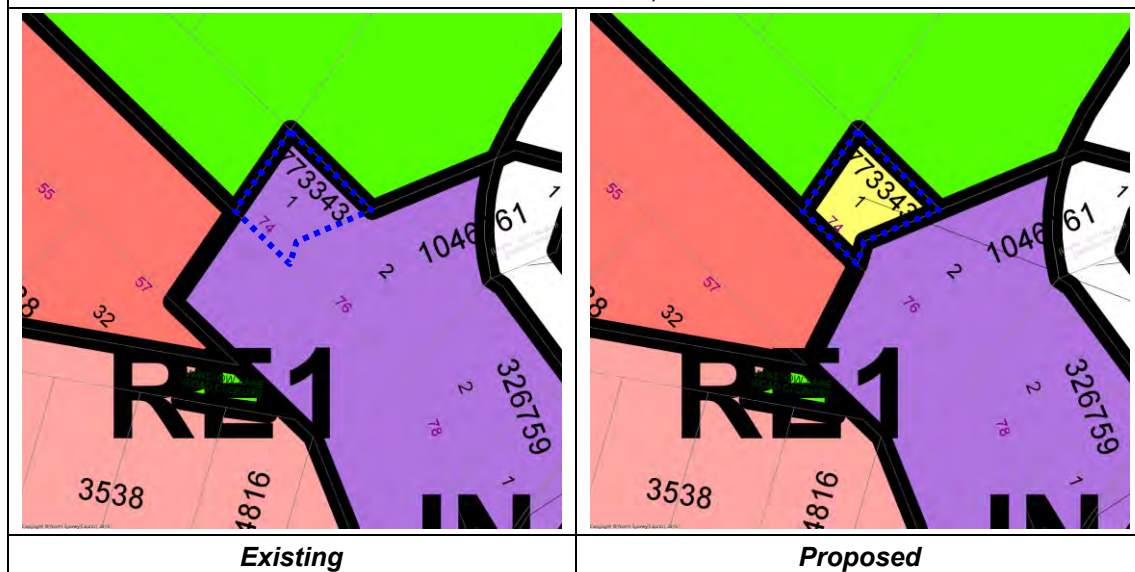
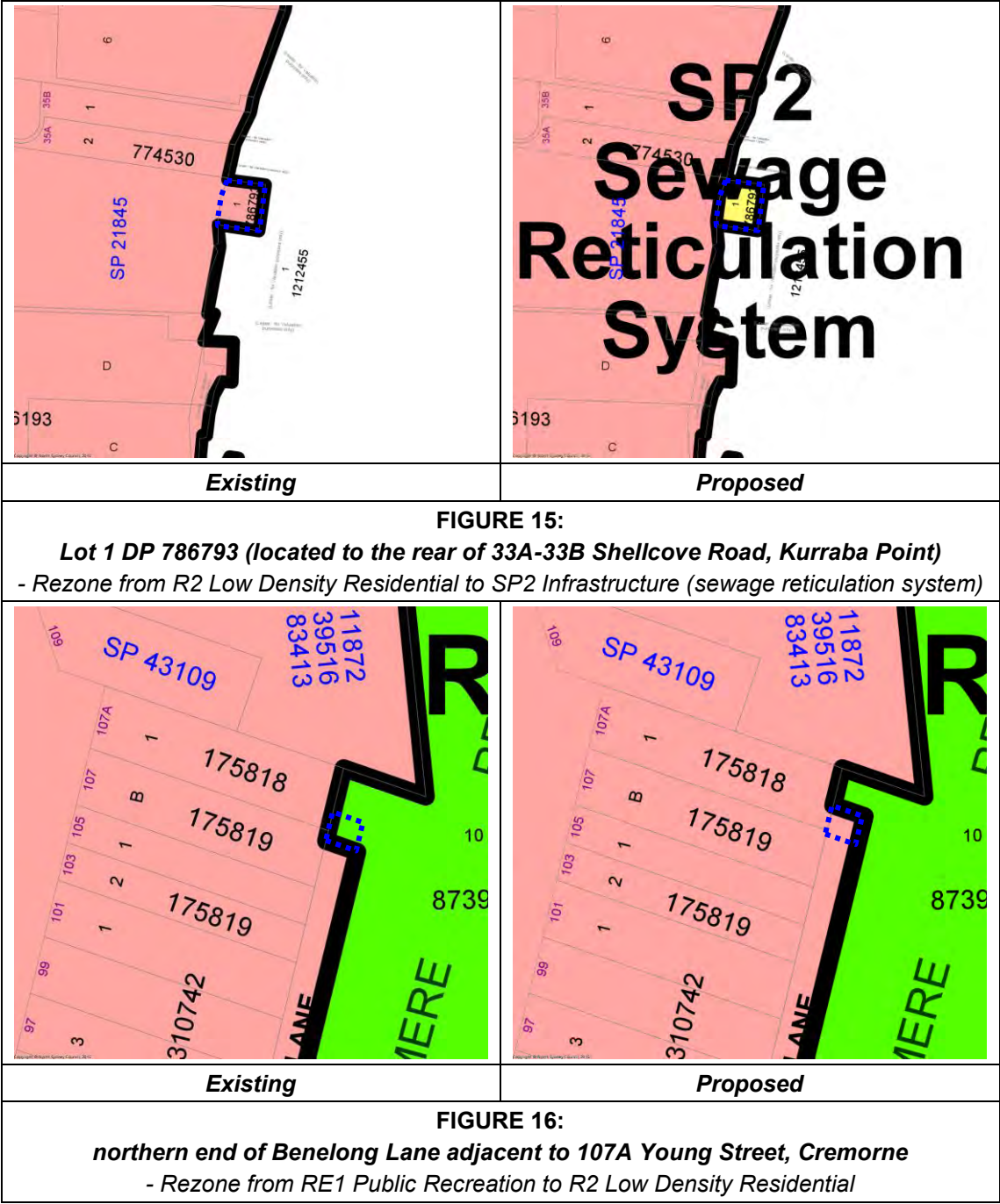
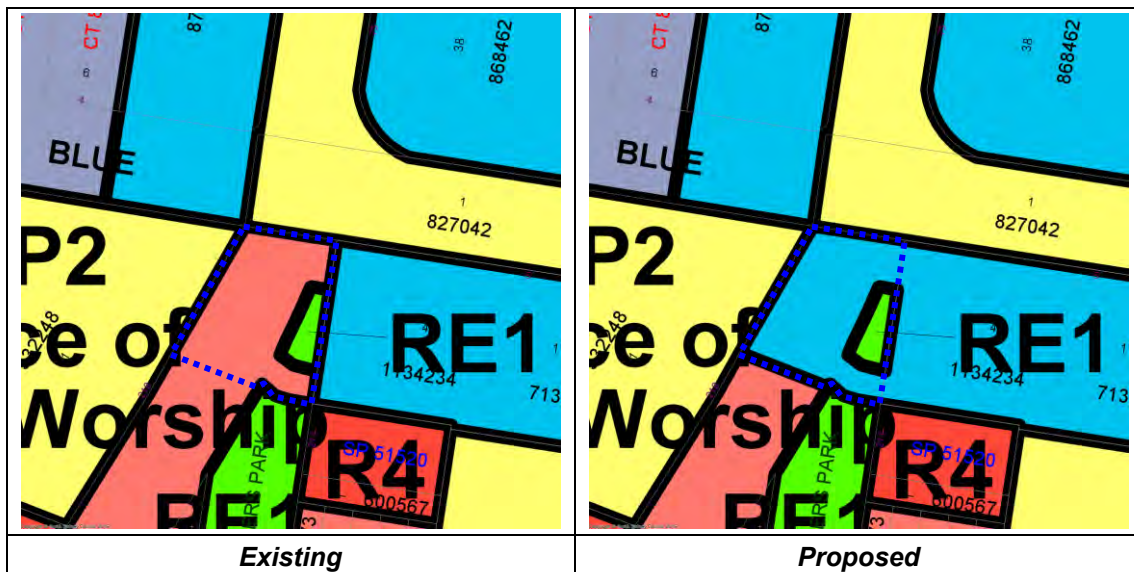


FIGURE 14:

74 McDougal Street, Kirribilli (Lot 1 DP 773343)

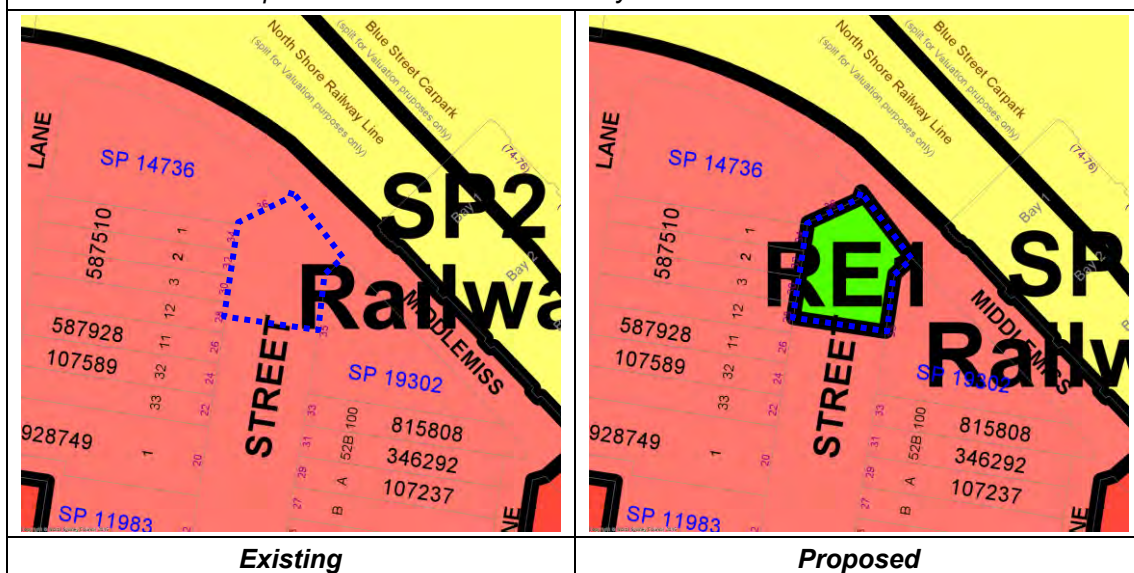
- Rezone from IN4 Working Waterfront to SP2 Infrastructure (sewage reticulation system)



**FIGURE 17:**

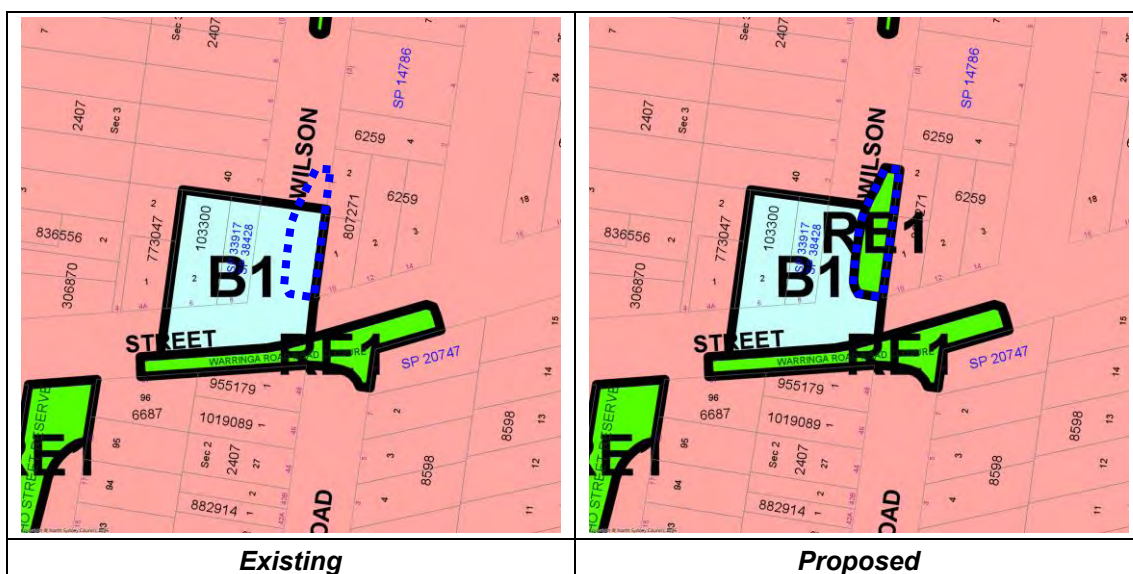
Northern end of Blues Point Road road reserve directly adjacent to 5 Blue Street, North Sydney

- Rezone that part zoned R3 Medium Density Residential to B3 Commercial Core

**FIGURE 18:**

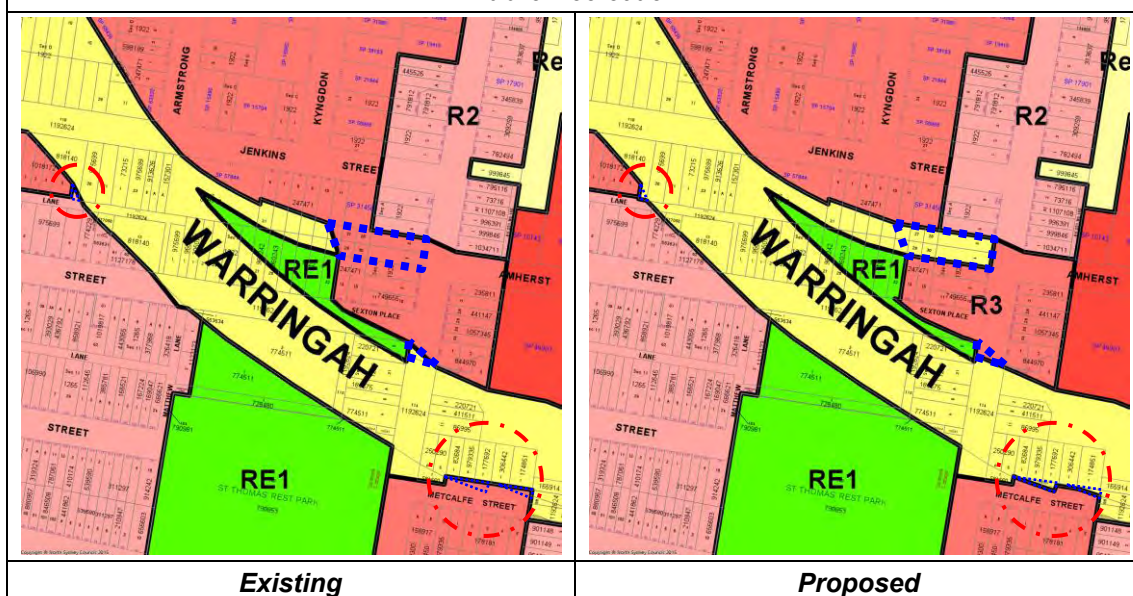
Northern end of Arthur Street, south of its intersection with Middlemiss Street, Lavender Bay

Rezone from R3 Medium Density Residential to RE1 Public Recreation

**FIGURE 19:**

Southern end of Wilson Street road reserve, north of its intersection with Carter Street, Cammeray

- Rezone from part B1 Neighbourhood Centre and part R2 Low Density Residential to RE1 Public Recreation

**FIGURE 20:**

Warringah Freeway alignment

West Street off ramp (Lots 4, 5, 27-30 and 32, Section A, DP 1922)

- Rezone from R3 Medium Density Residential to SP2 Infrastructure (Classified Road);
55 Jenkins Street (Lot 11 DP 247471)
Metcalfe Street (Lots 115 and 116, DP 1192624)
Jenkins Street Lot 14, DP 818140
- Rezone from part R3 Medium Density Residential and SP2 Infrastructure (Classified Road) to all SP2 Infrastructure (Classified Road)
West Street road reserve
- Rezone from SP2 Infrastructure (Classified Road) to all R3 Medium Density Residential;

Heritage Map

The intent of the Planning Proposal is proposed to be achieved by amending the Heritage Map as follows:

- Include the following new items:
 - Item I1138: 33 Spruson Street, Neutral Bay – refer to *Figure 21*;
 - Item I1139: 3 Parker Street, McMahons Point – refer to *Figure 22*;
- Delete the following existing items:
 - Item I1030: 1 Wheeler Lane, North Sydney – refer to *Figure 23*;
 - Item I0898: 187 Miller Street, North Sydney – refer to *Figure 24*;
 - Item I0922: GPO Column, Mount Street Plaza, North Sydney – refer to *Figure 25*;
- Amend the extent of the following existing items:
 - Item I0064: relocate item from 219 Military Road to 213 Military Road – refer to *Figure 26*;
 - Item I0102: limit its extent to adjacent to 5 Green Street – refer to *Figure 27*;
 - Item I0186: remove existing identification from 11-17 Broughton Street and apply to 5 Broughton Street, Kirribilli – refer to *Figure 29*;
 - Item I0130: to include Lot 11, DP970708 – refer to *Figure 28*;
 - Item I0322: relocate the item off the road reserve onto adjacent properties at 2, 6, 8, 10, 12, 12A, 16, 18 and 38 Bay View Street and 21 King George Street and extend further south along Bay View Street road reserve – refer to *Figure 30*;
 - Item I0360: extend the boundary of the item to include Lot 1, DP 931832; Crown Lots 1-3, DP 931990; Crown Lots 7325 and 7326, DP 1165248; Part Lot 1, DP 917865; Part Lot 62, DP 3756; Part Lot 123, DP 870371; Lot 1, DP 1220077; Part Lot 2, DP 1220077; Part Lot 100, DP 1103512; Part Lot 1187, DP 48335; Lot 1136, DP 752067; Lot 1, DP 175422; Part Lot 1, DP 868707; Lot 31, DP 12668; Crown Lot 11 DP, 1165235; Lot 1 DP, 599474 – refer to *Figure 31*;
 - Item I0554: relocate to Ben Boyd Road road reserve, directly adjacent to 6 Ben Boyd Road – refer to *Figure 32*;
 - Item I0688: remove the extent of the listing from No.s29A and 27 Shellcove Road – refer to *Figure 34*;
 - Item I0580 - extend item along the western foreshores of Cremorne Reserve to the prolongation of the southern boundary alignment of 112 Milson Road (SP 34053) – refer to *Figure 33*;
 - Item I0916 – extend the boundary of the item to include Lot 1, DP 560566 – refer to *Figure 35*;
 - Items I1123 and I1124 – Specifically identify the location of the items within Item I0916 – refer to *Figure 35*;
- Amend the colours of heritage items as follows:
 - Item I0102: Change the colour from brown to green – refer to *Figure 27*;
 - Item I0129: Change the colour from green to brown – refer to *Figure 28*;
 - Item I0130 – Change the colour from green to brown – refer to *Figure 28*;
 - Item I0136: Change the colour from part brown and part green to all green – refer to *Figure 27*;
 - Item I0580: change colour from brown to green – refer to *Figure 33*;
- Amend the extent of the following existing conservation areas:
 - CA11 – Kirribilli: to include all of 29 Waruda Street and 109 Kirribilli Avenue – refer to *Figure 36*;
 - CA17 – Edward Street: to exclude 12-14 Bay Road, North Sydney – refer to *Figure 37*

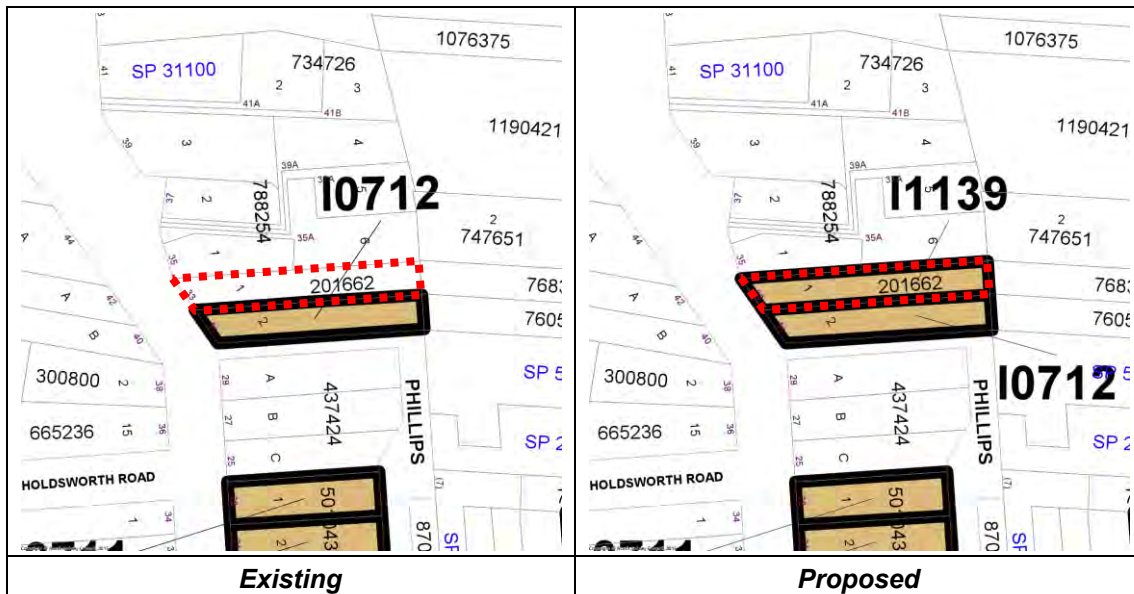


FIGURE 21:
33 Spruson Street, Neutral Bay
 - Proposed local heritage listing

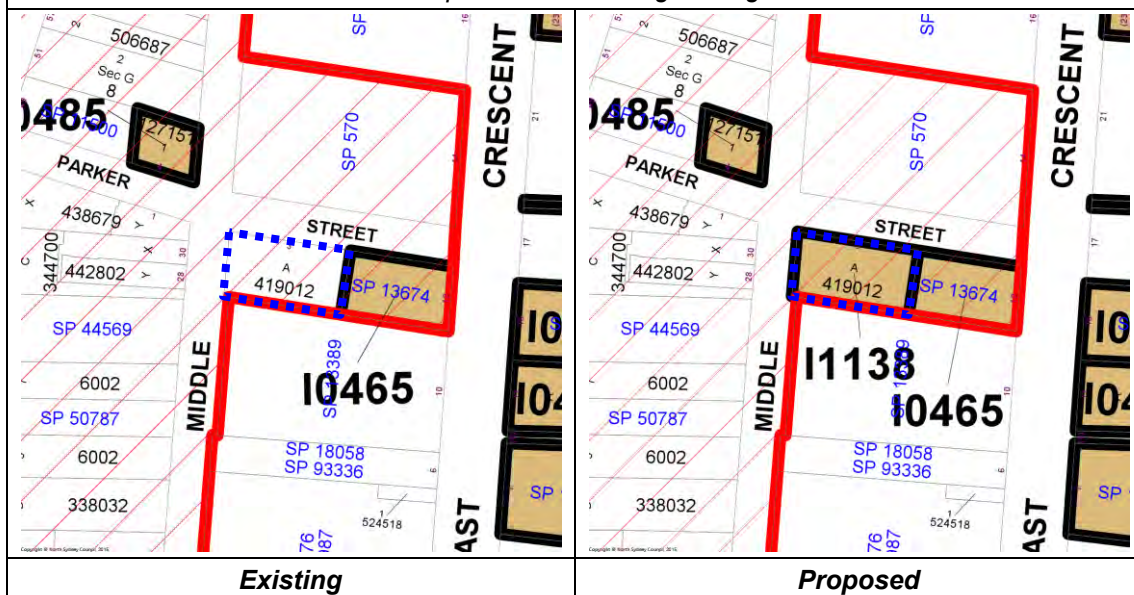
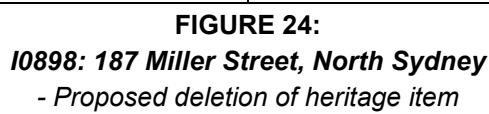
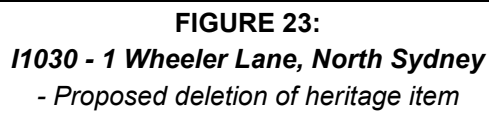
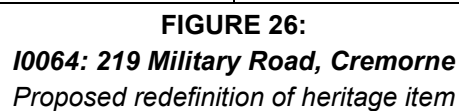
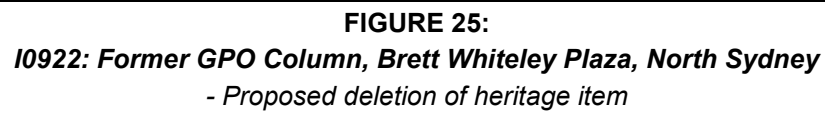
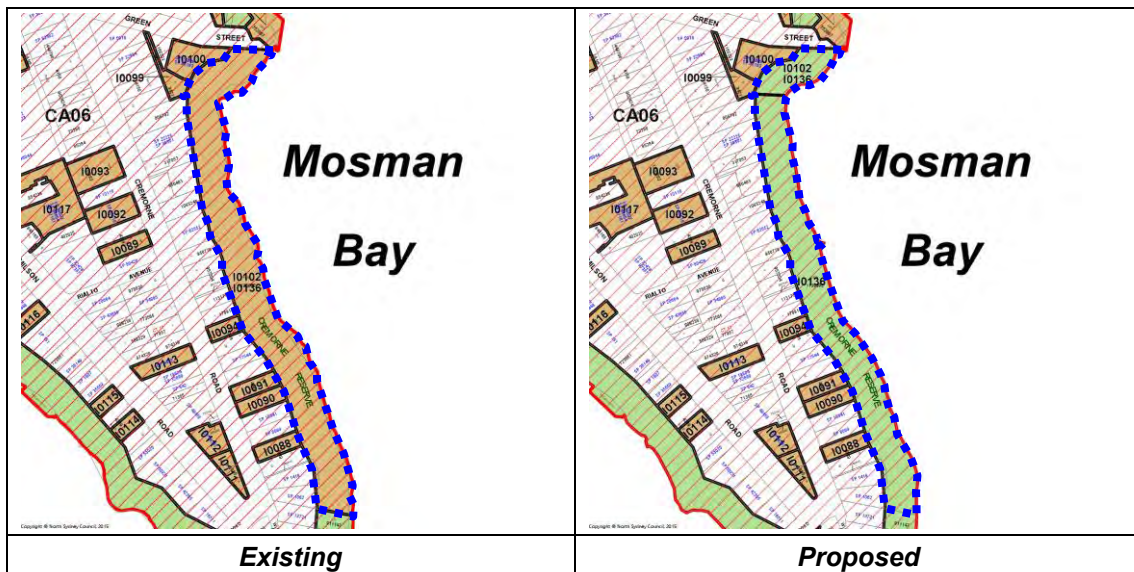


FIGURE 22:
3 Parker Street, McMahon's Point
 - Proposed local heritage listing

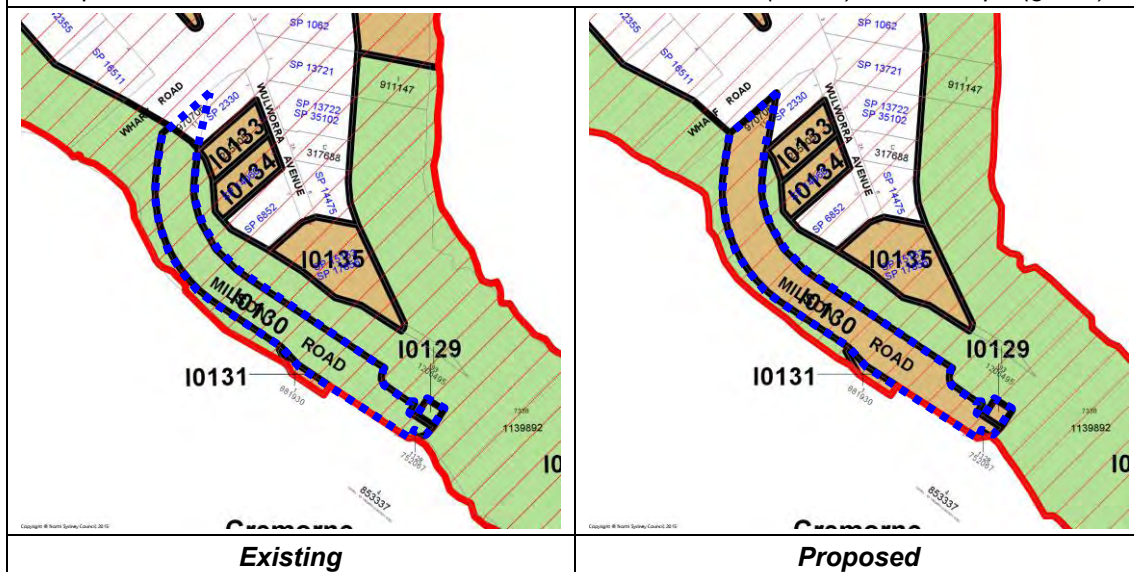




**FIGURE 27:**

**Item I0102: Site of Cremorne Shelter &
Item I0136: Cremorne Reserve**

- Proposed realignment of Item I0102 and
Proposed reclassification of Items I0102 and I0136 from built (brown) to landscape (green)

**FIGURE 28:**

Items I0129 and I0130

- Proposed reclassification of Item I0129 from landscape (green) to built (brown); and
Proposed redefinition of Item I0130 and reclassification from landscape (green) to built (brown);

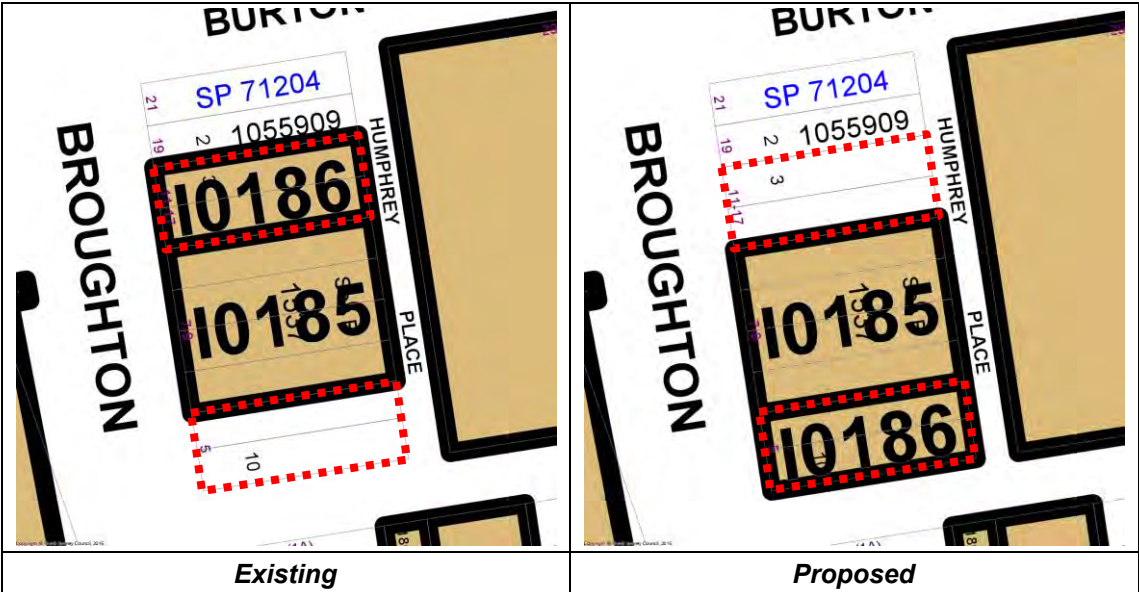


FIGURE 29:

Item I0186: The Fantasia Preschool
– Proposed redefinition of heritage item

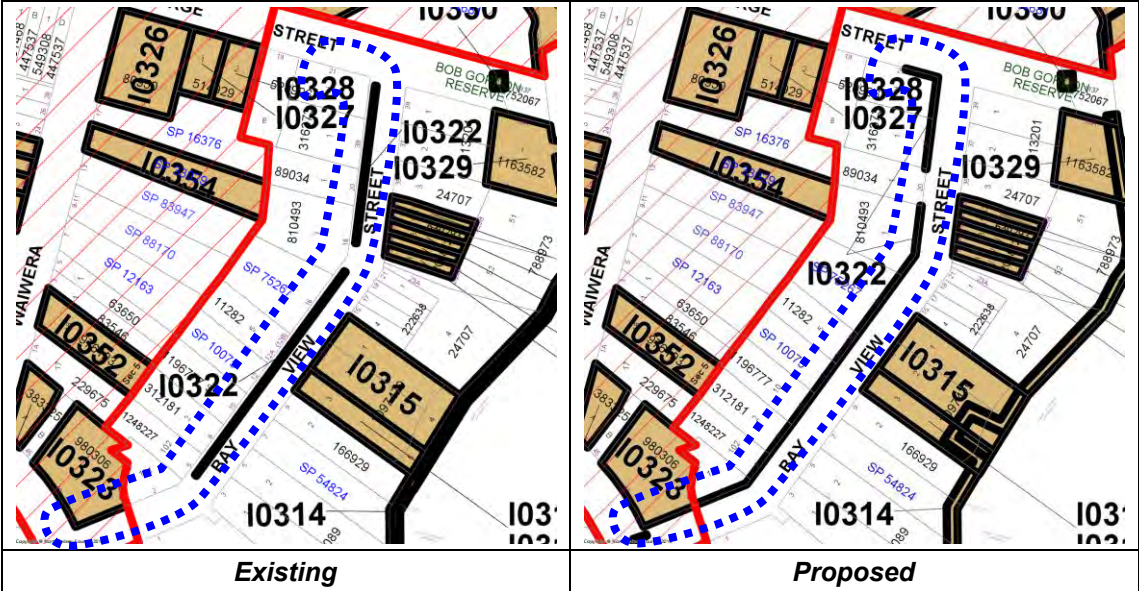


FIGURE 30:

I0322: Bay View Street Sandstone wall, McMahons Point
– Proposed redefinition of heritage item

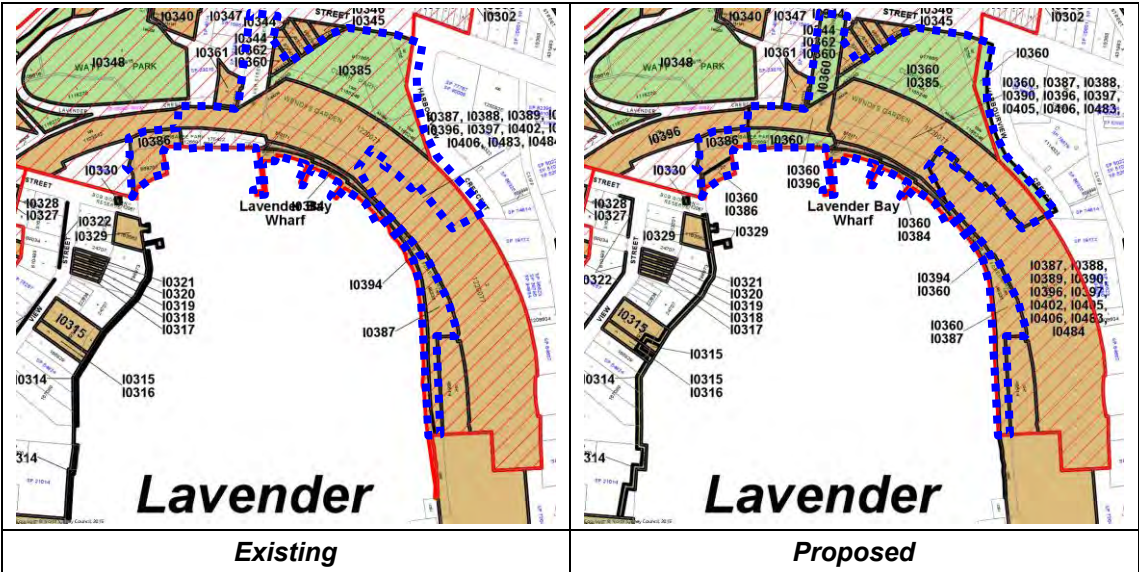


FIGURE 31:

Item I0360: Brett Whiteley House & curtilage
– Proposed redefinition of heritage item

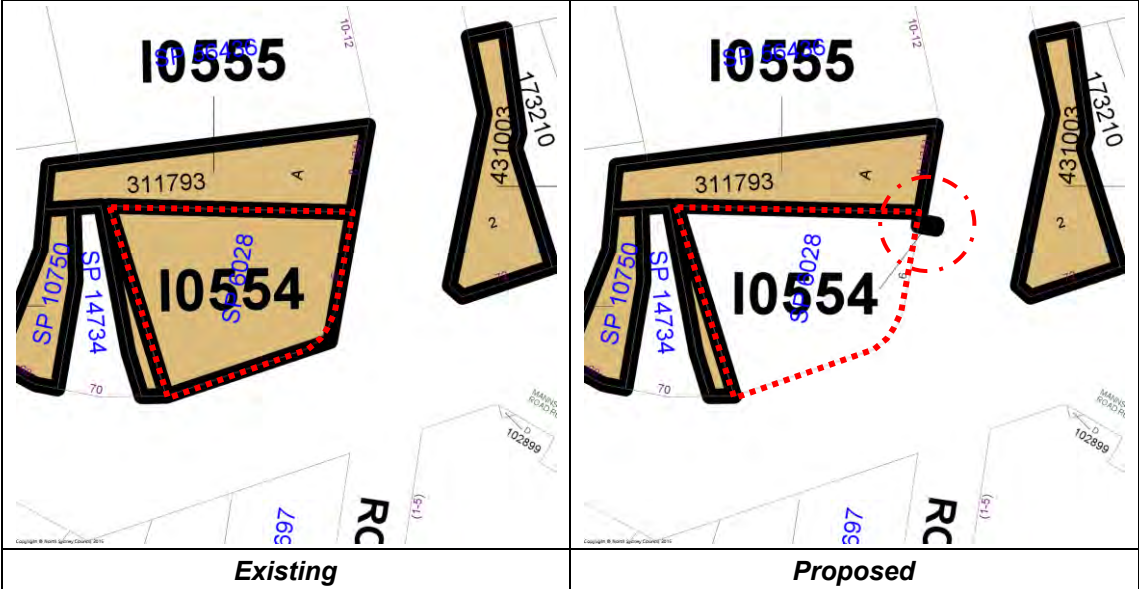


FIGURE 32:

Item I0554: Ben Boyd Plaque
– Proposed redefinition of heritage item

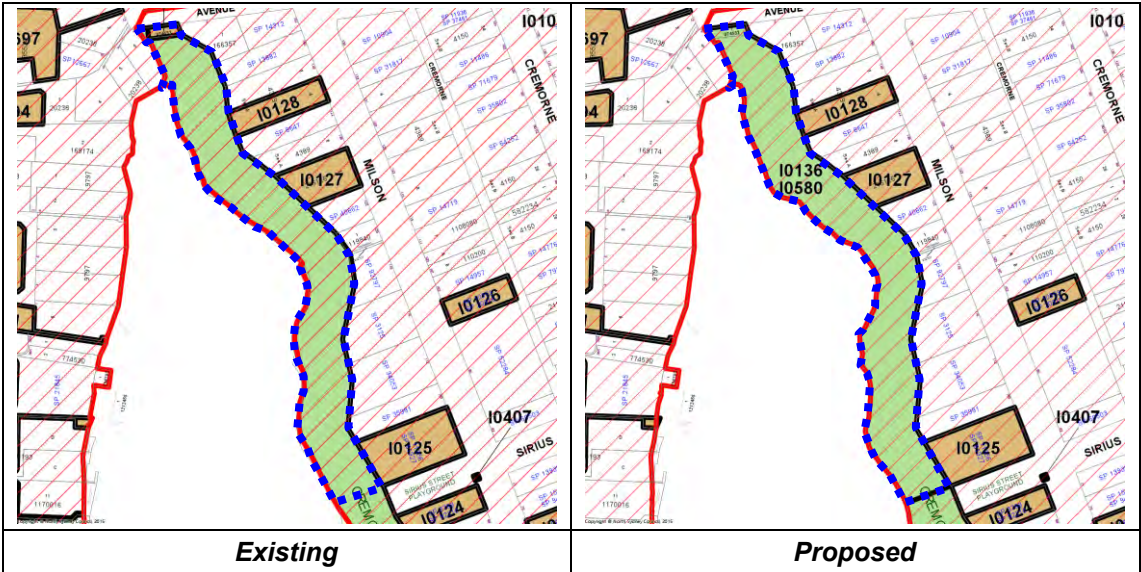


FIGURE 33:
I0580: Head of Shell Cove
- Proposed redefinition of heritage item

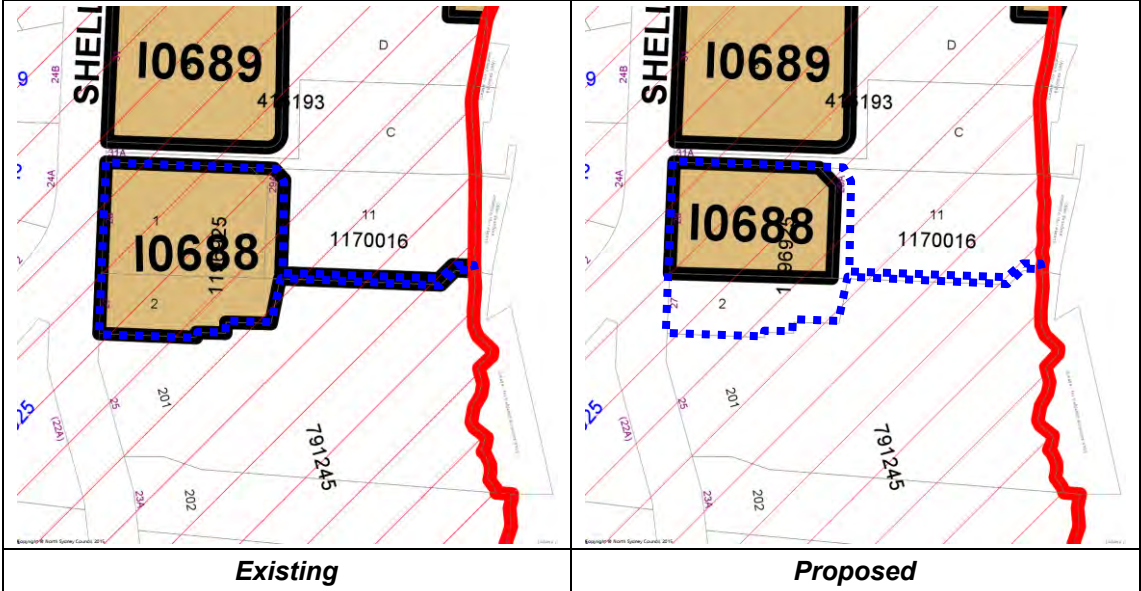


FIGURE 34:
Item I0688: 29 Shellcove Road, Kurraba Point
Proposed removal of the heritage listing from 27 and 29A Shellcove Road

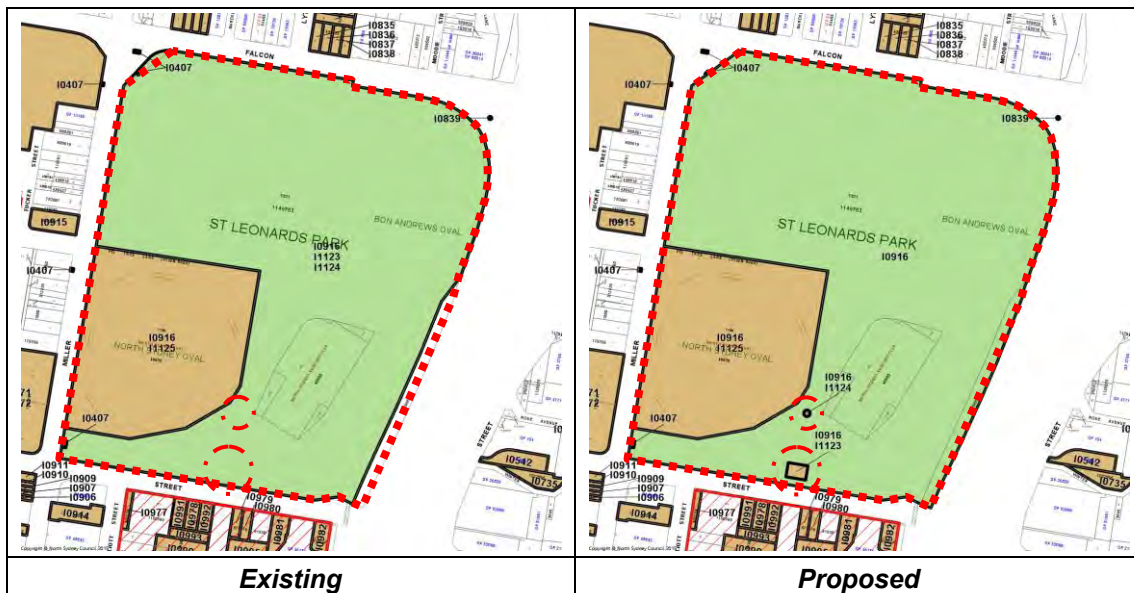


FIGURE 35:
Item I0916: St Leonards Park
Item I1123: War Memorial
Item I1124: W. Tunks Memorial Fountain
 - Proposed redefinition of heritage items

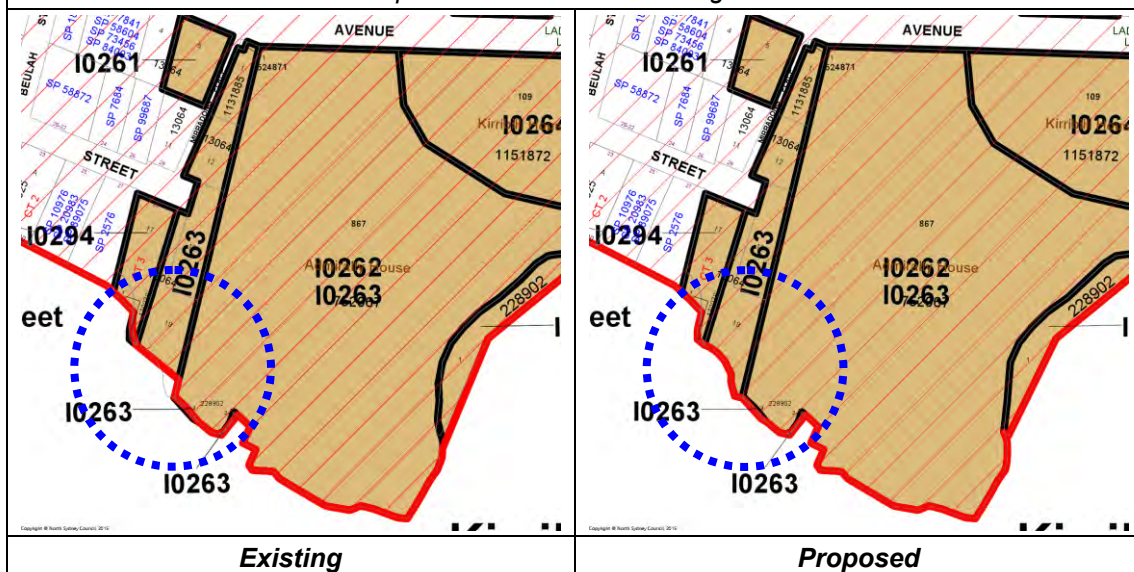
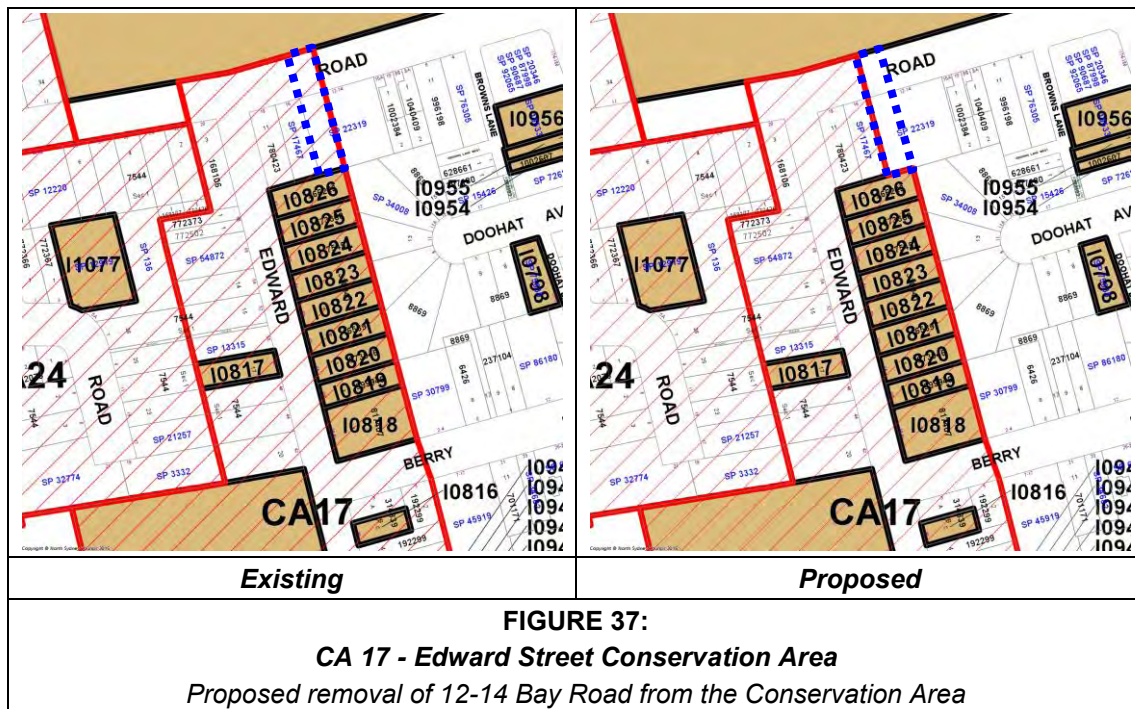


FIGURE 36:
CA 11 – Kirribilli Conservation Area
 Proposed inclusion of all of 29 Waruda Street and 109 Kirribilli Avenue within the Conservation Area



Height of Buildings Map

The intent of the Planning Proposal is proposed to be achieved by amending the Height of Buildings Map to NSLEP 2013 as follows:

- Removal of the 12m height limit to:
 - 19 Elamang Avenue (Lot B 378256) – refer to *Figure 38*;
- Applying an 8.5m height limit to:
 - The Avenue (private road reserve) – refer to *Figure 39*;
 - 25 Shirley Road, Wollstonecraft (Lot B, DP 964648; Lot 7376, DP 1167508) – refer to *Figure 40*;
 - 19 Elamang Avenue, Kirribilli (Lot B 378256) – refer to *Figure 38*;
- Applying a 12m height limit to:
 - 80 Bent Street, Neutral Bay (SP 47542) – refer to *Figure 41*

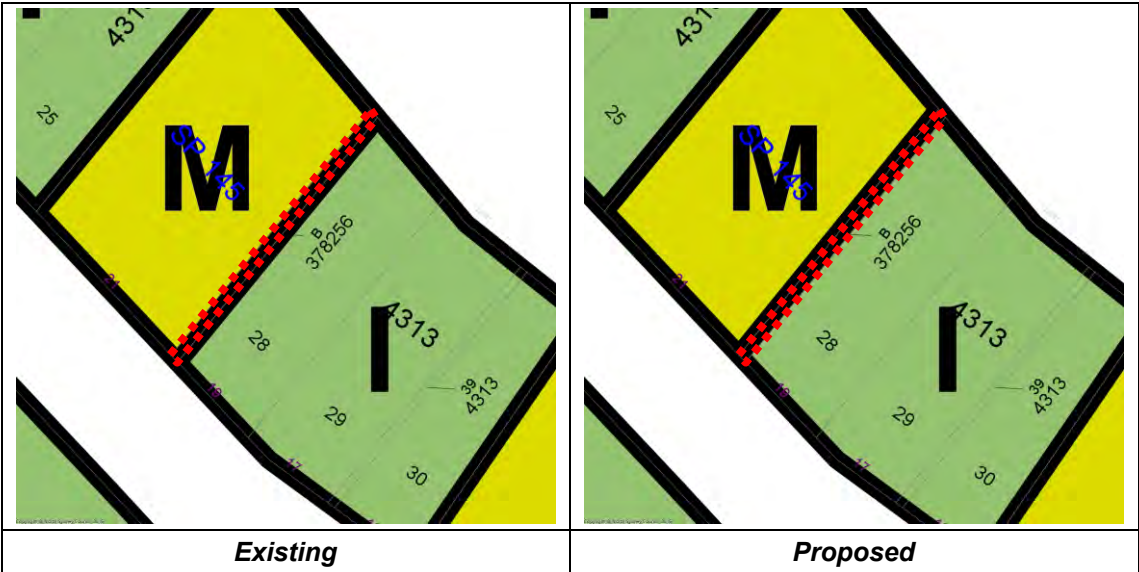


FIGURE 38:
19 Elamang Avenue, Kirribilli
- Proposed removal of 12m height limit and application of 8.5m height limit

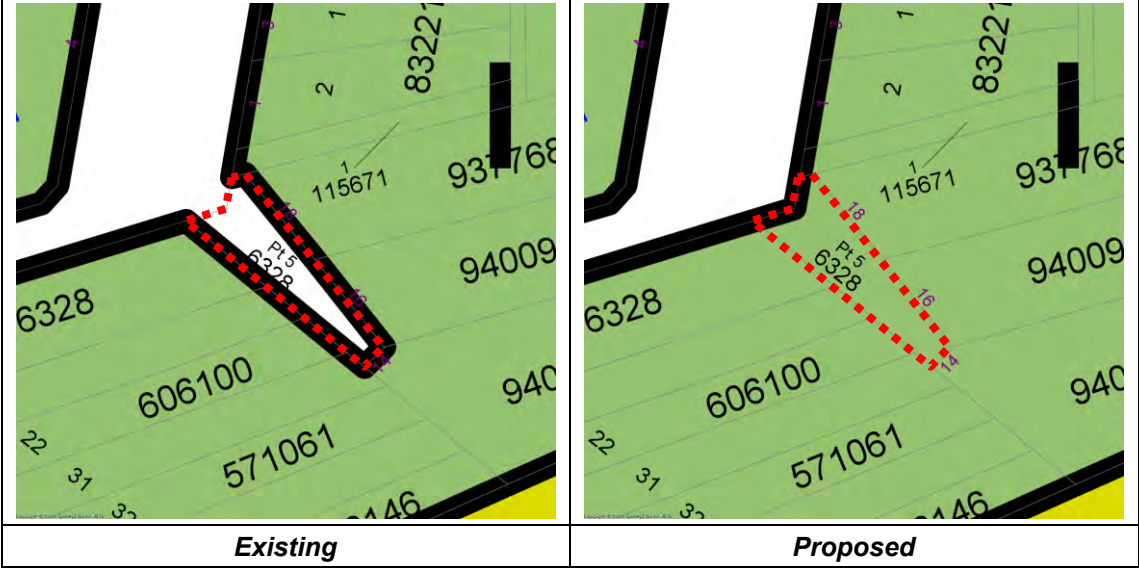
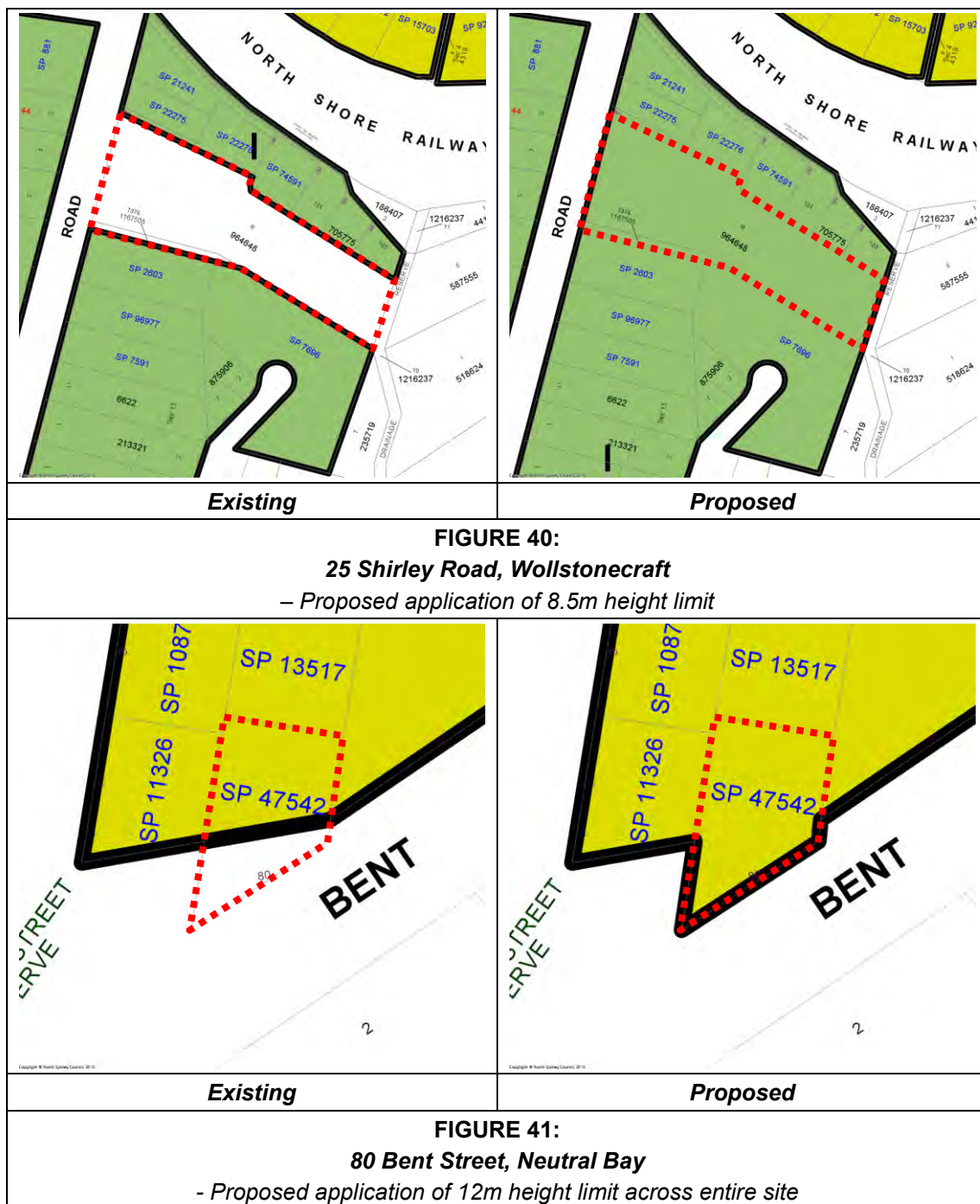


FIGURE 39:
The Avenue road reserve, North Sydney
- Proposed application of 8.5m height limit

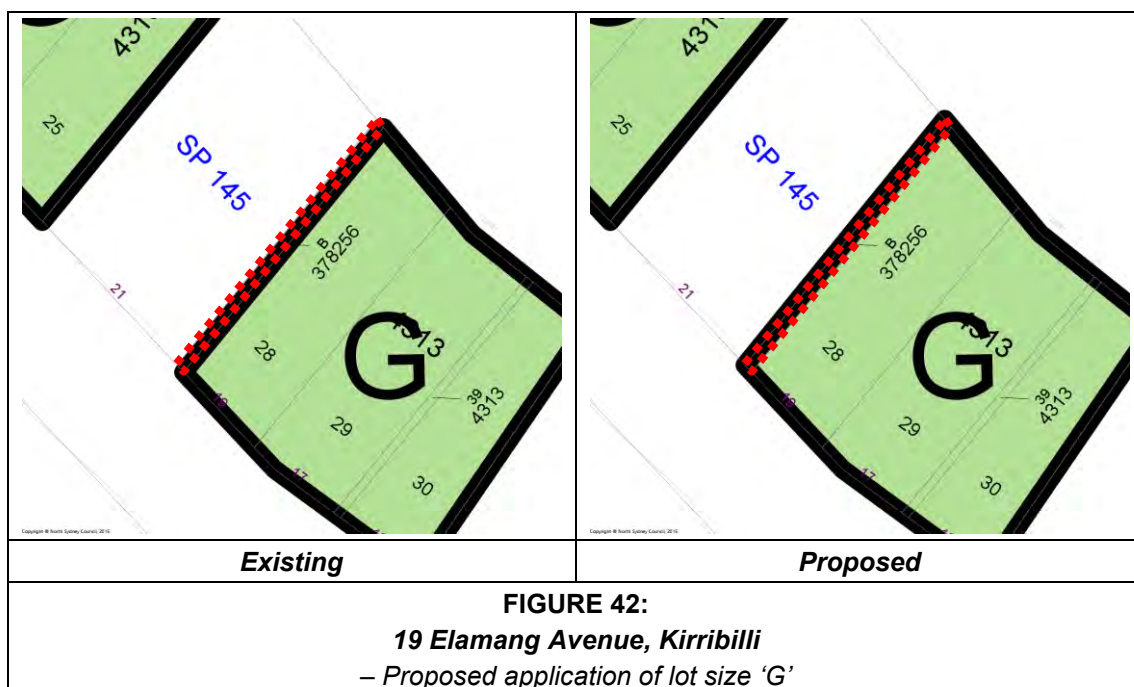


Lot Size Map

The intent of the Planning Proposal is proposed to be achieved by amending the Height of Buildings Map to NSLEP 2013 as follows (refer to Figures 42 to 49):

- Removal of Lot size “B” to:
 - 5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720) – refer to Figure 43;
 - 9 Emmett Street, Crows Nest (Lots 1&2 DP105126) – refer to Figure 43;
 - Lot A, DP 386501 (Lord Street, North Sydney) – refer to Figure 49;
 - 5 McLaren Street, North Sydney (Lot 1, DP 104072) – refer to Figure 46;

- 9 McLaren Street, North Sydney (Lots A&B, DP 339358) – refer to *Figure 46*;
- 11 McLaren Street, North Sydney (Lot 11, DP 5030) – refer to *Figure 46*;
- 21-23 McLaren Street, North Sydney (Lot 10, DP 5030) – refer to *Figure 46*;
- 27 McLaren Street, North Sydney (Lots 7&8, DP 5030) – refer to *Figure 46*;
- 29 McLaren Street, North Sydney (Lot 6, DP 5030) – refer to *Figure 46*;
- 31 McLaren Street, North Sydney (Lot 5, DP 5030) – refer to *Figure 46*;
- 18 Myrtle Street, North Sydney (Lot 1, DP794607) – refer to *Figure 43*;
- Removal of Lot size “G” to:
 - 57 Murdoch Street, Cremorne (Lot 1, DP 731455) – refer to *Figure 48*;
 - 85-87 Carabella Street, Kirribilli (Lot 200, DP 1166282) – refer to *Figure 47*;
 - 1-5 Jeffereys Street, Kirribilli (Lot 101, DP 1108496) – refer to *Figure 45*;
 - 73 Ridge Street, North Sydney (Lot 100, DP 1150569) – refer to *Figure 44*;
 - 81 Ridge Street, North Sydney (Lot B, DP 354165) – refer to *Figure 44*;
- Applying of Lot size “G” to:
 - 19 Elamang Avenue, Kirribilli (Lot B, DP 378256) – refer to *Figure 42*;



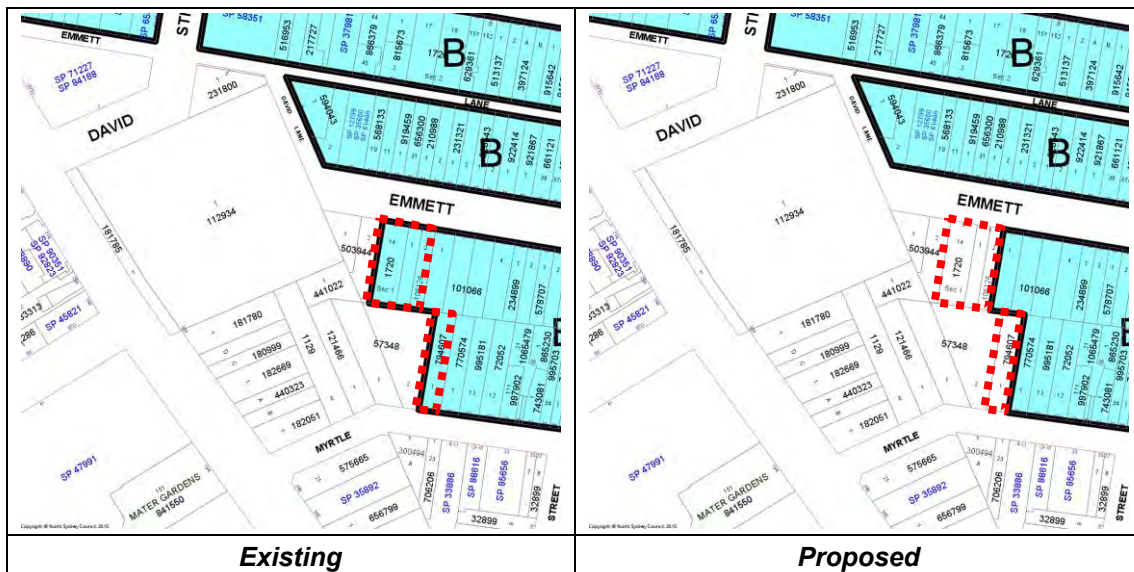


FIGURE 43:
North Sydney Girls High School
5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720);
9 Emmett Street, Crows Nest (Lots 1&2 DP105126);
18 Myrtle Street, North Sydney (Lot 1, DP794607)
 – Proposed removal of Lot Size 'B'



FIGURE 44:
Wenona School:
73 Ridge Street, North Sydney (Lot 100, DP 1150569)
81 Ridge Street, North Sydney (Lot B, DP 354165)
 – Proposed removal of Lot Size 'G'

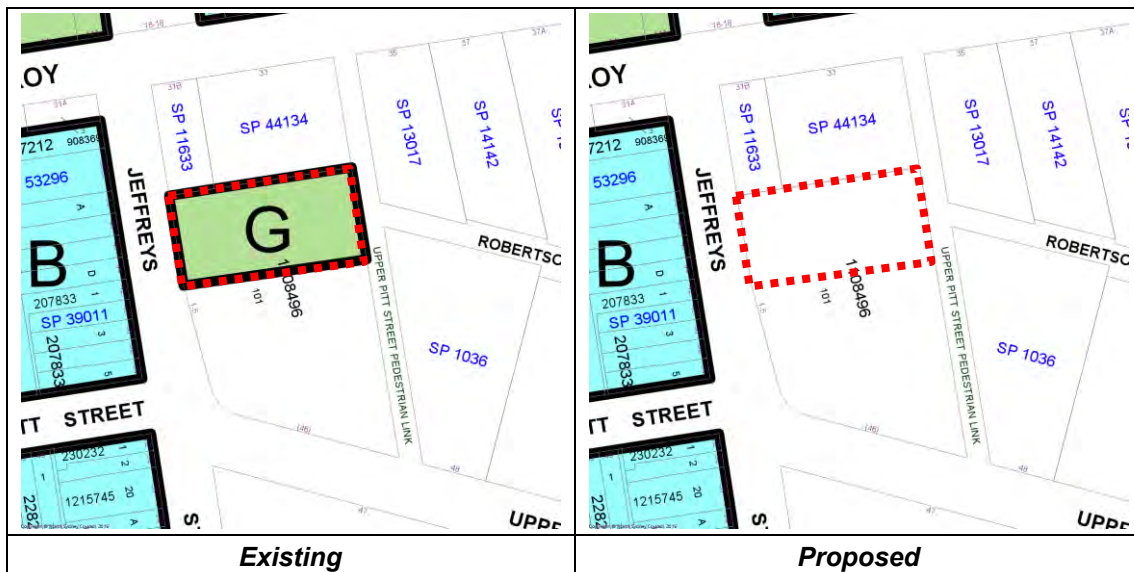


FIGURE 45:
St Aloysius College
1-5 Jeffreys Street, Kirribilli (Lot 101, DP 1108496)
 – Proposed removal of Lot Size 'G'

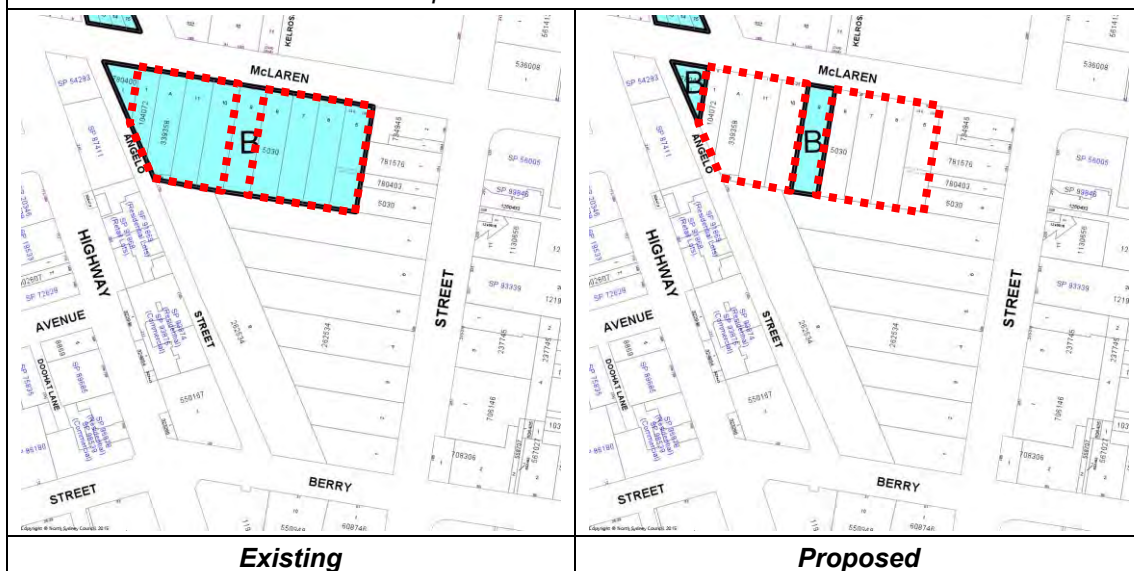


FIGURE 46:
Monte Sant' Angelo Mercy College
5, 9, 11, 21-23, 27, 29 & 31 McLaren Street, North Sydney
(Lot 1, DP 104072; Lots A&B, DP 339358; Lot 11, DP 5030; Lot 10, DP 5030; Lots 7&8, DP 5030; Lot 6, DP 5030; Lot 5, DP 5030)
 – Proposed removal of Lot Size 'B'



FIGURE 47:
Loreto Kirribilli
85-87 Carabella Street, Kirribilli (Lot 200, DP 1166282)
 – Proposed removal of Lot Size 'G'

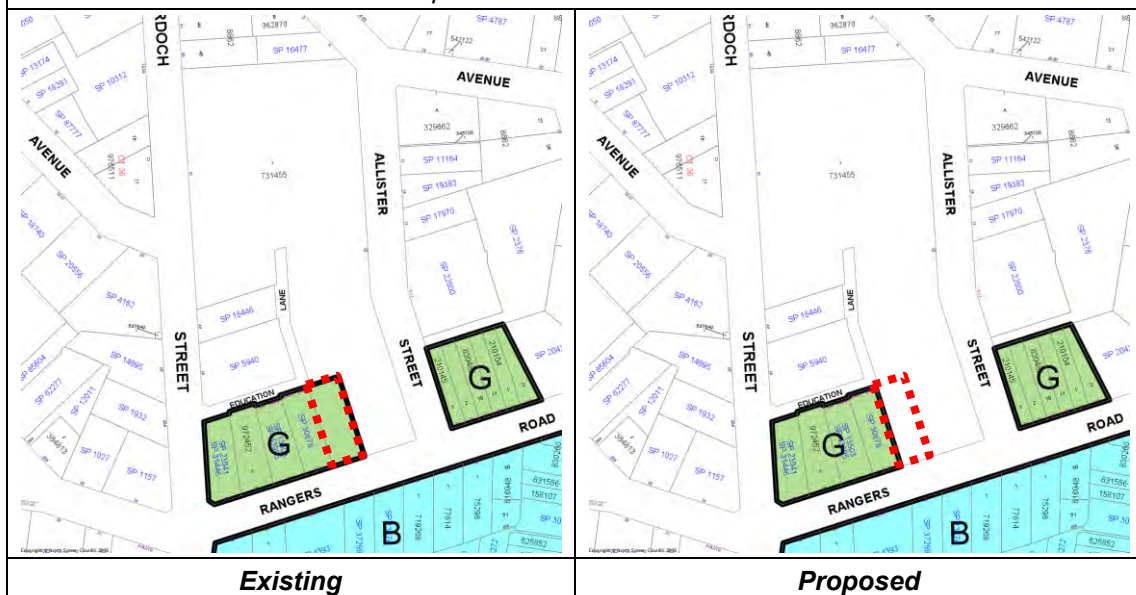
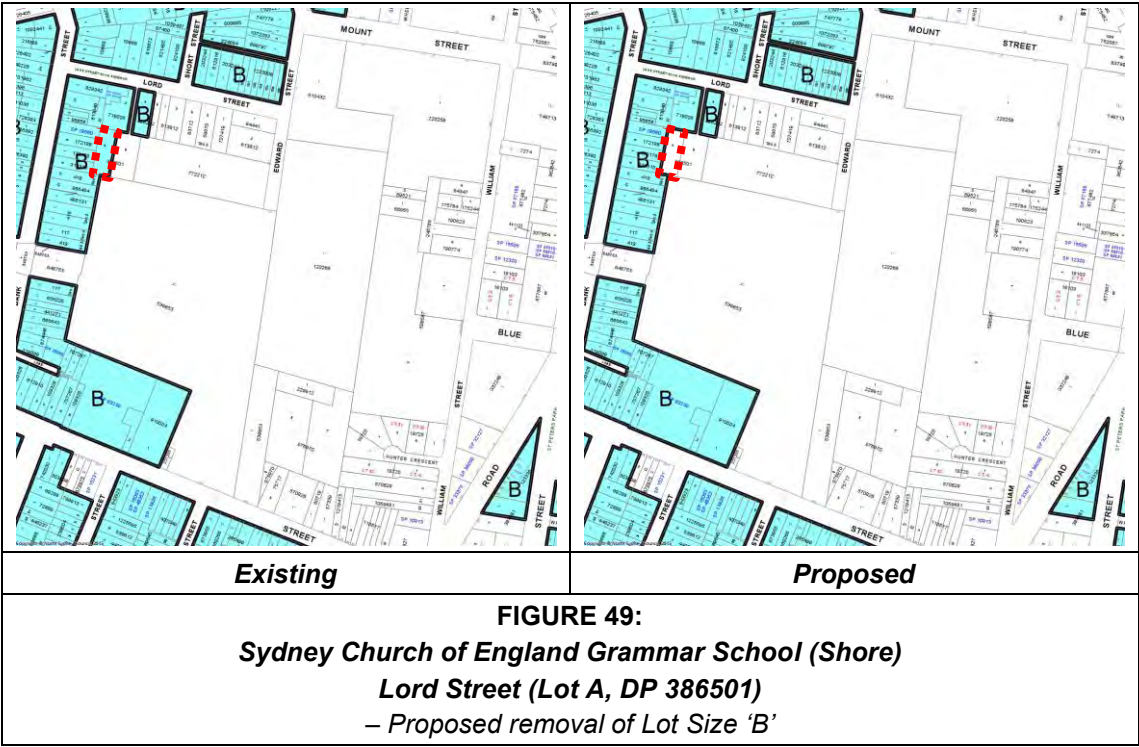


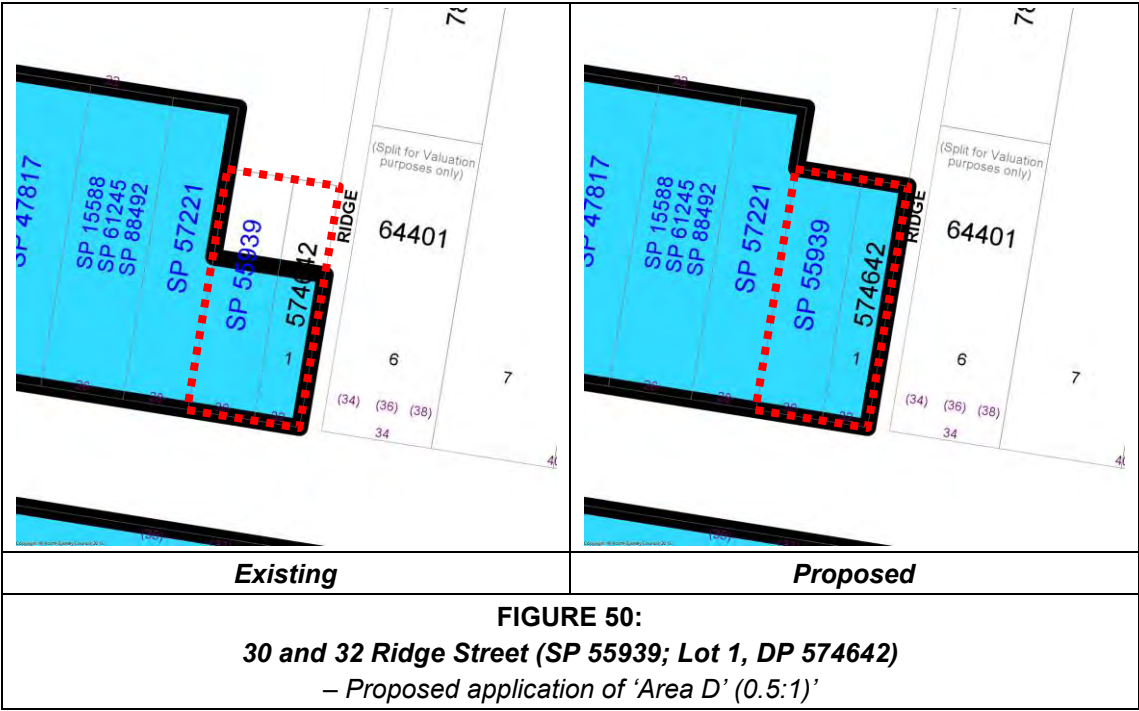
FIGURE 48:
Redlands, Sydney Church of England Co-educational Grammar School
(Junior Campus)
57 Murdoch Street, Cremorne (Lot 1, DP 731455)
 – Proposed removal of Lot Size 'G'



Non-residential Floor Space Ratio Map

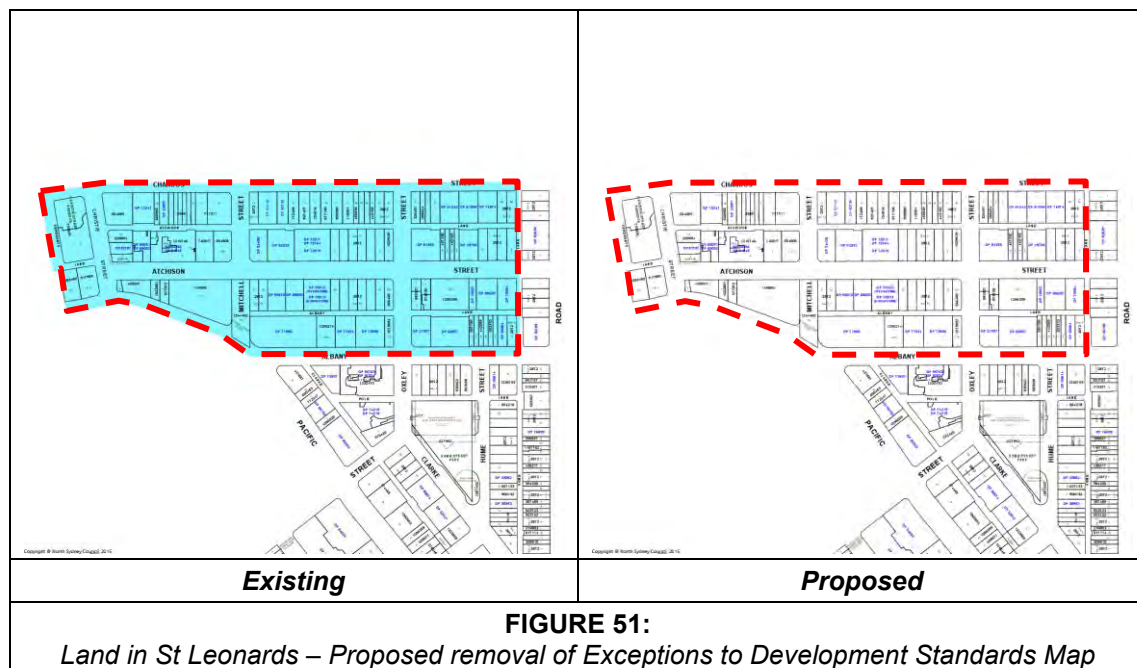
The Planning Proposal requires the replacement of all sheets to the Non-residential Floor Space Ratio Map. The intent of the Planning Proposal is proposed to be achieved by applying “Area D” (0.5:1) across the entirety of the following sites (refer to Figure 50):

- 30 Ridge Street, North Sydney (SP 55939);
- 32 Ridge Street, North Sydney (Lot 1, DP 574642)



Exceptions to Development Standards Map

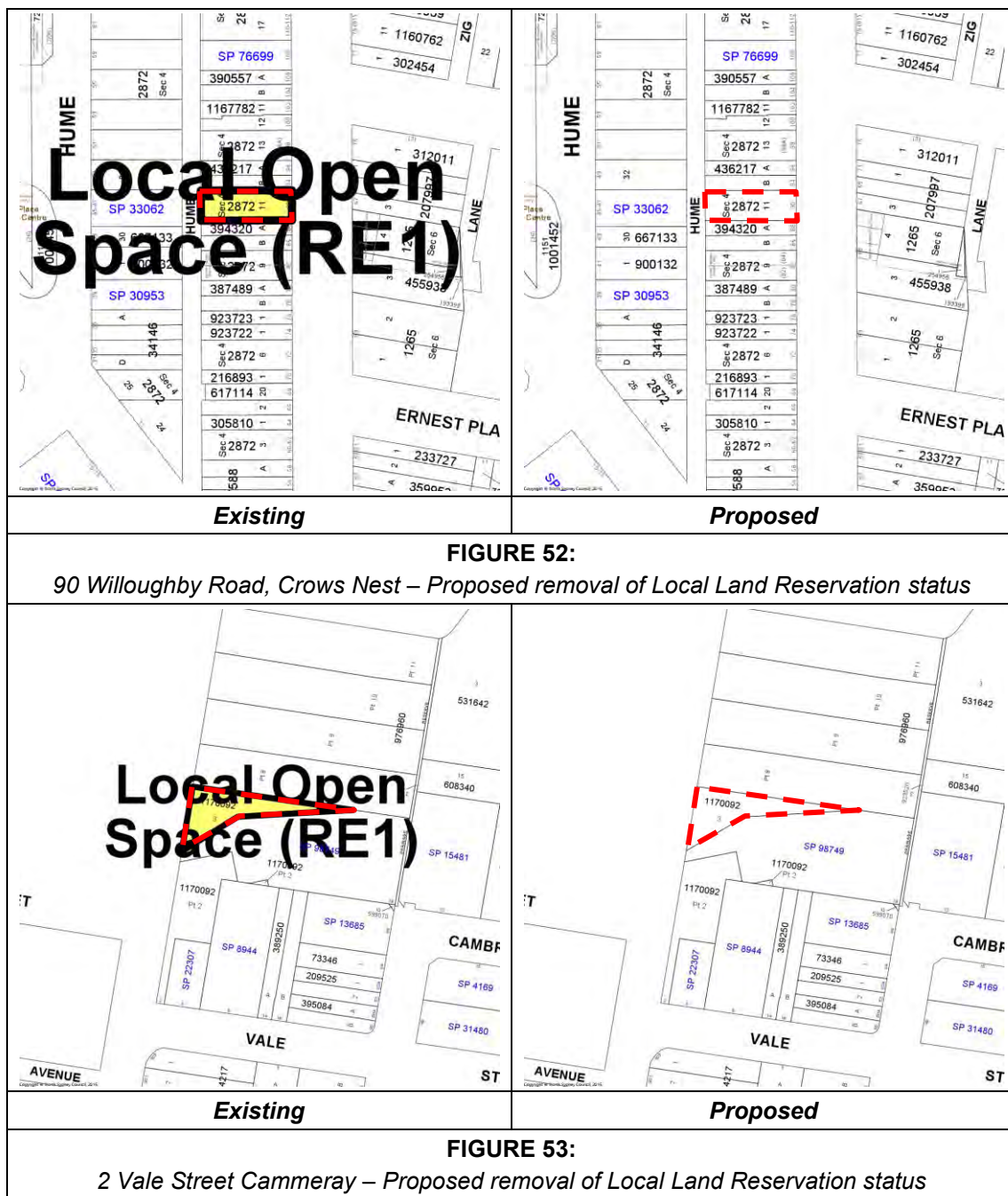
The Planning Proposal requires the replacement of all sheets to the Exceptions to Development Standards Map. This Map is combined with the North Sydney Centre Map and the Foreshore Building Line Map. The intent of the Planning Proposal is proposed to be achieved by removing “Land in St Leonards” (identified by pale blue shading) in its entirety from the Exceptions to Development Standards Map to NSLEP 2013 – refer to *Figure 51*. In addition, the “Land in St Leonards” key and map title Exceptions to development standards” heading are to be removed from the legend.

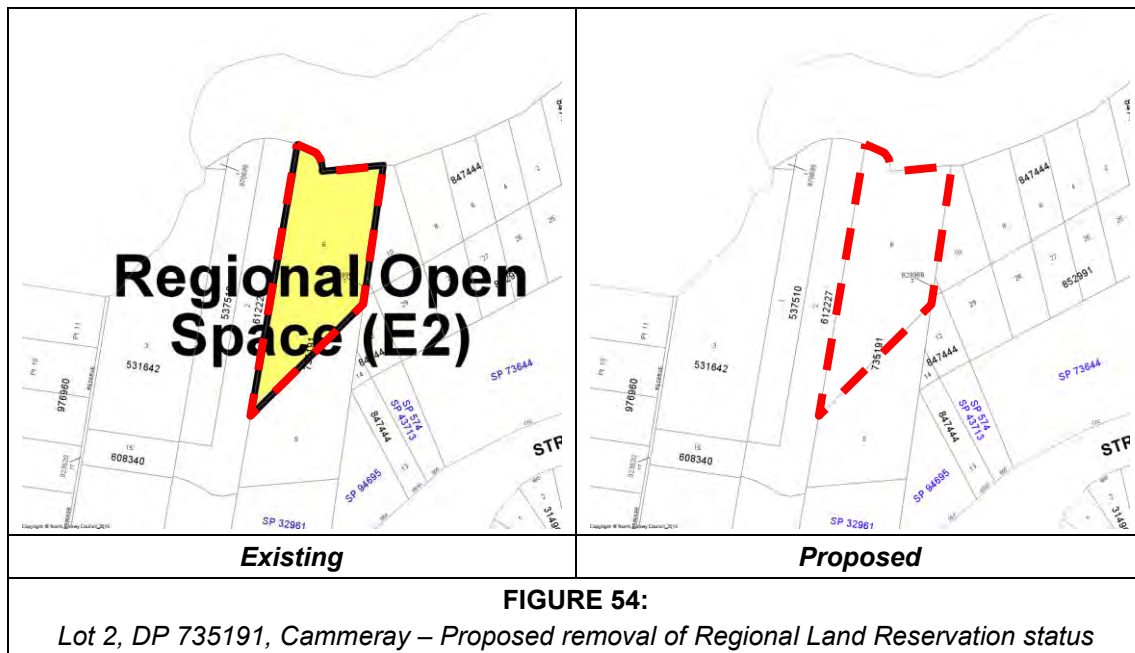


Land Reservation Acquisition Map

The Planning Proposal requires the replacement of all sheets to the Land Reservation Acquisition Map. The intent of the Planning Proposal is proposed to be achieved by removing the following properties in their entirety from the Land Reservation Acquisition Map to NSLEP 2013:

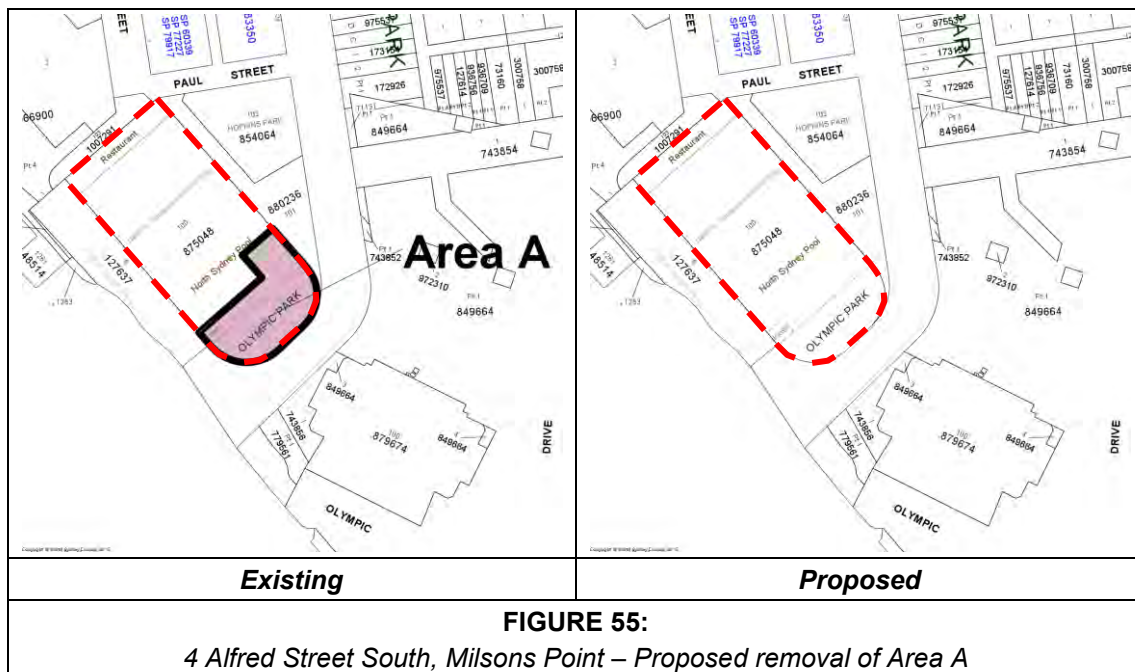
- 90 Willoughby Road, Crows Nest (Lot 11, Section 4, DP 2872) – refer to *Figure 52*;
- 2 Vale Street, Cammeray (Lot 3 DP 1170092) – refer to *Figure 53*;
- Lot 6 DP 735191 (located behind 2A Cambridge Street) Cammeray – refer to *Figure 54*;





Additional Permitted Uses Map

The Planning Proposal requires the replacement of all sheets to the Additional Permitted Use Map. The intent of the Planning Proposal is proposed to be achieved by removing “Area A” (4 Alfred Street South, Milsons Point) in its entirety from the Additional Permitted Uses Map to NSLEP 2013 - refer to *Figure 55*. In addition, “Area A” is to be removed from the legend.



5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

YES.

The Planning Proposal is principally informed by the outcomes of the draft *North Sydney Local Strategic Planning Statement* and the draft *North Sydney Local Housing Strategy*.

Draft North Sydney Local Strategic Planning Statement

On 24 June 2019, Council resolved to endorse a draft LSPS for the LGA and place it on public exhibition for a minimum of 42 days.

The draft LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by the Metropolitan Plan and NDP. The relevant actions of the draft LSPS are identified within section 2.2 of this report. The planning proposal is consistent with the relevant actions as follows:

- Preserves the existing character of lower density residential zones by enabling the redevelopment of residential flat buildings within the *R3 Medium Density Residential* zone, subject to meeting certain criteria;
- Ensuring the continued protection of heritage items;
- Not further restricting the ability to deliver commercial floorspace within the North Sydney Centre;
- Maintains a restriction on residential development within the *B3 Commercial Core* zone;
- Improves a diversity of mix of uses within business zones, by permitting veterinary hospitals in the *B1 Neighbourhood Centre Zone*;
- Does not reduce the number of uses within the commercial zones that could contribute to the night-time and or visitor economies;
- Does not increase the intensity of development in the vicinity of industrial zones;
- Does not reduce the ability to undertake cultural events;
- Maintains council's existing policy of locating most intense forms of development along and at major transport corridors and nodes;
- Improving and protecting green connections by rezoning some road reserves for open space purposes; and
- Not intensifying development potential in the vicinity of the foreshores of the LGA.

It is further noted, that the draft LSPS makes several references to amend relevant planning controls relating to the *St Leonards Crows Nest Planned Precinct*. This process is currently being driven by the State Government and a final position has not been determined with regard to the Planned Precinct's future direction. Therefore, in the absence of a final position, it is not appropriate to make any changes to the provisions of NSLEP 2013. This will ensure that the future planning controls for this Precinct will reflect the

adopted final direction, which has been subject to extensive community consultation.

Should it be required, the planning proposal will be further amended prior to forwarding to the DPIE for the purposes of Gateway Determination to ensure that it aligns with the finalised adopted version of the LSPS which is anticipated to be made on the same day as Council will adopt this planning proposal.

Draft North Sydney Local Housing Strategy

On 24 June 2019, Council resolved to endorse a draft LHS for the LGA and place it on public exhibition for a minimum of 42 days.

The draft LHS identifies the potential for an additional 6,952 dwellings in the North Sydney LGA by 2031 under the existing provisions of NSLEP 2013.

The North District Plan identifies that Council is to accommodate an additional 3,000 dwellings between 2016 and 2021. Council has been advised by the GSC that it is currently on target to meet this demand. This amount is different to the DPIE's implied demand, which identifies that only an additional 2,750 dwellings are required by 2021. Based on population projections made by DPIE, there is an implied demand for an additional 8,700 dwellings between 2021 and 2036. The LHS indicates however that an additional 8870 dwelling could be delivered in the same period.

The draft LHS contains actions to ensure the delivery of these housing targets along with a number of other housing initiatives (refer to Section 2.3). The Planning Proposal is consistent with these actions, in so far that:

- no additional capacity is required for the 2016-2021 period, with longer term dwelling targets to be met with future amendments to the LEP following a review once the current 5 yearly target has passed;
- Permitting residential flat buildings within the *R3 Medium Density Residential* zone;
- Including a new objective to the *R3 Medium Density Residential* zone to reinforce the character of these zoned lands; and
- Including a new local provision, that restricts the redevelopment of existing residential flat buildings in the *R3 Medium Density Residential* zone, to ensure that where those buildings are uncharacteristic with the prevailing character, that they do not further erode the character through increased bulk and scale.

The draft LHS recommends that the GSC determines a metropolitan wide affordable housing target as a more equitable way of delivering affordable housing. As the GSC has yet to determine a suitable target, it is not appropriate at this point to establish such a target within the LEP and any associated contributions scheme.

Should it be required, the planning proposal will be further amended prior to forwarding to the DPIE for the purposes of Gateway Determination to ensure that it aligns with the finalised adopted version of the LHS which is anticipated to be made just prior to the adoption of this planning proposal.

With respect to the proposed minor amendments to NSLEP 2013, Annexure 2 provides a detailed account as to the additional endorsed reports and studies to support the progression of the amendments.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

YES

There are no known alternative mechanisms available to achieve the intent of the Planning Proposal.

5.3.2 Section B – Relationship to strategic planning framework

3. *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

A Metropolis of Three Cities

Released by the GSC in March 2018, *A Metropolis of Three Cities* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 40 years. The Metropolitan Plan sets targets of an additional 725,000 homes and 817,000 jobs in Greater Sydney by 2036.

The proposal's consistency with the Objectives, Strategies and Actions of the Metropolitan Plan is provided in the table to ANNEXURE E. In summary, the planning proposal is considered to be consistent with the relevant Objectives, Strategies and Actions as follows:

- Not amending or introducing provisions that would restrict the delivery of key transport infrastructure projects or maintaining identified freight routes;
- Not amending or introducing provisions that would result in increased demand additional transport, social or infrastructure services;
- Optimising infrastructure use and accessibility to Centres by maintaining the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes;
- Maintaining the vitality of Centres by not reduce the number of permissible uses within the Business zones;
- Increasing business opportunities within existing centres through permitting veterinary hospitals in the B1 Neighbourhood Centre zone;
- Maintaining levels of liveability by not reducing the ability to deliver socially infrastructure;
- Aligning the LEP with an endorsed LHS to deliver the housing demands anticipated for the for the LGA;
- Protecting industrial lands by not increasing intensity of sensitive land uses within the vicinity of industrial land
- Protecting existing employment areas by maintaining a prohibition on residential development in the B3 Commercial Core zone;
- Protecting the coast and waterways by not intensifying development in or adjacent to the LGA's foreshores;

- Protecting biodiversity, urban bushland and remnant vegetation by not intensifying development within or adjacent areas zoned for open space or bushland purposes; and
- Enhancing public open space, by increasing the amount of land zoned for open space purposes.

North District Plan

Also in March 2018, the GSC released *North District Plan* (NDP). The North Sydney LGA is located in the North District along with other LGAs including Lane Cove, Ryde, Willoughby, Hunters Hill, Mosman, Ku-ring-gai, Hornsby and Northern Beaches. The NDP sets the following relevant targets:

- **Employment:** an additional 15,600-21,100 jobs by 2036 in the North Sydney Strategic Centre; and
an additional 6,900-16,400 jobs by 2036 in the St Leonards (some of which is to be accommodated in the LGAs of Lane Cove and Willoughby)
- **Housing:** an additional 3,000 dwellings by 2021 for the North Sydney LGA; and
an additional 97,000 dwellings by 2036 for the North District.

The proposal's consistency with the Planning Priorities, Objectives and Actions of the NDP is provided in the table to ANNEXURE F. In summary, the planning proposal is considered to be consistent with the relevant Planning Priorities, Objectives and Actions as follows:

- Not amending or introducing provisions that would restrict the delivery of key transport infrastructure projects or maintaining identified freight routes;
- Not amending or introducing provisions that would result in increased demand additional transport, social or infrastructure services;
- Optimising infrastructure use and accessibility to Centres by maintaining the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes;
- Maintaining the vitality of Centres by not reduce the number of permissible uses within the Business zones;
- Increasing business opportunities within existing centres through permitting veterinary hospitals in the B1 Neighbourhood Centre zone;
- Maintaining levels of liveability by not reducing the ability to deliver socially infrastructure;
- Aligning the LEP with an endorsed LHS to deliver the housing demands anticipated for the for the LGA;
- Improving protection to the Districts heritage, by correcting errors and identifying two new items;
- Protecting industrial lands by not increasing intensity of sensitive land uses within the vicinity of industrial land
- Protecting existing employment areas by maintaining a prohibition on residential development in the *B3 Commercial Core* zone;
- Protecting the coast and waterways by not intensifying development in or adjacent to the LGA's foreshores;

- Protecting biodiversity, urban bushland and remnant vegetation by not intensifying development within or adjacent areas zoned for open space or bushland purposes;
- Enhancing public open space, by increasing the amount of land zoned for open space purposes;

4. *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

YES

Draft North Sydney Local Strategic Planning Statement

Consistency with this document is addressed above.

Draft North Sydney Local Housing Strategy

Consistency with this document is addressed above.

Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan 2018–2028 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council's most important strategic document and is used to guide and inform Council's decision making and planning for the next ten years.

The proposal's consistency with the Directions, Outcomes, and Strategies of the CSP is provided in the table to ANNEURE G. In summary, the planning proposal will:

- Ensure the health of bushland areas and waterways;
- Enhance and protect public open space;
- Enhance the ability to redevelop the North Sydney Olympic Pool to ensure its long term viability;
- Ensure the effective integration of land use and transport;
- Ensure a diverse mix of employment opportunities;
- Ensure that a night-time and visitor economy is achieved;
- Ensure the LEP remains contemporary;
- Ensure the protection of North Sydney's heritage; and
- Ensure the delivery of social, educational and health services infrastructure.

North Sydney Council Delivery Program 2018/19-2020/21

The North Sydney Council Delivery Program 2018/19-2020/21 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years that will contribute to the long-term strategies and desired outcomes of the Plan.

The Planning Proposal directly supports the vision of the Delivery Program as the five Directions mirror those of the CSP.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney LGA, as demonstrated in TABLE 1.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	YES	The Planning Proposal does not seek to further reduce the extent of land zoned in the E2 Environmental Conservation zone nor will it affect the attainment of the SEPP's aims and objectives.
SEPP No. 33 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
SEPP No. 50 - Canal estate development	YES	The Planning Proposal is consistent with the SEPP by maintaining a prohibition on canal estate development.
SEPP No. 55 - Remediation of land	YES	The Planning Proposal does not seek to amend the permissibility of land use within any zone nor introduce a site specific use which may be sensitive to contamination issues (e.g. rezoning land zoned for commercial or industrial purposes to residential or recreational uses).
SEPP No. 64 - Advertising and signage	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 65 - Design Quality of Residential Apartment Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Affordable Rental Housing) 2009	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.
SEPP (Coastal Management) 2018	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Educational Establishments and Child Care Facilities) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

TABLE 1: Consistency with SEPPs		
Direction	Consist -ency	Comment
SEPP (Exempt and Complying Development Codes) 2008	YES	The Planning Proposal seeks to remove exempt and complying development types that are permitted under this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004 - <i>formerly SEPP (Seniors Living) 2004</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (State Significant Precincts) 2005 - <i>formerly SEPP Major Development, SEPP Major Projects & SEPP State Significant Development</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007 - <i>formerly SEPP (Temporary Structures) 2007</i>	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (State and Regional Development) 2011	N/A	This SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
SEPP (Vegetation in Non-Rural Areas) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives. Furthermore, the removal of "tree removal or pruning" from the Exempt Development schedule, will result in the removal of a duplicate provision contained within NSDCP 2013.
Sydney REP (Sydney Harbour Catchment) 2005	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to councils, as demonstrated in TABLE 2.

TABLE 2: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	YES	<p>The Planning Proposal does not seek to reduce any commercial zoning under NSLEP 2013 nor does it seek to reduce the level of permissible non-residential floor space achievable on the affected lands.</p> <p>Whilst the Planning Proposal seeks to rezone 74 McDougall Street, Kirribilli from <i>IN4 Working Waterfront</i> to <i>SP2 infrastructure (Sewerage reticulation system)</i> it is highly unlikely that the site will be used for any other purpose in the medium to long term.</p> <p>The proposed introduction of “veterinary hospitals” in the <i>B1 Neighbourhood Centre</i> zone, will provide some increased flexibility as to where this type of development can occur (currently only within the <i>B3 Commercial Core</i> and <i>B4 Mixed Use</i> zone).</p>
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 nor proposed under the Planning Proposal.
1.3 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
1.4 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
2 Environmental Heritage		
2.1 Environmental Protection Zones	YES	The Planning Proposal does not alter the existing environmental protection to land within an environmental protection zone.

TABLE 2: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
2.2 Coastal Protection	YES	<p>The Planning Proposal is consistent with the Direction as it will not impede the attainment of the objectives of the Coastal Management Act, NSW Coastal Management Manual, or NSW Coastal Design Guidelines.</p> <p>The Planning Proposal does not seek to rezone land that would enable increased development or more intensive land use on land:</p> <ul style="list-style-type: none"> • within a coastal vulnerability area • land affected by an identified coastal hazard; and • coastal wetlands and littoral rainforest area.
2.3 Heritage Conservation	YES	<p>The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 (refer to Clause 5.10) which already satisfy the requirements of the Direction.</p> <p>The Planning Proposal seeks to make a number of amendments to Schedule 5 – Environmental Heritage and the Heritage Map to ensure that items are more accurately identified.</p> <p>In addition, the Planning Proposal seeks to undertake minor amendments to the Heritage Map and Schedule 5 to NSLEP 2013 to include two (2) additional items of local heritage significance resulting from the recommendations of a heritage assessment of two sites (refer to ANNEXURE A).</p>
2.4 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	YES	The Planning Proposal is consistent with the requirements of the Direction as it will formalise the ability to redevelop sites within <i>the R3 Medium Density Residential</i> zone for residential flat buildings without having to rely on demonstrating existing use rights to a scale consistent with other development in the zone.
3.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.

TABLE 2: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
3.3 Home Occupations	YES	The Planning Proposal does not alter the existing provisions within NSLEP 2013 that relate to home occupations, which already satisfy the requirements of the Direction.
3.4 Integrating Land Use & Transport	YES	The Planning Proposal does not seek to minimise development potential in close proximity to mass public transport.
3.5 Development Near Regulated Airports and Defence Airfields	YES	Despite not being located in close proximity to Sydney Airport, almost the entire LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. Whilst the Planning Proposal seeks to introduce new maximum building heights on some sites within the LGA, none of these new controls will result in OLS being exceeded.
3.6 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.2 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
4.3 Flood Prone Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.4 Planning for Bushfire Protection	YES	The Planning Proposal is consistent with the direction as it does not result in: <ul style="list-style-type: none"> • inconsistencies with the Planning for Bushfire Protection 2006; • permitting increased density on land affected by bushfire; and • bushfire hazard reduction being prohibited with Asset Protection Zones.
5 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by one of the identified strategies.
5.2 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

TABLE 2: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.9 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.10 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this report.
5.11 Development of Aboriginal Land Council land	N/A	This Direction does not apply as the Planning Proposal does not relate to any land identified under State Environmental Planning Policy (Aboriginal Land) 2019.
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal does not seek to introduce new concurrence, consultation or referral requirements, nor identify development types for the purpose of designated development.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create or alter existing zonings or reservations of land for public purposes. However, it does remove the identification of 3 parcels of land to be acquired for public purposes due to that land having been acquired by the relevant acquisition authority. Two of these properties have been acquired by Council the other by DPIE.
6.3 Site Specific Provisions	YES	A number of sites identified within Schedule 1 Additional permitted uses are proposed to be removed, as those uses no longer exist on these sites and are unlikely to be re-established in the short to medium term. It is also proposed to amend the provisions under Schedule 1 such that "function centres" will be permitted across the entire North Sydney Olympic Pool site, opposed to only allowing on only a small portion of it. The amendment will increase flexibility as to the future use of the site in line with its future redevelopment.
7 Metropolitan Planning		
7.1 Implementation of the A Plan for Growing Sydney	N/A	This Regional Plan has been superseded by the Greater Sydney Region Plan – A Metropolis of Three Cities, which was released in March 2018.

TABLE 2: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Greater Parramatta Priority Growth Area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.

5.3.3 Section C – Environmental, social and economic impact.

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Planning Proposal does not seek to reduce the extent of land zoned *RE1 Public Recreation* or *E2 Environmental Conservation*, nor increase the number of permissible uses within these zones.

Whilst it is acknowledged that there will be a very minor reduction in land zoned *RE1 Public Recreation* at the northern end of Benelong Lane and across the southern portion of 80 Bent Street, these lands are largely hard paved and provide little recreational or biodiversity benefits.

Despite this reductions, there will be a nett increase in land zoned *RE1 Public Recreation* through the rezoning of two notable areas of road reserves (Wilson Street and Arthur Street South) which currently act as passive recreation areas. Rezoning parts of these two road reserves to *RE1 Public*

Recreation will also guarantee an extension to existing green corridors, helping to promote fauna movement consistent with the outcomes of the Metropolitan Plan, NDP and LSPS.

It is not proposed to amend NSLEP 2013 that would result in the intensification of the use of land in the vicinity of Sydney Harbour or its tributaries.

Therefore, it is unlikely that the Planning Proposal will adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The proposal to permit residential flat buildings in the *R3 Medium Density Residential* zone seeks to remove the ability to exploit existing use rights provisions in the redevelopment of land containing lawfully approved residential flat buildings. When utilising existing use rights, it enables all numerical controls under an LEP for a site to be put aside which can have a detrimental impact on the character of an area. This has been evident in the approval of a number of applications through the Land and Environment Court.

To ensure that the desired future character of land within the *R3 Medium Density Residential* zone is given greater protection and consideration, it is proposed to permit residential flat buildings in the zone and include a new local provision to manage any potential impacts for the redevelopment of such sites, especially where the existing residential buildings substantially exceed current controls.

No other adverse environmental effects are anticipated by the implementation of the Planning Proposal.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The proposed inclusion of veterinary hospitals in the *B1 Neighbourhood Centre* zone will provide increased flexibility as to where these types of development can be undertaken (currently permitted in the *B3 Commercial Core* and *B4 Mixed Use* zone).

Council has a long standing policy of zoning schools for special purposes. When NSLEP 2013 was first made, all land owned a school and had approved to be used for educational purposes was zoned *SP2 Infrastructure (Education establishment)*. The primary purpose of zoning schools in this manner was to provide some level of certainty to the community as to the extent of schools.

Since this time a number of schools have purchased adjoining lands and sought approval for their used as an education establishment. Given that schools represent a long term investment within a locality, any change to the proposed zoning would not adversely limit the extent to the use of the land, as *State Environmental Planning Policy (Infrastructure) 2007* and *State Environmental Planning Policy (Educational Establishments and Child Care*

Facilities) 2017, enable additional uses to be undertaken on land zoned for school purposes, including the SP2 zone. In addition, clause 5.3 to NSLEP 2013 enables land zoned *SP2 Infrastructure* to be used for any use that is permissible within a zone on land which is located directly adjacent to land zoned *SP2 Infrastructure*.

The correction of various errors and anomalies with respect to the heritage items will provide increased certainty as to what has heritage significance and that which does not. This increased certainty will enable property owners to make a more informed decision with respect to the redevelopment of their properties.

The removal of the heritage listings to properties where heritage items have been removed will remove the need to consider such matters where they are no longer relevant.

The public exhibition of the Planning Proposal will provide additional opportunity for the owners of the properties proposed to be heritage listed and the wider community to determine whether heritage listing of these sites are considered appropriate or not.

5.3.4 Section D – State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

Implementation of the Planning Proposal is unlikely to adversely impact upon the provision of public infrastructure services within the locality as there is no significant increases to development capacity proposed.

There will be increased protection provided to existing public infrastructure, by correcting the extent of land zoned for classified road purposes and ensuring that existing Sydney Water sewage pumping stations and schools reflect their long term use.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The Planning Proposal has not yet been considered by State or Commonwealth public authorities and would be typically gained through the Gateway Determination process.

It is acknowledged that public authorities have been involved in the preparation of the draft LSPS and draft LHS.

In light of the proposed changes to NSLEP 2013, Council considers that at least the following public authorities should be consulted with during the public exhibition process:

- (a) Sydney Water;
- (b) Transport for NSW;
- (c) Road and Maritime Services Division of Transport of NSW;
- (d) Heritage Council of NSW;
- (e) Heritage Division of DPIE;
- (f) Department of Education;

ANNEXURE A

- Register of Issues



Register of Miscellaneous Issues

Planning Proposal – North Sydney LEP Review 2019

15 October 2019

1 INTRODUCTION

Since the commencement of North Sydney Local Environmental Plan (NSLEP) 2013, council have kept a register of issues arising from the operation of NSLEP 2013. These issues have included:

- Ensuring all LEP maps accurately align with a state government requirement to move a new base cadastre;
- Correcting minor errors pertaining to the location of the local government area boundary and NSLEP 2013 boundary;
- Correcting errors with respect to the legal description and street addresses of properties identified under the LEP;
- Rezoning a number of private properties to correct historical errors;
- Rezoning a number of road reserves for open space purposes to reflect their current usage;
- Rezoning land owned and used by schools for infrastructure purposes to reflect their primary use, consistent with current zoning practices adopted by Council;
- Rezoning two Sydney Water properties housing and operating sewage pumping infrastructure to better reflect their primary use;
- Rezoning a number of properties to reflect the extent of land gazetted for classified road purposes;
- Increasing the ability to establish veterinary hospitals within business zones;
- Expanding the ability to undertake functions across the entirety of the North Sydney Olympic Pool site to provide increased flexibility with its future redevelopment;
- Removal of redundant clauses due to them ceasing operation or duplication under NSLEP 2013, or other planning instruments such as State Environmental Planning Policies;
- Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
- Correcting errors in relation to the descriptions and locations of heritage items;
- Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits;
- Addressing outstanding resolutions of Council, including:
 - Identifying 33 Spruson Street, Neutral Bay as a heritage item;
 - Identifying 3 Parker Street, McMahon's Point as a heritage item; and
 - Allowing "residential flat buildings" as a permissible form of development with consent in the *R3 Medium Density Residential* zone.
- Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority;
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling;
- Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP.

The following sections provide background to the issues raised.

2 Cadastre Realignment

2.1 Issue

The planning information presented in the maps to NSLEP 2013 align with underlying cadastre (i.e. the physical horizontal extent of a property).

When NSLEP 2013 was first made, the maps were initially aligned with Council's in-house cadastral database, based on the Integrated Survey Grid (ISG) for Zone 56/1 projection.

Since this time, the DPIE have requested all councils to realign their cadastral mapping information with the NSW Spatial Services Digital Cadastral Data Base (DCDB), which is based on the Geocentric Datum of Australia 1994 (GDA94 - MGA).

In realigning the base cadastre to a new projection as requested, it has resulted in some of the planning information in the Maps to NSLEP 2013 not aligning to the base cadastre. This issue is particularly evident at the foreshores of the North Sydney LGA, where the boundaries typically align with Mean High Water Mark (MHWM). However, as MHWM can vary over time, the issues of alignment can constantly change. As the boundaries of the planning information in the LEP maps are principally based on the cadastral boundaries of registered land titles (with some exceptions) there is a need to formally amend the LEP maps to ensure that the correct planning controls continue to apply to land.

The DPIE are currently seeking to transition from the use of hard copy maps (e.g. PDFs) to digital based maps (e.g. spatial co-ordinates) as the legal reference to maps under an environmental planning instrument (EPI). Digital maps enable the planning information to be better aligned with the registered title of land, rather than a disconnected layer to an outdated projection.

It is understood that the State Government also seeks to move to yet another cadastre database known as GDA2020, upon which the NSW Planning Portal will be based.

2.2 Comment

To ensure the accuracy of planning information applying to properties is better maintained, it is recommended that all the LEP maps be amended to reflect the current NSW Spatial Services DCDB projection. This in turn will also enable a smoother transition to the forth coming GDA2020 projection, without the need to undertake unnecessary amendments to the LEP maps.

3 Land Application Map

3.1 Background

DPIE's guidelines and practice notes for the preparation of LEPs under the Standard Instrument LEP state that comprehensive LEPs are to generally only apply to a council's LGA. The extent of an LGA is stipulated under Sections 204 and 205 of the Local Government Act, 1993 (LG Act 1993), whereby the identification of an LGA must be proclaimed through the publication of a notice in the Government Gazette.

The extent of the North Sydney LGA was first proclaimed in 1893 under the Municipalities Act, 1858 (a precursor to the LG Act, 1993) and has been amended on a number of occasions to generally reflect the following extent:

*... the boundaries of the Municipality of North Sydney shall be -
County of Cumberland, parish of Willoughby, area about 4 square miles;
Commencing on the waters of Mosman Bay or Great Sirius Cove at the outlet of small watercourse forming the northern boundary of portion 364; and bounded thence by a line along the middle of that water course upwards to the middle of Spofforth street; by a line along the middle of that street northerly to the middle of Military-road; by a line along the middle of that road north-easterly to its intersection with the southerly prolongation of a line, along the middle of Macpherson-street; by that prolongation and a line along the middle of that street northerly to the middle of Ellalong-street; by a line along the middle of Ellalong-street north-easterly to the middle of Wyong-road; by a line along the middle of that road north-westerly to the waters of Long Bay; by the waters of Long Bay generally westerly to the outlet of the creek forming the south-eastern boundary of portion 507; by that creek upwards to its intersection with a line along the middle of West-street; by a line along the middle of West-street southerly to its intersection with the easterly prolongation of a line along the middle of Marks-street; by a line along the middle of Marks-street westerly to its intersection with the northerly prolongation of a line along the middle of Hamilton-avenue; by a line along the middle of Hamilton-avenue and its prolongation southerly to its intersection with a line along the middle of Palmer-street; by a line along the middle of Palmer-street and Donnelly's-road westerly to its intersection with the northerly prolongation of a line along the middle of Wheatleigh-street; by a line along the middle of Wheatleigh-street and its prolongation southerly to its intersection with a line along the middle of Chandos-street; by a line along the middle of Chandos-street westerly to a north-eastern boundary of the Milsons Point to Hornsby Railway land; by a line along that boundary south-easterly to its intersection with a line along the middle of Pacific Highway; by a line along the middle of Pacific Highway generally south-easterly to its intersection with a line along the middle of Oxley-street; by a line along the middle of Oxley-street south-westerly to the north-eastern boundary of the Milsons Point to Hornsby Railway land; by a line along that boundary south-easterly to its intersection with a line along the middle of Fleming-street; by a line along the middle of Fleming-street and River-road generally westerly to its intersection with a line along the middle of Berry's Creek Main Stormwater Channel; by a line along the middle of that channel southerly to Berry's Creek; by that creek downwards to its confluence with Gores Cove; and by the waters of Port Jackson generally easterly and northerly to the point of commencement;*

With regards to the LGA's interface with the waters of Mosman Bay / Great Sirius Cove, Long Bay, Gores Cove and Port Jackson, the LG Act 1993 states that the boundary extends down to Mean Low Water Mark (MLWM) and further extends to include any land located below MLWM that comprises reclaimed land from Long Bay or

Port Jackson, but only where that land is privately owned or has a structure built over it (i.e. land containing a jetty, wharf, slipway or the like, where they are attached to land above MHWL).

MLWL has never been surveyed for the entire foreshores of LGA, nor is there a specific need to, given that registered titles of land rarely extend beyond MHWL.

When NSLEP 2013 was first prepared, Council took the position to include all land which has a registered legal title and was located whole or in part above MHWL within the LEP. Registered land titles located wholly below MHWL were generally excluded from the LEP as development on this land was already governed by the provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Sydney Harbour SREP). However, reclaimed land and water-based structures which had been identified as having heritage significance were also included within NSLEP 2013, to ensure that appropriate planning controls applied to these lands, which would not have been covered under the Sydney Harbour SREP or would have been subject to the provisions under Part 5 of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

Where a registered legal title applied to land partly above and partly below MHWL, planning controls were excluded from that part of the registered title located below MHWL. This was generally evidenced where the land was zoned *UL Unzoned Land*.

3.2 Issue

Since the commencement of NSLEP 2013, Council staff have identified a number of discrepancies with regard to the extent of land to which NSLEP applies. In particular, the following issues have been noted:

- The change to the NSW Spatial Services DCDB has resulted in realignment issues;
- The boundary to Sergeants Lane, St Leonards does not align with the proclaimed LGA boundary, projecting into the Willoughby LGA (Refer to Figures 1 and 2);
- The boundary to Berrys Creek, Wollstonecraft, does not follow the creekline, but follows the western alignment of properties that adjoining the land containing the creek (refer to Figure 3);
- The boundary to the creekline between Spofforth Street and Mosman Bay / Greater Sirius Cove has been overly simplified by merely straightening the line (Refer to Figures 4 and 5);
- The boundary to the creekline at the western end of Tunks Park (refer to Figure 6) does not align with the position of the creek.

3.3 Comment

Figures 1 to 6 illustrate the proclaimed location of the North Sydney LGA boundary (dashed red line) and land to which NSLEP 2013 applies (solid blue line). These Figures clearly indicate that there are discrepancies between the alignment of the two boundaries, which results in some land not having any planning controls applying to it. Furthermore, it is contrary to the DPIE directions as to where an LEP should apply.

These errors have largely resulted from translating historical errors from former versions of the LEP. In some instances, these errors may have been perpetuated from the lack of detail of cadastral information of land located adjacent to the LGA.

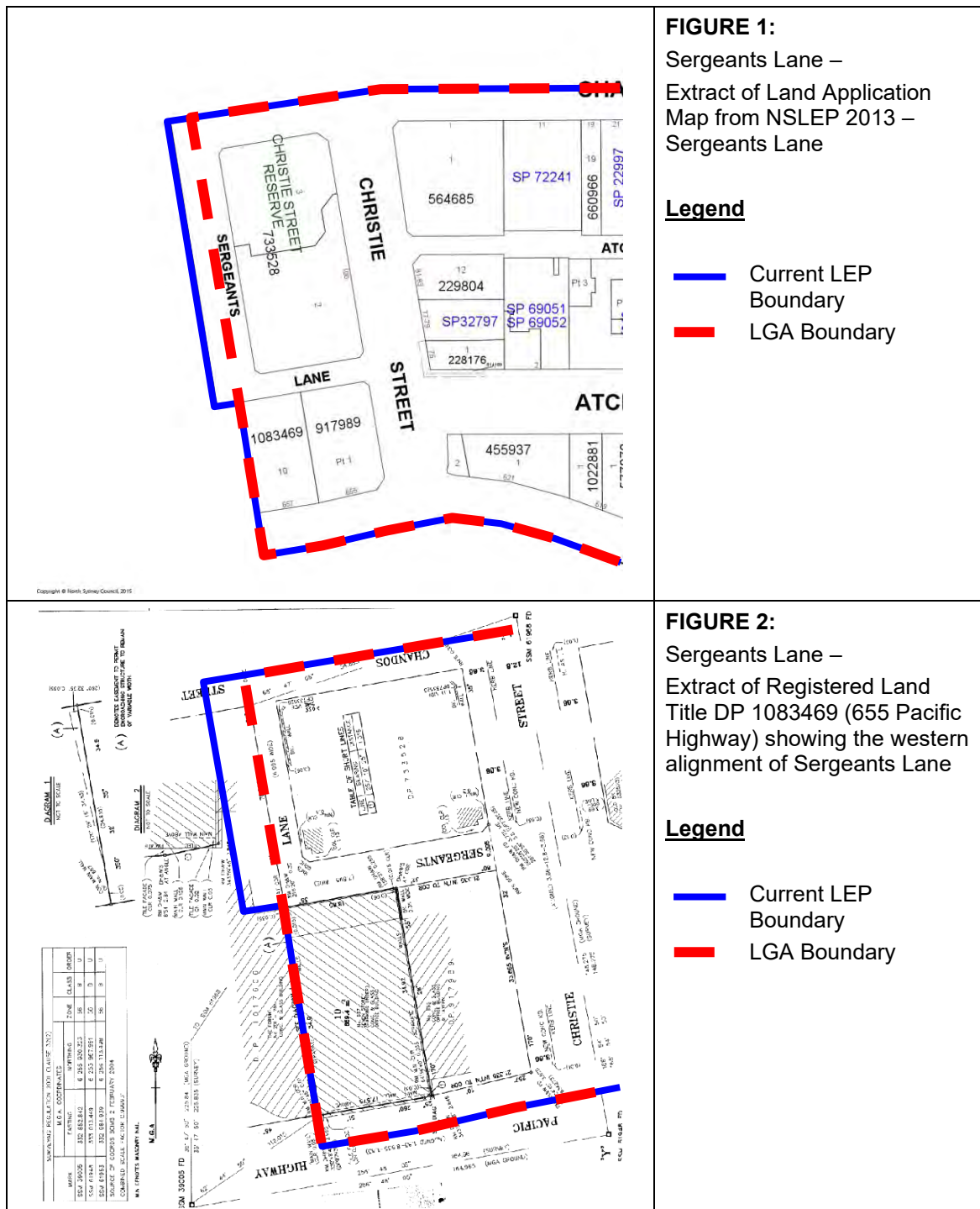




FIGURE 3:
Extract of Land Application Map from NSLEP 2013 – Berrys Creek (River Road to Gore Cove)

- Legend**
- Current LEP Boundary
 - LGA Boundary

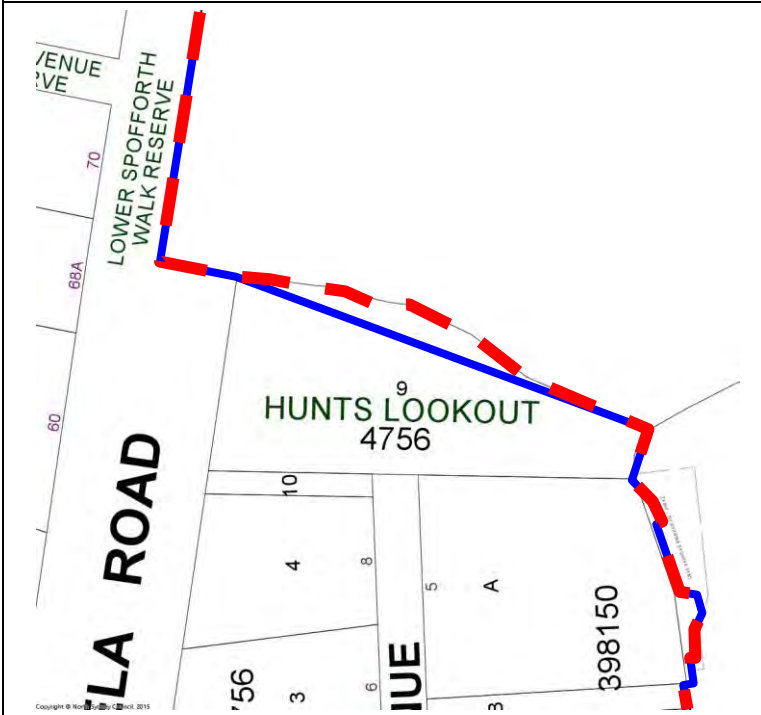


FIGURE 4:
Extract of Land Application Map from NSLEP 2013 – Hunts Lookout

- Legend**
- Current LEP Boundary
 - LGA Boundary

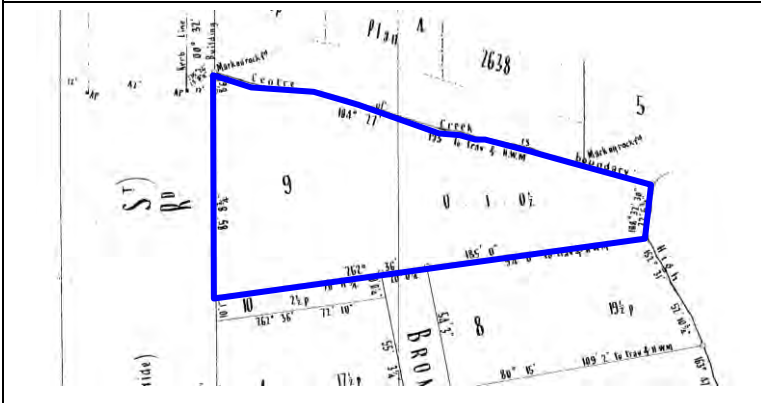
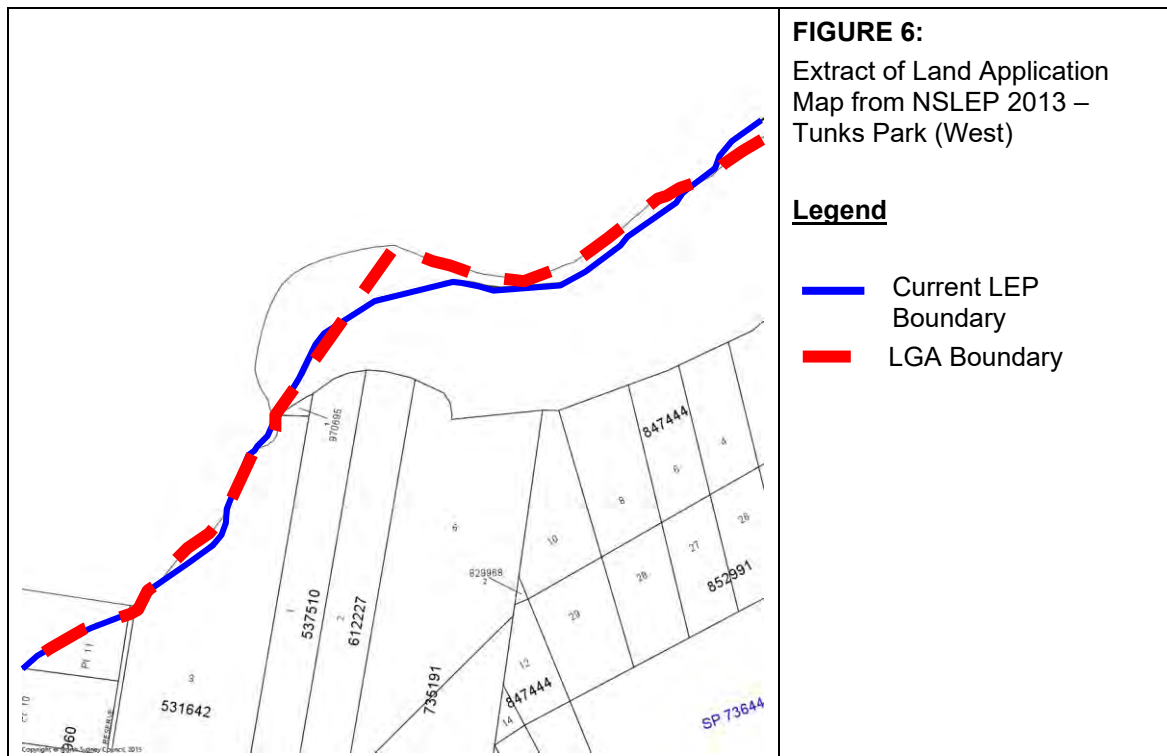


FIGURE 5:
Extract of Land Application Map from NSLEP 2013 – Hunts Lookout. Northern Boundary clearly states to “centreline of creek”

- Legend**
- Registered allotment



As all LEP maps are essentially based on the Land Application Map these discrepancies are amplified throughout the entire LEP Map set. Therefore, there is a need to amend all maps within the LEP Map set such that there is a clear and consistent application of the LEP.

In addition, a review was undertaken of foreshore land to determine if there were any properties that would have two sets of zoning provisions applying to them (i.e. zoning provisions apply to a single allotment under both NSLEP 2013 and the Sydney Harbour SREP). The review identified that a number of properties were identified in Kirribilli, Cremorne, Cammeray and McMahon's Point which required the application of *UL Unzoned Land* due to the registered title covering land located partly above and partly below MHWL.

4 Changes to registered property descriptions and street addresses

4.1 Background

The registered title of properties and street address are often subject to change. This is often due to:

- the consolidation of allotments;
- the creation of new allotments;
- the creation of strata plans;
- the termination of strata plans and community titles;
- the redefinition of registered titles to take into account minor discrepancies with former registered titles;
- requests from property owners to change street addresses; and
- requests from emergency service authorities to change street addresses to improve response times.

These issues have largely arisen through the processing of Planning Certificates under s.10.7 of the EP&A Act or internal service requests. These amendments solely relate to properties identified within *Schedule 1 – Additional permitted uses* and *Schedule 5 – Environmental Heritage*. Table 1 identifies those properties where their legal property descriptions or street addresses have changed.

Sch Ref	Clause / Heritage Item	Street Address	Suburb	Property Description
1	14	2- 28 <u>44</u> Ennis Road	Kirribilli	
1	24	Montepelier Street Forsyth Park	Neutral Bay	Lot 1, DP 182655 <u>Lot 2 DP 11568334</u>
1	31	St Leonards Park, Miller Street	North Sydney	Part Crown land 316-3000 <u>Lot 7321 DP 1149783</u>
1	36	40 Ridge Street	North Sydney	Lots 8 and 9, DP 758790 <u>Lots 8-10, DP 1137427</u>
1	40	Waverton Park, Woolcott Street	Waverton	Lot 1, DP 115703 <u>Crown Lot 1205, DP 752067</u>
1	41	Smoothey Park, Milray Avenue	Wollstonecraft	Lot A, DP 6622 <u>Lot 1, DP 134132</u>
5	I0025	Tunks Park	Cammeray	Crown reserve (Tunks Park); Lot 1, Section 7, DP 2407 <u>Crown Lot 7349, DP 1166085; Lot 1, DP 1038592</u>
5	I0024	Cammeray Park (including Golf Course)	Cammeray	<u>Lot 1, DP 166171; Lots 2-46, DP 244543; Closed road; Crown reserve</u> <u>Crown Lots 7302 and 7303, DP 1136001</u>
5	I0129	Low Level Sewage Pumping Station No 57 - Milson Road (adjacent to Cremorne Wharf)	Cremorne Point	Crown reserve (western section of Cremorne Reserve stretching from Bogota Avenue around Robertsons Point) <u>Part Lot 7338, DP 1139892</u>

TABLE 1: Properties requiring updates to their street address and property descriptions				
Sch Ref	Clause / Heritage Item	Street Address	Suburb	Property Description
5	I0193	40 Carabella Street	Kirribilli	Lot 1, DP 983668 Lot 101, DP 1154168
5	I0194	42 Carabella Street	Kirribilli	Lot 1, DP 902108 Lot 100, DP 1154168
5	I0244	26 Jeffreys Street	Kirribilli	Lot 1, DP 1074240; Lots 2 & 3, DP 792680 Part Lot 20, DP 1215745
5	I0245	28 Jeffreys Street	Kirribilli	Lot 3, DP 230232 Part Lot 20, DP 1215745
5	I0736	1 Wallaringa Avenue (17-19 Lower Wycombe Road & 3 Wallaringa Avenue)	Kurraba Point	SP 73259; SP 75886; SP 84353 ; Lots 2 and 3, DP 876732
5	I0385	Clark Park, Walker Street	Lavender Bay	Lot 62, DP 3756; Lots 1–3, DP 931990; Lot 1, DP 917865; Crown Land Plan No 2137–3000; unidentified Crown land Lot 11, DP 1165235; Crown Lots 7325 and 7326, DP 1165248
5	I0522	22 Alfred Street South	Milsons Point	Lot C, DP 437985 SP 83350
5	I0522	24 Alfred Street South	Milsons Point	Lot B, DP 437985 SP 83350
5	I0530	Sydney Harbour Bridge and approach viaducts, including 2– 4 Ennis Road and 32–74 6 Middlemiss Street	Milsons Point	
5	I0737	2 Lower Wycombe Road	Neutral Bay	SP 41344
5	I0738	18 Lower Wycombe Road	Neutral Bay	SP 13441
5	I0741	28 Lower Wycombe Road	Neutral Bay	SP 22240
5	I0796	14 Clark Road The Avenue	North Sydney	Lot 1, DP 940094
5	I0797	16 Clark Road The Avenue	North Sydney	Lot 5, DP 940093
5	I0864	40 Lord Street	North Sydney	Lot A, DP 83712 Lot 100, DP 1233008
5	I0865	42 Lord Street	North Sydney	Lot A, DP 83712 Lot 101, DP 1233008
5	I0866	44 Lord Street	North Sydney	Lot A, DP 83712 Lot 102, DP 1233008

TABLE 1: Properties requiring updates to their street address and property descriptions				
Sch Ref	Clause / Heritage Item	Street Address	Suburb	Property Description
5	I0867	46 Lord Street	North Sydney	Lot A, DP 83712 Lot 103, DP 1233008
5	I0868	48 Lord Street	North Sydney	Lot A, DP 83712 Lot 104, DP 1233008
5	I0869	50 Lord Street	North Sydney	Lot A, DP 83712 Lot 105, DP 1233008
5	I0870	52 Lord Street	North Sydney	Lot A, DP 83712 Lot 106, DP 1233008
5	I0916	St Leonards Park, Miller Street	North Sydney	Lots 1104–1107, DP 46990; Lot 1108, DP 48839; Part Crown Land Plan 316-3000 Part Crown Lot 7321, DP 1149783
5	I0961	317 Pacific Highway	North Sydney	Lot 1, DP 1052632 Lot 1, DP 1244831; SP 96408
5	I1051	Bay Road Waverton Railway Station group (including booking office, hut and tunnel)	Waverton	Lot 1, DP 746295; Lot 3, DP 224574; Lot 1, DP 825406 Part Lot 80 and Part Lot 81, DP1208186
5	I1124	Miller Street - W. Tunks Memorial Fountain	North Sydney	Part Crown Land Plan 316-3000 Part Crown Lot 7321, DP 1149783
5	I1123	Ridge Street – War Memorial	North Sydney	Part Crown Land Plan 316-3000 Part Crown Lot 7321, DP 1149783

4.2 Comment

Whilst there is always an ability to tie former property descriptions to land, in the interests of clarity and transparency, it is best to replace these redundant property descriptions.

5 Zoning - 2 Nicholson Street, Wollstonecraft

5.1 Background

Council received a letter dated 13 December 2012 from the then property owner of No.2 Nicholson Street, Wollstonecraft, regarding a potential zoning error under NSLEP 2001 relating to their property (refer to Figures 7-9). The subject property is legally described as:

- Lot 1, DP 956027; and
- Lot 1, Section 34, DP 4320.

The location of the subject site and its zoning under NSLEP 2001 and NSLEP 2013 are illustrated in Figures 9 & 10.



FIGURE 7:
Aerial Photograph

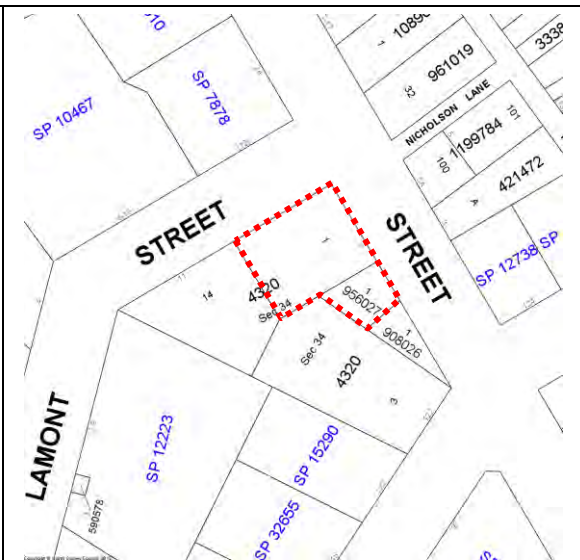


FIGURE 8:
Lot Descriptions

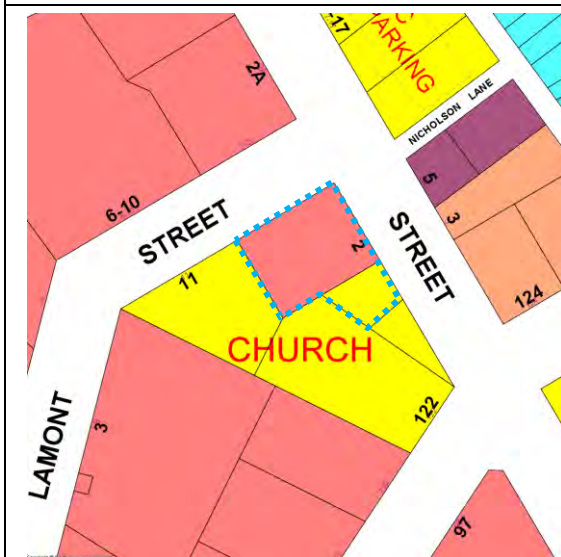


FIGURE 9:
Extract of Zoning Map from NSLEP 2001

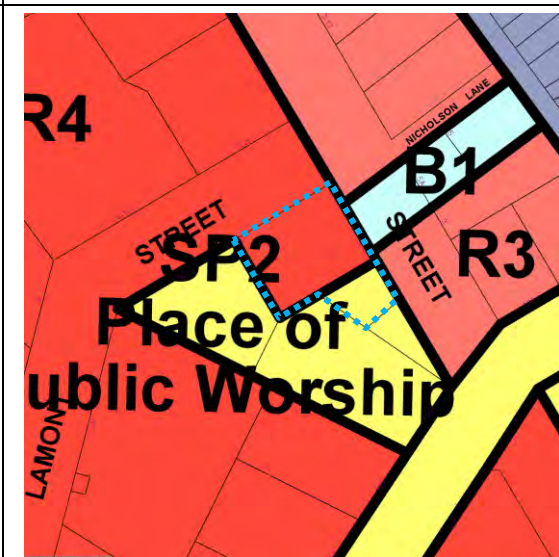


FIGURE 10:
Extract of Zoning Map from NSLEP 2013

The alleged error applies to Lot 1, DP 956027 which comprises a parcel of land fronting the western side of Nicholson Street, between Shirley Road and Lamont Street and directly adjoins the southern boundary of Lot 1, Section 34, DP 4320. It was requested that Council rezone Lot 1, DP 956027 from *Special Uses "Church"* to *Residential C* under the then NSLEP 2001, to reflect the zoning of the majority of No. 2 Nicholson Street.

5.2 Comment

A review of the matter was initially conducted by Council staff in January 2013, who concluded that the zoning issue was an anomaly and that Lot 1, DP 956027 should have been zoned *Residential C* under NSLEP 2001 consistent with the remainder of the site. It was recommended at the time by Council staff that due to the pending gazettal of NSLEP 2013, the amendment could be treated as future miscellaneous amendment to NSLEP 2013.

A summary of the facts that lead to Council's position are provided as follows:

Ownership

- both Lot 1, DP 956027 and Lot 1, Section 34, DP 4320 are identified on Council's records as comprising 2 Nicholson Street, Wollstonecraft; and
- both Lot 1, DP 956027 and Lot 1, Section 34, DP 4320 are identified on Council's records as being under the same ownership.

Subdivision History

- Lot 1, Section 34, DP 4320 was created on 17 June 1904 through the subdivision of an early land grant (refer to Figure 11);
- Lot 1, DP 956027 was created on 29 May 1913 resulting from the subdivision of Lot 2, Section 34, DP 4320 into two parcels. The remainder of Lot 2, Section 34, in DP 4320 which comprised the second allotment became Lot 1, DP 908026 created on the same day (refer to Figure 12).

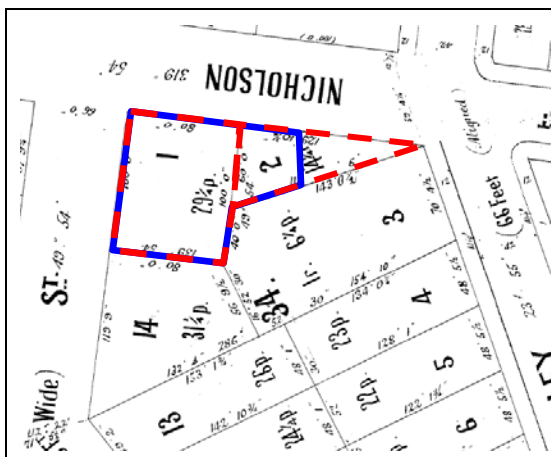




FIGURE 11:
Extract of DP 4320 Subdivision Plan

 Subject site
 Original allotments within DP4320

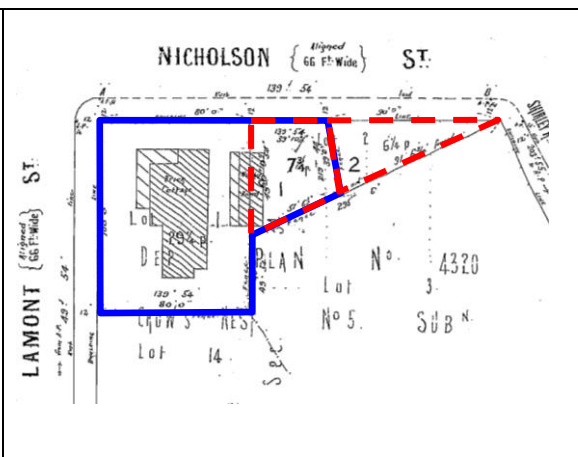


FIGURE 12:
Extract of DP 956027 Subdivision Plan

 Subject site
 Original allotments within DP 956027

Built Form History

- A brick dwelling was constructed over Lot 1, Section 34, DP 4320 and a weatherboard outbuilding constructed over both Lots 1 and 2, Section 34, DP 4320, both of which had been completed in 1913.
- Construction dates of the buildings were confirmed within the North Sydney Heritage Inventory Sheet applying to the subject site and illustrations of building locations on the subdivision plans.
- This clearly indicates that Lots 1 and 2, Section 34, DP 4320 were originally owned by the same land owners. As indicated, Lot 2 Section 34, DP 4320 was subdivided in mid 1913 and on the 30 May 1914, the ownership of Lot 1, DP 908026 was transferred to the Crows Nest Presbyterian Church who also own the adjoining sites to the south of the subject site at 122 Shirley Road (being Lots 3 and 14, Section 34, DP 4320).

Zoning History

- The zoning history of the subject site is provided in Table 2.

TABLE 2: Zoning History			
Date Commenced	Planning Instrument	Zoning	
		Lot 1 / Sec 34 / DP 4320	Lot 1 / DP 956027
27/06/1951	County of Cumberland Planning Scheme	Living Area (Density - 16 persons/acre)	Living Area (Density - 16 persons/acre)
19/04/1963	North Sydney Planning Scheme Ordinance	Residential A	Residential A
03/11/1989	North Sydney Local Environmental Plan 1989	2(c) - Residential C	5(a) Special Uses - Church
01/06/2001	North Sydney Local Environmental Plan 2001	Residential C	Special Uses - Church
13/09/2013	North Sydney Local Environmental Plan 2013	R4 – High Density Residential	SP2 – Infrastructure (Place of Public Worship)

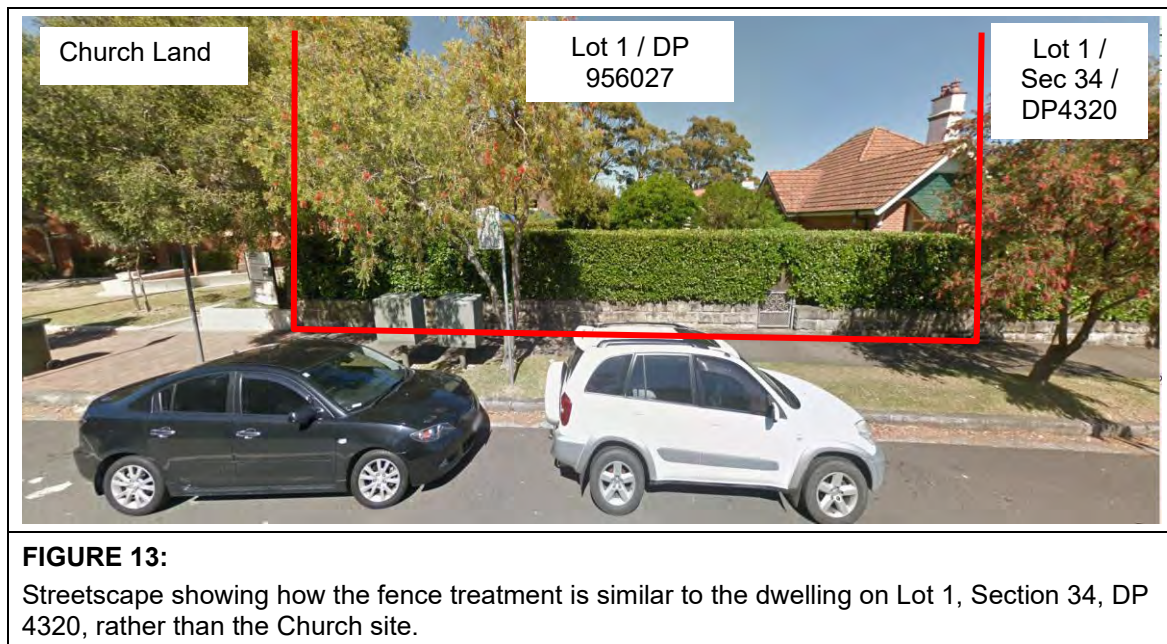
- It appears that the zoning of the site had been changed when NSLEP 1989 came into force.
- No evidence could be found on Council's files to determine why the zoning had been changed.

Heritage Analysis

- The whole of the subject site (i.e. both lots) was identified as a heritage item under NSLEP 2001.
- The whole of the subject site is identified as a heritage item (Item I1106) under NSLEP 2013.
- The North Sydney Heritage Inventory Sheet for the property indicates that both Lot 1, DP 956027 and Lot 1, Section 34, DP 4320 comprise No 2 Nicholson Street, Wollstonecraft.

Visual Inspection

- A site visit revealed that Lot 1, DP 956027 clearly belongs to Lot 1, Section 34, DP 4320 and not the adjoining church site (refer to Figure 13). The continuous front fence constructed across both the subject allotments and the distinct change in character to the Presbyterian Church's street frontage treatments, illustrates that the two lots are clearly being used in conjunction with one another.



Accordingly, Council's previous analysis showed that there was clear evidence that both Lot 1, DP 956027 and Lot 1, Section 34, DP 4320 comprise No.2 Nicholson Street, Wollstonecraft. Council's property register, the North Sydney Heritage Inventory, aerial photos, subdivision plans and site inspection indicate that the two lots are being used in conjunction with one another and do not form part of the adjoining Church.

Based on this analysis, it is recommended that Lot 1, DP 956027 be rezoned from *SP2 Infrastructure 'Place of Public Worship'* to *R4 High Density Residential*, to be consistent with the zoning over the remainder of the site.

6 Zoning - 80 Bent Street, Neutral Bay

6.1 Background

During the processing of a Planning Certificate for 80 Bent Street, Neutral Bay (SP 47542), questions were raised with regard to the zoning applied to the site under NSLEP 2013. In particular, it was noted that the northern part of the site was zoned *R4 High Density Residential*, whilst the southern part of the site was zoned *RE1 Public Recreation* (refer to Figure 17) and queried if this was correct.

6.2 Comment

Where private land is identified for public purposes, through zoning and/or other means, there is an implied onus on a public authority to acquire that land. Circulars and guidelines prepared by DPIE relating to the preparation of LEPs state that land to be acquired for public purposes is to be identified on the Land Reservation Acquisition Map. A review of the Land Reservation Acquisition Map to NSLEP 2013, does not identify the whole or part of 80 Bent Street for acquisition.

A review was undertaken of former planning instruments to determine the zoning history of the site, which is reflected in Table 3 and Figures 14 – 17.

TABLE 3: Zoning History		
Date Commenced	Planning Instrument	Zoning
27/06/1951	County of Cumberland Planning Scheme	Living Area (Density - 25 persons/acre)
19/04/1963	North Sydney Planning Scheme Ordinance	Residential A
03/11/1989	North Sydney Local Environmental Plan 1989	2(c) - Residential C (north) 6(a) Public recreation 'A' (existing) (south)
01/06/2001	North Sydney Local Environmental Plan 2001	Residential C (north) Public Opens Space (south)
13/09/2013	North Sydney Local Environmental Plan 2013	R4 High Density Residential (north) RE1 Public Recreation (south)



FIGURE 14:
Extract of Zoning Map from NSPSO (1963)



FIGURE 15:
Extract of Zoning Map from NSLEP 1989



FIGURE 16:
Extract of Zoning Map from NSLEP 2001

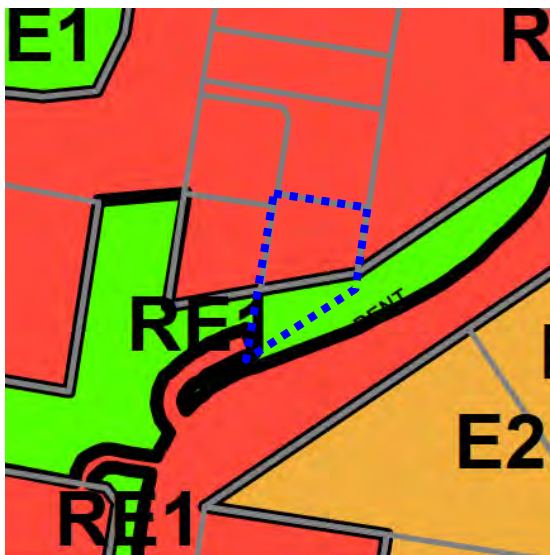
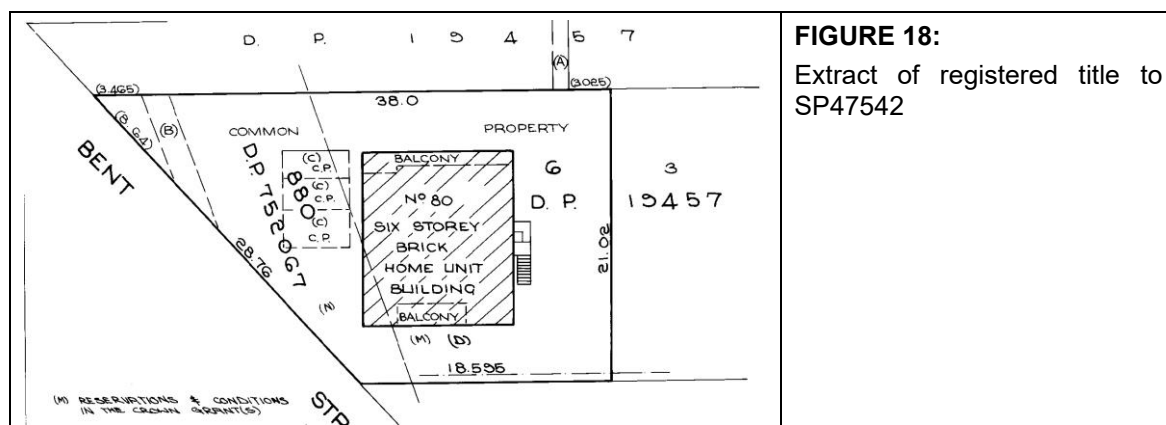


FIGURE 17:
Extract of Zoning Map from NSLEP 2013 (at gazettal)

The strata plan for the site was first registered in 1994. The Strata Plan was created from Lot 880, DP 752067 and Lot 6, DP 19457 (refer to Figure 18). Whilst DP 752067 was first registered in the mid to late 1980s, this DP was created through a redefinition of former land titles (i.e. the lot was merely given a new registered title reference) and therefore the lot existed well before the mid to late 1980s. This is evident by its presence on the NSPSO zoning map.



It is therefore, unclear as to why Lot 880, DP 752067 was excluded from NSLEP 1989, and subsequent LEPS, especially when SP 47542 was created in 1994, that incorporated Lot 880, DP 752067.

The residential flat building at 80 Bent Street appears to have been constructed circa 1960s and clearly covers the two former allotments before they were consolidated and resubdivided for the purposes of creating a Strata Plan. The zoning boundary under NSLEP 2013 currently follows the alignment of the boundaries between the two former allotments.

This appears to be a historical mapping error and requires correction.

A review of the Council's Open Space Provision Strategy identifies that additional open space in this location of the LGA is not a priority, due to the site's close proximity to Forsyth Park and *RE1 Public Recreation* zoned land located within adjoining road reserves.

Furthermore, the usability of the site for open space or biological purposes is limited due to the step terrain and extent of hard paved surfaces to provided vehicular access to the site and car parking.

Therefore, the rezoning of the southern portion of the site to *R4 High Density Residential* to match the remainder of the site is considered acceptable and will remove the liability for Council to acquire the land for open space purposes in a locality already highly serviced by open space.

Rezoning the land from *RE1 Public Recreation* to *R4 High Density Residential* will also necessitate the application of a 12m height limit across the entirety of the site, to be consistent with Council's internal planning policy for applying height limits to residentially zoned land. This will also be consistent with the 12m height limit that applies to the remainder of the site.

7 Zoning - 19 Elamang Avenue, North Sydney

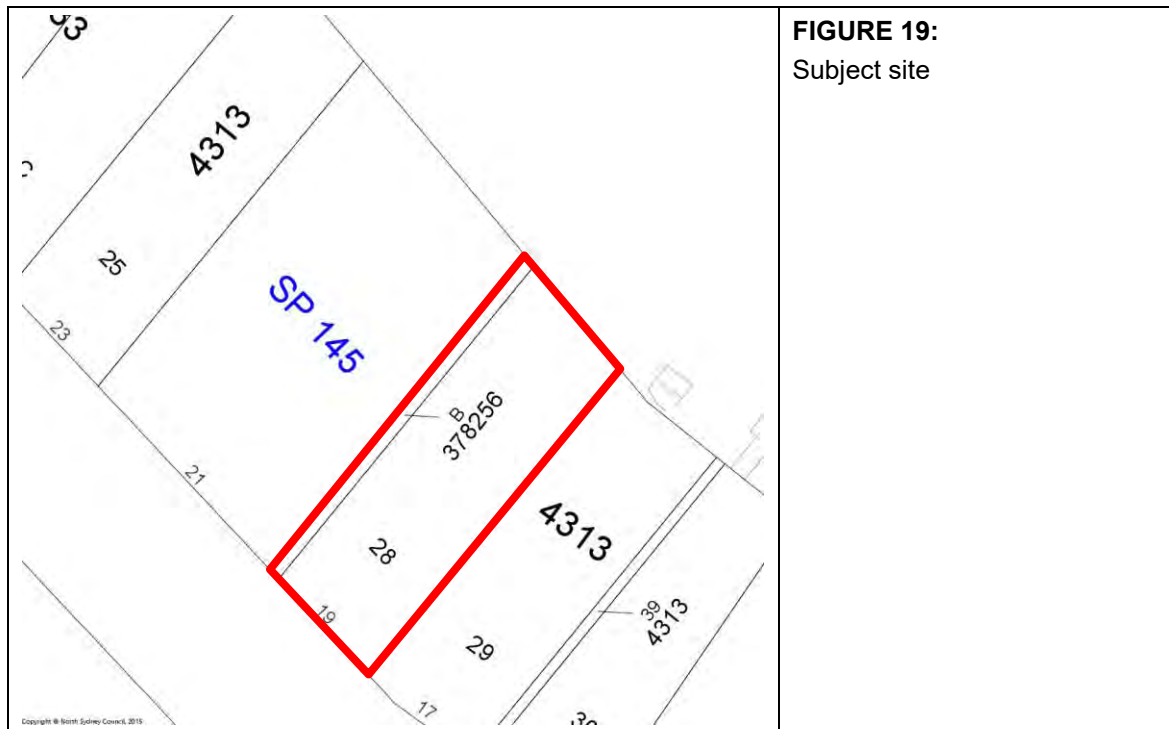
7.1 Background

During the processing of Planning Certificates for 19 Elamang Avenue, North Sydney, it was questioned why the two parcels of land that comprise 19 Elamang Avenue have different zonings.

7.2 Comment

Council's property register states that No.19 Elamang Avenue, North Sydney comprises Lot B, DP 378256 and Lot 28, DP 4313 (refer to Figure 19). A comparison of the planning controls that apply to the subject allotments are as follows:

TABLE 4: Relevant Planning Controls			
Site	Zoning	Height of Buildings	Lot Size
Lot B, DP 378256	<i>R4 High Density Residential</i>	"M" - 12m	N/A
Lot 28, DP 4313	<i>R2 Low Density Residential</i>	"I" – 8.5m	"G" – 450sqm



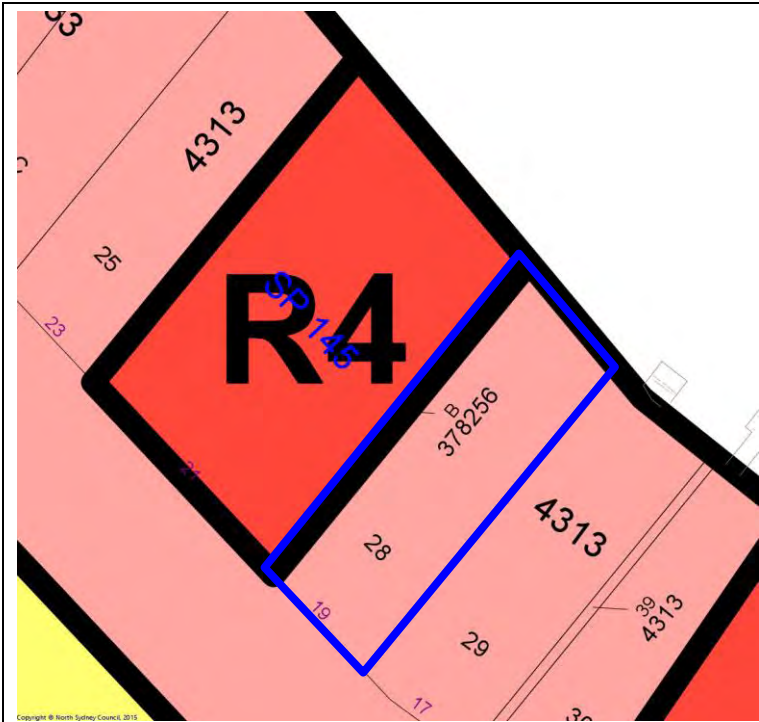


FIGURE 20:
Extract of Zoning Map

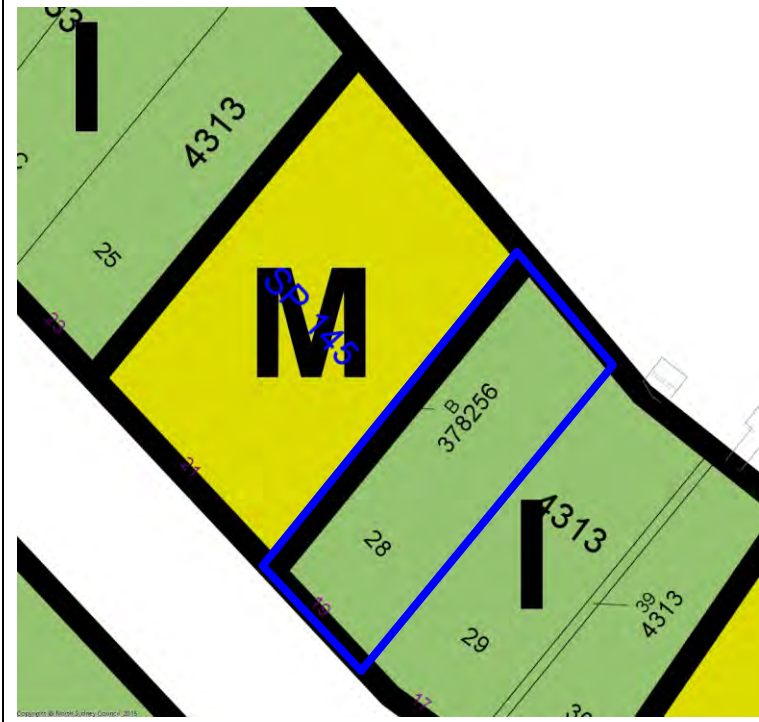
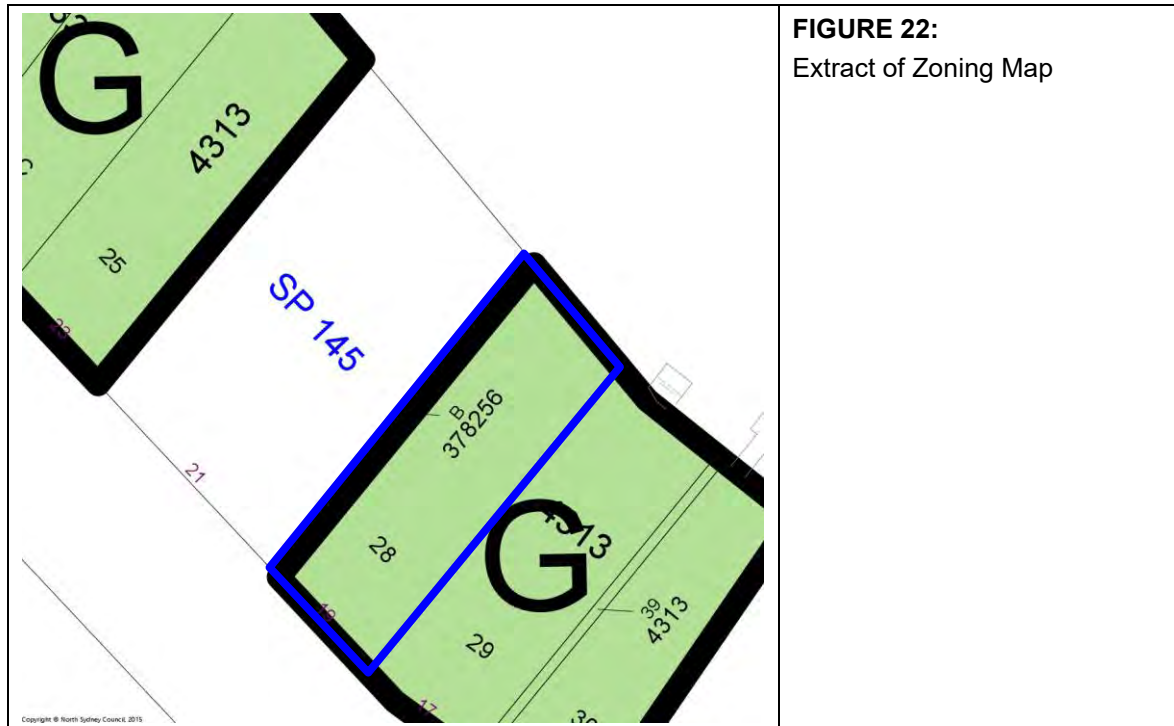
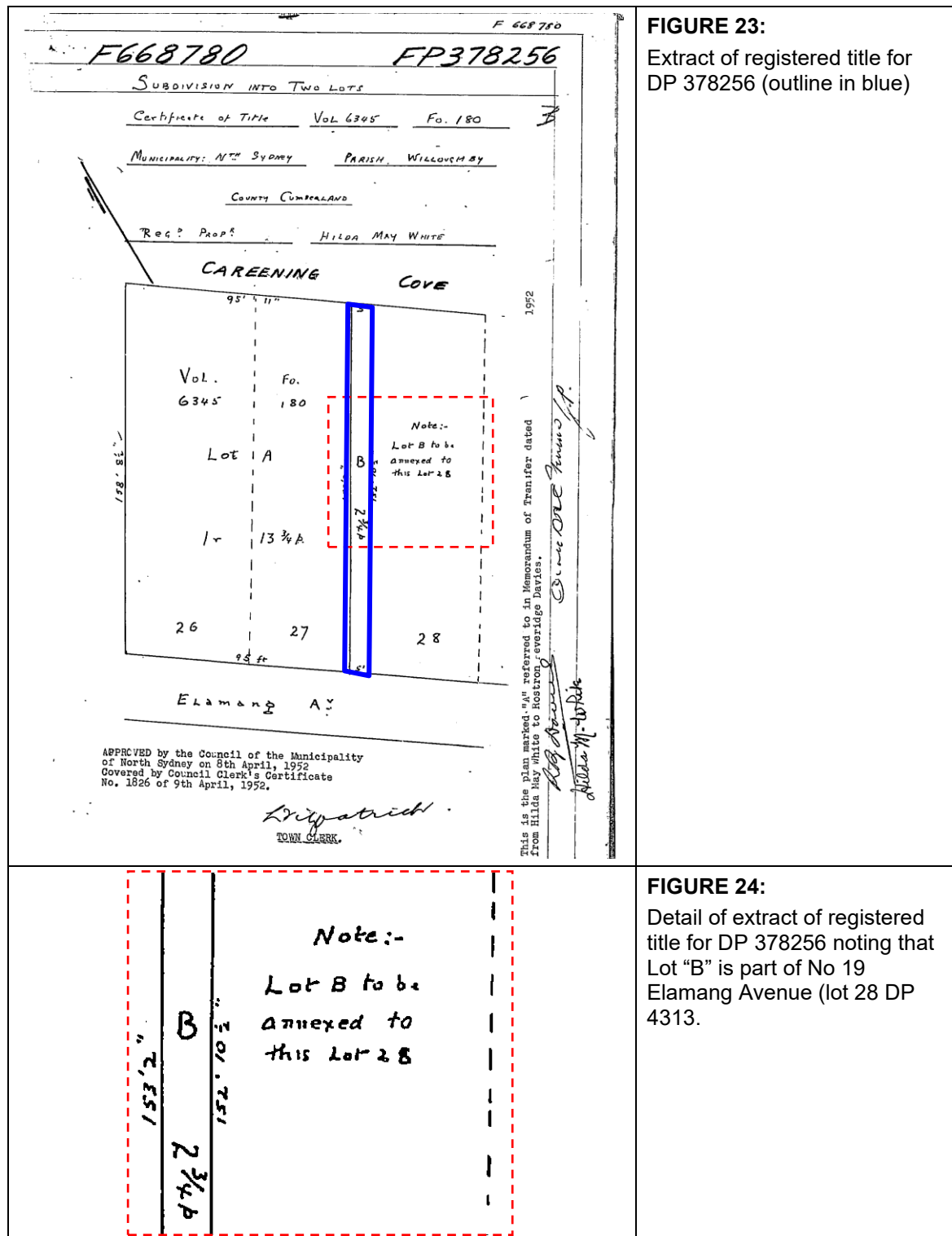


FIGURE 21:
Extract of Zoning Map



The planning controls applying to Lot B gives the impression that this parcel of land is associated with 21 Elamang Avenue (SP 145), located to the north west of the subject site, and not 19 Elamang Avenue.

A review of the registered titles documentation for Lot B, DP 378256, demonstrates that Lot B is directly associated with Lot 28 DP 4313 (the main part of 19 Elamang Avenue). This is illustrated in Figures 23 and 24 where it states that “Lot B to be annexed to this Lot 28”.



On this basis the planning controls applying to Lot B, DP 378256 should be amended to reflect those that apply to Lot 28, DP 4313. This will ensure a consistent level of controls being applied across the entire property. In particular, Lot B should be:

- rezoned from *R4 High Density Residential* to *R2 Low Density Residential*;
- reduce the maximum building height from 12m to 8.5m; and
- apply a 450sqm minimum lot size requirement.

8 Zoning of Educational Establishments

8.1 Background

Many educational establishments in the LGA have expanded over time, by acquiring adjacent and nearby properties. As a result, the zoning of these acquired lots no longer reflects their primary use.

8.2 Comment

Council has a long-standing policy of zoning schools for special purposes. All land owned by schools and that had been approved for educational purposes was zoned as *SP2 – Infrastructure (Educational Establishment)* when NSLEP 2013 was first made. Despite being contrary to the DPIE's guidelines and practice notes for zoning land in the Standard Instrument LEP format, the DPIE has permitted Council to pursue its policy for zoning schools in order to provide higher levels of clarity and certainty to the community as to the extent of schools.

Since the making of NSLEP 2013, many schools within the LGA have purchased adjoining lands and sought out approval for their use as educational establishments. Given that schools represent a long term investment within a locality, their buildings can rarely be repurposed for other uses, any change to the underlying zoning would not adversely limit the extent to the use of the land. This is due to State Environmental Planning Policy (Infrastructure) 2007 and State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 enabling additional uses to be undertaken on land zoned for school purposes, including the *SP2* zone. In addition, clause 5.3 to NSLEP 2013 enables land zoned *SP2 Infrastructure* to be used for any use that is permissible within a zone on land which is located directly adjacent to land zoned *SP2 Infrastructure*.

Accordingly, there would be limited impact on the development potential of any school lands being zoned to *SP2 Infrastructure*.

9 Zoning of Road Reserves

9.1 Background

When NSLEP 2013 was first prepared, the DPIE guidelines and practice notes for preparing Standard Instrument LEPs, required all roads to be zoned to either reflect the zoning of adjacent lands or zoned to *SP2 Infrastructure* where those roads comprised classified roads under the Roads Act, 1993. Council also sought to translate its existing controls under NSLEP 2001 into NSLEP 2013, which included maintaining an open space zoning across road reserves wherever identified under NSLEP 2001.

The Policy which Council staff adopted for the zoning of non-classified roads gave commercial zones (*B1 Neighbourhood Centre*, *B3 Commercial Core* and *B4 Mixed Use*) precedence over all other zones. The reason for this was to allow outdoor dining and the display of goods on the footpath to occur as permissible uses on road reserves adjacent to commercially zoned land.

Since the commencement of NSLEP 2013 some issues have been identified with regard to the zoning on some road reserves including:

- Wilson Street, Cammeray (southern end);
- Arthur Street, North Sydney (northern end); and
- Blues Point Road, North Sydney (northern end);
- Warringah Expressway, Cammeray and Crows Nest.

These issues are further explained in the following subsections.

9.2 Wilson Street, Cammeray

The northern portion of the Wilson Street road reserve is zoned *RE1 Public Recreation* under NSLEP 2013, reflecting the use of this unmade section of the road for landscaping and biodiversity purposes. The middle section of the road reserve is zoned *R2 Low Density Residential* and the southern portion of the road reserve is zoned *B1 Neighbourhood Centre*, consistent with council's policy for zoning road reserves. The southern portion of the road reserve contains a substantial area of landscaping, similar to that located across the northern portion of the road reserve.

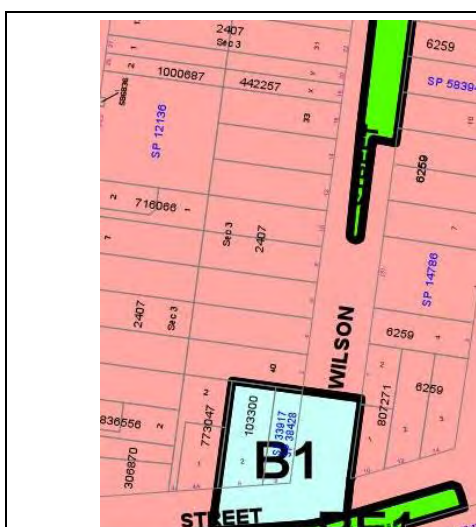


FIGURE 25:
Extract of Zoning Map from NSLEP 2013

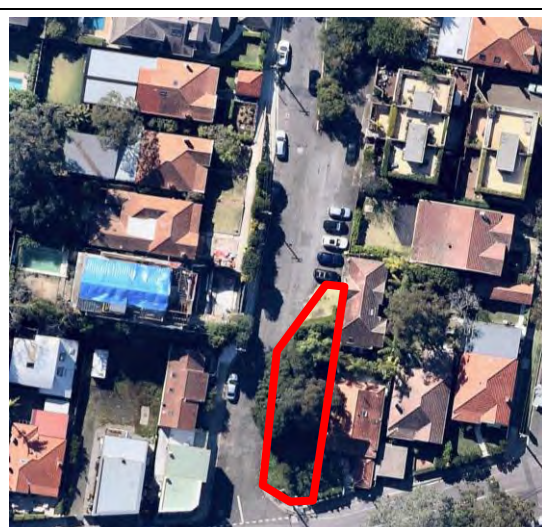


FIGURE 26:
Extent of heavily landscaped area at the southern end of Wilson Street

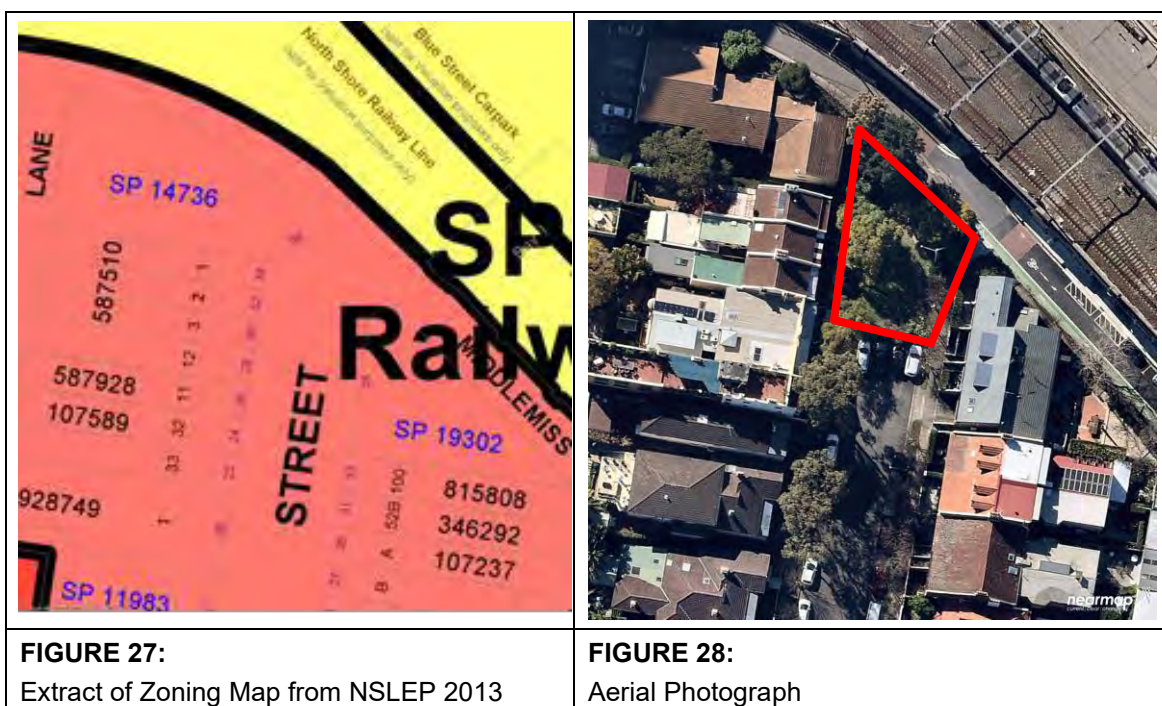
On 13 September 2004, Council considered a report on the North Sydney Open Space on Roads Review 2004. The Review documented the stock of open space on roads in North Sydney and identified land that had the characteristics of open space, which was zoned as road under NSLEP 2001. In relation to Wilson Street, the Review stated that it was appropriately zoned and did not require any boundary adjustment. However, it is unclear whether the Review undertook an assessment of the area of landscaped open space at its southern end and determined not to rezone that portion of the road reserve.

In December 2014, the owner of 10 Carter Street was found to be using a part of the Wilson Street road reserve as part of their own property without approval. During the investigation of the issue, it was determined that the land could not be used for the purposes of a dwelling house as a result of its zoning and that the land should be retained for the purposes of landscaping and biodiversity purposes.

In line with Council's decision to maintain the landscaped area across the southern portion of the road reserve, consistent with its general policy position for zoning of open spaces areas on road reserves, it is recommended that this road reserve be rezoned from part *R2 Low Density Residential* and part *B1 Neighbourhood Centre* to *RE1 Public Recreation* to better reflect its use and align with the zoning of the rest of the road reserve in Wilson Street.

9.3 Arthur Street South, Lavender Bay

The northern end of Arthur Street South, just below its intersection with Middlemiss Street, Lavender Bay is currently zoned *R3 – Medium Density Residential*. This area contains a road reserve which serves as a local passive recreation area.



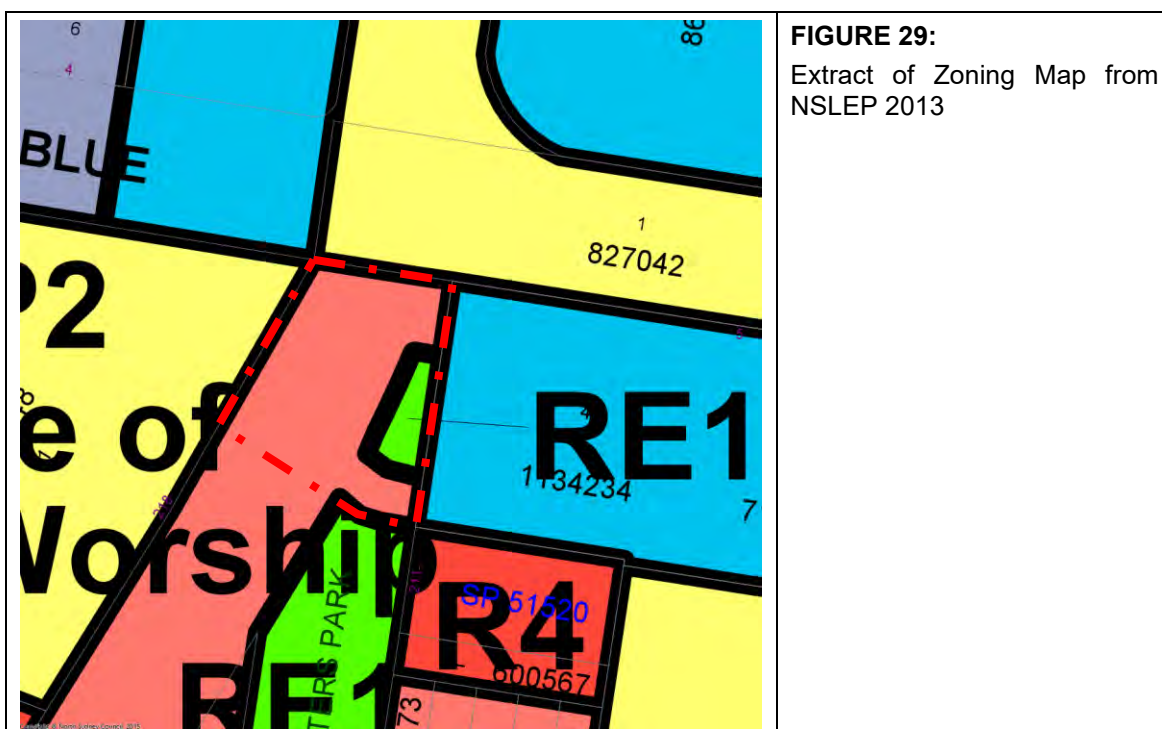
This road reserve is publicly accessible and already used by the community as a passive recreation space. It is therefore recommended that this portion of Arthur Street be rezoned from *R3 – Medium Density Residential* to *RE1 – Public Recreation*. This better reflects the area's purpose and will serve as an extension of existing green

corridors, promoting fauna movement consistent with the outcomes of the Metropolitan Plan, NDP and LSPS.

9.4 Blues Point Road, North Sydney

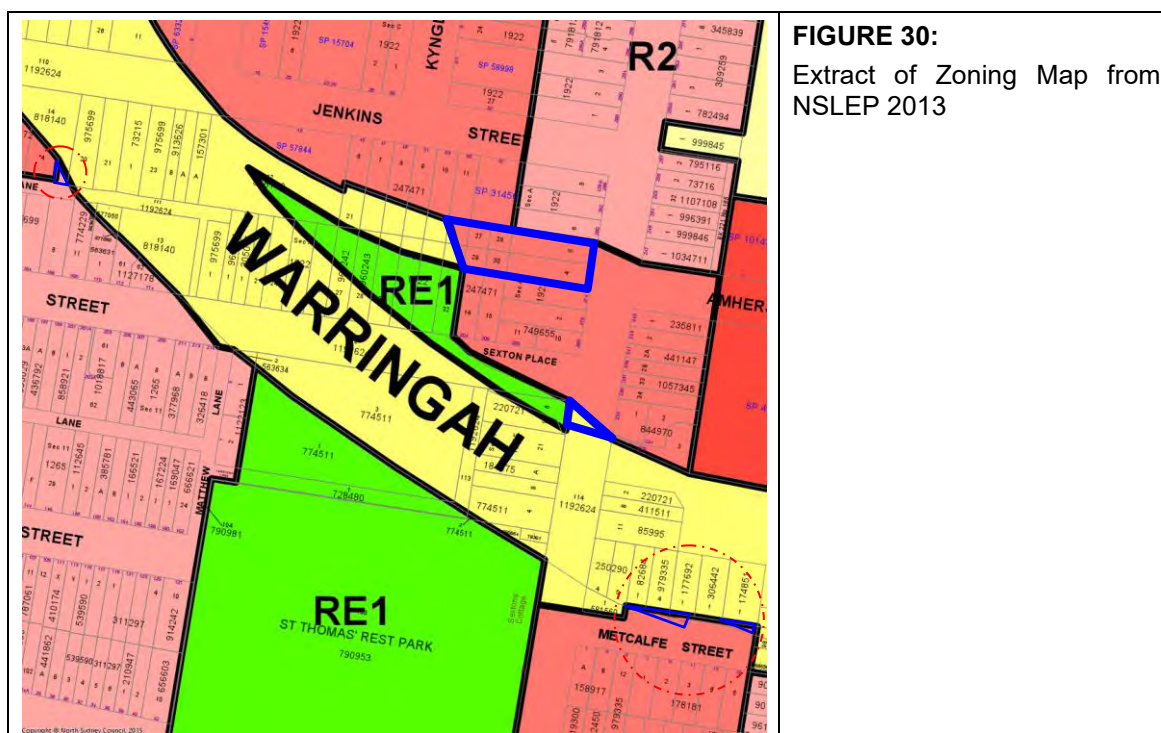
During pre-DA discussions in relation to 2 Blues Point Road, North Sydney, Council staff noted that the road reserve to Blues Point Road did not follow Council's policy for zoning on road reserves. In particular, the residential zoning of the road reserve would prevent the ability to undertake outdoor dining along Blues Point Road Reserve. The zoning of the road reserve may have been overlooked due to the *RE1 Public Recreation* zoning located adjacent to 2 Blue Street.

To bring this road reserve in line with council's policy for zoning on road reserves, it is recommended that northern portion of Blues Point Road Reserve located adjacent to 2 Blues Street and is zoned *R3 Medium Density Residential* be rezoned to *B3 Commercial Core* to reflect the zoning of 2 Blue Street.



9.5 Warringah Freeway, Crows Nest

On 23 April 2013 a request was received from RMS seeking to amend the Warringah Freeway boundaries between Donnelly Road, Crows Nest and Edwin Street, Cammeray. The areas were zoned *RE3 – Medium Density Residential* under the NSLEP 2013. RMS indicated that these areas were declared as part of the Warringah Freeway, and requested that the areas be indicated appropriately (i.e. *SP2 Infrastructure (Classified road)*) in any future draft LEPs. A further request was received on 1 December 2014, advising Council that an Order under Sections 46,48, 54 and 67 of the Roads Act has been gazetted on 28 March 2014 that redefined the extent of the Warringah Freeway. It was requested that Council amend its LEP maps in any future amendments to the LEP to reflect the extent of the declared Freeway boundaries.



The LEP maps have been reviewed against the extent of land declared as the Freeway under the Order published on 28 March 2014 and found that the following lands should be rezoned in whole to *SP2 Infrastructure (Classified road)*:

- West Street off ramp (Lots 4, 5, 27-30 and 32, Section A, DP 1922)
- 55 Jenkins Street (Lot 11, DP 247471)
- Jenkins Street (Lot 14, DP 818140)
- Metcalfe Street (Lots 115 and 116, DP 1192624)

A small portion of West Street, north of the Freeway is also to be rezoned from *SP2 Infrastructure (Classified road)* to *R3 Medium Density Residential*.

The rezoning of these properties is consistent with the DPIE's guidelines and planning circulars for zoning roads and Council's internal policies for zoning roads.

10 Zoning of Sydney Water Properties


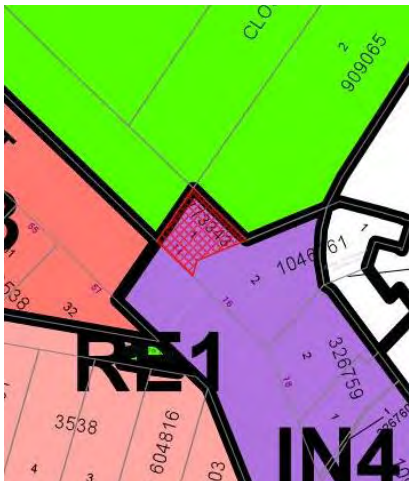
10.1 Background

Council was approached by Sydney Water in February 2019 with a request to rezone two of its properties to an *SP2 Infrastructure* zoning to reflect their long term use as sewage pumping stations. The properties that were requested to be rezoned include the following:

- 74 McDougall Street, Kirribilli (Lot 1 DP 773343); and
- Lot 1 DP 786793 (located to the rear of 33A-33B Shellcove Road, Kurraba Point).

10.2 Comment

In their submission to the draft NSLEP 2013 dated 27 November 2012, Sydney Water outlined their preferred zonings for various asset types in the North Sydney LGA. For 'Wastewater Pumping Stations' Sydney Water advised that their preferred zoning under the standard instrument LEP was to 'adopt surrounding land zoning'. The aforementioned properties (Lot 1 DP 773343 and Lot 1 DP 786793) were classified as wastewater pumping stations and accordingly were zoned to adopt the surrounding land use zoning (refer to Figures 31 and 32).

	
<p>FIGURE 31: Extract from Zoning Map of NSLEP 2013</p>	<p>FIGURE 32: Extract from Zoning Map NSLEP 2013</p>

Both properties contain infrastructure works covering the majority of their sites and are incapable of being utilised for anything else in the short to medium term.

Given that sewerage works represent a long term investment within a locality, their structures and buildings can rarely be repurposed for other uses, and therefore any change to the underlying zoning would not adversely limit the extent to the use of the land.

Under Division 18 of State Environmental Planning Policy (Infrastructure) 2007, development for the purposes of sewage reticulation systems is permitted with consent on any land and without consent in **prescribed zones**. The *SP2 – Infrastructure* zone is a prescribed zone under this SEPP, and the rezoning of these properties would allow Sydney Water to carry out works for sewage reticulation systems without consent. As these properties contain permanent operational infrastructure this rezoning better

reflects the ongoing use of the subject lands, provides greater clarity to the community and supports the continued provision of these services.

11 Zoning – Veterinary Hospitals

11.1 Background

Council has been approached on numerous occasions since the commencement of NSLEP 2013 by veterinary practices seeking to establish veterinary hospitals within the LGA. Whilst they recognise that veterinary hospitals are permissible with consent in the *B3 Commercial Core* and *B4 Mixed Use* zones, they have claimed that establishing veterinary hospitals in these zones is sometimes financially prohibitive due to high rents or establishment costs. It has been requested that veterinary hospitals be permitted in the *B1 Neighbourhood Centre* zone, where establishment and running costs are more affordable.

11.2 Comment

The objectives of the *B1 – Neighbourhood Centre Zone* are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To encourage active street life while maintaining high levels of residential amenity.*
- *To encourage development for the purpose of shop top housing.*

The inclusion of veterinary hospitals as a permissible use in this zone aligns with the first and second objective. Veterinary hospitals are usually small-scale businesses catering to the needs of surrounding residents. They also offer a certain level of activation and do not, on a small-scale, pose a serious threat to residential amenity.

Though veterinary hospitals are currently prohibited in *B1 Neighbourhood Centre* zones, it is noted that medical centres and health service facilities are permitted with consent in the zone. The nature and scale of these types of facilities, as are the potential impacts similar to veterinary hospitals.

Furthermore, to determine if veterinary hospitals are an acceptable use within the *B1 Neighbourhood Centre* zone, a review was undertaken of all LEPs operating in the Sydney Metropolitan Area.

The review demonstrated that veterinary hospitals are primarily permitted within the Business zones (B1 – B8), with a much lower proportion permitting them within Residential zones. Those which permitted veterinary hospitals in the residential zones were predominantly located in the outer rings of Sydney.

All council's in the Sydney Metropolitan Area have adopted and use the *B1 Neighbourhood Centre* zone through 34 LEPs. Of those, 26 (76%) permit veterinary hospitals in the *B1 Neighbourhood Centre* zone. This clearly illustrates that the intensity of the use is considered to acceptable within this zone throughout the majority of Sydney. The LEPs which did not permit veterinary hospitals in the B1 zone include:

- | | |
|-----------------|--------------------|
| • Ashfield | • Penrith; |
| • Botany; | • Strathfield; |
| • Hunter Hill; | • Sydney City; and |
| • Marrickville; | • Willoughby |

There is no consistent pattern for the exclusion of the veterinary hospitals in the *B1 Neighbourhood Centre* zone depending on a council's location.

Therefore, in order to improve the diversity of uses in neighbourhood centres, in line with the LEP objectives for the B1 Neighbourhood Centre zone, and the objectives of the Metropolitan Plan and North District Plan, it is recommended that NSLEP 2013 be amended to permit veterinary hospitals in the *B1 Neighbourhood Centre* zone.

12 Zoning - Residential Flat Buildings in the Lower Density Residential Zones

12.1 Background

On 25 March 2019, Council considered a report addressing residential flat buildings relying on existing use rights (refer to Appendix 1). Council subsequently resolved:

1. *THAT the report be received.*
2. *THAT Council incorporate the following amendments to North Sydney Local Environmental Plan 2013 as part of Council's Accelerated LEP Review program as follows:*
 - a. *include 'residential flat buildings' as a permissible use within the R3 Medium Density Residential zone.*
 - b. *Include a new local provision within Part 6 that further restricts the development of residential flat buildings in the R3 Medium Density Residential and R4 High Density Residential zones.*
3. *THAT Council prepare an amendment to North Sydney Development Control Plan 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened.*
4. *THAT the existing rights issue be further investigated and detailed during the preparation of the following Council documents:*
 - a. *Community Strategic Plan;*
 - b. *Local Strategic Planning Statement; and*
 - c. *Local Housing Strategy.*

12.2 Comment

With respect to Resolution No.2(a), this action is relatively straight forward and a simple amendment to the land use table to NSLEP 2013 can be undertaken. This resolution is supported in the Draft LSPS and Draft LHS.

With respect to Resolution No.2(b), this action is a little more complicated to address. The report considered on addressing residential flat buildings relying on existing use rights (refer to Appendix 1) identified as part of Option 4 (the preferred option), that in addition to permitting residential flat buildings on land within the *R3 Medium Density Residential zone*:

To support this initiative, it would also be proposed to:

- *add a supportive objective to the R3 Medium Density Residential zone to ensure that existing neighbourhood amenity and desired future character of the locality is maintained.*
- *Add a local clause that restricts the redevelopment of existing residential flat buildings similar to that imposed under NSLEP 1989 and NSLEP 2001.*

With respect to a suitable objective, it is recommended that the objective focuses on minimise the impacts upon the amenity of adjoining dwellings.

With respect to a suitable local provision, it is recommended that where an existing residential flat building is to be altered, added to or rebuilt, that it complies with the development standards for residential flat buildings under NSDCP 2013 with regard to landscaped area and site coverage. In addition, should the existing building already exceed the principle development standards, that the new development does not result in a nett increase in amenity impacts to adjoining dwellings with respect to overshadowing, privacy and views.

To further reinforce the protection of the existing character in the lower density residential zones, it is recommended that a new objective be added to the height of buildings control (Clause 4.3) that reinforces a 1-2 storey building form. In particular the maximum 8.5m building height control, which applies to the R2 Low Density Residential, R3 Medium Density Residential and E4 Environmental Living zones was initially established to accommodate up to a two storey building and pitched roof (within which a third storey may be able to be accommodated).

Resolution 3 will be addressed separately in a future amendment to the DCP.

With respect to Resolution No. 4, both the Draft LSPS and Draft LHS have incorporated similar actions to that identified in Resolution No.2.

13 Additional Permitted Uses - North Sydney Olympic Pool

13.1 Background

In July 2013, Council endorsed a recommendation to commence an investigation into the comprehensive upgrade and redevelopment of the North Sydney Olympic Pool at Milson Point. Preliminary public consultation commenced in September 2014, with 6 potential options endorsed for community consultation in March/April 2015. Due to the proposed NSW council amalgamation agenda being driven by the State Government, the project was placed on hold.

In November 2017, Council resolved to recommence the project with the view to pursuing Option 2, which generally involves construction of a multifunction recreational facility containing:

- A 50m outdoor pool and associated covered grandstand for 970 people;
- An outdoor family leisure pool with sunshade;
- An interactive children's water play area;
- A sundeck and "Gelato bar";
- An expanded "Ripples café" adjacent to Olympic Boulevard;
- New change facilities, including family change facilities;
- An 1100m² gym suitable for all ages underneath the Grandstand;
- A 120m² creche, with 47m² outdoor play area on the ground level;
- A new indoor pool facility containing a 4 x lane 25m indoor pool, warm water pool, spa and sauna facilities;
- A café, with potential to host events;
- An ancillary 176m² retail shop;
- A covered entry off Alfred Street incorporating the original heritage entry; and

In March 2019, Council resolved to progress the redevelopment of the Pool to Stage 2 which includes the preparation of a development application and seek the relevant approvals. However, the final construction of a future facility is currently on hold again until Council is able to secure sufficient finance to deliver the project.

13.2 Comment

The North Sydney Olympic Pool is located at 4 Alfred Street South, Milsons Point. The entire site is zoned RE1 Public Recreation under NSLEP 2013 (refer to Figure 33). Clause 22 to Schedule 1 – Additional permitted uses of NSLEP 2013 also applies to the Pool site.

22 Use of certain land at 4 Alfred Street South, Milsons Point

- (1) *This clause applies to land at North Sydney Pool, 4 Alfred Street South, Milsons Point, being Lot 100, DP 875048, Lot 101, DP 880236, Lot 102, DP 854064, Lot 6, DP 127637 and Lot 103, DP 1007291.*
- (2) *Development for the following purposes is permitted with development consent:*
 - (a) *a recreation facility (indoor),*
 - (b) *a restaurant or cafe,*
 - (c) *a function centre.*
- (3) *Development for the purpose of a function centre is permitted with development consent on the part of Lot 100, DP 875048 that is identified as "Area A" on the Additional Permitted Uses Map.*

“Area A” is identified in Figure 34

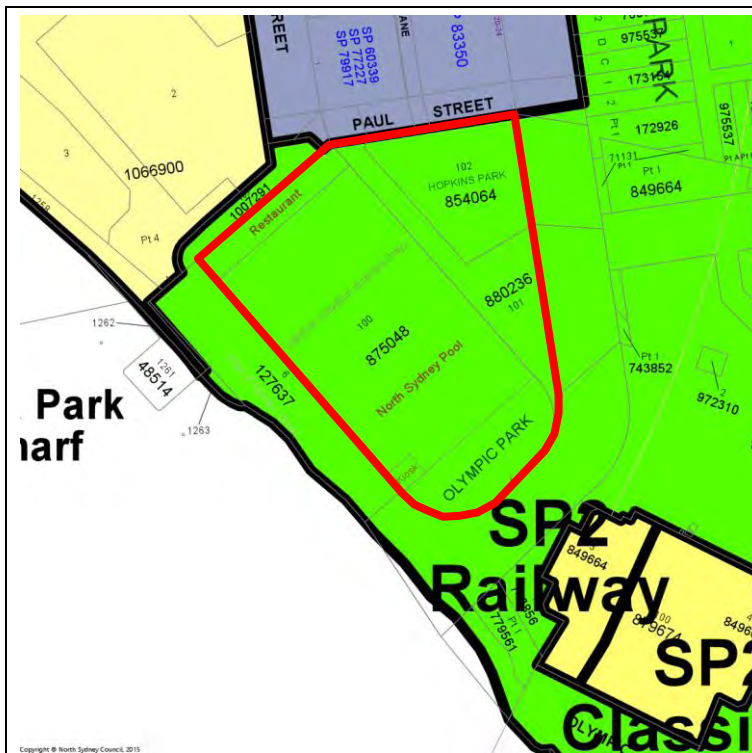


FIGURE 33:

Extract of Heritage Map from NSLEP 2013.

Solid red outline denotes full the extent of the North Sydney Olympic Pool site.

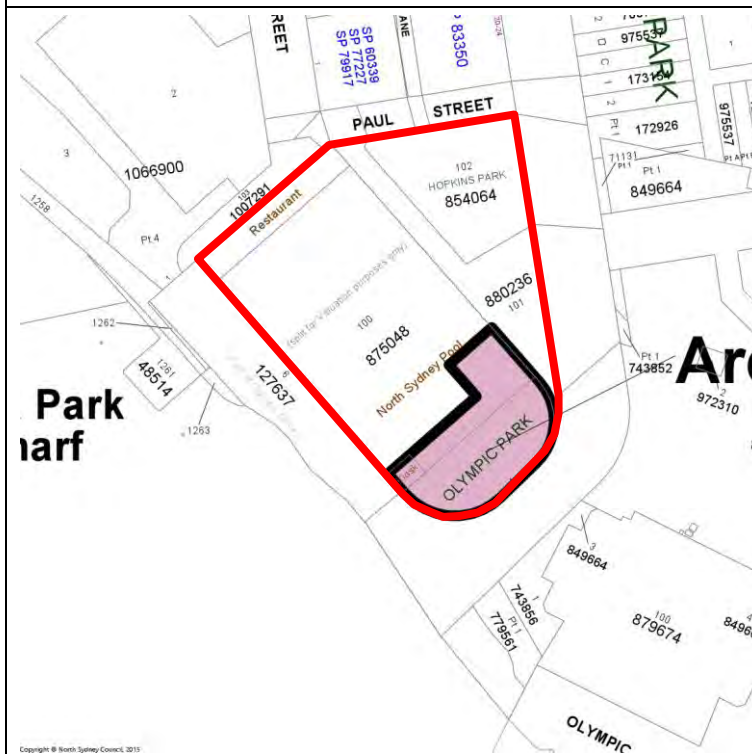


FIGURE 34:

Extract of Additional Permitted Uses Map from NSLEP 2013.

Solid red outline denotes full the extent of the North Sydney Olympic Pool site. The mauve coloured area identifies where functions centres are currently limited to on the site.

As part of the redevelopment of the Pool, it is also intended to hold functions, not necessarily related to the principle operation of pool. At present clause 22 to Schedule 1 – Additional permitted uses to NSLEP 2013 enables unfettered functions to be undertaken on a small area of the site as identified on the Additional Permitted Uses Map (refer to Figure 34). However, as the redevelopment of the pool also seeks to reconfigure the layout of the site, it is unlikely that the same area can still effectively be used for functions. The final design of the pool has yet to be determined, which will be determined through a development application submitted to Council.

To provide a sufficient level of flexibility with the future design of the site, it is recommended that current restriction on the ability to only use a small portion of site functions be removed and allow functions to be permitted across the entire site.

The subject site was reclassified as “operational land” through Amendment 54 to NSLEP 1989, which was made on the 23 October 1998. This enabled Council at the time to effectively redevelop the site and accommodate commercialised operations on the site, the revenue from which could be used to assist in maintenance and upkeep of this important piece of community infrastructure. The proposed amendment to allow functions across the entire site, would help to future this ability. The amendment would also be consistent with Strategy 2.1.6 of Council’s Community Strategic Plan.

14 Additional Permitted Uses

14.1 Background

NSLEP 2013 adopts a land use zone based format for identifying permitted and prohibited land uses. Any uses permitted within the Land Use Table are applicable to the entire zone it relates to.

Clause 2.5 of NSLEP 2013 allows additional uses for particular land to be permitted in addition to those identified in the Land Use Table or other planning instruments such as the Infrastructure SEPP for that site only. Additional permitted uses for particular land are located in *Schedule 1 – Additional Permitted Uses* to NSLEP 2013.

A review was undertaken of the permitted uses to ensure that the list of additional permitted uses under Schedule 1 remains relevant and contemporary by removing redundant clauses and removal of duplications.

14.2 Comment

14.2.1 Clause 21 – 2 Thomas Street, McMahon's Point

The land at 2 Thomas Street, McMahon's Point, is legally described as Lot 10, DP 865933 and is currently being used as single dwelling house. The subject land is currently zoned *R3 Medium Density Residential*. Clause 21 to Schedule 1 of NSLEP 2013 enables Lot 1, SP 55380 at 2 Thomas Street to be used as a "restaurant or café", in addition to those uses permitted in the *R3 Medium Density Residential* zone.

On 6 April 2017, SP 55380, was terminated following the property's conversion back to a single dwelling pursuant to DA 103/13 which was granted by Council on 23 May 2013. The site has since reverted back to its former legal description of Lot 10, DP 865933.

At the time that NSLEP 2013 was first drafted in 2009, the site was rezoned from *Residential B* under NSLEP 2001 to *R3 Medium Density Residential* under NSLEP 2013. This was consistent with the practice notes for zoning land in the new standard LEP format and Council's position to translate the existing controls into the new format. The subject site had also been subject to a number of court cases regarding existing use rights relating to the use of the site as a café. Following a number of detailed reports to Council regarding this issue, Council finally resolved in 2008 to maintain the residential zoning of the property and permit restaurants and cafes on the site through Schedule 1 to NSLEP 2013. NSLEP 2013 as made reflected this resolution.

In light of the recent conversion of the property back to a single legal title and a single dwelling house, it is highly unlikely that the property will revert back to a restaurant or café in the short to medium term and the removal of Clause 21 from Schedule 1 is considered appropriate in order to maintain a contemporary LEP.

14.2.2 Clause 27 - 88 Berry Street, North Sydney

The land at 88 Berry Street, North Sydney, legally described as SP 87641 and SP 72462, and is currently being used as a residential flat building.

The subject land is currently zoned *R4 High Density Residential*. Clause 27 to Schedule 1 of NSLEP 2013 enables Lot 1, DP 1063620 at 88 Berry Street to be used as a "registered club", in addition to those uses permitted in the *R4 High Density Residential* zone.

On 8 November 2001 Council granted development consent to DA 462/01 for alterations and additions to the Norths Leagues Club, including the refurbishment of the club and the erection of 4 additional levels containing 48 residential apartments. On 7 October 2003, Council granted development consent to DA 331/03 for the stratum subdivision of the mixed-use building reflecting the approval of DA 462/01. It created two new stratum lots and separating the club component from the residential component of the building.

On 17 January 2011, Council granted development consent to DA 401/10 for alterations and additions to the existing building and a change of use from registered club to eight residential apartments. As a result, the club component of the building was wholly replaced with residential apartments, and the use of the site as a registered club ceased.

At the time that NSLEP 2013 was first drafted in 2009, the site was rezoned from *Special Uses – Registered Club* under NSLEP 2001 to *R4 High Density Residential* under NSLEP 2013. This was consistent with the practice notes for zoning land in the new standard LEP format. Residential development was also permitted in the Special Uses Zone under NSLEP 2001. To ensure that the site remained financially viable, and maintained its existing development potential, Council determined to include “registered clubs” as an additional permitted use under NSLEP 2013.

As the site was still being used as a registered club after the second draft version of NSLEP 2013 had been publicly exhibited in 2011. Therefore, the removal of the additional permitted use clause from NSLEP 2013 before its making was not considered appropriate should DA 401/10 not have been taken up.

As the site has now ceased to be used as a registered club, and it is highly unlikely that a new registered club is to be reintroduced on the site, the removal of Clause 21 from Schedule 1 is considered appropriate in order to maintain a contemporary LEP.

14.2.3 Clause 23 -41 Alfred Street South, Milsons Point

The land at 41 Alfred Street, Milsons Point, legally described as Lot 1, DP 873687 is currently being used as a restaurant, community rooms and markets.

The subject land is zoned *RE1 Public Recreation*. Clause 23 to Schedule 1 of NSLEP 2013 enables 41 Alfred Street as “markets” and a “café” in addition to those uses permitted in the *RE1 Public Recreation* zone.

When NSLEP 2013 was first made, “restaurants or café’s were not permitted with consent in the *RE1 Public Recreation* zone. However, Amendment 13 to NSLEP 2013 which was made on 15 January 2016 introduced “restaurants or cafes” as a permissible use in the *RE1 Public Recreation* zone.

Clause 23 therefore duplicates the permissibility requirements for restaurants or cafes over the site and the duplicate reference under Clause 23 to Schedule 1 should be removed to ensure a clear and contemporary LEP.

15 Exempt & Complying Development

15.1 Issue

Since the commencement of NSLEP 2013, there have been numerous amendments to State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP) including the addition of new exempt and complying development types. The Codes SEPP stipulates that where the same exempt or complying development types are provided in the SEPP, then the provisions under an LEP have no effect.

With the commencement of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP), powers have been given to councils to identify the instances when a permit/approval is required to remove or prune trees and vegetation. As part of these powers, councils are to identify the instances as to when approval is required or not under their development control plan.

15.2 Comment

A review of NSLEP 2013 has revealed that the following exempt development types are duplicated under the Codes SEPP:

- Outdoor dining areas; and
- Signage

State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017 (Vegetation SEPP), establishes a framework as to when approval is required to prune or remove vegetation. In particular, it mandates that the following types of vegetation may be removed without a permit:

- vegetation that the council or Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals;
- vegetation that the council is satisfied is a risk to human life or property; and
- vegetation that is not “prescribed/declared” in a council’s DCP.

Section 16 – Tree and Vegetation Management to Part B of NSDCP 2013 identifies the instances when vegetation is prescribed/declared and therefore would require a permit to prune or remove. In particular it states:

- P1 Pursuant to Clauses 3.1, 5.9(2) and 5.9AA of NSLEP 2013, Development Consent or a Tree Management Permit is not required for removal or pruning any of the following:*
- (a) non-prescribed trees or vegetation;*
 - (b) trees that are declared to be dead or dying as confirmed by Council in writing;*
 - (c) pruning of deadwood from a tree;*
 - (d) noxious weeds as prescribed by the Noxious Weeds Act, 1993, other than mature canopy trees;*
 - (e) trees or vegetation that are being maintained or removed by North Sydney Council staff (or their sub-contractors) on land under Council’s ownership or care and control;*
 - (f) trees that have been authorised to be removed or pruned pursuant to a Development Consent issued under the Act, but not prior to the issue of a Construction Certificate relating to that Development Consent;*
 - (g) Cocos Palms (Syagrus romanzoffiana); or*

- (h) *African Olive Trees (Olea Africana);*
 - (i) *trees or vegetation located on public land, but only if work is carried out by a person engaged by Council to do such work.*
- P2** *Development Consent or a Tree Management Permit is required in accordance with Clause 5.9 of NSLEP 2013 for the removal or pruning of a prescribed tree or vegetation. The following trees and vegetation are prescribed for the purposes of this DCP:*
- (a) *Any tree or vegetation on public land, regardless of size;*
 - (b) *Any tree or vegetation with a height of 10m, or a crown width of 10m, or a trunk circumference of 1.5m measured at 1m above ground level (existing); or*
 - (c) *Any tree that is declared a noxious weed and comprises a mature canopy tree;*
 - (d) *Any tree or vegetation more than 5 metre tall on land identified as a heritage item;*
 - (e) *Any tree or vegetation that is declared a noxious weed on land identified as a heritage item under cl.5.10 of NSLEP 2013 regardless of size;*

The references back to NSLEP 2013 have been superseded by the provisions within the Vegetation SEPP. The DCP will be amended in the future to reflect this legislative change.

The instances where trees may be removed with a permit, replicate the instances where they are exempt under NSLEP 2013, and are therefore redundant.

A review of NSLEP 2013 has revealed that the following complying development types are duplicated under the Codes SEPP:

- Strata Subdivision of dual occupancies

Due to the duplication of these development types it is proposed to delete these development types from Schedule 2 of the NSLEP 2013.

16 New Heritage Item - 33 Spruson Street, Neutral Bay

16.1 Background

During the public exhibition of a draft version of NSLEP 2013 in 2011, the owners of 31 Spruson Street, Neutral Bay made a submission requesting that the heritage status applied to their property be removed.

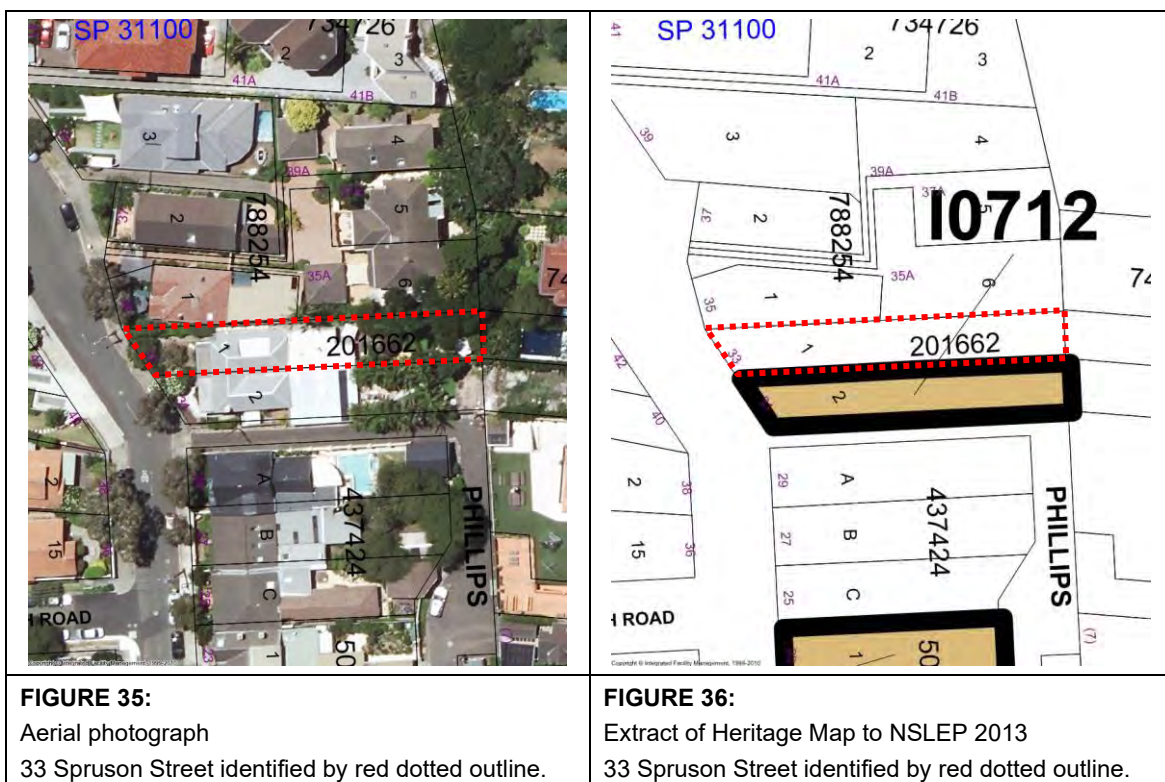
The submission was referred to the heritage consultant appointed to undertake the North Sydney Heritage Review for comment. The consultant commented as follows:

31 and 33 Spruson Street are a pair of semi detached houses and should have been listed as a pair. They are likely to be two of the oldest houses in the area. They have been altered to the rear but the front sections are reasonably intact.

If the front wall is a later addition then it would have lesser significance as an element at the place but this is not the determining factor on the selection of the item that assesses the house and the property overall.

It is recommended that 31 Spruson Street be retained as a heritage item, and 33 Spruson Street be added to the LEP listing. Any 'upgrading' of heritage status should be undertaken independently of the Draft LEP. No change is recommended to the Draft LEP.

It is recommended that Council undertake a planning proposal and consultation process to add 33 Spruson Street to Schedule 5 of the Draft LEP once in force.



Council endorsed the consultant's recommendation on 4 July 2011 when it considered the submissions to the public exhibition of the draft version of NSEP 2013.

16.2 Comment

In accordance with this outstanding Council resolution, it is proposed to identify 33 Spruson Street, Neutral Bay as a heritage item based on the recommendations of the independent consultant who prepared the 2007 North Sydney Heritage Study.

There have been no significant works requiring development consent made to the dwelling since the completion of the 2007 North Sydney Heritage Study, therefore the existing statements of the heritage consultant are not affected.

17 New Heritage Item – 3 Parker Street, McMahon's Point

17.1 Background

On July 2017, Council received a development application (DA 257/17) for the demolition of an existing 2-storey residential flat building containing 4 apartments at 3 Parker Street, McMahon's Point and construction of a 4-storey residential flat building containing 7 apartments and basement parking. During the assessment of the DA, it was identified that the subject property has the potential to be listed as a local heritage item.

On 30 October 2017, Council considered a report with regard to the heritage issues raised during the assessment of the DA and to determine if Council should undertake steps to provide heritage protection to 3 Parker Street, McMahon's Point. Council subsequently resolved:

THAT Council request the Minister for Heritage impose an IHO over 3 Parker Street, McMahon's Point, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.

On 8 November 2017, Council forwarded a letter to the Minister for Heritage requesting the imposition of an Interim Heritage Order (IHO) over the subject property in accordance with the resolution.

On 27 December 2017, Council received a letter from the Minister for Heritage's office acknowledged its request for the imposition of an IHO over the subject site. The letter outlined that the Office of Environment and Heritage (OEH) would respond on their behalf.

On the 16 March 2018, the applicant to DA 257/17 withdrew their application and thereby removed the primary risk of harm to demolish the subject building.

On 25 May 2018, Council was contacted by the OEH to determine if Council still wanted to pursue the imposition of an IHO over the subject site. Council advised at the time, that despite the DA having been withdrawn, there was still a threat of harm to the property as the applicant to DA 257/17 was still in contact with Council and discussion alternative options to redevelop the site. Council formally reconfirmed its position to the OEH to seek an IHO over the subject site on 14 June 2018.

Despite the date of the letter (11 October 2018), Council finally received a formal response from the OEH on behalf of the Minister for Heritage stating that the Minister would not commit to issuing an IHO over the subject site, as the likely local significance has already been established by Council (via Robert Moore's independent Heritage Assessment). Furthermore, the OEH advised that as "the local values of the place have already been quite firmly indicated in the letter of report on the heritage significance of the item made to council" that Council be encouraged to list the item on its LEP as an item of environmental heritage.

On 25 March 2019, Council considered a report on the outcomes of the Minister for Heritage's response and the potential next steps that could be pursued and subsequently resolved:

THAT Council pursue the heritage listing of 3 Parker Street, McMahon's Point under North Sydney Local Environmental Plan 2013 as part of its Accelerated LEP Review program.

17.2 Comment

Due to 3 Parker Street comprising a neutral item within the McMahons Point South Heritage Conservation Area under NSLEP 2013 (refer to Figure 37), and Council's conservation planner having no capacity to undertake an assessment of the development application, the development application (DA 257/17), was referred to independent heritage consultant - Robert Moore - for assessment on behalf of Council.

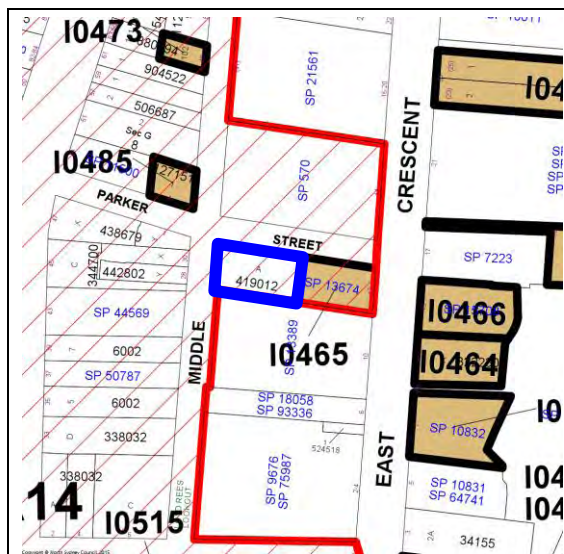


FIGURE 37:
Extract of Heritage Map to NSLEP 2013



FIGURE 38:
View from Parker Street

In undertaking their assessment of DA 257/17, which included an external and internal inspection of the buildings, Robert Moore noted that:

The existing flat building is not heritage-listed, but its impending loss raises the question of whether or not a case can be made for its retention, arising from the impacts perceived. The impact of the loss of the existing development on the HCA must be carefully addressed.

The consultant then proceeded to undertake an assessment of the subject building and property against the NSW Heritage Assessment Criteria. A full copy of the assessment is provided in Appendix 2 to this report. It was deemed that the property satisfies five of the seven criteria for heritage listing, including the following:

- Criterion (a) Historical Evolution;
- Criterion (c) Aesthetic Values;
- Criterion (e) Technical/Research Value
- Criterion (f) Rarity; and
- Criterion (g) Representativeness

Following their assessment, Robert Moore concluded:

Having regard to the opinions above, it is my summary opinion of the building at No. 3 Parker Street that the complex can be substantiated as an item of local heritage significance worthy of listing as an Item of Environmental heritage in Council's LEP. As such, its protection is warranted and its demolition should not be consented to.

The outcomes of this assessment have been subsequently endorsed by Council and supported by Minister for Heritage and Office of Heritage. Therefore, in accordance with this outstanding Council resolution, and support by the Minister for Heritage and Office of Heritage it is proposed to identify No.3 Parker Street as a heritage item based on the recommendations of the independent consultant who prepared the heritage assessment o DA 257/17.

There have been no significant works requiring development consent made to the building since the withdrawal of DA 257/17 in 2018.

18 Heritage Item I1030 - Former Telstra Exchange - 1 Wheeler Lane, North Sydney

18.1 Background

During the preparation of the Education Precinct Master Plan, it was questioned whether 1 Wheeler Lane, North Sydney had been incorrectly identified as a heritage item under NSLEP 2013.

18.2 Comment

No.1 Wheeler Lane, North Sydney, comprises Heritage Item I1030 under Schedule 5 - Environmental Heritage of NSLEP 2013 and currently applies to Lot 101, DP 1076397 (refer to Figure 39).

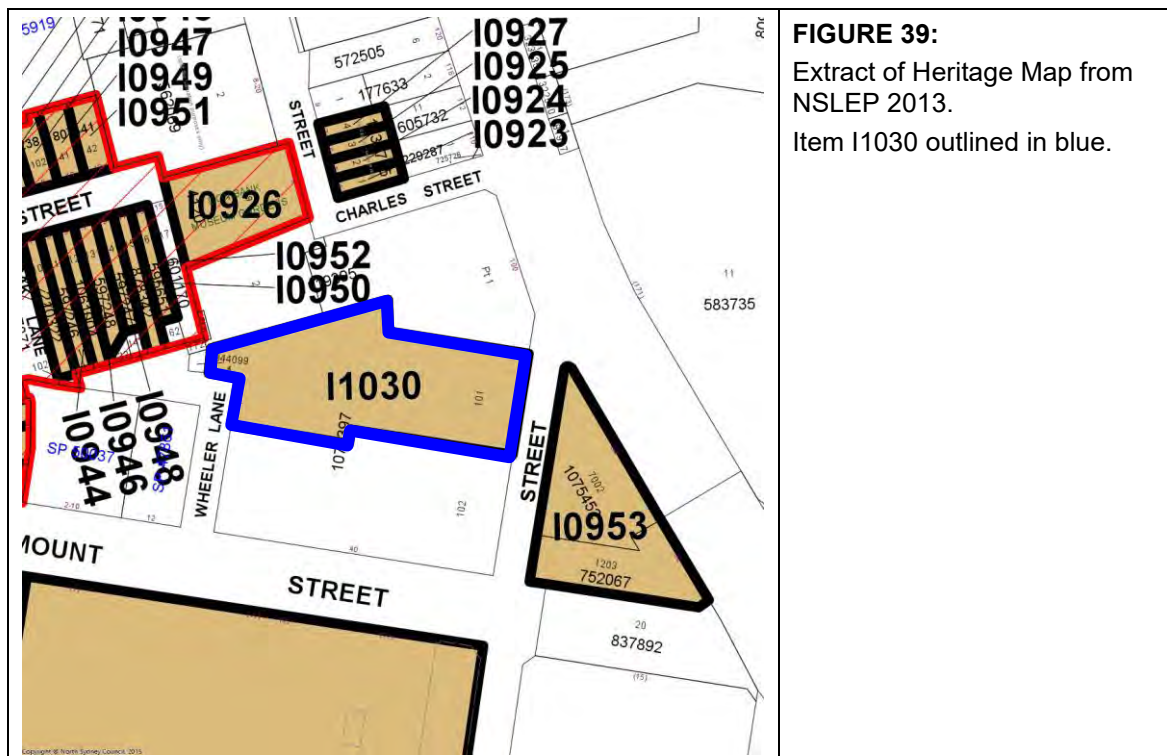


FIGURE 39:

Extract of Heritage Map from NSLEP 2013.

Item I1030 outlined in blue.

The North Sydney Heritage Inventory Sheet for the subject site indicates that this item relates to a two storey rendered brick building with a flat roof behind a low parapet with simple cornice and simplified rectangular pediment in the centre of the facades. This building, which was built in 1936, replaced an earlier telephone exchange located in the neighbouring Post Office and Court House.

There is no evidence of a 2 storey building constructed in 1936 on Lot 101, DP 1076397. The site is currently occupied by a 7 storey office building which appears to have been constructed in the 1970s/80s.

On 1 February 2010, Council granted development consent to DA 473/09 to replace a number of telecommunication antennas on the subject building. In Council's assessment of the application, Council's Conservation Planner had made the following comments:



The subject property is shown as a heritage item on Sheet 4 of 4 of NSLEP 2001, however, it is not listed as a heritage item in Schedule 3, nor is there a Heritage Database Sheet.

It is not known why it has been identified on Sheet 4 of 4, however, it is considered that it is a mapping error.

On 24 July 2007, Council granted development consent to DA660/06 which involved the demolition and construction of the existing 1936 and 1960s Telephone Exchange buildings at 40 Mount Street and the erection of a 19 storey commercial building (also known as “The Ark” or the “Coca Cola building”). The application related to development over Lot 102, DP 1076397, which is located directly adjacent to 1 Wheeler Lane.

During the assessment of DA 660/06, both Council and the applicant acknowledged that the relevant heritage item was located on Lot 102 and not Lot 101 and was identified within the survey plan that accompanied the DA (refer to Figure 42).

As the heritage item as described in the Heritage Inventory Sheet has now been demolished, it is appropriate to remove the heritage listing from the remainder of the Telstra site.

	
<p>FIGURE 40: Extract of Heritage Map to NSLEP 2001</p>	<p>FIGURE 41: Extract from Heritage Report by HBO+EMTB Heritage Pty Ltd that accompanied DA 660/06 identifying the 2 storey building that was subsequently demolished.</p>

19 Heritage Item I0898 - 187 Miller Street, North Sydney

19.1 Background

No.187 Miller Street, North Sydney comprises Heritage Item I0898 as identified under Schedule 5 - Environmental Heritage and on the Heritage Map (refer to Figure 43) to NSLEP 2013 relates.

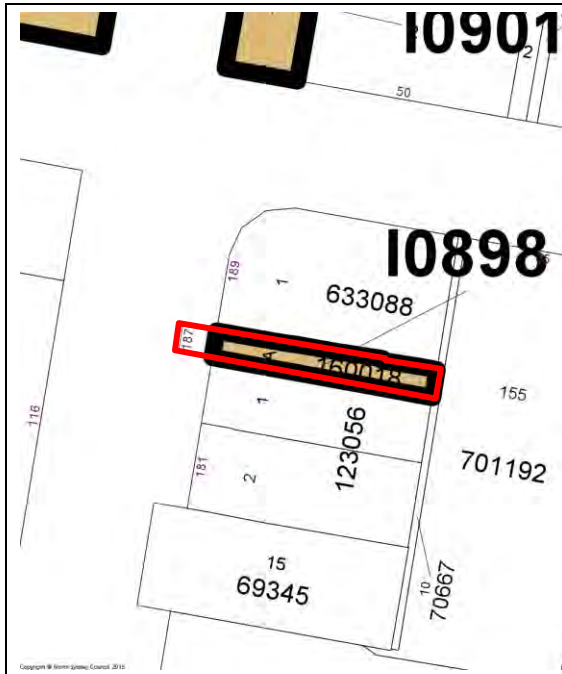


FIGURE 43:

Extract of Heritage Map from NSLEP 2013



FIGURE 44:

Miller Street elevation, prior to its demolition

This heritage item was demolished in January 2018 to enable the construction of the Victoria Cross Metro Station. Approval to demolish the building was granted by the DPIE as part of the State Significant Infrastructure development application (SSI 15_7400) approved on 9 January, 2017.

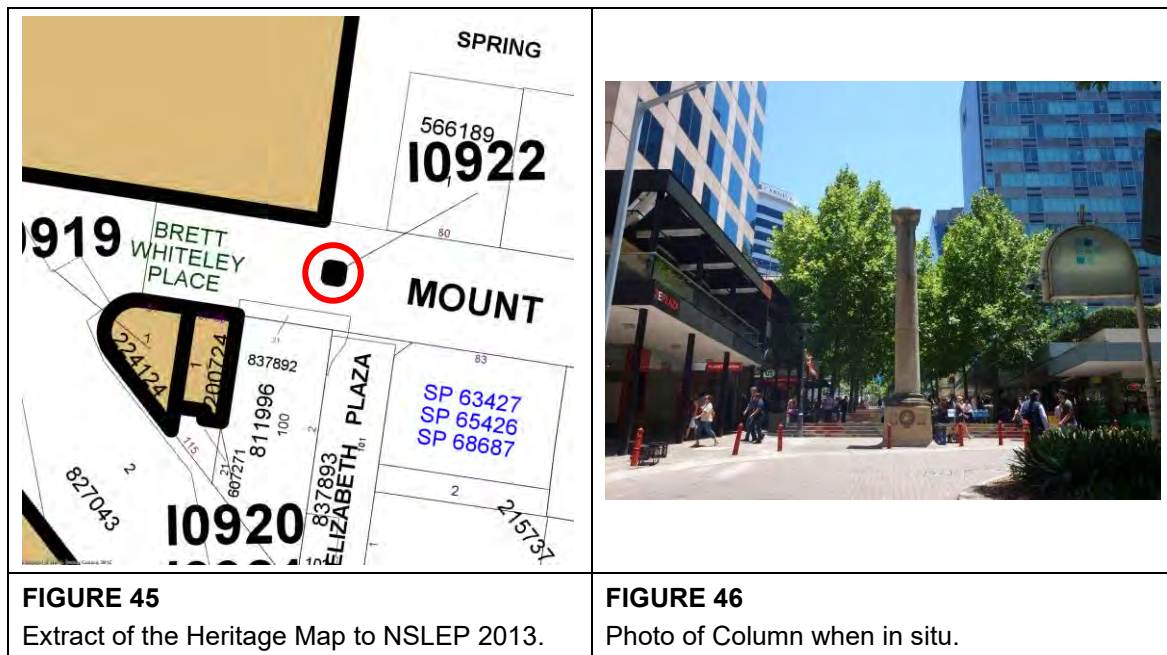
19.2 Comment

In light of the State Government's approval to demolish and subsequent demolition of this heritage item, it is appropriate to remove the identification of this heritage item from Schedule 5 - Environmental Heritage and the Heritage Map to NSLEP 2013.

20 Heritage Item I0922 - Old GPO Column – Mount Street Plaza, North Sydney

20.1 Background

Heritage Item I0922 as identified under Schedule 5 - Environmental Heritage and on the Heritage Map (refer to Figure 45) to NSLEP 2013 relates to a sandstone column, which once comprised part of the demolished 1848 Sydney GPO, located at the intersection of George Street and Martin Place, Sydney. The heritage item was located within Mount Street Plaza (now known as Brett Whiteley Place) near its intersection with little Spring Street and Elizabeth Plaza.



This heritage item was removed in 2016 as part of the redevelopment of Mount Street Plaza, which was renamed Brett Whiteley Place after its refurbishment. The column was gifted to the City of Sydney Council for reuse within its LGA, helping to better reflect where the column originated from.

20.2 Comment

In light of the removal of this heritage item and its relocation to another LGA, it is appropriate to remove the identification of this heritage item from Schedule 5 - Environmental Heritage and the Heritage Map to NSLEP 2013.

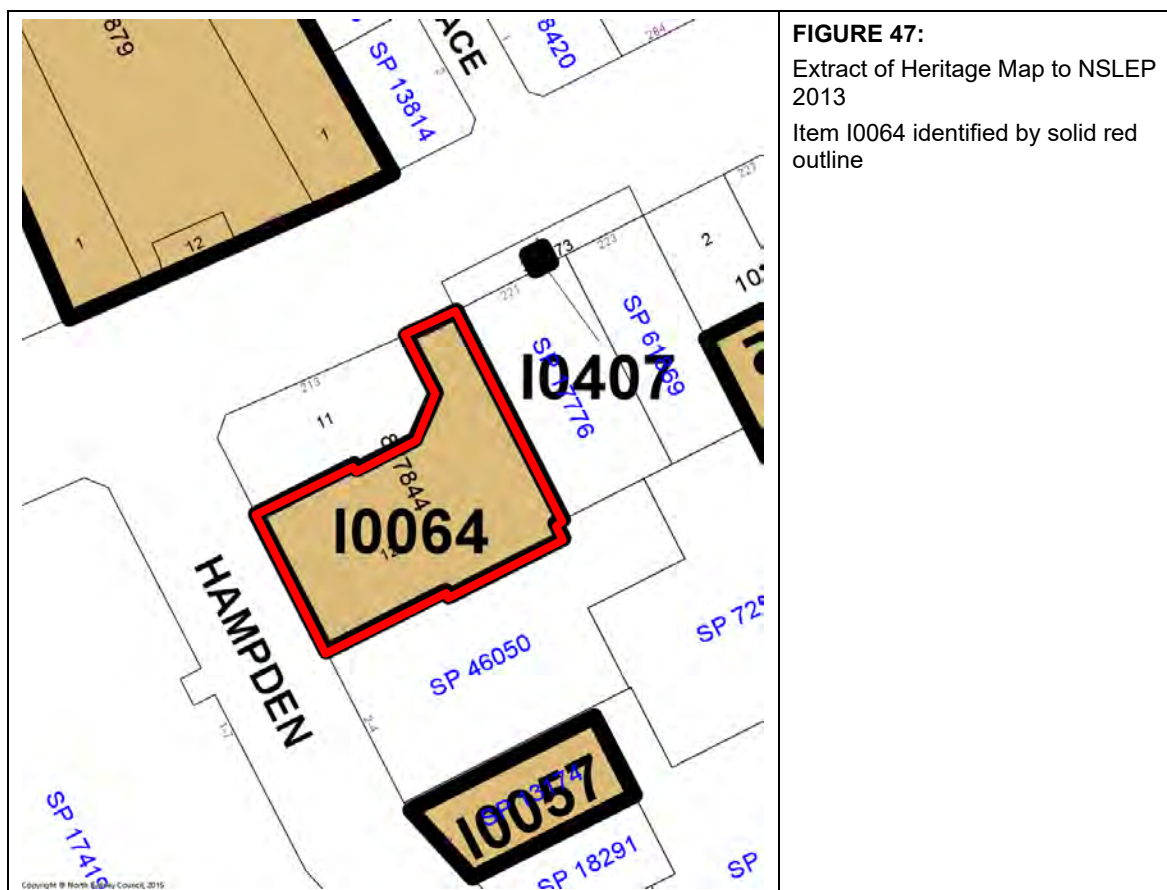
21 Heritage Item I0064 - Former Cremorne Post Office / telephone exchange – 219 Military Road, Cremorne

21.1 Background

During the assessment of a concept master plan for the whole school site of SCECGS Redlands, one of Council's Conservation Planners noted that Item I0064 did not appear to be correctly identified under Schedule 5 - Environmental Heritage of NSLEP 2013 and on the Heritage Map. In particular, it was suggested that the heritage listing should belong to the adjoining property at 213 Military Road, Cremorne.

21.2 Comment

The 'Former Cremorne Post Office/telephone exchange comprises Heritage Item I0064 under NSLEP 2013. Schedule 5 - Environmental Heritage and the Heritage Map (refer to Figure 47) currently identify that the heritage item applies to land legally identified as Lot 12, DP 877844, otherwise known as 219 Military Road, Cremorne.



A review of the Heritage Inventory Sheet indicates that the heritage item comprises the "original Cremorne Post Office" and its significance is identified as follows:

Original Cremorne Post Office, vacated for that purpose and used for some years as part of adjacent telephone exchange. It is an intact Federation style small suburban post office and its Free Classical porch indicative of civic tastes of the period. Of local significance for its role in the development of the area. Currently significant as part of the Redlands School precinct of school buildings.

An inspection of the site and review of former subdivision plans of the site, clearly shows that the former post office is located at 213 Military Road and the telephone

exchange is located at 219 Military Road. The location of the original post office and adjacent telephone exchange are illustrated in Figure 48, which clearly illustrates that the post office is located on Lot 11 comprising 213 Military Road and not Lot 12 comprising 219 Military Road. However, there was a time when both the post office and exchange were located on the same registered allotment (refer to Figure 49).



FIGURE 48:

Aerial photograph

- Original Post Office building
- Telephone exchange building

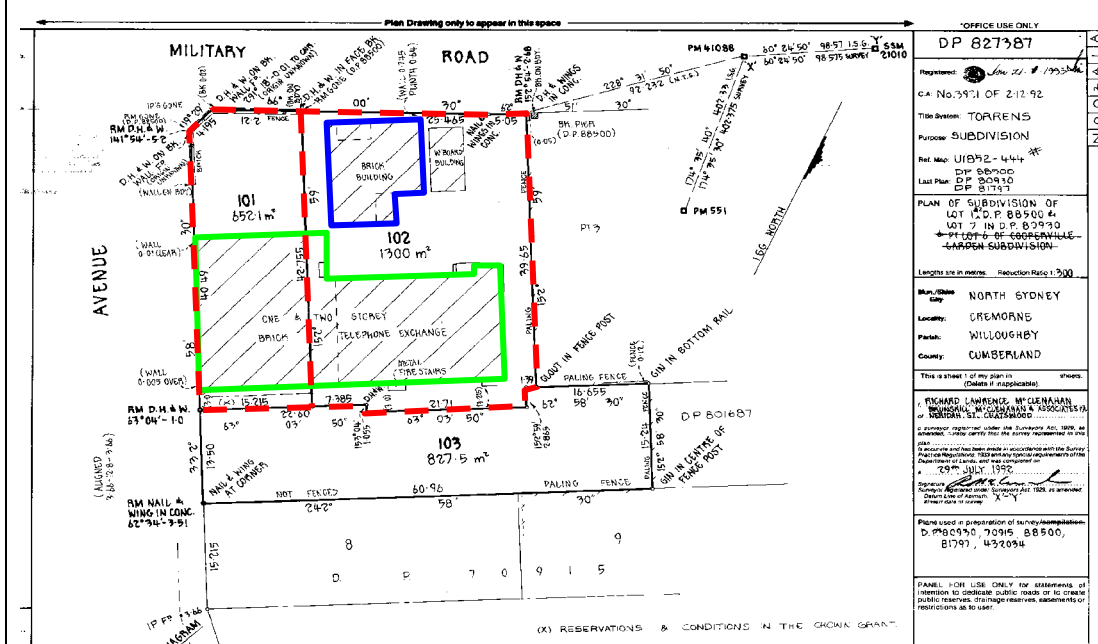


FIGURE 49:

Extract of registered subdivision plan for 213-219 Military Road, Cremorne. Dated 2 December 1992.

Cremorne Post Office/telephone exchange'. It appears that the identification of the item was incorrectly identified when translating from NSLEP 1989 to NSLEP 2001 and had not factored the change to the underlying cadastre.

During the preparation of NSLEP 2013, Council made a concerted effort to review all heritage items under NSLEP 2001 to ensure that they were appropriately identified under the new LEP. However, it appears that this mapping error was transferred into NSLEP 2013.

The error therefore appears to relate to a change in the street address due to a change in the subdivision pattern of the property. Accordingly, to improve the clarity of NSLEP, it is recommended that the street address and corresponding lot number be corrected to reflect the correct legal address of the Former Cremorne Post Office/telephone exchange building.

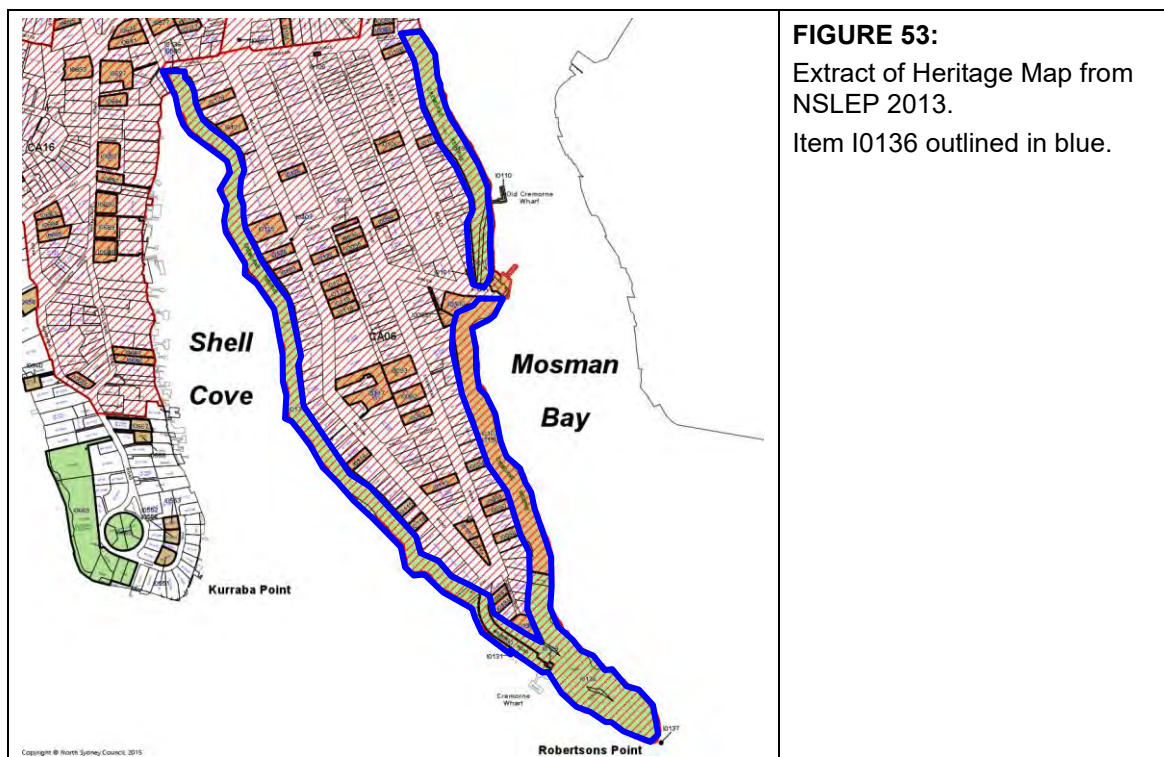
22 Heritage Item I0136 - Cremorne Reserve

22.1 Background

Cremorne Reserve comprises Heritage Item I0136 under NSLEP 2013. Schedule 5 - Environmental Heritage and the Heritage Map (refer to Figure 53) currently identify that the heritage item applies to land legally identified as:

Lot 1, DP 974533;
 Crown Lots 7168 and 7169, DP 1060231;
 Lot 1, DP 449844;
 Lot 7033, DP 1060232;
 Crown reserve (linking Green Street and Old Cremorne Wharf);
 Crown reserve (western section of Cremorne Reserve stretching from Bogota Avenue around Robertsons Point).

This item is identified under NSLEP 2013 as having “local” heritage significance.



22.2 Issue

During the assessment of a development application in 2014, one of Council's Conservation Planners noted that the 'property description' to Item I0136 under Schedule 5 - Environmental Heritage of the NSLEP 2013 was incorrect, stating that a number of parcels were missing.

22.3 Comment

A comparison of the Heritage Map to NSLEP 2013 against the current cadastre (i.e. a plan illustrating all registered parcels of land) it was noted that:

Five (5) Crown reserves had been subject to re-subdivision; and
 The following lots had been excluded from the 'property description' to Schedule 5- Environmental Heritage, despite being included within the mapped boundaries:

Part Lot 1, DP 1086010;
Lot 2, DP 1086010;
Lot 1, DP 911147; and
Lot 1, DP 911459.

To provide an increased level of clarity, it is recommended that the 'property description' to I0136 be updated to reflect the most current legal description of the subject site to include the following parcels of land:

Crown Lots 7337-7341, DP 1138892;
Lot 1, DP 974533;
Lot 1, DP 449844;
Lot 1, DP 955893;
Lot 1, DP 911147;
Lot 1, DP 911459;
Part Lot 1, DP 1086010; and
Lot 2, DP 1086010.

It is acknowledged that there are also a number of other heritage items located within the bounds of the Cremorne Reserve heritage item (I0136). A review of these additional heritage items was undertaken to ensure that the extent of these items reflected that as recorded in the Heritage Inventory Sheets. In particular, issues were identified with regard to:

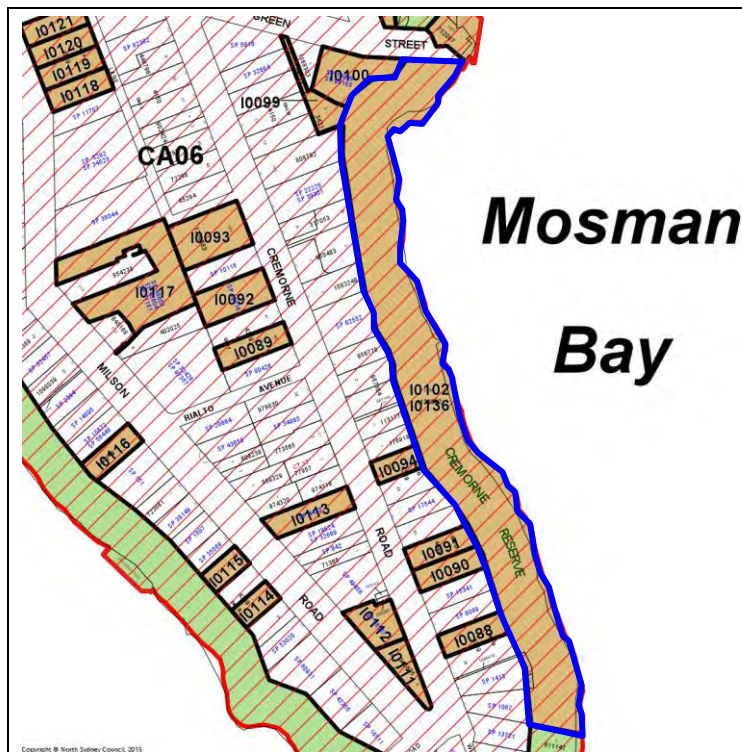
Heritage Item I0102 – Site of Cremorne Smelter
Heritage Item I0130 – Former tram turning loop and ferry interchange; and
Heritage Item I0580 – Head of Shell Cove.

These items are discussed in more detail in the following subsections.

22.3.1 Heritage Item I0102 – Site of Cremorne Smelter

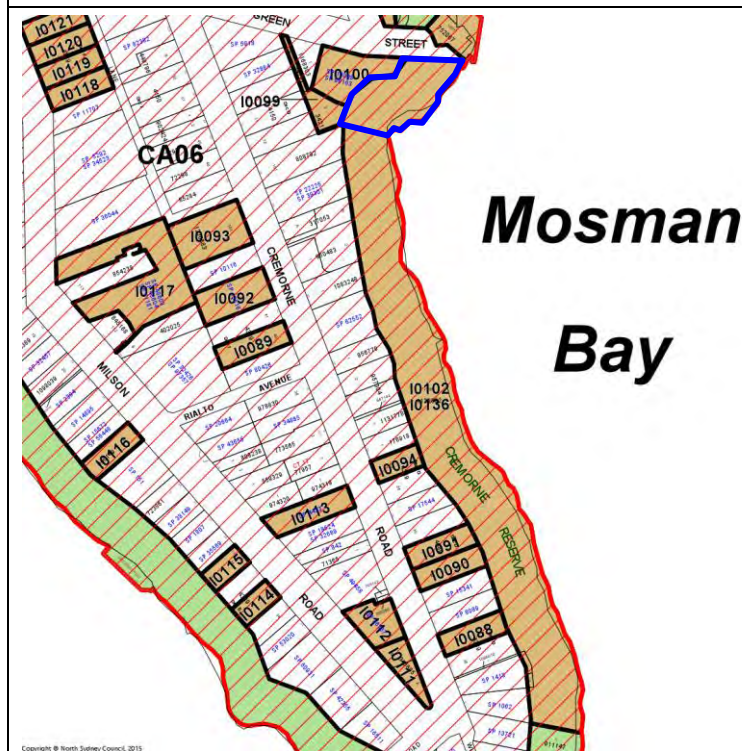
The Heritage Inventory sheet describes the item as being "*Scattered remains of smelting slag and coke are apparent in the sloping foreshore in front of No. 5 Green Street (The Laurels)*" and that the site is "*Important as the site of one of the early industrial enterprises of Sydney and of particular interest in view of the subsequent residential character of the area. Potential archaeological site pertaining to early industrial processes*".

The Heritage Map shows Item I0102 (Figure 54) applies to a large portion of land generally extending from the rear of properties fronting Green Street in the north, to the southern end of Cremorne Road. However, this does not align with the extent described in the Heritage Inventory Sheet. It is recommended that the extent of Item I0102 be significantly reduced to a smaller area located immediately to the rear of the Green Street properties to better reflect the area affected by this heritage listing.

**FIGURE 54:**

Extract of Heritage Map from NSLEP 2013.

Item I0102 outlined in blue.

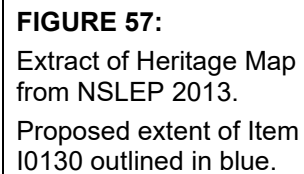
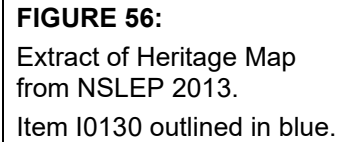
**FIGURE 55:**

Extract of Heritage Map from NSLEP 2013.

Proposed extent of Item I0102 outlined in blue.

22.3.2 Heritage Item I0130 – Former tram turning loop and ferry interchange

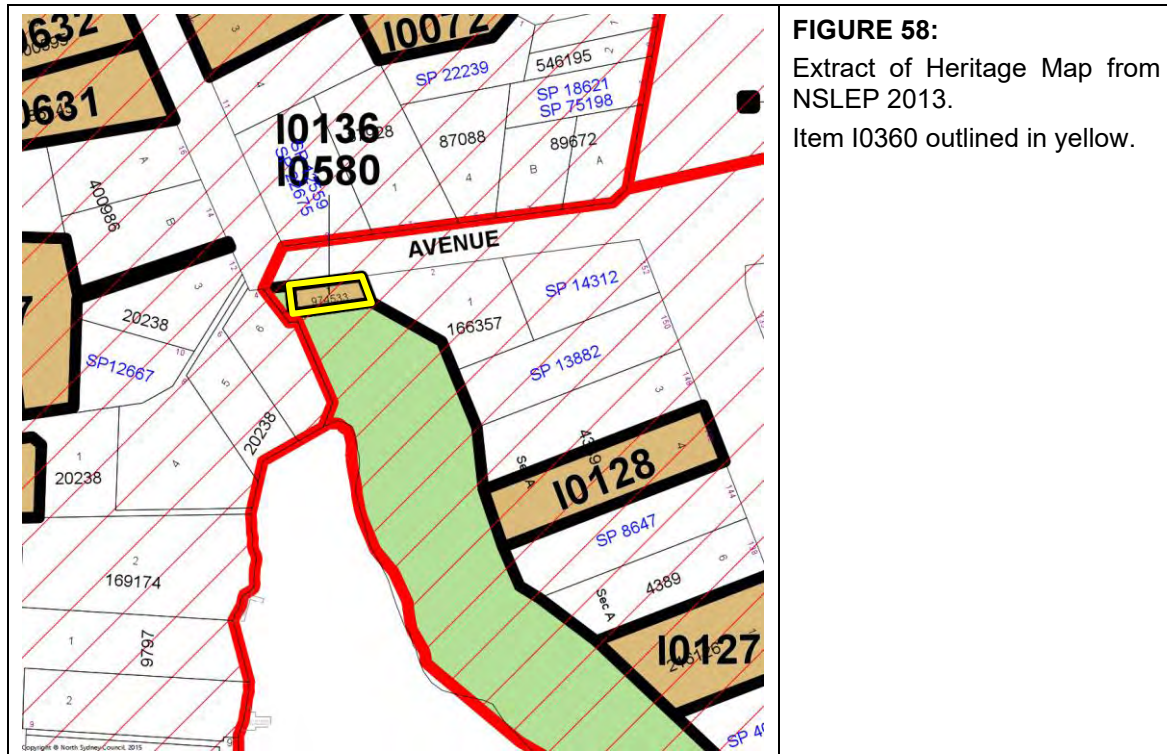
The Heritage Inventory Sheet describes the item as being “A roadway extending from the intersection of Cremorne and Milson Roads, sloping downwards and terminating at the entrance to the Ferry Wharf. The road is formed from a vertical cutting of the sandstone along the north side and widens considerably towards the lower end. A long narrow weatherboard building stands on the south side of the roadway, built on a concrete foundation above the waterway” and that the site is “A good example of a peninsula ferry and tram-interchange now used by buses for the same purpose. The cuttings, road alignment and general layout are all evidence of the tram operations”.



The Heritage Map shows Item I0130 (Figure 56) applies to a large portion of land essentially extending from the rear of properties fronting Green Street in the north, to the southern end of Cremorne Road. However, this does not exactly align with the description in the Heritage Inventory Sheet. It is recommended that the extent of Item I0130 be increased to incorporate Lot 11, DP 970706 to better reflect the area affected by this heritage listing.

22.3.3 Heritage Item I0580 - Head of Shell Cove

The 'Head of Shell Cove' comprises Heritage Item I0580 under NSLEP 2013. Schedule 5 - Environmental Heritage and the Heritage Map (refer to Figure 58) currently identify that the heritage item applies to land legally identified as Lot 1, DP 974533.

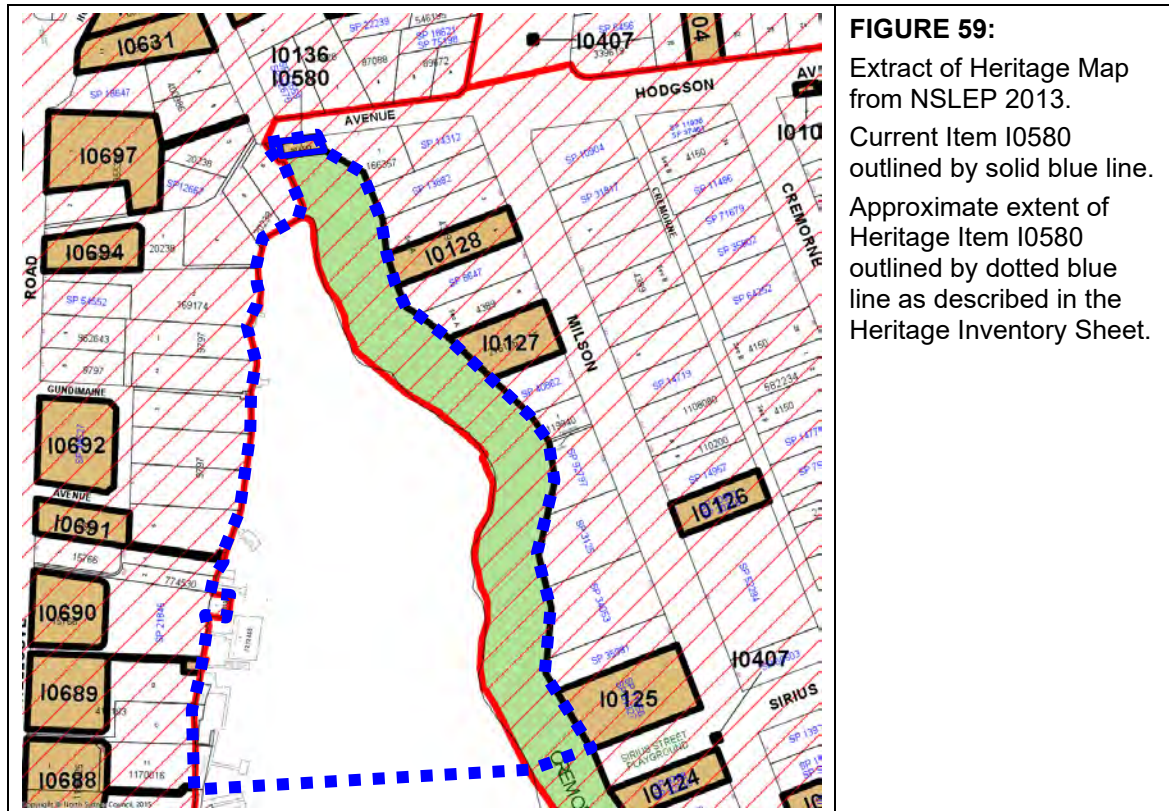


The Heritage Inventory Sheet for the item indicates that the item primarily applies to the Cove itself (i.e. the water based portion) and to a lesser extent, the adjoining lands. This is reinforced by its physical description which states:

The head of Shell Cove remains 'unreclaimed' an unusual feature in any harbour estuary, and the only such one on the north side of the harbour east of the Harbour Bridge. Waterfall and surrounding recreation reserve add to the aesthetic appeal of the head of the bay.

The Heritage Inventory Sheet also includes an image which illustrates the head of the Cove, rather than the small portion of Cremorne Reserve located adjacent to Bogota Avenue. No map of the item is included with the Heritage Inventory Sheet.

Figure 59 illustrates the location of the current heritage item (solid blue outline) as identified under NSLEP 2013 and compares it to the physical description of the heritage item (dotted blue outline) as identified under the Heritage Inventory Sheet. The dotted blue outline generally represents the visual catchment to the head of Shell Cove. It generally represents the foreshore area on the western side of the Cove and Cremorne Reserve on the eastern side of the Cove.



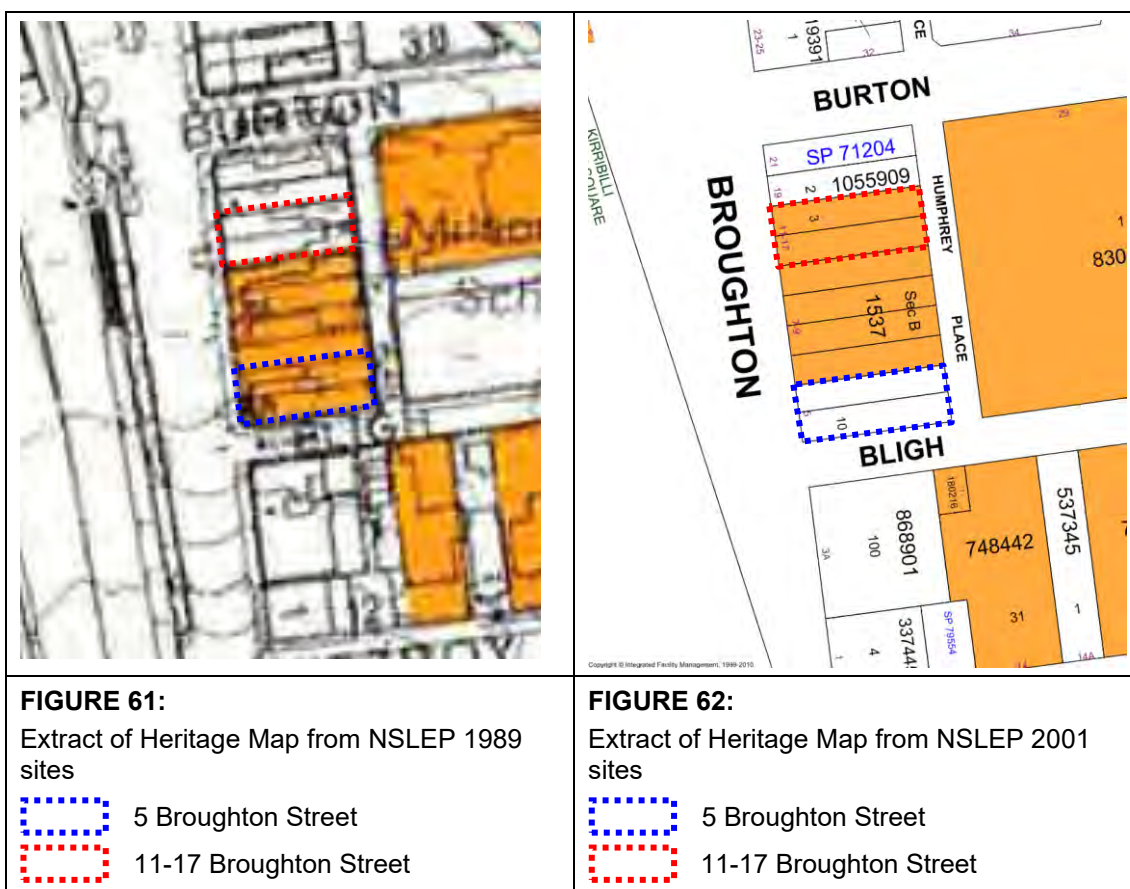
As there is clearly an error with regard to the extent of land to that described under the Heritage Inventory Sheet and to which the heritage listing applies under *Schedule 5 - Environmental Heritage* and the Heritage Map, both *Schedule 5 - Environmental Heritage* and the Heritage Map should be amended to reflect the extent of the heritage listing. As previously indicated, LEPs should generally not apply to land located outside of the LGA and therefore there is no scope to identify the waterways of Lavender Bay as part of the curtilage to the heritage listing as illustrated on the Heritage Map. However, nothing prevents the inclusion of the description of the waterways within *Schedule 5 - Environmental Heritage* to the LEP to provide increased clarity.

Furthermore, it is noted that the Heritage Map to NSLEP 2013 currently identifies Heritage Item I0580 as a built form element (depicted by brown shading) as opposed to being a landscape element (depicted by green shading). This categorisation should be amended to reflect the type of heritage item to which the listing relates.

Associated with St Johns Church and the activities of the church. An interesting design which complements the adjacent church. An important element in the Kirribilli Village centre streetscape.

Furthermore, the property demonstrates that it meets the following criteria for heritage listing at the local level:

- SHR criteria (a) – Historical
- SHR criteria (c) – Aesthetic/technical
- SHR criteria (d) – Social
- SHR criteria (g) – Representative



Under NSLEP 1989, No.5 Broughton Street was identified as a heritage item and described as 'Church Hall' under Schedule 2 - *Heritage items* of the LEP. It was also identified as a heritage item on the Heritage Map of the LEP (refer to Figure 61). However, No.11-17 Broughton Street was not identified as a heritage item under Schedule 2 - *Heritage items* of NSLEP 1989 nor on the Heritage Map of the LEP.

Under NSLEP 2001, No.11-17 Broughton Street was identified as a heritage item under Schedule 3 – *Heritage Items* of the LEP as 'The Fantasia Preschool' and given the North Sydney Heritage Study inventory No. 0021. However, No.5 Broughton Street was not identified as a heritage item under Schedule 3 – *Heritage Items* of the LEP nor was it identified on the Heritage Map (refer to Figure 62). However, no records could be found that specifically sought to include 11-17 Broughton Street as a heritage item and remove 5 Broughton Street as a heritage item. It would therefore appear that the listing swapped between these two properties in error at this time.

Under Schedule 5 - Environmental Heritage of NSLEP 2013, No. 11-17 Broughton Street (legally described as Lots 3 & 4, Section B, DP 1537) is currently identified as Heritage Item I0186 ('The Fantasia Preschool'). It is also identified as Heritage Item I0186 on the Heritage Map (refer to Figure 16). However,

Therefore, it appears that the legal description of Heritage Item I0186 ('The Fantasia Preschool') appears to have been inadvertently swapped with 11-17 Broughton Street. Accordingly, the property description of the item should be amended to reflect No.5 Broughton Street, Kirribilli, which is legally described as Lots 9 & 10, Section B, DP 1537. In addition, the Heritage Map should also be amended to reflect the correct property description of the heritage item.

24 Heritage Item I0322 - Bay View Street - sandstone retaining wall

Background

During the assessment of DA311/13 for a property at 8 Bay View Street, Lavender Bay, one of Council's Conservation Planners noted that the location of the Bay View Street sandstone retaining wall was incorrectly located on the Heritage Map to NSLEP 2001 and NSLEP 2013. It was suggested that the sandstone wall was located on eastern boundaries of private properties located on the western side of Bay View Street and not within the road reserve.

24.1 Comment

The Bay View Street sandstone retaining wall comprises Heritage Item I0322 under Schedule 5 – Environmental Heritage of NSLEP 2013. It currently applies to Council owned land known as the 'Bay View Street Road Reserve' (refer to Figure 63).

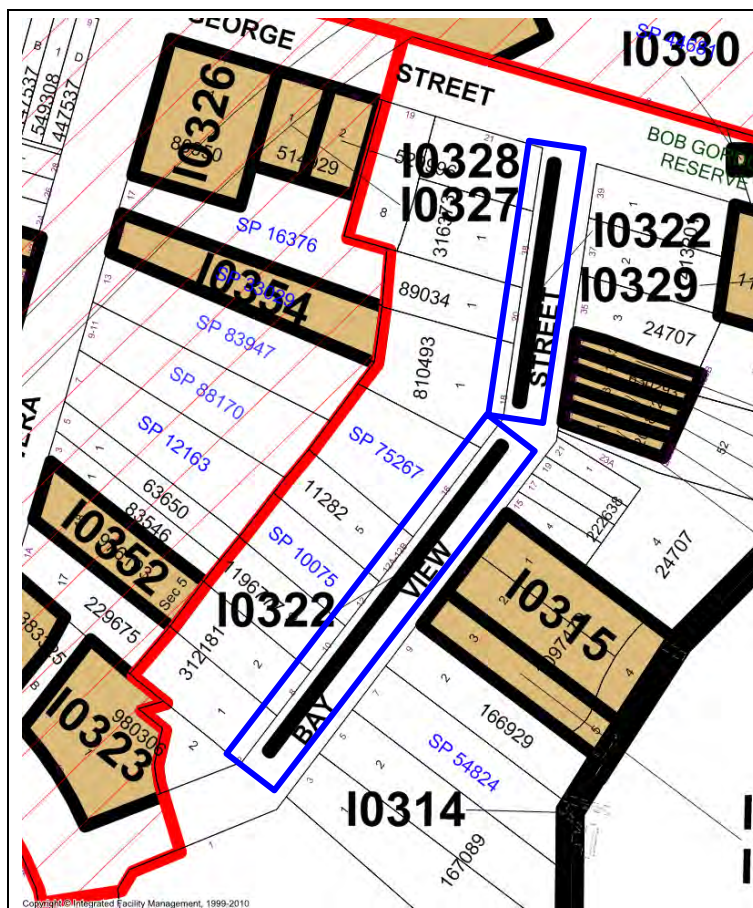


FIGURE 63:
Extract of Heritage Map from
NSLEP 2013.

A site inspection of the Bay View Street sandstone retaining wall indicates that the correct location of Heritage Item I0322 is on the eastern boundaries of the following private properties, located on the western side of Bay View Street:

- 2 Bay View Street, Lavender Bay (Lot 1, DP 312181 and Lot 2, DP 980306)
- 8 Bay View Street, Lavender Bay (Lot 2, DP 312181)
- 10 Bay View Street, Lavender Bay (Lot 10, DP 1196777)
- 12 Bay View Street, Lavender Bay (SP 10075)
- 12A and 12B Bay View Street, Lavender Bay (Lot 5, DP 11282)
- 16 Bay View Street, Lavender Bay (SP 75267)

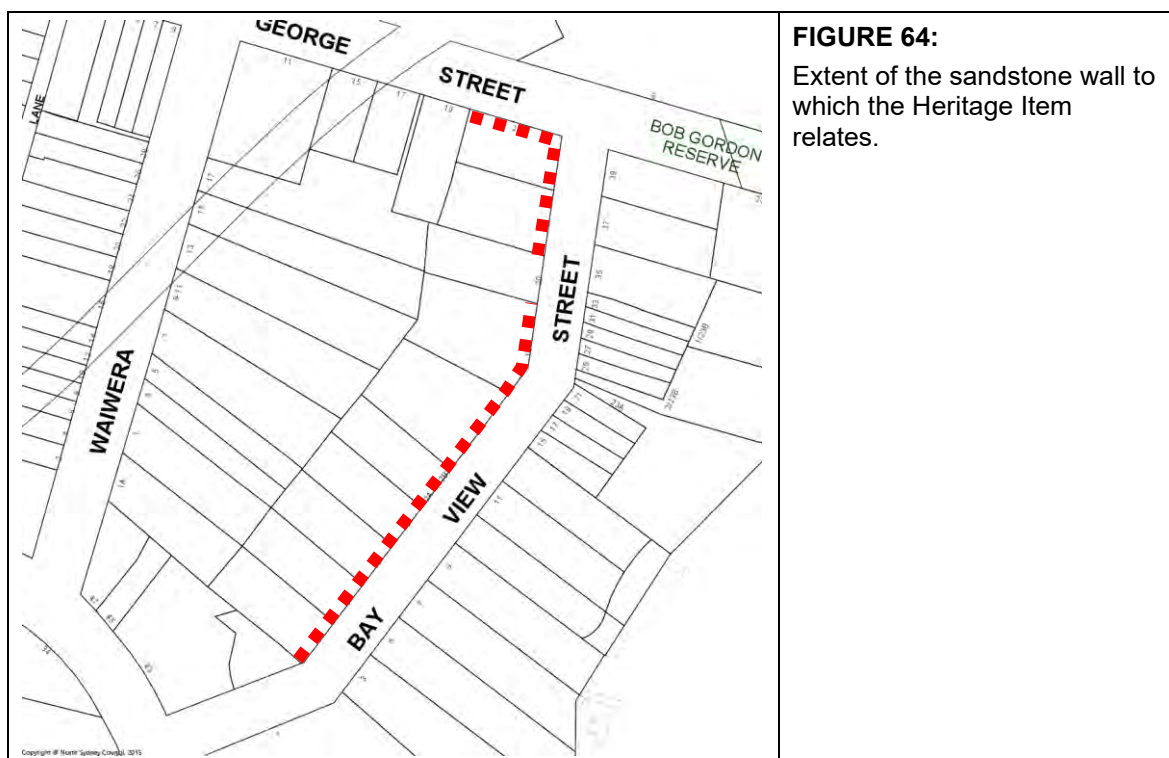
- 18 Bay View Street, Lavender Bay (Lot 1, DP 810493)
- 38 Bay View Street, Lavender Bay (Lot 1, DP 316373)
- 21 King George Street, Lavender Bay (Lot 7, DP 520996)

This is further evidenced through the Heritage Inventory Sheet which describes the item as:

A moderately high retaining wall constructed of random-coursed rusticated ashlar sandstone which runs the length of Bayview Street, which is punctuated in places by openings to garage spaces and pedestrian entrances to the properties on the ridge behind. Semi-circular arched opening to No. 16 is particularly interesting, as is the sinuous curves of art-nouveau influenced cast iron palisade fence above the wall.

It is further identified as follows:

Well-formed and visually prominent retaining wall along the west-side of the street. Important streetscape element which imports a particular nineteenth century flavour to the vicinity and which features some attractive openings and formations.



Accordingly, to improve the clarity of NSLEP 2013, it is recommended that the property description of Heritage Item I0322 under Schedule 5 - Environmental Heritage of the LEP be amended to reflect the correct location of the item. In addition, it is recommended that the Heritage Map to the LEP be amended to also reflect the correct location of the heritage item.

Heritage Council of New South Wales



State Heritage Register - SHR 01949, Plan 2621

Brett Whiteley House and Visual Curtilage

Gazettal Date: 23 March 2018

0 30 60 90 120
MetersScale: 1:3,750
Datum/Projection: GCS GDA 1994

- SHR Curtilage
- Land Parcels
- Railways
- Roads
- Suburbs
- LGAs

FIGURE 66:

Extent of state heritage listing including associated visual curtilage

25.3 Comment

Due to the change in the significance of the heritage item under the NSW Heritage Act, the 'significance' of the heritage item under Schedule 5 - Environmental Heritage to NSLEP 2013 should be amended from 'local' to 'state' to reflect its status under the NSW Heritage Act.

As the State Heritage listing has altered the extent of land to which the heritage listing applies, both Schedule 5 - Environmental Heritage and the Heritage Map should be amended to reflect the extent of the State heritage listing. As previously indicated, LEPs should generally not apply to land located outside of the LGA and therefore there is no scope to identify the waterways of Lavender Bay as part of the curtilage to the heritage listing as illustrated on the Heritage Map. However, nothing prevents the

inclusion of the description of the waterways within Schedule 5 - Environmental Heritage to the LEP to provide increased clarity.

An investigation of the site, revealed that the actual location of the two plaques is upon a sandstone retaining wall located within the road reserve to Ben Boyd Road and not within the bounds of 6 Ben Boyd Road.



FIGURE 68:
Detail of the two plaques
subject to the heritage listing.



FIGURE 69:
Location of the two plaques on
Ben Boyd Road road reserve
(identified by yellow circle).
The division between private
property and the road reserve
shown by a red dashed line.



FIGURE 70:
Location of the two plaques on
Ben Boyd Road road reserve.
The division between private
property and the road reserve
shown by a solid red line.

27 Heritage Item I0688 - 29 Shellcove Road, Kurraba Point

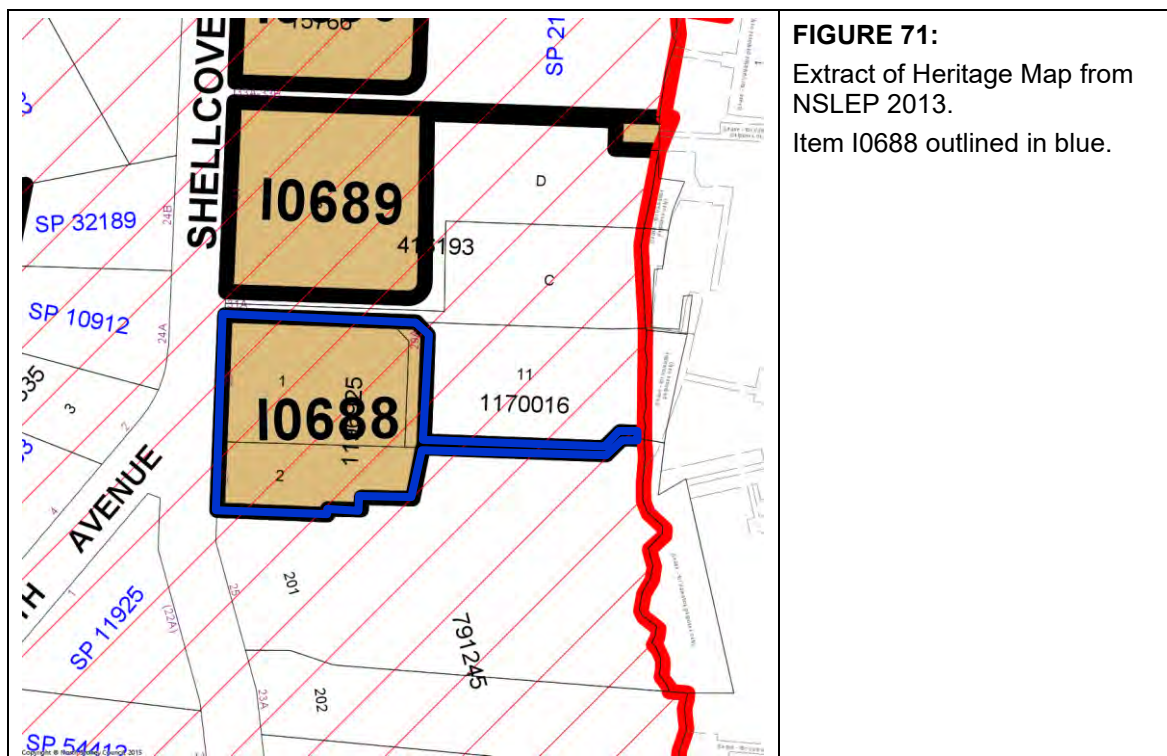
27.1 Background

During the processing of a Planning Certificate for 27 Shellcove Road, Kurraba Point, it was noted that there was an anomaly with respect the heritage messages applying to the property. In particular, it was noted that:

- 27 Shellcove Road is not identified as a heritage item under Schedule 5 – Environmental Heritage to NSLEP 2013; and
- 27 Shellcove Road is identified as a heritage item (Item I0688) – 29 Shellcove Road) on the Heritage Map to NSLEP 2013;
- Under Schedule 5 – Environmental Heritage to NSLEP 2013 applies to 29 Shellcove Road and Lot 101, DP 1067984.

27.2 Comment

No.29 Shellcove Road, Kurraba Point comprises Heritage Item I0688. Schedule 5 - Environmental Heritage and the Heritage Map (refer to Figure 71) to NSLEP 2013 currently identify that the heritage item applies to land legally identified as Lot 101 in DP 1067984. The item is identified as having “local” heritage significance.



Whilst the Heritage Map to NSLEP 2013 accurately reflects the extent of Lot 101 in DP 1067984, this allotment has been subject to a number of subdivisions and boundary adjustments between No. 29 and No.27 Shellcove Road and part of No.29A Shellcove Road and therefore the heritage listing no longer reflects the legal division of the property.

27.3 Comment

In 1981 Council granted development consent to the subdivision of No.29 Shellcove Road into two allotments. The plan of subdivision that created the new allotments (Lots 1 & 2 in DP 619776) was registered on 29 October 1981 (refer to Figure ...). Lot 1, which fronted Shellcove Road contained the heritage item known as ‘Keynsham’ and

was to be known as No.29 Shellcove Road. Lot 2, which was located to rear (east) of Lot 1, was to be known as No.29A Shellcove Road. Access to No.29A was provided via a right of carriageway over No.31A Shellcove Road.

No.27 Shellcove Road originally comprised a small portion of No.25 Shellcove Road. In September 2003, No. 25 Shellcove Road was subdivided to form two new allotments comprising Lot 5, DP 1060016 (No.27 Shellcove Road) and Lot 201, DP 791245 (No.25 Shellcove Road), such that the 2 existing dwellings were located on separate parcels of land.

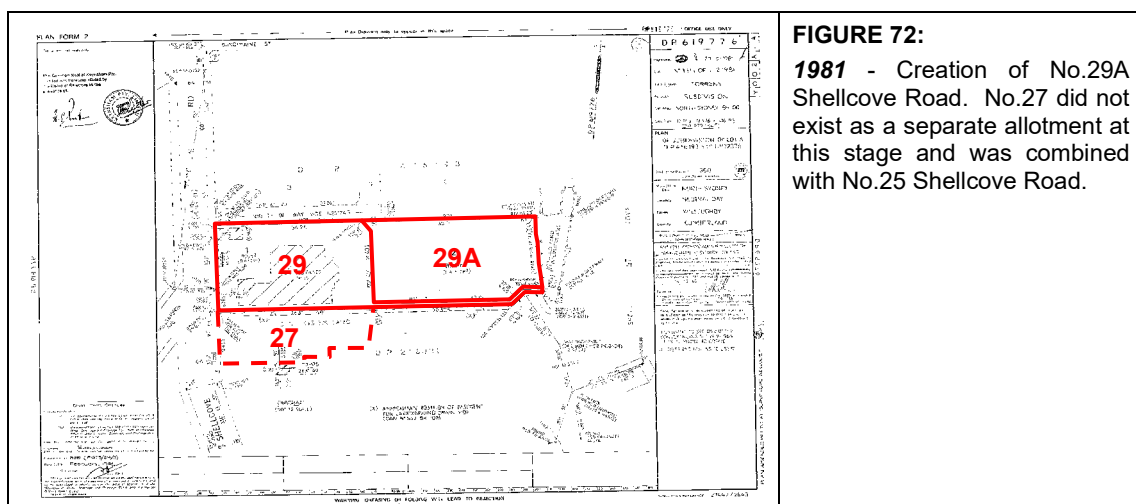
In February 2005, No's 27 and 29 Shellcove Road were consolidated to create a single lot containing the two dwellings comprising Lot 101 in DP 1067984 (refer to Figure ...).

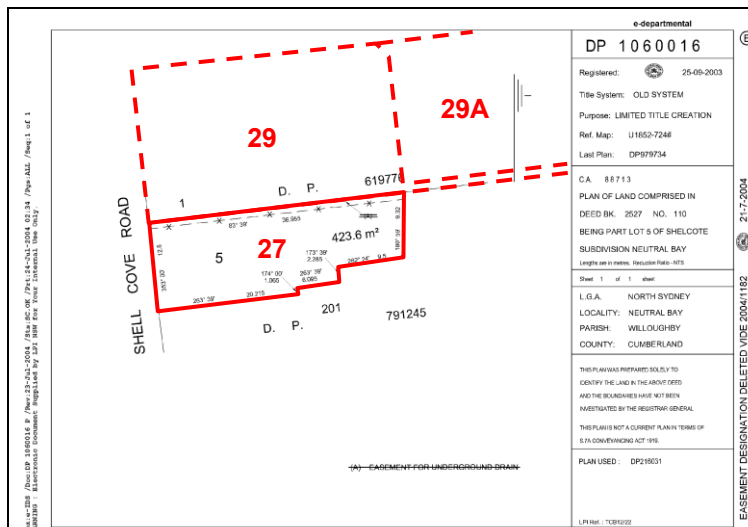
On 8 November 2007, Council granted development consent to DA 106/07 for the removal of an existing swimming pool, the construction of new dwelling and swimming pool at No.29A Shellcove Road. The approval also related to a boundary adjustment between No.29 A and Nos. 27 and 29 Shellcove Road.

On 20 June 2013 Council granted deferred development consent to DA 34/13 for the subdivision No.29 Shellcove Road into two torrens title allotments to enable the separation of No.27 from No.29 Shellcove Road. The reason for issuing a deferred commencement consent was to ensure that the plan subdivision subject to DA 106/07 was registered first as DA 34/13 relied on that subdivision having already taken place.

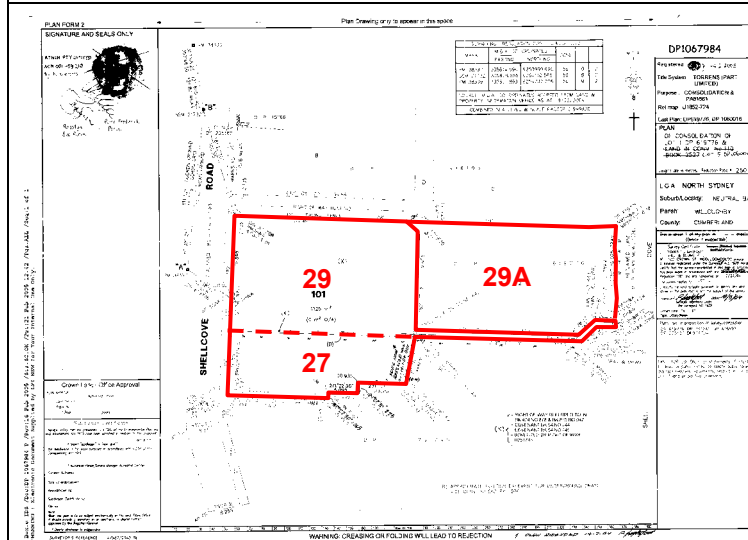
On 2 February 2014, the plan of subdivision detailing the boundary adjustment between No.29 A and Nos. 27 and 29 Shellcove Road was formally registered in accordance with DA 106/07.

On 4 August 2014, the plan of subdivision separating No.27 and No.29 Shellcove Road from one another was formally registered in accordance with DA 34/13 (Refer to Figure ...).

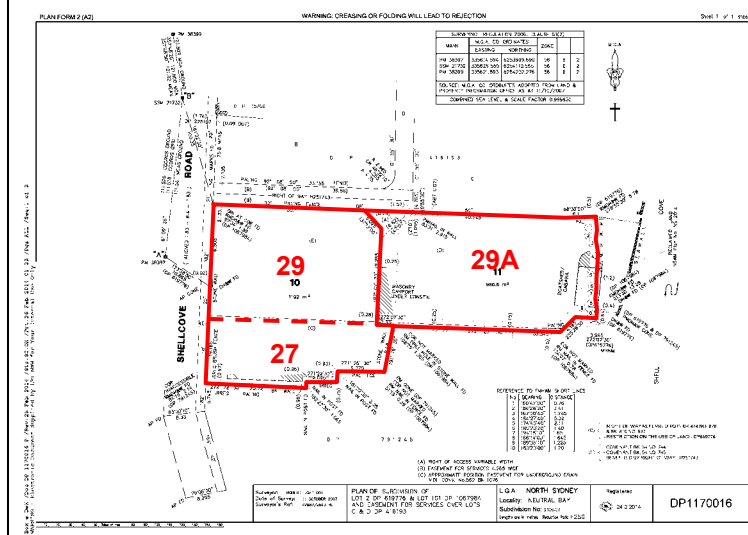


**FIGURE 73:**

2003 - Creation of No.27 Shellcove Road. No.27 formerly comprised Part Lot 5 in Shelcote Subdivision (FP 979734).

**FIGURE 74:**

2005 - Consolidation of No.s 27 and 29 Shellcove Road.



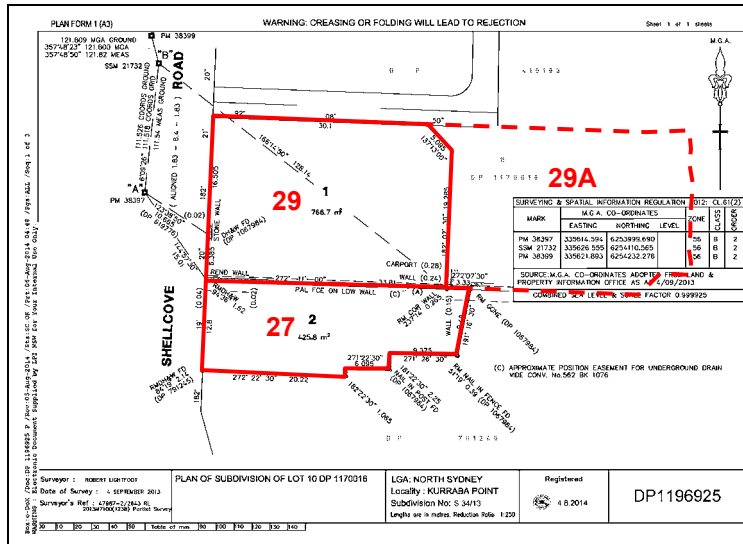


FIGURE 76:

2014 - Re-subdivision of No.29 Shellcove Road into two allotments so as to separate No.27 from No.29.

At the commencement of NSLEP 1989 both No. 27 and 29 Shellcove Road were identified as heritage items. However, the LEP did not provide any legal description of the property. However the Heritage Map to NSLEP 1989 clearly showed that No.s 27 and 29 were identified as heritage items (refer to Figure ...)

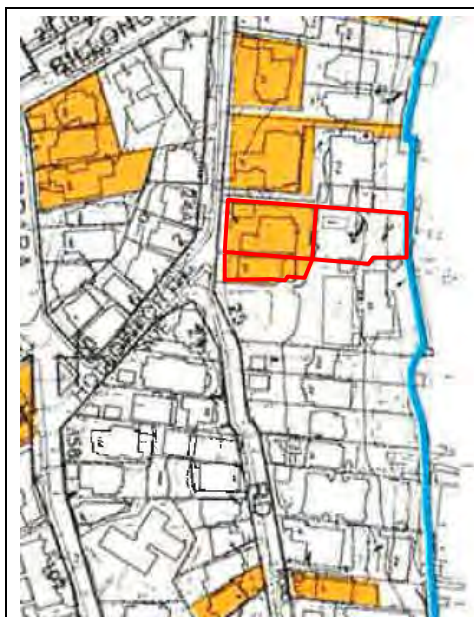


FIGURE 77:

Extract of Heritage Map to NSLEP 1989

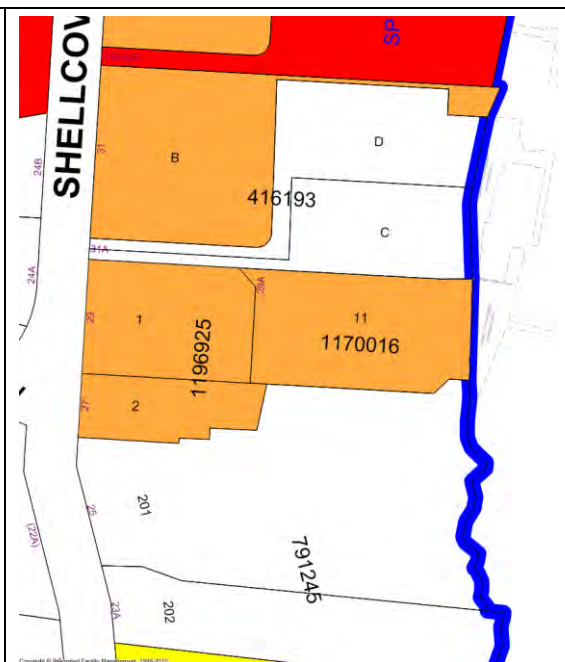


FIGURE 78:

Extract of Heritage Map to NSLEP 2001

At the commencement of NSLEP 2001:

No 29 Shellcove Road was identified as a heritage item and was legally described as Lots 1 and 2 in DP 619776:

No. 29A Shellcove Road did not exist at this time and essentially formed the rear yard to No.29;

No.27 Shellcove Road was identified as a heritage item and was legally described as Part Lot 5 in Shelcote Subdivision (FP 979734); and

Both No. 27 and 29 Shellcove Road had individual heritage inventory Sheets Refer to Appendices ... and ...)

In 2007 Council commenced the North Sydney Heritage Review which principally involved the review of:

heritage listings under NSLEP 2001;
conservation areas under NSLEP 2001; and
heritage conservation policies.

The Review was used to inform the heritage listings under NSLEP 2013 during its preparation. As part of this process, the Review recommended that:

No.27 Shellcove Road be downgraded from a heritage item to a contributory item, which would be listed under NSDCP 2013.
No.29A Shellcove Road be removed as a heritage item from the draft versions of NSLEP 2013.

It is clear from Figure ..., that the downgrade of No.27 to a contributory item has not occurred in accordance with recommendations of the Review. Nor is it identified as a contributory item under NSDCP 2013.

Whilst No.29A was removed from the Heritage Map, it was still identified within Schedule 5 - Environmental Heritage of NSLEP 2013. Therefore, the heritage listing under NSLEP is to be amended to reflect the current legal description of the property and to remove the heritage listing from No.27 and No.29A Shellcove Road as illustrated on the Heritage Map.

28 Heritage Item I0916 - St Leonards Park, 283A Miller Street North Sydney

28.1 Background

St Leonards Park comprises Heritage Item I0916 under NSLEP 2013. Schedule 5 - Environmental Heritage and the Heritage Map (refer to Figure 79) to NSLEP 2013 currently identify that the heritage item applies to land legally identified as Lots 1104-1107, DP 46990; Lot 1108 DP 48839; Part Crown Land Plan 316-3000. The item is identified as having “local” heritage significance.



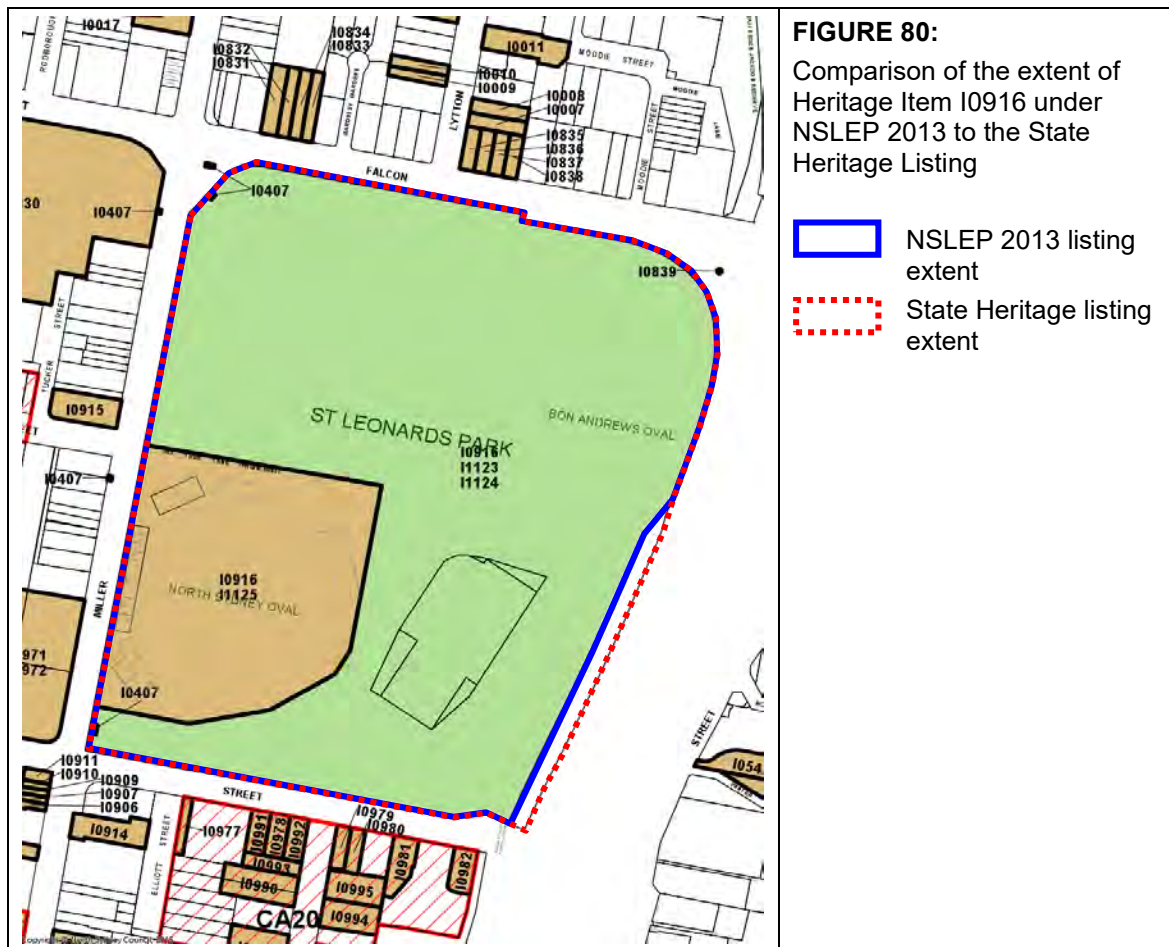
FIGURE 79:

Extract of Heritage Map from NSLEP 2013. Item I0916 outlined in blue.

28.2 Issue

On 31 July 2015, St Leonards Park was granted State heritage status under the NSW Heritage Act 1977, resulting in the significance of the item as identified under NSLEP 2013 being incorrect. In addition, the curtilage to the State heritage listing was greater than that identified under NSLEP 2013 (refer to Figure 80). In particular, Lot 1, DP 560566 is missing from the curtilage of Heritage Item I0916 under NSLEP (refer to Figure 4).

Furthermore, part of the property description (i.e. registered title details) of the heritage item has changed since the commencement of NSLEP 2013. In particular, 'Part Crown Land Plan 316-3000' has been issued with a new registered title, being Lot 7321, DP 1149783.



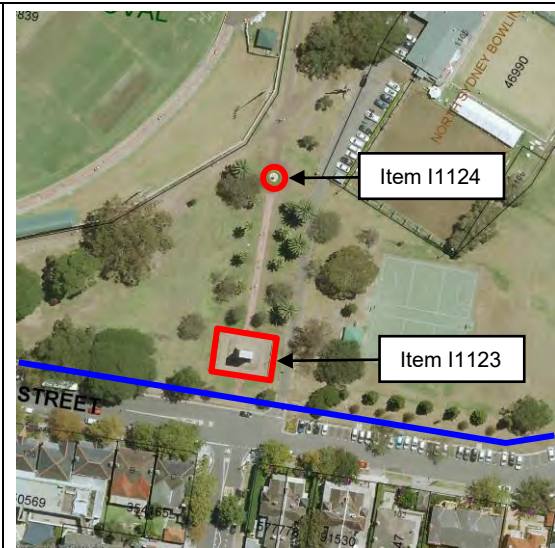
28.3 Comment

Due to the change in the significance of the heritage item under the NSW Heritage Act, the 'significance' of the heritage item under Schedule 5 - Environmental Heritage to NSLEP 2013 should be amended from 'local' to 'state' to reflect its status under the NSW Heritage Act. In addition, the property description of the heritage item should be amended to replace 'Part Crown Land Plan 316-3000' with 'Lot 7321, DP 1149783' and include 'Lot 1, DP 560566,' to reflect the extent of the item as described under the State Heritage listing.

It is also noted that Heritage Items I1123 – *War Memorial* and I1124 – *W.Tunks Memorial Fountain* are also located within St Leonards Park (refer to Figures 81 and 82). These items relate to two small built form elements within the Park. To provide an increased level of clarity as to where these items are located, these two items should be separately identified on the Heritage Map.

**FIGURE 81:**

General location of Items I1123 and I1124 within Item I0916 (blue outline)

**FIGURE 82:**

Detailed location of Items I1123 and I1124.

Both of the former allotments were identified as a heritage item on the Heritage Map to NSLEP 2001 (refer to Figure 85). When the subject site was resubdivided in 2009, no change was made to the extent of the heritage item as shown on the Heritage Map to NSLEP 2001.

During the preparation of NSLEP 2013, it was decided to apply the heritage listing to Lot 1 (No.37 Carr Street) only and was reflected as such on the Heritage Map (refer to Figure 83). However, there has clearly been an error in correctly identifying the subject property within Schedule 5- Environmental Heritage, which identifies both lots under DP 1138299.

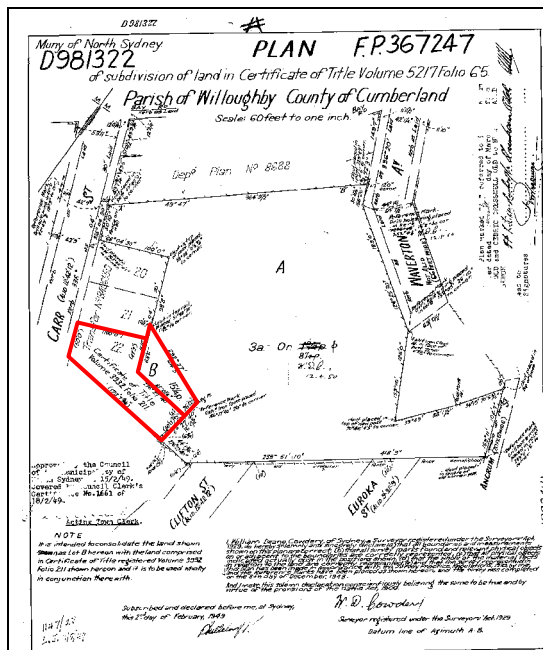


FIGURE 84:

Former lot arrangement prior to creation of DP 1138299

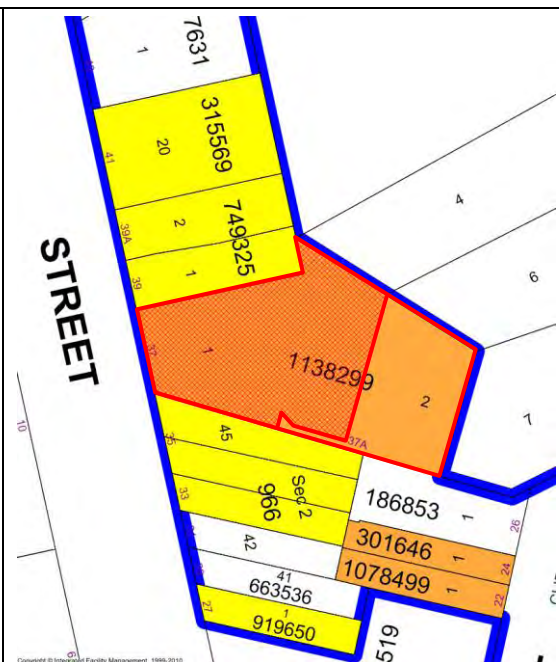


FIGURE 85:

Extract of Heritage Map from NSLEP 2001

The North Sydney Heritage Inventory Sheet for the Heritage Item indicates that the Heritage item is identified as 37 Carr Street, Waverton. The item's significance relates to a good example of a Colonial Georgian revival building of the late 1920s. The building is also identified as having a very intact interior, including joinery, ceiling and leadlight windows.

The listing clearly does not apply to the new dwelling located at No.37A Carr Street, which is a recently constructed dwelling, and accordingly the 'property description' to Schedule 5 - Environmental Heritage of NSLEP 2013 requires correction.

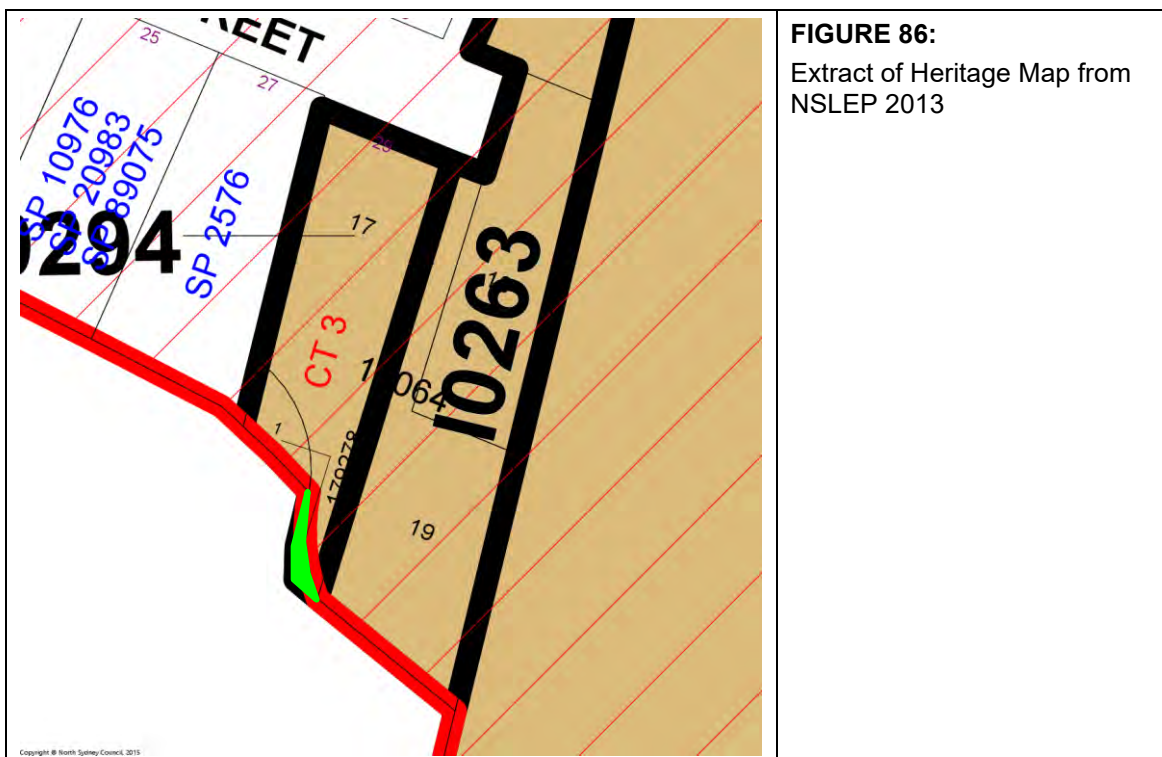
30 Heritage Conservation Area Boundaries

Conservation Areas are identified under Part 2 of Schedule 5 – Environmental Heritage and illustrated on the Heritage Map by a thick red outline and thin red cross hatching to NSLEP 2013.

30.1 CA 11 - Kirribilli

30.1.1 Background

During the preparation of Amendment No. 19 to NSLEP 2013 which sought to correct the legal property descriptions of land within the LEP, it was identified that heritage item I0294 – 29 Waruda Street, Kirribilli was located partly within and partly outside of the Kirribilli conservation area (CA 11). In particular, Lot 2, DP 179278 is located outside of the conservation area (refer to Figure 86).



30.1.2 Comment

This appears to be a mapping error and may have initially been missed due to the small scale of the affected parcel. Council's prior approach has been to align conservation area boundaries in relation to entire properties, even if those properties comprised several parcels of land.

In light of this error, a review of all heritage conservation area boundaries has been undertaken to determine the extent of the issue. However, the issue was principally limited to the Kirribilli conservation area at the following locations:

- 29 Waruda Street, Kirribilli
- Admiralty House, 109 Kirribilli Avenue, Kirribilli

In addition, there will be some minor discrepancies where the cadastre base has changed as identified under Sections 2 and 3 to this report.

It is therefore recommended that the conservation area boundaries be revised to ensure that they align with entire properties where practical to provide increased levels of certainty and transparency.

30.2 CA17 - Edward Street

30.2.1 Background

During the preparation of Amendment No. 19 to NSLEP 2013 which sought to correct the legal property descriptions of land within the LEP, it was identified that 12-14 Bay Road, North Sydney was located partly within and partly outside of the Edward Street conservation area (CA 17). Council staff queried if the location of the conservation area boundary was correct.

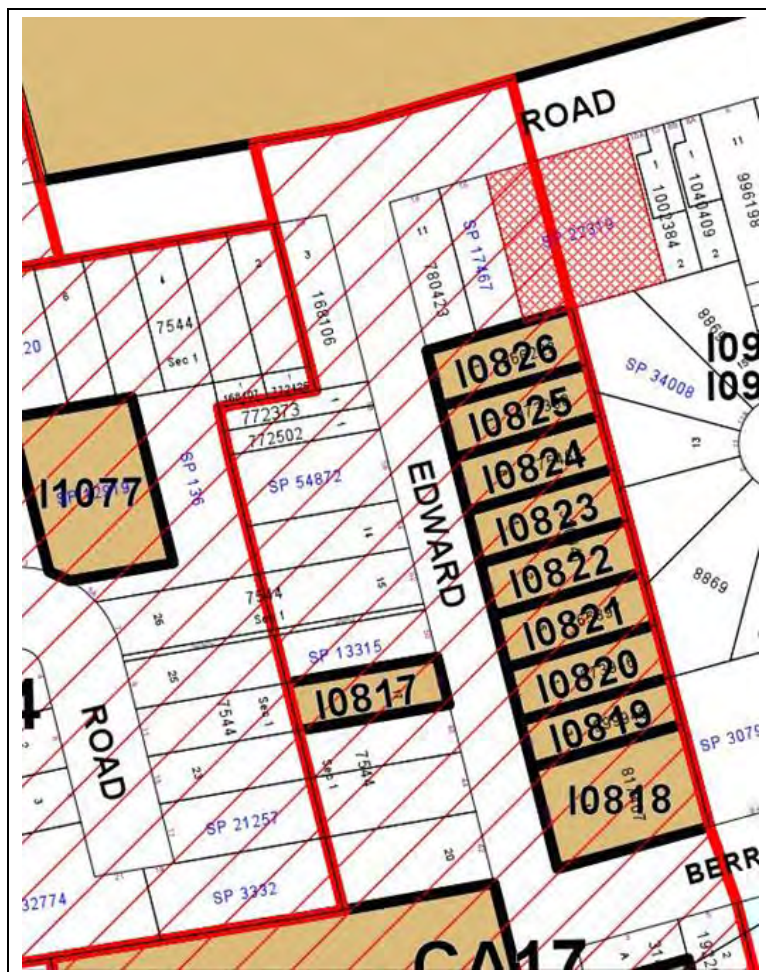


FIGURE 87:

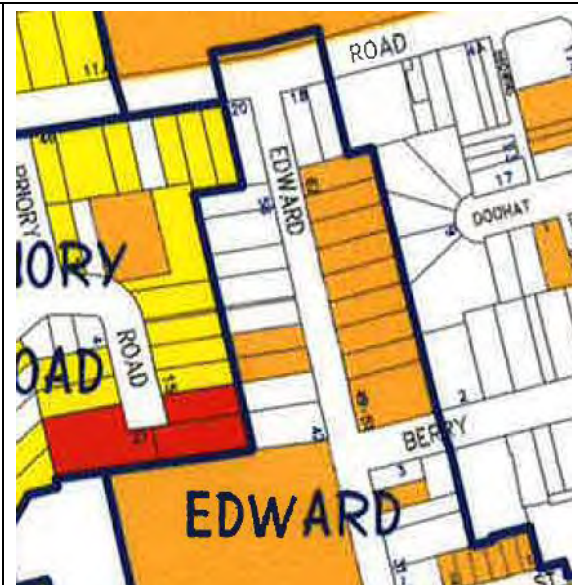
Extract of Heritage Map from
NSLEP 2013

30.2.2 Comment

This appears to be a mapping error. A review of prior LEPs indicates that 12-14 Bay Road was not located within the conservation area under NSLEP 1989 nor NSLEP 2001 refer to Figures 88 and 89).

**FIGURE 88:**

Extract of Heritage Map to NSLEP 1989

**FIGURE 89:**

Extract of Heritage Map to NSLEP 2001

No evidence could be found as to why 16 Bay Road became incorporated into the conservation area between the 1989 and 2001 LEPs, nor the extension of the conservation area across to the northern side of Bay Road.

No.12-14 Bay Road comprises a 3 storey residential flat building, which is inconsistent with the types of buildings located within the conservation area, which are typically 1-2 storey dwelling houses.

It would appear that when NSLEP 2013 was been prepared, the rear alignment of properties fronting the eastern side of Edward Street has been extended through to Bay Road in error.

Given that there are no heritage items fronting Bay Road in the conservation area, and the building at 12-14 Bay Road is inconsistent with primary built form within the remainder of the conservation area, it would be appropriate to revise the conservation area boundary to align with that under NSLEP 2001. Aligning conservation area boundaries with entire properties will also provide increased levels of certainty and transparency.

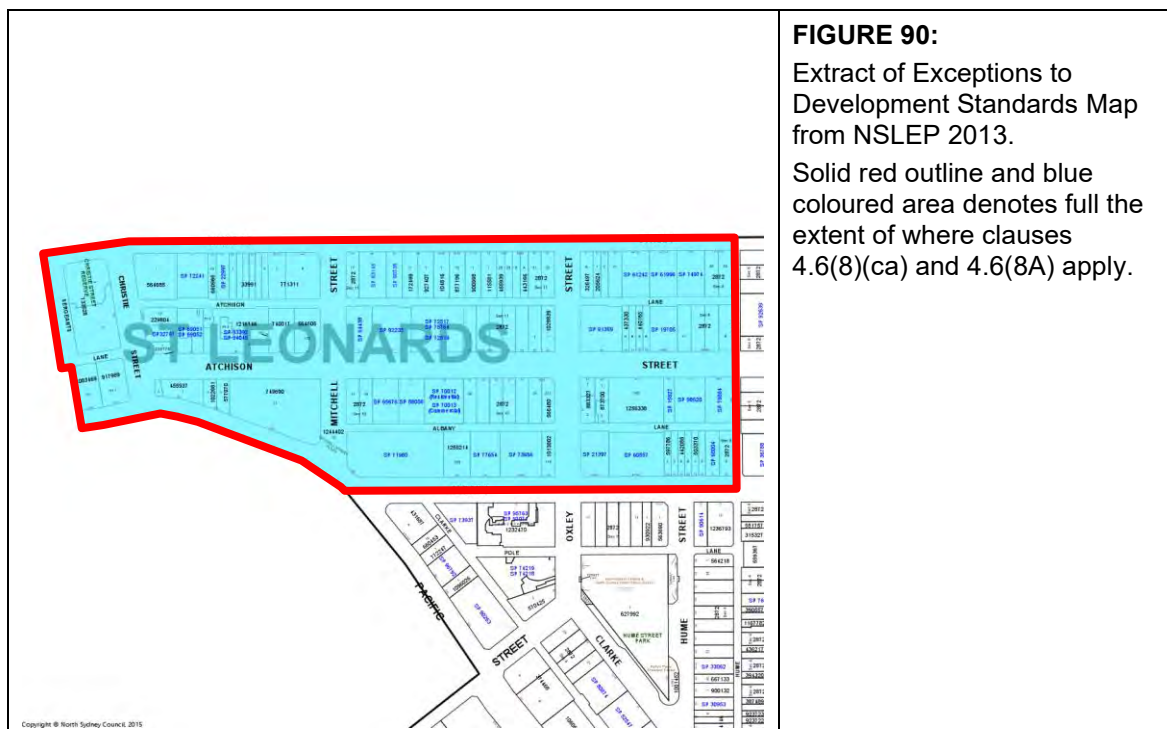
31 Exceptions to Development Standards

31.1 Background

On 21 June 2013, Amendment No. 53 to NSLEP 2001 was made which sought to limit the use of State Environmental Planning Policy No.1 – Development Standards (SEPP 1) within the St Leonards/Crows Nest Planning Study area in cases where a proposed development breaches the height control. This was intended to limit the ability for developments to be approved beyond the scale and capacity envisaged in the planning controls contained in NSLEP 2001 until such time as the findings of the St Leonards/Crows Nest Planning Study have been appropriately considered.

The relevant provisions were contained within clause 73A to NSLEP 2001, which stated:

- (1) *Subject land*
This clause applies to land at St Leonards bounded by Albany Street, Chandos Street, Hume Lane, the Pacific Highway and Sergeants Lane, as shown edged heavy black on the map marked “North Sydney Local Environmental Plan 2001 (Amendment No 53)”.
- (2) *Objective*
The specific objective of this clause is to prohibit development that exceeds the maximum height of buildings permitted by this Plan by more than 3 metres.
- (3) *Control*
State Environmental Planning Policy No 1—Development Standards does not apply to a development application for the carrying out of development on land to which this clause applies if the height of a building (excluding plant rooms and other similar structures) proposed by that application on that land will exceed the maximum height permitted by this Plan by more than 3 metres.
- (4) *This clause does not apply to a development application made, but not determined, before the commencement of this clause.*
- (5) *This clause ceases to apply on 11 March 2014.*



These requirements were then essentially incorporated into NSLEP 2013 and were enabled by clauses 4.6(8)(ca) and 4.6(8A). The area to which the restriction applied was illustrated on the Exceptions to Development Standards Map (refer to Figure 90).

The sunset clause was extended from the 11 March 2014 until 31 December 2015 via Amendment No.7 to NSLEP 2013, to enable Council to complete its strategic planning studies for St Leonards Crows Nest.

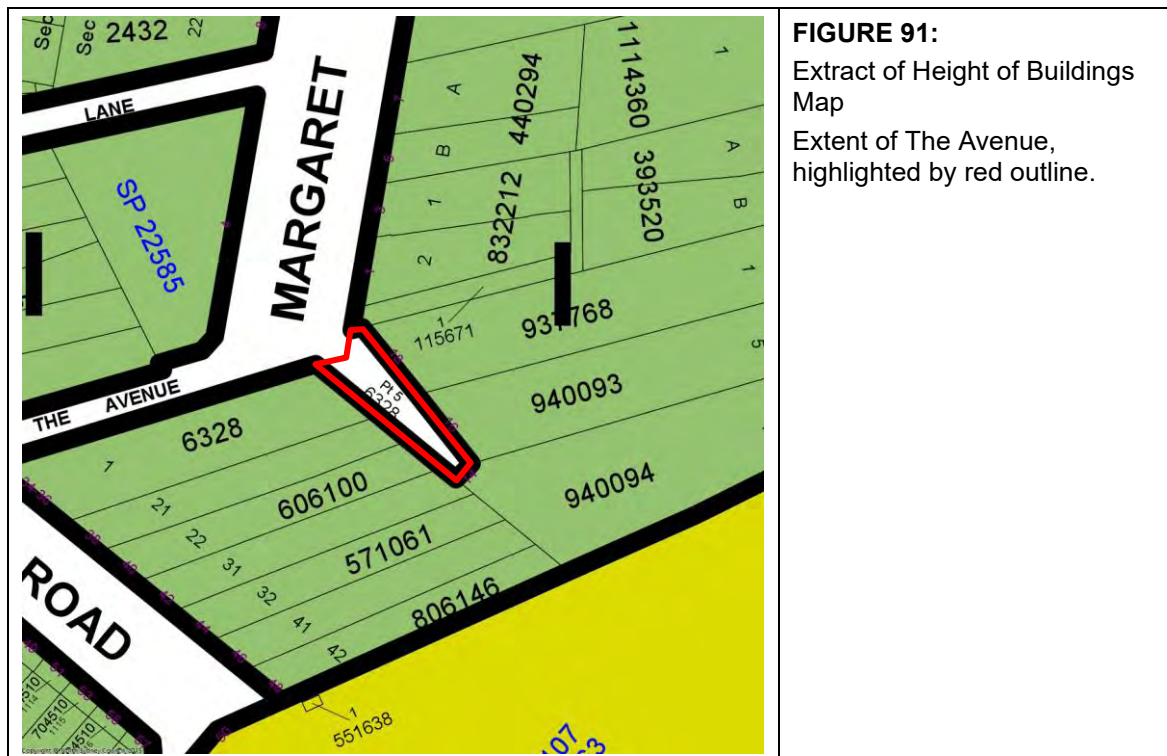
31.2 Comment

As the application of these requirements has since lapsed, it is appropriate to remove these provisions to ensure that the LEP remains clear, transparent and contemporary.

32 Building Height - The Avenue, North Sydney

32.1 Background

In 2016, Council commenced an amendment to NSLEP 2013 to address errors with the Height of Buildings Map. Corrections were finally made in early 2017 with the publication of Amendment No.18 to NSLEP 2013. As part of this amendment, it was proposed to remove the 8.5m height limit applied to The Avenue (refer to Figure 91), as it was inconsistent with Council's policy to not apply height limits to public roads.



During the preparation of Amendment No.18, Council received a number of submissions opposing to the removal of the height limit to The Avenue, on the basis that The Avenue was in private ownership. At the time that Amendment No.18 was being considered and made, there was insufficient evidence to adequately demonstrate that the land was in private ownership.

However, after the making of Amendment No.18, Council's Property section confirmed that The Avenue was indeed in private ownership and this status continues to today.

32.2 Comment

To ensure that Council's policy of applying height limits to land is consistently applied across the LGA, it is recommended that the former 8.5m height limit is to be reinstated to The Avenue.

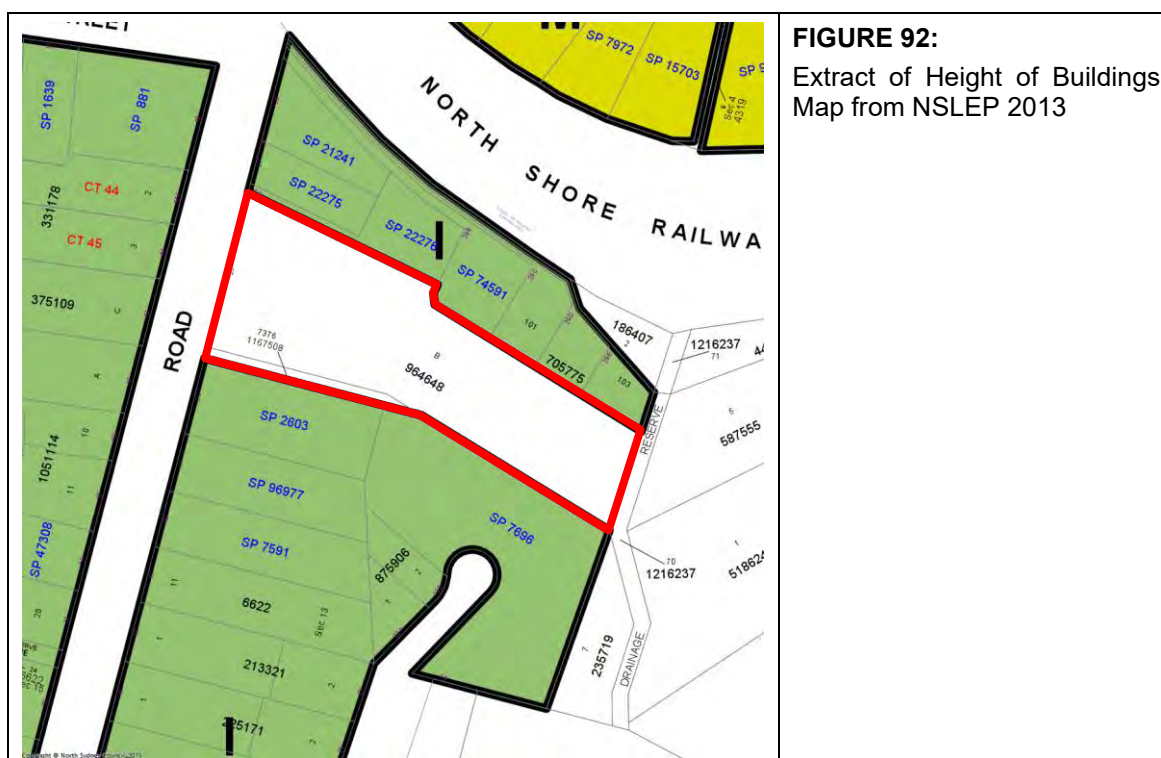
33 Building Height – 25 Shirley Road, Wollstonecraft

33.1 Background

During the assessment of DA 326/17 at 25 Shirley Road, Wollstonecraft, Council staff noted that no height limit applied to the subject site and questioned if this was correct.

33.2 Comment

Land at 25 Shirley Road, Wollstonecraft being Lot B, DP 964648 and Lot 7376, DP 1167508, is currently not included in the Height of Buildings Map under NSLEP 2013. This land is zoned *SP2 Infrastructure (Health services facility)* and contains the Tresillian Family Care Centre.



When NSLEP 2013 was being prepared, Council adopted a policy for applying height limits to land zoned *SP2 Infrastructure*. In particular, land zoned *SP2 Infrastructure* was to adopt the most restrictive height limit that adjoins that site, consistent with the policy position adopted under NSLEP 2001.

All land adjoining 25 Shirley Road has an 8.5m height limit applied. Therefore an 8.5m height limit should be applied to 25 Shirley Road to be consistent with Council's adopted policy position and to provide greater certainty to the property owner and wider community over the development potential of the subject site.

34 Non-residential Floor Space Ratio – 30 & 32 Ridge Street,
North Sydney

34.1 Background

During the processing of a Planning Certificate for a property at 30 Ridge Street, North Sydney, it was noted that the non-residential floor space ratio control only applied to a portion of the site. It was further discovered that the same issue applied to the adjoining property at 32 Ridge Street, North Sydney. It was therefore questioned whether the extent of the non-residential floorspace ratio control was correct.

34.2 Comment

The non-residential floor space ratio is applied to all land zoned *B4 Mixed use*. This is to ensure that a sufficient level of employment floorspace is delivered to activate streets and to contribute to Council’s employment targets set under the Regional and District Plans.

Figures 94 and 95 clearly show that the extent of the B4 Mixed Use zone and the non-residential floor space ratio control does not align as they apply to both 30 and 32 Ridge Street.

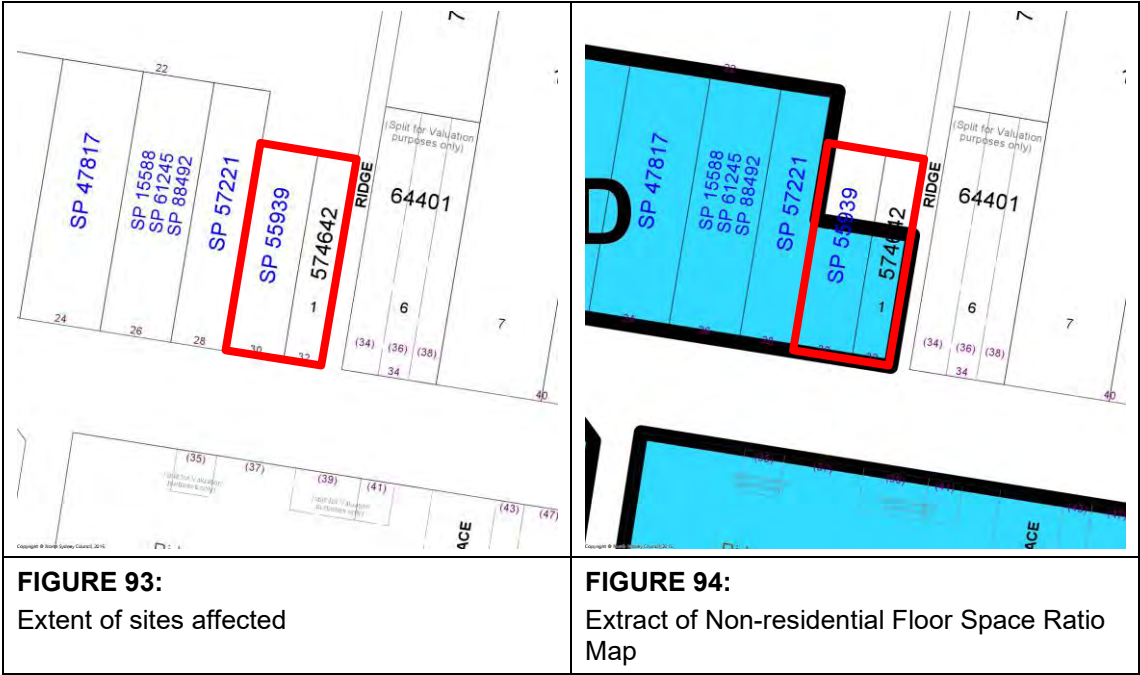




FIGURE 95:
Extract of Zoning Map to NSLEP 2013

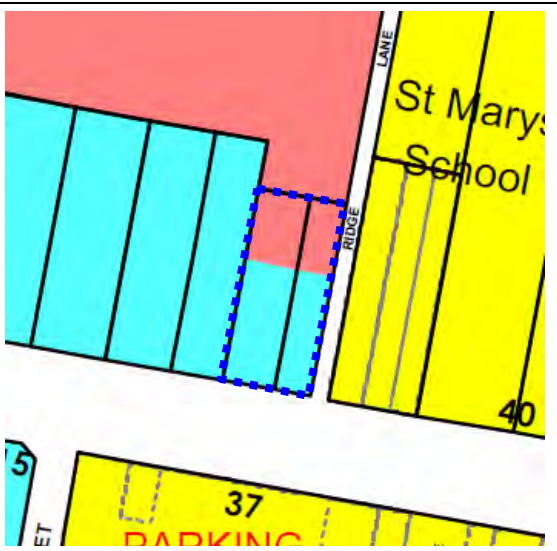


FIGURE 96:
Extract of zoning Map to NSLEP 2001

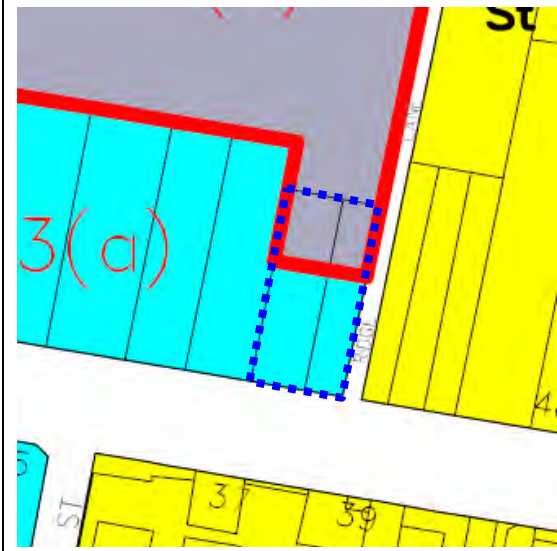


FIGURE 97:
Extract of Zoning Map to NSLEP 1989

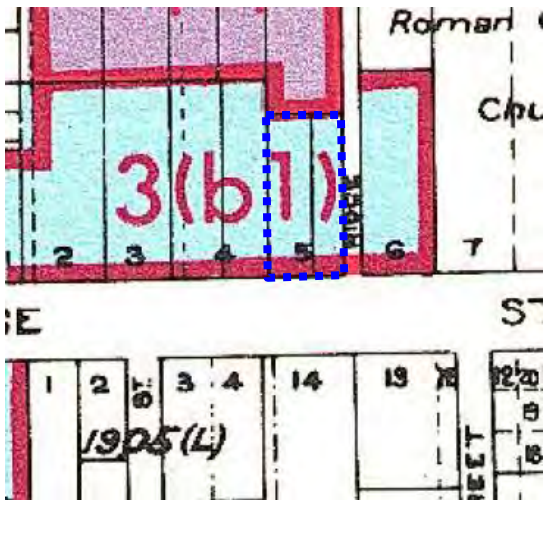


FIGURE 98:
Extract of zoning Map to NSPSO

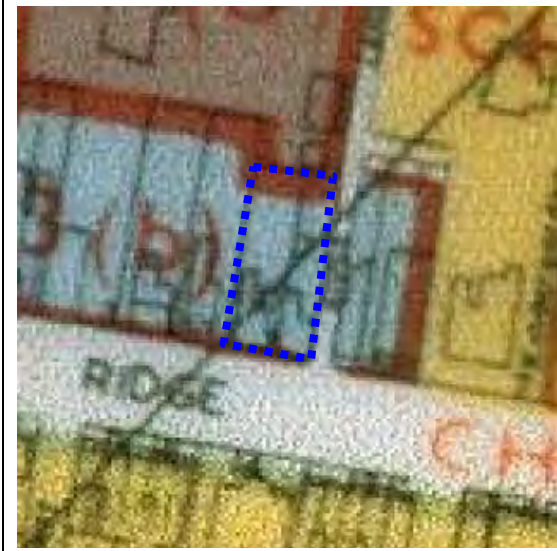


FIGURE 99:
Extract of zoning Map to NSPSO

A review of former planning instruments revealed the following:

- Under North Sydney Planning Scheme Ordinance, the entirety of 30 and 32 Ridge Street were zoned 3(b) Special Business, and the property to the north (22 Ridge Street) was zoned 4(b) Light Industrial;
- Under Interim Development Order 60, the entirety of 30 and 32 Ridge Street were zoned 3(b1) Special Business, and the property to the north (22 Ridge Street) was zoned 4(b) Light Industrial;
- Under NSLEP 1989, the southern portion of 30 and 32 Ridge Street were zoned 3(a) Commercial A, whilst the northern portion was zoned 4(b) Light Industrial 'B' and the property to the north (22 Ridge Street) was zoned 4(b) Light Industrial 'B';
- Under NSLEP 2001, the southern portion of 30 and 32 Ridge Street were zoned Mixed Use, whilst the northern portion was zoned Residential C and the property to the north (22 Ridge Street) was zoned Residential C;

It would appear that when NSLEP 1989 was made, the zoning boundary to the Light Industrial zone was realigned to the south across the subject properties in error. No justification could be found to explain why the industrial zoning boundary was moved across the subject sites.

This zoning error was picked up and corrected when NSLEP 2013 was first made. In addition, the height limit applying to these two sites was also subsequently amended. However, the non-residential FSR control remained unchanged. It is therefore recommended that the non-residential FSR control be amended, such that 0.5:1 non-residential floor space ratio (Area D) be applied to the entire site.

35 Land Reservation Acquisition

35.1 Background

Clause 5.1 to NSLEP 2013 relates to land reserved for acquisition by a public authority for public purposes. Land specifically identified for acquisition under NSLEP 2013 is identified on the Land Reservation Acquisition Map. In particular, Table 5 identifies the following land for acquisition and by the relevant authority and purposes.

TABLE 5: Properties identified for Acquisition				
Suburb	Street Address	Property Description	Purpose of Acquisition	Relevant Acquisition Authority
Cammeray	(located behind 2A Cambridge Street)	Lot 6, DP 735191	Regional Open Space (E2)	Dept of Planning, Infrastructure & Environment
Cammeray	2 Vale Street	Lot 3, DP 1170092	Local Open Space (RE1)	Council
Cammeray	Miller Street	Lot 2, DP 11480089	Local Open Space (E2)	Council
Cammeray	20 The Boulevarde	Part Lot 5, DP 663588	Regional Open Space (E2)	Dept of Planning, Infrastructure & Environment
Crows Nest	90 Willoughby Road	Lot 11, Sec 4, DP 2872	Local Open Space (RE1)	Council
Kirribilli	1 Bradley Avenue	Part Lot 1, DP 1091583	Local Open Space (RE1)	Council
McMahons Point	1 Henry Lawson Avenue	Part Lot 1, DP 915829	Regional Open Space (E2)	Dept of Planning, Infrastructure & Environment
Neutral Bay	288 Falcon Street	Part Lot A, DP 440522	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	290 Falcon Street	Part Lot B, DP 440522	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	292 Falcon Street	Part Lot A, DP 442218	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	294 Falcon Street	Part Lot B, DP 442218	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	296 Falcon Street	Part Lot 1, DP 529485	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	298 Falcon Street	Part Lot 2, DP 529485	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	300 Falcon Street	Part Lot 3, DP 529485	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	302 Falcon Street	Part Lot 4, DP 529485	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	306 Falcon Street	Part Lot 2, DP 439964	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	308 Falcon Street	Part Lot 30, DP 812254	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	310 Falcon Street	Part Lot 31, DP 812254	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	312 Falcon Street	Part Lot 5, DP 259885	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	33 Military Road	Part Lot 4, DP 259885	SP2 - Classified Road	Roads and Maritime Services

TABLE 5: Properties identified for Acquisition				
Suburb	Street Address	Property Description	Purpose of Acquisition	Relevant Acquisition Authority
Neutral Bay	35 Military Road	Part Lot 3, DP 259885	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	37 Military Road	Part Lot 2, DP 259885	SP2 - Classified Road	Roads and Maritime Services
Neutral Bay	39 Military Road	Part Lot 1 DP 259885	SP2 - Classified Road	Roads and Maritime Services
Wollstonecraft	21 Belmont Avenue	Part SP 4277	Local Open Space (RE1)	Council

35.2 Comment

Since the commencement of NSLEP 2013, the following properties have been acquired by the relevant acquisition authority identified under Clause 5.1 of NSLEP 2013:

- 90 Willoughby Road, Crows Nest (Lot 11, Sec 4, DP 2872);
- 2 Vale Street, Cammeray (Lot 3 DP 1170092); and
- Lot 6 DP 735191 (located behind 2A Cambridge Street) Cammeray.

As these lands have been acquired by the relevant acquisition authority there is no longer a need to identify these properties on the Land Reservation Acquisition map. Their removal will also to ensure that the LEP remains clear, transparent and contemporary.

36 Local Provision – Isolated sites and Residential Flat Buildings

36.1 Background

Clause 6.12 to NSLEP 2013 relates to development for the purposes of residential flat buildings. In particular, the clause states:

- (1) The objective of this clause is to ensure that dwelling houses or dual occupancies will not be left isolated on sites that are not reasonably capable of development for residential flat buildings.*
- (2) This clause applies to land in Zone R4 High Density Residential.*
- (3) Development consent must not be granted for development for the purposes of a residential flat building if the development will result in a single dwelling house or dual occupancy being located on adjoining land in Zone R4 High Density Residential unless:*
 - (a) the adjoining land is at least 900 square metres, or*
 - (b) the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building.*

The primary purpose of the clause is to promote the orderly and economic use and development of land, which comprises an Object under the EP&A Act.

During the assessment of development applications, where this clause applies, Council staff have questioned whether the clause should also relate to semi-detached dwellings where that type of dwelling may become isolated.

36.2 Comment

Dwelling houses, semi-detached dwellings and dual occupancies are all permitted on a single allotment of land, and are capable of being accommodated on sites much smaller than that which can typically accommodate a residential flat building. The primary difference between a dwelling house and semi-detached dwelling, is that a semi-detached dwelling is built to a single side boundary and shares a common wall with another dwelling on an adjoining and separate lot.

It is unclear why semi-detached dwellings were initially excluded from this provision, given their similarity to a dwelling house. Continuation of the clause in its current form, may give rise to isolating some sites where they are being currently used for semi-detached dwellings which is contrary to the Objects of the EP&A Act. Therefore, it is recommended that Clause 6.12 be amended to prevent the isolation of semi-detached dwellings.

APPENDIX 1

- Council Report of 25 March 2019
– *Residential Flat Buildings Relying on Existing Use Rights*

**DECISION OF 3717th COUNCIL MEETING
HELD ON MONDAY 25 MARCH 2019**

86. CoS02: Legal and Planning Committee – Minutes 11 March 2019

6. LP05: Residential Flat Buildings Relying on Existing Use Rights

Report of Ben Boyd, Executive Strategic Planner

On 20 March 2017, Council considered Notice of Motion No. 8/17 wherein it resolved:

THAT Council call for a report on its previous controls which applied to existing use rights in residential zones where flats were not permissible uses, and whether any measures can now be taken to reintroduce these controls in some form.

Whilst prohibiting new residential flat buildings in the lower density residential zones, former North Sydney Local Environmental Plan (NSLEP) 2001 permitted alterations and additions to existing residential flat buildings subject to meeting strict built form controls. However, since the commencement of NSLEP 2013, these requirements have been removed, enabling existing residential flat buildings to be redeveloped under existing use rights provisions to a bulk and scale beyond that existing and envisaged in the lower density zones.

This report seeks to:

1. provide a background on the situation;
2. provide information on the current planning controls;
3. identify the resultant planning issues from the situation;
4. detail how other councils have addressed comparable situations; and
5. present a number of options to resolve the issue.

Due to constraints imposed by the Standard Instrument LEP, it is recommended that Council pursue both a short term and long term strategy to address the issue.

In the short term, it is recommended that a Planning Proposal be prepared to amend NSLEP 2013 to permit residential flat buildings in the *R3 Medium Density Residential* zone, with no further amendment to the permissible building heights and inclusion of a new local provision that seeks to minimise increases in building bulk where existing residential flat buildings are to be redeveloped in the *R3 Medium Density Residential* zone. In addition, it is recommended that North Sydney Development Control Plan (NSDCP) 2013 be amended concurrently, to further strengthen the desired future character of localities. This would ensure that any residential flat building proposed would be similar in bulk, scale and impact to other development already permissible in the zone. This work is appropriate for incorporation into the Accelerated LEP Review program.

In the long term, it is recommended that the issue be further investigated during the preparation of Council's Residential Development Strategy.

The removal of the application of existing use rights in relation to existing residential flat buildings in conjunction with the clarification and strengthening of planning controls (i.e. to limit the increase in development potential) could save a considerable amount of Council staff time in preparing and defending appeals to the Land and Environment Court, as well as the associated, external legal costs in relation to appeals. It is estimated that the defence of each appeal costs Council in the order of \$40,000.00. There have been five (5) appeals which have involved residential flat buildings relying on existing use rights since the commencement of NSLEP 2013, four (4) of which have been upheld.

The preparing of any amendments to Council's LEP and DCP, can be accommodated within Council's existing budget lines.

Recommending:

1. **THAT** the report be received.
2. **THAT** Council incorporate the following amendments to North Sydney Local Environmental Plan 2013 as part of Council's Accelerated LEP Review program as follows:

- a. include 'residential flat buildings' as a permissible use within the *R3 Medium Density Residential* zone.
 - b. Include a new local provision within Part 6 that further restricts the development of residential flat buildings in the *R3 Medium Density Residential* and *R4 High Density Residential* zones.
- 3. THAT** Council prepare an amendment to North Sydney Development Control Plan 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened in a merit sense.
- 4. THAT** the existing rights issue be further investigated and detailed during the preparation of the following Council documents:
- a. Community Strategic Plan;
 - b. Local Strategic Planning Statement; and
 - c. Local Housing Strategy.

A Motion was moved by Councillor Carr, seconded by Councillor Brodie,

- 1. THAT** the report be received.
- 2. THAT** Council incorporate the following amendments to North Sydney Local Environmental Plan 2013 as part of Council's Accelerated LEP Review program as follows:
 - a. include 'residential flat buildings' as a permissible use within the *R3 Medium Density Residential* zone.
 - b. Include a new local provision within Part 6 that further restricts the development of residential flat buildings in the *R3 Medium Density Residential* and *R4 High Density Residential* zones.
- 3. THAT** Council prepare an amendment to North Sydney Development Control Plan 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened.
- 4. THAT** the existing rights issue be further investigated and detailed during the preparation of the following Council documents:
 - a. Community Strategic Plan;
 - b. Local Strategic Planning Statement; and
 - c. Local Housing Strategy.

Resolved to recommend:

- 1. THAT** the report be received.
- 2. THAT** Council incorporate the following amendments to North Sydney Local Environmental Plan 2013 as part of Council's Accelerated LEP Review program as follows:
 - a. include 'residential flat buildings' as a permissible use within the *R3 Medium Density Residential* zone.
 - b. Include a new local provision within Part 6 that further restricts the development of residential flat buildings in the *R3 Medium Density Residential* and *R4 High Density Residential* zones.
- 3. THAT** Council prepare an amendment to North Sydney Development Control Plan 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened.
- 4. THAT** the existing rights issue be further investigated and detailed during the preparation of the following Council documents:
 - a. Community Strategic Plan;
 - b. Local Strategic Planning Statement; and
 - c. Local Housing Strategy.

Voting was as follows:

For/Against 6/1

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Absent	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Y		Baker		N

Report to General Manager

Attachments:

1. Determination of DAs for RFBs with Existing Use Rights

SUBJECT: Residential Flat Buildings Relying on Existing Use Rights**AUTHOR:** Ben Boyd, Executive Strategic Planner**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

On 20 March 2017, Council considered Notice of Motion No. 8/17 wherein it resolved:

THAT Council call for a report on its previous controls which applied to existing use rights in residential zones where flats were not permissible uses, and whether any measures can now be taken to reintroduce these controls in some form.

Whilst prohibiting new residential flat buildings in the lower density residential zones, former North Sydney Local Environmental Plan (NSLEP) 2001 permitted alterations and additions to existing residential flat buildings subject to meeting strict built form controls. However, since the commencement of NSLEP 2013, these requirements have been removed, enabling existing residential flat buildings to be redeveloped under existing use rights provisions to a bulk and scale beyond that existing and envisaged in the lower density zones.

This report seeks to:

1. provide a background on the situation;
2. provide information on the current planning controls;
3. identify the resultant planning issues from the situation;
4. detail how other councils have addressed comparable situations; and
5. present a number of options to resolve the issue.

Due to constraints imposed by the Standard Instrument LEP, it is recommended that Council pursue both a short term and long term strategy to address the issue.

In the short term, it is recommended that a Planning Proposal be prepared to amend NSLEP 2013 to permit residential flat buildings in the *R3 Medium Density Residential* zone, with no further amendment to the permissible building heights and inclusion of a new local provision that seeks to minimise increases in building bulk where existing residential flat buildings are to be redeveloped in the *R3 Medium Density Residential* zone. In addition, it is recommended that North Sydney Development Control Plan (NSDCP) 2013 be amended concurrently, to further strengthen the desired future character of localities. This would ensure that any residential flat building proposed would be similar in bulk, scale and impact to other development already permissible in the zone. This work is appropriate for incorporation into the Accelerated LEP Review program.

In the long term, it is recommended that the issue be further investigated during the preparation of Council's Residential Development Strategy.

FINANCIAL IMPLICATIONS:

The removal of the application of existing use rights in relation to existing residential flat buildings in conjunction with the clarification and strengthening of planning controls (i.e. to limit the increase in development potential) could save a considerable amount of Council staff time in preparing and defending appeals to the Land and Environment Court, as well as the associated, external legal costs in relation to appeals. It is estimated that the defence of each appeal costs Council in the order of \$40,000.00. There have been five (5) appeals which have involved residential flat buildings relying on existing use rights since the commencement of NSLEP 2013, four (4) of which have been upheld.

The preparing of any amendments to Council's LEP and DCP, can be accommodated within Council's existing budget lines.

RECOMMENDATION:

- 1. THAT** the report be received.
- 2. THAT** Council incorporate the following amendments to North Sydney Local Environmental Plan 2013 as part of Council's Accelerated LEP Review program as follows:
 - a. include 'residential flat buildings' as a permissible use within the *R3 Medium Density Residential* zone.
 - b. Include a new local provision within Part 6 that further restricts the development of residential flat buildings in the *R3 Medium Density Residential* and *R4 High Density Residential* zones.
- 3. THAT** Council prepare an amendment to North Sydney Development Control Plan 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened in a merit sense.
- 4. THAT** the existing rights issue be further investigated and detailed during the preparation of the following Council documents:
 - a. Community Strategic Plan;
 - b. Local Strategic Planning Statement; and
 - c. Local Housing Strategy.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- Direction: 2. Our Built Infrastructure
- Outcome: 2.2 Vibrant centres, public domain, villages and streetscapes
- Direction: 5. Our Civic Leadership
- Outcome: 5.1 Council leads the strategic direction of North Sydney

BACKGROUND

Notice of Motion

At its meeting of 20 March 2017, Council considered Notice of Motion No. 8/17 regarding the possibility of reinstating previous planning controls that removed existing use rights for residential flat buildings within residential zones. Council subsequently resolved:

THAT Council call for a report on its previous controls which applied to existing use rights in residential zones where flats were not permissible uses and whether any measures can now be taken to reintroduce these controls in some form.

History

The North Sydney local government area (LGA) is one of Sydney's longest established urban areas. During the 1930's and 1940's there was a significant surge in the approval and construction of residential flat buildings. Of particular note, was the large proportion of small scale residential flat buildings of 2 storeys in height being constructed, containing only 2 apartments, with one apartment being located above the other. These were at the time often described as "duplexes".

During this period, North Sydney became a very popular place to live and the demand for medium-high density residential buildings continued throughout the 20th century. This was largely due the LGA offering residents relatively affordable housing, good access to both Sydney and North Sydney CBD's, as well as the amenities that living in close proximity to Sydney Harbour offers.

In response to this demand, planning controls have been gradually introduced to manage the growth of new residential development. This was to ensure that development occurred where it could best utilise existing and future infrastructure whilst providing a balance in protecting special areas of value.

This popularity continues, and has probably intensified with recent increases in the local population, as well as the major Sydney property boom. Relative local housing affordability has subsequently declined. Many of these older residential flat buildings are nearing the end of their useable life, and are being sought by developers to be upgraded, updated or wholesale redevelopment, under the existing use rights provisions of the Environmental Planning and

Assessment Act 1979 (EP&A Act).

New residential flat buildings have not been permitted in the *R2 Low Density Residential* and *R3 Medium Density Residential* zones since North Sydney Local Environmental Plan (NSLEP) 2013 was gazetted, which reflected existing practices since at least 1989. However, the clauses under former NSLEP 2001 that restricted the application of existing use rights in relation to residential flat buildings in these lower density residential zones, were not carried over into NSLEP 2013 because of the restrictive nature of the Standard Instrument LEP template, established by the State government in 2006, to which all LEPs must conform.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

1. Legislative Context

An 'existing use' is essentially a use that is lawfully commenced (i.e. was a permissible form of development at the time of approval), but subsequently becomes 'prohibited' under a new environmental planning instrument (EPI), often a local environmental plan (LEP). Existing use rights are currently governed by the provisions under sections 4.65 - 4.70 (formerly s.106-109B) of the *Environmental Planning and Assessment Act 1979* and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The existing use rights provisions aim to balance the potential hardship and dislocation that could result if landowners or occupiers were required to discontinue uses no longer permitted under current planning controls, against the need to transition to the new and preferred planning regime for the area. This is a common law principle enshrined in NSW planning law and has existed in some form or another since at least 1919.

Under section 4.67 of the EP&A Act and clauses 41-46 of the EP&A Regulation, a proponent who has a development which has the benefit of existing use rights, may lodge a development application seeking development consent for the:

- carrying out of alterations, extensions, or rebuilding of a building or work being used for an existing use;
- change of one existing use to another existing use (i.e. one prohibited use to another prohibited use), and
- enlargement, expansion or intensification of an existing use.

Also of note, section 4.67(4) of the EP&A Act states that the provisions of the EP&A Regulation relating to existing use rights (i.e. Part 5) are taken to be incorporated within every

EPI, including NSLEP 2013. Furthermore, it states that an EPI may contain additional provisions that extend, expand or supplement the incorporated provisions relating to existing uses. However, if those additional provisions deviate from or have the effect of deviating from the incorporated provisions, they will have no force or effect while the incorporated provisions remain in force.

In practical terms, this means that most of the existing provisions of NSLEP 2013 have no effect, where existing use rights are pursued.

1.1 Assessment of Development Applications Relying on ‘Existing Use Rights’

All development applications are required to be considered under the merit provisions of s.4.15 – Evaluation (formerly s.79C - Matters for Consideration) of the EP&A Act. In particular, consideration needs to be given to:

- any relevant environmental planning instruments (including drafts);
- any relevant development control plans;
- any voluntary planning agreements (including drafts) that have been entered into;
- any relevant matters prescribed by the EP&A Regulations;
- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- the suitability of the site for the development;
- any submissions made in accordance with this Act or the regulations; and
- the public interest.

As previously indicated, any land use permissibility and relevant development standards contained within LEPs and DCPs are not considered relevant matters for consideration in the assessment of an application relying on existing use rights. However, it does not remove the need to consider the objectives to those aspects of the LEP or DCP that are excluded from consideration. This view is supported by the Land and Environment Court, which has established a set of Planning Principles for application relying on existing use rights (refer to section 1.2 of this report). In effect, the assessment of such applications are required to be done on a first principles merit basis.

1.2 Land and Environment Court

The Land and Environment Court has established a number of Planning Principles when preparing or assessing a development application to ensure that a consistent approach is applied to various planning matters.

Planning principles are not legally binding and they do not prevail over councils' plans and policies. However, they assist when making a planning decision, including:

- where there is a void in policy;
- where policies expressed in qualitative terms allow for more than one interpretation; and
- where policies lack clarity.

Planning principles in relation to existing use rights have been established in *Stromness Pty Ltd v Woollahra Municipal Council* [2006] NSWLEC 587 and *Fodor Investments v Hornsby Shire Council* [2005] NSWLEC 71. The Planning Principles relating to existing use rights were

established in response to the number of cases that had identified what must not be considered in relation to the assessment of development applications relying on existing use rights, rather than what matters should inform such an assessment.

The Principles established for the assessment of existing use rights applications are as follows:

How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?

While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessment.

What is the relevance of the building in which the existing use [sic] takes place?

Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.

What are the impacts on adjoining land?

The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.

What is the internal amenity?

Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.

It should be noted that section 1.11 to Part A of North Sydney Development Control Plan (NSDCP) 2013 recommends that applicants consider the Land and Environment Court Planning Principles, when preparing their applications. However, it does not specifically reference the Planning Principles in relation to existing use rights, anywhere else in the DCP.

Also of note is that the inclusion of s.1.4.8 to Part B of NSDCP 2013 (specifically P4), reflects the requirements of the first Planning Principle.

More recently, in *Modog Pty Limited v North Sydney Council* [2018] NSWLEC 120 which related to Council's deemed refusal of DA 333/17 at 40 Brightmore Street, Cremorne (for a residential flat building relying on existing use rights), it was noted that Justice Moore placed a level of weight on addressing relevant objectives under Council's DCP, in their assessment of the application. In particular, they stated:

85. Therefore, for the reasons earlier set out that the objectives contained in the DCP have a legitimate role to play in assessment of developments reliant on existing use rights.

The Commissioner went on to disregard the numerical controls in the DCP, but continued to rely on its objectives which contributed to Justice Moore's dismissing of the Appeal.

2. Local Planning Context

Prior to the commencement of NSLEP 2013, Council has varied the way that it has controlled development for the purposes of residential flat buildings.

Generally, the formal control of land uses did not exist until the commencement of the Local Government Act in 1919. Even at this point, the degree of control was relatively limited.

Between 1919 and the early 1950s, residential flat buildings were not specifically prohibited anywhere in the LGA. However, there were certain localities within the LGA which were protected from industrial development, through the establishment of Residential Proclamation Districts.

In 1951 the County of Cumberland Planning Scheme (CoCPS) was introduced, which formed the first day modern LEP, but on a regional scale, rather than an LGA scale. The CoCPS defined only two residential development types including a "dwelling house" (i.e. a single dwelling, whether it detached, semi-detached or attached) and "residential development" (i.e. all other forms incorporating more than 1 dwelling and specifically included a "residential flat building" despite not being separately defined). The CoCPS permitted "dwelling houses" without development consent in the "Living" zones (n.b. the equivalent of residential zones today) and "residential development" with development consent in the "Living" zones.

This degree of permissibility of residential flat buildings generally continued unchanged through until 1989 under the North Sydney Planning Scheme Ordinance (1963 - 1989) and Interim Development Order 57 (1975-1989). It is noted that the extent of defined residential development types had been expanded during this time to specifically include "residential flat buildings" (two or more dwellings, but not in a row, terrace or semi-detached form).

2.1 NSLEP 1989

NSLEP 1989 operated between 1989 and 2001. Of particular note was the significant increase in the number of residential land use types. New residential flat buildings were permitted with development consent in all residential zones (a total of 7), except the *2(a) Residential* (the equivalent of the (now the *R2 Low Density Residential* and *E4 Environmental Living* zones) and *2(b) Residential* zones (now the *R3 Medium Density Housing* zone), where they were prohibited.

In addition, Council had sought to minimise the impact on the redevelopment of existing residential flat buildings located within the *2(c) Residential* zone (now *R4 High Density Residential* zone), where they were permissible with consent. In particular, clause 14A contained specific controls relating to residential flat buildings, including alterations and additions to existing residential flat buildings that exceeded the relevant development controls under the LEP.

2.2 NSLEP 2001

NSLEP 2001 operated between 2001 and 2013. New residential flat buildings were prohibited in all residential zones (total of 7 zones) except the *Residential C* zone (now *R4 High Density Residential*), where they were permissible with consent.

During the operation of NSLEP 2001, there was no exploitation of existing use rights for residential flat buildings located in the *Residential A1* (now *E4 Environmental Living*), *Residential A2* (now *R2 Low Density Residential*), *Residential B* (now *R3 Medium Density Residential*) and *Residential G* (now *R2 Low Density Residential*) zones. This had been achieved by including ‘apartment building adaptation’ and ‘apartment building revision’ as permissible uses in the land use tables to these lower density residential zones. These additional provisions had been incorporated in direct response to concerns arising from some residential development applications that had relied on existing use rights under the former LEP.

Development for ‘apartment building adaptation’ and ‘apartment building revision’ were also subject to clause 26 of NSLEP 2001, which sought to further minimise impacts on adjoining properties and the character of the locality within which they were located. This was largely achieved by generally not permitting any nett increase to the existing built form envelope.

As a result, there was no opportunity for developers to rely on existing use rights for residential flat buildings in the lower density residential zones. Therefore, the redevelopment of existing residential flat buildings was assessed against the local controls of the prevailing LEP and related DCP.

2.3 NSLEP 2013

When NSLEP 2013 was gazetted using the Standard Instrument LEP template, the situation changed. Whilst new residential flat buildings continued to be prohibited in the *R2 Low Density Residential*, *R3 Medium Density Residential* and *E4 Environmental Living* zones, the ability to undertake alterations and/or additions to existing residential flat buildings within these zones were made prohibited. This was due to the inflexibility and the tight restrictions under the Standard Instrument LEP, which prevented Council from including these additional land use terms within the Land Use Table. This meant that existing use rights for lawfully constructed residential flat buildings became relevant and has now resulted in an increase in the exploitation of the desired built form set by Council’s LEP and DCP.

2.4 NSDCP 2013

With the introduction of NSLEP 2013 and the inability to incorporate similar provisions to NSLEP 2001 in relation to residential flat building relying on existing use rights, Council incorporated the intent of the former NSLEP 2001 provisions within NSDCP 2013 (refer to s.1.4.8 to Part B of the DCP).

In addition, section 1.11 to Part A of North Sydney Development Control Plan (NSDCP) 2013 recommends that applicants consider the Land and Environment Court Planning Principles, when preparing their applications. However, it does not specifically reference the Planning Principles in relation to existing use rights, anywhere else in the DCP.

3. Extent of the Issue

Before consideration is given to potentially amending any of the planning controls, it is important to understand the extent to which the issue occurs. These issues are discussed in the following subsections.

3.1 Where Do They Exist?

Council staff have undertaken a review of all properties located in the R2, R3 and E4 zones under NSLEP 2013 to determine where existing residential flat buildings are located which can potentially rely on existing use rights. The E4 zone has been considered, as it previously formed a low density residential zone under NSLEP 2001 and is similar to the R2 zone.

Due to the significant number of properties to be reviewed, the analysis for the purposes of this report was limited to a review of properties within Strata Plans, Company Titles, and those with multiple bin collection services and checked against aerial and street-view photographic analysis. Therefore, the results in this analysis may be somewhat higher than that which actually occurs. More accurate results can only be achieved if Council staff undertakes a detailed review of all property files to determine how each development has been approved. This is particularly important where it is difficult to determine if the development on a site was approved as a duplex/dual occupancy or a residential flat building containing only 2 dwellings. For clarification, the Land and Environment Court has consistently held the position that if the development was originally approved as a residential flat building, but is now defined under NSLEP 2013 as a dual occupancy, the site is deemed to have existing use rights as a residential flat building.

The results of this high level review, 10.7% of all parcels of land zoned *R2 Low Density Residential*, *R3 Medium Density Residential* and *E4 Environmental Living* contain residential flat buildings, of which:

- 8.9% of all parcels of land zoned *R2 Low Density Residential* contain residential flat buildings;
- 19.2% of all parcels of land zoned *R3 Medium Density Residential* contain residential flat buildings; and
- 0.8% of all parcels of land zoned *E4 Environmental Living* contain residential flat buildings.

As noted above, the issue is most prevalent in the R3 zone.

Many parts of the LGA are subject to heritage and conservation provisions, which can sometimes severely restrict the redevelopment potential of site relying on existing use rights. If sites affected by heritage items and heritage conservation areas are excluded from the results, the percentage of affected parcels in each of the zones is further reduced to 6.0% of all land zoned *R2 Low Density Residential*, *R3 Medium Density Residential* and *E4 Environmental Living* containing residential flat buildings, of which:

- 4.2% of all parcels of land zoned *R2 Low Density Residential* containing residential flat buildings;
- 11.3% of all parcels of land zoned *R3 Medium Density Residential* containing residential flat buildings; and

- 0.5% of all parcels of land zoned *E4 Environmental Living* containing residential flat buildings.

3.2 Local Approval Context

Since the commencement of NSLEP 2013, a total of 19 development applications (excluding applications for modification of consent - s.4.55) have been determined, which relate to the redevelopment of residential flat buildings relying on existing use rights. Council is currently in the process of assessing and determining an additional 2 applications which relate to the redevelopment of residential flat buildings relying on existing use rights. Attachment 1 to this report provides a summary of each of these applications.

On average therefore, Council receives in the order of 3 applications a year involving the redevelopment of residential flat buildings relying on existing use rights. However, it was noted that in 2016, Council had considered a total of 7 applications. In addition, pre DA meetings have been held for a handful of sites for the redevelopment of sites relying on existing use rights.

Of those applications currently determined, just under half (8 applications or 42%) involved the wholesale demolition of the existing residential flat building/s and construction of a brand new residential flat building/s of which:

- 2 were approved by the North Sydney Local Planning Panel;
- 4 were approved by the Land and Environment Court; and
- 2 were refused by the Land and Environment Court.

3.3 Court Action and Appeals

Since the commencement of NSLEP 2013, a total of 6 appeals have been made to the Land and Environment Court that relate to the proposed redevelopment of residential flat buildings relying on existing use rights. All appeals related to the deemed refusal of the application (i.e. Council did not determine the application within 40 days). Table 1 summarises those appeals which have been considered or are in the process of being considered.

TABLE 1: Court appeals relying on exiting use rights			
Address	Determin- ation	Issues	Outcomes
1 The Boulevard, Camberay	Approved	<ul style="list-style-type: none"> • Insufficient information to establish existing use rights • Height breaches • Setbacks issues. (No Cl. 4.6) • Built form & character inconsistent with adjoining development • Heritage impacts • Impact on trees • Excessive site coverage and insufficient landscape area • Visual privacy 	<ul style="list-style-type: none"> • Number of apartments reduced to 7. • One storey removed

TABLE 1: Court appeals relying on exiting use rights			
Address	Determination	Issues	Outcomes
		<ul style="list-style-type: none"> Poor interface with adjoining low density detached dwellings 	
2 Premier Street, Neutral Bay	Approved	<ul style="list-style-type: none"> Height and setback Extent of excavation Poor building amenity Dwelling density (4 to 9) 	<ul style="list-style-type: none"> Number of dwellings reduced to 7
18 Illiliwa Street Cremorne	Approved	<ul style="list-style-type: none"> Insufficient information to establish existing use rights Height breaches Setbacks issues. (No Cl. 4.6) Built form & character inconsistent with adjoining development Excessive site coverage and insufficient landscape area Visual privacy Poor interface with adjoining low density detached dwellings Provision of parking infrastructure 	
40 Brightmore Street, Cremorne	Refused	<p>s.34 conciliation conference was unsuccessful.</p> <p>Issues:</p> <ul style="list-style-type: none"> Extent of excavation and shoring Inadequacy of plans to enable a proper assessment of the merits of the proposal; The height, bulk and scale of the proposal is unsatisfactory with regard to what is permissible on adjoining and surrounding sites in the R2 Low Density Residential Zone, and is not in keeping with the existing or desired future character of the locality; Excessive site coverage which is uncharacteristic and inconsistent with development permissible and surrounding sites. Insufficient setbacks impacts on adjacent bushland significant loss of trees 	

TABLE 1: Court appeals relying on exiting use rights			
Address	Determin- ation	Issues	Outcomes
		<ul style="list-style-type: none"> • adverse impacts on visual privacy and amenity of surrounding dwellings due to inadequate separation between the proposed windows and balconies • unsatisfactory on merit, with regard to SEPP65 design principles. 	
12 Lillis Street, Camberay	Approved	<ul style="list-style-type: none"> • Two buildings replacing one • Dwelling density (4 to 15) • Height (2 to 4 storey) • Setbacks • Poor building amenity for lower units. • Multiple amendments required to achieve satisfactory development • Impact to development potential of adjacent land • Poor interface with adjoining Low Density detached dwellings • Built form and character inconsistent with adjoining development • Impacts arising from basement construction. • Multiple zoning considerations 	<ul style="list-style-type: none"> • Number of apartments reduced to 11
6 Thrupp Street, Neutral bay	Refused	<ul style="list-style-type: none"> • Development larger in scale than pre-existing building if not yield. • Height breaches • Lack of adequate setbacks • Poor interface with adjoining low density detached dwellings • Built form & character inconsistent with adjoining development • Insufficient information to establish existing use rights. • Some concern that unauthorised development has occurred at some time (non-strata building) 	

Where the Land and Environment Court resolved to approve the development application subject to the appeal, the scale and intensity of the approved development was reduced, over

that which had been originally lodged with Council. This clearly shows that applicants are giving little consideration to the Land and Environment Court Planning Principles and seeking to fully exploit the existing use rights controls by significantly deviating from the base development standards.

4. Review of Other Council Approaches

Table 2 summarises the approach of nine (9) other nearby Sydney councils with similar development histories and resultant planning outcomes. This includes the permissibility of residential flat buildings in residential zones, and how comparable land use issues in relation to residential development, including the limitation of future development scale, have been addressed.

TABLE 2:		
Council and Instrument	Zoning and permissibility	Other limiting factors
Mosman LEP 2012	Adopts the R2 and R3 zones only. RFB's are permissible in the R3 and prohibited in the R2 zones. Strong, protective general and zone objectives.	Clause 4.3A Exceptions to building height has good protective objectives and relates to all land with a maximum height of 8.5m. On this land consent may be refused if the proposed building is more than 2 storeys. The maximum wall height is 7.2m.
Woollahra LEP 2014	Adopts the R2 and R3 zones only. RFB's are permissible in the R3 and prohibited in the R2 zones Also has good objectives.	Clause 4.3A Exceptions to building heights has identified and categorized land (all zoned R3), then limited the amount of additional height that can occur (e.g. Development in Area A must not be higher than 3m above the highest point of the site).
Manly LEP 2013	Adopts the R1, R2 and R3 zones only. RFB's are permissible in the R1 and R3 zones and prohibited in the R2 zone.	Has an exception to the height clause that identifies and maps a steeply sloping area at Seaforth. On the "low" side of the road it does not allow development to go higher than the level of the road. This is to protect views from the public domain i.e. streets and parks.
Leichhardt LEP 2013	Adopts the R1 and R3 zones only. RFB's are permissible in both the R1 and R3 zones	
Canada Bay LEP 2013	Adopts the R1, R2, R3 and R4 zones. RFB's are permissible in the R1 and R4 zones and prohibited in the R2 and R3 zones.	
Waverley LEP 2012	Adopts the R2, R3 and R4 zones. RFB's are permissible in the R3 and R4 zones and prohibited in the R2 zones.	There is an Exception to the FSR controls for houses and dual occupancies based on lot size variation.

TABLE 2:		
Council and Instrument	Zoning and permissibility	Other limiting factors
Bayside (Botany) LEP 2013	Adopts the R2, R3 and R4 zones only. RFB's are permissible in the R2, R3 and R4 zones.	Clause 4.3 maps certain areas and, if the site is over a certain size (e.g. 1900sqm), the maximum height may only exceed the mapped height by 2m (clause 4.2 (2C)). Clause 4.4 states that development in R3 and R4 zones cannot be approved without consideration of amenity outcomes, setbacks, transition in scale to and from surrounding development and compatible with the local character in terms of bulk and scale.
Randwick LEP 2012	Adopts the R1, R2 and R3 zones only. RFB's are permissible in the R1 and R3 zones and prohibited in the R2 zone.	Clause 4.3 has good protective objectives, and a sub clause that specifies that the maximum height of a house or semi-detached dwelling on R3 land is 9.5m. Note: Maximum height for this zone is variable but can be up to 12m.
Lane Cove LEP 2009	Adopts the R2, R3 and R4 zones only. RFB's are permissible in the R4 zone and prohibited in the R2 and R3 zones.	Clause 4.3 has limited protective objectives, however, sets a maximum height for multi dwelling housing on land in R2 land at 5m.
Willoughby LEP 2012	Adopts the R2, R3 and R4 zones only. RFB's are permissible in the R3 and R4 zones and prohibited in the R2 zone.	Clause 4.3 has good protective objectives.

Generally, comparable councils have strong, protective general and zone specific objectives. Except for Botany Bay, all Councils prohibit residential flat buildings in their *R2 Low Density Residential* zones. All but three councils prohibit residential flat buildings in their *R3 Medium Density Residential* zones.

The 9 Councils all have LEP and DCP controls that direct and guide built form scale, mass and outcome, regardless of specific land use. This approach was introduced by Manly Council in the 1980's.

5. Amendments to the Standard Instrument LEP

On 6 April 2018, the *Environmental Planning and Assessment Amendment (Low Rise Medium Density Housing) Regulation 2017*, *Standard Instrument (Local Environmental Plans) Amendment (Low Rise Medium Density Housing) Order 2017* and *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017* were published on the NSW legislation website and came into force on the 6 July 2018.

These pieces of legislation seek to simplify the approval of low rise medium density housing with the view to making housing more affordable.

As part of the reforms, the Standard Instrument LEP was amended such that it modifies the definitions of residential flat building and multi-dwelling housing and introduces a new residential accommodation type called ‘manor houses’. The new definitions are as follows:

manor house means a building containing 3 or 4 dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement).

Note. Manor houses are a type of residential flat building—see the definition of that term in this Dictionary.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land where:

- (a) each dwelling has access at ground level, and
- (b) no part of a dwelling is above any part of any other dwelling, and includes multi dwelling housing (terraces).

Note. Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

Note. Multi dwelling housing (terraces) are a type of multi dwelling housing—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings and includes manor houses, but does not include an attached dwelling or multi dwelling housing.

Therefore, wherever residential flat buildings are permissible under an EPI, manor houses will be permissible as well, due to them comprising a sub-term of residential flat building.

As part of the low rise medium density housing reforms, *State Environmental Planning Policy (Exempt and Complying Development) 2008* was also amended to incorporate clause 3B.1A which states:

Manor houses are, despite any other environmental planning instrument, permitted with consent on land in any of the following land use zones if multi dwelling housing or residential flat buildings (or both) are permitted in the zone:

- (a) Zone RU5 Village,
- (b) Zone R1 General Residential,
- (c) Zone R2 Low Density Residential,
- (d) Zone R3 Medium Density Residential.

This clause has the effect of permitting ‘manor homes’ (i.e. a small scale residential flat building) with consent on land within the R3 zone under NSLEP 2013. This arose, as ‘multi dwelling housing’ is a permissible form of development within the R3 zone under NSLEP 2013. These changes automatically amended NSLEP 2013 on 6 July 2018.

6. Options

Four (4) options have been identified to address the issue at hand and include:

1. Introduce new land use terms similar to '*apartment building revision*', '*apartment building adaptation*' and '*established apartment buildings*' within the Dictionary to NSLEP 2013 and permit these land uses within the *R2 Low Density Residential* and *R3 Medium Density Residential* zones;
2. Rezone the land on which existing residential flat buildings are prohibited under NSLEP 2013 to *R4 High Density Residential*;
3. Include clauses within Schedule 1 – Additional Permitted Uses to NSLEP 2013 to enable existing residential flat buildings to be permissible with consent on land where they are currently prohibited;
4. Permit residential flat buildings within the *R3 Medium Density Residential* zone under NSLEP 2013, and include a local provision to further control the redevelopment of residential flat buildings where they are permissible;
5. Do nothing and rely on the existing planning controls.

6.1 Option 1 - Introducing New Land Use Terms

Option 1 involves introducing new land use terms into NSLEP 2013, similar to those defined as '*apartment building revision*' and '*apartment building adaptation*' under NSLEP 2001 (e.g. '*Residential flat building revision*' and '*Residential flat building adaptation*').

The new terms would be introduced within both the Dictionary and land use table for the relevant zones (i.e. *R2 Low Density Residential* and *R3 Medium Density Residential* zones) where residential flat buildings are currently prohibited under NSLEP 2013. Option 1 would also require the introduction of a new clause within Part 6 – Additional local provisions to NSLEP 2013, similar to that of Clause 26 to NSLEP 2001.

This approach would permit (with development consent) alterations and additions to existing residential flat buildings where they are currently prohibited. This would enable Council to legally consider a number of matters of consideration to ensure that the impacts upon adjoining residents or the public domain could be accounted for.

In particular, it would mean that existing use rights were no longer relied upon for these developments ensuring any future applications relating to these developments were assessed against the local controls in Council's LEP and DCP.

However, the DPE directions have remained unchanged since the preparation of NSLEP 2013 and stipulate that councils may not alter the standard definitions or directly add definitions to the Standard Instrument LEP (SI LEP) Dictionary. As a result, the new land uses terms would not be permitted to be incorporated into either the Dictionary or land use table to the LEP, negating the introduction of a clause within Part 6 – Additional local provisions.

In addition, such provisions would derogate from the those contained in the EP&A Act relating to existing use rights and therefore would have no effect. The DPE directives also stipulate that the inclusion of any local clauses within a council's LEP should not undermine the effect of any relevant State and regional policies, strategies or directions. This is therefore not a viable option.

The DPE have informally indicated that they would only consider an amendment to the SI LEP template if it could garner significant support from other councils who are also suffering from the same issue. Staff are not currently aware if this issue is of a significant concern to other councils. Despite the absence of this information, it is highly unlikely that there are a sufficient number of other councils facing the same issues to warrant a state wide amendment to the SI LEP.

6.2 Option 2 - Amendment to Land Use Zones

The second option involves amending the zoning of land on which an existing residential flat building is located and is currently prohibited under NSLEP 2013. Such land would be rezoned to *R4 High Density Residential* to enable residential flat buildings to be permitted with consent under NSLEP 2013.

As such, any future development application could not rely on existing use rights and thereby would require a more robust assessment against the local controls in the LEP and DCP, rather than merely a merit consideration under s.79C of the EP&A Act.

Pursuing this option would allow Council to legally consider a number of matters of consideration to ensure that potential impacts upon adjoining residents or the public domain could be accounted for. This could give Council greater control over the resulting built form of uncharacteristic uses.

However, Option 2 would require Council staff to determine which sites comprise existing residential flat buildings that were lawfully approved and have subsequently become prohibited since the commencement of NSLEP 2013. This would be required to ensure that all relevant land was appropriately rezoned to *R4 High Density Residential*. This work has commenced at a high level, but would require a significant amount of staffing or funding resources to accurately determine the full extent of affected properties.

Regardless of the ability to undertake this work, pursuing this option could significantly alter the desired future character of a locality if properties were rezoned reflective of their current uses. This is on the basis that the land has been zoned to ensure any future redevelopment on that land is compatible with a desired future character of lower intensity development.

Rezoning land to *R4 High Density Residential* will also enable additional land uses to be permitted with consent. These new land uses include a number of less sensitive uses in existing low density areas e.g. neighbourhood shops, community facilities, entertainment facilities, attached dwellings, multi-dwelling housing and shop top housing. Such uses could have the potential to erode the desired future character of a locality and result in adverse impacts on residential amenity and privacy, noise, and increased pressure on local road, transport and parking infrastructure.

Merely upzoning the land to *R4 High Density Residential* without amendments being made to the height of building controls applying to that land could also create inconsistencies between these controls and the objectives and permissible land uses within the *R4 High Density Residential* zone. In particular, land zoned *R2 Low Density Residential* and *R3 Medium Density Residential* have an 8.5m height limit, whereas the *R4 High Density Residential* zone generally has a 12m height limit.

Therefore, without concurrent change to the height controls, it is likely that there would be a resultant rise in the use of Clause 4.6 to vary the height of buildings control. This could then potentially undermine the effectiveness of the heights of buildings development control. As such, Option 2 could also place pressure on Council to conduct broad-scale amendments to its building height controls to various sites.

6.3 Option 3 - Schedule 1 Additional Permitted Uses

This option involves the inclusion of clauses within Schedule 1 – Additional permitted uses to NSLEP 2013 to permit residential flat buildings on all land containing a residential flat building which is currently prohibited by the land use table.

As such, any future development application could not rely on existing use rights and would thereby require a more robust assessment against the local controls in the LEP and DCP, rather than as merely a merit consideration under s.79C of the EP&A Act.

Pursuing this option would allow Council to legally consider a number of matters of consideration to ensure that potential impacts upon adjoining residents or the public domain could be accounted for. This could give Council greater control over the resulting built form of uncharacteristic uses.

However, Option 3 would require Council staff to determine which sites comprise existing residential flat buildings that were lawfully approved, and have subsequently become prohibited since the commencement of NSLEP 2013. This would be required to ensure that all relevant land was included under Schedule 1 to NSLEP 2013 to permit with consent a ‘*residential flat building*’, despite the land use table to the applicable zone. As identified within Option 2, it would require a significant amount of staffing or funding resources to accurately determine the extent of affected properties.

By permitting residential flat buildings on specific sites, there is a presumption that these sites should also be entitled to the same height limit (12m) as applied to land within the *R4 High Density Residential* zone.

Therefore, without concurrent change to the height controls, it is likely that there would be a resultant rise in the use of Clause 4.6 to vary the height of buildings control. This could then potentially undermine the effectiveness of the heights of buildings development control. As such, Option 3 could also place pressure on Council to conduct broad-scale amendments to its building height controls to various sites.

In addition, Option 3 is inconsistent with the DPE directives for preparing a LEP using the SI LEP format. In particular, councils are to restrict the number of Schedule 1 entries within their LEPs and should be reserved for land uses that have yet to commence. Based on the preliminary research undertaken, there would significant increase in the number of entries within Schedule 1. Incorporating this number of entries would significantly reduce the clarity as to what uses are permissible on a subject site, just through sheer volume. As such, there is no ability to adopt an approach that is not in accordance with the DPE directives.

6.4 Option 4 - Permit Residential Flat Buildings in the R3 Zone with Consent (Preferred Option)

This option involves allowing residential flat buildings with development consent on land within the *R3 Medium Density Residential* zone.

To support this initiative, it would also be proposed to:

- add a supportive objective to the *R3 Medium Density Residential* zone to ensure that existing neighbourhood amenity and desired future character of the locality is maintained.
- Add a local clause that restricts the redevelopment of existing residential flat buildings similar to that imposed under NSLEP 1989 and NSLEP 2001.

This would eliminate the possibility of existing use rights being applicable. The controls that apply to the *R3 Medium Density Residential* zone would continue to apply (e.g. height). The *R3 Medium Density Residential* controls from NSDCP 2013 would also apply to give appropriate urban outcomes in the future, whether for an residential flat building or other residential use.

Adopting such an approach could result in the number of sites capable of exploiting existing use rights being significantly reduced. In particular, it would reduce the number of potentially affected sites by reduced by almost half.

Whilst this would still result in some applications still relying on existing use rights, the objectives within NSDCP 2013 could also be amended to further minimise potential impacts, to give greater emphasis on addressing potential impacts from such development.

Due to the significant amount of staff resources required to complete the Accelerated LEP Review program within a tight timeframe (i.e. an endorsed Planning Proposal for the purposes of obtaining a Gateway Determination by November 2019), any such amendment in line with this Option should occur as part of this Review, rather than via a separate planning proposal.

6.5 Option 5 - Do Nothing and Rely on Existing Controls

The fifth option is to solely rely on the existing planning controls to NSLEP 2013 and NSDCP 2013 and the existing use rights provisions of the EP&A Act.

In contrast to the other four options, Option 5 allows greater flexibility in the resulting built form of any alterations and additions to and rebuilding of existing residential flat buildings to which existing use rights are being relied upon. As such, Council has less ability to minimise the impacts resulting from uncharacteristic forms of development as all matters are effectively considered on merit.

Despite Council having implemented planning controls within s.1.4.8 to Part B of NSDCP 2013 for such developments, they have minimal weight with regard to the matters of consideration for development assessment. The same applies for the provision contained in s.1.11 to Part A of the DCP which recommends consideration of the Land and Environment Court Planning Principles when preparing or assessing development applications.

As such, whilst Option 5 is not an unreasonable approach to maintaining and promoting the desired future character of a locality, the existing objectives and merit based controls could be further strengthened to give greater emphasis on addressing potential amenity impacts from such development.

Option 5 is also not inconsistent with the DPE directives relating to LEPs made in the SI LEP format.

7. Other Potential Amendments to the Strategic Planning Framework

In addition to the Options outlined in section 6 to this report, a number of changes and initiatives have been identified to help strengthen Council's strategic planning framework.

7.1 NSDCP 2013

As indicated in Section 6 to this report, there is a need to undertake a detailed review of NSDCP 2013 to determine the extent of changes required to support any proposed amendments to NSLEP 2013. In particular, there is an ability to strengthen a number of objectives and incorporate additional merit based considerations where development relies on existing use rights. To improve certainty and clarity as to what is considered acceptable, the following amendments are foreshadowed:

1. Including an additional objective with the general residential objectives (s.1.1.1 to Part B) that limits the impact of new development as a result of the exercising of *existing use rights* in the surrounding neighbourhood;
2. Amending the setback objectives and requirements (s.1.4.6 to Part B) to address residential flat buildings relying on existing use rights in the lower density residential zones;
3. Revising and reinforcing the built form character objectives and requirements (s.1.4.8 to Part B) to address residential flat buildings relying on existing use rights in the lower density residential zones
4. Amending the landscaped area and site coverage requirements (s.1.5.5 to Part B) to address residential flat buildings relying on existing use rights in the lower density residential zones.
5. Amending the Area Character Statements (Part C) where there is a significant amount of R2 land to address the existing use rights situation.

Any amendments to NSDCP 2013 would need to be reported back to Council for consideration prior to being placed on public exhibition.

7.2 Community Strategic Plan

Council has only recently endorsed (June 2018) its new *Community Strategic Plan 2018-2028* which sets out Council's 10-year vision for the LGA. The desired outcomes of the Community Strategic Plan (CSP) will also feed into Council's Local Strategic Planning Statement, a requirement for all councils under the EP&A Act. In any future review of the CSP, this change to the operation of existing use rights in the *R2 Low Density Residential* and *R3 Medium Density Residential* zones needs to be documented in the Community Strategic Plan (CSP). The next review of the CSP will occur after the next Council election in 2020.

7.3 Local Strategic Planning Statements

Under s.3.9 to the EP&A Act all councils are required to prepare Local Strategic Planning Statements (LSPSs). LSPSs are to set out:

- The 20-year vision for land use within an LGA;
- The special characteristics which contribute to local identity;
- Shared community values to be maintained and enhanced; and
- How growth and change will be managed into the future.

The LSPS will also demonstrate how Council's vision gives effect to the relevant Regional and District Plans.

The relevant status of any changes to land use permissibility and/ or the exercising of existing use rights will need to be incorporated into the LSPS. There is an ability to tighten the focus on the redevelopment of existing residential flat buildings within this document.

A final endorsed version of the LSPS is required by November 2019.

7.4 Local Housing Strategy

Council is required to prepare a new Local Housing Strategy (LHS - formerly known as a Residential Development Strategy) in accordance with the requirements under the recently released North District Plan. The primary purpose of the LHS is to demonstrate how Council will meet the housing targets set for it under the District Plan.

Should Council resolve not to do anything at present (Option 5) or partial resolution (Option 4), this issue could be further addressed during the preparation of the LHS, where all issues can be considered more holistically.

8. Conclusion

On 20 March 2017, Council resolved to call for a report on its previous controls which applied to existing use rights in residential zones where residential flat buildings were not permissible uses, and whether any measures can now be taken to reintroduce these controls in some form.

Five options have been identified to address the key issue including:

1. Introducing new land use terms within the Dictionary to NSLEP 2013, and permit these land uses within the *R2 Low Density Residential* and *R3 Medium Density Residential* zones;
2. Rezone those sites on which existing residential flat buildings are currently prohibited under NSLEP 2013 to *R4 High Density Residential*;
3. Introducing clauses within Schedule 1 – Additional Permitted Uses to NSLEP 2013 to enable existing residential flat buildings currently relying on existing use rights to be permissible with consent;
4. Introducing residential flat buildings as a permissible use with development consent in the *R3 Medium Density Residential* zone.;
5. Do nothing and rely on the existing planning controls.

It is recommended that the most appropriate way to move forward is to pursue Option 4 and to also seek additional amendments to NSDCP 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened in a merit sense. This work is appropriate for incorporation into the Accelerated LEP Review program.

In addition, consideration should be given to the issue in the preparation of upcoming strategic planning work in response to recent reforms to the EP&A Act and the release of the Regional and District Plans that apply to the North Sydney LGA. This will allow for a comprehensive review of all planning controls across the Council area.

On this basis it is recommended that Option 4 is pursued as a short term solution, with additional investigation be undertaken during the preparation of Council's Local Strategic Planning Statement and Local Housing Strategy as part of a longer term solution.

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
382/13	7 Kareela Rd Cremorne Point	R2	30/10/13	2 storey 4 units:	Substantial alterations and additions to an existing apartment building including an attic addition with dormers	26/3/14	Approved <i>(Delegated Authority)</i>	Impacts are acceptable. Degree of non-compliance with landscaping and site coverage controls improved over existing.
415/13	1/120 Kurraba Road, Neutral Bay	R2	21/11/13	2/3 storey 2 units: 2x2-bed units	Alterations and additions to existing apartment including changes to fencing, windows, doors and new pergola with openable louvered roof.	26/02/14	Approved <i>(Delegated Authority)</i>	Generally compliant. Minor works generally within footprint of existing building.
449/13	2 Premier Street, Neutral Bay	R2	16/12/13	2-3 storey 4 units: 4 x 2-bed units	Demolition of the existing RFB and construction of a 5 storey RFB containing 9 apartments	17/07/14	Approved <i>(Court)</i> • Number of apartments reduced to 7. Deemed Refusal by Council	Approved development larger than pre-existing building. Issues: • Height and setback issues. • Excavation issues. • Increased building amenity • Increased dwelling yield (4 to 9 dwellings)
10/14	75 Milson Road, Cremorne Point	R2	20/01/14	3 storey 3 units:	Alterations and additions to Unit 3 within a 3 storey residential flat building containing 3 units, including a new attic with dormers.	20/05/14	Approved <i>(Delegated Authority)</i>	Generally compliant <i>The proposal includes some additional floor area but mostly contained within the existing footprint of the building. Whilst the building would be higher than the permissible height limit, the additional floor area would be located at the rear of the building so</i>

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
								<i>there would be no impact upon the streetscape. The building would be similar in bulk and scale to No. 77 Milson Road to the north of the subject site and lower in height than No. 73 Milson Road to the south of the subject site. Accordingly, the proposal is considered to be acceptable in this respect</i>
163/14	2/49 Park Avenue Cremorne	R2	28/05/14	2 storey 3 units:	Alterations and additions to an existing unit incl. enclosure of first floor dormer and bedroom balconies and a new single storey rear addition	22/08/14	Approved (Delegated Authority)	Generally compliant
388/14	9 Folly Point Road, Folly Point	E4	05/11/14	2-3 storey 3 units:	Substantial alterations and additions to provide 3 units and basement car park	1/12/15	Approved (Delegated Authority)	<ul style="list-style-type: none"> • Height breaches accepted • Built form consistent with adjoining development • Example of supportable development
107/15	562A Miller Street, Cammeray	R3	14/04/15	2 storey 3 units: 1x2 bed units 2x3-bed units	Demolition of existing building and erection of a six storey residential flat building containing 11 apartments with mechanical parking system, and strata subdivision.	05/08/15	Approved (NSIPP)	Superseded by DA 107/15
310/15	14 Alan Street	R2	02/09/15	2/3 storey 2 units: 2x3-bed units	Alterations and additions to the existing building to create three (3) apartments including strata subdivision	03/02/16	Approved (NSIPP) Council's assessment report	<i>The proposed development, subject to appropriate conditions of consent, is considered to be acceptable as there is unlikely to be any adverse amenity impacts for</i>

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
							recommended approval	<i>surrounding properties in terms of view loss, solar access or privacy. The three storey scale of the building at the rear is consistent with developments on adjoining properties at No's 12 and 16 Alan Street.</i>
19/16	562A-564 Miller Street, Cammeray	R3	02/02/16	<u>562A Miller</u> 2 storey 3 units: 1x2 bed units 2x3-bed units <u>564 Miller</u> 2 storey 2 units 2x2-bed	Demolition of existing buildings and erection of a six storey residential flat building containing 16 apartments with basement parking for 18 cars and strata subdivision.	06/07/16	Approved (NSIPP)	Supersedes DA 107/15
39/16	12 Lillis Street, Cammeray	R3	17/2/16	2 storey 4 units: 4 x 2-bed units	Demolition of the existing residential flat building and construction of 2 x 4-storey residential flat buildings containing 15 apartments.	20/08/18	Approved (Court) • Number of apartments reduced to 11. Deemed refusal by Council	Approved development larger than pre-existing building. Issues: • Two buildings in replacement of one. • Increased dwelling yield (4 to 15 dwellings) • Height (2 to 4 storey) • Setbacks • Poor building amenity for lower units. • Multiple amendments required to achieve satisfactory development

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
								<ul style="list-style-type: none"> Impact to development potential of adjacent land (Council Depot) Poor interface with adjoining Low Density detached dwellings. Built form & Character inconsistent with adjoining development Impact arising from basement construction. Site included in multiple zones including SP2 zone.
58/16	17 Waiwera Street, McMahons Point	R3	15/02/16	2 storey 4 units: 4x2-bed units	Alterations and additions to a residential flat building, including reconstruction of sunrooms to units 3 & 4 at the rear of the building and associated structural remediation work.	03/08/16	Approved (NSIPP)	Issues: <ul style="list-style-type: none"> Strata body issues (land ownership). Building stability Height and setback issues. Excavation issues. Increased building amenity No increase in dwelling intensity
236/16	1/40 Benelong Road	R2	01/07/16	2 storey 4 units	Alterations and additions to existing ground floor apartment including new deck	18/8/16	Approved (Delegated Authority)	Generally compliant
339/16	1 The Boulevard, Cammeray	R2	7/10/16	2 storey 4 units: 4 x 2-bed units	Demolition of an existing residential flat building and construction of a new part 2 Part 3 and Part 5 storey residential flat building containing 9 apartments	24/10/17	Approved (Court) <ul style="list-style-type: none"> Number of apartments reduced to 7. One storey removed 	Approved development larger than pre-existing building. Issues:

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
							Deemed refusal by Council	<ul style="list-style-type: none"> • Insufficient information to establish existing use rights. • Height breaches and setback issues. (No Cl. 4.6) • Built form & character inconsistent with adjoining development • Heritage impacts • Impact on trees • Excessive site coverage and insufficient landscape area • Visual privacy issues • Poor interface with adjoining low density detached dwellings
340/16	102 Macpherson Street, Cremorne	R2	10/10/16	2-3 storey 4 units: 4x1-bed units	Alterations and additions to the existing residential flat building, including internal reconfiguration and refurbishment of the 4 existing apartments, expansion of the existing ground floor level to provide a new 2-bed apartment, and construction of a 3-bed dwelling house towards the rear of the site and two x 2 car stackers at the front. Strata subdivision.	03/02/17	Approved (NSIPP)	
460/16	18 Illiliwa Street	R2	21/12/16	2 storey 4 units: 2 x 1-bed units 2 x 2-bed units	Demolition of existing RFB and construction of a new 4 storey RFB containing 4 x 3 bedroom units.	04/01/18	Approved (Court) Deemed refusal by Council	Issues: <ul style="list-style-type: none"> • Insufficient information to establish Existing Use rights exist for the existing building. • Application deficient with respect to documentary standards to establish EUR.

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
								<ul style="list-style-type: none"> • Height breaches and setback issues. (No Cl. 4.6) • Built form & Character inconsistent with adjoining development • Excessive site coverage and insufficient landscape area • Visual privacy issues • Poor interface with adjoining Low Density detached dwellings • Provision of parking infrastructure
50/17	6 Thrupp Street, Neutral Bay	R2	14/02/17	2 storey 5 units: 5 x 1-bed units	Demolition of existing RFB and construction of a new 3 storey RFB comprising 5 units (1 x 2 bed and 4 x 3 bed).	29/03/18	Refused <i>(Court)</i> Deemed refusal by Council	Issues: <ul style="list-style-type: none"> • Development larger in scale than pre-existing building if not yield. • Height breaches and setback issues. • Poor interface with adjoining Low Density detached dwellings • Built form & character inconsistent with adjoining development • Insufficient information to establish existing use rights. • Some concern that unauthorised development has occurred at some time (non-strata building)

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
69/17	4/17 Waiwera Street, McMahons Point	R3	02/03/17	2 storey 4 units: 4x2-bed units	Proposed attic addition to Unit 4	05/07/17	Approved (NSIPP) Council's assessment report recommended approval	Issues: <ul style="list-style-type: none"> Building height variation (Clause 4.6) <i>The breaches to the maximum height of building development standard have been considered against the objectives for the control and the impact on surrounding land. The height of the proposed development is considered acceptable given its context and relationship with adjoining land. The existing building envelope will generally be maintained so that the development will have negligible view, or privacy impacts. The external building bulk and scale of the development is also assessed as acceptable given the proposed attic additions sits below the existing ridge of the building. The departure from the building height standard is therefore assessed as acceptable.</i>
333/17	40 Brightmore Street, Cremorne	R2	21/09/17	3 storey 8 units 8x1-bed units	Demolition of existing RFB and construction of a new 5-8 storey RFB containing 28 apartments, comprising:	16/08/18	Refused (Court)	s.34 conciliation conference was unsuccessful.

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
					5x1-bed units 12x2-bed units 11x3-bed units		Deemed refusal by Council	Issues: <ul style="list-style-type: none"> • Extent of excavation and shoring • Inadequacy of plans to enable a proper assessment of the merits of the proposal; • The height, bulk and scale of the proposal is unsatisfactory with regard to what is permissible on adjoining and surrounding sites in the R2 Low Density Residential Zone, and is not in keeping with the existing or desired future character of the locality; • Excessive site coverage which is uncharacteristic and inconsistent with development permissible and surrounding sites. • Insufficient setbacks • impacts on adjacent bushland • significant loss of trees • adverse impacts on visual privacy and amenity of surrounding dwellings due to inadequate separation between the proposed windows and balconies

TABLE 1: Approved DAs relying on exiting use rights								
DA No.	Address	Zone	Lodged	Existing Development	Proposal	Date Determined	Outcome	Comment / Issues
								<ul style="list-style-type: none"> unsatisfactory on merit, with regard to SEPP65 design principles.
439/17	100 Macpherson Street, Cremorne	R2	14/12/17	2 storey 4 units 4x1-bed units	rear additions and internal alterations to each of the four apartments in the building in order to improve the liveability and functionality of the dwellings	05/03/18	Approved (Delegated Authority)	Generally compliant scheme
54/18	14-20 Premier Street, Neutral Bay	R2	17/03/18	<u>14 Premier</u> 2 storey 3 units <u>16 Premier</u> 2 storey 2 units <u>18 Premier</u> 3 storey 4 units <u>20 Premier</u> 2-3 storey 2 units	To demolish 4 residential flat buildings and construct a 5 storey residential flat building containing 36 units with basement parking for 49 car spaces.	-	Undetermined	Applicant has lodged an appeal with the L&E Court – yet to be determined. Issues:
164/18	6 Thrupp Street, Neutral Bay	R2	01/06/18	2 storey 6 units: 4 x 1-bed units 2 x 2-bed units	Demolition of existing RFB and construction of a new 2 storey RFB comprising 8 x 1-bed units. Was revised to comprise 6 x 1-bed units	-	Undetermined	Issues: <ul style="list-style-type: none"> The Design Excellence Panel supports the proposal based on the proposal's bulk, scale and setbacks. Minor revisions required to improve amenity issues to adjoining properties.

APPENDIX 2

- 3 Parker Street, McMahon's Point: Heritage Assessment Report

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10th October 2017

The General Manager

North Sydney Council

Attention : Ms. Carly Frew, Mr. George

by email to :

Dear Carly

Re: DA 257/17 : 3 Parker Street McMahons Point

Heritage assessment of proposed demolition and redevelopment

I refer to my telephone contact with Ms. Carly Frew of Council and my subsequent engagement to meet Council's request for a heritage assessment of the proposed development at 3 Parker Street, McMahons Point. I have sought and received advice of known information on the property from Council and the Stanton Library, and with the assistance of the project architects and managing agents I was able to visit and inspect all four flats within the existing residential flat building upon the site.

The proposal raises two questions of heritage impact – the impact arising from the intended demolition of the existing buildings on the site, and the impact of the development of the proposed new building. The need to address the second question depends upon the answer to the first, and the focus of these impacts is the Heritage Conservation Area in which the site is located. The existing flat building is not heritage-listed, but its impending loss raises the question of whether or not a case can be made for its retention, arising from the impacts perceived. The impact of the loss of the existing development on the HCA must be carefully addressed.

The McMahons Point Heritage Conservation Area

Encompassing the "tip" of the promontory which culminates at the Harbor in McMahons Point and Blues Point, this HCA is structured by the "spine" of Blues Point Road, and the local "arteries" of East Crescent Street and Middle Street, together with the closer network of short narrow streets and lanes typical of early 19th Century harbour-side suburbs. Identified in the Godden Mackay heritage study review as the McMahons Point South Urban Conservation Area, and extending from the Lavender Bay shoreline to the Berrys Bay Shoreline, the HCA described in the North Sydney DCP 2013 which retains this name is now slightly reduced in extent by the redefined eastern boundary along Middle Street, where the separate distinctive neighbourhood of McMahons Point Neighbourhood has been excised.

Originally granted to the well known local identity William Blue in 1817, the area was progressively subdivided after family ownership ceased and subdivision commenced, extending from the north down. Subdivisions had been realized throughout the area by the 1870s, the ongoing residential development of mixed periods, classes and scale of dwelling being surrounded by a harbor fringe of ship-building and marine services until the mid 20th Century. The Godden

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Mackay study noted that the area *"is defined by the inter-relationship of its topography, land use and period of development."* Relevantly the observation was also made that *"Intrusions into this area consist mainly of unsympathetic unit developments and site amalgamations, which ignore the natural topography and disregard the pervading urban context and fabric."*

The stylistic diversity of the housing in the area is remarkable, with examples of colonial vernacular cottages of the 1840s/1850s, Victorian, Edwardian and Twentieth Century Modern housing all represented, along with similarly period-identifiable residential apartment buildings of the development periods of the Twentieth Century. Blues Point Road and Middle Street are rich in examples of individual houses of very mixed date. The area is also something of a representative collection of residential flat building, with examples dating from across the Twentieth Century, many of them heritage listed. These RFBs range from converted houses to smaller residential apartment groups, to larger and more expansive multilevel buildings e.g., 23-25 East Crescent Street (converted terraces), 12 East Crescent Street (adjacent to the subject site and listed), and 26 East Crescent Street (multi-storey and situated up on the ridgeline). The importance of these buildings, and the collection of them, is represented in Cl. 13.10.5 *Apartment Buildings* of DCP 2013 (page B13-34). Objectives are set for conservation and provisions to pursue them are established in strategic guidelines.

The Statement of Heritage Significance for the HCA reads :

"McMahons Point South Conservation Area is of significance :

1. *as a mid 19th Century to mid 20th Century residential area with a mix of Victorian, Federation and 1920s and 30s housing mixed with a small amount of Interwar residential flat buildings.*

2. *for the extensive and important open space precinct around the foreshore of Blues Point which is a major civic facility with extensive views of the Harbour Bridge, North Sydney, Milsons Point, and the city. It also marks an early crossing point of the harbour with its remaining ferry access point and remnants of waterfront industry."*

The development of apartment buildings, through renovation of existing buildings and through replacement with new structures, continues within the Area as exemplified by current projects and by the subject proposal.

The existing building at 3 Parker Street

Background History:

The Heritage Impact Statement of June 2017 by Architectural Projects Pty Ltd lists the sources to which information searches were directed for the Statement's preparation, but no resulting material is offered other than an 'historical context' drawn from NSDCP2013 and the description of the Area's history therein.

The Heritage Centre within North Sydney Council's Stanton Library searched its comprehensive data base and not unusually, could offer limited advice, as follows. Sometimes information is very difficult to find. The site, formerly part of Pockley's Estate (being the holding of Captain Robert Francis Pockley, a master mariner who arrived in Sydney in the 1840s), became after subdivision Lot 16 Part 5, Section H, being the block also known as 12 East Crescent street and extending between East Crescent and Middle Streets with its northern frontage addressing Parker Street.

Interpretation of the Rates and Valuation Books for the site suggests that in 1917 the site was purchased by a Mr. Louis Grist, professor of music, who then resided on the property in a house described as No. 12 East Crescent Street, and called "Cazna", later "Kazna". In 1933, the library

advises that the house "was converted to flats", but as the existing building is clearly purpose-designed as flats, this may have been and very likely was the date of its construction - in the absence of other evidence. In 1933 the owner is listed as Sydney Herchimner Wartman and Grist Estate Late c/- Perpetual Trustee Co Ltd, suggesting Mr. Grist was deceased. The Books

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subsequently record owner/occupants as :

1936 Samuel Patterson

1939 – 1954 Aaron Jacob.

In 1957 the Owner/Occupant is listed as Mrs. Thelma May McCullum, who remains in 1961 but in 1966, the end of available records, the Owner/Occupant is the Estate of the late Peter Limbers, with Mrs. Veronica Limbers, Executrix of 56 Kings Road, Vacluse.

The story of No. 3 is also complicated by an attributed relationship with No. 12 East Crescent Street, the larger residential flat building standing on the eastern part of the Lot on which No. 3 was constructed. No. 12, which is heritage-listed, is a three-storey structure, stylistically similar to No. 3 but possibly of an earlier design date. Mr. Grist, the first owner of the Lot, is described as residing at No. 12. Not much may turn on this, but a close relationship between the two buildings is evident in the modest separating space between them, and suggested by their contemporaneity of style, design and construction.

Description:

No.3 Parker Street comprises three structures : the main two storey residential flat building which contains four apartments ; a small single storey garage and laundry structure in the south west corner of the site, accessed from Middle Street ; and a second more substantial garage building, adjacent to but separate from the smaller garage to its south, and also single storey, and accessed from Middle Street.

The main residential building, elevated above and addressing Parker Street, comprises four one-bedroom residential apartments, symmetrically planned with two flats per floor, mirror-reflective in plan and arranged about a central entrance hall. Constructed in dark "liver" face bricks upon a sandstone base, with a terracotta, Marseilles pattern tile roof, the building would be described as an Interwar Period Bungalow style building with Arts-and Crafts style details. Open-raftered eaves continue the Bungalow theme, and the building "hunkers down" under its large, simple transverse hipped roof.

The central entry, approached via a concrete stair from the Parker Street footpath, features timber-framed, beveled glass joinery double doors set in and under a hipped, terracotta-tile roofed awning. Symmetrically placed small timber joinery casement windows feature diamond pattern leadlight glazing, which is also used in the sliding timber sashes later used to enclose the formerly open corner balconies. Set at the north-eastern and north-western corners of the building, the balconies are separated vertically by timber strapped fibrous cement panels which are repeated in valance panels above the areas now enclosed by the sliding sashes. Paired timber casement sashes continue the fenestration theme around the sides of the building. At the rear, a concrete stair and landing assembly, with steel pipe and mesh railings, provides access to the rear kitchen doors of each flat. The original timber joinery of the rear kitchen access doors to each flat survives, with high-waisted, multipane half-glazed ledged and sheeted doors, integrated with casement sashes and delivery boxes. Internally, the flats are arranged with two at each level, about the central paneled staircase. The polished timber newels, balustrades and wainscot paneling appear original, with each flat entered via a half glazed paneled door with four diamond pattern leadlight panes. The entry doors give onto a small vestibule with cloak cupboard and highlight window to the street ; these entries, which now appear to be used principally as storage by the residents, enter the living rooms with the characterful original joinery extending between both spaces. The fibrous plaster ceilings, with

cast and moulded panels, or worked around the timber linings of the supporting upper floor joists, are variously intact. Each living room gives onto the former northern frontage-facing balconies, now enclosed as sunrooms or extra bedrooms. From the living rooms the single

bedrooms are entered with bathrooms and robe cupboards beyond, and an adjacent door opens

from the living rooms to the kitchens, which extend to the back doors.

To the western side of the main building stand the two auxiliary, garage buildings. Neither garage space of these buildings was accessible for inspection, but the smaller service spaces were open.

The larger, double garage building in the north-west corner is of dark brick and tile construction matching the apartment building with timber casement windows to its rear. Its north facing brick wall has been painted. The roof is jerkin-headed in form, with the ridge parallel to Middle Street and well-detailed, half-timbered gable ends presented to the north and south ends. It presents two garage doors to Middle Street, with one car space wider than the other in a one-third-two thirds balance and with modern roller shutter doors fitted to both.

The smaller, south-west garage provides a single car space with rear laundry and store. Also of brick and tile, but with its side walls of common brick, it has a gable roof with shingled gable end to the street front, and fibro-clad gable end above the two ledged and sheeted timber doors. The ground surface around and between the apartment building and the garages is paved with concrete area paving of various vintages.

Condition and intactness:

The buildings have clearly been minimally managed with little maintenance, and perfunctory rather than careful repairs. The use of quality construction materials and techniques in the original construction of the buildings has stood them in good stead. Maintenance is required in all areas.

The repointing of stonework footings has been inexpert and the use of cement mortars has been detrimental to the fabric and appearance of both stonework and brickwork. Plumbing and electrical works have been pragmatic and unconcerned with the appearance of the buildings, and damaged some areas of brickwork. The roofs and rainwater goods of all three structures need attention, as does the exterior timber work and painting. Some lintel bars exhibit corrosion warranting attention, and the concrete stair and landing structures at the rear require close inspection to determine their condition and the scope of any necessary repairs.

Internally, the apartments have received attentive maintenance and some ceilings appear to have been replaced. Some (few) original doors have been removed. Kitchens and bathrooms have been refitted, but on the whole, the interiors like the exteriors, appear to be remarkably little modified. Considering its original design and construction, the integrity of the building is very high.

While maintenance has been minimal and led to a decline in condition and presentation, the apartment building and the garages appear capable of simple if extensive repairs and maintenance to recapture a sound and well-presented condition. The renovation of electrical and hydraulic services would be required. However, the evident needs of the building do not appear terminal.

The heritage significance of 3 Parker Street

In order to consider the impact of the demolition of the existing structures on the site, both in terms of the loss of the buildings in their own right, and of their loss in the context of the HCA, it is necessary in my opinion to conduct a heritage assessment, referencing the NSW Heritage Assessment Criteria:

Criterion (a) Historical Evolution

An Item is important in the course or pattern if the local area's cultural or natural history.

Guidelines for inclusion are :

- *Shows evidence of a significant human activity*
- *Is associated with a significant activity or historical phase*
- *Maintains or shows continuity of an historical process or activity.*

Guidelines for exclusion are :

- *Has incidental or unsubstantiated connections with historically important activities or processes*
- *Provides evidence of activities or processes that are of dubious historical Importance.*

5.

- *Has been so altered that it can no longer provide evidence of a particular association.*

In my opinion it is possible to argue that this building is an important element and exemplar in the significant fabric of the HCA, for its demonstration of the early 20th Century process of urbanization in North Sydney and McMahons Point, which underpins the character and heritage significance of the McMahons Point South Conservation Area. Together with other buildings in the HCA, particularly those already listed, this building is part of and illustrative of the mixed, phased evolution of residential apartments and flats as more dense forms of living - in close proximity to the city and means of transport to it. The buildings in the HCA which exhibit this progression range from terrace and conjoined housing, to converted formerly single residences, and to early examples of modest but sophisticatedly planned flat buildings and apartments – such as the subject building at No. 3 Parker Street.

In my opinion it meets all three guideline points for inclusion under this criterion, and this is emphasized by its intact condition.

Criterion (b) Historical Associations

An item has strong or special associations with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.

Guidelines for inclusion are :

- *Shows evidence of a significant human occupation*
- *Is associated with a significant event, person, or group of persons*

Guidelines for exclusion are :

- *Has incidental or unsubstantiated connections with historically important people or events*
- *Provides evidence of people, or events that are of dubious historical importance*
- *Has been so altered that it can no longer provide evidence of a particular association*

In my opinion further enquiry is required before an importance under this criterion can be discounted. The building may provide significant evidence of the processes and participation of local residents, such as Mr. Grist, in the distinctive urban development of the locality.

Criterion (c) Aesthetic Values

An item is important in demonstrating aesthetic characteristics and or a high degree of creative or technical achievement in the local area.

Guidelines for inclusion are :

Shows or is associated with creative or technical innovation or achievement

- *Is the inspiration for a creative or technical innovation or achievement.*
- *Is aesthetically distinctive.*
- *Has landmark properties.*
- *Exemplifies a particular taste, style or technology.*

Guidelines for exclusion are :

- *Is not a major work by an important designer or artist.*
- *Has lost its design or technical integrity.*
- *Its positive visual or sensory appeal or landmark or scenic qualities have been more than temporarily degraded.*
- *Has only a loose association with a creative or technical achievement.*

In my opinion, the building is *aesthetically distinctive*, and as a small apartment complex of its time and style, it *exemplifies a particular taste, style or technology* in its architectural design, construction

6.

and selection of materials. It makes a distinctive contribution to its context and to the HCA arising from its architectural design, scale, character and relationship with the buildings around it, which include individually heritage listed apartment buildings and single residences - buildings of different type and scale, important in the HCA. The subject building has not been subject to loss of *design or technical integrity* and its visual, scenic qualities have not been degraded.

Criterion (d) Social Value

An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons.

Guidelines for inclusion are :

- *Is important for its associations with an identifiable group.*
- *Is important to a community's sense of place.*

Guidelines for exclusion are :

- *Is only important to the community for amenity reasons.*
- *Is retained only in preference to a proposed alternative.*

No investigation has been carried out to ascertain if the building has social value to the local community or a group within it. The most obvious indicator of such value would be the lodgment of objections to redevelopment, but this would not be the only signal of such value. It cannot be dismissed without enquiry.

Criterion (e) Technical/Research Value

An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history.

Guidelines for inclusion are :

- *Has the potential to yield new or further substantial scientific and/or archaeological information.*
- *Is an important benchmark or reference site or type.*
- *Provides evidence of past human cultures that is unavailable elsewhere,*

Guidelines for exclusion are :

- *Has little archaeological potential.*
- *Only contains information that is readily available from other resources or archaeological sites.*
- *The knowledge gained would be irrelevant to research on science, human history or culture.*

In my opinion, because of its distinctive qualities of design and state of intactness, this small apartment building is an *important benchmark or reference site and type* in the area. It is important under this criterion at a local level, in my opinion, qualified by its individuality in its context, together with its value as part of an important collection within the HCA.

Criterion (f) Rarity

An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history.

Guidelines for inclusion are :

- *Provides evidence of a defunct custom, way of life or process.*
- *Demonstrates a process, custom, or other human activity that is in danger of being lost.*
- *Shows unusually accurate evidence of a significant human activity.*
- *Is the only example of its type.*
- *Demonstrates designs or techniques of exceptional interest.*
- *Shows rare evidence of a significant human activity important to a community.*

Guidelines for exclusion are :

- *Is not rare.*
- *Is numerous but under threat.*

7.

In my opinion, this building is *rare, uncommon and endangered* in its context as an *exceptional* example of design, type and purpose – exceptional for the qualities of its design and for its intactness and integrity which underscore its heritage values. Other small apartment buildings are found, but from a survey of the locality, they are not similar to the subject building.

Criterion (g) Representativeness

An item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places, or cultural or natural environments.

Guidelines for inclusion are :

- *Is a fine example of its type.*
- *Has the principal characteristics of an important class or group.*
- *Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity.*
- *Is a significant variation to a class of items.*
- *Is part of a group which collectively illustrates a representative type.*
- *Is representative because of its setting, condition, or type.*
- *Is outstanding because of its integrity or the esteem in which it is held.*

Guidelines for exclusion are :

- *Is a poor example of its type.*
- *Does not include or has lost the range of characteristics of a type.*
- *Does not represent well the characteristics that make up a significant variation of a type.*

In my opinion this building meets all seven guideline points for inclusion as significant against this criterion. It is a particularly fine and distinctive example of its type, the smaller residential flat building of very particular and quality design, in its locality and within the HCA whose significance is based upon structures of its broad type and purpose. A part of the collection which lends significance to the HCA, it is a significant, individual variant and of unusual integrity. As a high quality design showing how small, one bedroom apartments can be well designed and of high amenity, the building is also contemporarily relevant. An examination of other buildings in the area suggests there are buildings of similar purpose within the HCA, but not of similar architectural design, style, character, integrity and apparent potential for continuing use.

Overall significance

Having regard to the opinions above, it is my summary opinion of the building at No. 3 Parker Street that the complex can be substantiated as an item of local heritage significance worthy of listing as an Item of Environmental heritage in Council's LEP. As such, its protection is warranted and its demolition should not be consented to.

Heritage Impacts of the proposed development

Impact of the Building's demolition:

Having regard to the qualities attributed to the existing buildings at No. 3 Parker Street, it follows that the demolition proposed would remove a place of significant heritage qualities which contributes to the heritage significance and amenity of the locality and Heritage Conservation Area in which it is located. The loss of the broad individual qualities of the existing building would be highly regrettable, but similarly regrettable would be the loss of the contribution that the existing buildings make to the HCA, a loss that would diminish the richness and diversity of development within the HCA that support its illustrative, demonstration capacities and significance.

The proposed development :

Given the discerned importance of the existing apartment building, it is not pertinent to examine

8.

the proposed replacement building in great detail as its qualities are not the foremost consideration – they do not represent any important consideration as to why the heritage values of the existing development should be discounted and its demolition permitted. It is clear however that the increased scale, bulk and character of the proposed building will not complement the neighbouring buildings and the existing urban context in the same manner as do the existing apartments on the site. The increased height and bulk will create a stronger collision of scale with the smaller, single and two storey houses of Middle Street and to the west in Parker Street and remove the manner in which the present building modulates the transition of scale.

Compatible and supportive in its scale, bulk and character, the existing apartment building is also supportive of the HCA in the sense of its apparent and contributory age and purpose in an area identified as important for its late 19th and early 20th Century apartment developments. In my opinion, it is not possible to regard it as "neutral" in its context, because of its apparent contribution, and it is therefore not replaceable without loss.

Conclusions

In summary, it is my opinion that the existing residential apartment building at No 3 Parker Street McMahons Point is of environmental heritage significance and should be considered for listing as a local item of environmental heritage in Council's LEP. Its proposed demolition and replacement should not be supported.

In support of the observations above I have prepared and attached a separate photographic summary of the exteriors, interiors and immediate context of the building.

Please call me if I can clarify any of the above or further explain my concerns and conclusions.

Yours sincerely



Robert Allan Moore

3 Parker Street McMahons Point :
A Photographic survey

(supporting the letter of report
dated 10th October 2017)



No. 3 Parker Street McMahons Point : principal elevation to Parker Street



View from northeast, to No.12 East Crescent Street, with No. 3 Parker to its right



View to No. 3, with the apartments behind the garages, and No.12 East Crescent behind ; Middle Street is to the right.



View from north-east in Parker Street to front entrance ; stairs to left ascend to open space between No. 3 and No.12 East Crescent Street



Entry with awning and single casement windows to apartment entry lobbies



Rear of double garage, with fence to Middle Street at left, and concrete paving



View to single garage and laundry, with main building at left ; concrete paving of outdoor area between main building and garages



Rear stairs and landings of concrete with pipe rails

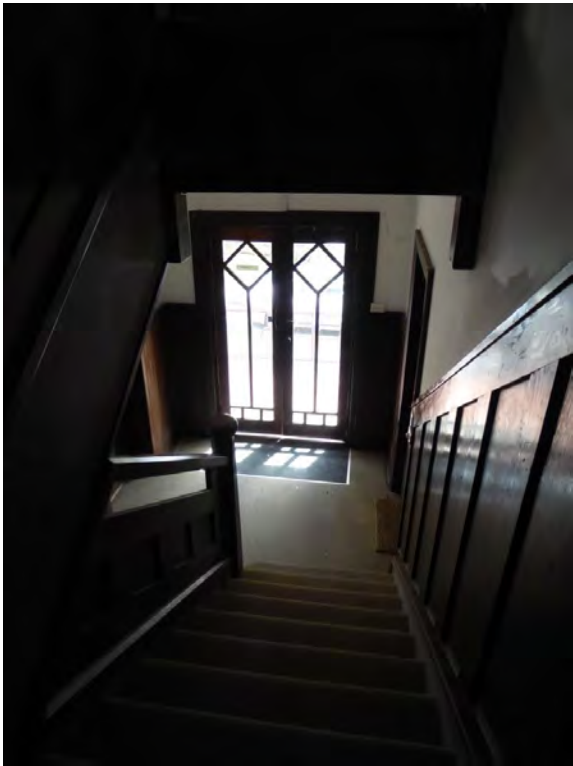


Upper level with rear kitchen door

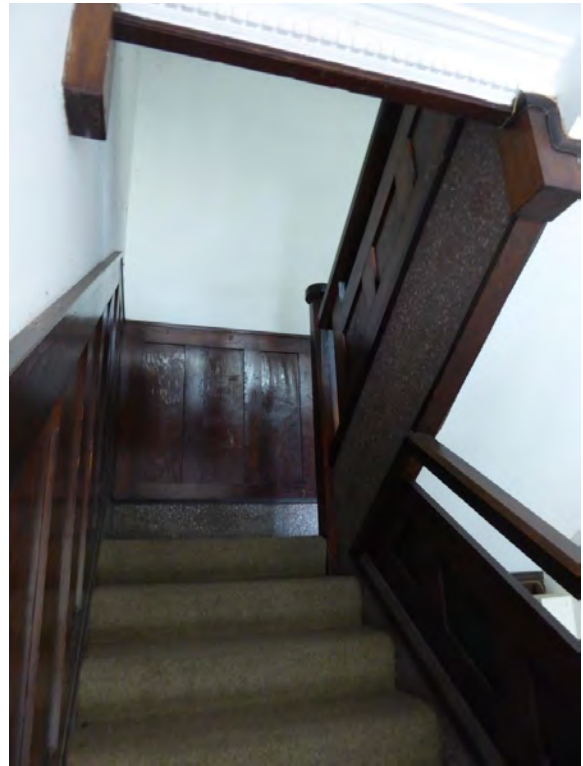


Typical half-glazed, ledged and sheeted back box
door with sidelight and delivery boxes

Detail of sidelight and "milk and bread



View down to ground floor entry doors and
showing lobby space
paneling



View up lower flight of main stair,
balustrade and wainscot



Typical apartment front entrance door



Detail of main stair balustrade



View from living room of a typical entry, door paneling, at right, and built-in furniture (first floor)



View into former balcony/sunroom which balcony/sunroom, doors retains its glazed doors to the living room

Detail of a lobby space, NB ceiling casement with leadlights



View into a former removed



An upper floor living room, view to sunroom/balcony and entry (western side)



Living room of upper floor apartment, eastern side (note plasterwork, plate rails)



The ground floor sitting room, eastern side



View of ceiling in ground floor western apartment, showing paneled ceiling and ' joinery with plate/picture rails



Bedroom view showing doors to ensuite bathroom and wardrobe



Upper floor bedroom ceiling detail, using moulded fibrous plaster

ANNEXURE B

- Existing LEP (Written Instrument)

This ANNEXURE has not been included as part of the Planning Proposal prepared for the consideration of the North Sydney Local Planning Panel.

This ANNEXURE will be included as part of the Planning Proposal to be reported to Council in November 2019 for the purposes of obtaining a Gateway Determination.

ANNEXURE C

- Existing LEP Map Sheets

This ANNEXURE has not been included as part of the Planning Proposal prepared for the consideration of the North Sydney Local Planning Panel.

This ANNEXURE will be included as part of the Planning Proposal to be reported to Council in November 2019 for the purposes of obtaining a Gateway Determination.

ANNEXURE D

- Proposed LEP Map Sheets

This ANNEXURE has not been included as part of the Planning Proposal prepared for the consideration of the North Sydney Local Planning Panel.

This ANNEXURE will be included as part of the Planning Proposal to be reported to Council in November 2019 for the purposes of obtaining a Gateway Determination.

ANNEXURE E

- Consistency with “*A Metropolis of Three Cities*”

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
INFRASTRUCTURE AND COLLABORATION		
A city supported by infrastructure		
Objective 1 <i>Infrastructure supports the three cities</i>	✓	The planning proposal does not incorporate restrictions that would prevent obstruct the delivery of the Sydney Metro project which is under construction, nor the proposed Northern Beaches Link and Western Harbour Tunnel projects.
Strategy 1.1 <i>Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities.</i>		
Strategy 1.2 <i>Sequence growth across the three cities to promote north-south and east-west connections.</i>		
Objective 2 <i>Infrastructure aligns with forecast growth – growth infrastructure compact</i>	✓	<p>As indicated in Council's Draft LHS as endorsed for exhibition on 24 June 2019, there is no requirement to increase residential densities within the LGA which would result in the need for increased infrastructure provision.</p> <p>As indicated in Council's Draft LSPS as endorsed for exhibition on 24 June 2019, there is sufficient capacity, within the LGA to deliver the likely number of jobs in the short to medium term.</p>
Strategy 2.1 <i>Align forecast growth with infrastructure.</i>		
Strategy 2.2 <i>Sequence infrastructure provision across Greater Sydney using a place-based approach.</i>		
Objective 3 <i>Infrastructure adapts to meet future needs</i>	N/A	This objective and strategy is more appropriately addressed through other policies and initiatives.
Strategy 3.1 <i>Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Objective 4 <i>Infrastructure use is optimised</i>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes
Strategy 4.1 <i>Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.</i>		
A collaborative city		
Objective 5 <i>Benefits of growth realised by collaboration of governments, community and business</i>	N/A	
Action 1 <i>Identify, prioritise and deliver Collaboration Areas</i> <i>The Greater Sydney Commission to continue to identify, prioritise and lead Collaboration Areas across Greater Sydney.</i> <i>The Commission will annually review the Collaboration Area program and priorities.</i>	N/A	The North Sydney LGA does not contain any Collaboration Areas
Action 2 <i>Coordinate land use and infrastructure for the Western City District</i> <i>The implementation and governance commitments of the Western Sydney City Deal identify that the Greater Sydney Commission will coordinate land use and infrastructure for the Western City District.</i>	N/A	The North Sydney LGA is not part of the Western Sydney District
LIVEABILITY		
A city for people		
Objective 6 <i>Services and infrastructure meet communities' changing needs</i>	✓	
Strategy 6.1 <i>Deliver social infrastructure that reflects the needs of the community now and in the future.</i>	✓	The planning proposal does not reduce the number of social infrastructure uses permissible within any zone across the LGA.

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Strategy 6.2 <i>Optimise the use of available public land for social infrastructure.</i>	✓	The planning proposal does not reduce the permissibility of and uses on owned public land.
Objective 7 <i>Communities are healthy, resilient and socially connected</i>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.
Strategy 7.1 <i>Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:</i> <ul style="list-style-type: none"> • providing walkable places at a human scale with active street life • prioritising opportunities for people to walk, cycle and use public transport • co-locating schools, health, aged care, sporting and cultural facilities • promoting local access to healthy fresh food and supporting local fresh food production. 		
Objective 8 <i>Greater Sydney's communities are culturally rich with diverse neighbourhoods</i>	N/A	This objective and strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 8.1 <i>Incorporate cultural and linguistic diversity in strategic planning and engagement.</i>		
Strategy 8.2 <i>Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations.</i>		
Objective 9 <i>Greater Sydney celebrates the arts and supports creative industries and innovation</i>	✓	
Strategy 9.1 <i>Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including:</i> <ul style="list-style-type: none"> • arts enterprises and facilities and creative industries • interim and temporary uses • appropriate development of the night-time economy 	✓	The planning proposal does not reduce the number of uses permissible that would contribute to a night time or after hours character or enable cultural facilities and activities.

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Housing the city		
Objective 10 Greater housing supply		
Action 3 Prepare housing strategies Councils to prepare local or district housing strategies that respond to the principles for housing strategies and housing targets published in the District Plans. Housing strategies will outline how housing growth is to be managed, identify the right locations for additional housing supply in each local government area and inform updates of local environmental plans. Updated local environmental plans that respond to housing strategies are to be submitted within three years of the finalisation of District Plans, or two years in the case of priority councils where funding has been provided.	✓	The proposal is consistent with the recommended actions to the Draft LHS.
Action 4 Develop 6–10 year housing targets To inform the development of updated local environment plans and housing strategies the Greater Sydney Commission to work with each council and other agencies within Greater Sydney to develop 6–10 year housing targets		
Objective 11 Housing is more diverse and affordable	N/A	It is not proposed to reduce the number of residential accommodation types permissible throughout the LGA. Conversely the number of residential development types permitted in the <i>R3 Medium Density Residential</i> zone will be increased to allow residential flat buildings. In addition, Council's Draft LHS has identified that further work is required to be undertaken to determine appropriate affordable rental housing targets and could be implemented as part of a future amendment to the LEP.
Strategy 11.1 Prepare Affordable Rental Housing Target Schemes, following development of implementation arrangements.		
Strategy 11.2 State agencies, when disposing or developing surplus land for residential or mixed-use projects include, where viable, a range of initiatives to address housing diversity and/or affordable rental housing		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Action 5 <i>Implement Affordable Rental Housing Targets</i> <i>The Greater Sydney Commission to work closely with the NSW Department of Planning and Environment to streamline implementation of new programs particularly in respect to the workings of the State Environmental Planning Policy (Affordable Rental Housing) and State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes).</i> <i>Tasks will include finalising a consistent viability test for the Affordable Rental Housing Targets to support councils and relevant planning authorities and ensuring that housing strategies include a sufficient affordable housing needs analysis and strategy to identify preferred affordable housing locations in each local government area.</i> <i>Prior to the inclusion of affordable rental housing targets in the relevant State policy, the Greater Sydney Commission, in partnership with relevant State agencies, will develop detailed arrangements for delivering and managing the housing that is created by the targets. This additional work will consider eligibility criteria, allocation, ownership, management and delivery models.</i></p>		
A city of great places		
<p>Objective 12 <i>Great places that bring people together</i></p>	✓	
<p>Strategy 12.1 <i>Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</i></p> <ul style="list-style-type: none"> <i>prioritising a people-friendly public realm and open spaces as a central organising design principle</i> <i>recognising and balancing the dual function of streets as places for people and movement</i> <i>providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres</i> <i>integrating social infrastructure to support social connections and provide a community hub</i> <i>recognising and celebrating the character of a place and its people.</i> 	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Strategy 12.2 <i>In Collaboration Areas, Planned Precincts and planning for centres:</i> <ul style="list-style-type: none"> investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking ensure parking availability takes into account the level of access by public transport consider the capacity for places to change and evolve, and accommodate diverse activities over time incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including charging stations. 	✓	<p>Part of the St Leonards Crows Nest Planned Precinct affects the north-western part of the LGA. DPIE is currently undertaking a comprehensive review of this Precinct with a final vision yet to be endorsed.</p> <p>It would be inappropriate to incorporate any changes to this Precinct without the benefit of this work being completed, to avoid implementing any planning controls that may be inconsistent with the final endorsed vision for the Precinct.</p>
Objective 13 <i>Environmental heritage is identified, conserved and enhanced</i>	✓	<p>The planning proposal seeks to correct a number of errors with respect to the identification of heritage items, conservation areas and to include two new items as previously identified by Council.</p>
Strategy 13.1 <i>Identify, conserve and enhance environmental heritage by:</i> <ul style="list-style-type: none"> engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place applying adaptive re-use and interpreting heritage to foster distinctive local places managing and monitoring the cumulative impact of development on the heritage values and character of places. 		
PRODUCTIVITY		
A well-connected city		
Objective 14 <i>A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i>	✓	<p>The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and at junctions.</p>
Strategy 14.1 <i>Integrate land use and transport plans to deliver the 30-minute city.</i>		
Strategy 14.2 <i>Investigate, plan and protect future transport and infrastructure corridors</i>		
Strategy 14.3 <i>Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Objective 15 <i>The Eastern, GOP and Western Economic Corridors are better connected and more competitive</i></p>	✓	The planning proposal will not result in a reduction in connectiveness between the Eastern Economic Corridor, with which the North Sydney LGA is a part, and the GOP and Western Economic Corridor.
<p>Action 6 <i>Collaborate to deliver the Greater Parramatta and the Olympic Peninsula (GOP) vision.</i> <i>The Greater Sydney Commission to continue leading the collaboration of councils, State agencies, businesses and the community to deliver the GOP vision. Being the connected and unifying heart of the Central City, GOP is being championed as a place for new businesses, homes and services; for diverse employment; for walking and cycling; and to facilitate spaces for arts and culture.</i></p>	N/A	The GOP is not located within or directly adjacent to the North Sydney LGA.
<p>Action 7 <i>Develop a growth infrastructure compact for GOP.</i> <i>The Greater Sydney Commission to coordinate, seek expertise and insight from councils, State agencies, businesses and the community to develop a growth infrastructure compact for GOP by December 2018.</i> <i>The growth infrastructure compact will outline the sequencing and funding of local and regional infrastructure aligned to growth.</i></p>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Objective 16 <i>Freight and logistics network is competitive and efficient</i>	✓	
Strategy 16.1 <i>Manage the interfaces of industrial areas, trade gateways and intermodal facilities by:</i> <u>Land use activities</u> <ul style="list-style-type: none"> • <i>providing buffer areas to nearby activities such as residential uses that are sensitive to emissions from 24-hour port and freight functions</i> • <i>retaining industrial lands for port, intermodal and logistics uses as well as the landside transport network from the encroachment of commercial, residential and other non-compatible uses which would adversely affect industry viability to facilitate ongoing operation and long-term growth</i> • <i>requiring sensitive developments within the influence of port and airport operations to implement measures that reduce amenity impacts</i> • <i>improving communication of current and future noise conditions around Port Botany, airports, surrounding road and rail networks, intermodal terminals and supporting private lands</i> • <i>improving the capacity of existing stakeholders to implement existing planning noise standards for incoming sensitive developments</i> • <i>protecting prescribed airspace from inappropriate development, for example height of building controls that would allow buildings to penetrate prescribed airspace and reduce the capacity of existing airport operations</i> • <i>preventing inappropriate development within the high noise corridor on the Kurnell Peninsula</i> • <i>identifying and preserving land for future port and airport, intermodal and rail infrastructure</i> • <i>ensuring adequate land is available for transit uses, for example, bus layovers.</i> 	✓	<p>It is not proposed to amend the extent of land zoned for industrial purposes. Whilst it is proposed to rezone 74 McDougall Street, Kirribilli from <i>IN4 Working Waterfront</i> to <i>SP2 Infrastructure (Sewage reticulation system)</i>, the land will be maintained for long term infrastructure purposes.</p> <p>It is not proposed to reduce the amount of land reserved or zoned for classified road purposes, which will help to maintain the existing level of regional freight services.</p>

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p><u>Transport operations</u></p> <ul style="list-style-type: none"> • providing the required commercial and passenger vehicle, and freight and passenger rail access • preventing uses that generate additional private vehicle traffic on roads that service Port Botany and Sydney Airport such as large scale car based retail and high density residential, to reduce conflicts with large dangerous goods vehicles (for example, Foreshore Road and Denison Street, Banksmeadow) • improving freight connectivity by both road and the proposed Western Sydney Freight Line from Villawood to Eastern Creek, via Yennora, Smithfield and Wetherill Park to improve business-to-business and supply chain connectivity along this industrial corridor • recognising and giving effect to the National Airports Safeguarding Framework, incorporating noise, turbulence and wildlife safety measures 		
<p>Strategy 16.2</p> <p>Optimise the efficiency and effectiveness of the freight handling and logistics network by:</p> <ul style="list-style-type: none"> • protecting current and future freight corridors and shared freight corridors • balancing the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries • identifying and protecting key freight routes • limiting incompatible uses in areas expected to have intense freight activity. 		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Objective 17 <i>Regional connectivity is enhanced</i>	✓	<p>There are a large number of strategic planning projects currently being prepared by both Council and DPIE, which relate to the delivery of the Sydney Metro. However, as these projects have yet to be completed it is not appropriate to amend the LEP planning controls at this point in time. This is to ensure that appropriate amendments are made with regard to a robust and transparent strategic planning process.</p> <p>There are a number of proposed regional road connections identified under the Metropolitan Plan including the Northern Beaches Link and Western Harbour Tunnel. However, as the final scope of these projects has yet to be determined, it is not appropriate to amend the LEP provisions, until the full implications of these projects have been determined.</p> <p>These issues can be addressed in future amendments to the LEP at the appropriate time.</p>
Strategy 17.1 <i>Investigate and plan for the land use implications of potential long-term regional transport connections</i>		
Jobs and skills for the city		
Objective 18 <i>Harbour CBD is stronger and more competitive</i>	✓	
Strategy 18.1 <i>Prioritise:</i> <ul style="list-style-type: none"> • <i>public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city</i> • <i>infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre</i> • <i>infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the Harbour CBD.</i> 	✓	<p>The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.</p>

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Strategy 18.2 <i>Develop and implement land use and infrastructure plans which strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:</i></p> <ul style="list-style-type: none"> <i>• further growing an internationally competitive commercial sector to support an innovation economy</i> <i>• providing residential development without compromising commercial development</i> <i>• providing a wide range of cultural, entertainment, arts and leisure activities</i> <i>• providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts.</i> 	✓	The planning proposal does not seek to remove the prohibition on residential development within the <i>B3 Commercial Core</i> zone. Nor does it seek to reduce the number of uses permissible in the <i>B3 Commercial Core</i> or <i>B4 Mixed Use</i> zone, which would impact on the delivery of cultural, entertainment, arts and leisure activities, or a vibrant night-time economy.
<p>Action 8 <i>Support the growth of the Camperdown-Ultimo Collaboration Area</i></p>	N/A	The North Sydney LGA is not part of the Western Sydney District
<p>Objective 19 <i>Greater Parramatta is stronger and better connected</i></p>	N/A	The North Sydney LGA is not part of Greater Parramatta
<p>Strategy 19.1 <i>Prioritise:</i></p> <ul style="list-style-type: none"> <i>• public transport investments to improve connectivity to Greater Parramatta from the Harbour CBD, Western Sydney Airport–Badgerys Creek Aerotropolis, Sydney Olympic Park, Westmead, Macquarie Park, Norwest and Kogarah via Bankstown</i> <i>• infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within two kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre</i> <i>• infrastructure investments which enhance cycling, particularly those focused on access to the transport network, which enhance -connectivity within five kilometres of strategic centres or 10 kilometres of Greater Parramatta.</i> 		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Strategy 19.2 <i>Develop and implement land use and infrastructure plans which strengthen the economic competitiveness and grow its vibrancy by:</i></p> <ul style="list-style-type: none"> • <i>enabling the development of an internationally competitive health and education precinct at Westmead</i> • <i>creating opportunities for an expanded office market</i> • <i>balancing residential development with the needs of commercial development, including if required, a commercial core</i> • <i>providing for a wide range of cultural, entertainment, arts and leisure activities</i> • <i>improving the quality of Parramatta Park and Parramatta River and their walking and cycling connections to Westmead and the Parramatta CBD</i> • <i>providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts.</i> 		
<p>Objective 20 <i>Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City</i></p>	N/A	The North Sydney LGA is not part of the Western Parkland City
<p>Strategy 20.1 <i>Prioritise:</i></p> <ul style="list-style-type: none"> • <i>public transport investments to improve north-south and east-west connections to the metropolitan cluster</i> • <i>infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of the metropolitan cluster or strategic centres or 10 minutes walking distance of a local centre</i> • <i>infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the metropolitan cluster.</i> 		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Strategy 20.2 <i>Develop and implement land use and infrastructure plans for the Western Sydney Airport, the metropolitan cluster, the Western Sydney Employment Area and strategic centres in the Western Parkland City by:</i></p> <ul style="list-style-type: none"> • <i>supporting commercial development, aerospace and defence industries and the innovation economy</i> • <i>supporting internationally competitive freight and logistics sectors</i> • <i>planning vibrant strategic centres and attracting health and education facilities, cultural, entertainment, arts and leisure activities</i> • <i>creating high quality places with a focus on walking and cycling</i> • <i>improving transport connections across the Western Parkland City.</i> 		
<p>Action 9 <i>Collaborate to deliver the Western Sydney City Deal</i></p>		
<p>Objective 21 <i>Internationally competitive health, education, research and innovation precincts</i></p>	N/A	<p>The North Sydney LGA does not contain any:</p> <ul style="list-style-type: none"> • identified health and education precincts; or • Collaboration Areas
<p>Strategy 21.1 <i>Develop and implement land use and infrastructure plans for health and education precincts that:</i></p> <ul style="list-style-type: none"> • <i>create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts</i> • <i>have high levels of accessibility</i> • <i>attract associated businesses, industries and commercialisation of research</i> • <i>facilitate housing opportunities for students and workers within 30 minutes of the precinct</i> 		
<p>Action 10 <i>Facilitate whole-of-government place-based outcomes through Collaboration Areas for targeted centres, including Liverpool, Greater Penrith and Randwick</i></p>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Objective 22 <i>Investment and business activity in centres</i>	✓	<p>The planning proposal maintains the extent of land zoned and used for business and industrial purposes.</p> <p>It is proposed to allow “veterinary hospitals” in the <i>B1 Neighbourhood Centre</i> zone to improve flexibility as to where these types of uses can occur.</p>
Strategy 22.1 <i>Provide access to jobs, goods and services in centres by:</i> <ul style="list-style-type: none"> • <i>attracting significant investment and business activity in strategic centres to provide jobs growth</i> • <i>diversifying the range of activities in all centres</i> • <i>creating vibrant, safe places and a quality public realm</i> • <i>focusing on a human-scale public realm and locally accessible open space</i> • <i>balancing the efficient movement of people and goods with supporting the liveability of places on the road network</i> • <i>improving the walkability within and to centres</i> • <i>completing and improving a safe and connected cycling network to and within centres</i> • <i>improving public transport services to all strategic centres</i> • <i>conserving and interpreting heritage significance</i> • <i>designing parking that can be adapted to future uses</i> • <i>providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts</i> • <i>creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.</i> 		
Strategy 22.2 <i>Create new centres in accordance with the principles for Greater Sydney’s centres.</i>	N/A	<p>The planning proposal does not seek to create any new centres within the LGA consistent with the outcomes of the Draft LSPS.</p>
Objective 23 <i>Industrial and urban services land is planned, retained and managed</i>	✓	<p>The planning proposal does not reduce the number of permissible uses within the <i>IN2 Light Industrial</i> or <i>IN4 Working Waterfront</i> zones.</p>
Strategy 23.1 <i>Retain, review and plan industrial and urban services land in accordance with the principles for managing industrial and urban services land.</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Strategy 23.2 <i>Consider office development in industrial zones where it does not compromise industrial or urban services activities in the South and Western City Districts.</i>		Whilst it is proposed to remove the <i>IN4 Working Waterfront</i> zoning from 74 McDougal Street, Kirribilli, the site is to be zoned <i>SP2 Infrastructure</i> to reflect the site's long term use as a sewage pumping station.
Action 11 <i>Review and plan for industrial and urban services</i>		
Objective 24 <i>Economic sectors are targeted for success</i>	✓	The planning proposal does not reduce the permissibility of uses on sites which would prevent the growth of internationally competitive trade sectors or contribute to a healthy tourism and visitation agenda.
Strategy 24.1 <i>Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers</i>		
Strategy 24.2 <i>Consider the following issues when preparing plans for tourism and visitation:</i> <ul style="list-style-type: none"> • encouraging the development of a range of well-designed and located facilities • enhancing the amenity, vibrancy and safety of centres and township precincts • supporting the development of places for artistic and cultural activities • improving public facilities and access • protecting heritage and biodiversity to enhance cultural and eco-tourism • supporting appropriate growth of the night-time economy • developing industry skills critical to growing the visitor economy • incorporating transport planning to serve the transport access needs of tourists 		
Strategy 24.3 <i>Protect and support agricultural production and mineral resources (in particular construction materials) by preventing inappropriately dispersed urban activities in rural areas</i>	N/A	The LGA does not contain any land zoned for agricultural activities, nor does it contain activities pertaining to the extraction of mineral resources.
Strategy 24.4 <i>Provide a regulatory environment that enables economic opportunities created by changing technologies.</i>	✓	The planning proposal does not reduce the number of permissible uses within any of the zones.

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
SUSTAINABILITY		
A city in its landscape		
Objective 25 <i>The coast and waterways are protected and healthier</i>	✓	
Strategy 25.1 <i>Protect environmentally sensitive areas of waterways and the coastal environment area.</i>	✓	It is not proposed to increase the intensity of development in the vicinity of Sydney Harbour and its foreshores.
Strategy 25.2 <i>Enhance sustainability and liveability by improving and managing access to waterways, foreshores and the coast for recreation, tourism, cultural events and water-based transport.</i>	✓	The planning proposal will maintain existing levels of access to the waterways and foreshores of the LGA.
Strategy 25.3 <i>Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.</i>	✓	Zoning interfaces have been maintained in the vicinity of the foreshores to the LGA to ensure that there is no intensification of development that could contribute to the degradation of local waterways.
Strategy 25.4 <i>Reinstate more natural conditions in highly modified urban waterways.</i>	N/A	This Objective and Strategy are more appropriately addressed through other Council policies and initiatives.
Objective 26 <i>A cool and green parkland city in the South Creek corridor</i>	N/A	The South Creek Corridor is not located within or adjacent to the North Sydney LGA.
Strategy 26.1 <i>Implement the South Creek Corridor Project and use the design principles for South Creek to deliver a cool and green Western Parkland City.</i>		
Action 12 <i>Develop and implement the South Creek Corridor Project</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Objective 27 <i>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i>	✓	It is not proposed to intensify any development within or adjacent to existing areas zoned for open space or bushland purposes.
Strategy 27.1 <i>Protect and enhance biodiversity by:</i> <ul style="list-style-type: none"> • <i>supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</i> • <i>managing urban bushland and remnant vegetation as green infrastructure</i> • <i>managing urban development and urban bushland to reduce edge-effect impacts</i> 		
Objective 28 <i>Scenic and cultural landscapes are protected</i>	✓	The planning proposal does not reduce the number of landscaped heritage items within the LGA.
Strategy 28.1 <i>Identify and protect scenic and cultural landscapes.</i>		
Strategy 28.2 <i>Enhance and protect views of scenic and cultural landscapes from the public realm.</i>		
Objective 29 <i>Environmental, social and economic values in rural areas are protected and enhanced</i>	N/A	The LGA does not contain any land zoned for rural purposes.
Strategy 29.1 <i>Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.</i>		
Strategy 29.2 <i>Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham.</i>		
Objective 30 <i>Urban tree canopy cover is increased</i>	N/A	This issue is outside the scope of the LEP and will be addressed through future amendments to Council's development control plan.
Strategy 30.1 <i>Expand urban tree canopy in the public realm.</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Objective 31 <i>Public open space is accessible, protected and enhanced</i>	✓	<p>The planning proposal does not seek to reduce the overall amount of land zoned for recreational or environmental conservation purposes.</p> <p>The rezoning of part of two road reserves for open space purposes will ensure long term protection and enhancement of green corridors in the LGA.</p>
Strategy 31.1 <i>Maximise the use of existing open space and protect, enhance and expand public open space by:</i> <ul style="list-style-type: none"> <i>providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow</i> <i>investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space</i> <i>requiring large urban renewal initiatives to demonstrate how the quantity of, or access to high quality and diverse local open space is maintained or improved</i> <i>planning new neighbourhoods with a sufficient quantity and quality of new open space</i> <i>delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses</i> <i>delivering or complementing the Greater Sydney Green Grid</i> <i>providing walking and cycling links for transport as well as leisure and recreational trips.</i> 		
Objective 32 <i>The Green Grid links parks, open spaces, bushland and walking and cycling paths</i>	✓	<p>The planning proposal does not seek to reduce the overall amount of land zoned for recreational or environmental conservation purposes.</p> <p>The rezoning of part of two road reserves for open space purposes will ensure long term protection and enhancement of green corridors in the LGA.</p>
Strategy 32.1 <i>Progressively refine the detailed design and delivery of:</i> <ul style="list-style-type: none"> <i>Greater Sydney Green Grid priority corridors</i> <i>opportunities for connections that form the long-term vision of the network</i> <i>walking and cycling links for transport as well as leisure and recreational trips.</i> 		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
An efficient city		
Objective 33 <i>A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.
Strategy 33.1 <i>Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050 especially through the establishment of low-carbon precincts in Planned Precincts, Growth Areas and Collaboration Areas.</i>		
Objective 34 <i>Energy and water flows are captured, used and re-used</i>	N/A	This Objective and Strategy are more appropriately addressed through other Council policies and initiatives.
Strategy 34.1 <i>Support precinct-based initiatives to increase renewable energy generation and energy and water efficiency especially in Planned Precincts and Growth Areas, Collaboration Areas and State Significant Precincts.</i>		
Objective 35 <i>More waste is re-used and recycled to support the development of a circular economy</i>	N/A	This Objective and Strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 35.1 <i>Protect existing, and identify new, locations for waste recycling and management.</i>		
Strategy 35.2 <i>Support innovative solutions to reduce the volume of waste and reduce waste transport requirements.</i>		
A resilient city		
Objective 36 <i>People and places adapt to climate change and future shocks and stresses</i>	N/A	This Objective and Strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 36.1 <i>Support initiatives that respond to the impacts of climate change.</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Objective 37 <i>Exposure to natural and urban hazards is reduced</i>	✓	This Objective and Strategy will be addressed in the future with regard to the completion and implementation of Council's Flood Study and Coastal Management Plan being prepared by the Sydney Coastal Council Group.
Strategy 37.1 <i>Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.</i>		
Strategy 37.2 <i>Respond to the direction for managing flood risk in the Hawkesbury-Nepean Valley as set out in Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy.</i>	N/A	The Hawkesbury-Nepean Valley is not located within the North Sydney LGA.
Objective 38 <i>Heatwaves and extreme heat are managed</i>	N/A	This Objective and Strategy are more appropriately addressed through other Council policies and initiatives.
Strategy 38.1 <i>Mitigate the urban heat island effect and reduce vulnerability to extreme heat.</i>		
IMPLEMENTATION		
Objective 39 <i>A collaborative approach to city planning</i>	N/A	This Objective and Action is for the action of the GSC
Action 13 <i>Develop the Greater Sydney Commission's role in peer reviewing key land use and infrastructure plans prepared by NSW Department of Planning and Environment to provide assurance to the community that robust planning is being undertaken across Greater Sydney consistent with the region and district plans.</i>		
Objective 40 <i>Plans refined by monitoring and reporting</i>	N/A	This Objective and Actions more appropriately addressed through other Council policies and initiatives
Action 14 <i>Develop performance indicators in consultation with State agencies and councils that measure the 10 Directions to inform inter-agency, State and local government decision-making.</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
Action 15 <i>Develop detailed monitoring and reporting of housing and employment in Greater Sydney.</i>		

ANNEXURE F

- Consistency with “North District Plan”

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
INFRASTRUCTURE AND COLLABORATION		
Planning Priority N1 <i>Planning for a city supported by infrastructure</i>	✓	<p>As indicated in Council's Draft LHS as endorsed for exhibition on 24 June 2019, there is no requirement to increase residential densities within the LGA which would result in the need for increased infrastructure provision.</p> <p>As indicated in Council's Draft LSPS as endorsed for exhibition on 24 June 2019, there is sufficient capacity, within the LGA to deliver the likely number of jobs in the short to medium term.</p>
Objective 1 <i>Infrastructure supports the three cities.</i>		
Objective 2 <i>Infrastructure aligns with forecast growth – growth infrastructure compact.</i>		
Objective 3 <i>Infrastructure adapts to meet future needs.</i>		
Objective 4 <i>Infrastructure use is optimised</i>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes
Action 1 <i>Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities.</i>		
Action 2 <i>Sequence growth across the three cities to promote north-south and east-west connections.</i>		
Action 3 <i>Align forecast growth with infrastructure</i>		
Action 4 <i>Sequence infrastructure provision using a place-based approach.</i>		
Action 5 <i>Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 6 <i>Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.</i>		
Planning Priority N2 <i>Working through collaboration</i>	✓	
Objective 5 <i>Benefits of growth realised by collaboration of governments, community and business.</i>	✓	The planning proposal does not propose amendments to the planning controls in the St Leonards Crows Nest Planned Precinct, which may contradict recommendations in a future finalised policy direction adopted by the DPIE.
Action 7 <i>Identify, prioritise and deliver Collaboration Areas.</i>	N/A	There are no identified collaboration areas within the LGA.
Action 8 <i>Undertake a collaboration role by providing expert advice on the significant district collaborations of St Leonards, Frenchs Forest and Macquarie Park.</i>	✓	The planning proposal does not propose amendments to the planning controls in the St Leonards Crows Nest Planned Precinct, which may contradict recommendations in a future finalised policy direction adopted by the DPIE.
LIVEABILITY		
Planning Priority N3 <i>Providing services and social infrastructure to meet people's changing needs</i>	✓	The planning proposal does not reduce the types of land uses permissible within any of the zones within the LGA.
Objective 6 <i>Services and infrastructure meet communities' changing needs</i>		
Action 9 <i>Deliver social infrastructure that reflects the needs of the community now and in the future.</i>		
Action 10 <i>Optimise the use of available public land for social infrastructure</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Planning Priority N4 <i>Fostering healthy, creative, culturally rich and socially connected communities</i>	✓	
Objective 7 <i>Communities are healthy, resilient and socially connected.</i>	✓	
Objective 8 <i>Greater Sydney's communities are culturally rich with diverse neighbourhoods.</i>	✓	The planning proposal does not reduce the types of land uses permissible within any of the zones within the LGA.
Objective 9 <i>Greater Sydney celebrates the arts and supports creative industries and innovation</i>	✓	
Action 11 <i>Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:</i> a. <i>providing walkable places at a human scale with active street life</i> b. <i>prioritising opportunities for people to walk, cycle and use public transport</i> c. <i>co-locating schools, health, aged care, sporting and cultural facilities</i> d. <i>promoting local access to healthy fresh food and supporting local fresh food production</i>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes, which will help to contribute to delivering accessible centres.
Action 12 <i>Incorporate cultural and linguistic diversity in strategic planning and engagement.</i>	N/A	This action is more appropriately addressed through other Council policies and initiatives.
Action 13 <i>Consider the local infrastructure implications of areas that accommodates large migrant and refugee populations.</i>		
Action 14 <i>Strengthen the economic self-determination of Aboriginal communities by engagement and consultation with Local Aboriginal Lands Councils to better understand and support their economic aspirations as they relate to land use planning.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 15 <i>Facilitate opportunities for creative and artistic expression and participation, wherever feasible, with a minimum regulatory burden, including:</i> <i>a. arts enterprises and facilities, and creative industries</i> <i>b. interim and temporary uses</i> <i>c. appropriate development of the night-time economy.</i>	✓	The planning proposal does not reduce the types of land uses permissible within any of the zones within the LGA.
Action 16 <i>Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places</i>	N/A	This action is more appropriately addressed through other Council policies and initiatives.
Planning Priority N5 <i>Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	✓	
Objective 10 <i>Greater housing supply.</i>	✓	The Draft LHS (refer to section 5.4.1 of the main report) has demonstrated that Council is on target to meet the 5 year dwelling target set for North Sydney under the NDP, without the need for wholesale changes to the planning controls under NSLEP 2013.
Objective 11 <i>Housing is more diverse and affordable.</i>	✓	<p>It is not proposed to reduce the number of residential accommodation types permissible throughout the LGA. Conversely the number of residential development types permitted in the <i>R3 Medium Density Residential</i> zone will be increased to allow residential flat buildings.</p> <p>In addition, Council's Draft LHS has identified that further work is required to be undertaken to determine appropriate affordable rental housing targets and could be implemented as part of a future amendment to the LEP.</p>

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 17 <i>Prepare local or district housing strategies that address the following:</i></p> <ul style="list-style-type: none"> <i>a. the delivery of five-year housing supply targets for each local government area</i> <i>b. the delivery of 6–10 year (when agreed) housing supply targets for each local government area</i> <i>c. capacity to contribute to the longer term 20-year strategic housing target for the District</i> <i>d. the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include:</i> <ul style="list-style-type: none"> <i>i. creating capacity for more housing in the right locations</i> <i>ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area</i> <i>iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure</i> <i>iv. supporting the role of centres.</i> 	✓	The proposal is consistent with the recommended actions to the Draft LHS.
<p>Action 18 <i>Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.</i></p>	N/A	The Draft LHS recommends that the GSC first determine an affordable housing target be set for the entire Sydney Metropolitan Area before implementing an appropriate scheme.
<p>Planning Priority N6 <i>Creating and renewing great places and local centres, and respecting the District's heritage.</i></p>		
<p>Objective 12 <i>Great places that bring people together.</i></p>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.
<p>Objective 13 <i>Environmental heritage is identified, conserved and enhanced.</i></p>	✓	The planning proposal seeks to correct a number of errors with respect to the identification of heritage items, conservation areas and to include two new items as previously identified by Council.

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 19 <i>Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</i></p> <ul style="list-style-type: none"> <i>a. prioritising a people-friendly public realm and open spaces as a central organising design principle</i> <i>b. recognising and balancing the dual function of streets as places for people and movement</i> <i>c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres</i> <i>d. integrating social infrastructure to support social connections and provide a community hub</i> <i>e. recognising and celebrating the character of a place and its people</i> 	✓	<p>The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.</p>
<p>Action 20 <i>In Collaboration Areas, Planned Precincts, Growth Areas and planning for centres:</i></p> <ul style="list-style-type: none"> <i>a. investigate opportunities for precinct based provision of adaptable car parking and infrastructure in lieu of private provision of car parking</i> <i>b. ensure parking availability takes into account the level of access by public transport</i> <i>c. consider the capacity for places to change and evolve, and accommodate diverse activities over time</i> <i>d. incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including changing stations.</i> 	✓	<p>Part of the St Leonards Crows Nest Planned Precinct affects the north-western part of the LGA. DPIE is currently undertaking a comprehensive review of this Precinct with a final vision yet to be endorsed.</p> <p>It would be inappropriate to incorporate any changes to this Precinct without the benefit of this work being completed, to avoid implementing any planning controls that may be inconsistent with the final endorsed vision for the Precinct.</p>
<p>Action 21 <i>Identify, conserve and enhance environmental heritage by:</i></p> <ul style="list-style-type: none"> <i>a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place</i> <i>b. applying adaptive re-use and interpreting of heritage to foster distinctive local places</i> <i>c. managing and monitoring the cumulative impact of development on the heritage values and character of places.</i> 	✓	<p>The planning proposal seeks to correct a number of errors with respect to the identification of heritage items, conservation areas and to include two new items as previously identified by Council.</p>

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 22 <i>Use place-based planning to support the role of centres as a focus for connected neighbourhoods.</i>	✓	The planning proposal is consistent with the desired actions of the Draft LSPS and Draft LHS which are based on place based planning.
Action 23 <i>Use flexible and innovative approaches to revitalise high streets in decline</i>	✓	<p>The planning proposal maintains the extent of land zoned and used for business and industrial purposes.</p> <p>It is proposed to allow “veterinary hospitals” in the B1 Neighbourhood Centre zone to improve flexibility as to where these types of uses can occur.</p>
PRODUCTIVITY		
Planning Priority N7 <i>Growing a stronger and more competitive Harbour CBD.</i>		
Objective 18 <i>Harbour CBD is stronger and more competitive</i>	✓	
Action 24 <i>Grow economic development in the North Sydney CBD to:</i> <ul style="list-style-type: none"> <i>a. maximise the land use opportunities provided by the new station</i> <i>b. grow jobs in the centre and maintain a commercial core</i> <i>c. strengthen North Sydney’s reputation as an education centre, to grow jobs and add diversity</i> <i>d. expand after hours’ activities</i> <i>e. encourage growth in business tourism as a conference location that takes advantage of North Sydney’s identity as a business hub, its location, access and views</i> <i>f. provide a variety of high quality civic and public spaces befitting a globally-oriented CBD, which can be utilised for a range of cultural and entertainment activities</i> <i>g. improve amenity by reducing the impact of vehicle movements on pedestrians</i> <i>h. create capacity to achieve job targets by reviewing the current planning controls.</i> 	✓	<p>The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.</p> <p>The planning proposal does not seek to remove the prohibition on residential development within the <i>B3 Commercial Core</i> zone. Nor does it seek to reduce the number of uses permissible in the <i>B3 Commercial Core</i> or <i>B4 Mixed Use</i> zone, which would impact on the delivery of cultural, entertainment, arts and leisure activities, or a vibrant night-time economy.</p>

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 25 <i>Prioritise:</i></p> <ul style="list-style-type: none"> a. <i>public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city</i> b. <i>infrastructure investments particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre</i> c. <i>Infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the Harbour CBD.</i> 	✓	<p>There are a large number of strategic planning projects currently being prepared by both Council and DPIE, which relate to the delivery of the Sydney Metro. However, as these projects have yet to be completed it is not appropriate to amend the LEP planning controls at this point in time. This is to ensure that appropriate amendments are made with regard to a robust and transparent strategic planning process.</p> <p>There are a number of proposed regional road connections identified under the Metropolitan Plan including the Northern Beaches Link and Western Harbour Tunnel. However, as the final scope of these projects has yet to be determined, it is not appropriate to amend the LEP provisions, until the full implications of these projects have been determined.</p> <p>These issues can be addressed in future amendments to the LEP at the appropriate time.</p>
<p>Planning Priority N8 <i>Eastern Economic Corridor is better connected and more competitive.</i></p>	✓	<p>The planning proposal will not result in a reduction in connectiveness between the Eastern Economic Corridor, with which the North Sydney LGA is a part, and the GOP and Western Economic Corridor.</p> <p>This is achieved by not reducing the amount of land reserved or zoned for significant transport infrastructure.</p>
<p>Objective 15 <i>The Eastern, GOP and Western economic corridor are better connected and more competitive</i></p>		
<p>Action 26 <i>Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the economic corridor.</i></p>		
<p>Action 27 <i>Prioritise transport investments that enhance access to the economic corridors and between centres within the corridors.</i></p>		
<p>Action 28 <i>Co-locate health, education, social and community facilities in strategic centres along the economic corridor.</i></p>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Planning Priority N9 <i>Growing and investing in health and education precincts.</i>	✓	The planning proposal does not reduce the ability to undertake health or education facilities throughout the LGA.
Objective 21 <i>Internationally competitive health, education, research and innovation precincts</i>	N/A	
Action 29 <i>Facilitate health and education precincts that:</i> <i>a. create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts</i> <i>b. have high levels of accessibility</i> <i>c. attract associated businesses, industries and commercialisation of research</i> <i>d. include housing opportunities for students and workers within 30 minutes of the precinct.</i>	N/A	There are no identified Health and Education Precincts within the North Sydney LGA.
Action 30 <i>Deliver and implement a Place Strategy and Infrastructure Plan for the Frenchs Forest health and education precinct.</i>	N/A	The Frenches Forest Health and Education Precinct is not located within the North Sydney LGA.
Action 31 <i>Deliver and implement a Place Strategy and Infrastructure Plan for the St Leonards health and education precinct.</i>	N/A	The St Leonards Health and Education Precinct is not located within the North Sydney LGA.
Action 32 <i>Deliver and implement a Place Strategy and Infrastructure Plan for the Macquarie Park health and education precinct.</i>	N/A	The Macquarie Park health and education Precinct is not located within the North Sydney LGA.

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 34 <i>Strengthen St Leonards through approaches that:</i></p> <ul style="list-style-type: none"> <i>a. leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity</i> <i>b. grow jobs in the centre</i> <i>c. reduce the impact of vehicle movements on pedestrian and cyclist accessibility</i> <i>d. protect and enhance Willoughby Road's village character and retail/restaurant strip</i> <i>e. deliver new high quality open space, upgrade public areas, and establish collaborative place-making initiatives</i> <i>f. promote synergies between the Royal North Shore Hospital and other health and education-related activities, in partnership with NSW Health</i> <i>g. retain and manage the adjoining industrial zoned land for a range of urban services.</i> 	N/A	The vision and strategy outlining the future for St Leonards Crows Nest Planned Precinct has yet to be finalised by the DPIE. The outcomes of this State led process will be implemented as part of a future and separate amendment to NSLEP 2013.
<p>Planning Priority N10 <i>Growing investment, business opportunities and jobs in strategic centres.</i></p>		
<p>Objective 22 <i>Investment and business activity in centres.</i></p>	✓	

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 36 <i>Provide access to jobs, goods and services by:</i></p> <ul style="list-style-type: none"> <i>a. attracting significant investment and business activity in strategic centres providing jobs growth</i> <i>b. diversifying the range of activities in all centres</i> <i>c. creating vibrant, safe places and quality public realm</i> <i>d. focusing on a human-scale public realm and locally accessible open space</i> <i>e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network</i> <i>f. improving the walkability within and to the centre</i> <i>g. completing and improving a safe and connected cycling network to and within the centre.</i> <i>h. improving public transport services to all strategic centres</i> <i>i. conserving and interpreting heritage significance</i> <i>j. designing parking that can be adapted to future uses</i> <i>k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts</i> <i>l. creating the conditions for residential development within strategic centres and within walking distance (up to 10 mins), but not as the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.</i> 	✓	<p>The planning proposal maintains the extent of land zoned and used for business and industrial purposes.</p> <p>It is proposed to allow “veterinary hospitals” in <i>the B1 Neighbourhood Centre</i> zone to improve flexibility as to where these types of uses can occur.</p>
<p>Action 37 <i>Create new centres in accordance with the Principles for Greater Sydney’s centres.</i></p>	N/A	<p>The planning proposal does not seek to create any new centres within the LGA consistent with the outcomes of the Draft LSPS.</p>
<p>Action 38 <i>Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional retail floor space.</i></p>	✓	<p>The planning proposal does not reduce the permissibility of uses on sites which would prevent the growth of internationally competitive trade sectors or contribute to a healthy tourism and visitation agenda.</p>

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 39 <i>Encourage opportunities for new smart work hubs.</i>	✓	The planning proposal does not reduce the permissibility of uses on business zoned land within the LGA that would prevent the ability to create smart work hubs.
Action 40 <i>Review the current planning controls and create capacity to achieve the job targets for each of the District's strategic centres</i>	✓	<p>The Draft LSPS states that there is sufficient capacity under the existing planning controls to deliver the required number of jobs in its centres in the short to medium term.</p> <p>Additional capacity may be identified once various other planning studies are completed and can be incorporated into future amendments to the LEP.</p>
Planning Priority N11 <i>Retaining and managing industrial and urban services land.</i>	✓	<p>The planning proposal does not reduce the number of permissible uses within the <i>IN2 Light Industrial</i> or <i>IN4 Working Waterfront</i> zones.</p> <p>Whilst it is proposed to remove the <i>IN4</i> zoning from 74 McDougal Street, Kirribilli, the site is to be zoned <i>SP2 Infrastructure</i> to reflect the site's long term use as a sewage pumping station.</p>
Objective 23 <i>Industrial and urban services land is planned, retained and managed</i>		
Action 46 <i>Retain and manage industrial and urban services land, in line with the principles for managing industrial and urban services land, in the identified local government areas (refer to Figure 18) by safe-guarding all industrial zoned land from conversion to residential development, including conversion to mixed-use zonings. In updating local environmental plans, councils are to conduct a strategic review of industrial lands.</i>		
Action 47 <i>Review and manage industrial and urban services land, in line with the principles for managing industrial and urban services land, in the identified local government areas (refer to Figure 18) by undertaking a review of all industrial land to confirm their retention or transition to higher order uses (such as business parks) and prepare appropriate controls to maximise business and employment outcomes, considering the changing nature of industries in the area.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 48 <i>Manage the interfaces of industrial areas by:</i> <u>Land use activities</u></p> <ul style="list-style-type: none"> a. <i>providing buffer areas to nearby activities, such as residential uses, that are sensitive to emissions from 24-hour freight functions</i> b. <i>retaining industrial lands for intermodal and logistics uses from the encroachment of commercial, residential and other non-compatible uses which would adversely affect industry viability to facilitate ongoing operation and long-term growth.</i> c. <i>identifying and preserving land for future intermodal and rail infrastructure.</i> d. <i>accommodating advanced manufacturing where appropriate by zoning that reflects emerging development models.</i> <p><u>Transport operations</u></p> <ul style="list-style-type: none"> e. <i>providing the required commercial and passenger vehicle, and freight and passenger rail access.</i> 	✓	It is not proposed to alter the zoning of any land located directly adjacent to land zoned <i>IN2 Light Industrial</i> or <i>IN4 Working Waterfront</i> for more sensitive uses. Nor is it proposed to incorporate more sensitive uses with consent on land located adjacent to land zoned <i>IN2 Light Industrial</i> or <i>IN4 Working Waterfront</i> .
<p>Action 49 <i>Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights</i></p>		
<p>Planning Priority N12 <i>Delivering integrated land use and transport planning and a 30-minute city</i></p>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes, which will help to contribute to delivering accessible centres.
<p>Objective 14 <i>A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.</i></p>		
<p>Action 50 <i>Integrate land use and transport plans to deliver the 30-minute city.</i></p>		
<p>Action 51 <i>Investigate, plan and protect future transport and infrastructure corridors.</i></p>		
<p>Action 52 <i>Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.</i></p>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 53 <i>Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public values and use of Sydney Metro City & Southwest, as well as other city-shaping projects.</i>		
Planning Priority N13 <i>Supporting growth of targeted industry sectors.</i>	✓	The planning proposal does not reduce the permissibility of uses on sites which would prevent the growth of internationally competitive trade sectors or contribute to a healthy tourism and visitation agenda.
Objective 24 <i>Economic sectors are targeted for success.</i>		
Action 54 <i>Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers.</i>		
Action 55 <i>When preparing plans for tourism and visitation, consider:</i> <ul style="list-style-type: none"> a. <i>encouraging the development of a range of well-designed and located facilities.</i> b. <i>enhancing the amenity, vibrancy and safety of centres and township precincts</i> c. <i>supporting the development of places for artistic and cultural activities.</i> d. <i>improving public facilities and access</i> e. <i>protecting heritage and biodiversity to enhance cultural and eco-tourism</i> f. <i>supporting appropriate growth of the night-time economy</i> g. <i>developing industry skills critical to growing the visitor economy.</i> h. <i>incorporating transport planning to serve the transport access needs of tourists.</i> 		
Action 56 <i>Protect and support agricultural production and mineral resources (in particular, construction materials) by preventing inappropriately dispersed urban activities in rural areas.</i>		
Action 57 <i>Provide a regulatory environment that enables economic opportunities created by changing technologies.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 58 <i>Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions.</i>		
Action 59 <i>Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation.</i>		
Planning Priority N14 <i>Leveraging inter-regional transport connections</i>	✓	<p>It is not proposed to reduce the amount of land reserved or zoned for classified road purposes, which will help to maintain the existing level of regional freight services.</p> <p>There are a large number of strategic planning projects currently being prepared by both Council and DPIE, which relate to the delivery of the Sydney Metro. However, as these projects have yet to be completed it is not appropriate to amend the LEP planning controls at this point in time. This is to ensure that appropriate amendments are made with regard to a robust and transparent strategic planning process.</p> <p>There are a number of proposed regional road connections identified under the Metropolitan plan including the northern beaches link and western harbour tunnel. However, as the final scope of these projects has yet to be determined, it is not appropriate to amend the LEP provisions, until the full implications of these projects have been determined.</p> <p>These issues can be addressed in future amendments to the LEP at the appropriate time.</p>
Objective 16 <i>Freight and logistics network is competitive and efficient.</i>		
Objective 17 <i>Regional connectivity is enhanced</i>		
Action 60 <i>Optimise the efficiency and effectiveness of the freight handling and logistics network by:</i> <ul style="list-style-type: none"> <i>a. protecting current and future freight corridors and shared freight corridors</i> <i>b. balancing the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries.</i> <i>c. identifying and protecting key freight routes</i> <i>d. limiting incompatible uses in areas expected to have intense freight activity.</i> 		
Action 61 <i>Investigate and plan for the land use implications of potential long-term transport connections.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
SUSTAINABILITY		
Planning Priority N15 <i>Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways</i>	✓	<p>It is not proposed to increase the intensity of the use of land adjacent to and in the vicinity of Sydney Harbour and its waterways.</p> <p>It is not proposed to reduce the level of public access to the foreshores of Sydney Harbour and its tributaries.</p>
Objective 25 <i>The coast and waterways are protected and healthier</i>		
Action 62 <i>Protect environmentally sensitive areas of waterways and the coastal environment areas.</i>		
Action 63 <i>Enhance sustainability and liveability by improving and managing access to waterways, foreshores and the coast for recreation, tourism, cultural events and water-based transport.</i>		
Action 64 <i>Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.</i>		
Action 65 <i>Work towards reinstating more natural conditions in highly modified urban waterways</i>		
Planning Priority N16 <i>Protecting and enhancing bushland and biodiversity</i>	✓	<p>It is not proposed to amend the extent of land zoned <i>E2 Environmental Conservation</i>, which reflects the extent of the LGA's significant bushland and biodiversity areas. Nor is it</p>
Objective 27 <i>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 66 <i>Protect and enhance biodiversity by:</i> <i>a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</i> <i>b. managing urban bushland and remnant vegetation as green infrastructure</i> <i>c. managing urban development and urban bushland to reduce edge-effect impacts.</i>		proposed to increase the intensity of the use of land adjacent to and in the vicinity of these lands.
Planning Priority N17 <i>Protecting and enhancing scenic and cultural landscapes</i>	N/A	The North Sydney LGA does not contain any identified scenic or cultural landscapes.
Objective 28 <i>Scenic and cultural landscapes are protected</i>		
Action 67 <i>Identify and protect scenic and cultural landscapes.</i>		
Action 68 <i>Enhance and protect views of scenic and cultural landscapes from the public realm.</i>		
Planning Priority N18 <i>Better managing rural areas</i>	N/A	The North Sydney LGA does not contain any land zoned for rural purposes.
Objective 29 <i>Environmental, social and economic values in rural areas are protected and enhanced</i>		
Action 69 <i>Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.</i>		
Action 70 <i>Limit urban development to within the Urban Area.</i>		
Planning Priority N19 <i>Increasing urban tree canopy cover and delivering Green Grid connection.</i>	N/A	This planning priority, objectives and actions are more appropriately addressed through other Council policies and initiatives.
Objective 30 <i>Urban tree canopy cover is increased.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Objective 32 <i>The Green Grid links parks, open spaces, bushland and walking and cycling paths.</i>		
Action 71 <i>Expand urban tree canopy in the public realm.</i>		
Action 72 <i>Progressively refine the detailed design and delivery of:</i> <i>a. Greater Sydney Green Grid priority corridors</i> <i>b. opportunities for connections that form the long-term vision of the network</i> <i>c. walking and cycling links for transport as well as leisure and recreational trips.</i>		
Planning Priority N20 <i>Delivering high quality open space</i>	✓	The planning proposal does not seek to reduce the existing level of land zoned for public recreation or environmental conservation. Further, it is proposed to provide future protection to two areas of road reserves which provide a level of passive recreation and the opportunity to minimise the urban heat island effect.
Objective 31 <i>Public open space is accessible, protected and enhanced.</i>		
Action 73 <i>Maximise the use of existing open space and protect, enhance and expand public open space by:</i> <i>a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow</i> <i>b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space</i> <i>c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved</i> <i>d. planning new neighbourhoods with a sufficient quantity and quality of new open space</i> <i>e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses</i> <i>f. delivering, or complementing the Greater Sydney Green Grid</i> <i>g. providing walking and cycling links for transport as well as leisure and recreational trips.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Planning Priority N21 <i>Reducing carbon emissions and managing energy, water and waste efficiently</i>	✓	
Objective 33 <i>A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.</i>	N/A	This objective is more appropriately addressed through other Council policies and initiatives
Objective 34 <i>Energy and water flows are captured, used and re-used.</i>	N/A	This objective is more appropriately addressed through other Council policies and initiatives
Objective 35 <i>More waste is re-used and recycled to support the development of a circular economy</i>	N/A	This objective is more appropriately addressed through other Council policies and initiatives
Action 74 <i>Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050, especially through the establishment of low-carbon precincts in Planned Precincts, State Significant Precincts, Urban Transformation projects, Growth Areas and Collaboration Areas.</i>	N/A	This objective is more appropriately addressed through other Council policies and initiatives
Action 75 <i>Support precinct-based initiatives to increase renewable energy generation, and energy and water efficiency, especially in Planned Precincts, Growth Areas, Collaboration Areas and State Significant Precincts, and Urban Transformation projects.</i>	N/A	This objective is more appropriately addressed through other Council policies and initiatives
Action 76 <i>Protect existing, and identify new, locations for waste recycling and management.</i>	✓	The planning proposal will not reduce the amount of land upon which waste recycling and management facilities could be accommodated.
Action 77 <i>Support innovative solutions to reduce the volume of waste and reduce waste transport requirements.</i>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Action 78 <i>Encourage the preparation of low-carbon, high efficiency strategies to reduce emissions, optimise the use of water, reduce waste and optimise car parking provision where an increase in total floor area greater than 100,000 square metres is proposed in any contiguous area of 10 or more hectares.</i>	N/A	It is not proposed to amend the planning controls that would enable an additional 100,000sqm of floorspace to be accommodated within the LGA.
Action 79 <i>Investigate potential regulatory mechanisms such as a Protection of the Environment Policy (PEP) that sets low-carbon, high efficiency targets to be met through increased energy efficiency, water recycling and waste avoidance, reduction or re-use. This could include a framework for the monitoring and verification of performance for precincts in Growth Areas, Planned Precincts, Collaboration Areas, urban renewal precincts and housing growth areas that are planned to have an increase in total floor area greater than 100,000 square metres.</i>	N/A	This is the responsibility of the EPA.
Planning Priority N22 <i>Adapting to the impacts of urban and natural hazards and climate change</i>	✓	<p>The planning proposal does not seek to intensify the use of any land in areas comprising or adjacent to known hazards such as bushfire or sea level rise.</p> <p>The LEP may be amended in the future with regard to the completion and implementation of Council's Flood Study and Coastal Management Plan being prepared by the Sydney Coastal Council Group.</p>
Objective 36 <i>People and places adapt to climate change and future shocks and stresses</i>		
Objective 37 <i>Exposure to natural and urban hazards is reduced</i>		
Objective 38 <i>Heatwaves and extreme heat are managed</i>		
Action 80 <i>Support initiatives that respond to the impacts of climate change.</i>		
Action 81 <i>Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.</i>		
Action 82 <i>Mitigate the urban heat island effect and reduce vulnerability to extreme heat.</i>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
IMPLEMENTATION		
Planning Priority N23 <i>Preparing local strategic planning statements informed by local strategic planning</i>	✓	This Planning Proposal has been prepared in order to satisfy this Action. It is informed by the Objectives Strategies and Actions of the Metro Plan, the Planning Priorities, Objectives and Actions of the North District Plan and recommendations of Council's Local Strategic Planning Statement and Local Housing Strategy.
Objective 39 <i>A collaborative approach to city planning</i>		
Action 83 <i>The Greater Sydney Commission will require a local environmental plan review to include:</i> <ul style="list-style-type: none"> <i>a. an assessment of the local environment plan against the district plan Planning Priorities and Actions</i> <i>b. local context analysis</i> <i>c. an overview and program for the local strategic planning required to inform the preparation of a local strategic planning statement that will inform updates to the local environmental plan</i> 		
Planning Priority N24 <i>Monitoring and reporting on the delivery of the Plan</i>	N/A	This Planning Priority, Objective and Action are more appropriately addressed through other Council policies and initiatives.
Objective 40 <i>Plans are refined by monitoring and reporting</i>	N/A	
Action 84 <i>Develop performance indicators in consultation with state agencies and councils that ensure the 10 Directions to inform inter-agency, State and local government decision-making</i>	N/A	

ANNEXURE G

- Consistency with “*North Sydney Community Strategic Plan*”

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN			
Relevant Planning Priorities, Objectives & Actions		Consistency	Comment
DIRECTION 1: OUR LIVING ENVIRONMENT			
Outcome 1.1	Protected and enhanced natural environment and biodiversity		
Strategy 1.1.1	Rehabilitate bushland areas	✓	It is not proposed to reduce the amount of land zoned <i>E2 Environmental Conservation</i> .
Strategy 1.1.2	Implement community education programs regarding protection and enhancement of the natural environment	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 1.1.3	Encourage healthy local waterways	✓	Zoning interfaces have been maintained in the vicinity of the foreshores to the LGA to ensure that there is no intensification of development that could contribute to the degradation of local waterways.
Outcome 1.2	North Sydney is sustainable and resilient		
Strategy 1.2.1	Promote sustainable energy, water and waste practices	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 1.2.2	Conserve energy, water and natural resources, and minimise waste		
Strategy 1.2.3	Facilitate and demonstrate stewardship through environmental sustainability programs		
Strategy 1.2.4	Prepare for and adapt to the impacts of natural hazards and climate change	N/A	This Strategy will be addressed in the future with regard to the completion and implementation of Council's Flood Study and Coastal Management Plan being prepared by the Sydney Coastal Council Group.
Outcome 1.3	Quality urban greenspaces		
Strategy 1.3.1	Expand urban tree canopy cover	N/A	This strategy is more appropriately addressed through other Council policies and initiatives. In particular, NSDCP 2013 will be amended in the near future to address the recommendations of Council's Urban Tree Policy.
Strategy 1.3.2	Encourage community gardening and rooftop and hard surface greening, incorporating native vegetation planting where possible	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 1.3.3	Advocate for powerline undergrounding to assist with greening initiatives	N/A	This strategy is more appropriately addressed through other Council policies and initiatives. NSDCP 2013 already

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
		contains provisions promoting the undergrounding of powerlines.
Outcome 1.4 <i>Public open space and recreational facilities and services meet community needs</i>		
<i>Strategy 1.4.1</i> <i>Maximise use of existing, and protect, enhance and expand public open space</i>	✓	The planning proposal does not result in a reduction of land zoned <i>E2 Environmental Conservation</i> . Whilst it is proposed to marginally reduce the extent of land zoned <i>RE1 Public Recreation</i> over some land, there will be net increase in land zoned <i>RE1 Public Recreation</i> with the inclusion of new areas within existing road reserves. Where it is proposed to reduce the extent of land zoned <i>RE1 Public Recreation</i> , this is primarily to correct existing anomalies, where such land should never have been zoned for such purposes (e.g. existing and private land never identified for acquisition for public recreational purposes).
<i>Strategy 1.4.2</i> <i>Create a waterfront with integrated green public spaces and enhanced foreshore access</i>	✓	The planning proposal does not result in a reduction of land zoned for recreation or environmental conservation directly adjacent to the foreshores of the LGA.
<i>Strategy 1.4.3</i> <i>Provide infrastructure to support physical activity</i>	N/A	The planning proposal does not result in significant increases in density that would require increased public infrastructure provision. This strategy is more appropriately addressed through other Council policies and initiatives.
<i>Strategy 1.4.4</i> <i>Attract major sporting events to North Sydney Oval</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
<i>Strategy 1.4.5</i> <i>Advocate for the Sydney Harbour High Line</i>		
<i>Strategy 1.4.6</i> <i>Explore green public space over Warringah Freeway</i>		
DIRECTION 2: OUR BUILT ENVIRONMENT		
Outcome 2.1 <i>Infrastructure and assets meet community needs</i>		
<i>Strategy 2.1.1</i> <i>Expand and adapt existing infrastructure to meet future needs</i>	✓	The planning proposal does not seek to reduce the number of permissible social infrastructure uses within any of the zones.
<i>Strategy 2.1.2</i> <i>Advocate for improved state infrastructure and adequate funding for maintenance and improvement of community assets</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
<i>Strategy 2.1.3</i> <i>Plan for large scale emergencies</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<i>Strategy 2.1.4 Manage flood risk</i>	N/A	Council has yet to finalise its Flood Study, which will identify the relevant mitigation measures to ensure the safety and wellbeing of residents and occupiers. These issues will be addressed in a future amendment to the LEP and DCP.
<i>Strategy 2.1.5 Expand access to education facilities outside of school hours</i>	✓	In addition to the provisions under the Education Facilities and Child Care SEPP and Infrastructure SEPP, the existing provisions under the LEP provides sufficient flexibility to allow such activities to occur.
<i>Strategy 2.1.6 Redevelop the North Sydney Olympic Pool complex</i>	✓	The planning proposal seeks to amend the planning controls as they apply to the North Sydney Olympic Pool to provide increased flexibility as to its overall use as part of its future redevelopment as endorsed by Council on 25 March 2019.
Outcome 2.2 Vibrant centres, public domain, villages and streetscapes		
<i>Strategy 2.2.1 Enhance public domains and village streetscapes through planning and activation, celebrating their unique character</i>	✓	The planning proposal seeks to maintain existing protection measures to the public domain.
<i>Strategy 2.2.2 Improve lighting and surveillance of villages to reduce vandalism and graffiti</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Outcome 2.3 Sustainable transport is encouraged		
<i>Strategy 2.3.1 Facilitate, advocate and provide opportunities for improved public transport use, alternative modes of transport and end of trip facilities</i>	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.
<i>Strategy 2.3.2 Ensure continual improvement and integration of major transport infrastructure through long term planning</i>		
<i>Strategy 2.3.3 Incentivise use of public transport and lower impact vehicles</i>		
<i>Strategy 2.3.4 Advocate for recharge facilities for electric vehicles at public facilities and car parks</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
<i>Strategy 2.3.5 Improve safety for pedestrians, motorists and bus and bike riders</i>		
<i>Strategy 2.3.6 Examine new forms of travel, including driverless cars</i>		
Outcome 2.4 Improved traffic and parking management		
<i>Strategy 2.4.1 Plan, design, investigate and manage traffic to minimise its adverse impacts on people, car commuters and through traffic</i>	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN			
Relevant Planning Priorities, Objectives & Actions		Consistency	Comment
Strategy 2.4.2	Secure additional grant funding for new and upgrade of traffic facilities, pedestrian and cycling facilities		
Strategy 2.4.3	Provide integrated and efficient on-street and off-street parking options in residential and commercial areas		
DIRECTION 3: OUR FUTURE PLANNING			
Outcome 3.1	Prosperous and vibrant economy		
Strategy 3.1.1	Encourage a diverse mix of business size and type	✓	The planning proposal maintains the extent of land zoned and used for business and industrial purposes. It is proposed to allow “veterinary hospitals” in the B1 Neighbourhood Centre zone to improve flexibility as to where these types of uses can occur.
Strategy 3.1.2	Support existing business and attract and foster new businesses		
Strategy 3.1.3	Enhance relationships with Chambers of Commerce and peak bodies representing local businesses	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 3.1.4	Promote and enhance the night time/after hours and weekend offer	✓	The planning proposal does not reduce the number of uses permissible that would contribute to a night time or after hours character.
Strategy 3.1.5	Foster and support tourism activity in North Sydney	✓	The planning proposal does not reduce the existing level of permissibility of tourist related accommodation or activities.
Strategy 3.1.6	Balance visitor impacts with residents’ lifestyles and economic development		
Outcome 3.2	North Sydney CBD is one of NSW’s pre-eminent commercial centres		
Strategy 3.2.1	Plan for North Sydney to continue to be one of NSW’s pre-eminent commercial centres	✓	The planning proposal does not seek to reduce the development potential of any of site within the North Sydney Centre.
Strategy 3.2.2	Strengthen the North Sydney CBD’s competitiveness and identify, differentiating it from other centres	✓	The planning proposal retains the existing prohibition of residential development in the B3 Commercial Core zone and does not seek to reduce the extent of land zoned B3 Commercial Core.
Strategy 3.2.3	Provide a level of amenity in the North Sydney CBD commensurate with a vibrant and active CBD	✓	The planning proposal does not seek to alter the development potential of any of site within the North Sydney Centre, which would result in a reduction of amenity.

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Outcome 3.3 <i>North Sydney is smart and innovative</i>		
Strategy 3.3.1 <i>Develop North Sydney as a knowledge centre in Australia</i>	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 3.3.2 <i>Attract and support start-up businesses</i>		
Strategy 3.3.3 <i>Promote the uptake of broadband, Wi-Fi and digital technologies</i>		
Strategy 3.3.4 <i>Identify and develop innovations that will establish a competitive advantage for North Sydney</i>		
Strategy 3.3.5 <i>Celebrate and promote innovation</i>		
Outcome 3.4 <i>North Sydney is distinctive with a sense of place and quality design</i>		
Strategy 3.4.1 <i>Maintain contemporary statutory and strategic planning instruments</i>	✓	The Planning Proposal incorporates amendments consistent with its Draft LSPS and Draft LHS (endorsed for public exhibition on 24 June 2019), and will inform the future strategic direction for the LGA. In addition, the planning proposal incorporates a number of housekeeping amendments which will improve the clarity and usability of the LEP through correction of obvious errors, removal of redundant clauses and controls duplicated under other planning instruments or legislation.
Strategy 3.4.2 <i>Strengthen community participation in land use planning</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives. If granted Gateway Determination, the public will be given the opportunity to comment on the proposed changes before they are implemented.
Strategy 3.4.3 <i>Manage the impact of North Sydney's mandated growth including within the St Leonards Priority Precinct</i>	✓	The planning proposal is consistent with the Draft LSPS and Draft LHS which outline how growth is to be managed over the next 20 years.
Strategy 3.4.4 <i>Improve the urban design, amenity and quality of North Sydney's public domain including laneways</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 3.4.5 <i>Use a place-based planning approach to achieve design excellence and management of places as they change</i>	✓	The planning proposal is consistent with Council's Draft LSPS and Draft LHS (refer to Section 5.4.1 to the main report).

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Strategy 3.4.6 <i>Protect and promote North Sydney's built heritage including significant architecture, objects, places and landscapes</i>	✓	The planning proposal seeks to correct a number of errors with respect to the identification of heritage items, conservation areas and to include two new items as previously identified by Council.
Strategy 3.4.7 <i>Advocate for affordable housing</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives, which may include a future amendment to the LEP as outlined in the Draft LHS.
Outcome 3.5 North Sydney is regulatory compliant		
Strategy 3.5.1 <i>Promote environmental/building compliance and public health</i>	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 3.5.2 <i>Promote responsible companion animal ownership</i>		
Strategy 3.5.3 <i>Manage parking compliance to ensure turn over and availability</i>		
DIRECTION 4: OUR SOCIAL VITALITY		
Outcome 4.1 North Sydney is connected, inclusive, healthy and safe		
Strategy 4.1.1 <i>Increase mobility and accessibility throughout North Sydney</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 4.1.2 <i>Provide services, facilities and information to meet the needs of North Sydney's diverse communities (including children, young people, older people, residents and workers)</i>		
Strategy 4.1.3 <i>Improve access to early childhood care facilities</i>	✓	The planning proposal does not alter the permissibility of child care facilities throughout the LGA.
Strategy 4.1.4 <i>Enable the provision of aged care support facilities</i>	✓	The planning proposal does not alter the permissibility of respite day care centres or seniors living throughout the LGA.
Strategy 4.1.5 <i>Provide support and funding to not-for-profit community groups and charities</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 4.1.6 <i>Celebrate diversity within the community</i>		
Strategy 4.1.7 <i>Promote anti-discrimination and provide 'safe spaces' and inclusive programs for sex or gender diverse people</i>		
Strategy 4.1.8 <i>Provide programs, information and infrastructure to support mental health and alcohol and other drugs services</i>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
Strategy 4.1.9 Plan for future social infrastructure and health services to support healthy communities	✓	The planning proposal does not alter the permissibility of social infrastructure or health service facilities throughout the LGA.
Strategy 4.1.10 Promote physical activity, healthy eating and preventative health care	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 4.1.11 Improve the safety of North Sydney's public environment		
Outcome 4.2 North Sydney is creative and home to popular events		
Strategy 4.2.1 Promote support and celebrate creative arts in North Sydney through facilities, spaces and programs	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 4.2.2 Promote and support a diverse range of events and street life across North Sydney through the staging of major events, festivals, markets and fairs		
Outcome 4.3 North Sydney supports lifelong learning		
Strategy 4.3.1 Plan for education to meet North Sydney's growing needs	✓	The planning proposal does not alter the permissibility of educational facilities throughout the LGA.
Strategy 4.3.2 Work with the education sector and Council's library to enhance access to learning and development opportunities	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 4.3.3 Support the development of spaces for lifelong learning		
Strategy 4.3.4 Promote diversity of education choices available in North Sydney	✓	The planning proposal does not alter the permissibility of educational facilities throughout the LGA.
Strategy 4.3.5 Promote volunteering and community involvement and draw on community skills and expertise	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Outcome 4.4 North Sydney's history is preserved and recognised		
Strategy 4.4.1 Recognise, celebrate and promote North Sydney's history and heritage	✓	The planning proposal seeks to correct a number of errors with respect to the identification of heritage items, conservation areas and to include two new items as previously identified by Council.
Strategy 4.4.2 Protect and maintain sacred and historical sites, items and records		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN			
Relevant Planning Priorities, Objectives & Actions		Consistency	Comment
DIRECTION 5: OUR CIVIC LEADERSHIP			
Outcome 5.1	Council leads the strategic direction of North Sydney		
Strategy 5.1.1	Create effective working relationships between local, state and federal governments	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 5.1.2	Plan well for the future	✓	The planning proposal has been prepared with regard to the desired outcomes of the Draft LSPS and Draft LHS. Furthermore, the proposed amendments will ensure NSLEP 2013 remains clear, transparent and more contemporary.
Strategy 5.1.3	Lead public debate on the future of local government in NSW	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 5.1.4	Manage financial resources effectively to achieve community outcomes		
Strategy 5.1.5	Explore new funding sources and revenue streams		
Outcome 5.2	Council is well governed and customer focused		
Strategy 5.2.1	Provide accountable, transparent and accessible and participatory decision making	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 5.2.2	Ensure councillors meet their obligations and roles as community representatives		
Strategy 5.2.3	Implement best practice governance		
Strategy 5.2.4	Implement best practice customer service		
Outcome 5.3	Community is informed and consulted		
Strategy 5.3.1	Increase promotion of Council activities and achievements	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 5.3.2	Enhance existing communication methods		
Strategy 5.3.3	Provide community engagement opportunities		
Strategy 5.3.4	Support the North Sydney Community Precinct System		
Outcome 5.4	Council's service delivery is well supported		
Strategy 5.4.1	Enhance and secure Council's technology, telecommunications and information assets	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
Strategy 5.4.2	Preserve and provide access to Council records		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH COMMUNITY STRATEGIC PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<i>Strategy 5.4.3 Implement best practice risk management</i>		
<i>Strategy 5.4.4 Provide Council with the highest quality legal advice and representation</i>		
<i>Strategy 5.4.5 Implement best practice procurement and contract management</i>		
Outcome 5.5 Council is an employer of choice		
<i>Strategy 5.5.1 Attract, develop and retain highly skilled staff and provide a safe work environment</i>	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
<i>Strategy 5.5.2 Implement best practice human resource policies and strategies</i>		



North Sydney Local
Environmental
Plan 2013

Land Application Map
- Sheet LAP_001

LEP Land Application

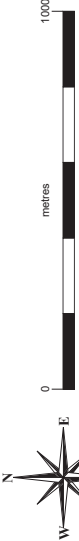
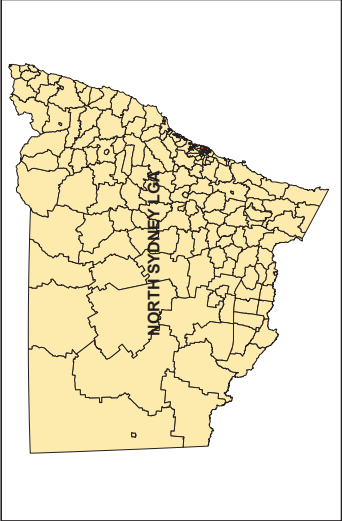


Included

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Projection GDA 1984
MGA Zone 56

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North Sydney Local
Environmental
Plan 2013

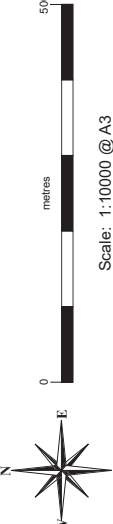
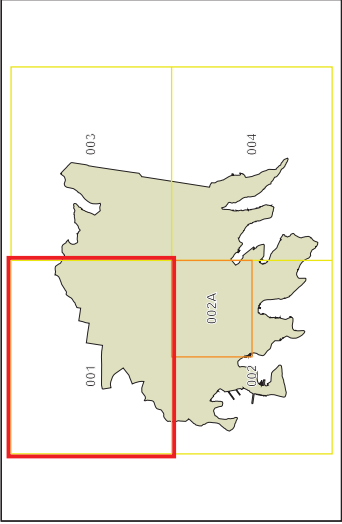
Land Zoning Map
- Sheet LZN_001

Zone

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- E4 Environmental Living
- IN2 Light Industrial
- IN4 Working Waterfront
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SPI Special Activities
- SP2 Infrastructure
- UL Unzoned Land

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Scale: 1:10000 @ A3

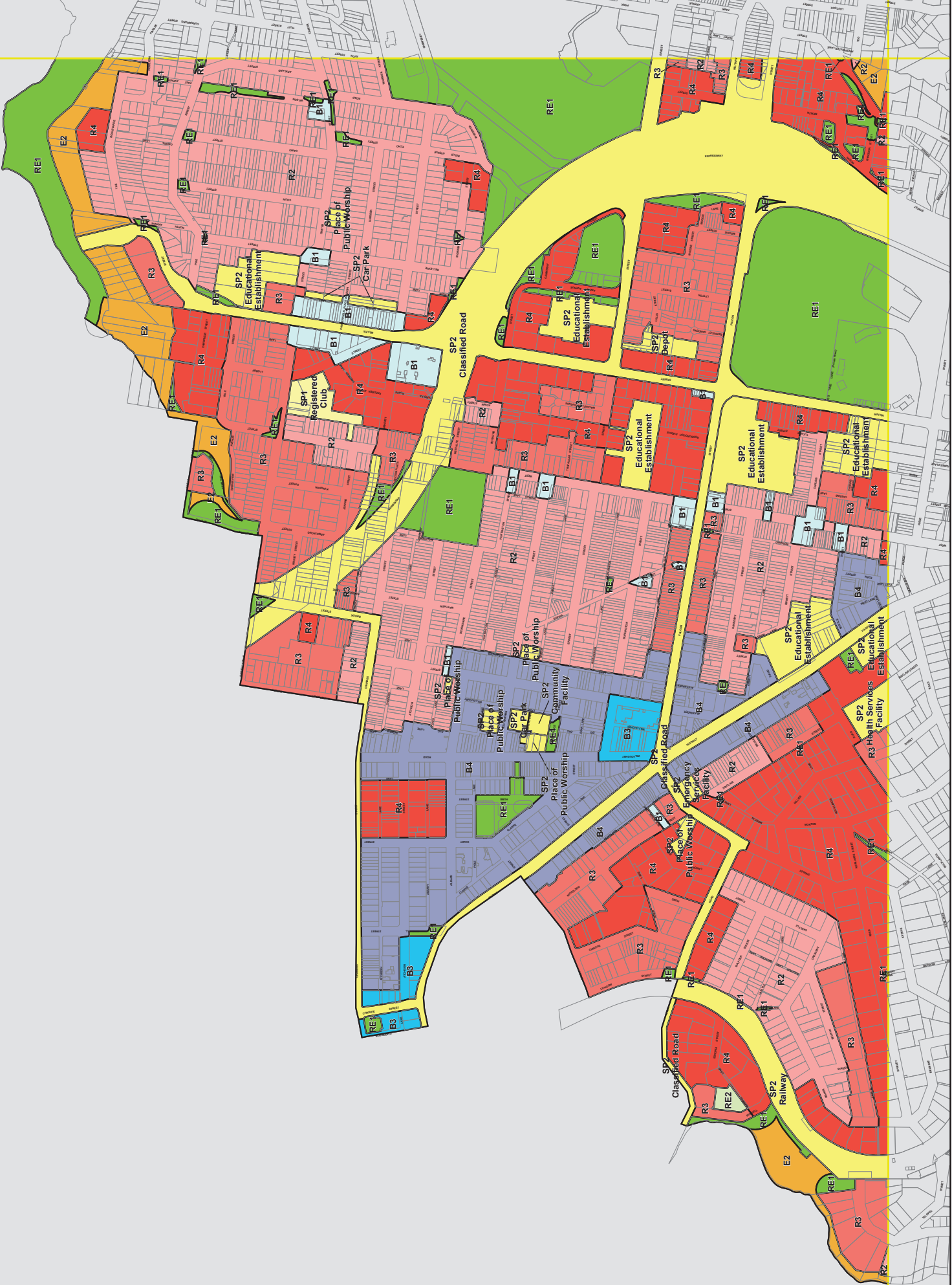
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MGA Zone 56

Map identification number: 5960_COM_LZN_001_010_20191015

WILLOUGHBY
LGA

LANE COVE
LGA





North Sydney Local
Environmental
Plan 2013

Land Zoning Map
- Sheet LZN_002

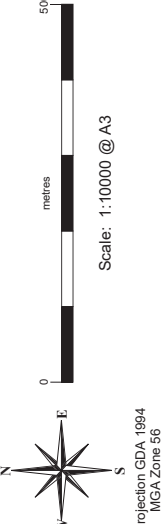
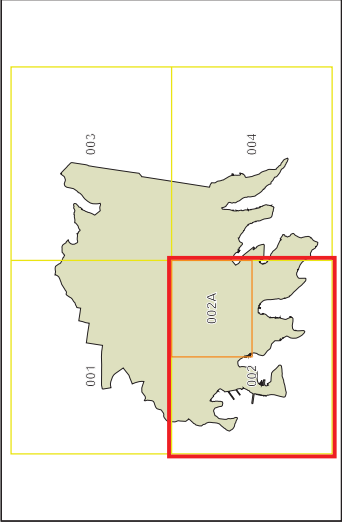
Zone

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- E4 Environmental Living
- IN2 Light Industrial
- IN4 Working Waterfront
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- UL Unzoned Land

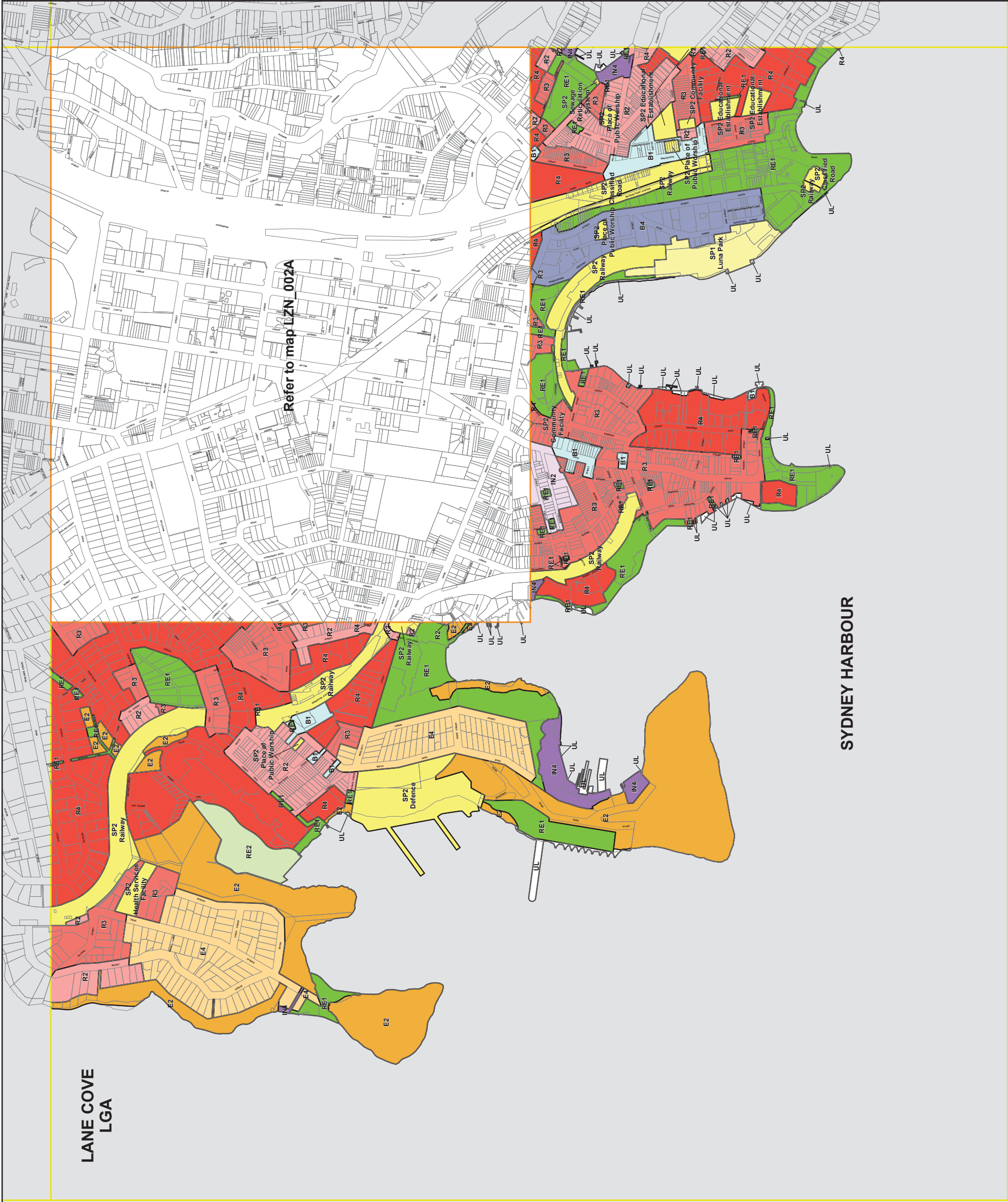
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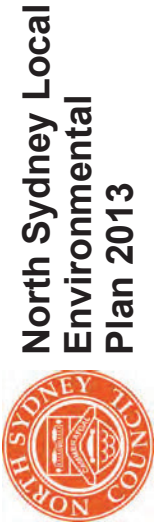
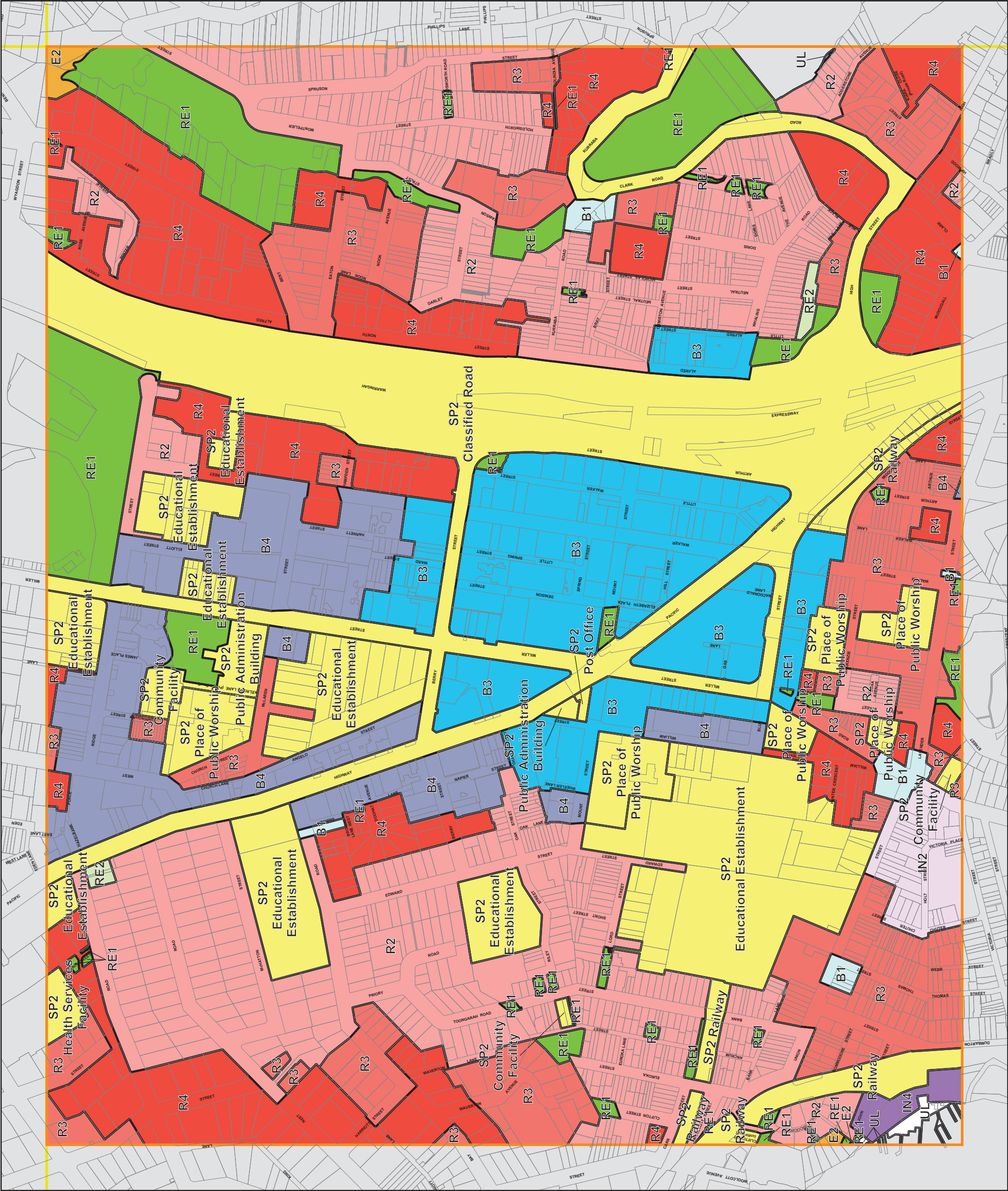


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Refer to map LZN_002A

SYDNEY HARBOUR



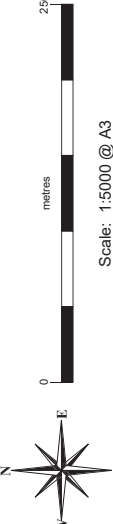
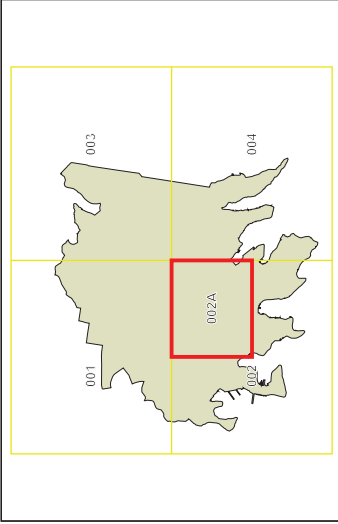
North Sydney Local
Environmental
Plan 2013

Land Zoning Map
- Sheet LZN_002A

Zone		
B1	Neighbourhood Centre	
B3	Commercial Core	
B4	Mixed Use	
E2	Environmental Conservation	
E4	Environmental Living	
IN2	Light Industrial	
IN4	Working Waterfront	
R2	Low Density Residential	
R3	Medium Density Residential	
R4	High Density Residential	
RE1	Public Recreation	
RE2	Private Recreation	
SP1	Special Activities	
SP2	Infrastructure	
UL	Unzoned Land	

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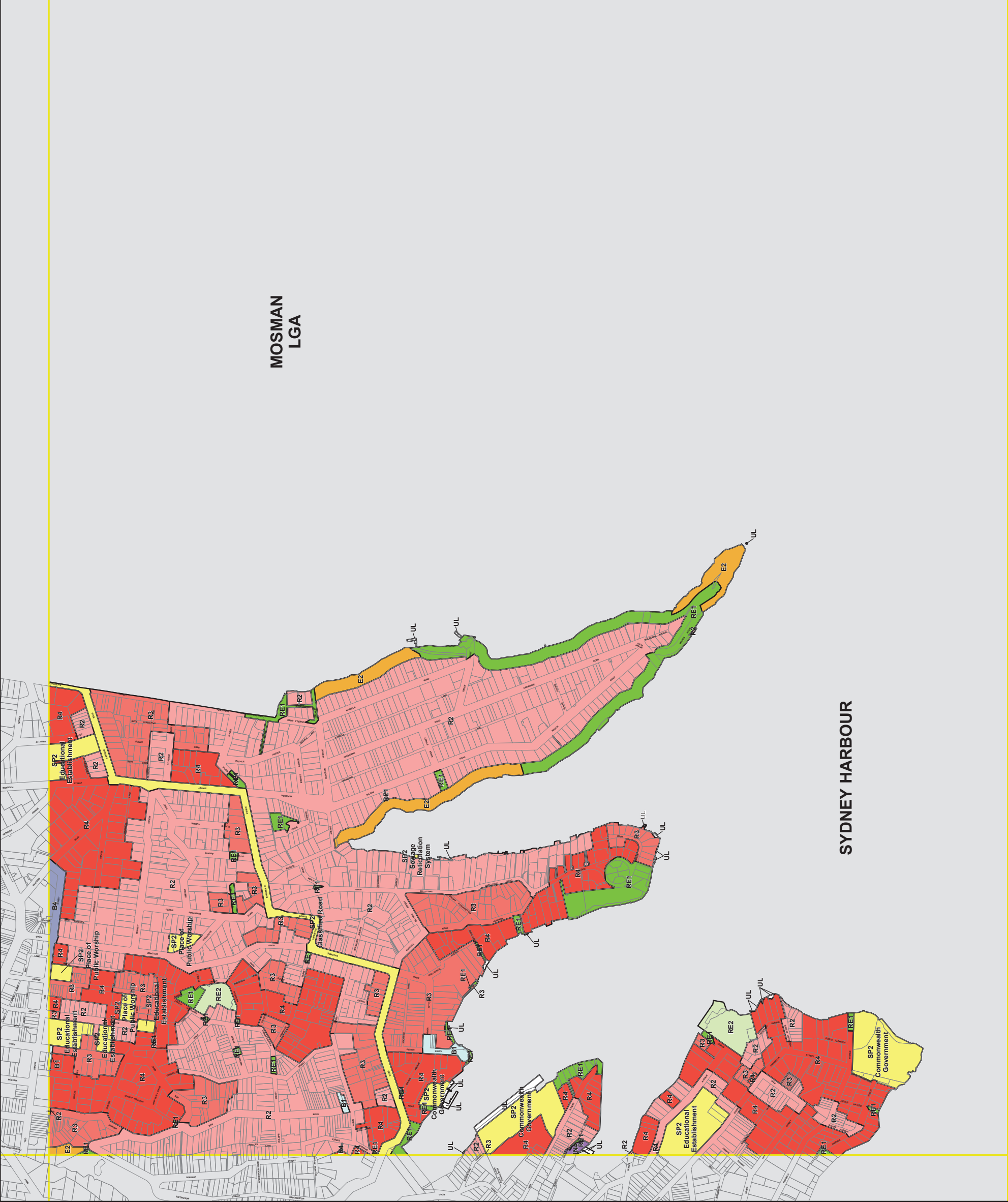
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Projection GDA 1984
MGA Zone 56

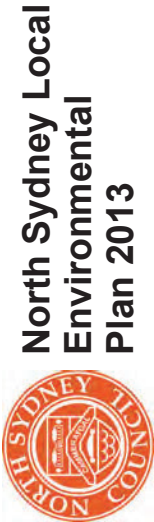
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MOSMAN
LGA

SYDNEY HARBOUR

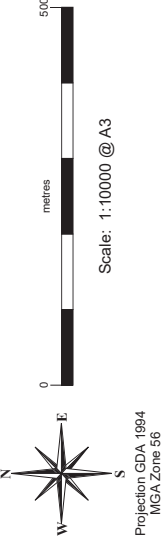
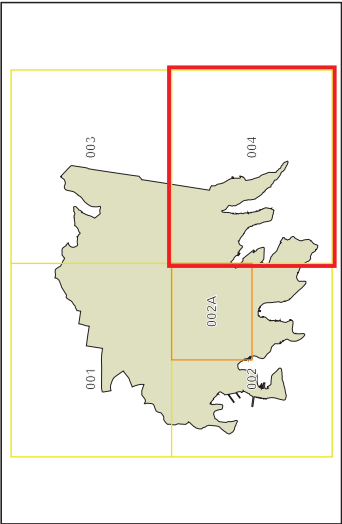


Land Zoning Map
- Sheet LZN_004

- Zone**
- B1 Neighbourhood Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - E2 Environmental Conservation
 - E4 Environmental Living
 - IN2 Light Industrial
 - IN4 Working Waterfront
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R4 High Density Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - SP1 Special Activities
 - SP2 Infrastructure
 - UL Unzoned Land

Cadastre

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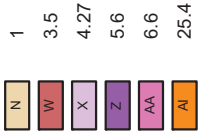
Map identification number:
5960_COM_LZN_004_010_20191015



North Sydney Local
Environmental
Plan 2013

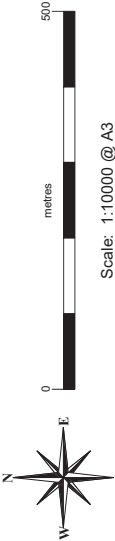
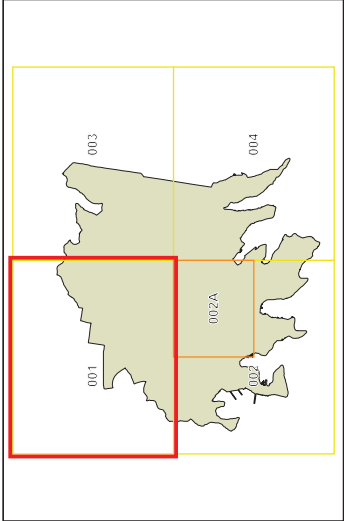
Floor Space Ratio Map
- Sheet FSR_001

Maximum Floor Space Ratio (n:1)



Cadastre

Cadastre 15/10/19 © North Sydney Council

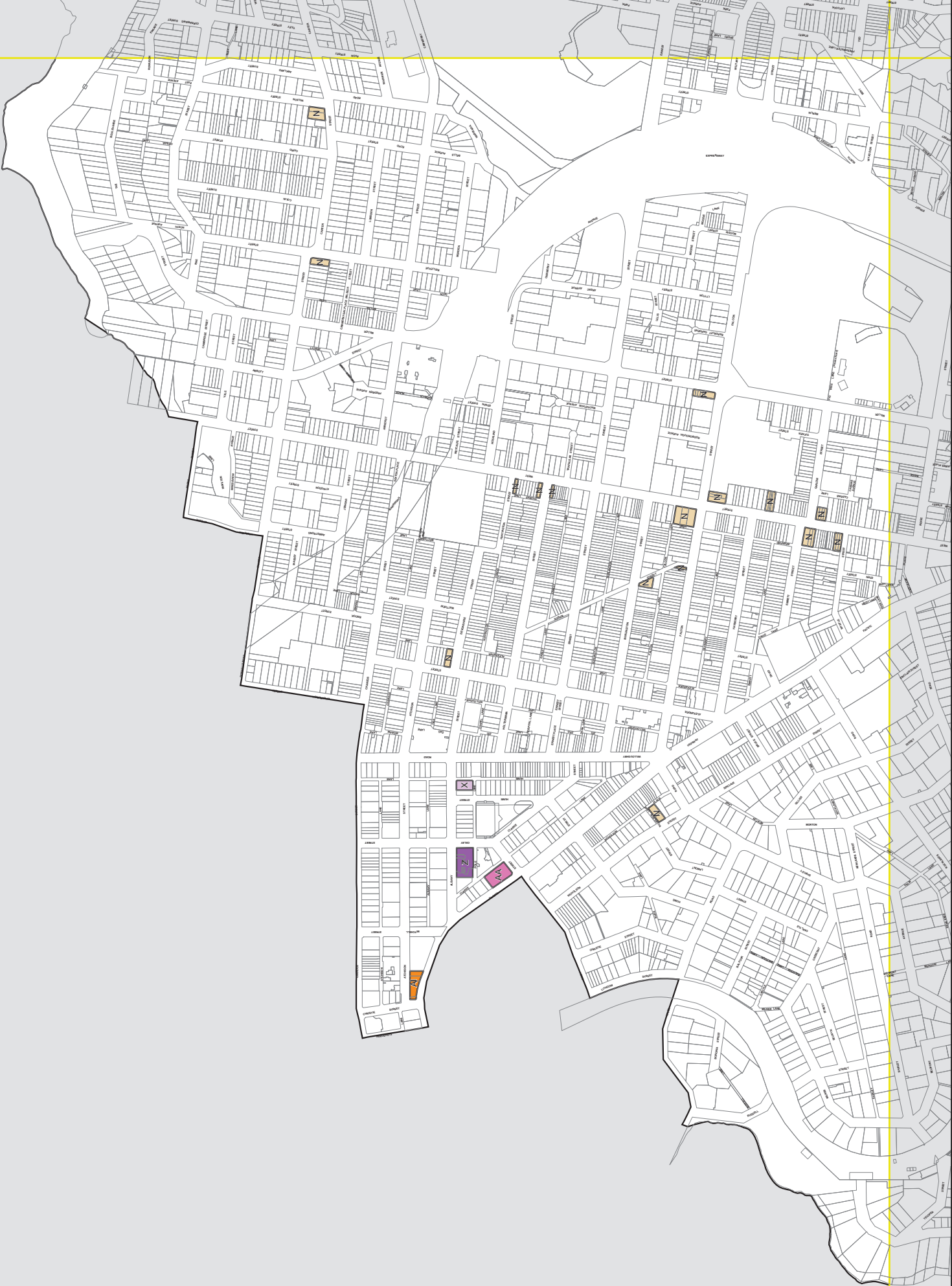


Projection GDA 1984
MGA Zone 56

Map identification number:
5950_COM_FSR_001_010_20191015

WILLOUGHBY
LGA

LANE COVE
LGA

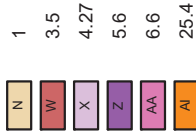




North Sydney Local
Environmental
Plan 2013

Floor Space Ratio Map
- Sheet FSR_002

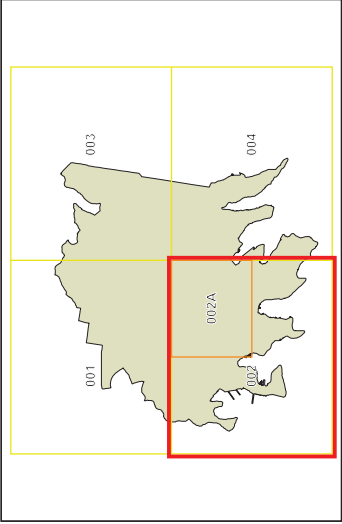
Maximum Floor Space Ratio (n:1)



Cadastral



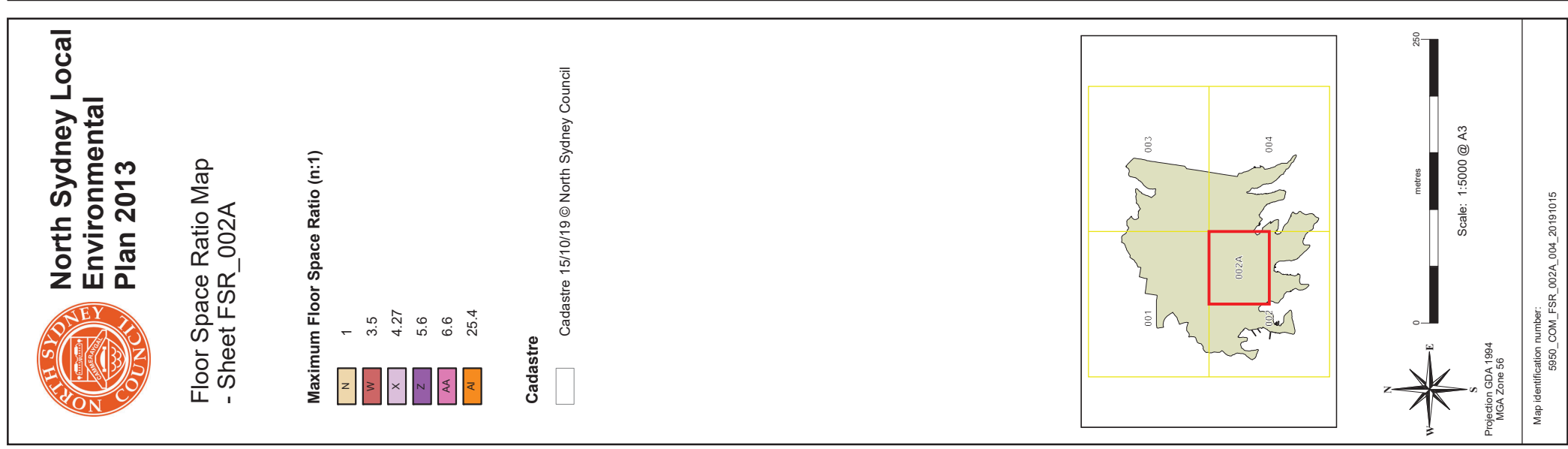
Cadastral 15/10/19 © North Sydney Council



Scale: 1:10000 @ A3

Projection GDA 1984
MGA Zone 56

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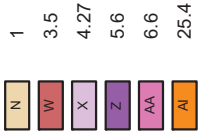




North Sydney Local
Environmental
Plan 2013

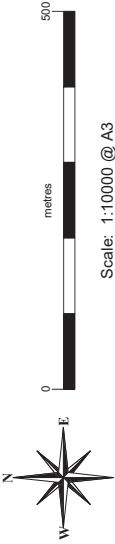
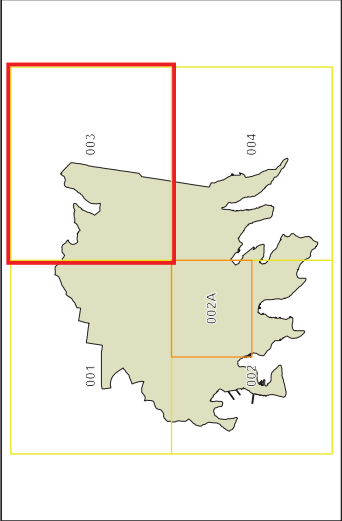
Floor Space Ratio Map
- Sheet FSR_003

Maximum Floor Space Ratio (n:1)



Cadastre

Cadastre 15/10/19 © North Sydney Council



Projection GDA 1984
MGA Zone 56

Map identification number:
5950_COM_FSR_003_010_20191015

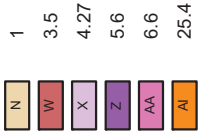
WILLOUGHBY
LGA

MOSMAN
LGA



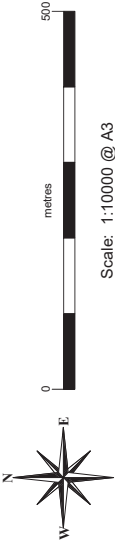
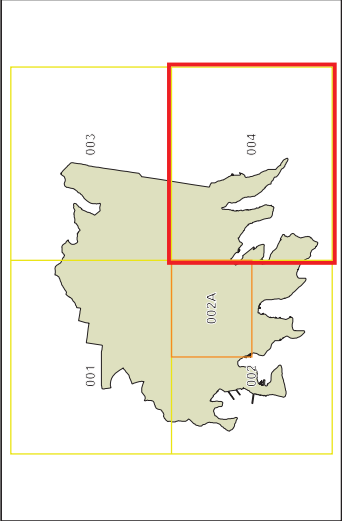
Floor Space Ratio Map
- Sheet FSR_004

Maximum Floor Space Ratio (n:1)



Cadastre

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Projection GDA 1984
MGA Zone 56

Map identification number:
5950_COM_FSR_004_010_20191015



North Sydney Local
Environmental
Plan 2013

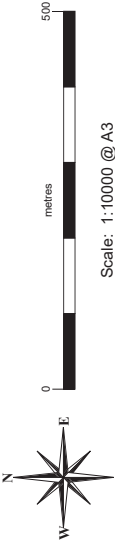
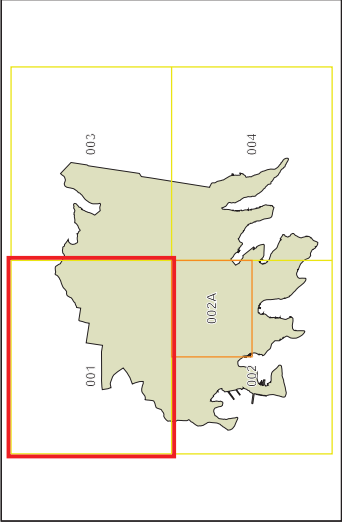
Heritage Map
- Sheet HER_001

Heritage

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

Cadastre

Cadastre 15/10/19 © North Sydney Council

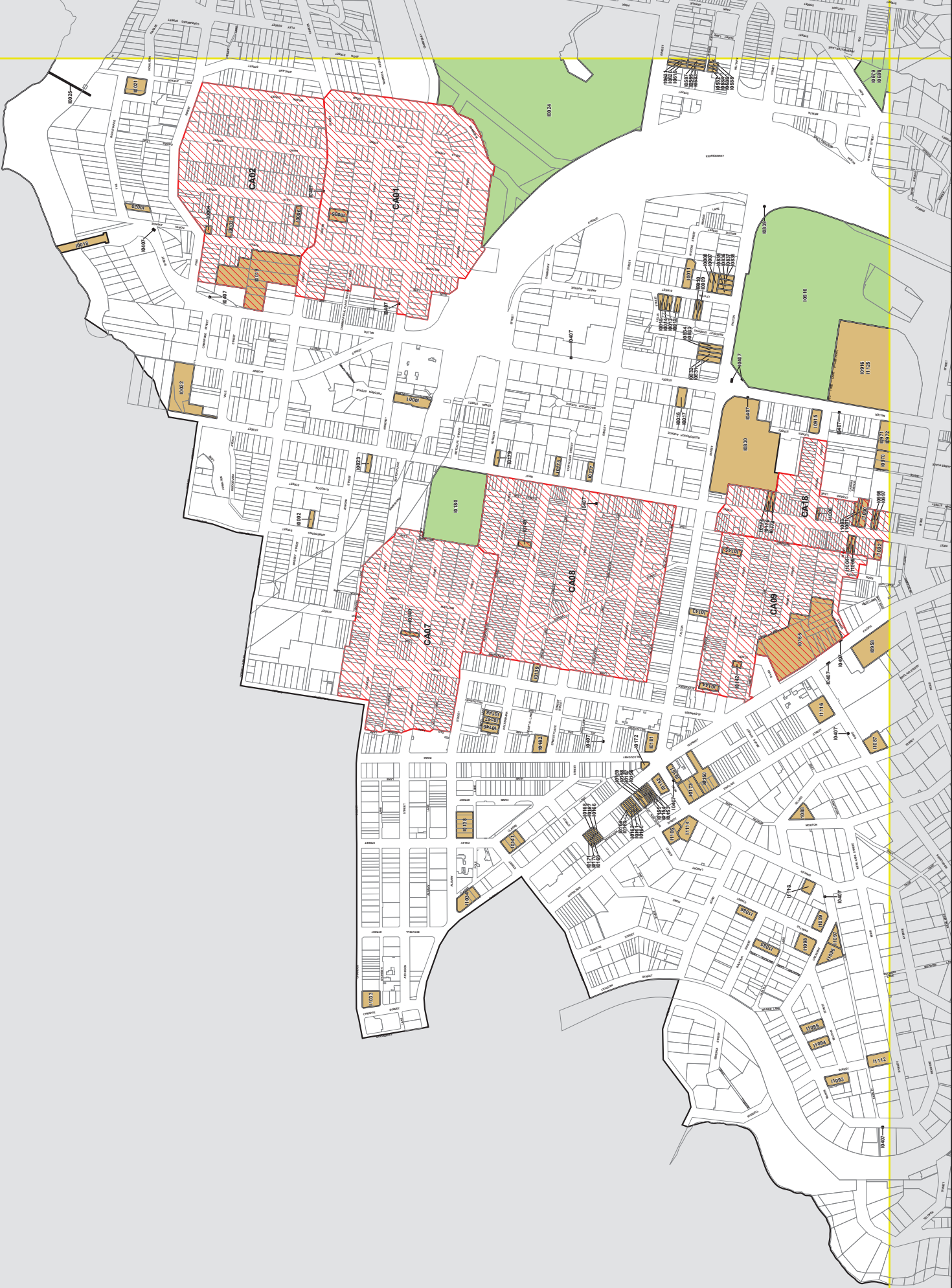


Projection GDA 1984
MGA Zone 56

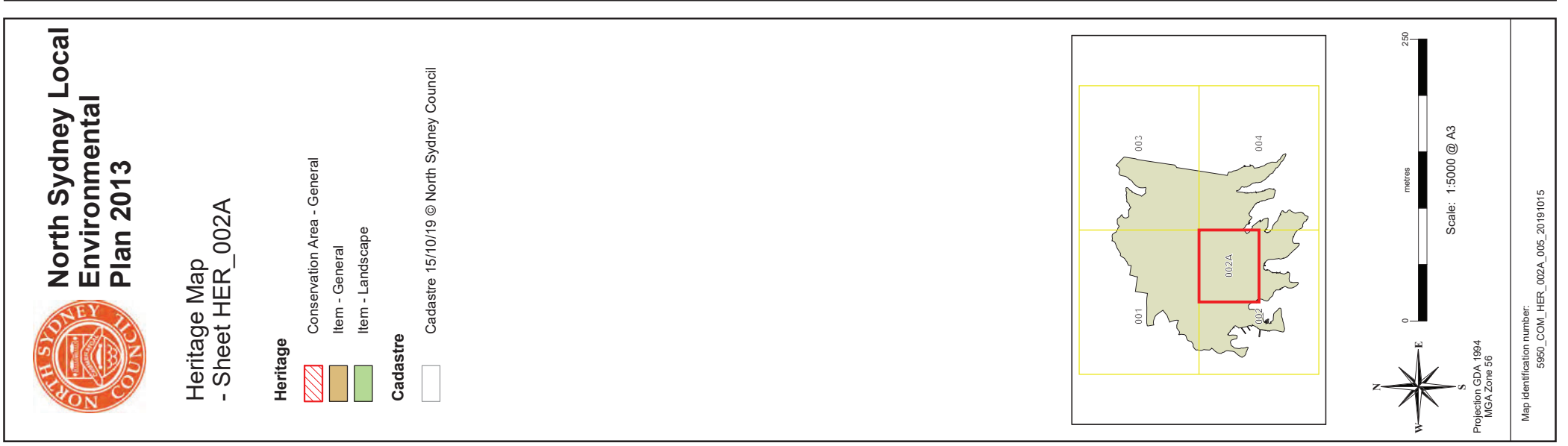
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WILLOUGHBY
LGA

LANE COVE
LGA









North Sydney Local
Environmental
Plan 2013

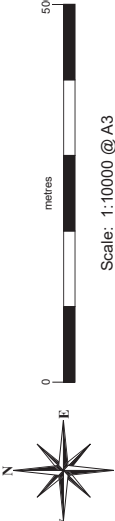
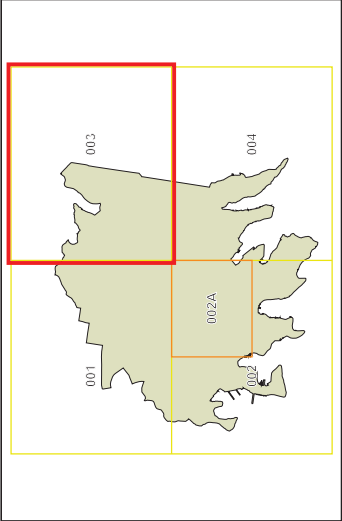
Heritage Map
- Sheet HER_003

Heritage

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

Cadastral

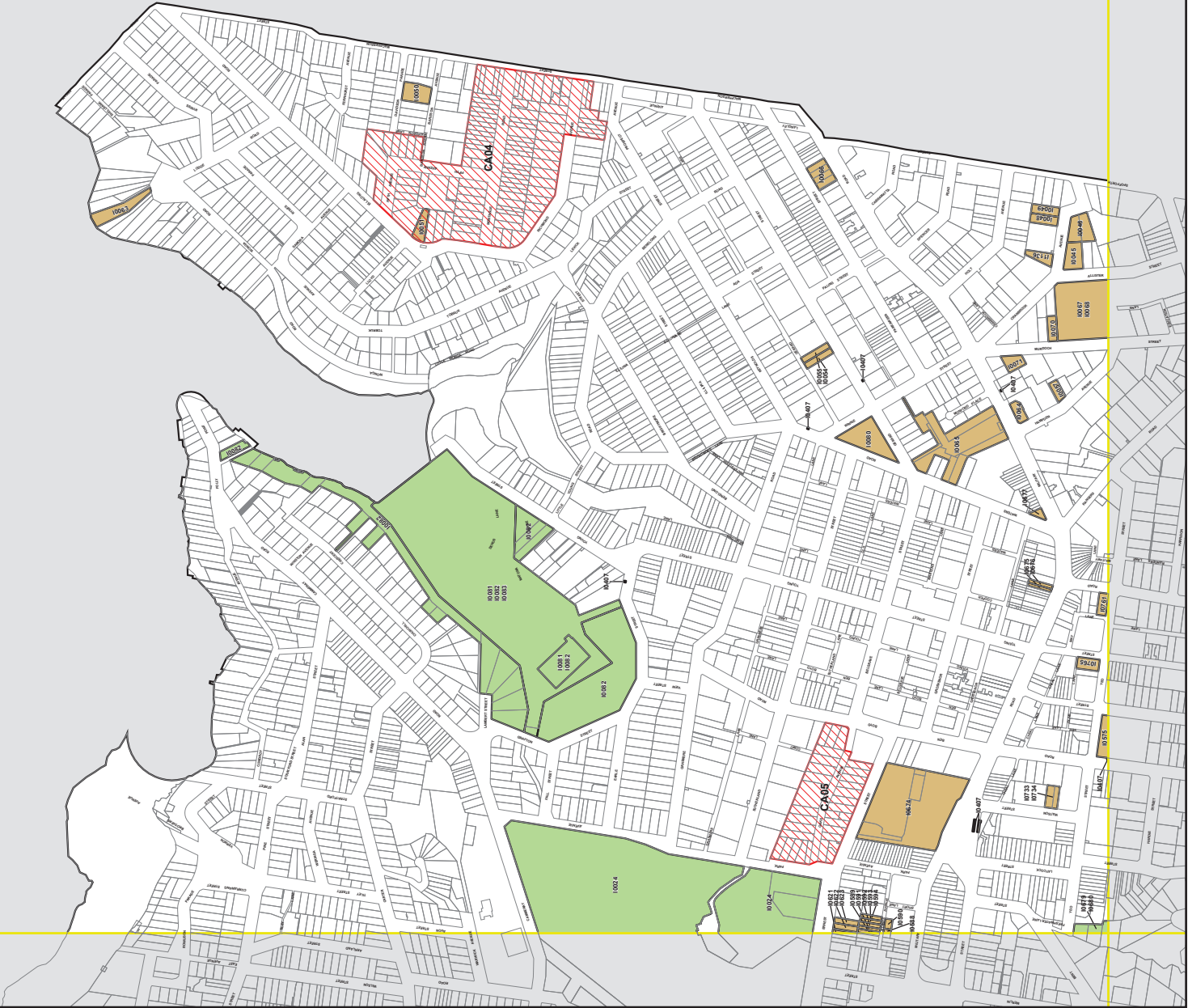
Cadastral 15/10/19 © North Sydney Council



Map identification number:
5960_COM_HER_003_010_20191015

WILLOUGHBY
LGA

MOSMAN
LGA





North Sydney Local
Environmental
Plan 2013

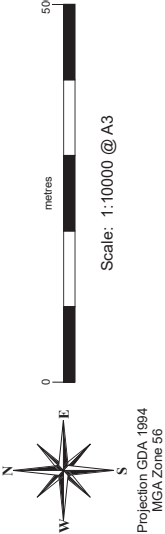
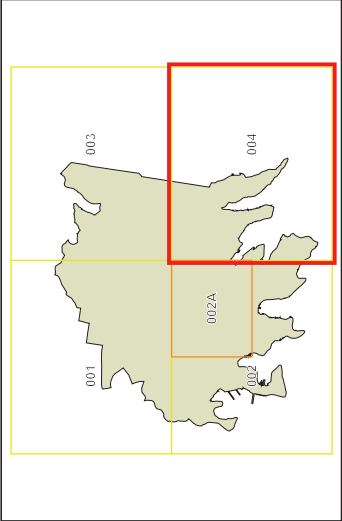
Heritage Map
- Sheet HER_004

Heritage

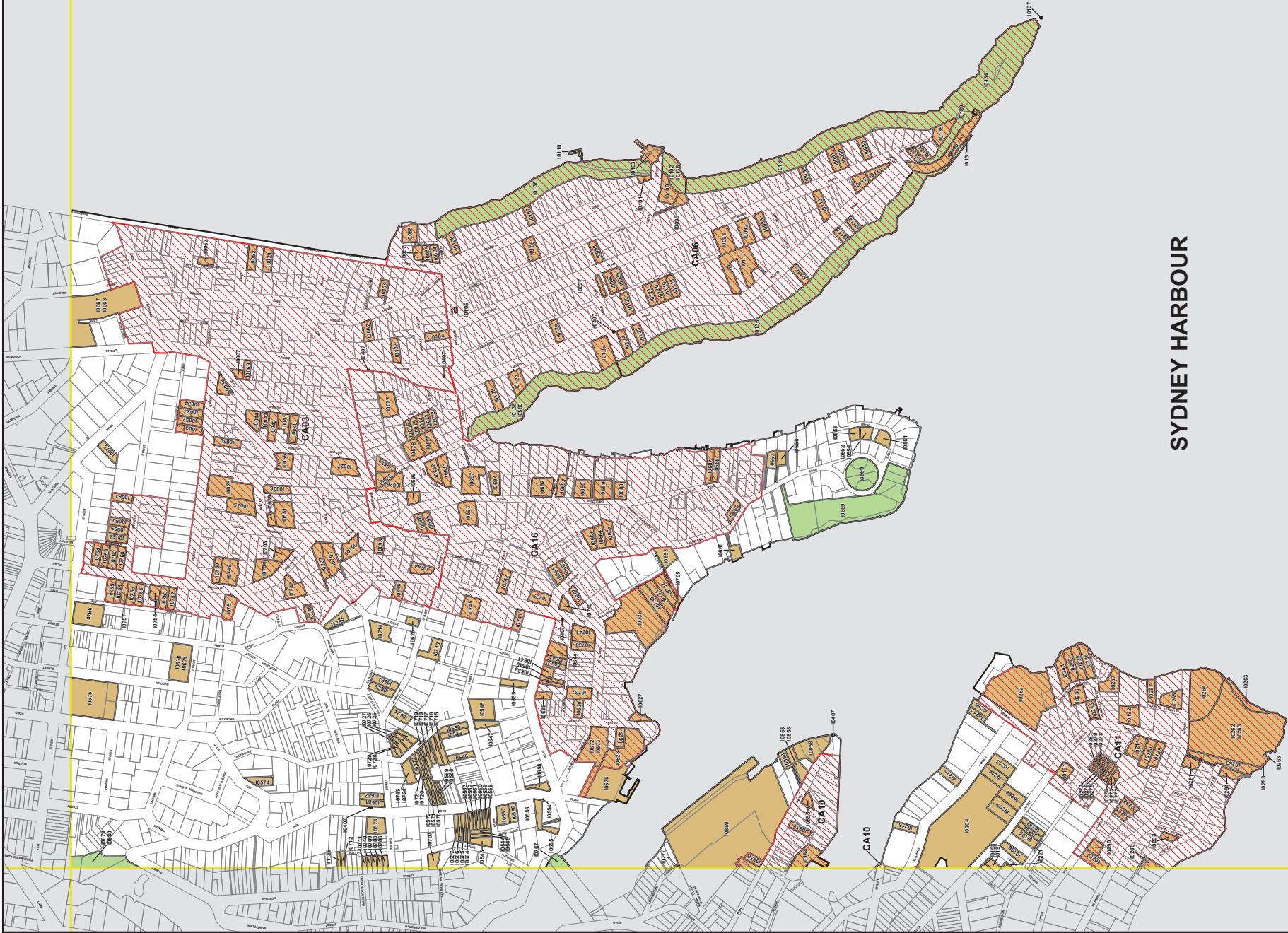
- Conservation Area - General
- Item - General
- Item - Landscape

Cadastral

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Map identification number:
5960_COM_HER_004_010_20191015



MOSMAN
LGA

SYDNEY HARBOUR



North Sydney Local
Environmental
Plan 2013

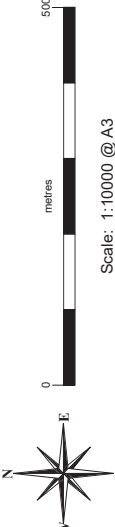
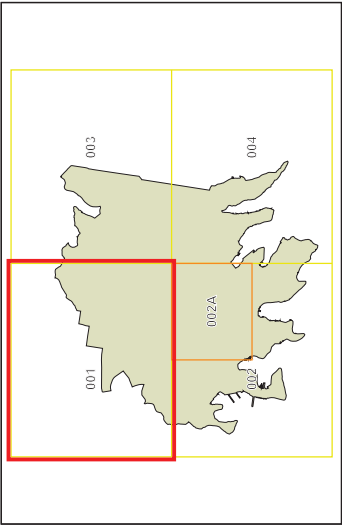
Height of Buildings Map
- Sheet HOB_001

Maximum Building Height (m)	
A	1
I	8.5
K	10
L	11
M	12
N	13
O1	15
O2	16
Q1	19,15
Q2	20
S	24
T1	25
T2	26
U1	30
U2	33
W1	40
W2	42
X	49
Y	50
AF	180

Maximum Building Height (RL m)	
	0 - 20
	21 - 40
	41 - 60
	61 - 80
	81 - 100
	101 - 120
	121 - 140
	141 - 160
	161 - 180
	181 - 200
	200 +

Cadastre

Cadastre 15/10/19 © North Sydney Council

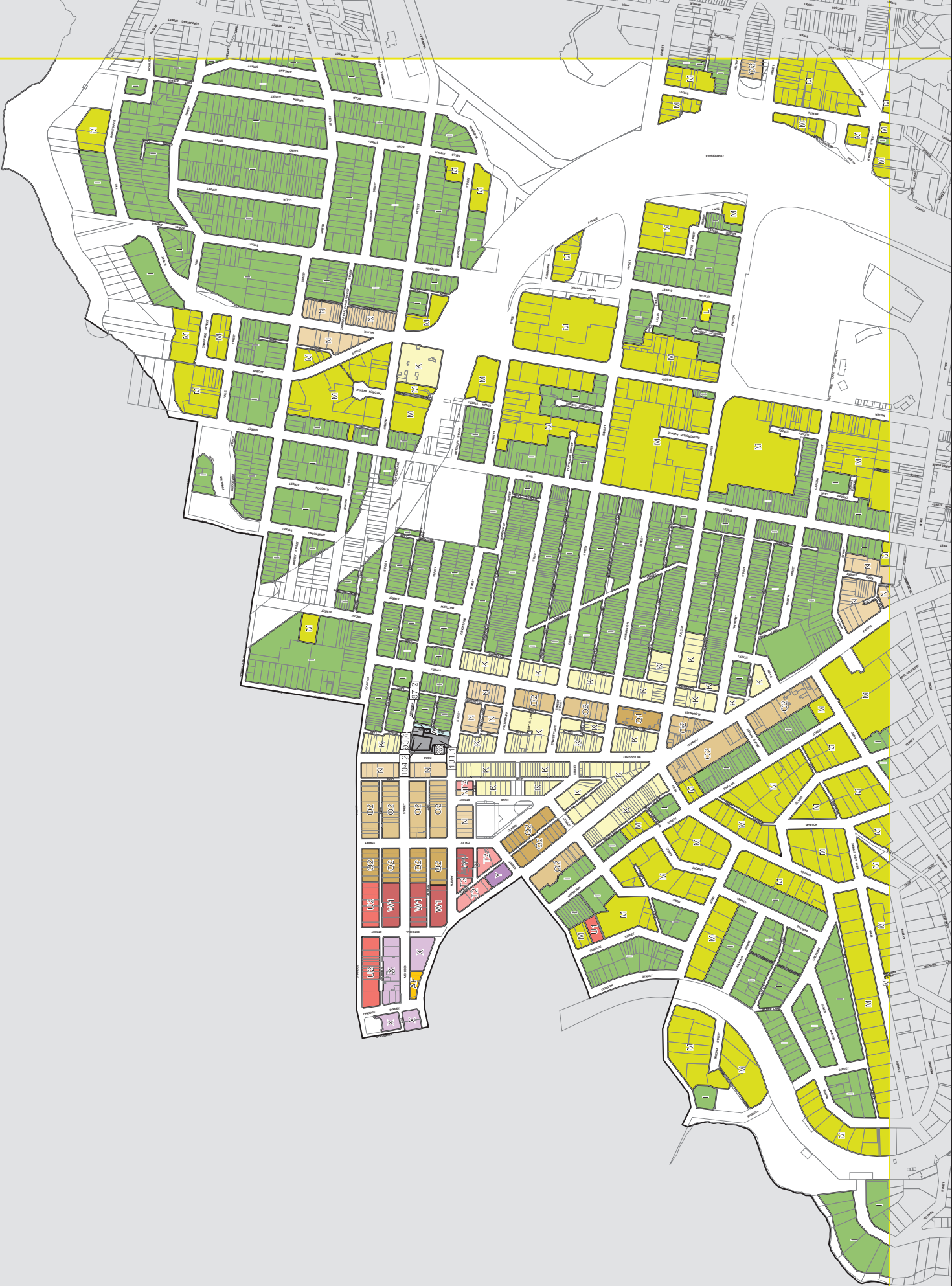


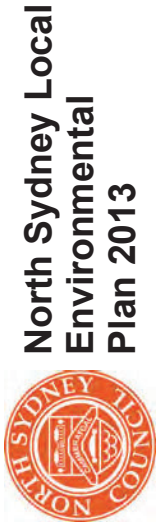
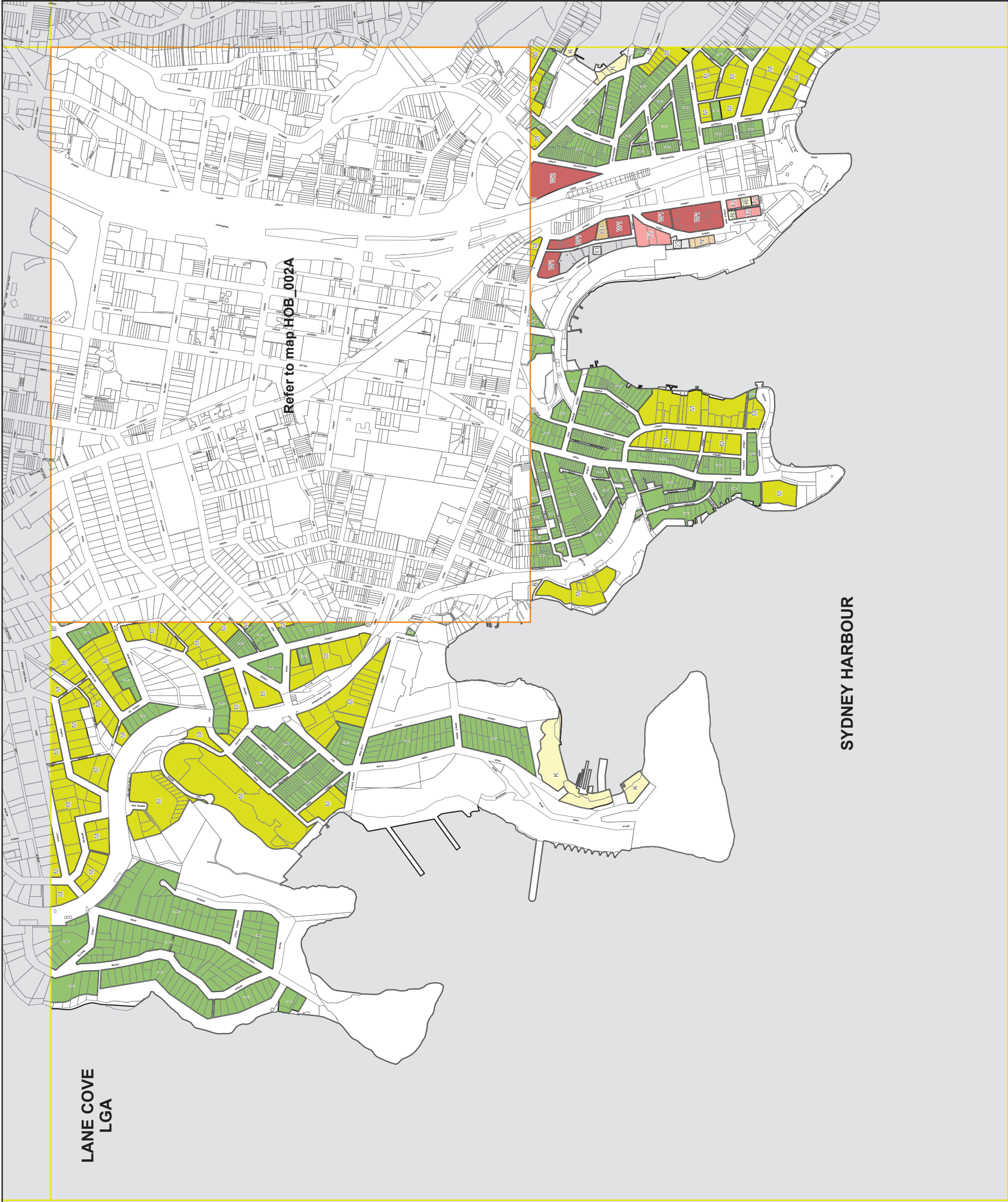
Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_HOB_001_010_20191015

WILLOUGHBY
LGA

LANE COVE
LGA





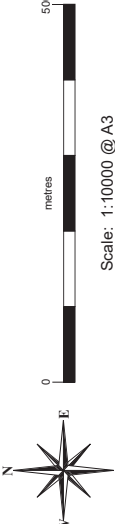
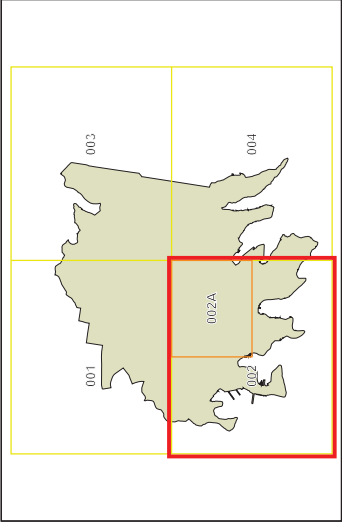
Height of Buildings Map
- Sheet HOB_002

Maximum Building Height (m)	
1	S
8.5	T1
10	T2
11	U1
12	U2
13	W1
15	W2
16	X
19,15	Y
20	AF

Maximum Building Height (RL m)	
0 - 20	
21 - 40	
41 - 60	
61 - 80	
81 - 100	
101 - 120	
121 - 140	
141 - 160	
161 - 180	
181 - 200	
200 +	

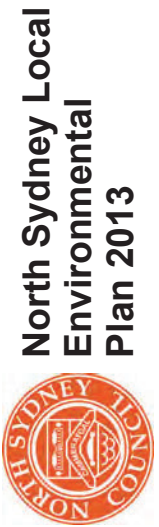
Cadastral

Cadastral 15/10/19 © North Sydney Council



Projection GDA 1984
MGA Zone 56

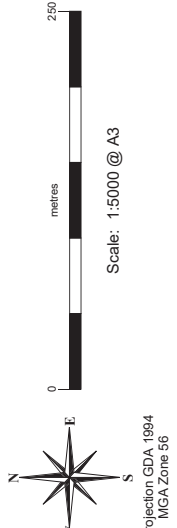
Map identification number:
5960_COM_HOB_002_010_20191015



Maximum Building Height (m)		
1	A	S
8.5	I	T1
10	K	T2
11	L	U1
12	M	U2
13	N	W1
15	O1	W2
16	O2	X
19.15	Q1	Y
20	Q2	AF

0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
101 - 120
121 - 140
141 - 160
161 - 180
181 - 200
200 +

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Map identification number:
5950_COM_HOB_002A_005_20191015



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Plan 2013

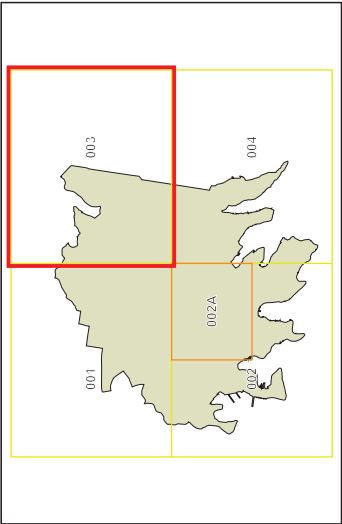
Height of Buildings Map
- Sheet HOB_003

Maximum Building Height (m)	
A	1
I	8.5
K	10
L	11
M	12
N	13
O1	15
O2	16
Q1	19,15
Q2	20
S	24
T1	25
T2	26
U1	30
U2	33
W1	40
W2	42
X	49
Y	50
AF	180

Maximum Building Height (RL m)	
	0 - 20
	21 - 40
	41 - 60
	61 - 80
	81 - 100
	101 - 120
	121 - 140
	141 - 160
	161 - 180
	181 - 200
	200 +

Cadastral

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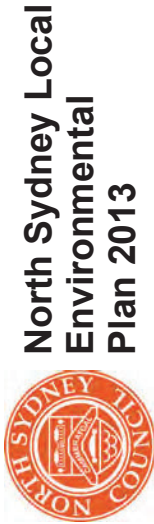
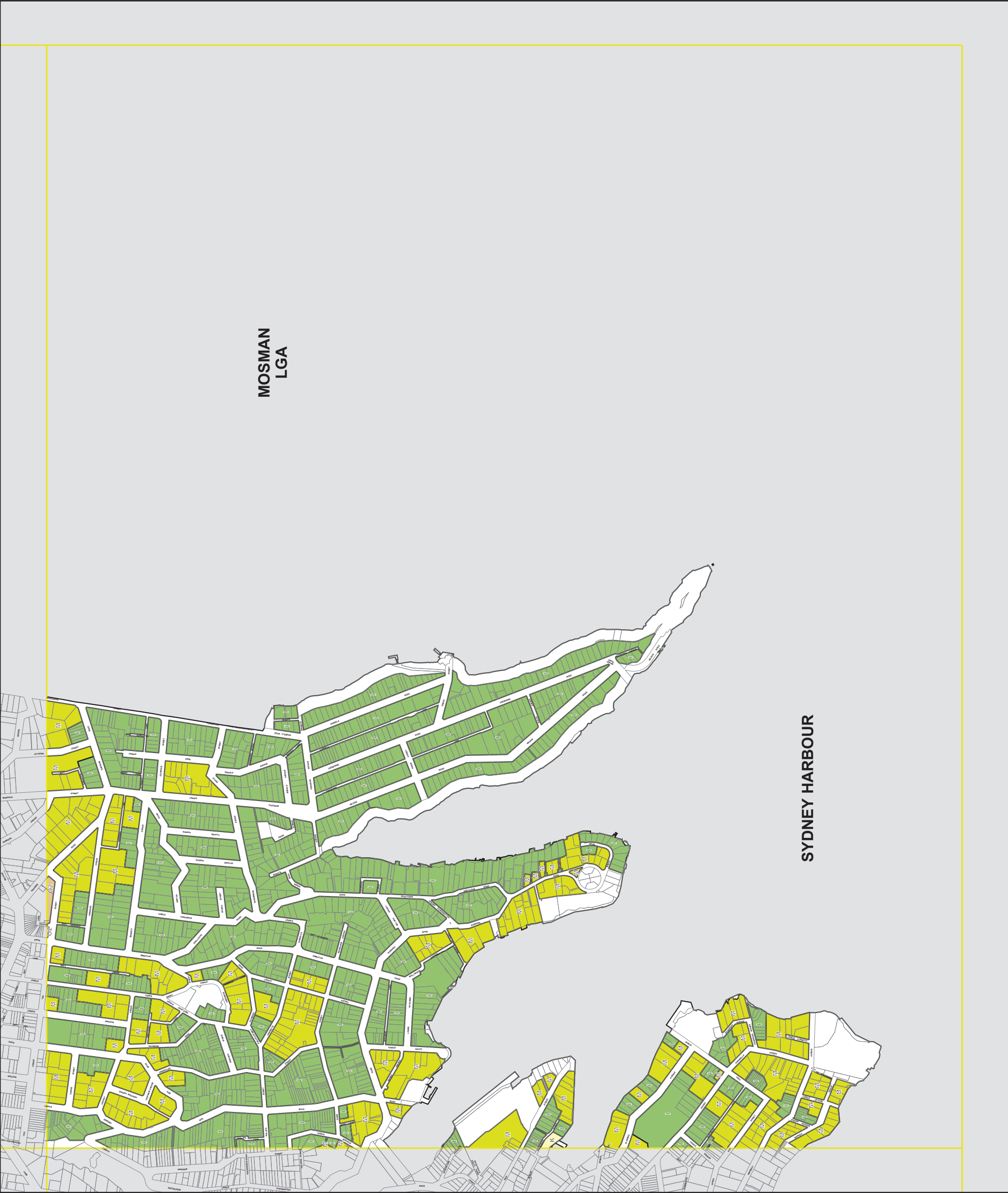


Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_HOB_003_010_20191015

WILLOUGHBY
LGA

MOSMAN
LGA



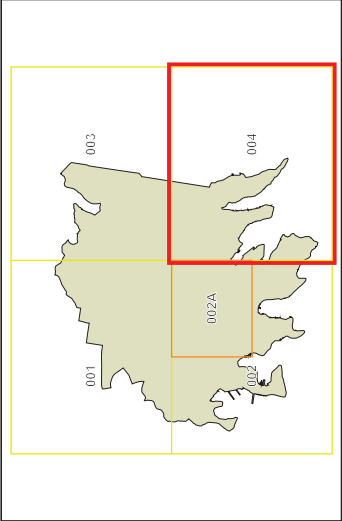
Height of Buildings Map
- Sheet HOB_004

Maximum Building Height (m)	
A	S
I	T1
K	T2
L	U1
M	U2
N	W1
O1	W2
O2	X
Q1	Y
Q2	AF
1	24
8.5	25
10	26
11	30
12	33
13	40
15	42
16	49
19,15	50
20	180

Maximum Building Height (RL m)	
0 - 20	
21 - 40	
41 - 60	
61 - 80	
81 - 100	
101 - 120	
121 - 140	
141 - 160	
161 - 180	
181 - 200	
200 +	

Cadastre

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Projection GDA 1984
MGA Zone 56

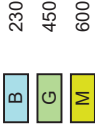
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North Sydney Local
Environmental
Plan 2013

Lot Size Map
- Sheet LSZ_001

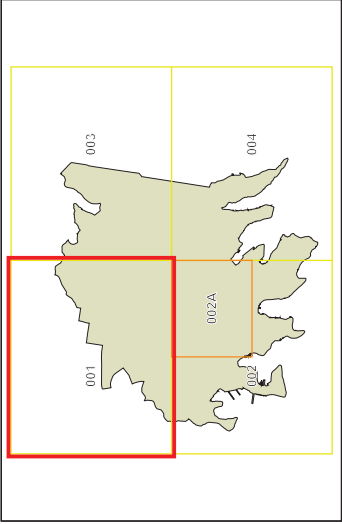
Minimum Lot size (sq m)



Cadastral



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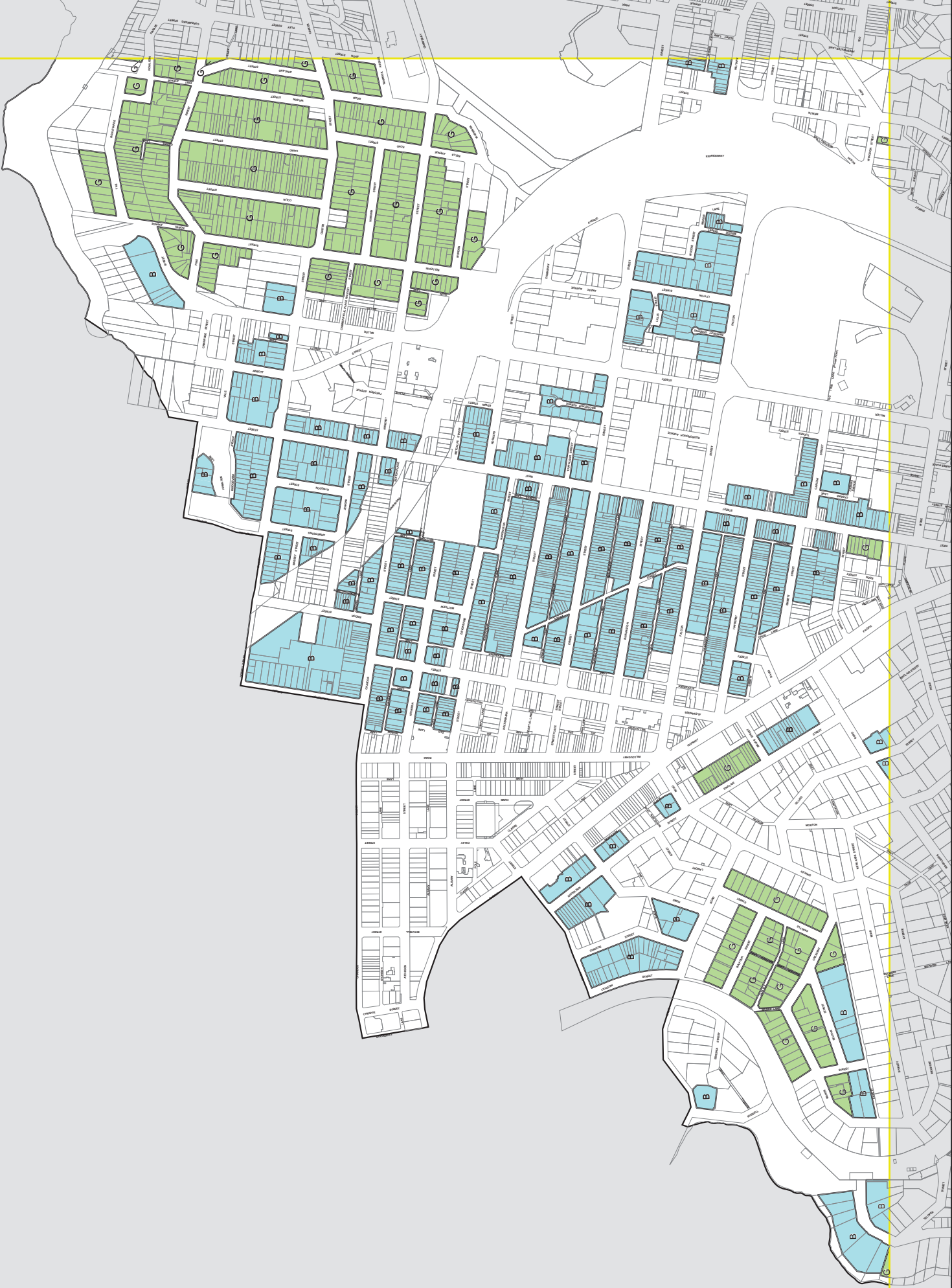
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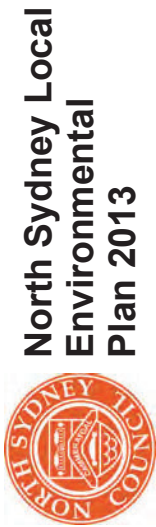
Projection GDA 1984
MGA Zone 56

Map identification number:
5560_COM_LSZ_001_010_20191015

WILLOUGHBY
LGA

LANE COVE
LGA





Lot Size Map
- Sheet LSZ_002

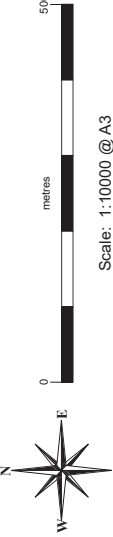
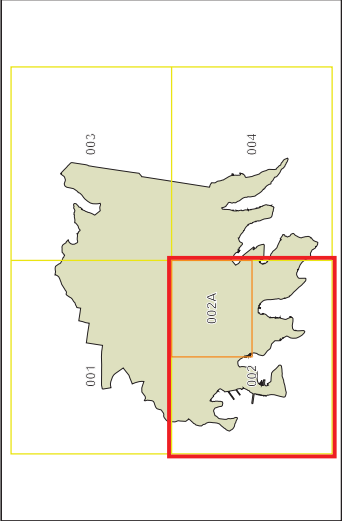
Minimum Lot size (sq m)



Cadastral



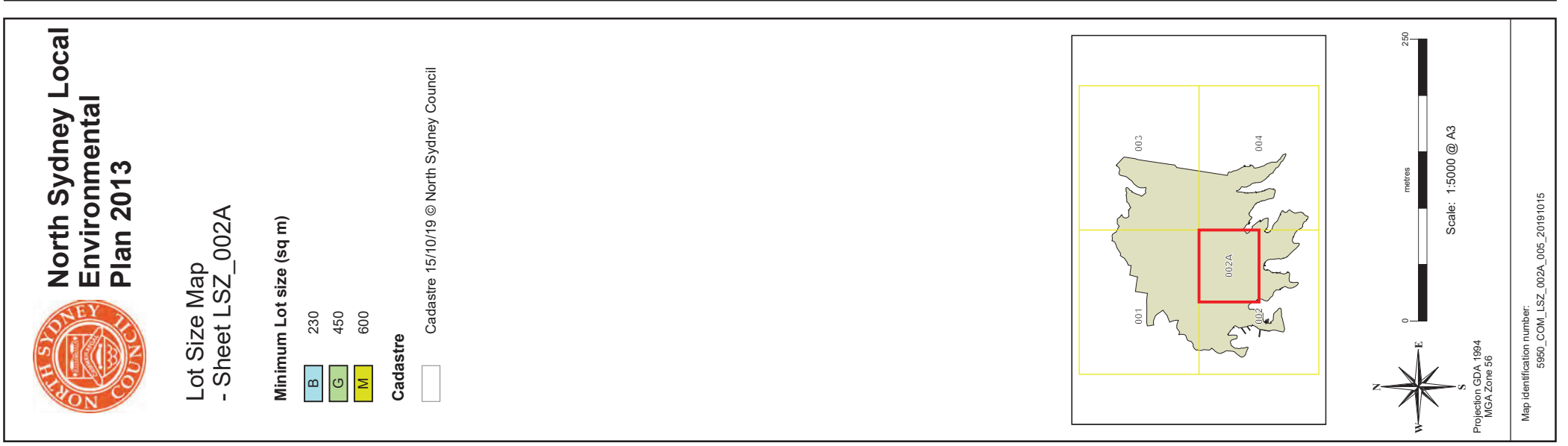
Cadastral 15/10/19 © North Sydney Council



Projection GDA 1984

MGA Zone 56

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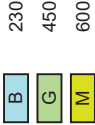




North Sydney Local
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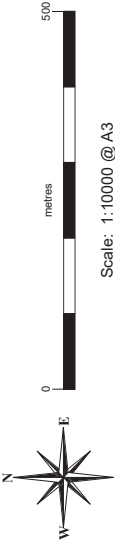
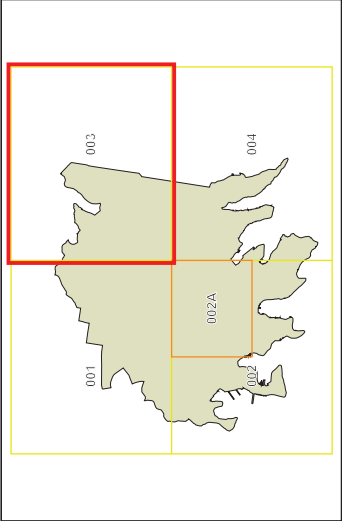
Lot Size Map
- Sheet LSZ_003

Minimum Lot size (sq m)



Cadastral

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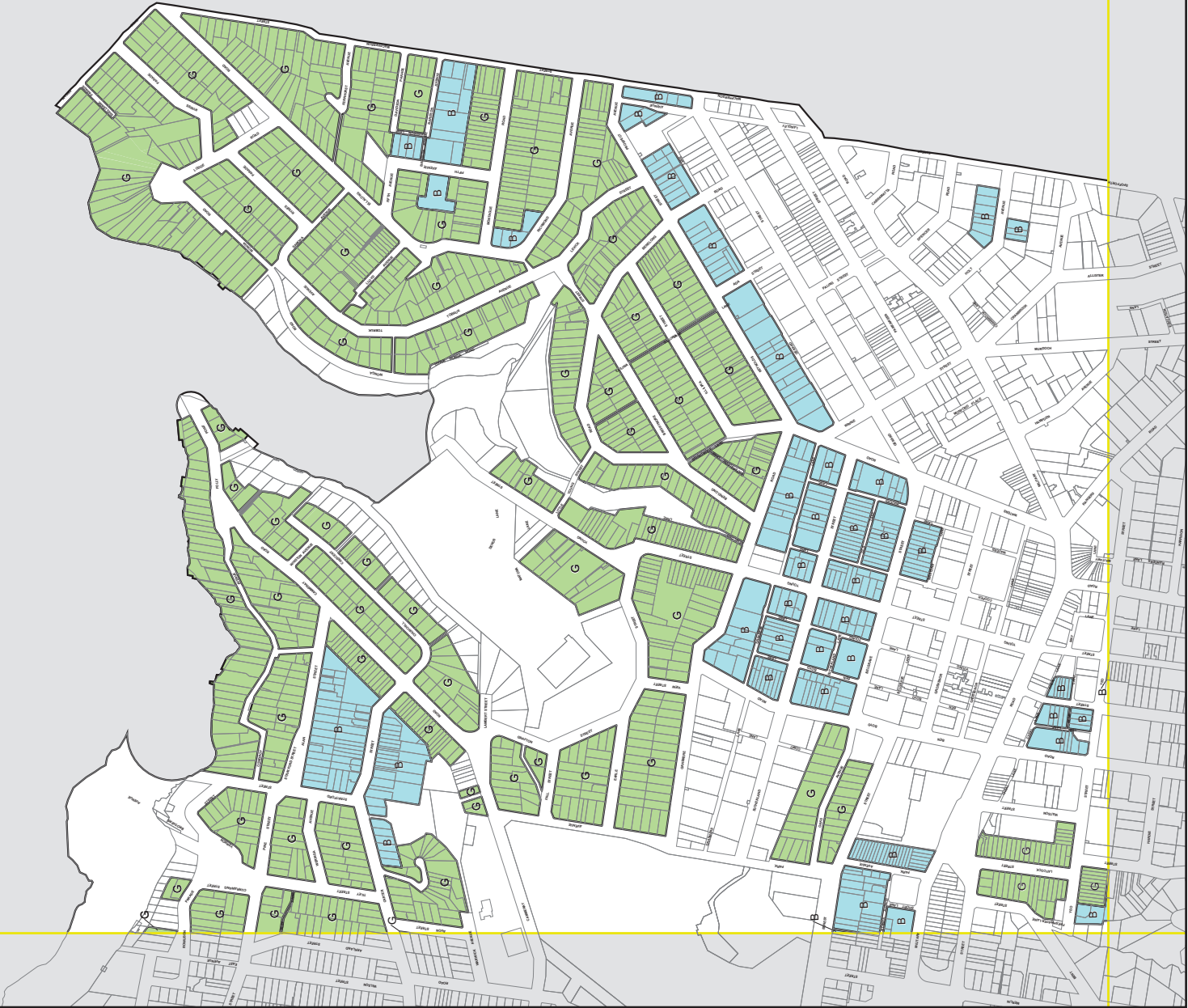


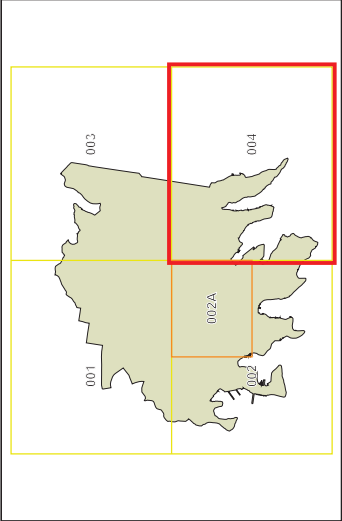
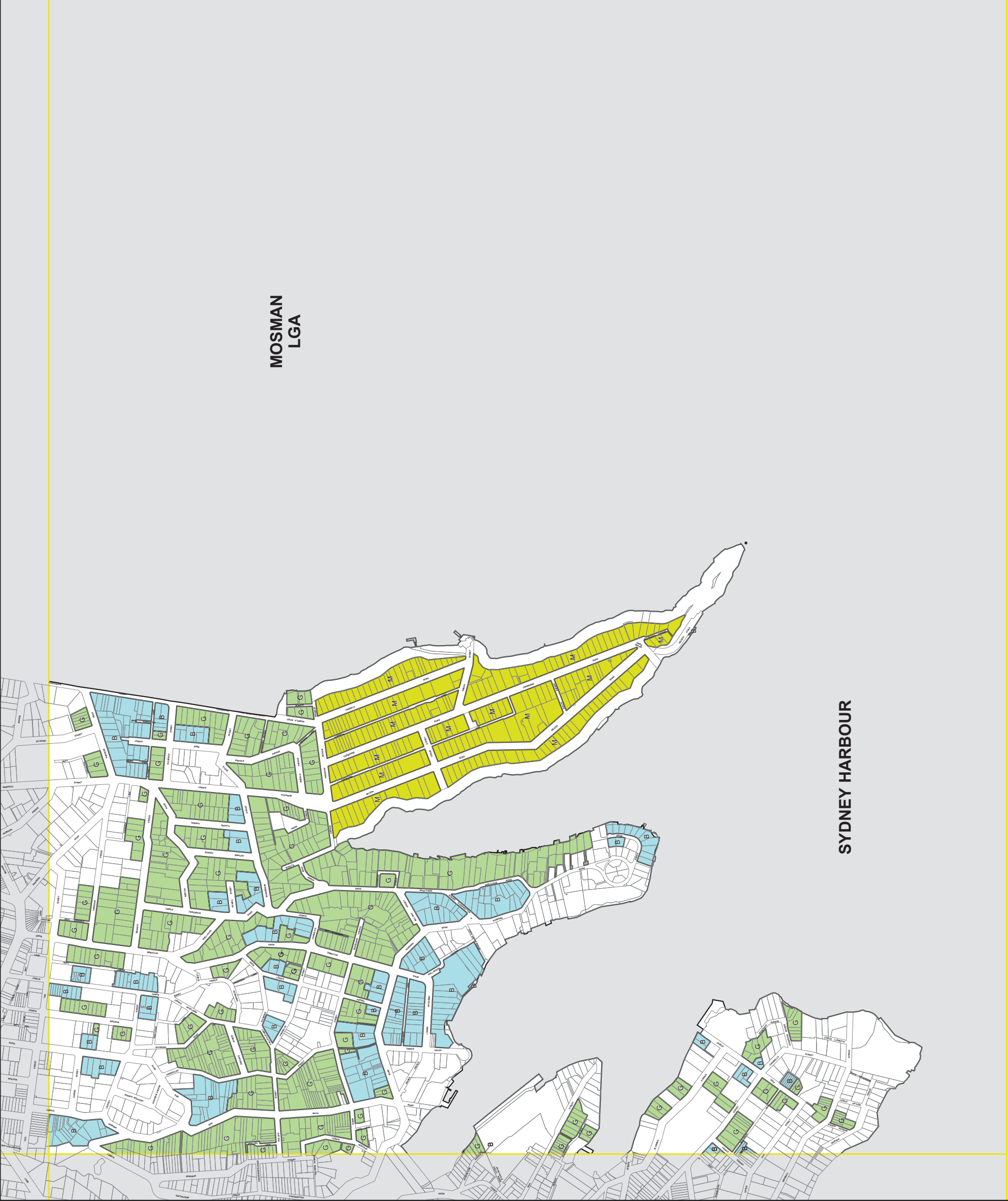
Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_LSZ_003_010_20191015

WILLOUGHBY
LGA

MOSMAN
LGA





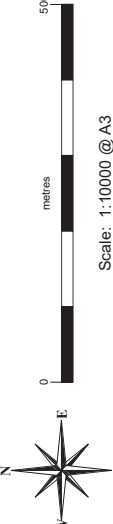
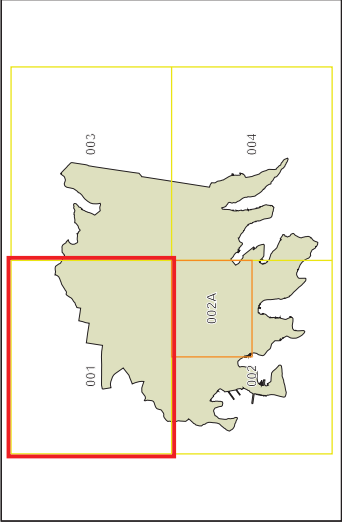


North Sydney Local
Environmental
Plan 2013

Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_001

- Foreshore Building Line**
- Foreshore Area
 - Foreshore Building Line
- North Sydney Centre**
- Miller Street Setback
 - Special Area
 - North Sydney Centre

- Cadastral**
- Cadastral 15/10/19 © North Sydney Council

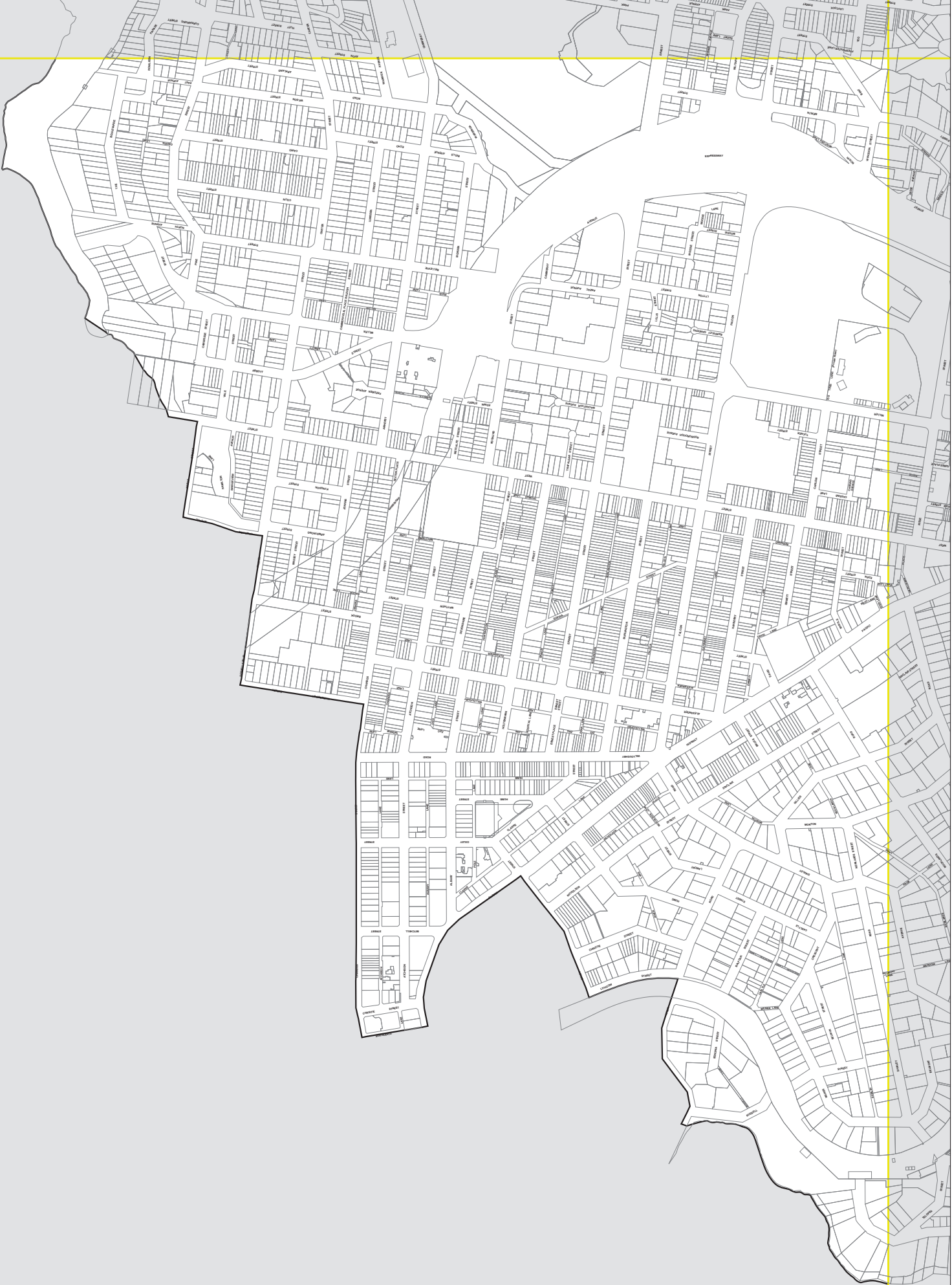


Projection GDA 1984
MGA Zone 56

Map identification number:
5660_COM_CL1_001_20191015

WILLOUGHBY
LGA

LANE COVE
LGA





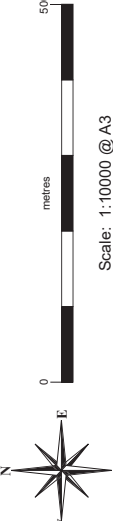
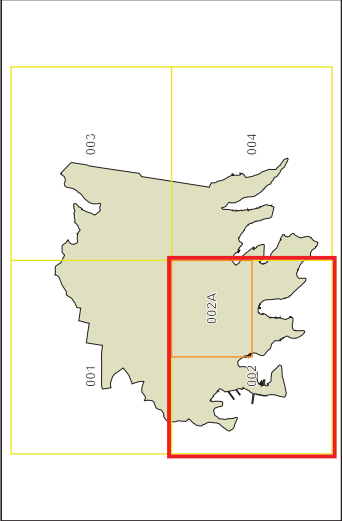
**North Sydney Local
Environmental
Plan 2013**

**Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_002**

- Foreshore Building Line**
- Foreshore Area
 - Foreshore Building Line
- North Sydney Centre**
- Miller Street Setback
 - Special Area
 - North Sydney Centre

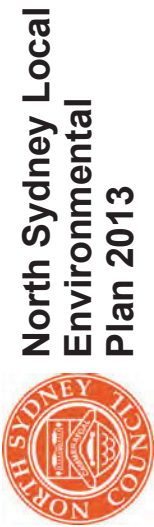
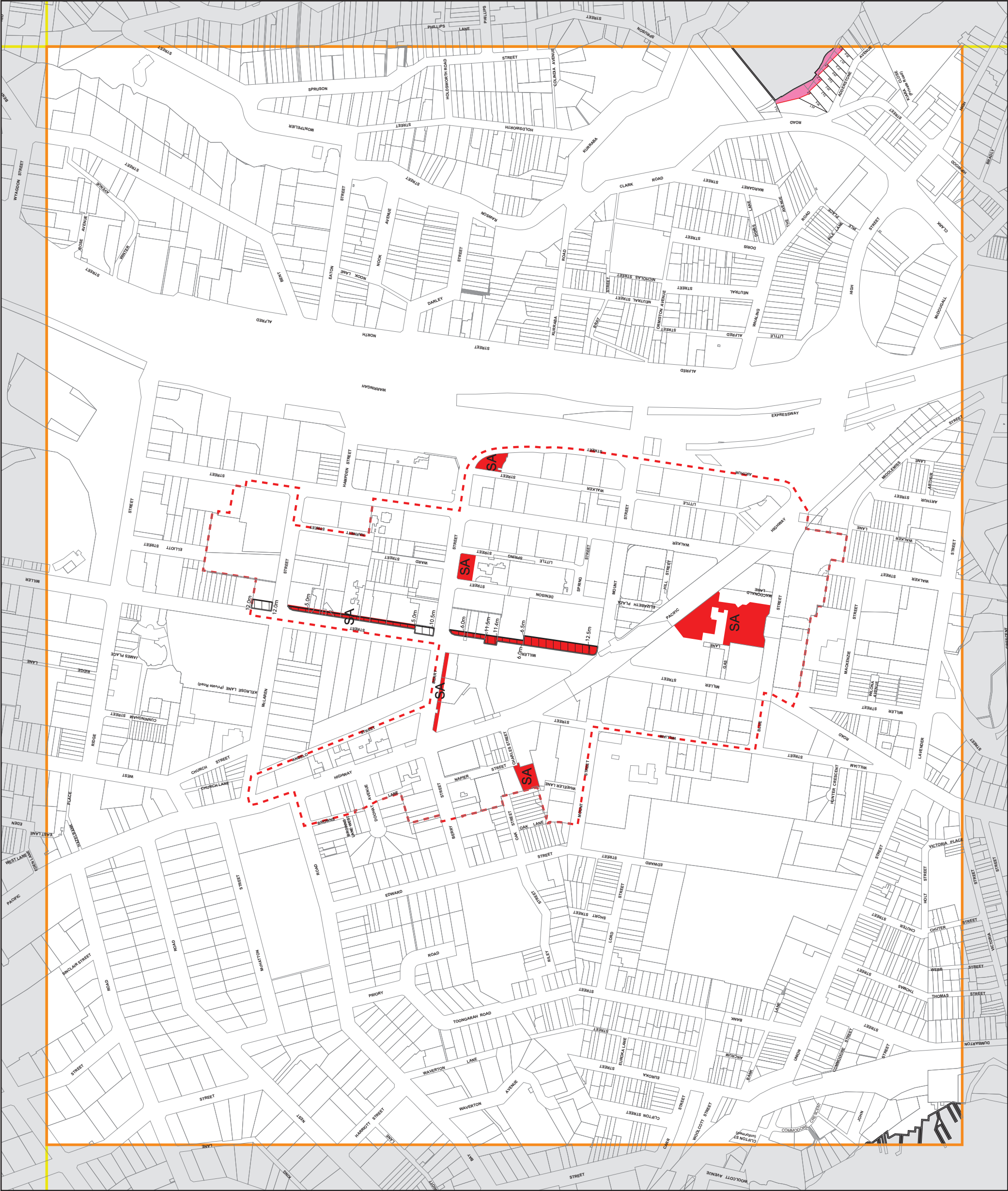
Cadastral

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Projection GDA 1984
MGA Zone 56

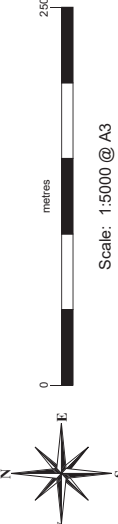
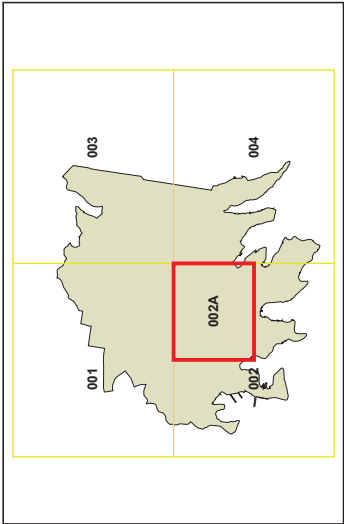
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Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_002A

- Foreshore Building Line**
- Foreshore Area
 - Foreshore Building Line
- North Sydney Centre**
- Miller Street Setback
 - Special Area
 - North Sydney Centre

- Cadastral**
- Cadastral 15/10/19 © North Sydney Council



Projection GDA 1984
MGA Zone 56

Map identification number:
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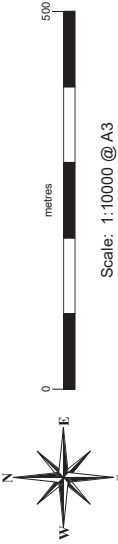
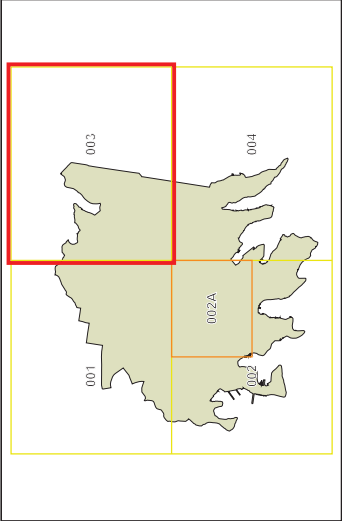


North Sydney Local
Environmental
Plan 2013

Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_003

- Foreshore Building Line**
- Foreshore Area
 - Foreshore Building Line
- North Sydney Centre**
- Miller Street Setback
 - Special Area
 - North Sydney Centre

- Cadastral**
- Cadastral 15/10/19 © North Sydney Council

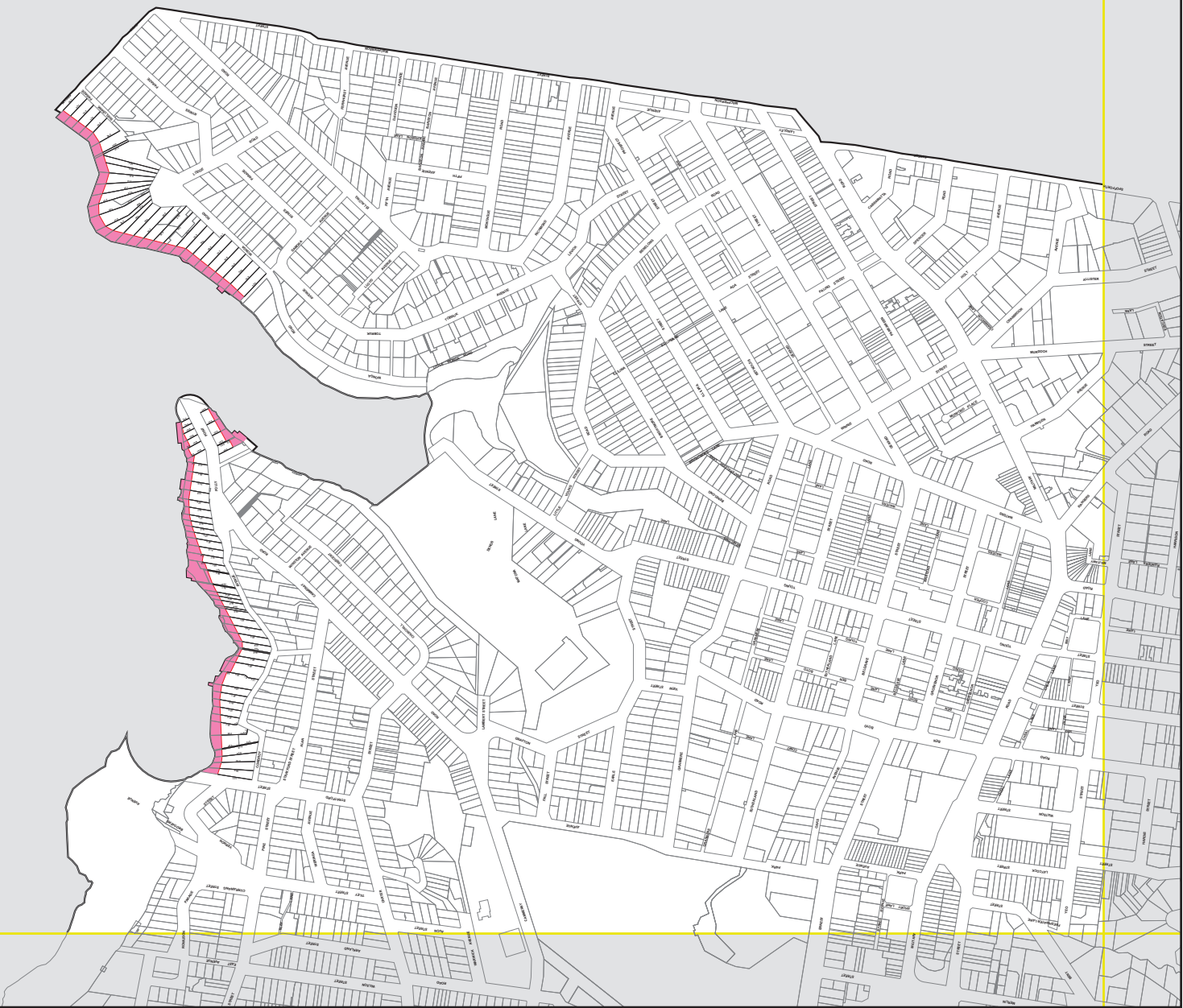


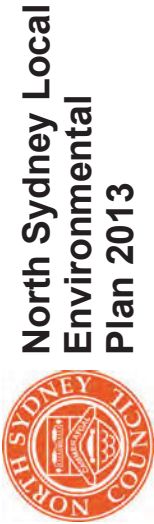
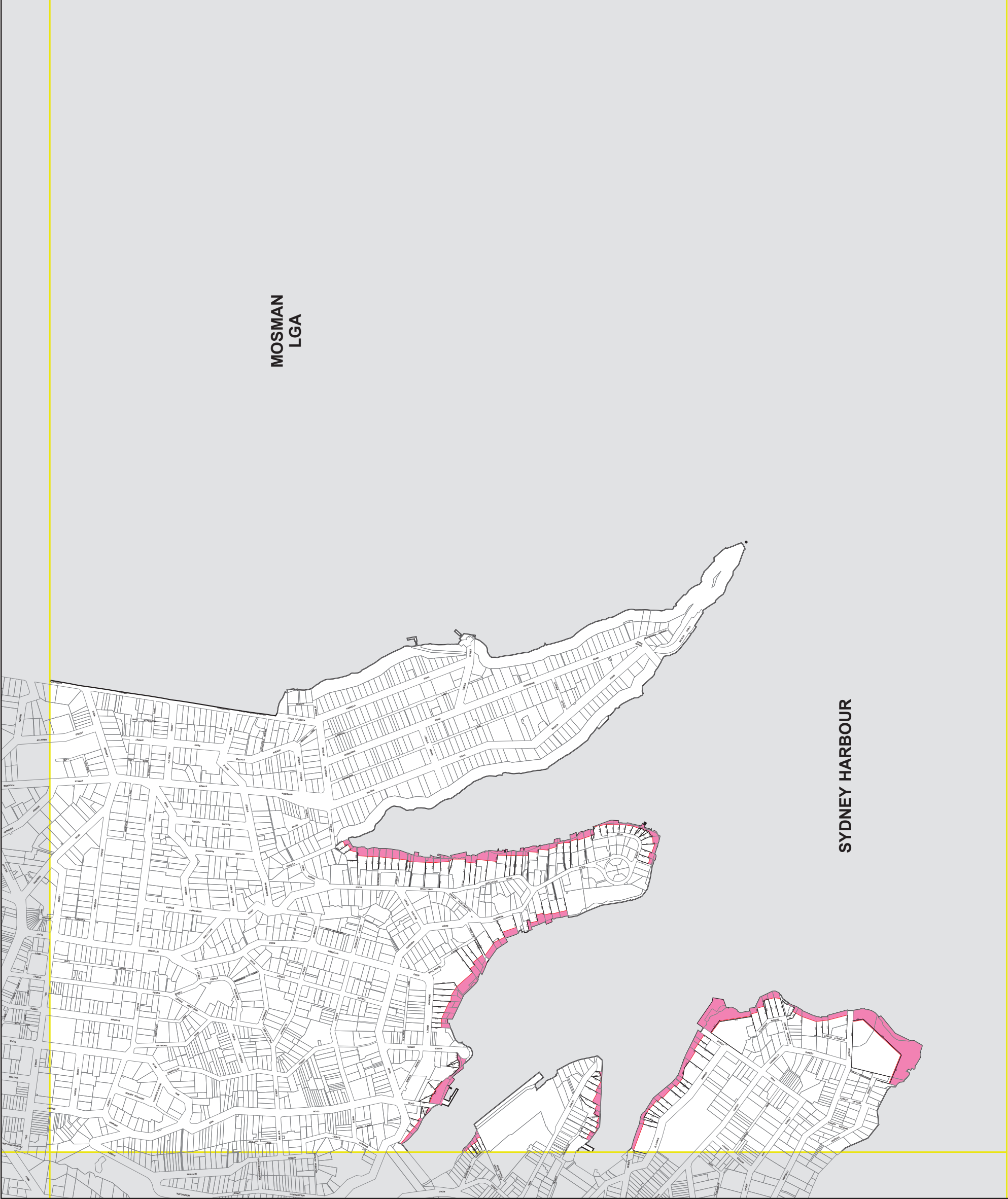
Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_CL1_003_010_20191015

WILLOUGHBY
LGA

MOSMAN
LGA

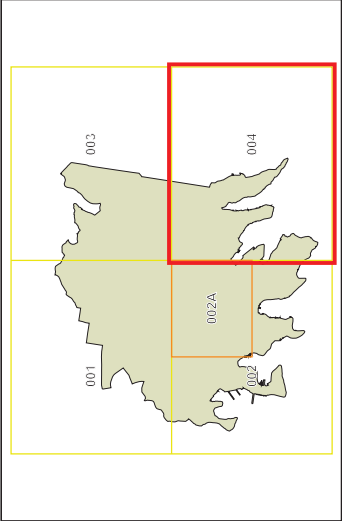




Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_004

- Foreshore Building Line**
- Foreshore Area
 - Foreshore Building Line
- North Sydney Centre**
- Miller Street Setback
 - Special Area
 - North Sydney Centre

- Cadastral**
- Cadastral 15/10/19 © North Sydney Council

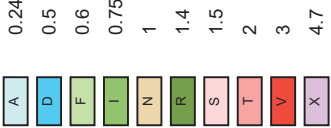




North Sydney Local
Environmental
Plan 2013

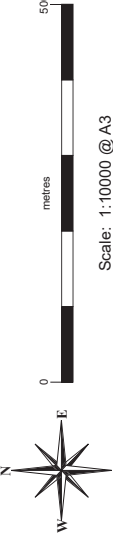
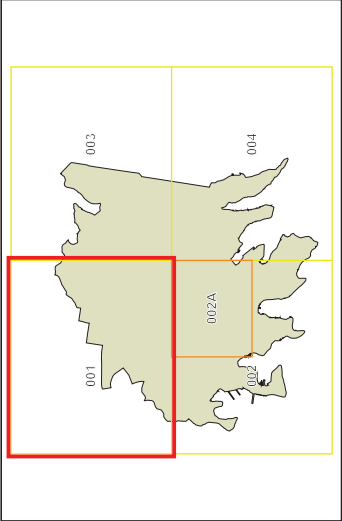
Non-Residential Floor Space
Ratio Map
- Sheet LCL_001

Minimum Non-Residential Floor Space Ratio (n:1)



Cadastre

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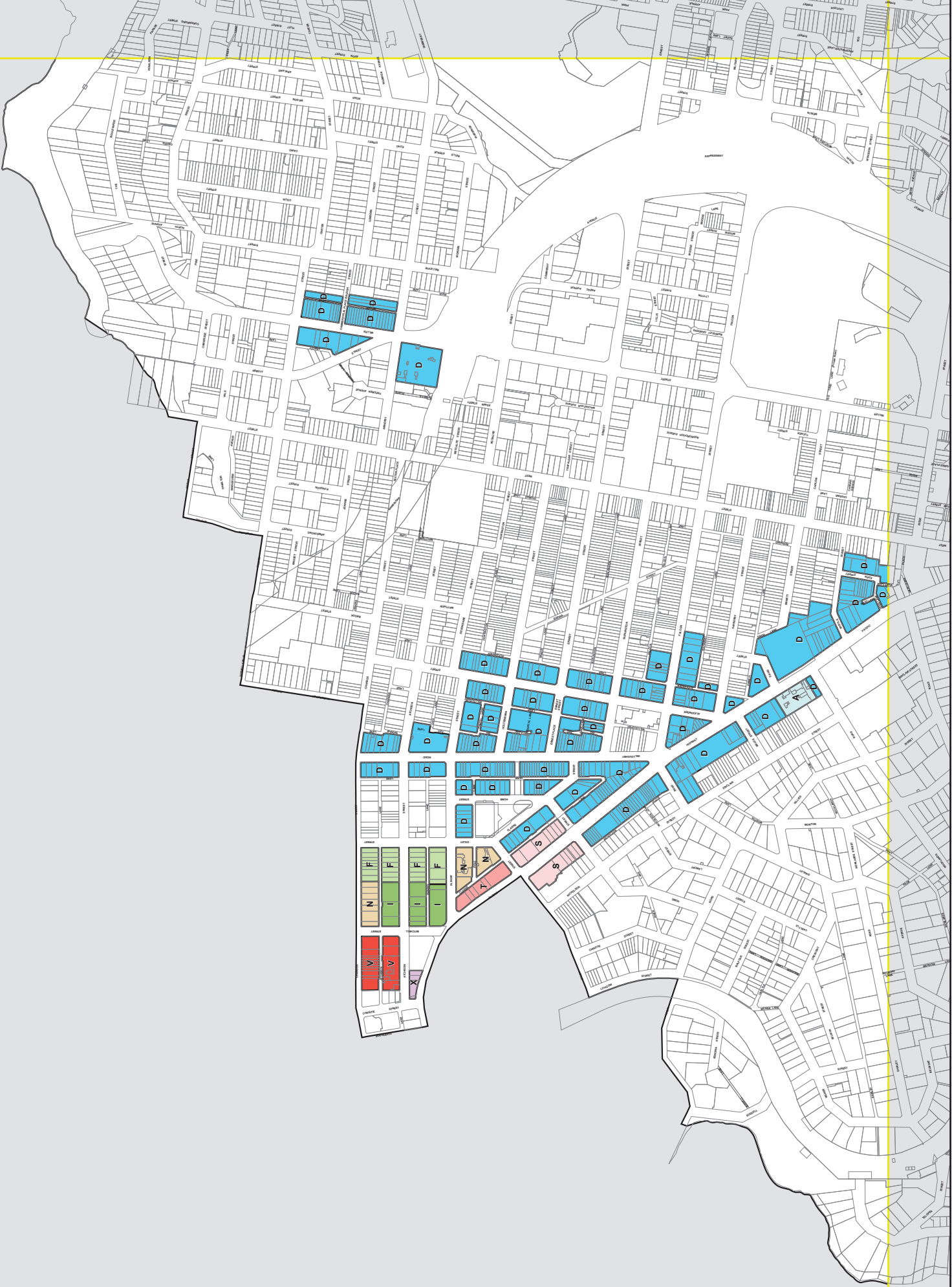


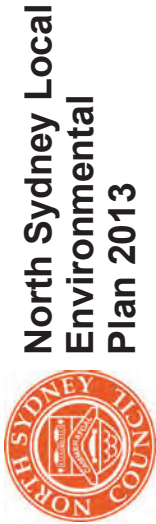
Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_LCL_001_20191015

WILLOUGHBY
LGA

LANE COVE
LGA

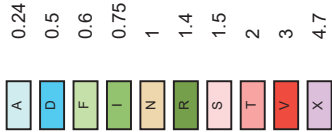




North Sydney Local
Environmental
Plan 2013

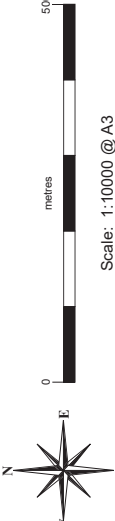
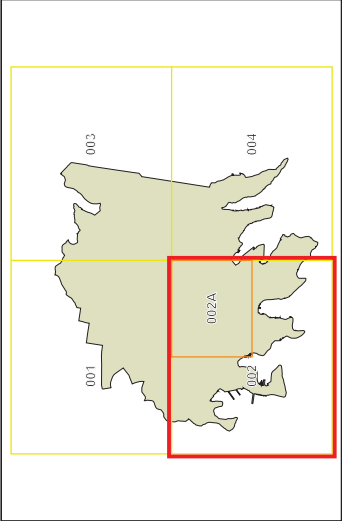
Non-Residential Floor Space
Ratio Map
- Sheet LCL_002

Minimum Non-Residential Floor Space Ratio (n:1)



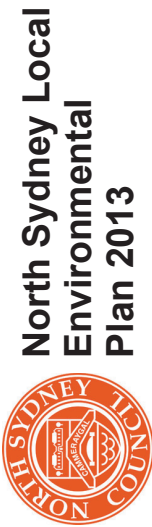
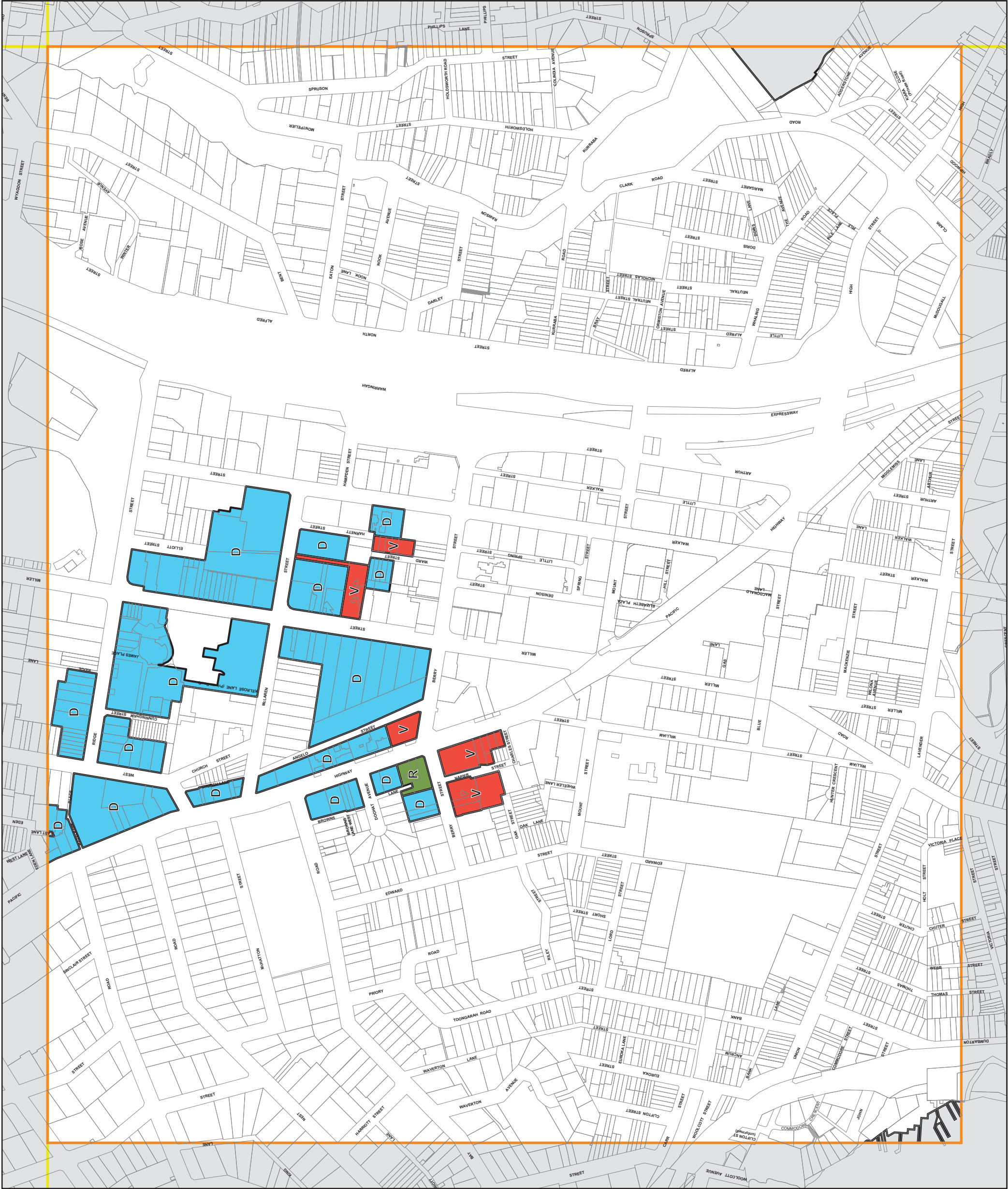
Cadastral

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Projection GDA 1984
MGA Zone 56

Map identification number:
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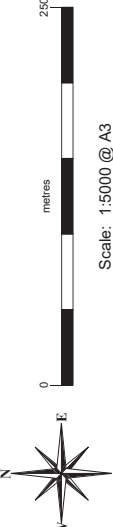
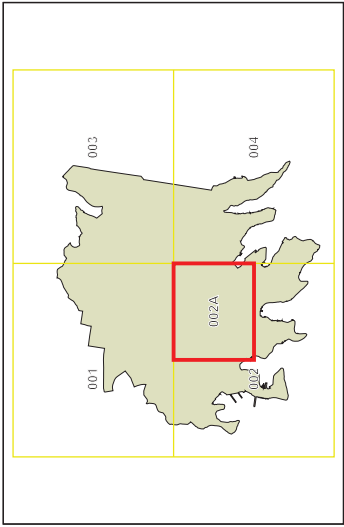
Non-Residential Floor Space
Ratio Map
- Sheet LCL_002A

Minimum Non-Residential Floor Space Ratio (n:1)

A	0.24
D	0.5
F	0.6
I	0.75
N	1
R	1.4
S	1.5
T	2
V	3
X	4.7

Cadastral

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Projection GDA 1984
MGA Zone 56

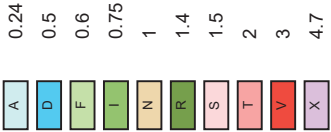
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North Sydney Local
Environmental
Plan 2013

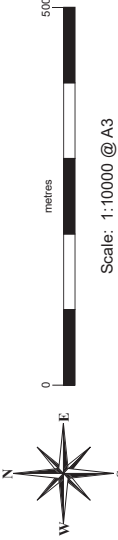
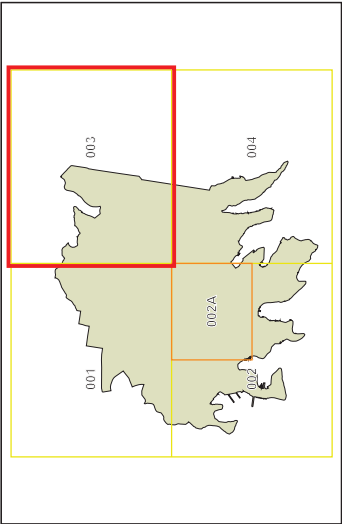
Non-Residential Floor Space
Ratio Map
- Sheet LCL_003

Minimum Non-Residential Floor Space Ratio (n:1)



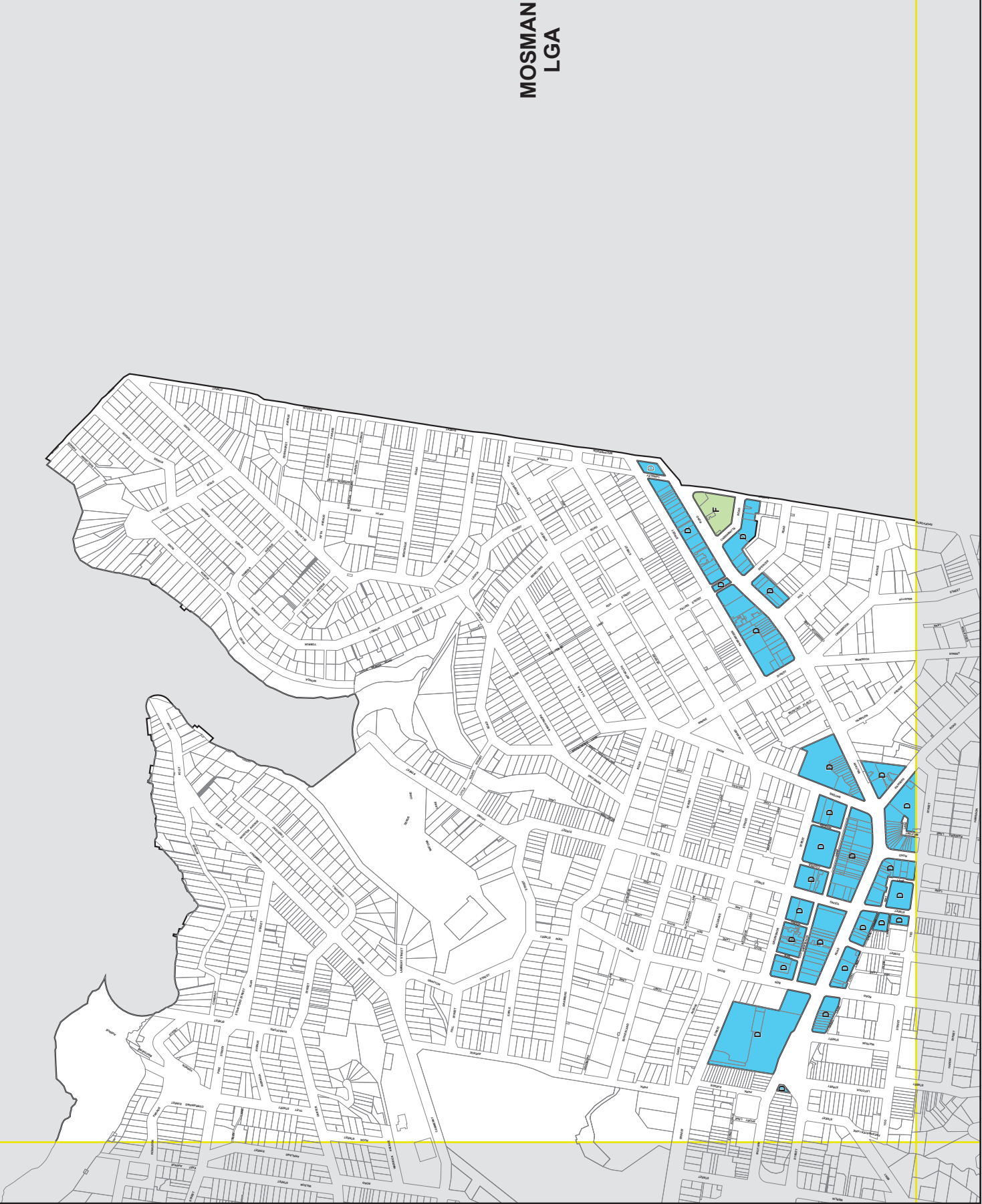
Cadastral

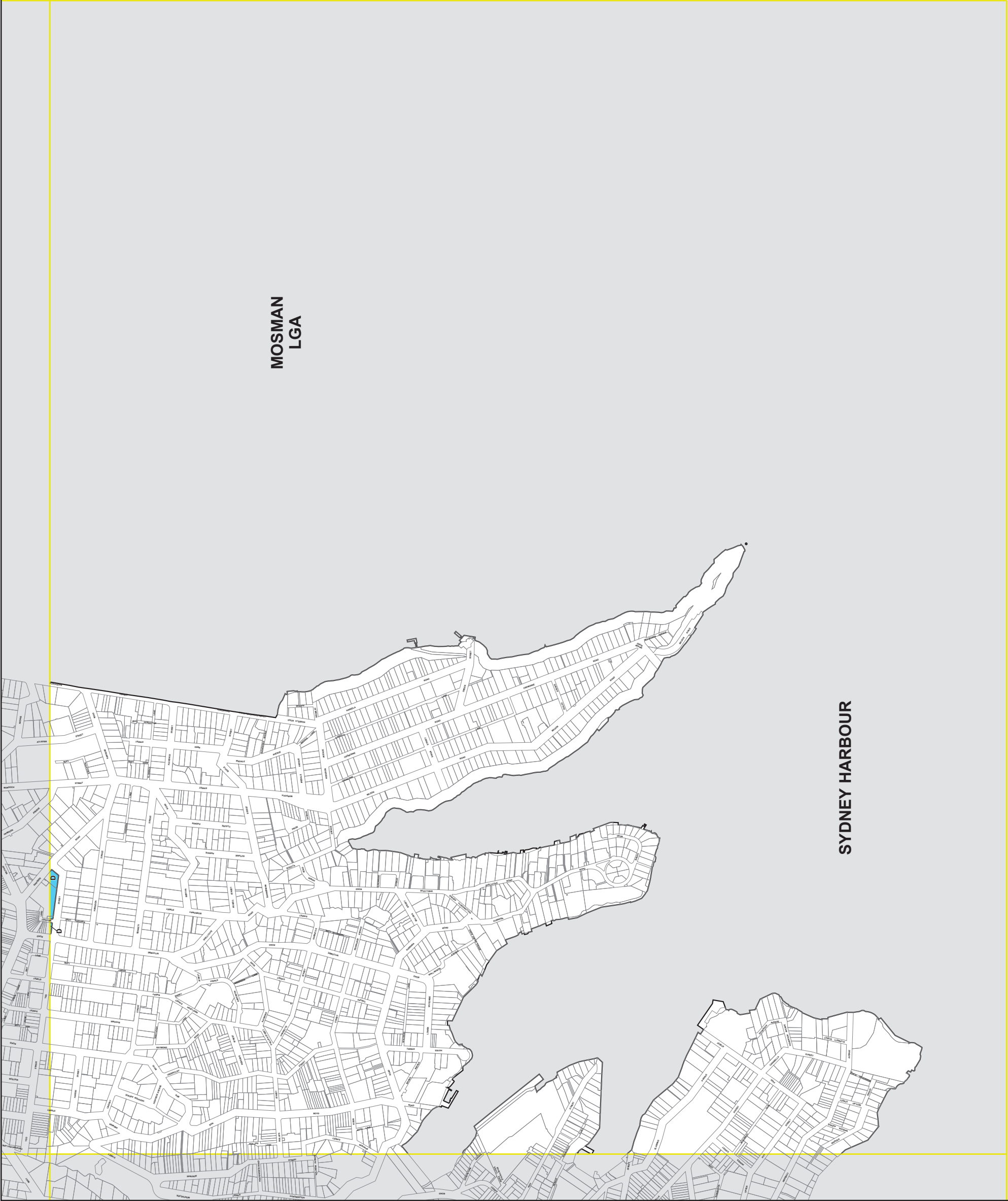
Cadastral 15/10/19 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5960_COM_LCL_003_010_20191015





North Sydney Local
Environmental
Plan 2013

Non-Residential Floor Space
Ratio Map
- Sheet LCL_004

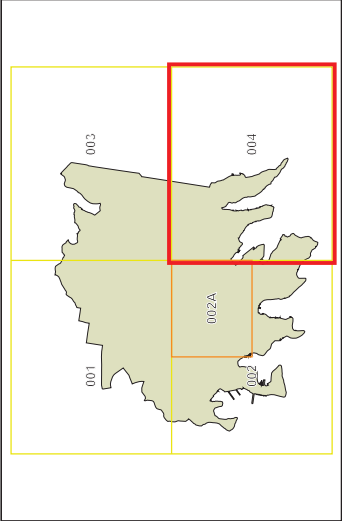
Minimum Non-Residential Floor Space Ratio (n:1)

A	0.24
D	0.5
F	0.6
I	0.75
N	1
R	1.4
S	1.5
T	2
V	3
X	4.7

Cadastral



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Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_LCL_004_010_20191015



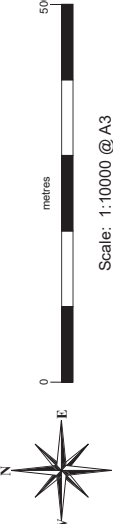
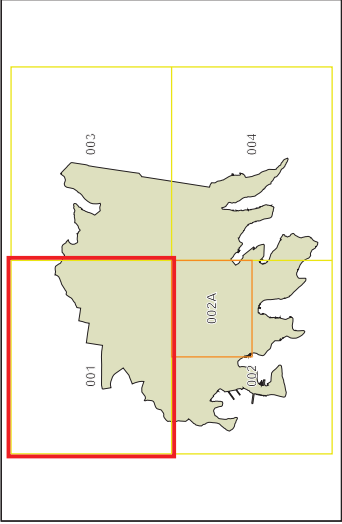
North Sydney Local
Environmental
Plan 2013

Land Reservation Acquisition Map
- Sheet LRA_001

- Local Open Space (RE1)
- Regional Open Space (RE1)
- Local Open Space (E2)
- Regional Open Space (E2)
- Classified Road (SP2)

Cadastral

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Projection GDA 1984

MGA Zone 56

Map identification number: 5560_COM_LRA_001_010_20191015

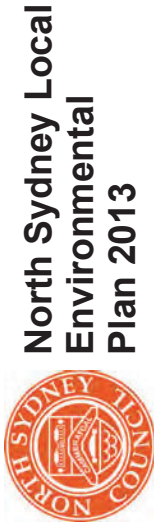
WILLOUGHBY
LGA

LANE COVE
LGA

Regional Open
Space (E2)

Local Open
Space (E2)

SP2 - Classified
Road

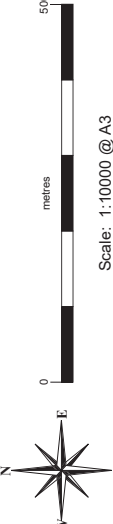
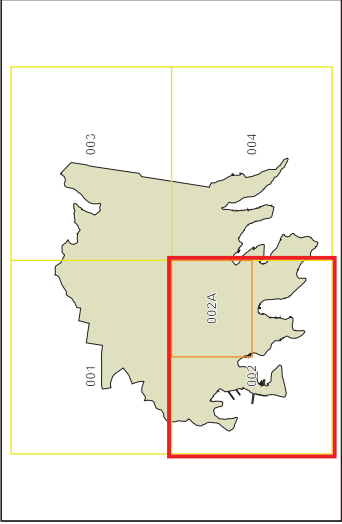


Land Reservation Acquisition Map
- Sheet LRA_002

- Local Open Space (RE1)
- Regional Open Space (RE1)
- Local Open Space (E2)
- Regional Open Space (E2)
- Classified Road (SP2)

Cadastral

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Projection GDA 1984
MGA Zone 56

Map identification number:
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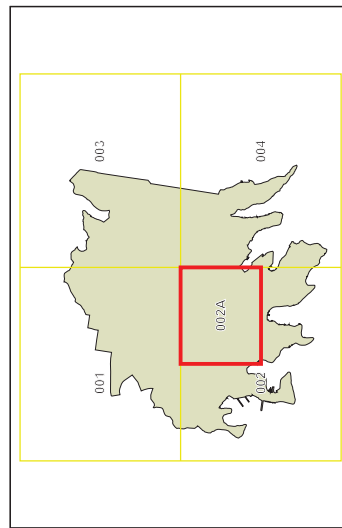
North Sydney Local Environmental Plan 2013

Land Reservation Acquisition Map
- Sheet LRA_002A

- | | Local Open Space (RE1) | Regional Open Space (RE1) | Local Open Space (E2) | Regional Open Space (E2) | Classified Road (SP2) |
|--|------------------------|---------------------------|-----------------------|--------------------------|-----------------------|
| | | | | | |

Cadastre

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Projection GDA 1994
MGA Zone 56

Map identification number:
5950 COM LRA 002A 005 20191015



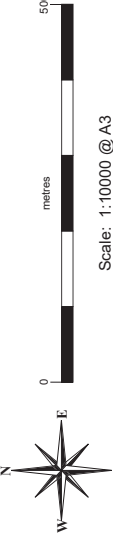
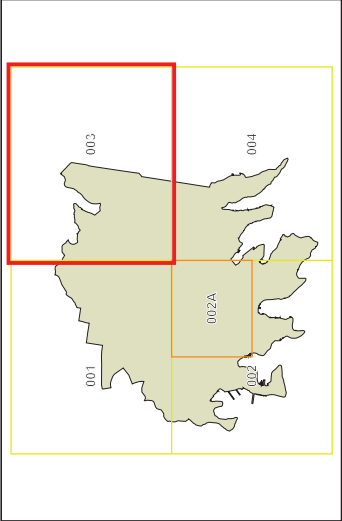
North Sydney Local
Environmental
Plan 2013

Land Reservation Acquisition Map
- Sheet LRA_003

- Local Open Space (RE1)
- Regional Open Space (RE1)
- Local Open Space (E2)
- Regional Open Space (E2)
- Classified Road (SP2)

Cadastre

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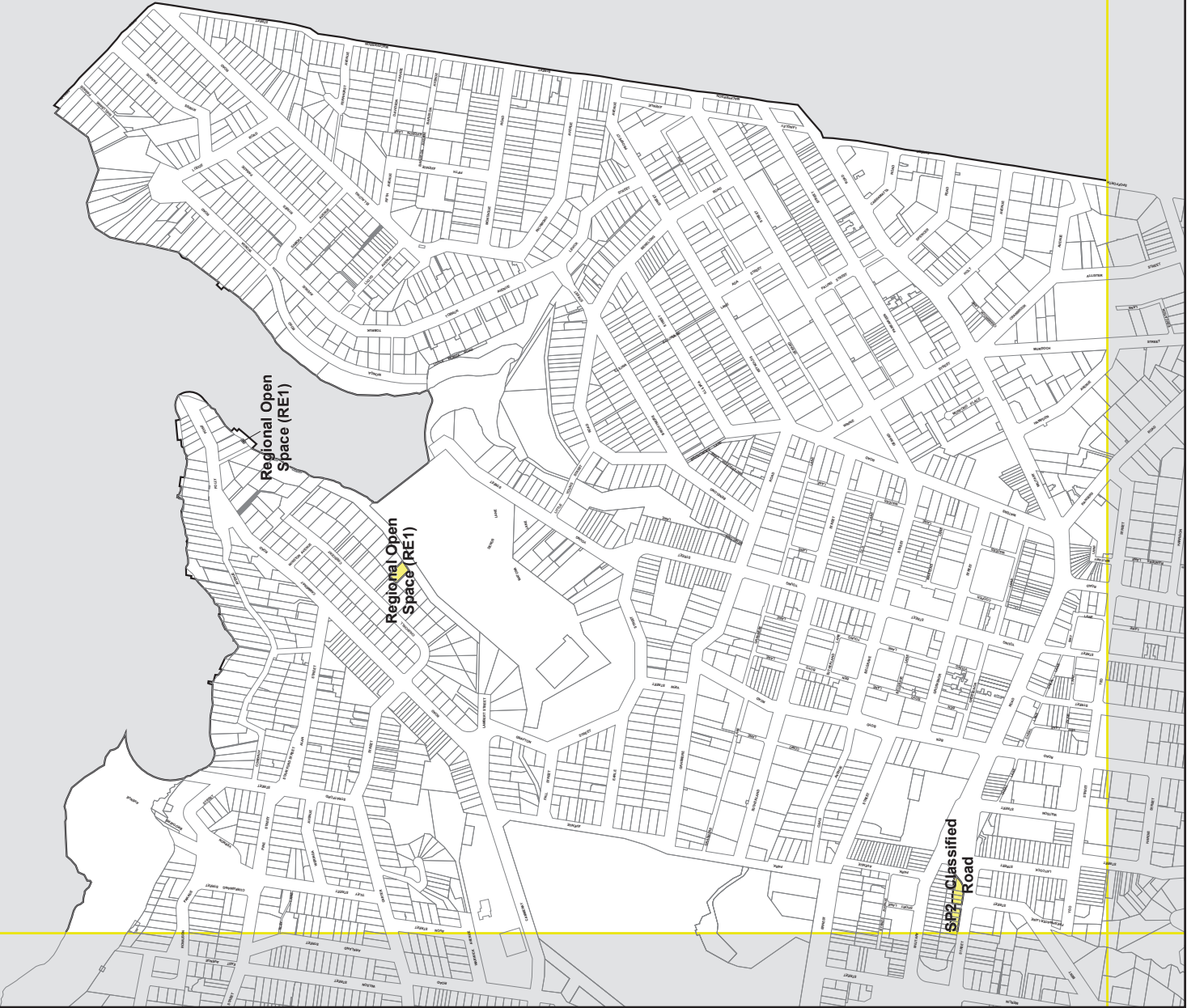


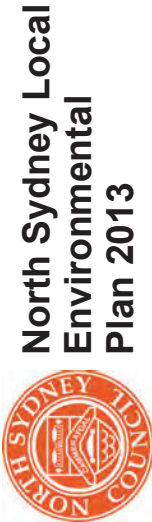
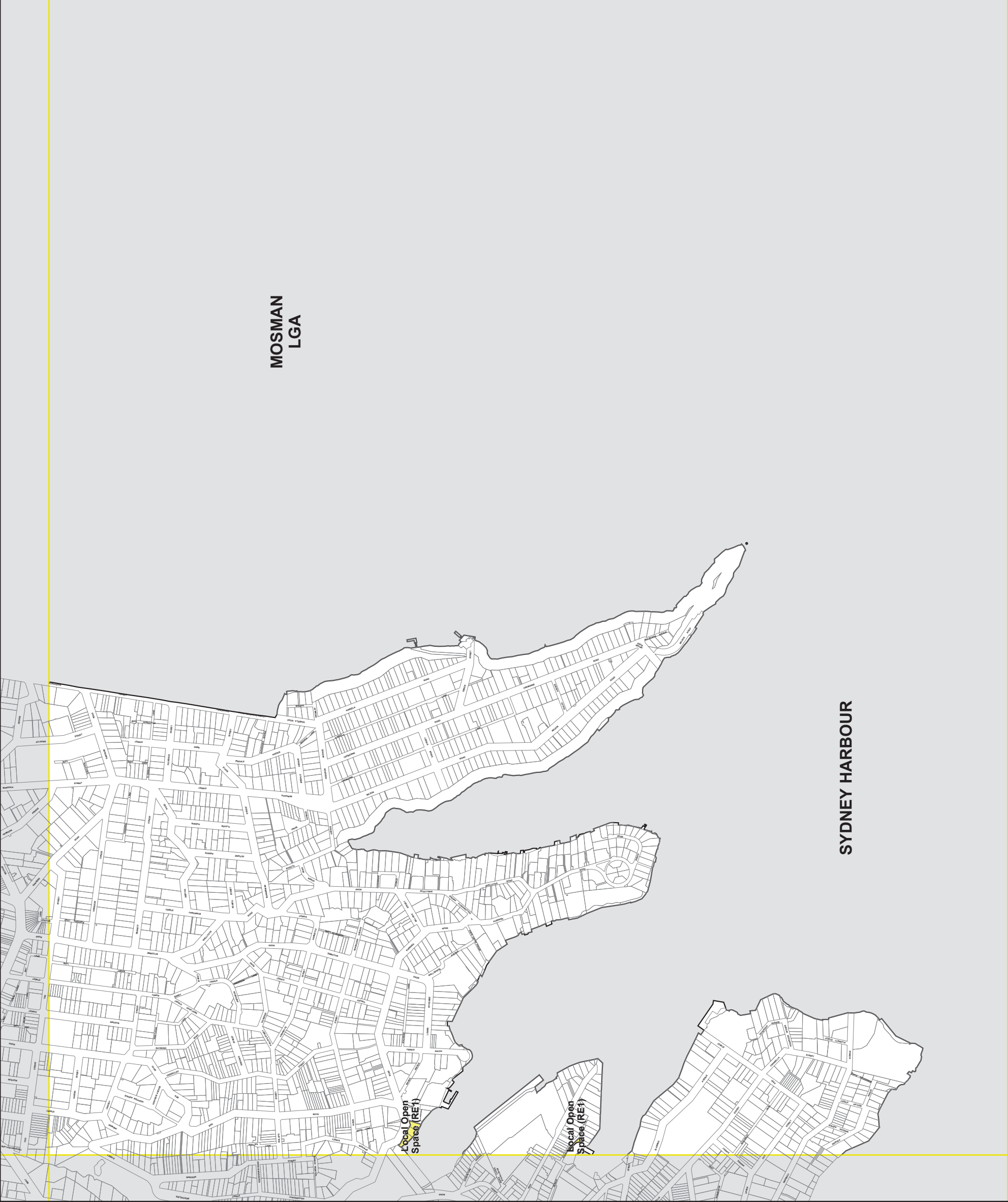
Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_LRA_003_010_20191015

WILLOUGHBY
LGA

MOSMAN
LGA





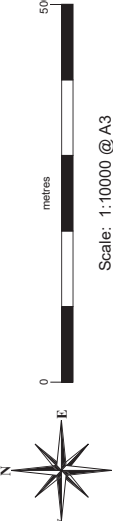
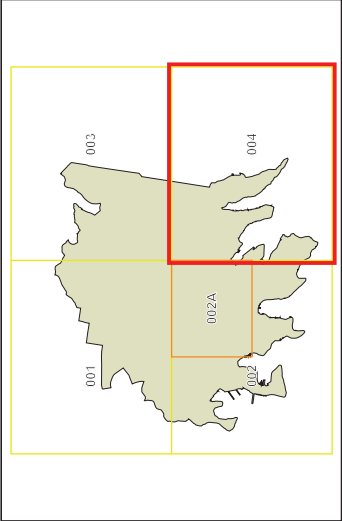
North Sydney Local
Environmental
Plan 2013

Land Reservation Acquisition Map
- Sheet LRA_004

- Local Open Space (RE1)
- Regional Open Space (RE1)
- Local Open Space (E2)
- Regional Open Space (E2)
- Classified Road (SP2)

Cadastral

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Scale: 1:10000 @ A3

Projection: GDA 1984
MGA Zone 56

Map identification number:
5660_COM_LRA_004_010_20191015



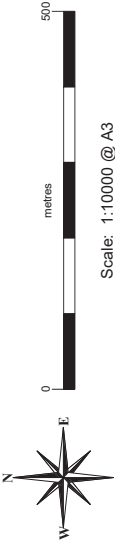
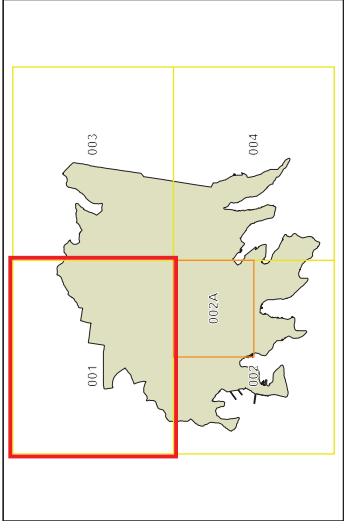
North Sydney Local
Environmental
Plan 2013

Additional Permitted Uses Map
- Sheet APU_001

Additional Permitted Uses

Cadastral

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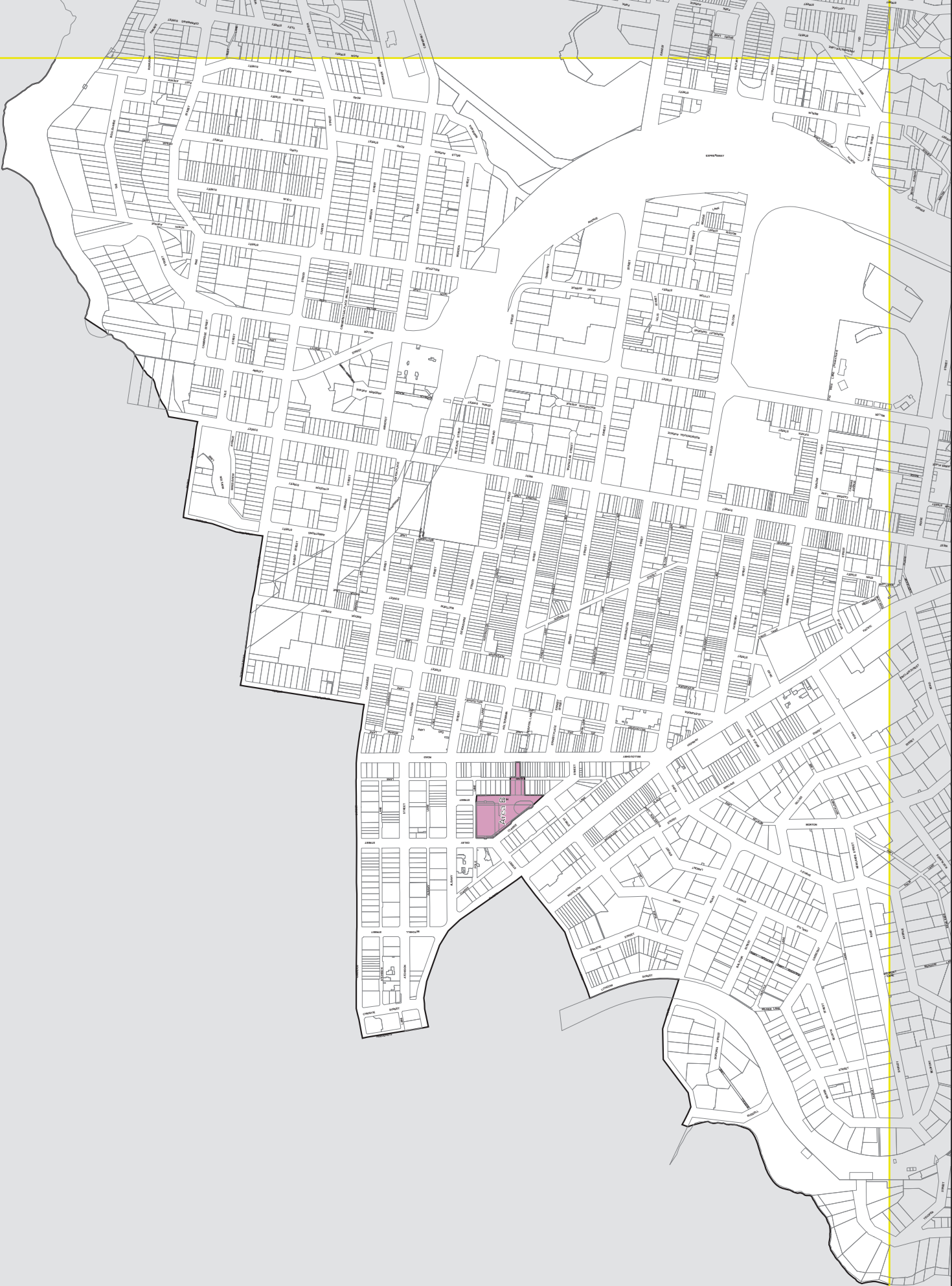


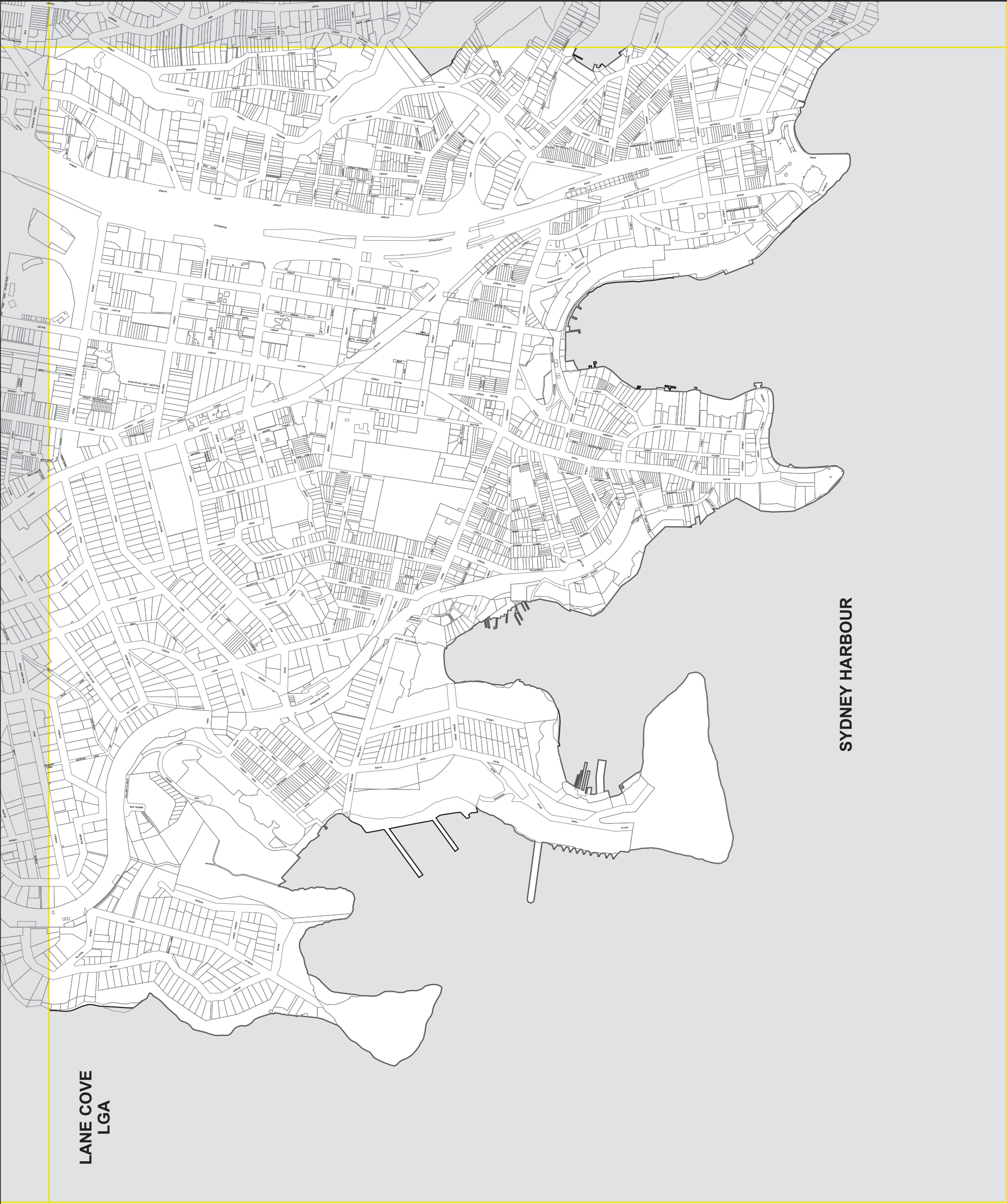
Projection GDA 1984
MGA Zone 56

Map identification number:
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WILLOUGHBY
LGA

LANE COVE
LGA





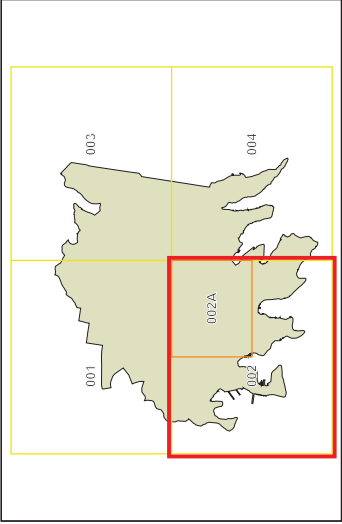
**North Sydney Local
Environmental
Plan 2013**

**Additional Permitted Uses Map
- Sheet APU_002**

Additional Permitted Uses

Cadastral

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Scale: 1:10000 @ A3

Projection GDA 1984

MGA Zone 56

Map identification number: 5960_COM_APU_002_010_20191015



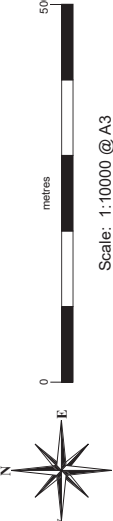
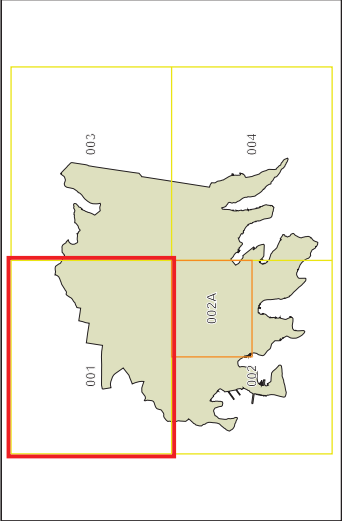
North Sydney Local
Environmental
Plan 2013

Intensive Urban Development Area
Map - Sheet IUD_001

Intensive Urban Development Area
Refer to Clause 6.20

Cadastral

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Projection GDA 1984
MGA Zone 56

Map identification number:
5960_COM_IUD_001_20191015

WILLOUGHBY
LGA

LANE COVE
LGA

