

8.5. PP7/19 - North Sydney LEP Review 2019 - Post Exhibition Report

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ATTACHMENTS:

1. Att 1_Gateway Determination [8.5.1 - 4 pages]
2. Att 2_Amendment to Gateway Determination [8.5.2 - 2 pages]
3. Att 3_Summary of Submissions Table [8.5.3 - 26 pages]
4. Att 4_Robert Moore Heritage Advice - 3 Parker Street [8.5.4 - 6 pages]
5. Att 5_Planning Proposal - LEP Review 2019 - For Adoption Post Exhibition [8.5.5 - 309 pages]

PURPOSE:

This report provides an analysis of the submissions made in response to the North Sydney LEP Review 2019 (Planning Proposal 7/19) and makes a recommendation as to how to proceed with the proposed amendments within the Planning Proposal.

EXECUTIVE SUMMARY:

At its meeting on 25 November 2019, Council resolved to forward a Planning Proposal to the Department of Planning, Industry and Environment (DPIE) which seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 to give effect to the recommended actions of the North Sydney Local Strategic Planning Statement (LSPS) and North Sydney Local Housing Strategy (LHS) and incorporate a number of minor housekeeping amendments to ensure that NSLEP 2013 remains a clear, transparent and contemporary planning instrument. A full list of the proposed amendments to NSLEP 2013, as exhibited, is contained within the Background Section to the report.

On 19 April 2020, the Minister for Planning issued a Gateway Determination, permitting the Planning Proposal to be placed on public exhibition.

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 29 days from Monday 25 May 2020 to Monday 22 June 2020.

A total of twenty-nine (29) submissions were received during the exhibition period, nine (9) of which were in support or raised no objection to all or part of the proposed changes identified within Planning Proposal, eleven (11) objected to specific aspects of the Planning Proposal and fourteen (14) requested additional amendments beyond those

identified within the Planning Proposal. The issues raised in the submissions warrant some minor amendments to the Planning Proposal including:

- Correcting the legal description of properties associated with the rezoning of parts of the Warringah Freeway;
- Correcting the legal descriptions in Schedule 5 in relation to Heritage Item I0387 – Lavender Bay Railway Group;
- Amending the item name of Heritage Item I0135 – 8 Wulworra Avenue, Cremorne Point and the Heritage Map such that the listing applies to the part of the site containing the former dwelling; and
- Amend the proposed heritage listing of 3 Parker Street, McMahons Point to exclude the detached garage structures.

The extent of the proposed amendments made in response to the submissions do not alter the intent of the Planning Proposal and do not give rise to seeking an amended Gateway Determination or re-exhibition of the Planning Proposal.

Having completed the community consultation and consideration of submissions steps within the plan making process, it is recommended that Council resolves to adopt the Planning Proposal as amended, in response to submissions and forward the amended Planning Proposal to the Department of Planning, Industry and Environment with a request that the Planning Proposal be made.

FINANCIAL IMPLICATIONS:

As part of its accelerated LEP funding agreement, Council is required to submit an endorsed post public exhibition version of this Planning Proposal to the Department of Planning, Industry and Environment by 31 August 2020 to ensure it receives its next payment. Should Council resolve to defer making a determination on all or part of the Planning Proposal, it will place the receiving of the next payment in jeopardy. This payment also has implications for a number of other strategic planning projects that Council is undertaking including but not limited to the completion of the Military Road Corridor and Civic Precinct Planning Studies. Given the COVID-19 Pandemic has resulted in Council's income revenues being significantly reduced, it is strongly recommended that Council not defer making its determination in relation to this report.

RECOMMENDATION:

- 1. THAT** Council note the submissions made in respect of the Planning Proposal.
- 2. THAT** in response to the submissions made, Council endorse the following proposed amendments to the Planning Proposal, as reflected in Attachment 5:
 - a. Correcting the legal description of properties associated with the rezoning of parts of the Warringah Freeway;
 - b. Correcting the legal descriptions in Schedule 5 in relation to Heritage Item I0387 – Lavender Bay Railway Group.

- c. Amending the description of item I0135 – 8 Wulworra Avenue, Cremorne Point and the Heritage Map such that the listing applies to the part of the site containing the former residence.
 - d. Amend the proposed heritage listing of 3 Parker Street, McMahons Point (I1138) to exclude the detached garage structures from the Item Name within Schedule 5.
- 3. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal as amended (Attachment 5) to the Department of Planning, Industry and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal as amended.
- 4. THAT** in response to submissions made, the following matters be investigated in the future comprehensive Heritage Review to be prepared by Council:
- a. inclusion of 33 Spruson Street, Neutral Bay as a Heritage Item;
 - b. inclusion of 5, 7 and 14 East Crescent Street, McMahons Point as Heritage Items;
 - c. revising the Montague Road Conservation Area to exclude 10-18 Fifth Avenue, Cremorne; and
 - d. revising the extent of the heritage listing of the following school properties to only apply elements of heritage significance:
 - i. Cammeray Public School (68 Palmer Street, Cammeray);
 - ii. North Sydney Girls High School (365 Pacific Highway, Crows Nest);
 - iii. Neutral Bay Public School (175 Ben Boyd Road, Neutral Bay); and
 - iv. North Sydney Boys High School (127 Falcon Street, North Sydney).
- 5. THAT** Council write the Department of Planning, Industry and Environment seeking an amendment to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 to identify the curtilage to the state heritage listing of Brett Whiteley House and the Head of Shell Cove.
- 6. THAT** Council continue to investigate the current and future use of Sinclair Street located between Rocklands Road and Hazelbank Road, Wollstonecraft.
- 7. THAT** once the LEP amendment giving effect to the Planning Proposal has been in operation for 1 year, that Council review the outcomes of the proposal to permit residential flat buildings within the *R3 Medium Density Residential* zone.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

2.3 Sustainable transport is encouraged

2.4 Improved traffic and parking management

4. Our Social Vitality

4.1 North Sydney is connected, inclusive, healthy and safe

4.4 North Sydney's history is preserved and recognised

BACKGROUND

The following outlines the chronology and milestones of the Planning Proposal process to date:

29 October 2018: Council resolved to accept funding from the Department of Planning, Industry and Environment (DPIE) to prepare:

- A Local Environmental Plan (LEP) Review “Road Map”;
- Local Strategic Planning Statement (LSPS); and
- Local Housing Strategy (LHS).

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 consistent with the District directions and aspirations, with a number of priorities identified to achieve a more holistic consistency with the North District Plan.

19 April 2019: The Greater Sydney Commission (GSC) gave in principle 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.

24 June 2019: Council resolved to endorse draft versions of its LSPS and LHS for the purposes of public exhibition.

4 July 2019: The Draft LSPS and Draft LHS were placed on public exhibition for 42 days, concluding on 15 August 2019.

23 September 2019: Council resolved to prepare a Planning Proposal to give effect to the LSPS and LHS, and to incorporate a range of housekeeping amendments. Council also resolved to refer the Planning Proposal to the North Sydney Local Planning Panel

(NSLPP) for its recommendation, prior to determining whether or not the proposal should proceed to Gateway Determination.

23 October 2019: The NSLPP resolved to support the Planning Proposal progressing to Gateway Determination.

25 November 2019: Council resolved to endorse the Planning Proposal and associated maps and forwarded it to the Minister for Planning and Public Spaces in order to obtain a Gateway Determination. At this meeting, Council also adopted the LSPS and LHS, and resolved to amend the Planning Proposal to reflect Council's adoption of these strategies and the recommendations of NSLPP.

24 February 2020: Council resolved to endorse draft amendments to NSDCP 2013 and to publicly exhibit them concurrently with the Planning Proposal.

The proposed amendments to NSLEP 2013, as exhibited, is as follows:

- Permitting residential flat buildings within the *R3 Medium Density Residential* zone;
- Permitting veterinary hospitals within the *B1 Neighbourhood Centre* zone;
- Rezoning two Sydney Water properties to *SP2 Infrastructure* to reflect their primary use, located at:
 - 74 McDougal Street, Kirribilli; and
 - Lot 1 DP 786793 (tot the rear of 33A-33B Shellcove Road, Kurraba Point;
- Rezoning a number of properties associated with the Warringah Freeway to *SP2 Infrastructure* to reflect the extent of land gazetted for classified road purposes;
- Rezoning land owned and used by the following schools to *SP2 Infrastructure* to reflect their primary use:
 - North Sydney Girls High School;
 - Sydney Church of England Grammar School (Shore);
 - Wenona School;
 - Redlands Sydney Church of England Co-educational Grammar School (senior and Junior campuses);
 - St Aloysius College;
 - Monte St' Angelo Mercy College;
 - Anzac Park Public School;
 - Loreto Kirribilli;
- Rezoning all land located below Mean High Water Mark to UL Unzoned Land.
- Correcting historical errors relating to the zoning of a number of private properties, located at:
 - 2 Nicholson Street, Wollstonecraft
 - 19 Elamang Road, Kirribilli;
 - 80 Bent Street; Neutral Bay
- Rezoning a number of road reserves to *RE1 Public Recreation* 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;

- Removal of certain land uses being permitted on land under clause 2.5 and Schedule 1 to the LEP, where that use has ceased or been abandoned or is permitted under the Land Use Table to the LEP, including:
 - 2 Thomas Street, McMahons Point;
 - 41 Alfred Street South, Milsons Point;
 - 88 Berry Street, North Sydney;
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling;
- Identifying 3 Parker Street, McMahons Point as a new heritage item;
- 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;
- 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, including:
 - The Avenue, North Sydney;
 - 25 Shirley Road, Wollstonecraft;
- Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP;
- Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority.

CONSULTATION REQUIREMENTS

Community engagement has been undertaken in accordance with Council's Community Engagement Protocol and the relevant conditions of the Gateway Determination.

DETAIL

1. Issue of Gateway Determination

On 19 April 2020, the DPIE issued a Gateway Determination (refer to Attachment 1) enabling the Planning Proposal to proceed to the public exhibition of the plan making

process subject to satisfying 13 conditions. Council was also advised that due to the Planning Proposal directly affecting a significant number of properties within the Local Government Area (LGA), that Council would not be granted delegation to be the local plan making authority to finalise the making of any local environmental plan amendment following the conclusion of the public exhibition. The local plan making authority role will therefore be transferred to the DPIE after the consideration of submissions.

Council staff queried the imposition of Condition 8 of the Gateway Determination with the DPIE, which stated:

Remove all references to the proposed amendment to Clause 23 Schedule 1 as sufficient discussion within the planning proposal has not been provided.

This condition related to the proposed amendment clause 23 (41 Alfred Street, Milsons Point) in Schedule 1 – *Additional permitted uses* of NSLEP 2013. In particular, it was proposed to remove “restaurants and cafes” as a permissible use on the site under this clause.

Council advised the DPIE that the justification for this particular amendment was provided within Section 14.2.3 to Annexure A – *Register of Issues* of the Planning Proposal as adopted by Council on 25 November 2019 and as forwarded to the DPIE for the purposes of receiving a Gateway Determination.

Based on this evidence, the DPIE conceded their error and subsequently issued an amendment to the Gateway Determination on 22 April 2020, which saw the removal of Condition No.8 from the Gateway Determination (refer to Attachment 2).

The cover letter to the Gateway Determination initially required Council to submit its post exhibition determination to the DPIE by 30 June 2020. However, in light of the COVID pandemic, the DPIE extended this timeframe to the 31 August 2020.

2. Assessment Against Gateway Determination Conditions

The conditions imposed on the amended Gateway Determination are addressed in the following subsections.

2.1. Amendment of Planning Proposal Prior to Public Exhibition

Conditions 1-9 inclusive to the Gateway Determination required that the Planning Proposal be amended prior to being placed on public exhibition. Each of these conditions are addressed in the following subsections.

2.1.1. Condition 1 - Ennis Road Bays

Condition 1 of the Gateway Determination states:

Prior to public exhibition all references to the proposed amendment pertaining to Clause 14 of Schedule 1 are to be removed, as the amendment has been processed as part of another planning proposal.

This Condition relates to the correction of the street address to the Ennis Road Bays, Kirribilli under Clause 14 to Schedule 1 – *Additional permitted uses* of NSLEP 2013.

This proposed amendment was duplicated in the Small Bars in Kirribilli Planning Proposal, which was resolved to proceed by Council at the same time as this Planning Proposal. The time that the Gateway Determination was issued, the Small Bars in Kirribilli Planning Proposal had proceeded quicker than this Planning Proposal, having already been issued a Gateway Determination and subject to public exhibition, and was therefore likely to be implemented quicker. Accordingly, this proposed amendment was removed from the Planning Proposal prior to it being placed on public exhibition.

The LEP Amendment giving effect to the Small Bars in in Kirribilli Planning Proposal was made on 31 July 2020.

2.1.2. Condition 2 – Small Bars in Kirribilli Planning Proposal

Condition 2 of the Gateway Determination states:

Update the list of planning proposals that are running concurrently to this proposal to include the Kirribilli Small Bars planning proposal (PP_2020_NORTH_001_00)

As noted in Condition 1, the Small Bars in Kirribilli Planning Proposal is proceeding quicker than this Planning Proposal, despite being endorsed by Council at the same time.

In accordance with this Condition, the introductory text to section 4 of the Planning Proposal was amended prior to public exhibition.

2.1.3. Condition 3 – Heritage Listing of 33 Spruson Street, Neutral Bay

Condition 3 of the Gateway Determination states:

Remove all references to the listing of 33 Spruson Street, Neutral Bay as the proposed amendment is not supported by a heritage assessment detailing how it satisfies the NSW criteria for heritage listing.

All references to the proposed listing of 33 Spruson Street, Neutral Bay as a heritage item were removed from the Planning Proposal prior to its public exhibition in accordance with the Condition. However, references were retained within the Background section of the Planning Proposal to maintain a level of transparency and clarity with respect to Council's initial intent to identify this property as a heritage item.

Whilst the Planning Proposal incorporated advice from an independent heritage consultant to justify the proposed listing and essentially mirrored that of the adjoining heritage listed semi-detached dwelling, the DPIE are of the opinion that the level of advice was insufficient. Whilst Council staff could have challenged this condition, it was not pursued as the timing required to obtain such advice would have delayed the public exhibition period by up to 1 month and potentially jeopardise Council's ability to receive the next lot of funding from the accelerated LEP Funding agreement (refer to Section 7 of this report).

Despite this outcome, Council's LSPS identifies the need to undertake a comprehensive LGA wide heritage study. It is therefore recommended that this issue be reconsidered as part of this comprehensive review.

2.1.4. Condition 4 – Notification of 3 Parker Street, McMahons Point

Condition 4 of the Gateway Determination states:

Council must consult with the landowner(s) of 3 Parker Street, McMahons Point regarding its proposed listing as an item of local heritage significance.

A tailored notification letter was sent to the owners of 3 Parker Street, McMahons Point advising them of the proposed heritage listing of their property in accordance with the Condition and invited to provide comment.

2.1.5. Condition 5 – Notification of 25 Shirley Road, Wollstonecraft

Condition 5 of the Gateway Determination states:

Council must consult with the landowner(s) of 25 Shirley Road, Wollstonecraft regarding the proposed introduction of the 8.5m maximum building height for this land.

A tailored notification letter was sent to the owners of 25 Shirley Road, Wollstonecraft advising them of the proposed application of an 8.5m height limit over their property in accordance with the Condition and invited to provide comment.

2.1.6. Condition 6 – Proposed New Residential Flat Building Clause

Condition 6 of the Gateway Determination states:

Council is to remove all references to the proposed introduction of clause 6.12(AA) as intended under the Council resolution of 28 November 2019.

The proposed incorporation of clause 6.12AA to NSLEP 2013 was removed from the Planning Proposal prior to its public exhibition in accordance with the Condition. However, a reference to its former intention to incorporate this clause has been left

within the Background section of the Planning Proposal to maintain a level of transparency and clarity with respect to Council's initial intent to address the issue.

2.1.7. Condition 7 – Benelong Lane, Cremorne

Condition 7 of the Gateway Determination states:

In relation to the rezoning of land at the northern end of Benelong Lane adjacent to 107A Young Street, Cremorne, it is requested that Council provide further justification or remove all references to the amendment from the planning proposal.

The Planning Proposal was amended prior to its public exhibition to include the justification for the proposed amendment to rezone the entirety of Benelong Lane from part *R2 Low Density Residential* and *RE1 Public Recreation* to all *R2 Low Density Residential* under NSLEP 2013. The justification is located within Section 9.6 to Annexure A – *Register of Miscellaneous Issues* of the Planning Proposal.

2.1.8. Condition 8 – 41 Alfred Street South

Condition 8 of the Gateway Determination was removed subject to the issuance of an amended Gateway Determination on 22 April 2020 (refer to Attachment 2).

2.1.9. Condition 9 – Clause Numbering

Condition 9 of the Gateway Determination states:

Include a rationale for the proposed amendment to renumber clause 5.3(3)(a1).

The Planning Proposal was amended prior to its public exhibition to include the justification for the proposed amendment to renumber clause 5.3(3)(a1) of NSLEP 2013. The justification is located within Section 16 to Annexure A – *Register of Miscellaneous Issues* of the Planning Proposal.

2.1.10. Public Exhibition

Condition 10 of the Gateway Determination required that the Planning Proposal be placed on public exhibition for a minimum of 28 days. In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for 29 days from Monday 25 May 2020 to Monday 22 June 2020.

2.2. Consultation with Public Bodies

Condition 11 of the Gateway Determination required that the Planning Proposal be referred to the following public bodies and be given 21 days within which to comment:

- Sydney Water;

- Transport for NSW;
- Roads and Maritime Services Division of Transport for NSW;
- Heritage Council of NSW;
- Heritage Division of NSW Premier and Cabinet (formerly within NSW Environment, Energy and Science); and
- NSW Department of Education.

All of the above public bodies were notified on the 18 May 2020 in accordance with the Condition and given until the 22 June 2020 to make a comment, representing a 36 day response timeframe.

Council received responses from Transport for NSW (incorporating a response from former Roads and Maritime Services Division), Heritage NSW (incorporating a response from the Heritage Council of NSW) and School Infrastructure Division of the NSW Department of Education.

2.2.1. Transport for NSW

The Transport for NSW (TfNSW) submission raised the following issues in relation to the Planning Proposal:

- Inclusion of incorrect legal description of properties associated with the rezoning of parts of the Warringah Freeway;
- Requested that Council not include the ‘waters of Shell Cove’ and ‘waters of Lavender Bay’ within the description of local heritage items I0580 - *Head of Shell Cove* and I0360 (Brett Whiteley House) respectively, as they are located outside of the LGA;
- Confirmation that the extent of heritage items I0387 - *Lavender Bay Railway Line* and I1051 - *Waverton Railway Station Group* on the Heritage Map remain unchanged;
- General support for the proposal to allow residential flat buildings in the *R3 Medium Density Residential* zone, with a suggestion that Council undertake consultation with TfNSW to ensure there is adequate public transport capacity for any growth in population as a result of any additional residential flat buildings;
- Requested the inclusion of “local distribution centres” as a permissible use with consent within the *R4 High Density Residential*, *B3 Commercial Core* and *B4 Mixed Use* zones;
- Sought confirmation if the outcomes of the Civic Precinct Planning Study will be incorporated into NSLEP 2013 and whether any changes to this Planning Proposal would result from that Planning Study;
- Requesting ongoing liaison with TfNSW throughout strategic planning processes; and
- Requesting that references to RMS in the Planning Proposal documentation be replaced with Transport for NSW to reflect the consolidation of these organisations.

Detailed consideration of the issues raised by the TfNSW are addressed in Section 4 and Attachment 3 (Submissions Table) of this report. In summary, the Planning Proposal is proposed to be amended as follows in response to the issues raised:

- Correcting the legal description of properties associated with the rezoning of parts of the Warringah Freeway; and
- Correcting the legal description to Heritage Item I0387 – *Lavender Bay Railway Group* within *Schedule 5 – Environmental Heritage* of the LEP.

2.2.2. Heritage NSW

The Heritage NSW Division of NSW Premier and Cabinet submission did not raise any specific objection to the deletion or correction of descriptions of heritage items and conservation areas. However, it did request that any other amendments to NSLEP 2013 as a result of the Planning Proposal should not have a negative impact on heritage items as identified under other State and commonwealth legislation with specific reference to State heritage items, recorded aboriginal sites, commonwealth heritage listed places or the curtilage of the world heritage listed Sydney Opera House.

Detailed consideration of the issues raised by the Heritage NSW are addressed in Section 4 and Attachment 3 (Submissions Table) of this report. In summary the submission did not warrant an amendment to the Planning Proposal as sufficient controls are in place to consider the impacts on these additional heritage items that are identified outside of NSLEP 2013.

2.2.3. NSW Department of Education

The submission from the Department of Education generally supported the directions and land use controls in the Planning Proposal. In particular, it did not object to the proposed rezoning of school lands from a mix of residential zones to *SP2 Infrastructure (Educational Establishment)* or to corresponding amendments to the proposed removal of lot size requirements to the Lot Size Map.

A concern was raised with respect to the extent of heritage listings under Schedule 5 – *Environmental Heritage* of NSLEP 2013 as they applied to the following public schools:

- Item I0019 – Cammeray Public School (68 Palmer Street, Cammeray)
- Item I0165 – North Sydney Girls High School (365 Pacific Highway, Crows Nest)
- Item I0575 – Neutral Bay Public School (175 Ben Boyd Road, Neutral Bay)
- Item I0830 – North Sydney Boys High School (127 Falcon Street, North Sydney)

Whilst it was noted that the LEP currently applies the heritage listings to the entirety of each of the identified school sites, it was requested that consideration be given to amending these listings and the LEP Heritage Map to only apply to that part of the site which has heritage significance. This would enable alterations and additions to non-

heritage elements to be carried out more efficiently as exempt or complying development under *SEPP (Educational Establishments and Child Care Facilities) 2017* where appropriate.

Detailed consideration of the issues raised by the Department of Education are addressed in Section 4 and Attachment 3 (Submissions Table) of this report. In summary, the submission did not warrant an amendment to the Planning Proposal as the concerns over the heritage listing of school properties may be better addressed through Council's forthcoming comprehensive Heritage Review.

2.3. Public Hearing

Condition 12 of the Gateway Determination did not require the undertaking of a public hearing in accordance with 3.34(2)(e) of the EP&A Act. This condition is noted.

2.4. Timeframes

Condition 13 requires that an LEP that implements the intent of the Planning Proposal be made within 6 months of the issuing of the Gateway Determination (or 22 October 2020). Should Council resolve to recommend the making of the LEP, it will leave almost 2 months to make the LEP. A review of previous LEP making processes, indicate that on average, an LEP of similar complexity can be made within approximately 6 months after the consideration of the post exhibition report. As Council does not have carriage of the finalisation of the LEP, the onus will be on the DPIE to finalise the LEP within this shorter timeframe. Notwithstanding, Council staff will assist the DPIE in the finalising of the LEP.

3. Public Exhibition

As indicated in section 2.2 of this report, the Planning Proposal and draft amendment to NSDCP 2013 were placed on public exhibition concurrently for 29 days, from Monday 25 May 2020 to Monday 22 June 2020.

Property owners and occupiers to all properties within the LGA (approximately 55,000) were notified by letter of the public exhibition of the Planning Proposal and draft amendment to NSDCP 2013. Council also notified other various stakeholders, including but not limited to, Precinct Committees, neighbouring councils, local chambers of commerce and heritage organisations reflective of the changes proposed.

In addition, formal notices were placed on Council's website in accordance with the Environmental Planning and Assessment Act, 1979 (EP&A Act) and Council's Community Engagement Strategy.

Electronic copies of the exhibition documentation were made available on Council's website for the entirety of the exhibition period. A hard copy of the exhibition documents were made available at Council's Customer Service Centre for the entirety

of the exhibition period and a further hard copy made available at Stanton Library approximately 2 weeks after the exhibition commenced, once COVID-19 matters had eased.

4. Consideration of Submissions

A total of twenty-nine (29) submissions were received with regard to the public exhibition of the Planning Proposal, of which:

- Twenty one (21) submissions were made by the general public;
- Three (3) submissions were made by public authorities:
 - Transport for NSW,
 - Heritage NSW;
 - Department of Education;
- Two (2) were made by neighbouring Councils; and
- Three (3) submissions were made by Council’s Precinct Committees, including:
 - Milson,
 - Wollstonecraft, and
 - Neutral.

A summary and response to all submissions received are located in the attached Submissions Summary Tables (refer to Attachment 3). It is recommended that the recommendations outlined in the Submissions Summary Tables be adopted as part of this report.

A complete copy of all submissions has been made available to Councillors via the submissions folder placed on the Hub.

The proposed amendments that are supported in the submissions include the following:

- Permitting residential flat buildings in the *R3 Medium Density Residential* zone;
- Permitting veterinary hospitals in the *B1 Neighbourhood Centre* zone;
- Rezoning school properties to *SP2 Infrastructure*; and
- Correction and updating of various heritage listings.

The proposed amendments that are not supported by submitters include the following:

- Permitting residential flat buildings in the *R3 Medium Density Residential* zone;
- Permitting “function centres” across the entirety of the North Sydney Olympic Pool site;
- Proposed heritage listing of 3 Parker Street, McMahons Point;
- Imposing an 8.5m height limit on 25 Shirley Road, Wollstonecraft;
- Rezoning School properties to *SP2 Infrastructure*;

Other matters requiring further clarification or correction or requested amendments beyond those originally proposed include the following:

- Removal of the heritage listing to 28 Alfred Street South, Milsons Point;
- Amendment of the Montague Road Conservation Area boundaries to exclude properties in Fifth Avenue;
- Correction to the heritage listings of:
 - 8 Wulworra Road, Cremorne Point;
 - Head of Shell Cove, Cremorne Point;
 - Brett Whiteley House (1 Walker Street, Lavender Bay);
 - Lavender Bay Railway Group;
 - Waverton Railway Station Group
- Inclusion of new heritage items located at various properties within East Crescent Street, McMahons Point;
- Correction of property descriptions and addresses in relation to:
 - the rezoning of land to *SP2 Infrastructure* associated with the Warringah Freeway;
 - land in King and Ross Streets, Wollstonecraft
- Permitting “local distribution centre” within the *R4 High Density Residential*, *B3 Commercial Core* and *B4 Mixed Use* zones;
- Rezoning a portion of Sinclair Street, Wollstonecraft to *RE1 Public Recreation*;
- Site specific residential rezoning requests, including:
 - 1, 3 and 5 Powell Street, Neutral Bay; and
 - 42-44 Kurraba Road, Neutral Bay.

The key issues raised in the submissions are discussed in detail in the following subsections.

4.1. Residential Flat Buildings in the R3 Medium Density Residential Zone

A total of nine (9) submissions were received with respect to permitting residential flat buildings in the *R3 Medium Density Residential* zone. Of these submissions, three (3) submissions generally supported or did not object to the proposed amendment and a further six (6) submissions specifically objected to the proposed amendment on the following grounds:

- The amendment is not in keeping with the established character of these zones;
- The amendment would increase development pressure and lead to inappropriate and unsympathetic building height, bulk and scale across the zone;
- The standard instrument does not include residential flat buildings in the *R3 Medium Density Residential* zone and therefore the DPIE intends existing residential flat buildings in the *R3 Medium Density Residential* zone to be assessed under existing use rights provisions;
- The amendment is not necessary for Council to meet its housing targets;

- A zone-wide amendment is not appropriate as the issues arising from existing use rights developments affect a small portion of sites in the *R3 Medium Density Residential* zone;
- There are other ways of addressing issues arising from the redevelopment of residential flat buildings through existing use rights; and
- Council has not undertaken proper community consultation on the matter.

4.1.1. Comment

Council previously considered a comprehensive report on the issues arising from the redevelopment of residential flat buildings through existing use rights (EUR) at its meeting on 25 March 2019. The EUR issue has been leading to quite inappropriate proposals within both the R2 and R3 zone which this amendment seeks to address. This report outlined a range of options to address this issue including:

- introducing new land use terms within the Dictionary to NSLEP 2013;
- rezoning land on which existing residential flat buildings are prohibited to *R4 High Density Residential*;
- including clauses within Schedule 1 – *Additional permitted uses* to enable residential flat buildings to be permissible with consent on land where they are currently prohibited;
- permitting residential flat buildings with consent in the *R3 Medium Density Residential* zone; and
- relying on existing planning controls and existing use rights provisions.

The proposal to permit residential flat buildings with consent in the *R3 Medium Density Residential* zone was the preferred option as it was the only one which was consistent with DPIE directives, would not alter current zoning controls and objectives, would significantly reduce the number of sites where redevelopment through existing use rights could be pursued and would not create pressure for additional height.

Change in Character

An area's character is not determined by land use types alone. It is also determined by, but not limited to, the built form, spacing of the built form and landscaping elements.

In terms of land use, it should be noted that “manor homes” which are a form of residential flat building, are permitted as complying development within the *R3 Medium Density Residential* zone under the *Low Rise Housing Diversity Code to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). Accordingly, the proposed amendment is generally consistent with that permissible under the *Codes SEPP*. Manor houses are generally subject to a 2-storey height limit and must contain 3 or 4 dwellings, with at least one dwelling located directly above another dwelling.

In terms of built form, the current 8.5m maximum building height limit that applies to the entirety of the *R3 Medium Density Residential* zone, will be retained unamended

under the Planning Proposal. This limits development to a maximum of 2 storeys with a roof allowance. However, to ensure this outcome is achieved, an additional objective to clause 4.3 - Height of buildings of NSLEP 2013 to “maintain a predominantly 1 to 2 storey built form in zones *R2 Low Density Residential*, *R3 Medium Density Residential* and *E4 Environmental Living*” was proposed to be incorporated. It is also proposed to incorporate accompanying amendments to NSDCP 2013 to introduce further built form controls to limit the bulk and scale of residential flat buildings in the *R3 Medium Density Residential* zone.

In response to these issues, Council’s urban design staff have undertaken some limited comparative modelling of the likely building envelopes for multi-dwelling housing and residential flat buildings within the *R3 Medium Density Residential* zone, which represent the two most dense forms of residential development in the zone as proposed to be amended. The modelling focuses on the relevant key built form controls under NSLEP 2013 and NSDCP 2013 as proposed to be amended. This modelling generally indicates that:

- The amount of floor space achieved for each residential accommodation type is about the same;
- The dwelling density is slightly higher for a residential flat building (at between 30-40%) than a multi dwelling housing, due to residential flat buildings containing a wider and generally smaller sized mix of dwellings;
- Resident occupancy remains about the same for both residential accommodation types, as they are typically higher occupancy rates within multi dwelling housing than residential flat buildings.

The Urban Design staff also suggested potentially investigating the need for minimum lot sizes and minimum frontage requirements to ensure appropriate amenity outcomes are achieved.

However, it should be noted that the modelling was limited to two sites with a regular shape and assuming flat ground. As every single variable was not tested, it is likely that the results in reality could be different to the theoretical exercise.

Therefore, as the proposed planning controls for residential flat buildings in the *R3 Medium Density Residential* zone would generally result in similar built form in terms of bulk and scale, this amendment is considered acceptable. However, Council should monitor this change to ensure that the desired outcome is achieved.

Extent of Affectation

Whilst it is acknowledged that the underlying existing use rights issues only affects approximately 20% of all land zoned *R3 Medium Density Residential*, the redevelopment of these sites under existing use rights provisions has the potential to significantly undermine the desired future character of these lands. The reason for this is that the existing use rights provisions of the EP&A Act remove the need to consider any development standards under an LEP or DCP applying to a site. Accordingly,

developers are seeking to unreasonably exploit this allowance and propose developments far in excess of the built form achievable under Council's planning controls. If the proposed amendments are not incorporated, this would then result in further pressure to amend the planning controls to increase development potential within the *R3 Medium Density Residential* zone as a result of the precedent set by developments relying on existing use rights.

Accordingly, the best way to prevent the significant altering of the desired character of a locality zoned *R3 Medium Density Residential* is to permit that use and require those developments to consider the relevant development controls and standards.

Housing Targets

Council's LHS outlines where residential growth will occur to meet the state government's housing targets. In particular, it identifies that in the next 5 years, the majority of housing growth will be concentrated in areas with high levels of access to public transport. The LHS also considers the incorporation of the proposed amendment and notes that it will not significantly increase the potential density of this zone or cause significant residential growth. The LHS also recommends that Council monitor the approval of residential flat buildings in the *R3 Medium Density Residential* zone to ensure the desired outcomes are being achieved. It is recommended that Council review the outcomes of the proposed change after 1 year of operation to ensure that the intent of the provisions are achieving the desired effect.

Community Consultation

In terms of community consultation, the public exhibition of this proposal is consistent with Council's Community Engagement Strategy and legislative requirements. It should be noted that in addition to the completed public exhibition period, the proposal to permit residential flat buildings in the *R3 Medium Density Residential* zone were included within Council's LHS and LSPS, which were publicly exhibited between July and August 2019. The community has therefore had a reasonable timeframe and multiple opportunities to comment on the proposed amendment.

Fitzroy Street, Kirribilli

One submission specifically objected to permitting residential flat buildings on land zoned *R3 Medium Density Residential* and fronting Fitzroy Street, Kirribilli (i.e. those properties on the northern side comprising No.'s 20-50 Fitzroy street and 62 Carabella Street).

There is no potential to retain the current zoning and exclude the permitting of residential flat buildings on these properties only, as this would result in the creation of a subzone, which is not permitted by under DPIE's LEP Practice Notes and Planning Circulars. It is noted that all but two properties zoned *R3 Medium Density Residential* and fronting Fitzroy Street are identified as heritage items under NSLEP 2013. Accordingly, these properties have a certain level of protection and are highly unlikely to be demolished to allow the redevelopment for residential flat building purposes.

The submission also suggests that these properties could be rezoned to *R2 Low Density Residential* as an alternative. The majority of these properties contain “attached dwellings” which are a prohibited land use within the *R2 Low Density Residential* zone. Accordingly, this option will trigger the existing use rights provisions, thereby further exacerbating the underlying. Pursuing such an option would also require an amendment to the Gateway Determination and re-exhibition of the Planning Proposal, as the intent of the Planning Proposal will have changed. As discussed in detail at Section 7 to this report, there is insufficient time to seek a new Gateway Determination and re-exhibition of the Planning Proposal as it would place the receiving of State Government funds in jeopardy to complete a number of strategic planning projects.

4.1.2. Recommendation

That the proposed amendment to permit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.2. North Sydney Olympic Pool – Function Centres

Four (4) submissions strongly objected to enabling “functions centres” as a permissible use across the entirety of the North Sydney Olympic Pool (NSOP) site. The reasons for objecting include:

- Increased noise impacting upon residential amenity;
- Traffic impacts;
- Car parking
- Giving automatic increases to operating hours;
- Lack of community consultation.

It was also assumed by some that Council was trying to “slip through” an amendment such that it could be approved as part of the current development application for the redevelopment of the site.

4.2.1. Comment

The proposed amendment seeks to remove the current locational limitations and permit “function centres” across the entirety of the site. The primary purpose of the proposed amendment was to allow increased flexibility as to where functions could occur on the site in response to the proposed changes in configuration of the site which were subject to DA 347/19.

LEPs principally control the use of land, whereas DCPs principally seeks to guide how those uses may be managed over the land. The submissions received, mainly raised issues with regard to the management of proposed functions over the NSOP site, which can typically be addressed through DCP controls.

On 17 January 2014, NSLEP 2013 was amended to (Amendment No.1) allow “function centres” as a permissible use across the south-eastern portion of the site. The original intent of that amendment was to allow functions that were not directly associated with the primary use of the site as a swimming pool to occur on the site to supplement revenue streams to assist with the ongoing maintenance costs of the pool. The intent to permit unrelated functions on the site was first recommended in the 2009-2011 North Sydney Olympic Pool Marketing Plan.

When Council first considered the proposed amendment to NSLEP 2013 to allow functions on the NSOP site, it gave detailed consideration to a number of anticipated impacts including:

- noise;
- carparking;
- traffic, and
- interference with other operations of the pool.

These previously considered issues generally replicate those issues raised in the submissions to the current Planning Proposal.

In summary, during the consideration of the post exhibition report to Amendment No.1 on 27 May 2013, Council determined that there were sufficient controls contained within Council’s DCP to manage the potential impacts of functions on the wider community and that these issues could be appropriately dealt with at the development application stage. However, it was also suggested during the consideration of the post exhibition report to Amendment No.1 that, if required, controls could be incorporated into NSDCP 2013 to provide increased clarity as to what matters should be needed to be addressed, including:

- Limiting the number of functions that may be held in any given calendar year and any given calendar month, to allow respite for surrounding uses and generally moderate the overall impact of holding functions at the site;
- Limiting the permitted hours of operation for functions; and
- Requiring the lodgement of a Noise Management Plan.

Council did not resolve to incorporate additional controls into the NSDCP 2013 at the time. However, since the commencement of Amendment No.1 to NSLEP 2013, NSDCP 2013 has been amended to include a new section (Section 7 – Late Night Trading Hours to Part B) which incorporates controls for operating hours and requirements for the lodgement of management plans to assist with the control of noise and nuisance.

Of particular note, NSDCP 2013 restricts any new use of the site, to occur between 7am and 10pm for internal areas and 8am and 8pm for external areas on any given day of the week. The DCP also enables an extension to these trading hours if the use does not also involve a license issued under the Liquor Act.

It is therefore considered there are sufficient controls already in place to ensure that potential impacts arising from the use of the NSOP site for unrelated functions can be adequately addressed at the development application stage and that and no further amendment to the Planning Proposal or DCP is required.

Some of the submissions suggested that Council was seeking to obtain approval for functions by stealth as part of the most recent development application (DA 347/19) for the redevelopment of the NSOP site.

It should be noted that by making functions permissible with consent on the site, does not automatically grant Council approval to use the site for function purposes. Development consent must first be obtained through the lodgement of a development application. Since the making of Amendment No. 1 to NSLEP 2013, Council has not sought to obtain development consent for the use of the site for functions unrelated to the site's primary purpose. This position also extends to include the recent approval by the Sydney North Planning Panel on 1 July 2020 of DA 347/19 for the redevelopment of the NSOP site, wherein unrelated functions were not proposed. Therefore, when ready, Council may submit a development application to obtain approval to use the site for functions, at which point the community will be given an opportunity to comment on the proposal.

Concern was also raised with respect to an alleged lack of community consultation with regard to the proposal. The original intent to allow unrelated functions on the site date back to at least 2009, which has been subject to various council reports and public consultation opportunities all of which have been carried out publicly. The public exhibition of this proposal is consistent with Council's Community Engagement Strategy and legislative requirements. Furthermore, as indicated above, the community will get an opportunity to comment on any future development application to use the site for functions purposes.

4.2.2. Recommendation

That the proposal to allow function centres across the entirety of the NSOP site through an amendment to Schedule 1 – *Additional permitted uses* to NSLEP 2013 be retained unamended.

4.3. Rezoning of School Properties to SP2 Infrastructure

Two (2) submissions objected to the proposal to rezone certain school-owned properties to *SP2 Infrastructure (Educational Establishment)*. These submissions raised concerns around the continued acquisition of property by schools throughout the LGA and the resulting impacts on the community and neighbourhood amenity. Several submissions also raised concerns over the exemption of schools from Council rates.

4.3.1. Comment

Many schools in the North Sydney LGA have expanded over time by acquiring adjacent and nearby properties and subsequently sought approval for their use for educational establishment purposes. As a result, the underlying zoning of these lots no longer reflects their primary use. The land proposed to be rezoned as *SP2 Infrastructure (Educational Establishment)* under the Planning Proposal is already owned by schools and approved for use as educational establishments.

Despite the proposed rezoning effectively limiting those lands to be used for educational purposes only, *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. Additionally, clause 5.3 of NSLEP 2013 allows any use permissible under the zoning of adjacent land to be undertaken on *SP2 Infrastructure* zoned land. As a result, the proposed zoning changes would not adversely limit the extent of the use of these lands.

Council has a long-standing approach of zoning schools for special purposes. This approach has been pursued with the view to maximising clarity and certainty for the wider community regarding the future use of school land.

The zoning of land alone does not automatically dictate the amount of Council rates that a property owner may be liable for. The application of rates is set out in sections 554-559 of the Local Government Act 1993. In particular, section 555(1)(f) of the Local Government Act specifically exempts all schools (both public and private) from paying Council rates on land that they own. Therefore, the proposed change to the zoning of land owned by schools will not result in a subsequent reduction in Council rates being paid, as they would have already become exempt to pay.

It is further noted that no submissions were received from any of the schools objecting to the proposed rezoning of their land, and the submission from Department of Education supported the proposed rezonings.

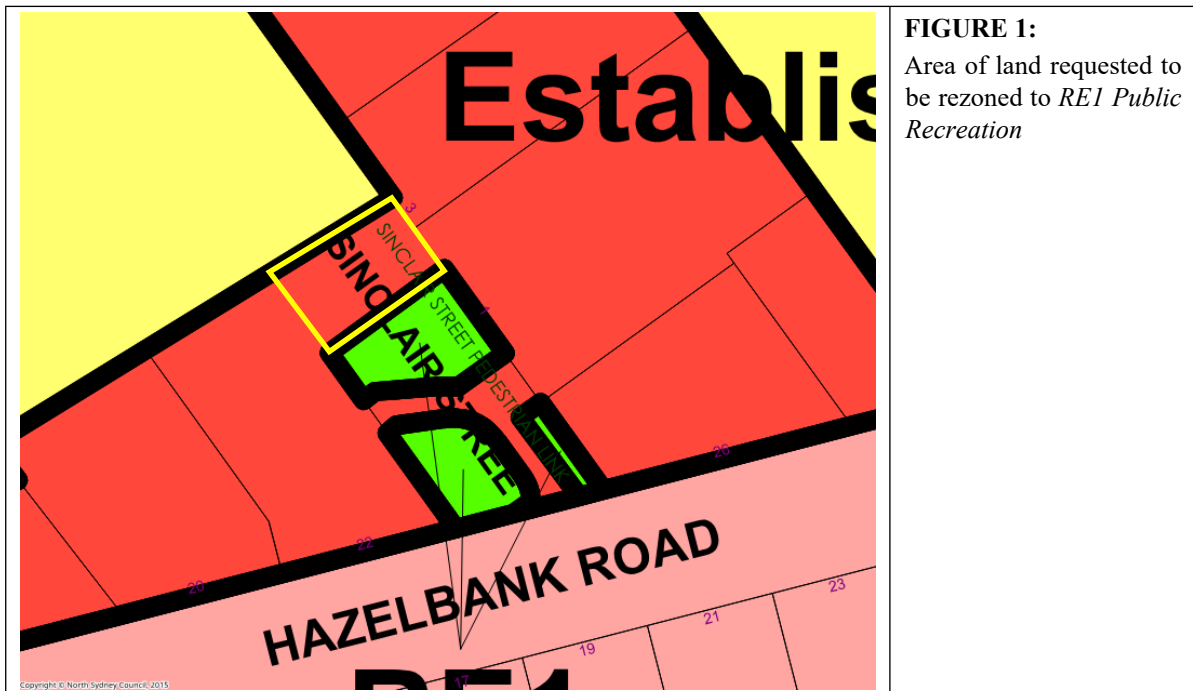
4.3.2. Recommendation

That the proposed rezoning of school lands to *SP2 Infrastructure (Educational Establishment)* proceed as outlined in the Planning Proposal unamended.

4.4. Rezoning of Land at Sinclair Street, Wollstonecraft

One (1) submission requested that the northern portion of Sinclair Street located between the Mater Hospital and Hazelbank Road be rezoned from *R4 High Density Residential* to *RE1 Public Recreation* (refer to Figure 1). The justification for the proposed rezoning is that the land is owned by Council but is being used by the Mater

Hospital for a carpark. It is suggested that the land would be better developed as public open space.



4.4.1. Comment

This section of Sinclair Street is currently zoned part *R4 High Density Residential* and part *RE1 Public Recreation* and generally reflects the current use of the land for road and open space purposes and aligns with Council’s policy for zoning of roads under the Standard Instrument LEP.



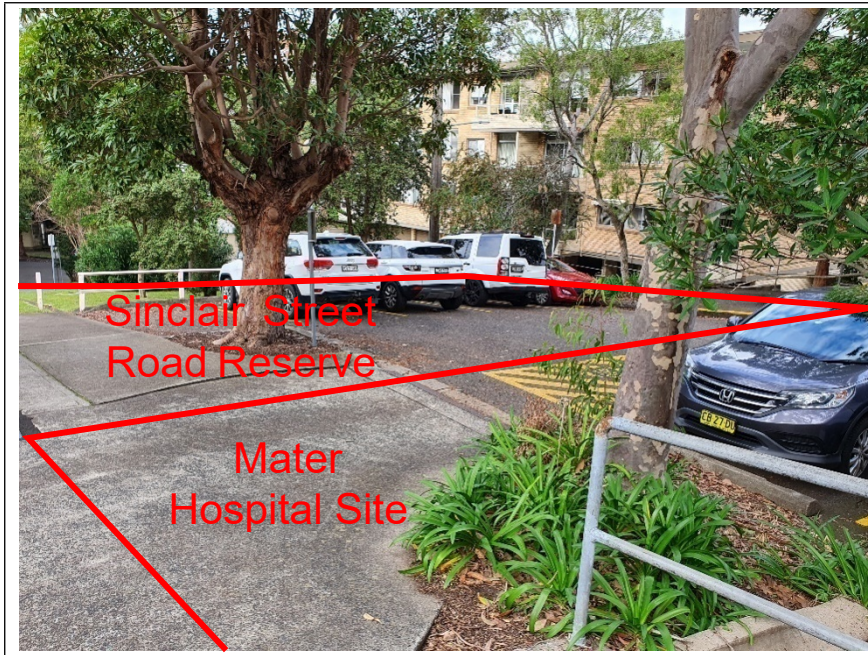


FIGURE 3:

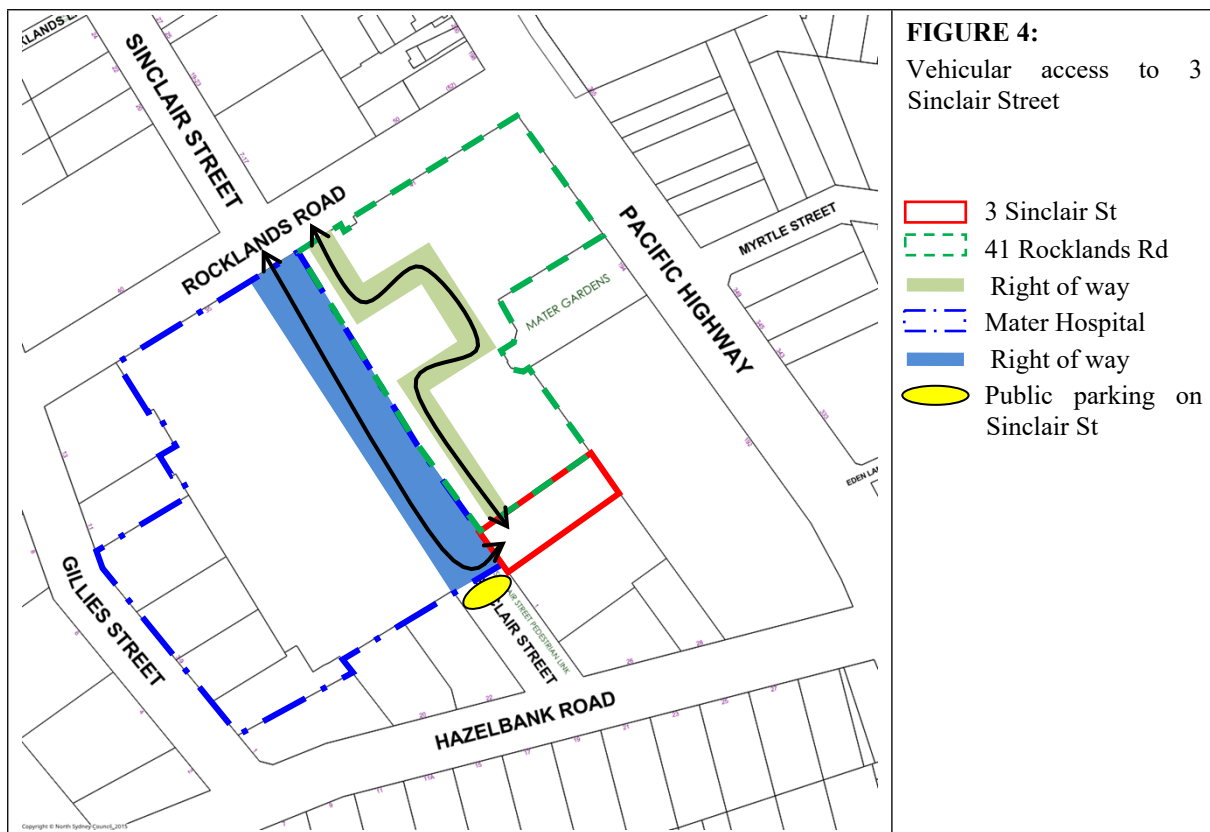
Parking spaces located over the northern portion of the Sinclair Street road reserve.

There is currently no vehicular access between the northern and southern portions of this part of Sinclair Street.

The southern carriageway of Sinclair Street is directly connected to Hazelbank Road and provides vehicular access to No. 1 Sinclair Street and 22 Hazelbank Road only.

The northern portion of Sinclair Street provides vehicular access to the residential flat building at No.3 Sinclair Street. However, vehicles can only access this part of Sinclair Street by first traversing across the Mater Hospital site from Rocklands Road. A right of way exists across the Mater Hospital site to provide access to the northern portion of Sinclair Street, and No.3 Sinclair Street. A secondary right of carriageway in favour of 3 Sinclair Street also exists across 41 Rocklands Road, providing vehicular access between Rocklands Road and 3 Sinclair Street.

There are 4 marked on-street parking spaces available on the northern portion of Sinclair Street and currently appear to be a natural extension of the Mater Hospital car park. Public access to the northern portion of Sinclair Street is currently controlled and restricted by the Mater Hospital (i.e. via a boom gate).



Council’s records indicate that the public parking spaces on Sinclair Street were freely available when the Mater Hospital was first built. However, that ability ceased when the Mater Hospital introduced paid parking on its site. Therefore, it would appear that the Mater Hospital has been profiteering from the use of Council’s land through the charging for the use of the parking spaces located over Council’s land.

This issue has been raised previously on numerous occasions with Council’s Property, Traffic and Open Space departments and has most recently been addressed during the assessment of DA 359/17 for works to the Mater Hospital site. It was determined at the time that the northern part of Sinclair Street should retain its current zoning and that further investigation be undertaken to ensure that the 4 parking spaces located on Sinclair Street are not used for the sole discretion of the Mater Hospital. No evidence can be found on Council’s records that these investigations have been completed.

Notwithstanding the issues regarding the accessibility of the parking spaces over the northern portion of Sinclair Street, the R4 High Density Residential zoning of the subject land does not prevent the land from being converted from a “road” to a “recreational area”, both of which are permitted with consent in the zone.

Due to the ongoing nature of the investigations as to the use of this land, it is recommended that the zoning of the land remain unchanged until such time as these investigations are completed. Such investigations may require the reconfiguration of the Sinclair Street, such that vehicular access to 3 Sinclair Street is provided from Hazelbank Road as opposed to continuing the current convoluted route through private

properties to Rocklands Road. This approach will ensure that the long-term use of the land can be appropriately determined before a new zoning is applied.

4.4.2. Recommendation

That the Planning Proposal not be amended to rezone the northern part of Sinclair Street as requested. That Council continue to investigate the current and future use of the northern part of Sinclair Street before considering any rezoning of the land.

4.5. Site Specific Residential Rezoning Proposals

Two (2) submissions were received requesting the rezoning of the following residential sites:

- 1, 3 and 5 Powell Street, Neutral Bay (Figure 5) and
- 42 and 44 Kurraba Road, Neutral Bay (Figure 6)

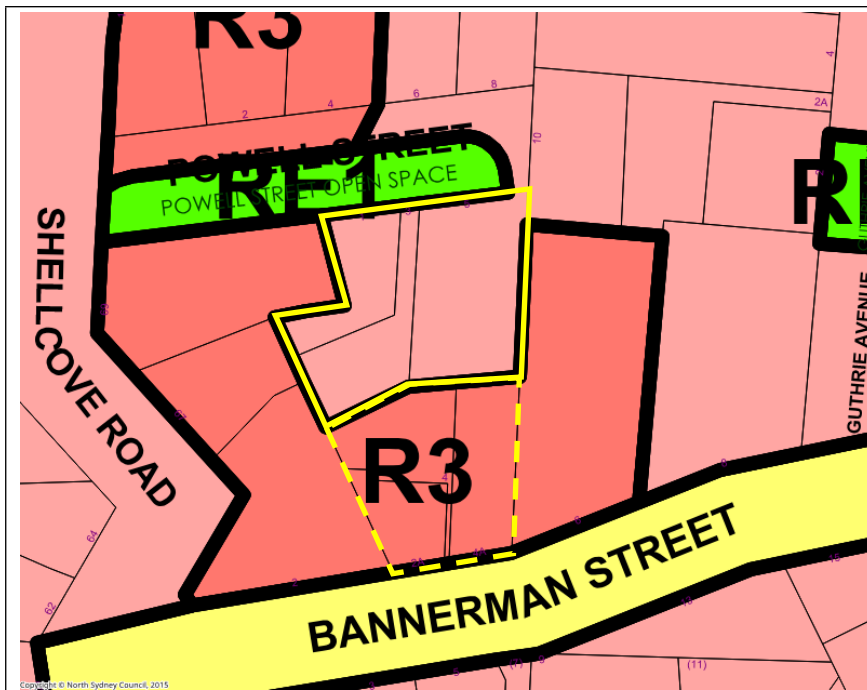
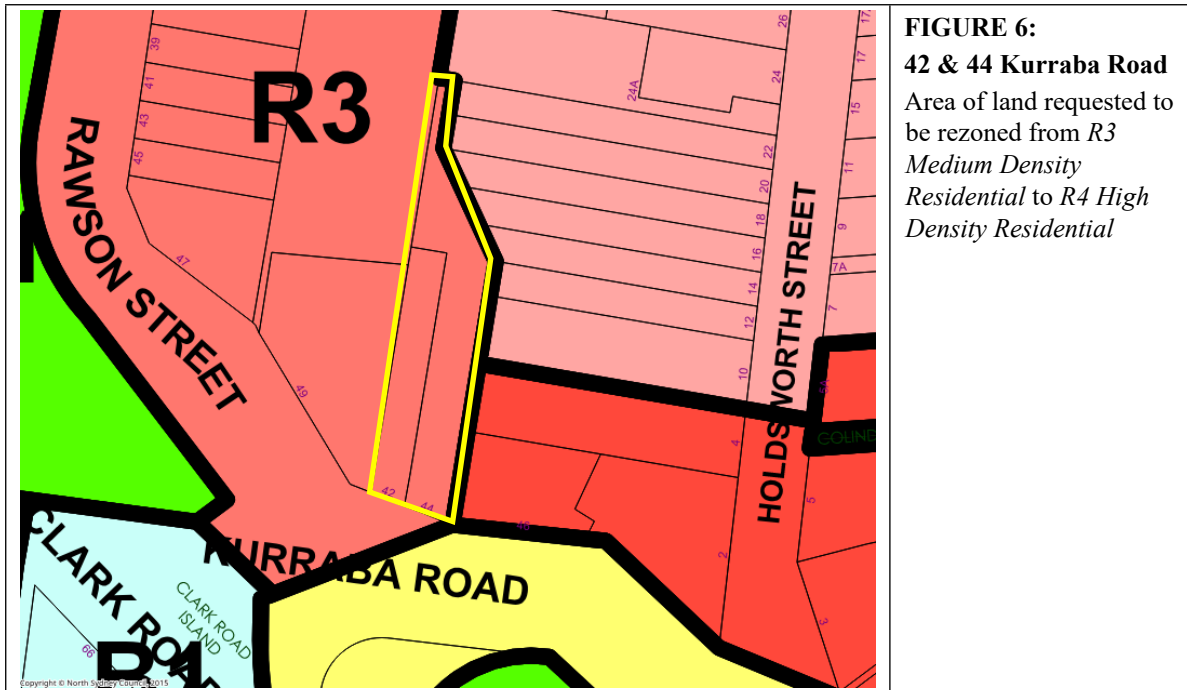


FIGURE 5:
1-5 Powell Street
Area of land requested to be rezoned from R2 Low Density Residential to R3 Medium Density Residential



The first submission sought the rezoning of 1, 3 and 5 Powell Street, Neutral Bay from *R2 Low Density Residential* to *R3 Medium Density Residential*. This was to enable a consolidated development parcel of 6 allotments incorporating land at 2, 2A and 4 Bannerman Street, Neutral Bay.

The second submission sought to rezone 42 and 44 Kurraba Road, Neutral Bay from *R3 Medium Density Residential* to *R4 High Density Residential*. It also requested an associated increase in the maximum building height from 8.5m to 12m consistent with the majority of land zoned *R4 High Density Residential*.

4.5.1. Comment

Despite the relatively minor nature of both rezoning requests, they have not been made in response to any recommendations or actions to any strategic planning study or policy which guides future development within the LGA, which is contrary to the adopted actions of the LSPS.

Council’s recently adopted LHS sets out how Council will meet its housing targets set by the state government over the next 5 years. The LHS does not need to rely on the proposed rezoning of the two sites to meet its targets. However, there is potential to review these requests as part of the ongoing monitoring and review of the LHS, which is anticipated to commence in 2021.

4.5.2. Recommendation

That the Planning Proposal not be amended in response to these submissions.

4.6. Transport Reservations Property Descriptions

A submission was received from TfNSW which affirmed the importance of maintaining existing transport corridors and reservations through the appropriate use of *SP2 Infrastructure* zoning. Whilst the submission supported the proposed rezoning of the subject lands under the Planning Proposal as illustrated on the amended Land Zoning Map, it noted that legal descriptions of the some of the affected properties were incorrect. The submission included suggested corrections to these legal descriptions and sought clarification on this matter.

4.6.1. Comment

An examination of Council's property records was undertaken and revealed that the legal property description for Lots 27–30 DP 1922 within the West Street off-ramp and Lot 11 DP 247241 at 55 Jenkins Street were incorrectly described, and that descriptions provided by TfNSW were correct. Despite the intent of the Planning Proposal remaining unchanged (i.e. the LEP Maps remain unaffected) it is recommended that the Planning Proposal be amended to correct these minor errors to provide increased clarity in the explanation of the changes.

4.6.2. Recommendation

That the Planning Proposal be amended to correct the legal descriptions of Warringah Freeway properties that are proposed to be rezoned.

4.7. Local Distribution Centres – Land Use

TfNSW pointed out that NSLEP 2013 currently prohibits all types of warehouse and distribution centres under the *R4 High Density Residential*, *B3 Commercial Core* and *B4 Mixed Use* zones. It was suggested that consideration be given to adding “local distribution centres” as a permissible use within these zones. This suggestion was made on the basis that the amendment would enable the approval of local freight hubs in key urban centres and support freight consolidation, sustainable transport and positive place outcomes.

4.7.1. Comment

There is currently no evidence to suggest that there is a demand for such uses within the LGA which would require expanding local distribution centres into the *R4 High Density Residential*, *B3 Commercial Core* and *B4 Mixed Use* zones. NSLEP 2013 currently permits “local distribution centres” with consent in the *IN2 Light Industrial* zone, located in McMahons Point. Therefore, there are no outright prohibitions on such activities occurring within the LGA.

Any such amendment would also require an amendment to the Gateway Determination and the Planning Proposal to be re-exhibited, which would not enable Council to meet

the deadline for the accelerated LEP Review mandated by the DPIE. Therefore, it is recommended that no such amendment to the Planning Proposal is made.

4.7.2. Recommendation

That the Planning Proposal not be amended to permit “local distribution centres” with consent in the *R4 High Density Residential*, *B3 Commercial Core* and *B4 Mixed Use* zones.

4.8. 25 Shirley Road, Wollstonecraft - Building Height

A submission was received from the owners of 25 Shirley Road, Wollstonecraft objecting to the proposed imposition of an 8.5m maximum building height limit over the site, where no current height limit exists. The reasons for objection included the following:

- The imposition of this standard would constrain development of land zoned *SP2 Infrastructure* and present a barrier against the provision of health services on the site in the future;
- The proposed height limit is not associated with any strategic planning studies and has not been tested or modelled;
- The basis for the imposition of this standard relates to outdated policies and superseded LEPs;
- The imposition of this standard is unjustified given the solar modelling, view and visual assessment which has taken place in association with an approved DA for the site (DA 326/17); and
- Site specific characteristics and merit should form relevant considerations for a planning decision of this nature.

4.8.1. Comment

At the commencement of the preparation of NSLEP 2013 in 2007, Council had resolved to principally translate the existing provisions under NSLEP 2001 into the Standard Instrument LEP, which all councils were mandated to do, with regard to directions of the Standard Instrument LEP, relevant Planning Circulars and LEP Practice Notes issued by the Department of Planning.

Under NSLEP 2001, the subject site was zoned *Special Use - Hospital* and had a maximum height limit of 8.5m imposed through clause 34 of the LEP, which required in part that all land zoned *Special Uses* adopt the most restrictive standards applied to adjacent land. The only maximum height limit that applied to land adjacent the site at the time was 8.5m.

On 30 November 2009, Council adopted the first draft version of NSLEP 2013 (DLEP 2009) for the purposes of seeking certification from the Department of Planning to place the DLEP on public exhibition. In line with the requirements of the LEP Practice Notes

and Council's adopted policy position to translate the existing controls into the new format the subject site was zoned *R3 Medium Density Residential* and had a maximum height limit of 8.5m imposed.

Following the issue of certification, DLEP 2009 was publicly exhibited 20 January 2011 to 31 March 2011, which maintained the *R3 Medium Density Residential* zoning and a maximum height limit of 8.5m.

On 4 July 2011, Council considered a post exhibition report to DLEP 2009, wherein it resolved to proceed with the making of the LEP, including the deferral of all land that was zoned *Special Uses* under NSLEP 2001 from the DLEP. The deferral required the removal of all controls applying to the *Special Use* zoned land including the height limit.

Following the forwarding of the DLEP to the Department of Planning with a request to make the LEP, the Department of Planning identified two key issues that required resolution before the LEP could be progressed. These issues related to the deferral of land zoned *Special Use* and the prohibition of dual occupancy development on land which was zoned *Residential A1* under NSLEP 2001.

On 14 November 2011, Council considered a report addressing these two issues. Council resolved to adopt a new version of the DLEP (now known as DLEP 2012), including the reincorporation of all land zoned *Special Uses* under NSLEP 2001 and zoned in accordance with the recommendations of the report. The report recommended that the subject site be rezoned to *SP2 Infrastructure (Health Services Facility)*. It was also proposed to reinstate any built form controls as originally proposed under DLEP 2009. However, it appears that the maximum height limit had not been reinstated to the subject site, unlike all other *SP2 Infrastructure* zoned sites which had a maximum height limit applied.

NSLEP 2013 was subsequently made with this error and was not picked up until the 10 August 2017 during the checking of a Planning Certificate covering the subject site and again during the assessment of DA 326/17.

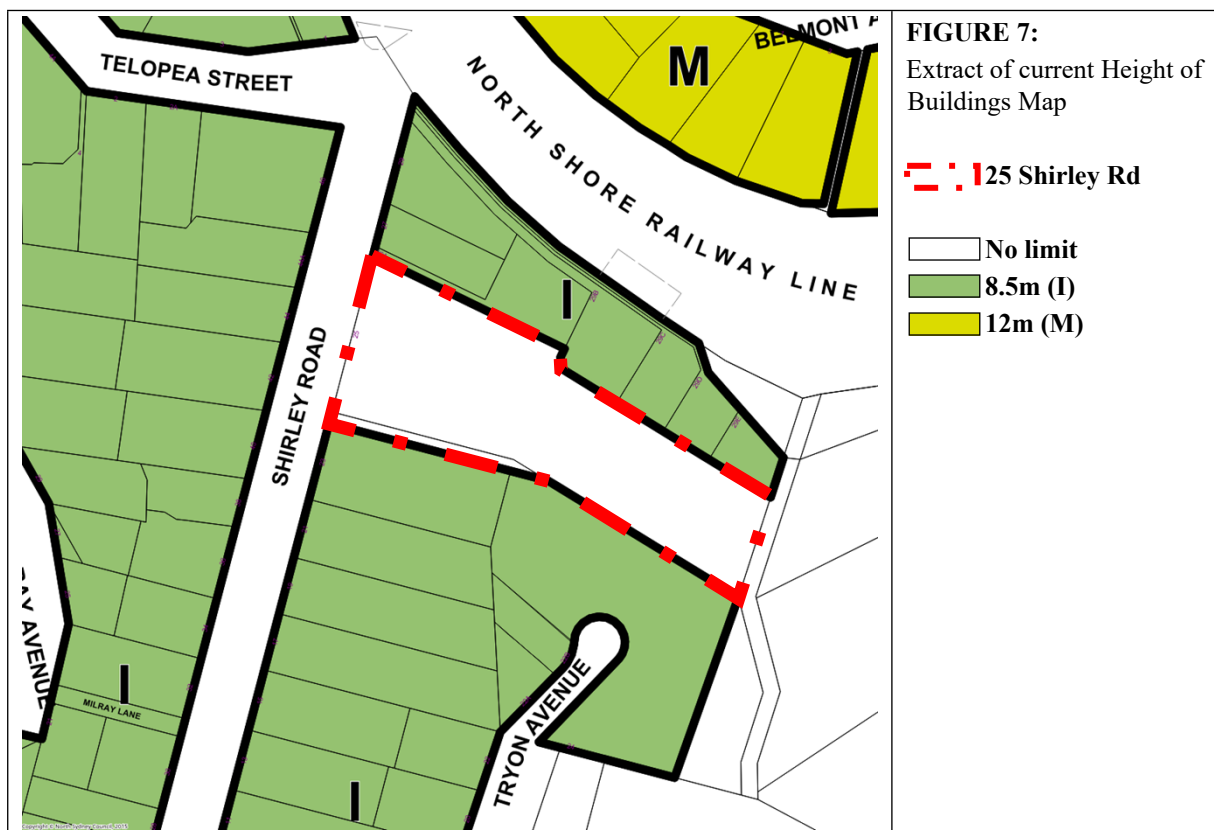
On 18 September 2017, DA 326/17 was lodged with Council to construct a new 6 storey health services facility on the rear portion of the property, behind the existing buildings fronting Shirley Road.

During the assessment of the application, the proposed height was identified as a significant issue, noting that the scale of the development did not match the prevailing maximum height controls and scale of adjoining development. Subsequently, the applicant revised the proposal to be a maximum of 5 storeys with a maximum height of approximately 13m. Despite the reduction in height, Council's assessment officer recommended refusal of the application. However, the Sydney North Planning Panel granted approval to the application on 14 November 2018, contrary to the Council

officer's recommendations. To date, this application has not been acted upon as there is no evidence of a Construction Certificate having been issued.

Despite the issuing of the development consent, an inspection was undertaken to determine the prevailing heights of existing buildings in the locality and how they compare to the current planning controls, which is a maximum of 8.5m for all residentially zoned land south of the railway corridor (refer to Figure 7).

The majority of development in the locality predominantly comprises a 2 storey built form with pitched roofs which generally complies with the maximum 8.5m height control. However, it is acknowledged that there are also a number of 3 storey residential flat buildings with pitched roofs constructed well before the 8.5m height limit was first imposed in the locality. It is noted that some of these residential flat buildings are elevated above exposed basement parking levels at their rear further increasing their height. Accordingly, given that the majority of development in the locality currently complies with the current height requirements, there is no immediate need to consider revising the height limits in the locality.





The immediate locality is also constrained by a Conservation Area layer under NSLEP 2013. NSDCP 2013 states that the significance of the Conservation Area comprises:

- (a) *As a substantially intact residential subdivision from the early 20th century that retains much of its urban detail and fabric in gardens, street fencing and use of sandstone.*
- (b) *As a consistent and largely intact early 20th century residential area with a mix of high quality buildings and particularly the Federation and Inter-War housing on large lots.*
- (c) *For its unity that is derived from its subdivision history and which is evident in the development and built form.*

Whilst the DCP acknowledges that the characteristic building types comprise “single storey and two storey dwelling houses on garden lots” and “Inter-war residential flat buildings”, it also states that the characteristic built form should be:

- P3 Single and two storey with hipped and gabled roofs with rear extensions.*
- P4 Reduced height and scale to rear.*
- P5 Complex massing, roof form and detail to larger houses.*
- P6 Strong skyline of pitched roofs and chimneys visible from street and stepped along the streets.*

This reinforces that an 8.5m height limit for the locality is appropriate as any increases in height above this would result in a move away from the desired future character of the locality.

Even if the proposed height limit is imposed over site, it will not remove the ability for the owner of the site to take up that development consent and construct the 5 storey building. However, should the application not be taken up, it would ensure that any new development application takes into consideration the built form controls applied to the wider locality.

4.8.2. Recommendation

That the proposed imposition of the 8.5m height limit over 25 Shirley Road be retained unamended.

4.9. Heritage Listing of 3 Parker Street, McMahons Point

One submission was received objecting to the proposed heritage listing of 3 Parker Street, McMahons Point. The reasons for not heritage listing the property include:

- That Council's assessment of the site's heritage significance was based on a report by Robert Moore which is outdated and arose from circumstances which impact its reliability;
- That the site does not meet the Heritage Manual criteria;
- That there are other potential heritage items, of greater heritage value, in the LGA; and
- That the pursuit of the heritage listing has the intention of stifling a development application for permissible development currently before the Land and Environment Court (LEC2019/260634).

The submission was accompanied by a Heritage Statement prepared by Stephen Davies of Urbis Heritage and a Heritage Peer Review of Robert Moore's heritage assessment and the Heritage Impact Statement from Urbis in association with DA 103/19, prepared by John Oultram Heritage and Design.

The submission also requested that if the planning proposal was to proceed with the subject property being identified as a heritage item, that a savings and transitional clause be imposed.

4.9.1. Comment

The proposed heritage listing of the site was based on advice prepared by Robert Moore, an independent heritage consultant, during the assessment of DA 257/17 for the then demolition of the existing buildings and construction for a new residential flat building.

As the submission largely criticised the content and justification of Robert Moore's original assessment, Council re-engaged Robert Moore to provide a response to the submission, a copy of which is provided at Attachment 4. In his response, Robert Moore addressed the following points raised in the property owner's submission:

- That his former report was “outdated” and “arose from different circumstances and should not be relied upon”;
- That the subject site does not meet Heritage Manual Criteria; and
- There were other items of potentially greater value in the area, as pointed out by the NSLPP.

In relation to the first point, Robert Moore pointed out that the intent of his assessment was simply to inform Council of the building's significance. He argued that he undertook a substantive process of heritage assessment and rejected any implication that his assessment was undertaken to “stymie development”. He also denied that his assessment was “no longer of relevance” or “outdated”, as to his knowledge there had been no changes to the integrity fabric of the property.

The response from Robert Moore discusses in detail the conflicting opinions of the significance of this building in both the Urbis assessment and the assessment by Oultram Design and Heritage. In relation to the Urbis assessment, Robert Moore concluded that:

- *The heritage assessment from Urbis does not provide any evidence of research to support the dismissal of the building's part in the history of the local area.*
- *The Urbis assessment acknowledges the representative value of the building but does not explain why it is not significant enough to meet the threshold for individual listing.*
- *The Urbis assessment recognises the building's style but does not provide analysis or interpretation of the building's design features and aesthetic significance, dismissing these qualities without proper justification.*

In relation to the assessment and peer review by Oultram Design and Heritage, Robert Moore concluded that:

- *The heritage assessment by Oultram Design and Heritage does not properly acknowledge the building's historical context as part of a trend of development that is central to the significance of the McMahons Point South Conservation Area.*
- *The assessment by Oultram Design and Heritage was based on the viewing of one apartment and was therefore limited.*

- *The assessment did not adequately describe or analyse the aesthetic significance of the building, and the comparative assessment of the building with other heritage flat buildings did not use buildings of similar scale or architectural detailing.*
- *The assessment concedes that the building has some representative value and incorrectly dismisses it as a ‘common type’ without properly acknowledging the integrity of the building’s internal and external fabric.*

In Robert Moore’s opinion, the building is “*exemplary of a significant period of historical development in McMahons Point, retains its integrity and exhibits distinctive design and architectural features*”.

It was also noted that both Urbis’s and Oultram Design and Heritage’s assessment acknowledge that the building has connections with historical development of McMahons Point and the subdivision of Blues Point and the Pockley estate (Historical Significance – Criterion A) and concede that it is a representative example of Inter War flat building with features of the Old English style. The Oultram assessment also acknowledges that the building meets some of the Heritage NSW criteria for inclusion under Representativeness – Criterion G. Given the conclusions of the assessment by Robert Moore, it can clearly be argued that this building meets the requirements for heritage listing under both of these criteria and therefore warrants identification as a local heritage item under NSLEP 2013.

With regard to the comments made by the NSLPP, Robert Moore pointed out that these were an open statement intended to support the need for a comprehensive heritage review. He also argued that the most significant implication of the NSLPP’s comments on the Planning Proposal was that it supported the proposed heritage listing of the subject property.

Robert Moore also noted that he initially intended the recommended listing to include the whole site, including the garages. However, it was acknowledged that whilst the garages are components of the subject site they are not relevant to the listing of the property. The implication being that the garages do not contribute to the heritage significance of this property, and therefore are not necessary to include as part of the listing.

Savings Provision

With respect to the request for the imposition of a savings and transitional clause, no detail was provided to allude to what was actually being requested. Despite this lack of clarity, it is presumed that the intent of the savings and transition clause would relate to the ability for the proposed heritage listing to not apply to any development application that had been lodged but not finally determined before the commencement of the LEP amendment that gives effect to the Planning Proposal.

There is currently a development application (DA 103/19) relating to the redevelopment of the subject site which is currently subject to an Appeal before the Land and Environment Court. The Appeal was first served in August 2019, with a s.34

Conference held on 25 February 2020 which was terminated with no agreement reached. The matter is now scheduled to be heard on 19 and 20 October 2020.

The request if implemented, would mean that the development application that is currently subject to the Appeal would not need to consider the impact of any heritage matters, despite the potential for it to be formally listed under the LEP before the Appeal is heard.

Further it should be noted that Council resolved to progress the proposed heritage listing of the subject site, long before the current development application subject to the Appeal had been lodged.

Therefore, it is not appropriate to impose a savings and transitional provision as the outcome of the Land and Environment Court Appeal may render the proposed heritage listing redundant.

4.9.2. Recommendation

That the proposal to identify 3 Parker Street, McMahons Point as heritage item under NSLEP 2013 be retained as initially proposed. However, to improve clarity that the item description to Schedule 5 – *Environmental Heritage* be further amended to specifically exclude the detached garage structures.

It is also recommended that a savings and transitional provision not be incorporated into the Planning Proposal to prevent the current DA appeal from the need to consider heritage impacts.

4.10. Heritage – Corrections and Clarifications

TfNSW raised concerns in relation to the following heritage items:

- Item I0580 – ‘Head of Shell Cove’
- Item I0360 – ‘1 Walker Street, Lavender Bay (Brett Whiteley House)’
- Item I0387 – ‘Lavender Bay Railway’
- Item I1051 – ‘Waverton Railway Station Group’

In relation to the ‘Head of Shell Cove’ and ‘Brett Whiteley House’ objection was raised with respect to the inclusion of the ‘waters of Shell Cove’ and the ‘waters of Lavender Bay’ as part of the “Property Description” under Schedule 5 – *Environmental Heritage* of NSLEP 2013, as the identified areas are located outside of the LGA boundary. Further, it was stated that *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* was the relevant planning instrument applying to these areas.

No objection was raised with respect to the identification of ‘Brett Whiteley House’ as a State Heritage item nor inclusion of other affected lands comprising the item’s curtilage.

In relation to the ‘Lavender Bay Railway’ and the ‘Waverton Station Group’ TfNSW sought clarity on whether the proposed changes to the property description of these heritage items under Schedule 5 would also change the extent of the items as shown on the Heritage Map.

4.10.1.Comment

Property Descriptions

The initial justification for including the “waters of Shell Cove” to the property description of item I0580 was to provide increased clarity as to the full extent of the listing as identified in the associated heritage inventory sheet as the item is not also currently identified as a heritage item under the Sydney Harbour SREP. The listing identifies both the “waters” and adjacent foreshore land located above Mean High Water Mark as the item’s significance relates to the natural alignment between the water and foreshore lands. Removal of the additional description would reduce the clarity as to what the full extent of the heritage item actually is despite being split between two environmental planning instruments.

The proposed amendment to Item I0360 ‘Brett Whiteley House’ has been made to align with its State Heritage listing under the Heritage Act. This listing, as put forward by the Heritage Council of NSW, extends the item’s curtilage to include the waters of Lavender Bay. While the waters of Lavender Bay are largely located outside the North Sydney LGA this description has been incorporated into NSLEP 2013 to provide an increased level of clarity on the extent of the state listing.

It is noted that the Heritage Division of Premier and Cabinet did not object to the inclusion of ‘waters of Shell Cove’ or ‘waters of Lavender Bay’ within the two heritage listings.

Mapped Curtilage

The amendments to the legal description of the Lavender Bay Railway Line and Waverton Railway Station Group reflect updated property descriptions for these items. These amendments are administrative only and were not accompanied by changes to either item on the Heritage Map of NSLEP 2013. The extent/curtilage of these heritage items are therefore unchanged under this Planning Proposal.

While examining Council’s property records in relation to Lavender Bay Railway, it was revealed that the property description as exhibited had been superseded. In particular, Lot 1, DP 825406 has since been replaced by Lots 1 and 2 DP 1220077. It is therefore proposed to amend the Planning Proposal to correct this minor error to ensure that the LEP remains accurate and support one of the main intents of the Planning Proposal. There is still no change proposed to the extent or curtilage of the listing as depicted upon the Heritage Map.

4.10.2.Recommendation

That the proposed amendments to Items I0580, I0360 and I1051 proceed unamended as exhibited, and that the legal description of Item I0387 be corrected to reflect updated property information.

4.11. East Crescent Street, McMahons Point – Heritage Listing

Three (3) submissions requested the listing of various properties in East Crescent Street McMahons Point to be heritage listed including No's 5, 7, 12 and 14. The requests have been made largely in response to the redevelopment of a number of properties in the locality.

4.11.1.Comment

No detailed justifications were provided to demonstrate that the identified properties meet the criteria for heritage listing as identified by NSW Heritage.

It is also noted that No.12 is already identified as an item of heritage significance under NSLEP 2013 and accordingly no change is required in this respect.

Through its LSPS, Council has identified a need to undertake a comprehensive heritage review. This matter would be more appropriately addressed as part of this forthcoming heritage review.

4.11.2.Recommendation

That No's 5, 7 and 14 East Crescent Avenue be considered as part of any future comprehensive heritage review for the LGA.

4.12. Heritage - 28 Alfred Street South, Milsons Point

One submission was received seeking the removal of the heritage listing of No.28 Alfred Street South, Milsons Point, consistent with its neighbour at 26 Alfred Street.

The submission outlined that Council engaged consultants in August 2007 to undertake the North Sydney Heritage Review and that one of the recommendations of the Review was to remove the heritage listing of 26 & 28 Alfred Street as they did not meet the heritage assessment criteria. Furthermore, that following the Review, Council had promised the submitter that this would be forthcoming in the next assessment, yet it does not form part of this planning proposal. It was suggested that the two properties were built as a pair, yet the split heritage listing is questioned.

4.12.1.Comment

During the public exhibition of Draft NSLEP 2009 in early 2011 (which eventually became NSLEP 2013), Council had received two submissions (one of which was from the current owner) requesting the removal of the heritage status to No's 26 and 28 Alfred Street south, Milsons Point.

These submissions were referred to Council's appointed external heritage consultant, who advised / recommended the following:

- *Site visit and review of submission undertaken. 26 Alfred Street is a very heavily modified example of a terrace house and should be removed from the listing. The central chimney would suggest that the house was built as a pair with 28 Alfred Street.*
- *28 Alfred Street has a very ornate front façade that may be original. If this is the case then the building should be retained as a heritage item. The original recommendation to remove appears to be an error.*
Recommendations: *Remove 26 Alfred Street from the list and retain 28 Alfred Street as a heritage item.*

Council resolved at its meeting of 4 July 2011, to remove 26 Alfred Street South from Schedule 5 – *Environmental Heritage* of the Draft LEP only.

Prior to the making of NSLEP 2013, the draft version was re-exhibited in 2012. Again the owner lodged a submission to have the heritage listing to No.28 Alfred Street South removed. Council considered this submission in the post exhibition report on 10 December 2012. It was noted that the submitter had not provided any additional information to support the removal of the heritage listing and Council resolved to retain No.28 Alfred Street South as a heritage item. This outcome was reflected in NSLEP 2013 when it was made on 2 August 2013.

The submission made to this Planning Proposal does not provide any additional information to support the removal of heritage listing to this property and therefore it is not recommended that 28 Alfred Street south be removed from Schedule 5 or the Heritage Map to NSLEP 2013

4.12.2.Recommendation

That No.28 Alfred Street South, Milsons Point be retained as a heritage item as identified within Schedule 5 – *Environmental Heritage* and on the Heritage Maps to NSLEP 2013.

4.13. Heritage - 8 Wulworra Avenue, Cremorne Point

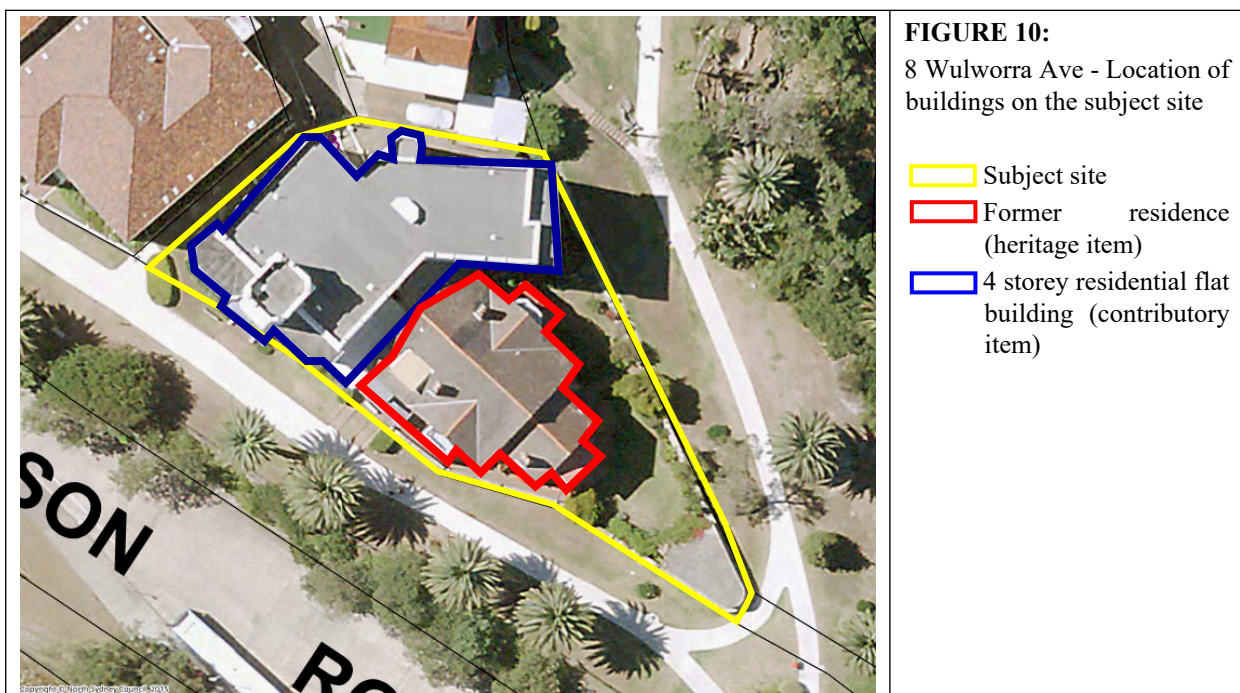
One submission raised an issue with respect to the listing of heritage item I0135 under NSLEP 2013. In particular, it was unclear if the heritage listing applied to the two

buildings on the site, comprising a 4-storey residential flat building and an adjoining 3-storey residential flat building, given that the item description within the LEP relates to a “2 storey residence”.

4.13.1.Comment

The property was first labelled "Montana" in the 1917-1919 North Sydney Valuation Book, wherein it is described as "house and flats". Montana comprises a two-storey plus attic brick and slate residence which was designed in the Federation Arts and Crafts style and is attached to a four-storey plus tower residential flat building to become a complex of sixteen sole occupancy apartments. Both buildings were originally constructed circa 1914. The residential flat building was modified circa 1934 in the Inter-War Free Classical style.

In 1980, the property was strata subdivided into 20 allotments (SP 15153), with 16 allotments within the residential flat building and 4 allotments created within the former residence. The property was re-subdivided in 1981 with a new strata plan formed (SP 17856) with the number of apartments lots reducing to 12 within the residential flat building.



Both buildings were identified as heritage items under NSLEP 2001 with separate reference numbers, with Item No. 2181179 allocated to the 4-storey residential flat building and Item No. 2181180 allocated to the 3-storey former residence.

During the 2007 North Sydney Heritage Review, it was recommended that the 4-storey residential flat building located over the north-western portion of the site be downgraded from a heritage item to a contributory item and retain the former residence as a heritage item. Council resolved to adopt this recommendation on 8 December

2008. This recommendation was then reflected in NSLEP 2013 upon its coming into force. In addition, the 4-storey residential flat building was identified as a contributory item within NSDCP 2013 upon its commencement.

It would appear that the description of the heritage item is no longer appropriate and should be amended to improve clarity. It is recommended that the item described be revised from “2 storey residence” to “former 3 storey residence”. In addition, to provide further clarity, it is recommended that the Heritage Map to NSLEP 2013 be amended to reflect the extent of the identified heritage item as illustrated in Figures 11 and 12.

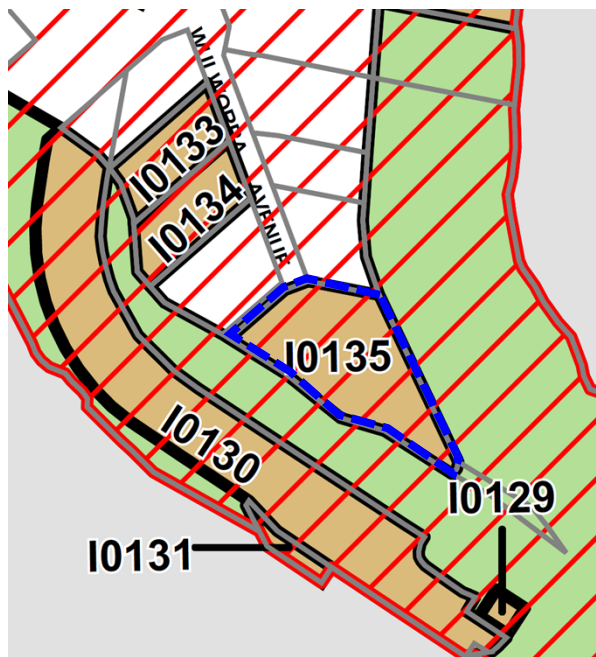


FIGURE 11:
NSLEP 2013 Heritage Map extract (current)

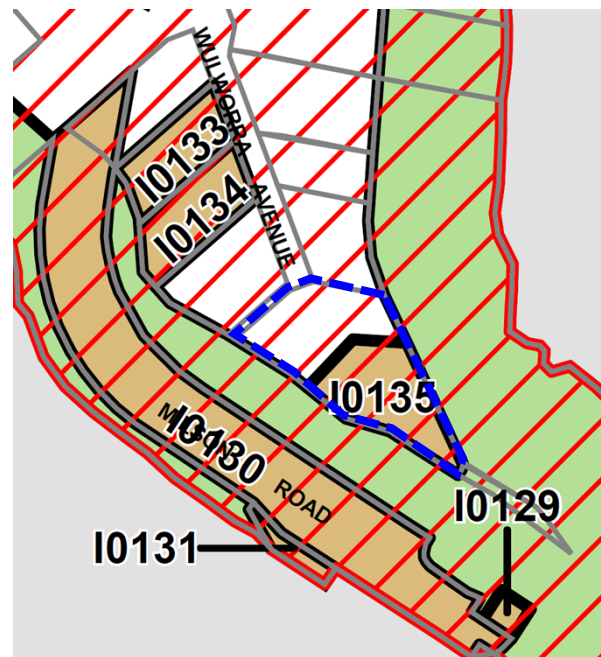


FIGURE 12:
NSLEP 2013 Heritage Map extract (proposed amendment)

Further clarification can be provided in the associated heritage inventory sheet that applies to the subject property, to describe what the extent of the heritage item is.

4.13.2.Recommendation

It is recommended that item name of Item I0135 within Schedule 5 to NSLEP 2013 be amended to “former 3 storey residence” and the Heritage Map be amended to reflect the extent of the identified heritage item.

4.14. Heritage - Montague Road Conservation Area

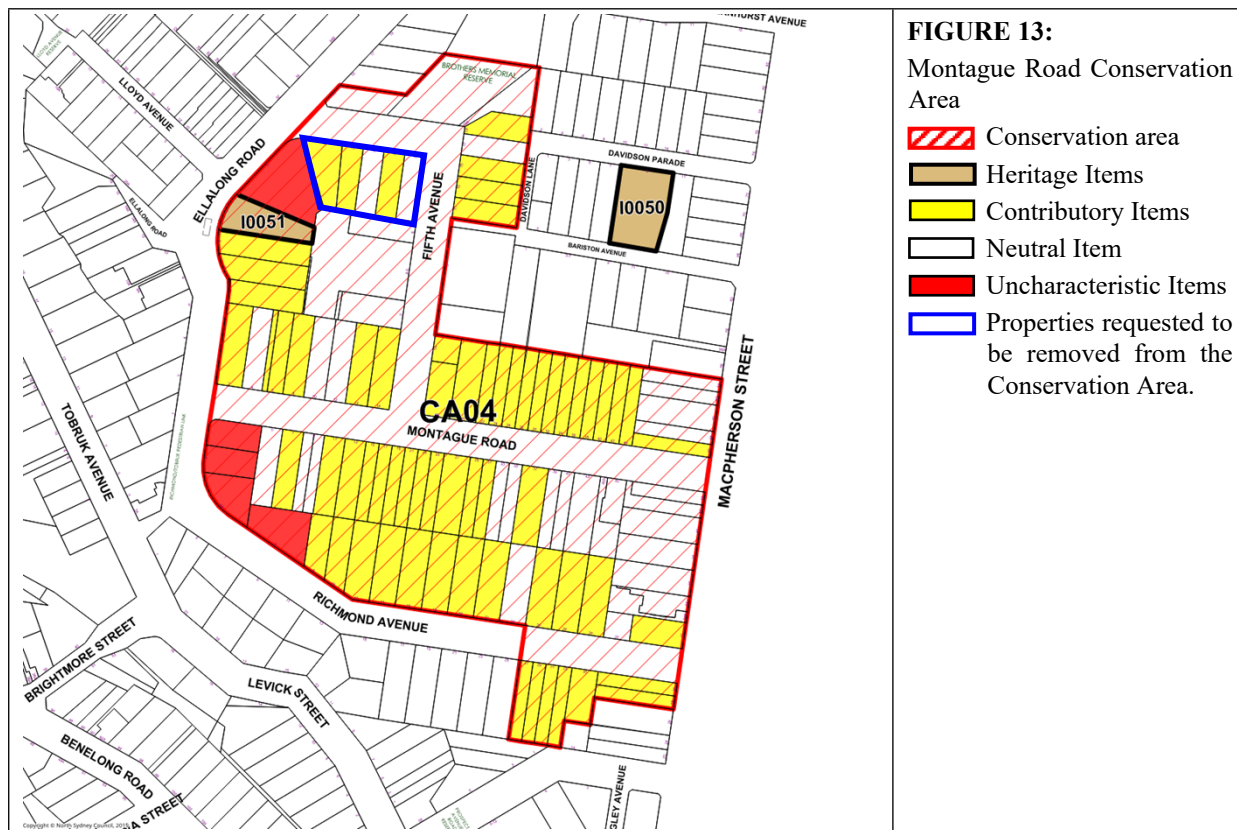
One (1) submission raised an issue with respect to the current extent of the Montague Road Conservation Area. In particular, it was requested if No’s 10 to 18 Fifth Avenue could be removed from the Conservation Area. The request for their removal is based on:

- many of these properties having been significantly altered over the last 15-20 years and no longer presented a coherent heritage character;
- the majority of dwellings in this locality are not contributory items;
- the north side of the street is outside of the conservation area;
- the apartment building at the end of Fifth Avenue (9 Ellalong Road) detracts from the heritage significance of this part of the conservation area;
- removal would not hinder the attainment of the aims and objectives of the precinct as it is very distinct in comparison to the remainder of the conservation area, being self-contained and having a different character with different street plantings; and
- their removal is consistent with the LSPS.

4.14.1. Comment

The significance of the Conservation Area (refer to Figure 13) is identified within NSDCP 2013 for the following reasons:

- As an example of a subdivision that responds to the topography and the resulting built form that features stepped and elevated housing forms.*
- As a consistent and intact early 20th century residential area with medium sized detached and attached Federation Queen Anne houses and California bungalows.*
- For the quality and collective significance of the buildings within the area.*



The subject properties requested to be removed from the Conservation Area (outlined by a solid blue line in Figure 13) are primarily identified as “contributory” items under NSDCP 2013 (3 out of 5), with the remainder identified as “neutral” items. In addition, the subdivision pattern of these properties is consistent with the original subdivision pattern in the Conservation Area.

Contrary to what is stated in the submission, the removal of the properties requested would result in the isolation of the properties located on the northern side of Fifth Avenue. It is therefore questioned if those properties located on the northern side of Fifth Avenue should also be to be removed from the Conservation Area. Accordingly, if consideration is given to the removal of the requested properties, consideration should also be given to the removal of those located on the northern side of Fifth Avenue.

The eastern side of Fifth Avenue contains 4 contributory and 1 neutral item. Given the general physical separation of the Fifth Avenue properties which have contributory status from the remainder of the Conversation Area, consideration needs to be given as to how these properties contribute to the context of the conservation area. No consideration has been provided by the submitter to the potential impacts upon these properties.

It is further noted that the submission does not have the benefit of input from a qualified heritage expert and therefore it is difficult to support the request on heritage grounds.

Through its LSPS, Council has identified a need to undertake a comprehensive heritage review. This matter would be more appropriately addressed as part of this forthcoming heritage review.

4.14.2.Recommendation

That the Planning Proposal not be amended to remove the identified sites from the Montague Road Conservation Area.

That this matter be considered as part of any future comprehensive heritage review for the LGA.

5. Amendment of the Planning Proposal

Clause 3.35 of the EP&A Act states that the planning proposal authority may, at any time, vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason. However, if does so it must forward the planning proposal to the Minister.

The DPIE’s Guidelines for making an LEP state that any amendments to the planning proposal which result in a change in the intent or are contrary to the conditions of the Gateway Determination need to be forwarded to the Minister for Planning (or their

delegate) to have a new Gateway Determination issued, and if required re-exhibition of the planning proposal.

The proposed amendments in this report do not alter the intent of the planning proposal nor do they contravene the considerations of the Gateway Determination. Therefore, the local plan making authority (in this case, the Minister for Planning, or their delegate) is in a position to finalise the making of the plan within the desired timeframes.

6. Authorisation to Make the Plan

Due to the Planning Proposal applying to the entire Local Government Area, the DPIE has not granted Council delegation to be the local plan-making authority to finalise the making of the LEP amendment giving effect to the Planning Proposal (refer to Attachment 1). Therefore, the Planning Proposal as adopted post exhibition must be forwarded to the DPIE for finalisation.

7. Deferral of Determination

As part of its accelerated LEP funding agreement, Council is required to submit an endorsed post public exhibition version of this Planning Proposal to the DPIE by 31 August 2020 to ensure it receives its next payment. Should Council resolve to defer making a determination on all or part of the Planning Proposal, it will place the receiving of this next payment in jeopardy. This payment also has implications for a number of other strategic planning projects that Council is undertaking including but not limited to the completion of the Military Road Corridor and Civic Precinct Planning Studies. Given the COVID-19 Pandemic has resulted in Council's income revenues being significantly reduced, it is strongly recommended that Council not defer making its determination in relation to this report.

8. Draft Amendments to NSDCP 2013

On 24 February 2020, Council resolved to adopt draft amendments to North Sydney Development Control Plan (NSDCP) 2013 to support the Planning Proposal and to also incorporate a number of minor housekeeping amendments. Council also resolved to place the Planning Proposal and draft DCP amendments on public exhibition concurrently.

The outcomes of the public exhibition of the draft DCP amendments are being reported concurrently to the same Council meeting as this report.

9. Conclusion

The Planning Proposal as publicly exhibited sought to amend NSLEP 2013 to give effect to the recommended actions of the North Sydney LSPS and North Sydney LHS and incorporates a number of minor housekeeping amendments to ensure that NSLEP 2013 remains a clear, transparent and contemporary planning instrument.

In response to the submissions made, it is recommended that the Planning Proposal be amended to:

- Correct the legal description of properties associated with the rezoning of parts of the Warringah Freeway.
- Correct the legal descriptions in Schedule 5 in relation to Heritage Item I0387 – Lavender Bay Railway Group.
- Amend the description of item I0135 – 8 Wulworra Avenue, Cremorne Point and the Heritage Map such that the listing applies to the part of the site containing the former residence.
- Amend the proposed heritage listing of 3 Parker Street, McMahons Point (I1138) to exclude the detached garage structures from the Item Name within Schedule 5.

Having completed the community consultation and consideration of submissions steps within the plan making process, it is recommended that Council resolves to adopt the Planning Proposal as amended in response to submissions and forward the amended Planning Proposal to the Department of Planning, Industry and Environment with a request that the Planning Proposal be made.

In addition, it is recommended that further investigation be undertaken with respect to:

- The following heritage matters under the future comprehensive Heritage Review:
 - inclusion of 33 Spruson Street, Neutral Bay as a Heritage Item;
 - inclusion of 5, 7 and 14 East Crescent Street, McMahons Point as Heritage Items;
 - revising the Montague Road Conservation Area to exclude 10-18 Fifth Avenue, Cremorne; and
 - revising the extent of the heritage listing of the following school properties to only apply elements of heritage significance:
 - Cammeray Public School (68 Palmer Street, Cammeray)
 - North Sydney Girls High School (365 Pacific Highway, Crows Nest)
 - Neutral Bay Public School (175 Ben Boyd Road, Neutral Bay)
 - North Sydney Boys High School (127 Falcon Street, North Sydney)
- The current and future use of Sinclair Street located between Rocklands Road and Hazelbank Road, Wollstonecraft.



PP_2020_NORTH_002_00/IRF20/1327

Mr Ken Gouldthorp
General Manager
North Sydney Council
PO Box 12
North Sydney NSW 2059

Dear Mr Gouldthorp

Planning proposal [PP_2020_NORTH_002_00] to amend North Sydney Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to implement the outcomes of the North Sydney LEP Review and a series of housekeeping amendments.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions; 1.1 Business and Industrial Zones and 3.1 Residential Zones are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority, due to the scale of the proposal as it applies to the entire North Sydney local government area.

The amending local environmental plan (LEP) is to be finalised within 6 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made prior to 30 June 2020 in accordance with the accelerated LEP program deadline.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the timeframes outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Nick Armstrong to assist you. Mr Armstrong can be contacted on 8275 1219.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. McDonald'.

19 April 2020

Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2020_NORTH_002_00): to implement the outcomes of the North Sydney LEP Review program and make a series of housekeeping amendments.

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan (LEP) 2013 to implement the findings of the North Sydney LEP Review and a series of housekeeping amendments should proceed subject to the following conditions:

1. Prior to public exhibition all references to the proposed amendment pertaining to Clause 14 of Schedule 1 are to be removed, as the amendment has been processed as part of another planning proposal.
2. Update the list of planning proposals that are running concurrently to this proposal to include the Kirribilli Small Bars planning proposal (PP_2020_NORTH_001_00)
3. Remove all references to the listing of 33 Spruson Street, Neutral Bay as the proposed amendment is not supported by a heritage assessment detailing how it satisfies the NSW criteria for heritage listing.
4. Council must consult with the landowner(s) of 3 Parker Street, McMahons Point regarding its proposed listing as an item of local heritage significance.
5. Council must consult with the landowner(s) of 25 Shirley Road, Wollstonecraft regarding the proposed introduction of the 8.5m maximum building height for this land.
6. Council is to remove all references to the proposed introduction of clause 6.12(AA) as intended under the Council resolution of 28 November 2019.
7. In relation to the rezoning of land at the northern end of Benelong Lane adjacent to 107A Young Street, Cremorne, it is requested that Council provide further justification or remove all references to the amendment from the planning proposal.
8. Remove all references to the proposed amendment to Clause 23 Schedule 1 as sufficient discussion within the planning proposal has not been provided.
9. Include a rationale for the proposed amendment to renumber clause 5.3(3)(a1).

10. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
11. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Sydney Water;
 - Transport for NSW;
 - Roads and Maritime Services Division of Transport for NSW;
 - Heritage Council of NSW;
 - NSW Environment, Energy and Science; and
 - NSW Department of Education.
- Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
12. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
13. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 19th day of April 2020.



Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces

PP_2020_NORTH_002_00 (IRF20/1327)



Planning,
Industry &
Environment

PP_2020_NORTH_002_01 / IRF20/1743

Mr Ken Gouldthorp
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Mr Gouldthorp

Planning proposal PP_2020_NORTH_002_01 – Alteration of Gateway Determination

I refer to your letter in relation to revisions to planning proposal PP_2020_NORTH_002_00 for the removal of condition 8 of the Gateway determination.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 19 April 2020 for PP_2020_NORTH_002_00. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Nick Armstrong to assist you. Mr Armstrong can be contacted on 8275 1219.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Luke Downend'.

Luke Downend
Acting Director, North District
Eastern Harbour City

Encl: Alteration of Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_NORTH_002_01)

I, Acting Director, North District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 19 April 2020 for the proposed amendment to the North Sydney Local Environmental Plan 2013 as follows:

1. Delete:

condition 8 – requiring Council to remove all references to the proposed amendment to Clause 23 Schedule 1 as sufficient discussion within the planning proposal has not been provided.

Dated 22nd day of April 2020.

A handwritten signature in blue ink, appearing to read 'Luke Downend'.

**Luke Downend
Acting Director, North District
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**

ATTACHMENT 3

Planning Proposal 7/19 to amend North Sydney Local Environmental Plan 2013 - North Sydney LEP Review 2019 Summary of submissions received during public exhibition period (25 May 2020 – 22 June 2020)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the Planning Proposal or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the Planning Proposal.
 - b was already in the Planning Proposal or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the Planning Proposal.
 - e was an alternate viewpoint received on the topic but the recommendation of the Planning Proposal was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1	Withheld	Additional Permitted Uses - North Sydney Olympic Pool	Objects to the proposed changes to allow 'function centre' as a permissible use across the entire North Sydney Olympic Pool (NSOP) site due to the impacts of noise from events on residential amenity.	Refer to section 4.2 of the main report. The proposed amendment seeks to remove the current limitations and permit "function centres" across the entirety of the site. The primary purpose of the proposed amendment was to allow increased flexibility as to where functions could occur on the site in response to the proposed changes in configuration of the site. There are no other changes to planning controls related to NSOP as part of this Planning Proposal. There are sufficient controls already contained within NSDCP 2013 to ensure that potential impacts arising from the use of the NSOP site for unrelated functions can be adequately addressed at the development application stage.	Nil.	2B 2E
2	Withheld	Heritage - Listing of 28 Alfred St South	Requests the inconsistencies with heritage listings of 26 and 28 Alfred Street South Milsons Point be addressed. Claims that 26 Alfred Street South had its heritage listing removed while 28 Alfred Street South's listing was retained, despite the similarity between the properties and construction time.	Refer to section 4.12 of the main report. A similar request was made by the owner of the property to remove the heritage listing of No.28 Alfred Street during the preparation of NSLEP 2013. However, there was insufficient information provided to justify its removal and Council subsequently resolved to retain the heritage listing on No.28 in accordance with the advice from the independent heritage consultant who prepared the 2009 North Sydney Heritage Review which informed the heritage listings under NSLEP 2013. The submitter has not provided any additional information to justify the delisting of No.28 Alfred Street South.	Nil.	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
3	Withheld	Land Acquisition - French St	Made a query around a vacant block of land on French Street in McMahons Point. Stated that Council should acquire this land for use as public open space.	The subject land belongs to NSW Rail Corporation and is zoned <i>SP2 Infrastructure "Railway"</i> . It forms part of the railway corridor that supports the North Shore rail line. It is highly unlikely that NSW Rail Corporation will relinquish this land as it forms a buffer to protect the rail infrastructure contained within this corridor. Notwithstanding, Council's Open Space Strategy suggests that there is sufficient open space of good quality in this locality and that acquisition of new open space should be focused in areas where there is a current lack of open space such as in St Leonards and Crows Nest.	Nil.	2E
4	Willoughby City Council	Support or no objection	No objection was raised with respect to the proposed amendments.	Noted.	Nil.	2C
5	Withheld	Heritage - 8 Wulworra Ave	Queried the description of 8 Wulworra Avenue, Cremorne Point under Schedule 5 of NSLEP 2013. The property contains two buildings: a 2-storey residence and a 4-storey apartment building, and the submitter pointed out that though the whole site is identified as a heritage item the listing in schedule 5 only relates to a "2 storey residence". Queried as to whether or not the apartment building has any heritage significance and recommended the listing be amended accordingly.	Refer to section 4.13 of the main report. Both the residence and apartment tower were identified as separate heritage items under NSLEP 2001. However, the 2007 North Sydney Heritage Review recommended that the residential flat building be downgraded to a 'contributory item'. Given that both buildings have a level of heritage significance it is considered appropriate to retain the current extent of the heritage listing over the entire site. The description of heritage item I0135 should be amended to 'former 3 storey residence' reflect the current built form of the item.	Amend the item name of Item I0135 in Schedule 5 of NSLEP 2013 and amend the Heritage Map such that Item I0135 applies to that part of the site containing the former dwelling.	1A 1E
6	Lane Cove Council	Support or no objection	Generally supports or raises no objection to the majority of the proposed amendments, noting that many are merely administrative or minor in nature with the exception of the issues raised below.	Noted.	Nil.	2D

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Residential Flat Buildings in the R3 Zone	Supported this measure as a means of addressing the problems with the redevelopment of residential flat buildings relying on existing use rights in the <i>R3 Medium Density Residential</i> zone. Suggests that the wording of the proposed new objective to the <i>R3 Medium Density Residential</i> zone is vague and therefore supports the inclusion of additional DCP measures.	Refer to section 4.1 of the main report. Noted. The primary purpose for including a new objective to the <i>R3 Medium Density Residential</i> zone was to provide additional consideration where existing residential flat buildings that do not currently comply with the key built form controls do not result in a net increase in bulk and scale which would be detrimental to the desired character of the zone. In addition to the new objective for the <i>R3 Medium Density Residential</i> zone there is an additional objective proposed within clause 4.3 to NSLEP 2013. This objective seeks to ensure that buildings in the <i>R2 Low Density Residential</i> , <i>R3 Medium Density Residential</i> , and <i>E4 Environmental Living</i> zones maintain a predominantly 1-2 storey built form. Additional controls are proposed within NSDCP 2013 to support the outcomes of the amendment to NSLEP 2013. These issue are being addressed under a separate report to Council.	Nil.	2D
7	Withheld	Veterinary Hospitals in the B1 Zone	Strongly supports the proposal to permit veterinary hospitals within the <i>B1 Neighbourhood Centre Zone</i> .	Noted.	Nil.	2D
8	Heritage Council of NSW	Heritage - Deletion of items	Specifically raised no objection to the deletion of heritage items from the LEP.	Noted.	Nil.	2C
		Heritage - Consider impacts on non-LEP heritage listed items	Stated that Council should ensure that the proposed amendments within the LEP do not have a negative impact upon state heritage items, Aboriginal sites, Commonwealth listed places and the Sydney Opera House World Heritage item.	Due to the generally minor nature of the amendments to NSLEP 2013, there is unlikely to be any potential future negative impacts upon these additional heritage listings. Furthermore, the proposed amendments to NSLEP 2013 do not remove the need to consider the impacts from future development on these additional heritage listings identified outside of NSLEP 2013 during the development application process.	Nil.	2G

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
9	Withheld	Correction of Address	<p>Claimed that there are inconsistencies in the addressing of two strata plans in Neutral Bay comprising:</p> <ul style="list-style-type: none"> SP 4412: 10 Raymond Road SP 31143: 12 Raymond Road <p>Requested that these inconsistencies be corrected.</p>	<p>Neither of these properties are specifically identified within NSLEP 2013 and therefore no further amendment is required in this instance. The matter has been passed onto Council's GIS department to resolve.</p>	Refer matter to GIS department.	2A
10	Withheld	Heritage - Montague Road Conservation Area	<p>Requested that the boundaries of the Montague Road Conservation Area be amended to exclude No.s 12-22 Fifth Avenue in Cremorne for the following reasons:</p> <ul style="list-style-type: none"> Most dwellings which are recommended to be removed are not classified as contributory and those which are have undergone significant alteration; The northern side of the street is outside of the conservation area and accommodates significant unsympathetic development; This section of the conservation areas appears to be detached from the remainder of the Conservation Area; The adoption of the Local Strategic Planning Statement outlines the vision for North Sydney and justifies its removal. 	<p>Refer to section 4.14 of the main report.</p> <p>The significance of the Conservation Area is identified within NSDCP 2013 for the following reasons:</p> <p>(a) <i>As an example of a subdivision that responds to the topography and the resulting built form that features stepped and elevated housing forms.</i></p> <p>(b) <i>As a consistent and intact early 20th century residential area with medium sized detached and attached Federation Queen Anne houses and California bungalows.</i></p> <p>(c) <i>For the quality and collective significance of the buildings within the area.</i></p> <p>The subject properties proposed to be removed from the Conservation Area are primarily identified as "contributory" items under the DCP (3 of 5), with the remainder identified as "neutral" items. In addition, the subdivision pattern of these properties is consistent with the original subdivision pattern in the Conservation Area.</p> <p>The justification to remove the properties from the conservation area does not have the benefit of input from a qualified heritage expert and can't be supported in this instance.</p> <p>Through its Local Strategic Planning Statement, Council has identified a need to undertake a comprehensive heritage review. This matter would be more appropriately addressed as part of this forthcoming heritage review.</p>	Identify as a matter for consideration under a future comprehensive heritage review.	2A 2B

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
11	Withheld	Heritage - East Crescent Street Properties	Requested that 5 East Crescent Street, McMahons Point be reinstated as a local heritage item. Claims that the building had stylistic elements and features of heritage significance and is part of the historic character of the area along with several other properties in the area.	Refer to section 4.11 of the main report. Insufficient justification has been provided to consider the reinstatement of this property as a heritage item. Through its Local Strategic Planning Statement, Council has identified a need to undertake a comprehensive heritage review. This matter would be more appropriately addressed as part of this forthcoming heritage review.	Identify as a matter for consideration under a future comprehensive heritage review.	2A 2B
12A 12B 12C	Transport for NSW	Property and Transport Reservations	Stated that all existing TfNSW corridors and reservations need to be maintained and appropriately reflected in the Land Zoning Map as <i>SP2 Infrastructure</i> . Raised concerns that the Planning Proposal as exhibited included incorrect legal descriptions of properties associated with the rezoning of land which forms part of the Warringah Freeway. However, no objection was raised to the land identified to be rezoned as illustrated in on the Land Zoning Map.	The proposed amendments to the zoning of land associated with the Warringah Expressway were made in response to several requests received from the former RMS to reflect the extent of the declared Warringah Freeway boundaries. Accordingly, the proposed amendments seek to fulfil this request. Refer to section 4.6 of main report. Council has reviewed the legal descriptions in the Planning Proposal and notes that Council had made an error in their written description. Whilst the legal descriptions of the identified lands proposed to be rezoned are not specifically identified within the written instrument to NSLEP 2013, it does not result in the need to further amend the intent of the Planning Proposal. However, for the purposes of clarity, the Planning Proposal can be amended to correct these legal descriptions.	Nil Amend the Planning Proposal to correct the legal descriptions of those properties to be rezoned and which form part of the Warringah Freeway.	2B 1A 1E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Heritage - I0580 Head of Shell Cove	<p>Objects to the inclusion of the “waters of Shell Cove” in the description of Item I0580 as:</p> <ul style="list-style-type: none"> • NSLEP 2013 does not apply to the ‘waters of Shell Cove’ as the land is located outside of the local government area boundary. • The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour SREP) is the relevant environmental planning instrument that applies to the ‘waters of Shell Cove’. • Claims that the proposed inclusion has the potential to create unnecessary confusion and preclude adjacent landowners from undertaking exempt and complying development to domestic waterways structures. 	<p>Refer to sections 2.3 and 4.10 of the main report.</p> <p>The initial justification for including the “waters of Shell Cove” to the property description of item I0580 was to provide increased clarity as to the full extent of the listing as identified in the associated heritage inventory sheet.</p> <p>The listing identifies both the “waters” and adjacent foreshore land located above Mean High Water Mark as the item’s significance relates to the natural alignment between the water and foreshore lands.</p> <p>The heritage item is not identified under the Sydney Harbour SREP and therefore not given any protection under this planning instrument.</p> <p>To further assist in the identification of the heritage item, Council should request the State Government to amend the Sydney Harbour SREP to identify the waters of Shell Cove as being part of this heritage item.</p> <p>It is further noted that the Heritage Division of Premier and Cabinet did not object to the inclusion of the term.</p>	Request the DPIE to amend the SREP to identify the waters of Shell Cove as being part of this heritage item	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Heritage - I0360 Brett Whitely House (1 Walker Street, Lavender Bay	Requests that the “waters of Lavender Bay” not be referenced in the description of Heritage Item I0360 as NSLEP 2013 does not apply to these “waters” as they are located outside of the local government area boundary. Suggests that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is the relevant environmental planning instrument that applies to the “waters of Lavender Bay”. Claims that the proposed inclusion has the potential to create unnecessary confusion preclude adjacent landowners from undertaking exempt and complying development to domestic waterways structures.	Refer to sections 2.3 and 4.10 of the main report. The initial justification for including the “waters of Lavender Bay” to the property description of item I0360 was to provide increased clarity as to the full extent of the listing as identified in the associated heritage inventory sheet and State Heritage listing under the Heritage Act. The heritage item is not identified under the Sydney Harbour SREP and therefore not given any protection under this planning instrument. To further assist in the identification of the heritage item, Council should request the State Government to amend the Sydney Harbour SREP to identify the waters of Shell Cove as being part of this heritage item. It is further noted that the Heritage Division of Premier and Cabinet did not object to the inclusion of the term.	Request the DPIE to amend the SREP to identify the waters of Shell Cove as being part of this heritage item	2E
		Heritage - I0387 Lavender Bay railway	Seeks clarification that the areas/curtilage of item I0387 is not changed as it was noted that an additional lot (Lot 120 DP 870371) was proposed to be added to the listing under Schedule 5 of NSLEP 2013.	Refer to sections 2.3 and 4.10 of the main report. The mapped extent of this item is not proposed to be changed as part of the Planning Proposal. The proposed change to the legal property description under Schedule 5 of the LEP reflects the extent of the item as on the Heritage Map. However, a further examination of Council's property records revealed that the proposed change to the listing was based on now superseded legal property descriptions. Council's current records indicate that the correct legal property descriptions of the heritage item comprises Lot 100, DP 1103512; Lot 123 DP 870371; Lot 1187, DP 48335, Lots 1 and 2 DP 1220077. To ensure that clarity is maintained, it is recommended that the property description of the heritage item under Schedule 5 of NSLEP 2013 be corrected.	Amend the Planning Proposal to correct the legal property descriptions of the heritage item.	1A 1E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Heritage - I1051 Waverton Railway Station Group	Seeks clarification that the areas/curtilage of heritage item I1051 is not changed.	Refer to sections 2.3 and 4.10 of the main report. The mapped extent of this item is not proposed to be changed as part of the Planning Proposal. The proposed change to the legal description under Schedule 5 of the LEP reflects the extent of the item as indicated on the Heritage Map.	Nil	2C
		Residential Flat Buildings in the R3 Zone	Supports the provision of housing within walking distance of public transport infrastructure. Suggests that Council should consult with TfNSW to ensure that adequate public transport capacity is/and will be available for any growth in population.	Refer to section 4.1 of the main report. The Local Housing Strategy (LHS) outlines where residential growth is going to occur. In particular it proposes to concentrate that growth in localities with high levels of access to mass public transport. In considering the proposed amendment, the LHS indicates that any growth arising from the proposed amendment will be minimal and therefore unlikely to have an adverse affect on traffic congestion. This position was reconfirmed through a massing exercise comparing multi dwelling developments and residential flat buildings. This exercise demonstrates that whilst there may be a marginal increase in the number of dwellings on a site, the number of occupants would remain approximately the same. Further, Council is in the process of preparing an integrated parking strategy for the LGA which is likely to see revisions to the parking rates with view to decreasing private vehicular movements.	Nil	2A 2E 2G
		Civic Precinct Study	Seeks clarity on the North Sydney CBD North Precinct Planning Study, as to whether there would be subsequent amendments to the Planning Proposal in relation to the study.	The Civic Precinct (formerly North Sydney CBD North) Planning Study is progressing concurrently with this Planning Proposal. Council endorsed the Planning Proposal proceeding to Gateway Determination before it endorsed a draft version of the Civic Precinct Planning Study for public exhibition purposes. Accordingly, the Planning Proposal does not reflect any recommendations of the draft Study. If required, a separate planning proposal will be prepared to implement the recommendations to the final adopted Study.	Nil.	2A

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Travel Demand and Travel Plans	<p>Submitter is keen to work with Council to ensure that future amendments to the LEP are supported by comprehensive transport studies including travel demand management measures to ensure travel demand management measures are incorporated into future developments to encourage the use of sustainable transport.</p> <p>New developments should demonstrate and provide travel demand management schemes. New developments, including businesses and large-scale developments, are likely to be required to develop and implement travel plans to encourage the use of sustainable transport.</p> <p>The submitter is willing to assist in developing requirements for inclusion in Council's DCP to guide future developments in this regard.</p>	<p>The Planning Proposal has been informed by the North Sydney Local Strategic Planning Statement, which has included the recommendations of various high level transport studies produced by both the State Government and Council.</p> <p>It is further noted that Council's DCP already contains specific requirements for addressing travel demand through the requirement of travel management plans.</p> <p>Council will continue to liaise with TfNSW with the development of Council's future transport strategies and policies.</p>	Nil	2A
		Liaison with Sydney Trains	Requested that Council liaise with Sydney Trains throughout each stage of the future strategic planning process.	Noted.	Nil	2A
		References to RMS	Requested that references to Roads and Maritime Services (RMS) be replaced with Transport for NSW to reflect legislation that brought the two organisations together.	<p>Noted.</p> <p>The text references within the Planning Proposal was correct at the time of writing the Planning Proposal for Gateway Determination purposes. The written instrument comprising NSLEP 2013 does not make reference to "RMS" and therefore the Planning Proposal does not require further amendment.</p>	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Distribution Centres	Submitter notes that NSLEP 2013 prohibits all types of warehouse and distribution centres in <i>R4 High Density Residential, B3 Commercial Core</i> and <i>B4 Mixed Use</i> zones. Suggests that consideration be given to including “local distribution centres” as permissible use within the <i>R4 High Density Residential, B3 Commercial Core</i> and <i>B4 Mixed Use</i> zones in future LEP amendments. This would enable the approval of local freight hubs in key urban centres and support freight consolidation and place outcomes.	Refer to section 4.7 of the main report. NSLEP 2013 currently permits “local distribution centres” with consent in the <i>IN2 Light Industrial</i> zone, which is situated in McMahons Point. Therefore, there are no outright prohibitions on such activities occurring within the LGA. There is no current evidence to suggest that there is a demand for such uses within the LGA and thereby require expanding such uses into the suggested additional zones. Any amendment to the LEP to allow such uses in the <i>R4 High Density Residential, B3 Commercial Core</i> and <i>B4 Mixed Use</i> zones would warrant an amendment to the Gateway Determination and re-exhibition of the Planning Proposal. Therefore no change is recommended.	Nil	2E
		Future collaboration	Submitter wants to continue to work collaboratively on future transport studies and precinct planning studies to deliver place based outcomes.	Council is happy to continue to work collaboratively with the submitter for various transport and strategic planning related matters.	Nil	2A
13	Withheld	Heritage listing - 3 Parker Street McMahons Point	Objects to the proposed heritage listing of 3 Parker Street, McMahons Point for the following reasons: <ul style="list-style-type: none"> • The heritage assessment which the listing relied upon was outdated; • The subject site did not meet the NSW Heritage Manual criteria for listing; • There were other potential heritage items of greater value in the LGA; and • The proposal had the intent of stifling development application currently before the Land and Environment Court. 	Refer to section 4.9 of the main report. The submission was reviewed by Robert Moore the heritage consultant who first recommended the heritage listing of the property during the assessment of a development application on the subject site. In summary, Robert Moore concluded that the submitter’s reasons to not list the property as a heritage item were poorly justified due to a lack of information, limited on-site investigation, and contradictory statements.	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			If the proposal proceeds, the listing should be refined to exclude the garages, as they are not of heritage significance.	Refer to section 4.9 of the main report. This request can be achieved by specifically delineating within the heritage inventory sheet. In addition, the planning proposal could be amended to specifically state in the item description to Schedule 5 that the garages are excluded.	Amend the Planning Proposal such that the detached garage structures are specifically excluded from the heritage listing.	1A
			Argued that if the proposal proceeds it should include a savings provision.	Refer to section 4.9 of the main report. The extent of a savings provision would comprise was not elaborated upon within the submission. However, it is assumed to relate to a provision that would state that the heritage listing of the property would not apply to a development application which had been lodged and not yet determined before the commencement of the LEP amendment giving effect to the planning proposal. This request is not considered to be appropriate if the property is deemed to have heritage significance and would potentially deem the proposed listing redundant, if the DA is granted approval and those works would result in the heritage significance being compromised.	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
14	Withheld	Imposition of 8.5m Height Limit – 25 Shirley Road	<p>Objected to the proposed imposition of an 8.5m maximum building height standard across the site for the following reasons:</p> <ul style="list-style-type: none"> • This standard would constrain development of <i>SP2 Infrastructure</i> zoned land; • The proposed standard is not associated with any current planning studies or strategic planning work; • Council's basis for the standard is outdated; • The standard is unjustified given the solar modelling, view and visual analysis carried out as part of a previously approved DA; and • Site-specific merit should form relevant considerations for such a decision. 	<p>Refer to section 4.8 of the main report</p> <p>The absence of a height limit on this site was a result of an error in the translation of provisions under NSLEP 2001 to NSLEP 2013.</p> <p>The proposed amendment is consistent with the application of height limits to all <i>SP2 Infrastructure</i> zoned land within the LGA, that does not comprise a railway or a road.</p> <p>Whilst it is acknowledged that approval (DA 326/17) has been granted for a new 5 storey health facility on the rear portion of the property, nothing prevents the owner taking up this existing development consent despite the imposing of the new height limit.</p> <p>Whilst an analysis of the locality reveals a variety of building heights, it is generally characterised by a 2-storey pitched roof form within an 8.5m height limit. The proposed height limit for the site therefore aligns with the prevailing current built form character of the surrounding area.</p>	Nil	2E
15	Withheld	Rezoning of school land to SP2	<p>Objects to the rezoning of land owned and used by schools to <i>SP2 Infrastructure</i>. Raised concerns around the impacts of school expansion on local communities and their exemptions from paying rates.</p>	<p>Refer to section 4.3 of the main report.</p> <p>The proposed rezoning will provide greater clarity to the community as to what land is actually being used for school purposes and reflects an existing situation.</p> <p>The proposed rezoning of school properties will not result in a school being exempt from paying Council rates. All schools are exempt from paying rates under the Local Government Act regardless of a land's zoning.</p>	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
16	Withheld	Residential Flat Buildings in the R3 Zone	<p>Objects to permitting residential flat buildings within the <i>R3 Medium Density Residential</i> zone for the following reasons:</p> <ul style="list-style-type: none"> It would be inconsistent with the heritage character of much of the zone it would increase development pressure and likely result in requests to amend other built form controls such as height, bulk and scale only applies to a small number of sites there has been limited public discussion of these matters. 	<p>Refer to section 4.1 of the main report.</p> <p>The majority land zoned <i>R3 Medium Density Residential</i> is not located within Heritage Conservation Areas or identified as heritage items. Therefore, this is not a valid reason for not pursuing the proposed amendment. Regardless of the zoning of land, development on land containing a heritage item or within a conservation areas must consider additional heads of consideration under NSLEP 2013 and NSDCP 2013, ensuring that heritage matters, which extends to include the character of an area, are required to be addressed, thereby managing potential impacts.</p> <p>Whilst it is acknowledged that the proposed amendment would increase the opportunity to undertake such development in the zone, the modelling analysis demonstrates that the bulk and scale of development would be the same if not marginally less than a multi dwelling development.</p> <p>Whilst it is acknowledged that existing use rights for residential flat buildings applies to approximately 20% of parcels located within the <i>R3 Medium Density Residential</i> zone only applies</p> <p>This issue has been specifically discussed in the public domain through various Council reports and consideration of the LSPS and LHS, both of which have been subject to extensive public consultation prior to the preparation of the Planning Proposal.</p>	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Rezoning of school land to SP2	Objects to the rezoning of land owned and used by schools to <i>SP2 Infrastructure</i> . Raised concerns around the impacts of school expansion on local communities and their exemptions from paying rates.	Refer to section 4.3 of the main report. The proposed rezoning will provide greater clarity to the community as to what land is actually being used for school purposes and reflects an existing situation. The proposed rezoning of school properties will not result in a school being exempt from paying Council rates. All schools are exempt from paying rates under the Local Government Act regardless of a land's zoning.	Nil	2E
17	Withheld	Residential Flat Buildings in the R3 Zone	Objects to permitting residential flat buildings within the <i>R3 Medium Density Residential</i> zone for the following reasons: <ul style="list-style-type: none"> The incorporated provisions of the EP&A Act, dealing with existing use rights, are contained in every LEP to protect the beneficiaries of original development approval; the Standard Instrument LEP (SILEP) does not include residential flat buildings as a permissible use in the <i>R3 Medium Density Residential</i> zone, therefore the DPIE intends that existing residential flat building are existing uses under the Act; 	Refer to section 4.1 of the main report. Noted. However, this does not necessarily result in good outcomes as a proposal relying upon the application of existing use rights is not required to adhere or even consider the key built form controls applying to that land. Whilst the SILEP does not mandate residential flat buildings within the <i>R3 Medium Density Residential</i> zone, it does not mean that a council cannot include it as permissible use in that zoned. Many other councils in Sydney permit residential flat buildings within the <i>R3 Medium Density Residential</i> zone. Furthermore, density is a relative term, as it may apply population numbers, dwelling numbers or a bulk and scale outcome. Simply controlling the types of land uses permitted in a zone is a crude way to manage density and does not necessarily result in good planning outcomes.	Nil	2E

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No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<ul style="list-style-type: none"> There are limited number of residential flat building that have been approved under existing use rights in North Sydney, and that those which have been approved have not resulted in inferior built form outcomes. 	<p>Whilst it is acknowledged that there have been a low number of applications seeking to utilise existing use rights provisions, if rolled out to the remainder of sites in the LGA, it has the potential to significantly alter the character of a locality due to the ability to put aside the relevant built form controls.</p> <p>Of those applications that have been approved through the Land and Environment Court have generally resulted in significant changes away from the prevailing and desired future character of a locality.</p>		
			<p>A range of modifications to the LEP were proffered to encourage the redevelopment of residential flat building with existing use rights.</p> <p>It was further argued that the Incorporated Provisions and Court Principles result in a more detailed assessment and at least as good an outcome as compliance with Council controls.</p>	<p>Alternative solutions to address the matter were considered in detail at its meeting on 25 March 2019. A copy of this report is incorporated within the Planning Proposal.</p> <p>Due to the general inflexibility of the SILEP, the proposed solution was deemed the best way to address the issue, in collaboration with the inclusion of additional controls within the LEP and DCP.</p> <p>Furthermore, Council's experience with this issue has been that applicants give little to no consideration to the Land and Environment Court principles and have sought to fully exploit existing use rights controls by significantly deviating from base development standards.</p>	Nil	2E
18	Withheld	Heritage - East Crescent St	<p>Recommended that the following buildings in McMahons Point be identified as heritage items under NSLEP 2013:</p> <ul style="list-style-type: none"> 5 East Crescent Street; 7 East Crescent Street; 12 East Crescent Street; and 14 East Crescent Street. 	<p>Refer to section 4.11 of the main report.</p> <p>12 East Crescent Street is already identified as an Item of Heritage significance under NSLEP 2013 and that status is not proposed to change. Insufficient justification has been provided to consider the identification of the additional properties as heritage items.</p> <p>Through its Local Strategic Planning Statement, Council has identified a need to undertake a comprehensive heritage review. This matter would be more appropriately addressed as part of this forthcoming heritage review.</p>	Identify as a matter for consideration under a future comprehensive heritage review.	2A 2B

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
19A 19B 19C	Milson Precinct Committee	Extension to exhibition period	Requested a 3 month extension to the exhibition period, claiming that the whole process has not engaged the community, nor are residents aware of the underlying impacts.	An extension to the exhibition period was not considered feasible due to the State Government requiring Council to complete its post exhibition process by 31 August 2020.	Nil	2A 2G
		Residential Flat Buildings in the R3 Zone	<p>Objects to permitting residential flat buildings in the <i>R3 Medium Density Residential</i> zone for the following reasons:</p> <ul style="list-style-type: none"> Residential flat buildings are not in keeping with the established character of this zone; 	<p>Refer to section 4.1 of the main report.</p> <p>Character is determined by a number of factors and not limited land use types alone. It extends to include bulk and scale of development, development separation and landscape elements.</p> <p>Residential flat buildings are a form of residential use and is consistent with the primary type of use permitted within the zone. Furthermore, SEPP (Exempt and Complying Development Codes) permits “Manor houses” to be built as complying development in the <i>R3 Medium Density Residential</i> zone which are essentially a form of low scale residential flat building.</p> <p>In terms of scale and bulk, the controls for residential flat buildings within the <i>R3 Medium Density Residential</i> zone are the same if not more restrictive than that for multi dwelling housing which is the next highest use in the zone.</p>	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<ul style="list-style-type: none"> The proposal seeks to fix an issue with properties relying on existing use rights that affects only 19% of R3 zoned sites. Will result in more pressure for the delivery of residential flat buildings. Council does not need to permit residential flat buildings in the R3 zone to meet its housing targets. The process has not allowed for community discussion about inclusion of residential flat buildings in the <i>R3 Medium Density Residential</i> zone 	<p>Redevelopment of sites under existing use rights provisions has the potential to significantly undermine the desired future character of a locality, due to the ability to remove the need to consider any development standards applying to a site.</p> <p>If the proposed amendments are not incorporated, this would then result in further pressure to amend the planning controls to increase development potential within the <i>R3 Medium Density Residential</i> zone as a result of the precedent set by developments relying on existing use rights.</p> <p>The best way to prevent the significant altering of the desired character of a locality zoned <i>R3 Medium Density Residential</i> is to permit that use and require those developments to consider the relevant development controls and standards</p> <p>Whilst it is acknowledged that the proposed amendment would increase the opportunity to undertake such development in the zone, the modelling analysis demonstrates that the bulk and scale of development would be the same if not marginally less than a multi dwelling development ensuring that the desired character of a locality is not significantly altered.</p> <p>The primary intent of the proposed amendment is not to address Council's housing target, but to address inappropriate developments where a total disregard is given to the prevailing and desired future character of an area.</p> <p>Council's LHS recognises that there may be a marginal increase in dwelling numbers as a result of the proposed amendment, but is unlikely to have a significant impact on dwelling delivery.</p> <p>This issue has been specifically discussed in the public domain through various Council reports and consideration of the LSPS and LHS, both of which have been subject to extensive public consultation prior to the preparation of the Planning Proposal.</p>		

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			Suggested that a comprehensive study of the impact of the proposed change is undertaken and discuss other ways of addressing the existing use rights problem.	The proposed amendment has been considered by Council at its meeting on 25 March 2019 and was included in Council's LHS which was subject to community consultation during the its public exhibition in 2019. The Council report from 25 March 2019 considers a range of options to address the issues arising from existing use rights.		
		Fitzroy Street Kirribilli	Specifically objects to permitting residential flat buildings in the <i>R3 Medium Density Residential</i> zone for land fronting Fitzroy Street, Kirribilli on heritage and scale grounds. Suggests that this area would be more appropriately zoned <i>R2 Low Density Residential</i> .	Refer section 4.1 of the main report The submitter' solution to retain the current zoning, but exclude the permitting of residential flat buildings on these properties is not supportable as it would result in the creation of a subzone, which is contrary to that allowed under DPIE's LEP Practice Notes and Planning Circulars. All but two of the subject properties are identified as heritage items under NSLEP 2013. Accordingly, these properties have a certain level of protection and are highly unlikely to be demolished to allow the redevelopment for residential flat building purposes. The suggestion to rezone these properties to <i>R2 Low Density Residential</i> is not supported. The majority of these properties contain "attached dwellings" which are a prohibited land use within the <i>R2 Low Density Residential</i> zone, which would create further issues. Pursing such an option would require a new Gateway Determination to be obtained and require further public exhibition such that the subject property owners are given sufficient time to comment.	Nil	2F

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
20	Withheld	Residential Flat Buildings in the R3 Zone	Objects to permitting residential flat buildings in the <i>R3 Medium Density Residential</i> zone. However, they would support this proposal if it was accompanied by a provision that prevents developments that do not adversely impact on the desired scale and character of the zone and that the existing height controls are maintained.	Refer to section 4.1 of the main report. The proposed amendments to NSLEP 2013 include the addition of a new objective for the <i>R3 Medium Density Residential</i> zone to “enable the redevelopment of sites containing residential flat buildings where they do not result in adverse impact upon the amenity of adjoining residences. All land zoned <i>R3 Medium Density Residential</i> currently has an 8.5m height limit and it is not proposed to amend this height limit. To further ensure that the character of an areas is not significantly altered, an objective has been added to clause 4.3 to promote a 1-2 storey built form in the R2 Low Density Residential, R3 Medium Density Residential and E4 Environmental Living zones. These amendments are also accompanied by amendments to NSDCP 2013 to ensure that the built form character is consistent within the <i>R3 Medium Density Residential</i> zone.	Nil	2B
		Additional Permitted Uses - North Sydney Olympic Pool	Objects to the proposal to permit “function centres” across the entirety of the NSOP site. Questions the need to allow for flexibility on the site and claimed the amendment would provide trading hours not available to other businesses in the area.	Refer to section 4.2 of the main report. The proposed amendment seeks to remove the current limitations and permit “function centres” across the entirety of the site. The primary purpose of the proposed amendment was to allow increased flexibility as to where functions could occur on the site in response to the proposed changes in configuration of the site. There are no other changes to planning controls related to NSOP as part of this Planning Proposal. There are sufficient controls already contained within NSDCP 2013 to ensure that potential impacts arising from the use of the NSOP site for unrelated functions can be adequately addressed at the development application stage.	Nil	2E 2F

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
21	Withheld	Heritage listing - East Crescent St	Recommends that 5 East Crescent Street is relisted as a heritage item consistent with the submission made by submitter 18.	Refer to section 4.11 of the main report. Insufficient justification has been provided to consider the reinstatement of this property as a heritage item. Through its Local Strategic Planning Statement, Council has identified a need to undertake a comprehensive heritage review. This matter would be more appropriately addressed as part of this forthcoming heritage review.	Identify as a matter for consideration under a future comprehensive heritage review.	2A 2B
Submissions received after closing of exhibition period						
22	Withheld	General support or no objection	This submission generally supports the proposed key changes, in particular: <ul style="list-style-type: none"> • permitting residential flat buildings in the <i>R3 Medium Density Residential</i> zone; • deletion of 'exceptions to development standards' clause and map; and • the removal of certain development types from Schedule 2 – Exempt Development and Schedule 3 – Complying Development due to duplication of requirements under SEPP (Exempt and Complying Development Codes) 2008. Minor housekeeping amendments to improve clarity and transparency.	Noted.	Nil	2C 2D
		Housing Targets	Raises concerns over the policy settings for the continuation of new housing supply and meeting Greater Sydney Commission dwelling targets. <ul style="list-style-type: none"> • Suggests Council set out its planned timeframe for implementing the recommendations of the Local Housing Strategy. 	The timeframes for implementing the LHS are clearly set out in Section 4 – Actions of the LHS.	Nil	2A

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
23	Wollstonecraft Precinct Committee	Residential Flat Buildings in the R3 Zone	<p>Objects to permitting residential flat buildings in the <i>R3 Medium Density Residential</i> zone.</p> <p>Raises concerns that this amendment would result in changes to the character of the area and the desired built form. Expressed desire for a greater level of certainty around planning controls for the area.</p>	<p>Refer to section 4.1 of the main report.</p> <p>The proposed amendments to NSLEP 2013 include the addition of a new objective for the <i>R3 Medium Density Residential</i> zone to “enable the redevelopment of sites containing residential flat buildings where they do not result in adverse impact upon the amenity of adjoining residences.</p> <p>All land zoned <i>R3 Medium Density Residential</i> currently has an 8.5m height limit and it is not proposed to amend this height limit. To further ensure that the character of an areas is not significantly altered, an objective has been added to clause 4.3 to promote a 1-2 storey built form in the R2 Low Density Residential, R3 Medium Density Residential and E4 Environmental Living zones.</p> <p>These amendments are also accompanied by amendments to NSDCP 2013 to ensure that the built form character is consistent within the <i>R3 Medium Density Residential</i> zone.</p>	Nil	2E
		Additional Permitted Uses - North Sydney Olympic Pool	<p>Objects to permitting ‘function centres’ as a permissible use across the whole of the NSOP site. Claimed this proposal was not warranted.</p> <p>Raised concerns around the redevelopment of NSOP including financing, proposed trading hours, and issues with the consideration of community views on the matter.</p>	<p>Refer to section 4.2 of the main report.</p> <p>The proposed amendment seeks to remove the current limitations and permit “function centres” across the entirety of the site. The primary purpose of the proposed amendment was to allow increased flexibility as to where functions could occur on the site in response to the proposed changes in configuration of the site. There are no other changes to planning controls related to NSOP as part of this Planning Proposal.</p> <p>There are controls already in place to ensure that potential impacts arising from the use of the NSOP site for unrelated functions can be adequately addressed at the development application stage. The community will have an opportunity to comment on any future development application to use the site for functions purposes.</p>	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
24	Withheld	Rezoning - Powell St Neutral Bay	Requests the rezoning of 1,3 and 5 Powell Street, Neutral Bay from <i>R2 Low Density Residential</i> to <i>R3 Medium Density Residential</i> to enable a consolidated site of 6 allotments to be redeveloped.	See section 4.5 of the main report The Planning proposal has been prepared in part to Council's LHS and LSPS. Council's LHS does not identify the need to rezone any land within the vicinity of the subject site to meet state housing targets. Furthermore, the request is not consistent with the LSPS as the request is not supported by a precinct based strategic planning study. Such a request would be more appropriately pursued as part of a separate Planning Proposal.	Nil	2A
25	Neutral Precinct Committee	Property description corrections	Supports the proposed changes.	Noted	Nil	2D
		Heritage - listings corrections	Supports the proposed changes.	Noted	Nil	2D
		Residential Flat Buildings in the R3 Zone	Objects to permitting residential flat buildings in the <i>R3 Medium Density Residential</i> zone due to potential impacts on neighbourhood character through unsympathetic bulk and scale.	Refer to section 4.1 of the main report. The proposed amendments to NSLEP 2013 include the addition of a new objective for the <i>R3 Medium Density Residential</i> zone to "enable the redevelopment of sites containing residential flat buildings where they do not result in adverse impact upon the amenity of adjoining residences. All land zoned <i>R3 Medium Density Residential</i> currently has an 8.5m height limit and it is not proposed to amend this height limit. To further ensure that the character of an area is not significantly altered, an objective has been added to clause 4.3 to promote a 1-2 storey built form in the <i>R2 Low Density Residential</i> , <i>R3 Medium Density Residential</i> and <i>E4 Environmental Living</i> zones. These amendments are also accompanied by amendments to NSDCP 2013 to ensure that the built form character is consistent within the <i>R3 Medium Density Residential</i> zone.	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			Any changes with regard to this proposal should be deferred until the completion of the Military Road Corridor Planning Study.	The Military Road Corridor Study focuses on land within <i>B4 Mixed Use</i> zone straddling Military Road. Whilst the study area contains some areas of land zoned <i>R3 Medium Density Residential</i> , Council's proposal affects all land within the <i>R3 Medium Density Residential</i> zone.	Nil	2E
			Suggests that residential flat buildings only be made permissible on land zoned <i>R3 Medium Density Residential</i> that currently contain a residential flat building.	Refer to section 4.1 of the main report. Alternative solutions to address the matter were considered in detail at its meeting on 25 March 2019. A copy of this report is incorporated within the Planning Proposal. Due to the general inflexibility of the SILEP, the proposed solution was deemed the best way to address the issue, in collaboration with the inclusion of additional controls within the LEP and DCP.	Nil	2E
26	Withheld	Rezoning - Sinclair Street Wollstonecraft	Requests that the northern portion of land at the end of Sinclair Street, Wollstonecraft adjacent to the Mater Hospital be rezoned from <i>R4 High Density Residential</i> to <i>RE1 Public Recreation</i> . Claimed that the land is Council owned and could be developed as open space, though it currently appears to be used as a carpark.	Refer to section 4.4 of the main report This section of Sinclair Street is currently zoned part <i>R4 High Density Residential</i> and part <i>RE1 Public Recreation</i> and reflects the current use of the land. The zoning also reflects Council's policy for zoning of roads under the Standard Instrument LEP. The northern portion of Sinclair Street provides direct vehicular access to the residential flat building at No.3 Sinclair Street. However, it is acknowledged that vehicles are required to traverse across the Mater Hospital Site, via a right of way to Rocklands Road to access 3 Sinclair Street. There are questions about the use of the 4 on-street parking spots on the northern portion of Sinclair Street, given that they are not freely available to access by the general public. Council is currently investigating the matter and any rezoning of the land is not considered appropriate at this time. Furthermore, the site does not need to be rezoned to permit the redevelopment of the land for open spaces purposes as this is permissible in the zone.	Nil	2E

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
27	Withheld	Additional Permitted Uses - North Sydney Olympic Pool	Objected to the proposal to expand the permissibility of 'function centre' across the entire NSOP site.	Refer to section 4.2 of the main report The proposed amendment merely seeks to remove the current locational limitations and permit "function centres" across the entirety of the site. The primary purpose of the proposed amendment was to allow increased flexibility as to where functions could occur on the site in response to the proposed changes in configuration of the site. Sufficient controls are already in place to ensure that potential impacts arising from the use of the NSOP site for unrelated functions can be adequately addressed at the development application stage.	Nil	2E
			Raised concerns over the inclusion of the public in decisions over the management of functions at the pool.	The community will have an opportunity to comment on any future development application to use the site for functions purposes.	Nil	2E
28	Withheld	Rezoning - Kurraba Rd Neutral Bay	Requests the rezoning of 42 and 44 Kurraba Road from <i>R3 Medium Density Residential</i> to <i>R4 High Density Residential</i> to align these sites with their surrounding context and enable the redevelopment of the sites. Also requested an increase to the height limit from 8.5m to 12m consistent with height limit applied to the majority of <i>R4 High Density Residential</i> zoned land.	Refer to section 4.5 of the main report The Planning Proposal has been prepared in part to respond to the actions and recommendations of Council's LHS and LSPS. Council's LHS does not identify the need rezone any land within the vicinity of the subject site to meet state housing targets. Furthermore, the request is inconsistent with the LSPS, as the request is not supported by a precinct based strategic planning study. Such a request would be more appropriately pursued as part of a separate Planning Proposal or as part of the next revision of the LHS.	Nil	2A

ATTACHMENT 3: PLANNING PROPOSAL 7/19 TO AMEND NSLEP 2013 – NORTH SYDNEY LEP REVIEW 2019 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
29	School Infrastructure NSW Dept of Education	Heritage - school properties	<p>Identified the following heritage listed public schools within Schedule 5 of NSLEP 2013:</p> <ul style="list-style-type: none"> • Cammeray Public School, 68 Palmer Street, Cammeray (Item I0019) • North Sydney Girls' High School, 365 Pacific Highway, Crows Nest (Item I0165) • Neutral Bay Public School, 175 Ben Boyd Road, Neutral Bay (Item I0575) • North Sydney Boys' High School, 127 Falcon Street (Item I0830) <p>Requested that the heritage listings of these schools be amended to reflect the elements of significance, rather than across the whole site. This would enable important alterations and additions to non-heritage school elements to be carried out more efficiently.</p>	<p>Refer to section 2.3 of the main report</p> <p>Through its Local Strategic Planning Statement, Council has identified a need to undertake a comprehensive heritage review. This matter would be more appropriately addressed as part of this forthcoming heritage review.</p>	Identify as a matter for consideration under a future comprehensive heritage review.	2B
		Rezoning of school land to SP2	<p>Supports the rezoning of identified school properties from a mix of residential zones to <i>SP2 Infrastructure (Educational Establishment)</i>. Also raised no objections to the corresponding amendments to the Lot Size Map related to North Sydney Girls High School.</p>	Noted.	Nil	2D

IT IS RECOMMENDED THAT COUNCILLORS REFER TO THE COMPLETE SUBMISSIONS MADE AVAILABLE TO THEM, AND TO THE REPORT TO COUNCIL, WHICH EXPANDS ON THE ISSUES RAISED IN THE SUBMISSIONS.

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423
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13th July 2020

The General Manager
North Sydney Council
North Sydney NSW 2060

Attention : Mr. Benjamin Boyd
Executive Strategic Planner

Dear Mr. Boyd

**3 Parker Street McMahons Point :
Brazete Investments Pty Ltd v North Sydney Council –
Land & Environment Court Proceedings -
Response to Pikes & Verekers Lawyers' Submission to Planning Proposal**

I am pleased to respond to Council's request for comment upon the above submission, made on behalf of the Owner/Applicant and lodged in response to Council's exhibited Planning Proposal, which proposes the listing of the subject property as a Local Heritage Item (by inclusion in Schedule 5 of the North Sydney LEP 2013).

The submission is summarised as comprising five key points, of which three, I submit, require my detailed response :

1. That Council's heritage significance assessment of the property is based upon my outdated report which "*arose from different circumstances and should not be relied upon*";
2. That the subject site does not meet the Heritage Manual Criteria for the reasons set out in the two accompanying reports prepared for the Owner/Applicant ;
3. That there are other potential items, of greater heritage value in the Local Government Area, as acknowledged by the North Sydney Local Planning Panel.

Two further points relate firstly to the alleged intent of the Planning Proposal (Point 4), and the Owner/Applicant's request, through their Lawyers, that if the Proposal were to proceed, and the property listed, a savings provision should be included, and that the description of the Item not include the Garages (Point 5). It is not necessary for me to comment on Point 4, except to observe that Heritage Listing of the property would require that any proposal for it would require consideration by Council of the heritage impact of such a proposal ; the conservation of the property would become an objective of its management, which would seem inconsistent with the enactment of a savings provision. I will comment on Point 5.

Submission Point 1 : An Outdated Heritage Assessment

This point of the submission is erroneous and denies that a Heritage Assessment of a place is an objective assessment of the heritage values of the place concerned, and is not essentially driven by what its circumstances might be – they are matters for future management of the place, should the assessment determine that its listing is warranted. The suggestion that my assessment is “no longer of relevance” is incorrect and denies the point - the substantive processes of heritage assessment on which heritage planning and practice rely. I reject the implication that my assessment was written to “stymie development”, and not to assist Council with an objective, focussed evaluation of the building’s heritage interest. To suggest that the report was prepared for a “scenario” is not a relevant suggestion. Its point was to inform Council on the building’s significance, and thereby assist the decisions to be made subsequently.

To the extent that the circumstances of the property may have changed since my assessment was prepared, I am unaware of any factors which might change the conclusions that I reached. I have not inspected the interiors of the building since my report was prepared, or been made aware of any changes in the integrity of the property, that influenced my consideration. In the material with which I have been provided, there is no evidence more substantial than opinion on the matters considered in that assessment.

I remain of the views I have expressed in regard to the property’s heritage significance.

Submission Point 2 : Conflicting opinions of significance

The Applicant has provided two opinions, from Mr. Stephen Davies of Urbis Pty Ltd and from Mr. John Oultram of John Oultram Heritage and Design, which differ from my views and allege, in fairly direct terms, that I have “inflated” the heritage values of the property. I reject this, and differ from the opinions of Mr. Davies and Mr. Oultram, which I have considered in detail.

Mr. Davies :

1.0 Introduction

My assessment was, by its nature, a comprehensive reconsideration of the property’s significance, and cognizant of such earlier assessments as were obtainable or inferred, just as Mr. Davies has revisited, in the property’s previously attributed status in the Conservation Area. Clearly after my consideration, I did not and do not agree with the attributed “neutral status”.

2.0 Comparison of Assessment Findings

With regard to **Historical Significance (Criterion A)** and **Associative Significance (B)** Mr. Davies does not advance any evidence of research to support his dismissal of the building’s part in the history of the local area and the interest of its development by Mr. Grist. It is easy to be dismissive without substantiation. With regard to **Criterion C Aesthetic Significance**, Mr. Davies acknowledges the representative value of the building but does not explain why it is “*not considered significant enough for its context or typology to meet the threshold for individual listing*”. How? The anonymity of its architect is not an aesthetic factor.

The dismissal of the building as a standard, two-storey, “*4 pack flat building in brick and render with a pitched roof*” is disparaging of its design qualities, and uses a confusing reference to later apartment dwelling types. It provides no rigorous analysis or interpretation of its design and aesthetic qualities. Beyond recognition of style, it does not acknowledge the aesthetic qualities surviving in the still-discernible design and integrity of the property, which are part of its important individuality.

That the building “*did not make an impression*” on those who surveyed the local area may say more about the assessment brief, and the assessors’ interests and awareness, than the heritage values of the building, and the further comments in this vein are merely surmise.

With regard to **Social Significance (D)** the conclusions by Mr. Davies do not reflect the definition of Social Significance with which current heritage practice engages. It is sadly commonplace to merely assert, as is done here, that “*No social associations with the subject site are known*”, and that consequently the property ‘does not meet’ the threshold for this criterion.

The concept of social significance is that it is invested in a place by the regard of a living community, for whom the place is important. It is not to be confused with history, but may emerge from it. Social significance is only revealed when advanced by those for whom a place is important, or uncovered by enquiries to those people, or the community concerned. It may not be found unless sought, or information is received. I did not carry out an investigation of the property’s social significance, and said so. I indicated what I believed to be circumstances requiring further enquiry before any conclusions about social significance could be made. Mr. Davies makes a conclusion without any substantiating investigation.

With regard to **Research Potential (E)**, I remain of my view as summarised by Mr. Davies. I did not suggest that the building employed any “*remarkable construction techniques*”, but that its combined design and construction qualities, and its retained integrity, made it of a possible, likely research value. Similarly I did not assert that the site had any archaeological value.

My suggestion is that in understanding the collection of residential flat buildings within the North Sydney LGA, this building may have an important place. It is no longer a “*standard type*”, or examples would be everywhere, and I did not suggest it had “*scientific value*”.

I disagree with the attempted dismissal of this building as a “*decorated box*” which denies the sophistication of its planning and designed fit-out, made remarkable by its integrity.

There may be many buildings of high integrity within the North Sydney LGA, but in my opinion, not of this particular type and design, and retained integrity.

3.0 Statement of Significance

The Statement of Significance advanced by Urbis unhelpfully says more about what the qualities of the building and its context are not, rather than acknowledging what they are.

I affirm my concluding remarks about the property, not acknowledged by Mr. Davies, that the building 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.”

Mr. Oultram :

3.0 Physical Description

In his description of the building, Mr. Oultram acknowledges that he inspected the interiors of only one unit within the building. With respect, in my opinion, this was not enough to have

formed a valuable view of the building's design and intactness, yet conclusions are offered. An opinion on the qualities and integrity of the building, central and pivotal to the arguments I have advanced, cannot be reached from the inspection of one apartment. Mr. Oultram defers to the Urbis HIS in its description of the building's context.

5.0 Assessment of Significance

Mr. Oultram considers the **historical context** of the building (**Criterion A**) and concludes that it is not so significant for its "*connections with historically important activities*" (which he acknowledges) as to merit listing because it was part of a "*common trend of apartment development that occurred in McMahons Point from the Edwardian period onward*". In response I would observe that this 'trend of development' is central to the recognition of the HCA in this locality. He then considers the **Associational Significance**, in response to the interest arising from Mr Grist, its commissioning owner (**Criterion B**), but concludes that this fits the exclusion of "*evidence of persons or events of dubious importance.*" I do not agree that the relevance of Mr. Grist - who caused the development of No. 3 and its associated earlier neighbour at No.12 East Crescent Street - can be dismissed so easily, and I do not agree that the building's significance can be divided severally and dismissed in this way.

In considering the **Aesthetic Significance** of the building (**Criterion C**), Mr. Oultram concedes the building is "*reasonably intact in form, layout and detail*" but notes it is a "*modest example*" of "*no particular style*", with external and internal detailing "*quite typical of the period*", of "*a simple, handed plan*" with "*few features of note*". He notes that no architect has been identified and surmises that the building was "*most likely builder designed and built*". These observations seek to diminish the building but do not fairly and reasonably analyse, describe or assess its aesthetic significance.

Having seen the interior of only one apartment Mr. Oultram cannot fairly digest the collegiate evidence that together the flats provide of what I say are considered, sophisticated interiors of intended amenity and effect, largely unaltered and still demonstrating their original intent. These are not cheaply got-together apartments for people of no means, devoid of embellishments and comfort. This architectural interest and aesthetic effect are in my opinion, plainly intended and still evident, and they are not acknowledged by Mr. Oultram or Mr. Davies. Mr. Oultram provides some evidence of comparative assessment in the inclusion of three builders' plans of flat buildings all larger than No. 3 Parker, and without any discussion of their origins or commissioning owner/developers. None appear to be fair comparisons with No. 3 in their scale or architectural detail, and are not interpreted in his comment.

No landmark qualities have been asserted for or attributed to No.3 by me, and Mr. Oultram's comment asserting their absence provides no assistance. To subsequently deny any aesthetic qualities supporting inclusion, and to rely upon unknown authorship and "loose" creative or technical achievement for exclusion, is to unfairly and unreasonably deny the aesthetic considerations and effects that No. 3 demonstrates, in my opinion.

Continuing, Mr. Oultram dismisses any **Social Significance (Criterion D)** of No. 3 through the usual denial without evidence of enquiry. No **Research Interest (Criterion E)** is conceded. In discussing **Rarity (Criterion F)** and **Representativeness (Criterion G)** the building is dismissed as being of a 'common type' and while conceding some representative value considers that it has "*few features of note apart from the detailing to the front elevation and its internal joinery*". These conclusions are somewhat pre-emptory with the lack of internal inspection and without a fairly informed analysis of the building's wholistic value.

A comparison is suggested by reference to some eight "*smaller scale apartment buildings*" in the locality. Of these one (No. 167 Blues Point Road) is a house and heritage listed (Item I0418) ; only

two appear stylistically comparable with No. 3 Parker Street ; four suggest a comparable concern with symmetrical planning/street presentation, and one is disposed across its site in a manner similar to No.3. In addition to No. 167 Blues Point Road, No. 149-151 Blues Point Road is also heritage listed (10416, scheduled as a shop). No evidence or discussion is provided of any comparable integrity or intactness, or of attributed significance in these properties.

In reaching a **Summary of Significance** for No.3, Mr. Oultram denies that the building satisfies any of the criteria for listing, and concludes that the building could be classified as either *Contributory* or *Neutral* in terms of the definitions of those categories in the NSDCP. This is not tenable. In my opinion this conclusion, convenient for the purpose of the Peer Review, is patently lacking in rigour and objective analysis.

6.0 Response to Council's Heritage Assessment

In a summary of further, particular responses to the attributed significances in my report, Mr. Oultram, like Mr. Davies, concentrates more on what No. 3 Parker Street is not, rather than openly and fairly considering what it is.

Against **Historical Significance (Criterion A)** Mr. Oultram says the building is not an exemplar, not a seminal building, and of only a "*popular form of development*" for its period. I remain of my opinion that the building is an exemplar, within a significant group of buildings of its type and purpose, buildings which together support the Heritage Conservation Area covering the locality, and amongst which it is of individual interest and distinction sufficient to warrant Local heritage listing.

Against **Historical Associations (Criterion B)**, Mr. Oultram concludes that "*Grist could not be considered a person of note*". Ironically a successful émigré musician and singing teacher, of some renown and of the capacities and drive to commission two apartment buildings of refined design and significant investment, Mr. Grist was in my opinion, certainly a person of note. He should be the subject of further investigative research to fill out this story.

Against **Aesthetic Significance (Criterion C)**, there is no further comment other than to acknowledge that the building "*has not seen a loss of design or technical integrity*". Quite, it hasn't.

Against **Social Significance (Criterion D)**, Mr. Oultram offers no pertinent assessment, or comment. Such comments as are offered are not relevant to this aspect of significance and are divergent, unhelpful statements, concluding with an assertion of no interest from groups or communities that have not been sought by any form of relevant enquiry.

Against **Technical/Scientific Significance (Criterion E)**, also expressed as **Research Value**, no interest in the building is conceded. In my opinion, this denies an apparent research significance in the building derived from its architectural design for its purpose, potentially important in the understanding of the evolution of apartment buildings and their design in Sydney and the North Sydney LGA. The fact that no such value is attributed to Grist's other flat building, No. 12 East Crescent Street, is not relevant as suggested by Mr Oultram. I am unable to comment on the making of that assessment. Its contents may simply mean that the author of the Assessment did not discern or consider it, or did not conclude that it was present.

Against **Rarity (Criterion F)** and **Representativeness (Criterion G)** Mr. Oultram repeats his earlier observations. Against **Criterion G** Mr. Oultram makes further expressions of opinion with which I strongly disagree and reject. I believe the building is finely made and distinctive in its qualities, and its retained integrity is most certainly a component of its significance. I do not concur that the apartment arrangement (of which only one was experienced by Mr. Oultram) is

“common” and that by comparison with today’s standards the apartments would be considered “mean”. On the contrary, these apartments demonstrate how a well-planned building of one-bedroom apartments can provide an elegant combination of function and amenity. They make some one bedroom apartments designed by past and current architects - from the years after the development of No.3 and from more recent times - look decidedly pedestrian and “mean”.

Concluding his Review, Mr. Oultram supports the Urbis assessment and denies the attribution of Local significance to No. 3. In reply to his observations and opinions, and those of Mr Davies above, I find both replies to my assessment and Council’s subsequent resolutions to be statements of opinion lacking in rigour, evidence, detail, and reasonable generosity. They simply seek to diminish the importance attached to the building, adopted by Council and supporting its actions to protect the property through heritage listing.

Submission Point 3 : That there are other potential items, of greater heritage value in the Local Government Area, as acknowledged by the North Sydney Local Planning Panel.

In my opinion, the most significant consequence of the LPP’s consideration of the Planning Proposal is that the Panel supported the proposed heritage listing of No. 3 Parker Street, and supported the advance of the Planning Proposal. That there might be other potential items of greater heritage value (than No.3) in the LGA – an open statement unsupported by specific information and evidence in support of such rankings – can only be taken as a general observation and one that in my opinion, was intended to support the need for a comprehensive heritage review of the City. The observation (or statement) in no way compromises or recommends against the proposed listing of No. 3 Parker Street.

Submission Point 5 : That if listed, the description of the property should not include the garages.

Mr. Davies notes that in my report I did not refer to the garages in the recommendation for listing. That was intentional, knowing that listing would apply to the whole site, and include the garages under its controls. However, in my opinion, while they are components of the site, the garages are not germane to the reasons supporting the listing of the property. In my comments on condition and intactness I observed that “*the apartment building and the garages appear capable of simple if extensive repairs and maintenance to recapture a sound and well-presented condition*”. Other options for the future of the garages, in the future management of the site if it is listed, may prove to be worthy of consideration and warrant assessment.

I trust this review of the submission by the Applicants is of assistance to Council. Should I be able to clarify any of my observations above I would be pleased to do so. In my opinion, the submission does not advance any substantive reasons that would cause Council to determine not to proceed with the Planning Proposal.

Yours faithfully



Robert Allan Moore
Director
Robert A Moore Pty Ltd



PLANNING PROPOSAL

North Sydney LEP Review 2019

**V4_10 August 2020
(Post Public Exhibition)**

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 an LSPS on 25 November 2019, which was subsequently granted assurance by the Greater Sydney Commission on 20 March 2020. At this same meeting, Council also adopted a Local Housing Strategy (LHS) which fulfils one of the actions to the LSPS.

The key recommendations to the LSPS and 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 – Local Planning Priority L1 and Action L1.6; LHS)
- Protecting commercial cores for employment purposes (LSPS – Local Planning Priority P1 and P2 and Actions P1.1 and P2.2);
- Enhancing business opportunities (LSPS – Local Planning Priorities P1 - P4 and Action P2.2);
- Protecting existing industrial lands (LSPS – Local Planning Priority P5 and Action P5.2);
- Reinforcing green corridors and expanding open space (LSPS – Local Planning Priorities S1 and S2 and Actions S1.6; S2.1 and S2.3);
- Providing accurate and up-to-date heritage protection (LSPS – Local Planning Priorities L3 and Actions L3.5 and P5.3);

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 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 is not diminished;
 - Include “residential flat buildings” as permissible with consent in the *R3 Medium Density Residential* zone; and
 - 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:
 - **clause 4.6(8)(ca)**; and
 - **clause 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*”;

- Amending **Schedule 1 – Additional permitted uses** as follows:
 - Repealing:
 - clause 21 – Use of certain land at 2 Thomas Street, McMahons Point; and
 - clause 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 23 – Use of certain land at 41 Alfred Street, Milsons Point to remove “restaurants or cafés” as an additional permissible use;
- Amending **Schedule 2 – Exempt Development** by repealing in their entirety, the following exempt development types:
 - 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 its entirety, the ‘strata subdivision of dual occupancies’ complying development type;
- Amending **Schedule 5 – Environmental Heritage** as follows:
 - Incorporate the following new heritage items:
 - Item I1138 – 3 Parker Street, McMahons Point;
 - Incorporating an additional reference for Item I0302 at 21 King George Street, Lavender Bay;
 - Amending the item name of:
 - Item I0135 – to “former 3 storey residence”;
 - Item I0360 – 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 “*Lot 100, DP 1103512; Lot 123 DP 870371; Lot 1187, DP 48335; Lots 1 and 2, DP 1220077*”;
- 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 NSLEP 2013:
 - to ensure that relevant planning controls apply to the current revised State based cadastre;
 - to include all land located above Mean High Water Mark; and
 - to reflect the landward extent of the North Sydney LGA boundary;
- Amending the **Land Zoning Map**, by rezoning:
 - Land located below Mean High Water mark to *UL Unzoned land*, where sufficient information dictates;
 - 2 Nicholson Street, Wollstonecraft (Lot 1, DP 956027) from *SP2 Infrastructure (Place of public worship)* to *R4 High Density Residential*;
 - 80 Bent Street, Neutral Bay (SP 47542) 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, and 32, Sec A, DP 1922, Lots 27-30, DP 247471) from *R3 Medium Density Residential* to *SP2 Infrastructure (Classified Road)*;
 - West Street off ramp (Lot 26, 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 school 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);
- 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); and
 - 1-5 Jeffereys Street, Kirribilli (Lot 101, DP 1108496);
- 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); and
 - 31 McLaren Street, North Sydney (Lot 5, DP 5030);
- 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); and
 - 6 Winnie Street, Cremorne (Lot 1 DP 90591);
- 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 following Sydney Water properties:
 - 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)*;
 - the following road reserves:
 - 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*;
 - 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*;
- Amend the **Heritage Map** by:
 - Including the following new heritage items:
 - Item I1138 – 3 Parker Street, McMahons Point
 - Deleting the following existing heritage items in their entirety:
 - 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 heritage 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 I0135 – limit the extent to the former residence on the south-eastern part of 8 Wulworra Avenue, Cremorne Point.
 - 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.s29A 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 the following heritage items on the Map:
 - 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 SP 34053 (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** 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, DP 378256);
 - Removal of the 12m height limit to:
 - 19 Elamang Avenue (Lot B, DP 378256);
 - Applying a 12m height limit to:
 - 80 Bent Street, Neutral Bay (SP 47542);
- Amending the **Lot Size Map** 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** 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;
- Amending the **Local Reservation Acquisition Map** by deleting in their entirety, the following properties from the Map:
 - 90 Willoughby Road, Crows Nest (Lot 11, Section 4, DP 2872);
 - 2 Vale Street, Cammeray (Lot 3, DP 1170092); and

- Lot 6 DP 735191 (located behind 2A Cambridge Street) Cammeray;
- Amending the **Additional Permitted Uses Map**, by deleting “Area A” (4 Alfred Street South, Milsons Point) in its entirety from the Map.

The Planning Proposal was placed on public exhibition for a period of 29 days from Monday 25 May 2020 to Monday 22 June 2020 in accordance with the Gateway Determination.

In response to issues raised in the submissions received during the public exhibition of the Planning Proposal, this version of the Planning Proposal has been amended to:

- Correctly identify the legal descriptions of the Warringah Freeway properties that are proposed to be rezoned;
- Correct the property description of Heritage Item I0387 – Lavender Bay Railway Group under Schedule 5 – Environmental Heritage;
- Correctly and more accurately describe Heritage Item I0135 - 8 Wulworra Avenue, Cremorne Point by amending the item name under Schedule 5 - Environmental Heritage to “former 3 storey residence” and to amend the Heritage Map such that the listing only applies to the south-eastern portion of the site where the former residence is located; and
- Clarify that Heritage Item I1138 – 3 Parker Street, McMahons Point specifically excludes the detached garage structures by amending the item name under Schedule 5 - Environmental Heritage.

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. A post exhibition report was considered by Council on 25 November 2019, wherein it resolved to adopt a finalised LSPS in response to the submissions made. The GSC granted their assurance of the LSPS on 20 March 2020.

The key Local Planning Priorities and Actions in the assured LSPS which have direct implications for NSLEP 2013 are as follows:

Local Planning Priority L1

Diverse housing options that meet the needs of the North Sydney community

Action L1.1

Implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions, objectives and actions of the GSC's Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets. (short-long term)

Action L1.4

Amend NSLEP 2013 and NSDCP 2013 to implement the finalised St Leonards and Crows Nest 2036 Plan, as agreed in collaboration with the DPIE and in accordance with the agreed development phasing plan, the outcomes of the NSLHS, and adopted place-based studies. (short-medium term)

Action L1.6:

Amend NSLEP 2013 and NSDCP 2013 to manage the impacts of any existing use rights application and minimise increases in density away from transport and services. (short term)

Action L1.8

On confirmation of a consistent viability test for the Affordable Rental Housing Targets and implementation mechanisms by the GSC, investigate the establishment of an Affordable Housing Contribution Scheme and associated amendment to NSLEP 2013 to enable a mechanism for the delivery of local affordable housing. (short-medium term)

Local Planning Priority L3

Create great places that recognise & preserve North Sydney's distinct local character & heritage

Action L3.4:

Conduct a comprehensive LGA-wide review of North Sydney's heritage items and conservation areas to reduce uncertainty around potential heritage significance and protect places and items that are of significance. (medium term)

Action L3.6:

Continue to provide heritage planning advice to ensure landowners and stakeholders are well informed about the potential affectations of heritage on development. (ongoing)

Local Planning Priority P1:

Grow a stronger, more globally competitive North Sydney CBD

Action P1.1

Continue to implement the North Sydney CBD Capacity and Land Use Strategy (2017), in collaboration with the DPIE, industry stakeholders and the community to:

- increase commercial floorspace capacity and employment growth 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 North Sydney CBD;
- encourage a diverse mix of entertainment, recreation, retail and commercial uses that contribute to the North Sydney CBD's diversity, amenity and commercial sustainability; and
- ensure high-quality design that responds to context and enhances the amenity of the North Sydney CBD. (short-long term)

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 retail trading and small bars to activate the North Sydney CBD's streets and public spaces. (short - medium term)

Local Planning Priority P2:

Develop innovative and diverse business clusters in St Leonards/ Crows Nest.

Action P2.1:

Reach an agreement on the long-term role of St Leonards as a major employment centre and future planning framework for the centre with Willoughby and Lane Cove Councils and the DPIE. (short - medium term)

Action P2.2:

Work with the DPIE and other relevant State Government agencies to capitalise on the land use opportunities arising from Sydney Metro to strengthen the future productive role of St Leonards/ Crows Nest. (short - medium term)

Local Planning Priority P3:

Enhance the commercial amenity and viability of North Sydney's local centres

Local Planning Priority P4:

Develop a smart, innovative and prosperous North Sydney economy

Action P4.1:

Implement the North Sydney Visitor Economy Strategy and Action Plan to support the growth of a sustainable local visitor economy, maximising the

economic benefits while managing the environmental and social impacts on the North Sydney LGA. (short - medium term)

Local Planning Priority P5:

Protect North Sydney's light industrial and working waterfront lands and evolving business and employment hubs

Action P5.2:

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. (ongoing)

Action P5.3:

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

Local Planning Priority P6:

Walkable centres and a connected and sustainable North Sydney.

Local Planning Priority S1:

Protect and enhance North Sydney's natural environment and biodiversity.

Action S1.5:

Continue to collaborate with the Sydney Coastal Councils Group and NSW Government to develop appropriate coastal management practices on a catchment wide scale through a Coastal Management Program (CMP), and incorporate the recommendations and actions of any CMP into NSLEP 2013 and NSDCP 2013 where relevant. (short – medium term)

Action S1.6:

Continue to develop/review/implement Council's Open Space Strategies and Plans of Management to improve access to the harbour foreshore and provide a range of passive and active recreational activities while protecting the environmental values of the harbour foreshore area. (ongoing)

Local Planning Priority S2:

A high quality, well-connected and integrated urban greenspace system.

Action S2.1:

Continue to investigate opportunities for the provision of new open space in line with the principles for expansion outlined in the North Sydney Open Space Provision Strategy (2009), giving priority to sites with the highest potential to meet the open space and recreation needs of both the anticipated and existing population. (ongoing)

Action S2.2:

Continue to liaise with relevant Federal and State government agencies and neighbouring Councils for opportunities to create links between major foreshore parks and reserves and improve foreshore access in line with Council's Foreshore Access Strategy (2007), Open Space Plans of Management and Open Space Masterplans. (ongoing)

Action S2.4:

Implement the North Sydney Urban Forest Strategy (2019) to ensure no net loss of tree canopy cover and that canopy cover meets identified targets in the defined land use and land tenure zones. (ongoing)

Local Planning Priority S4:

Increase North Sydney's resilience against natural and urban hazards.

Action S4.1:

Consider vulnerability to heat within future Council programs and planning controls to minimise urban heating. (ongoing)

Action S2.2:

Prepare a Floodplain Risk Management Study and Plan to determine floodplain management measures necessary to mitigate flood risks to property owners and occupiers and incorporate measures into NSLEP 2013 and NSDCP 2013 where relevant. (ongoing)

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. A post exhibition report was initially considered by Council on 28 October 2019, however the matter was deferred to allow additional time to consider the implications of the LHS's proposed actions. The matter was reconsidered by Council on 25 November 2019, wherein it resolved to adopt a finalised LHS which took into consideration the submissions made.

The land use planning approach and mechanisms to implement the 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 LHS which have direct implications for NSLEP 2013 are as follows:

- **Action A10:** Amend NSLEP 2013 to allow residential flat buildings in the *R3 Medium Density Residential* zone to address existing use rights issues;
- **Action A11:** Amend NSLEP 2013 to adopt an Affordable Housing Contributions Scheme if applicable; and
- **Action A15:** Collaborate with DPIE to finalise the *St Leonards Crows Nest 2036 Plan*, in accordance with the outcomes of the NSLHS and adopted planning studies.

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 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 28 October 2019, Council adopted a Visitor Economy Strategy and Action Plan, following a public exhibition of these documents.

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.

Whilst there are no specific amendments to NSLEP 2013 identified under the adopted Strategy or Action Plan, the following actions are related to the LEP:

- **Action 9.1** - Continue to implement the approved process for the redevelopment of the North Sydney Olympic Pool complex.

It is noted that some of the longer term actions of the Strategy and Action Plan may have implications for NSLEP 2013 in the future. However, these actions are still subject to firstly undertaking additional research, investigation and studies and can be addressed in future amendments to NSLEP 2013.

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 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;
- 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 the North Sydney Local Planning Panel (NSLPP) for its advice, prior to determining that the Planning Proposal should be supported to proceed to Gateway Determination.

The NSLPP considered the Planning Proposal on 23 October 2019, wherein it recommended that Council support the progression of the Planning Proposal to Gateway Determination. As part of its consideration, the Panel also 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, McMahons Point.

These matters were considered by Council on 25 November 2019 when considering whether to progress the Planning Proposal to Gateway Determination. Council subsequently resolved to adopt the Planning Proposal for the purposes of obtaining a Gateway Determination, subject to the removal of the proposed local clause requiring the consent authority to consider additional matters relating to proposed residential flat buildings within in the *R3 Medium Density Residential* zone.

This version of the Planning Proposal has been amended with regard to the issues raised by the NSLPP and resolution of Council.

2.7 Gateway Determination

On 19 April 2020, a Gateway Determination was issued by the DPIE allowing the Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions.

Conditions 1, 2, 3, 6, 7, 8 and 9 required the Planning Proposal to be amended prior to being placed on public exhibition. These conditions state.

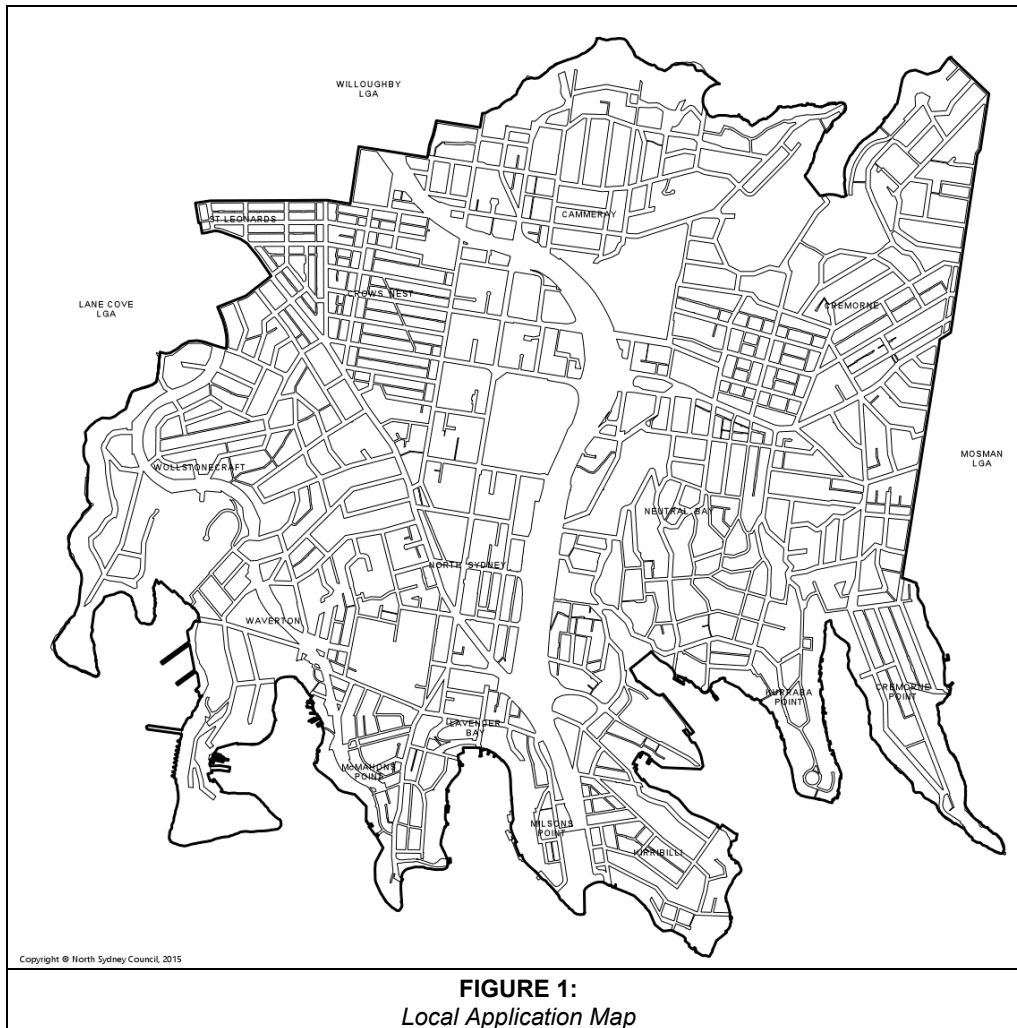
1. *Prior to public exhibition all references to the proposed amendment pertaining to Clause 14 of Schedule 1 are to be removed, as the amendment has been processed as part of another planning proposal.*
2. *Update the list of planning proposals that are running concurrently to this proposal to include the Kirribilli Small Bars planning proposal (PP_2020_NORTH_001_00)*
3. *Remove all references to the listing of 33 Spruson Street, Neutral Bay as the proposed amendment is not supported by a heritage assessment detailing how it satisfies the NSW criteria for heritage listing.*
- ...
6. *Council is to remove all references to the proposed introduction of clause 6.12(AA) as intended under the Council resolution of 28 November 2019.*
7. *In relation to the rezoning of land at the northern end of Benelong Lane adjacent to 107A Young Street, Cremorne, it is requested that Council provide further justification or remove all references to the amendment from the planning proposal.*
8. *Remove all references to the proposed amendment to Clause 23 Schedule 1 as sufficient discussion within the planning proposal has not been provided.*
9. *Include a rationale for the proposed amendment to renumber clause 5.3(3)(a1).*

The Gateway Determination was altered by the DPIE on 22 April 2020, whereby Condition 8 was deleted. Its deletion was made in response to a query by Council over the relevance of the Condition, as the matter had already been addressed within Section 14.2.3 to Annexure A of the Planning Proposal.

The Planning Proposal (V3_8 May 2020) was amended to comply with these Conditions, prior to being placed on public exhibition. This version of the Planning Proposal (V4_10 August 2020) does not deviate from compliance with these Conditions.

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 29 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.

At the time that this Planning Proposal was commenced, a number of other planning proposals were progressing concurrently 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 8/19 – Small bars in Kirribilli

All of the above Planning Proposals have since been made, following their publication on the NSW Legislation website.

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 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

The intent of the Planning Proposal is proposed to be achieved by amending clause 6.12 (represented by [blue underline](#)) as follows:

6.12 Residential flat buildings

- (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, [semi-detached dwelling](#) 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.*

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):

- 21 ~~Use of certain land at 2 Thomas Street, McMahons Point~~ [Repealed](#)
 - ~~(1) This clause applies to land at 2 Thomas Street, McMahons 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 4063620.~~

~~(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 Crown Lot 7349, DP 1166085; Lot 1, DP 1038592	Local	I0025

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Locality	Item Name	Address	Property description	Significance	Item No.
Cammeray	Cammeray Park (including golf course)		Lot 1, DP 166171 ; Lots 2-46, DP 244543; Closed road; Crown reserve Crown Lots 7302 and 7303, DP 1136001	Local	I0024
Cremorne	Former Cremorne Post Office/telephone exchange	219 213 Military Road	Lot 12 11 , DP 877844	Local	I0064
Cremorne Point	Head of Shell Cove	Bogota Avenue	Lot 1, DP 974533; Part Crown Lot 7337, DP 1139892; waters of Shell Cove	Local	I0580
Cremorne Point	Site of Cremorne smelter	Cremorne Reserve, east of 5 Green Street	Lot 7033, DP 1060232 Part Crown Lot 7339, DP 1139892	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) Part Crown Lot 7338, DP 1139892	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) Crown Lot 1128, DP 752067; Lot 11, DP 970706; Wilson Road road reserve, south of Wharf Road	Local	I0130
Cremorne Point	2-storey residence Former 3 storey residence	8 Wulworra Avenue	SP 15153; SP 17856	Local	I0135

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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	Warringa Mansions	1 Warringa Avenue (19 17 Lower Wycombe Road & 3 Warringa 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

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Locality	Item Name	Address	Property description	Significance	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, McMahons 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; Lots 1 and 2, DP 1220077	Local	I0387

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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 (excluding detached garage structures)	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

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Locality	Item Name	Address	Property description	Signifi- cance	Item No.
Milsons Point	Sydney Harbour Bridge approach viaducts, arches and bays under Warringah Freeway	Sydney Harbour Bridge and approach viaducts, including 2–4 44 Ennis Road and 32–746 Middlemiss Street		State	10530
Neutral Bay	Plaques commemorating Ben Boyd	6 Ben Boyd Road	SP 6028 Ben Boyd Road road reserve (adjacent to 6 Ben Boyd Road)	Local	10554
Neutral Bay	House	2 Lower Wycombe Road	SP 41344	Local	10737
Neutral Bay	Flat building	18 Lower Wycombe Road	SP 13441	Local	10738
Neutral Bay	Wycombe Private Hotel	28 Lower Wycombe Road	SP 22240	Local	10741
North Sydney	House	14 Clark Road The Avenue	Lot 1, DP 940094	Local	10796
North Sydney	House	16 Clark Road The Avenue	Lot 5, DP 940093	Local	10797
North Sydney	House	40 Lord Street	Lot A, DP 83712 Lot 100, DP 1233008	Local	10864
North Sydney	House	42 Lord Street	Lot A, DP 83712 Lot 101, DP 1233008	Local	10865
North Sydney	House	44 Lord Street	Lot A, DP 83712 Lot 102, DP 1233008	Local	10866
North Sydney	House	46 Lord Street	Lot A, DP 83712 Lot 103, DP 1233008	Local	10867
North Sydney	House	48 Lord Street	Lot A, DP 83712 Lot 104, DP 1233008	Local	10868
North Sydney	House	50 Lord Street	Lot A, DP 83712 Lot 105, DP 1233008	Local	10869
North Sydney	House	52 Lord Street	Lot A, DP 83712 Lot 106, DP 1233008	Local	10870
North Sydney	North Sydney Oval	Miller Street	Lot 1108, DP 48839	Local State	11125
North Sydney	St Leonards Park	Miller Street	Lots 1104–1107, DP 46990; Lot 1108, DP 48839; Part Crown Land Plan 316–3000 Lot 1, DP 560566; Lot 7321, DP 1149783	Local State	10916
North Sydney	Shop	187 Miller Street	Lot 1, DP 1008019	Local	10898
North Sydney	Old GPO column	Mount Street Plaza	Part of Mount Street Plaza	Local	10922

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Locality	Item Name	Address	Property description	Significance	Item No.
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; 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 terms and their 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

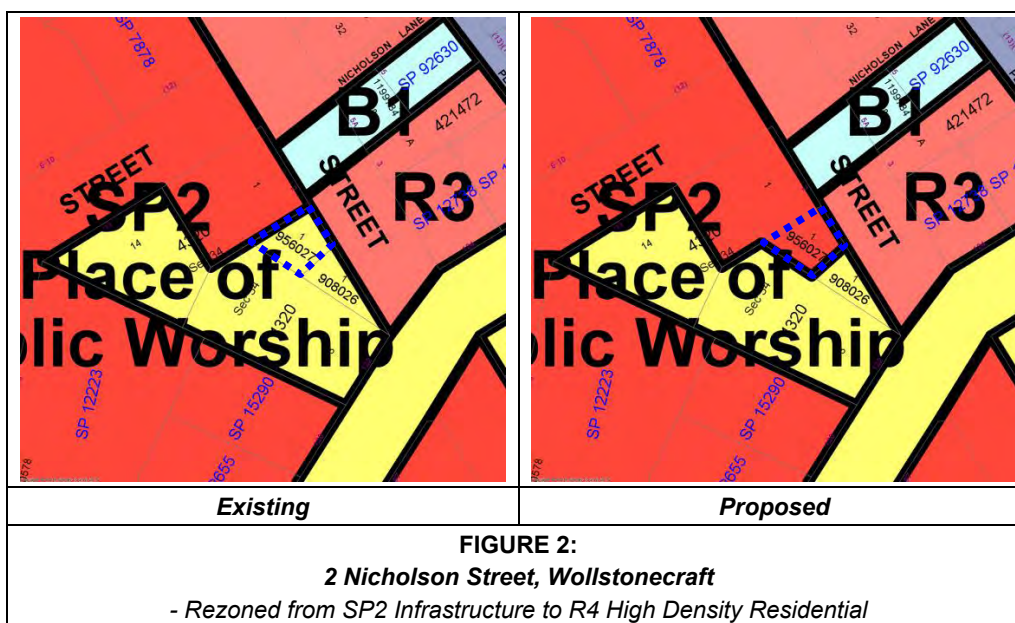
The intent of the Planning Proposal is proposed to be achieved by amending the Land Zoning Map as follows:

- 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 school 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, DP 105126) – refer to *Figure 5*;
 - 18 Myrtle Street, North Sydney (Lot 1, DP 794607) – 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*;
 - 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*;
 - 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*;
- 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*;
- 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*;
- The following Sydney Water properties:
 - 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*;

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- The following road reserves:
 - 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, and 32, Sect A, DP 1922; Lots 27-30, DP 247471) from *R3 Medium Density Residential* to *SP2 Infrastructure (Classified Road)*;
 - West Street off ramp (Lot 26 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*;



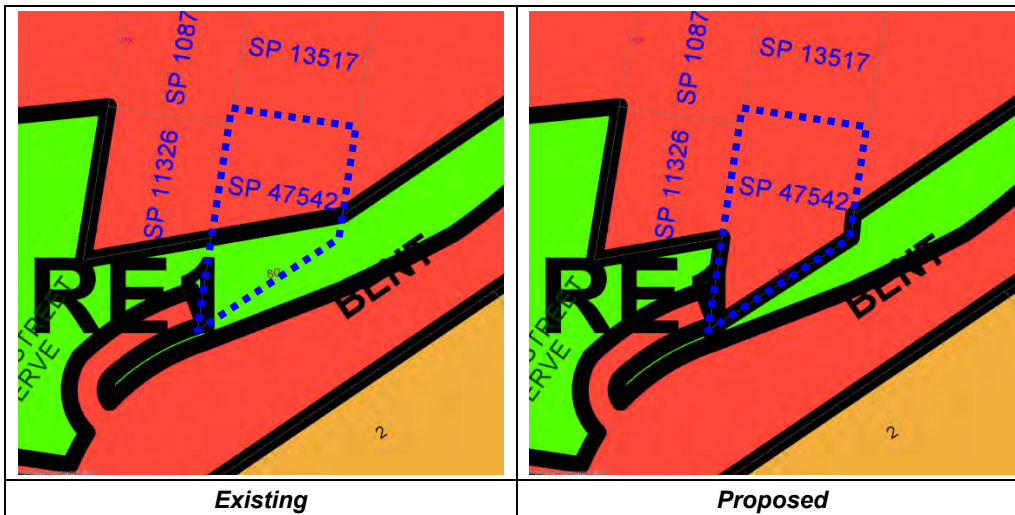


FIGURE 3:
80 Bent Street, Neutral Bay
 - Rezoned from part R4 High Density Residential and part RE1 Recreation Area to all R4 High Density Residential

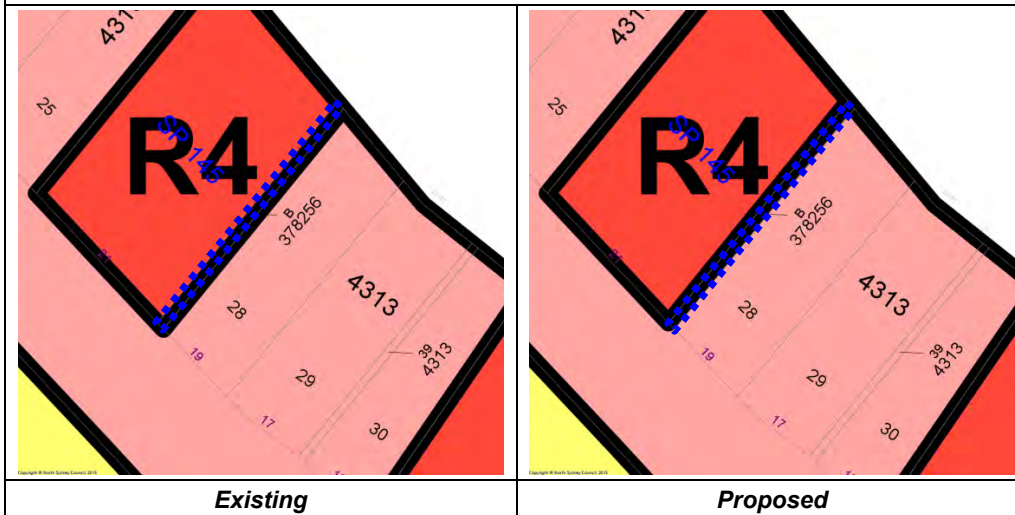


FIGURE 4:
19 Elamang Avenue, Kirribilli (Lot B, DP 378256)
 - Rezoned from R4 High Density Residential to R2 Low Density Residential

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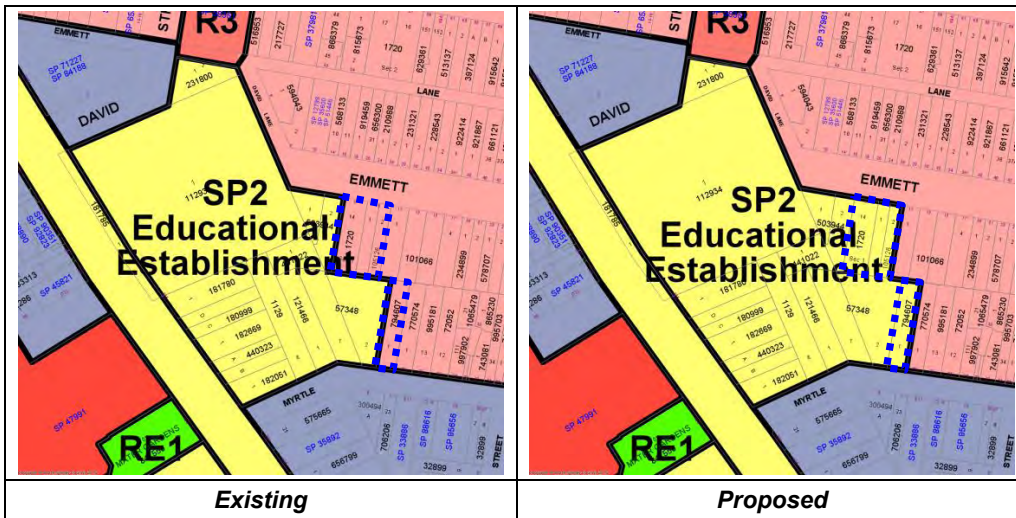


FIGURE 5:
North Sydney Girls High School
5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720);
9 Emmett Street, Crows Nest (Lots 1&2 DP105126);
18 Myrtle Street, North Sydney (Lot 1, DP794607)
 - Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment)

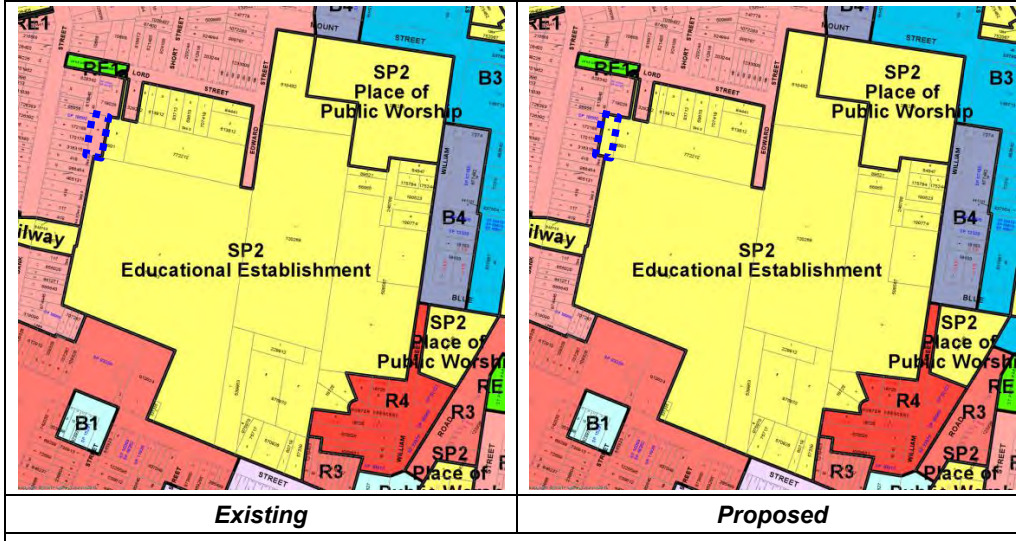


FIGURE 6:
Sydney Church of England Grammar School (Shore)
Lord Street, North Sydney (Lot A, DP 386501)
 - Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment)

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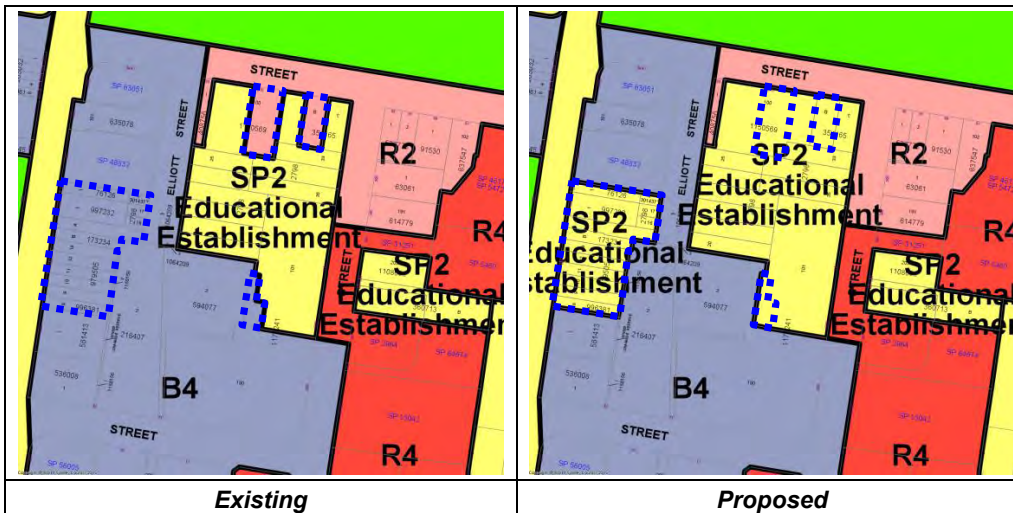


FIGURE 7:
Wenona School:
73 Ridge Street, North Sydney (Lot 100, DP 1150569)
81 Ridge Street, North Sydney (Lot B, DP 354165)
 - Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment
176 Walker Street, North Sydney (Lot 101, DP 1172241)
 -Rezone from part B4 Mixed Use 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)

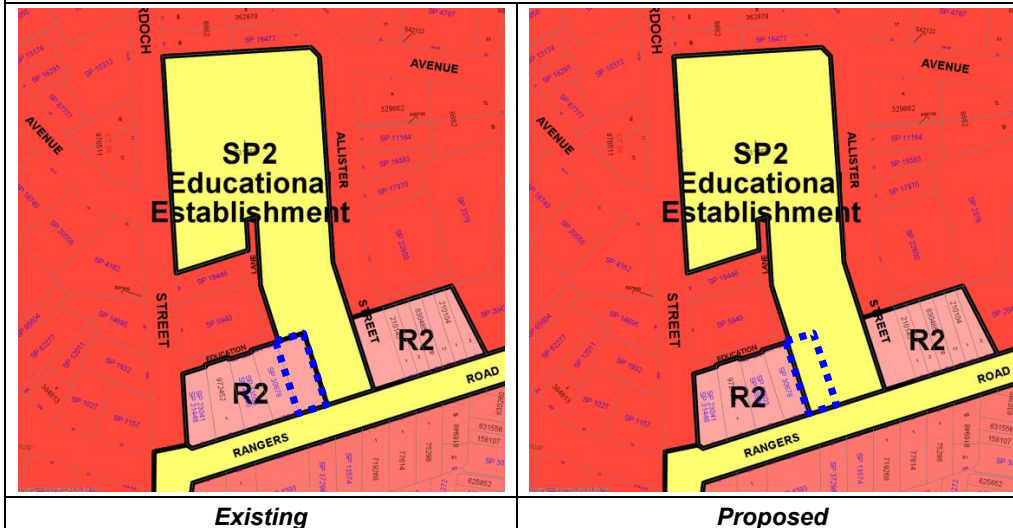


FIGURE 8:
Redlands, Sydney Church of England Co-educational Grammar School
(Junior Campus)
57 Murdoch Street, Cremorne (Lot 1, DP 731455)
 - Rezone from R2 Low Density Residential to SP2 Infrastructure (Educational establishment)

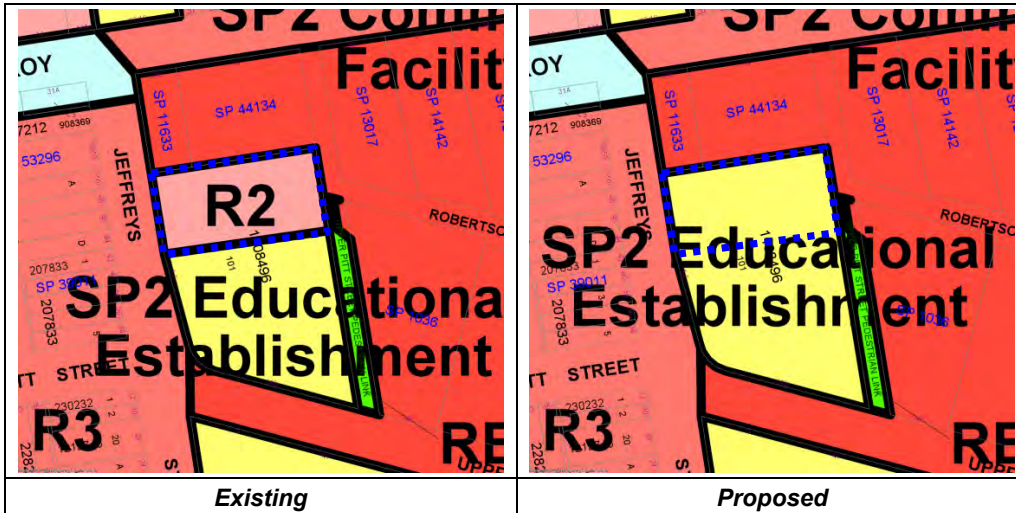


FIGURE 9:
St Aloysius College
1-5 Jeffrey's Street, Kirribilli (Lot 101, DP 1108496)
 – Rezone from part R2 Low Density Residential and part SP2 Infrastructure (Educational establishment) to entirely SP2 Infrastructure (Educational establishment)

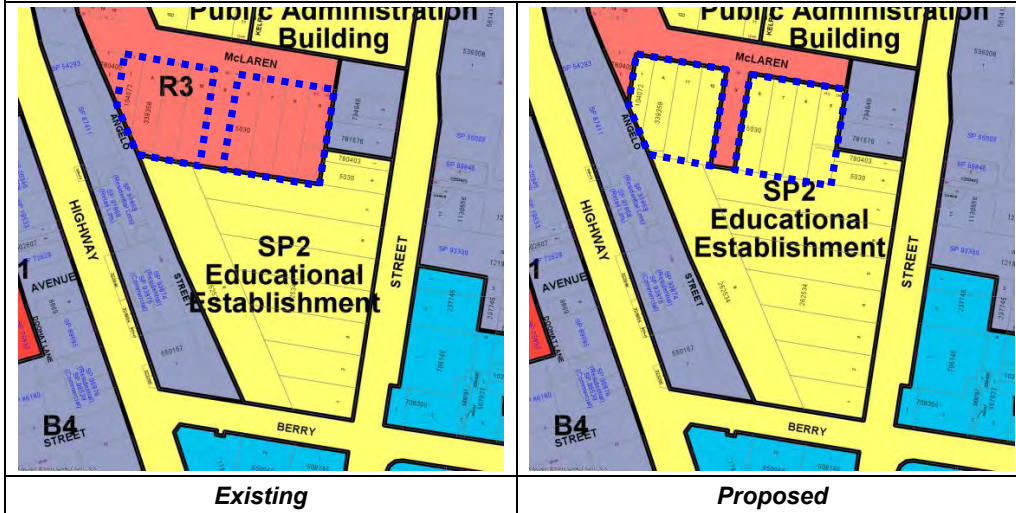
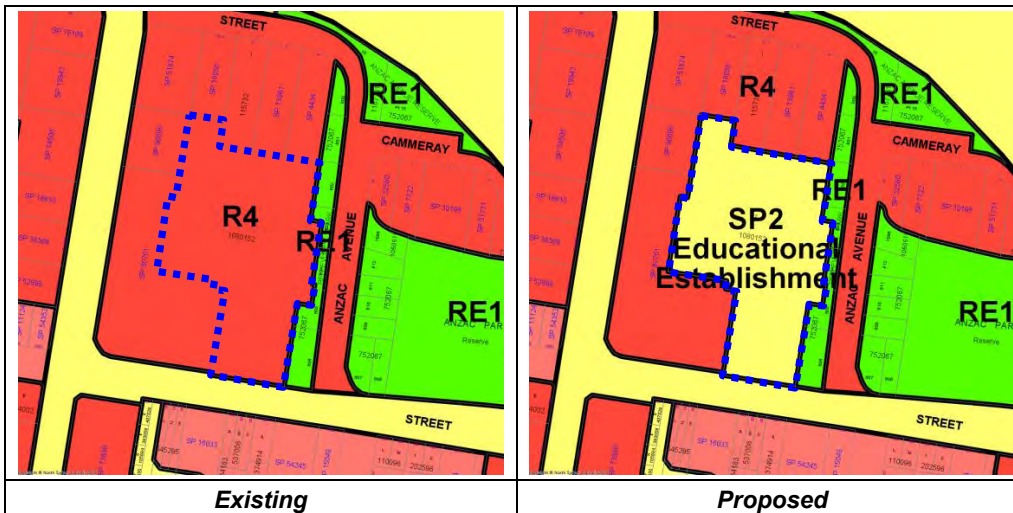


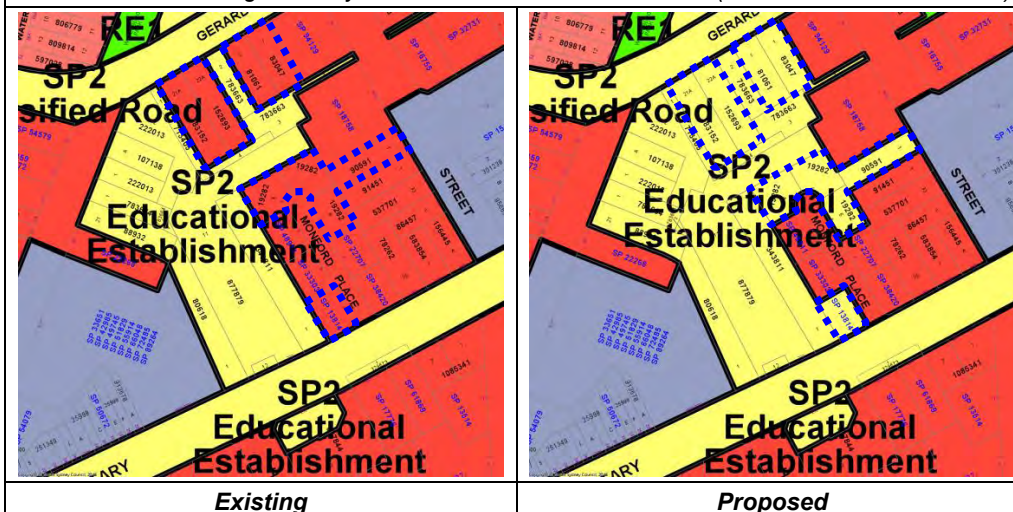
FIGURE 10:
Monte Sant' Angelo Mercy College
5, 9, 11, 21-23, 27, 29 & 31 McLaren Street, North Sydney
(Lot 1, DP 104072; Lots A&B, DP 339358; Lot 11, DP 5030; Lot 10, DP 5030; Lots 7&8, DP 5030; Lot 6, DP 5030; Lot 5, DP 5030)
 – Rezone from R3 Medium Density Residential to SP2 Infrastructure (Educational establishment)



Existing

Proposed

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)



Existing

Proposed

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):

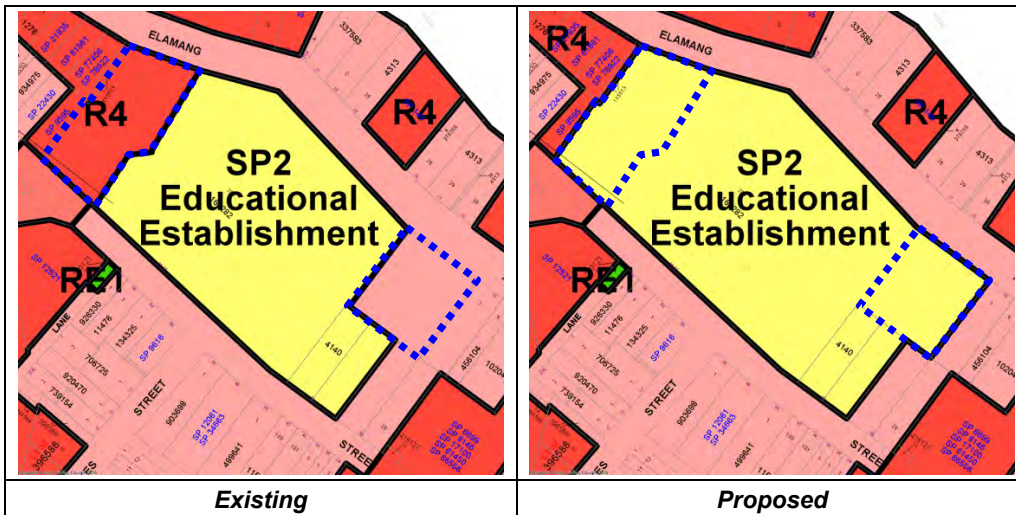


FIGURE 13:
Loreto Kirribilli
85-87 Carabella Street, Kirribilli (Lot 200, DP 1166282)
 Rezone from part R2 Low Density Residential, part R4 Low Density Residential and part SP2 Infrastructure (Educational establishment) to all SP2 Infrastructure (Educational establishment)

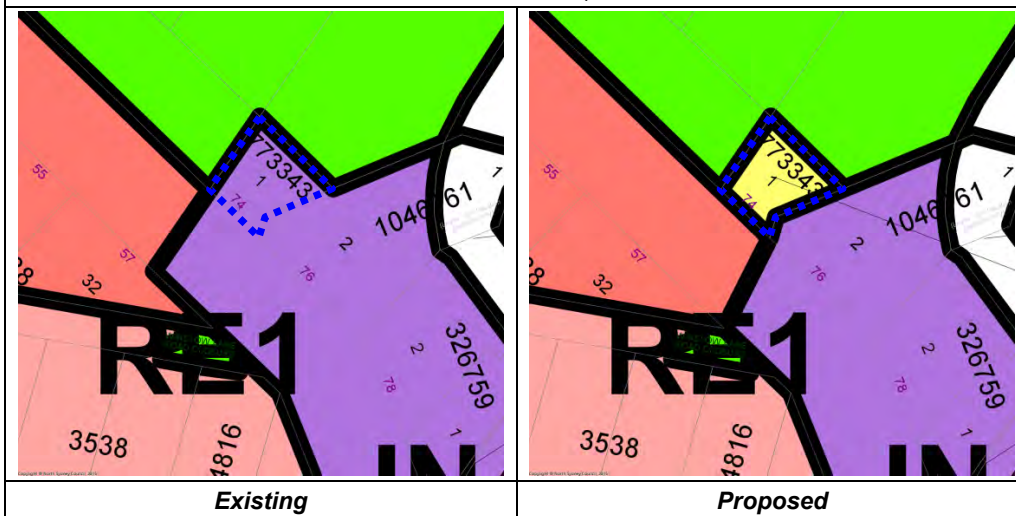


FIGURE 14:
74 McDougal Street, Kirribilli (Lot 1 DP 773343)
 - Rezone from IN4 Working Waterfront to SP2 Infrastructure (sewage reticulation system)

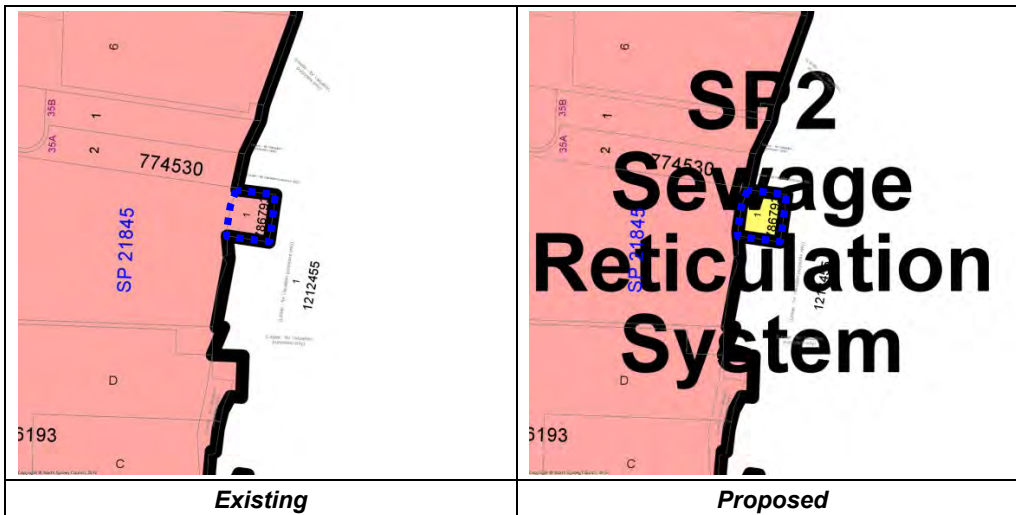


FIGURE 15:
Lot 1 DP 786793 (located to the rear of 33A-33B Shellcove Road, Kurraba Point)
 - Rezone from R2 Low Density Residential to SP2 Infrastructure (sewage reticulation system)

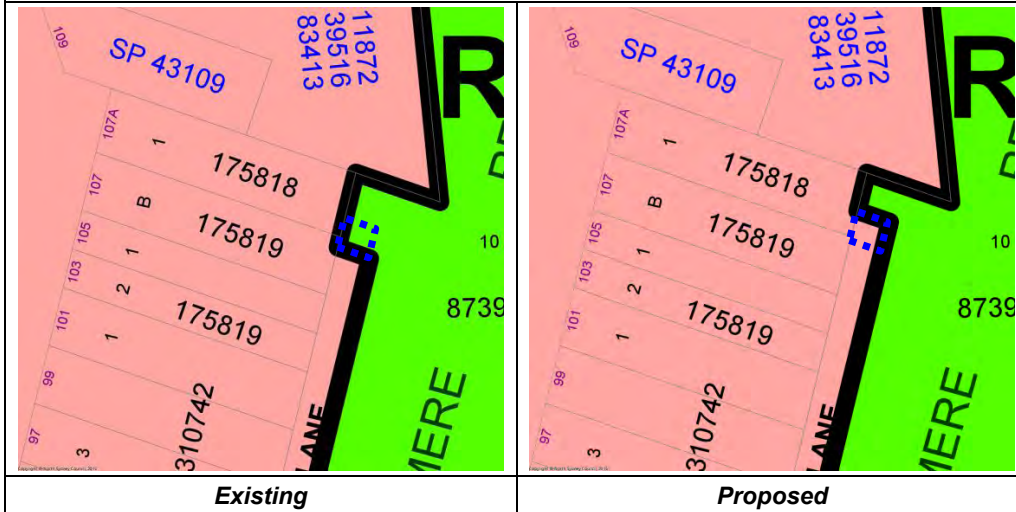


FIGURE 16:
northern end of Benelong Lane adjacent to 107A Young Street, Cremorne
 - Rezone from RE1 Public Recreation to R2 Low Density Residential

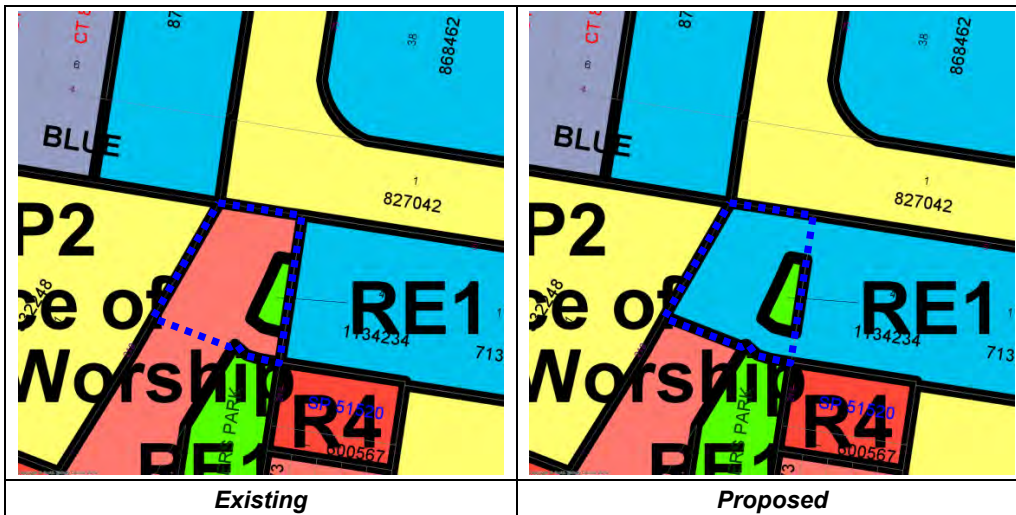


FIGURE 17:
Northern end of Blues Point Road road reserve directly adjacent to 5 Blue Street, North Sydney
 - Rezone that part zoned R3 Medium Density Residential to B3 Commercial Core

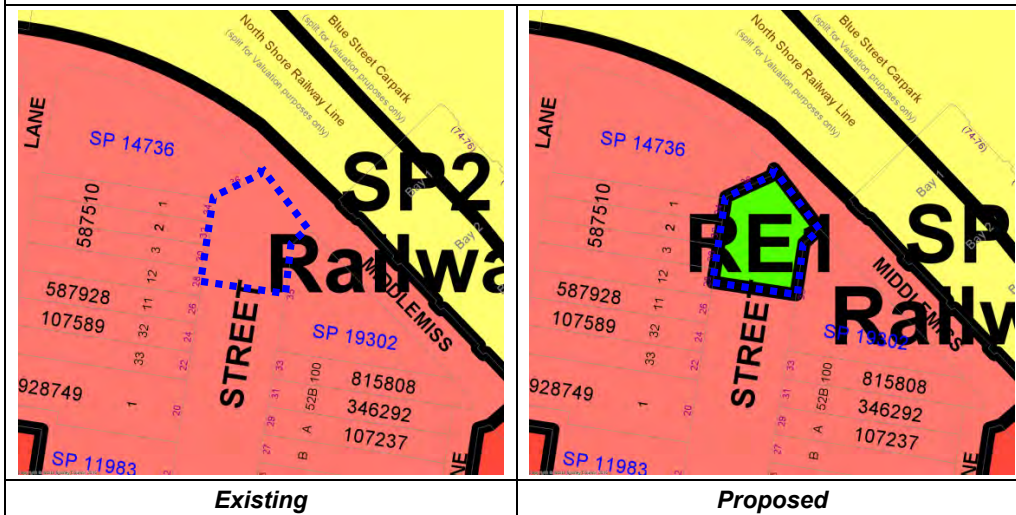


FIGURE 18:
Northern end of Arthur Street, south of its intersection with Middlemiss Street, Lavender Bay
 Rezone from R3 Medium Density Residential to RE1 Public Recreation

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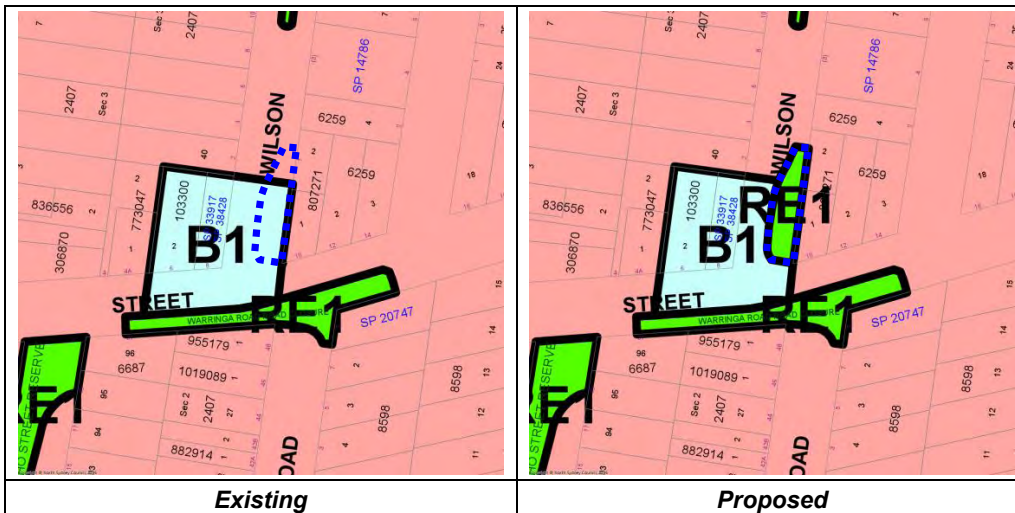


FIGURE 19:
Southern end of Wilson Street road reserve, north of its intersection with Carter Street, Cammeray
 - Rezone from part B1 Neighbourhood Centre and part R2 Low Density Residential to RE1 Public Recreation

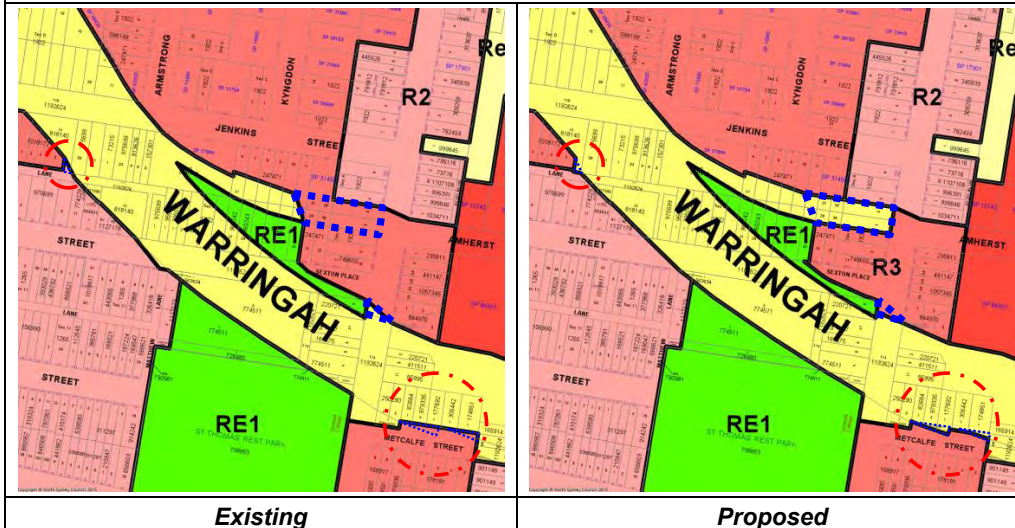


FIGURE 20:
Warringah Freeway alignment
West Street off ramp (Lots 4, 5 and 32, Sec A, DP 1922; Lots 27-30 DP 247471)
 - Rezone from R3 Medium Density Residential to SP2 Infrastructure (Classified Road);
West Street Off Ramp (Lot 26 DP 247471)
Metcalfe Street (Lots 115 and 116, DP 1192624)
Jenkins Street 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: 3 Parker Street, McMahons Point – refer to *Figure 21*;
- Delete the following existing items:
 - Item I1030: 1 Wheeler Lane, North Sydney – refer to *Figure 22*;
 - Item I0898: 187 Miller Street, North Sydney – refer to *Figure 23*;
 - Item I0922: GPO Column, Mount Street Plaza, North Sydney – refer to *Figure 24*;
- Amend the extent of the following existing items:
 - Item I0064: relocate item from 219 Military Road to 213 Military Road – refer to *Figure 25*;
 - Item I0102: limit its extent to adjacent to 5 Green Street – refer to *Figure 26*;
 - Item I0186: remove existing identification from 11-17 Broughton Street and apply to 5 Broughton Street, Kirribilli – refer to *Figure 28*;
 - Item I0130: to include Lot 11, DP970708 – refer to *Figure 27*;
 - 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 29*;
 - 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 30*;
 - Item I0554: relocate to Ben Boyd Road road reserve, directly adjacent to 6 Ben Boyd Road – refer to *Figure 31*;
 - Item I0688: remove the extent of the listing from No.s29A and 27 Shellcove Road – refer to *Figure 33*;
 - 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 32*;
 - Item I0916 – extend the boundary of the item to include Lot 1, DP 560566 – refer to *Figure 34*;
 - Items I1123 and I1124 – Specifically identify the location of the items within Item I0916 – refer to *Figure 34*;
 - Item I0135: limit the extent of the item to the south-eastern portion of 8 Wulworra Avenue comprising the former residence – refer to *Figure 35*
- Amend the colours of heritage items as follows:
 - Item I0102: Change the colour from brown to green – refer to *Figure 26*;
 - Item I0129: Change the colour from green to brown – refer to *Figure 27*;
 - Item I0130 – Change the colour from green to brown – refer to *Figure 27*;
 - Item I0136: Change the colour from part brown and part green to all green – refer to *Figure 26*;
 - Item I0580: change colour from brown to green – refer to *Figure 32*;

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- 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*.

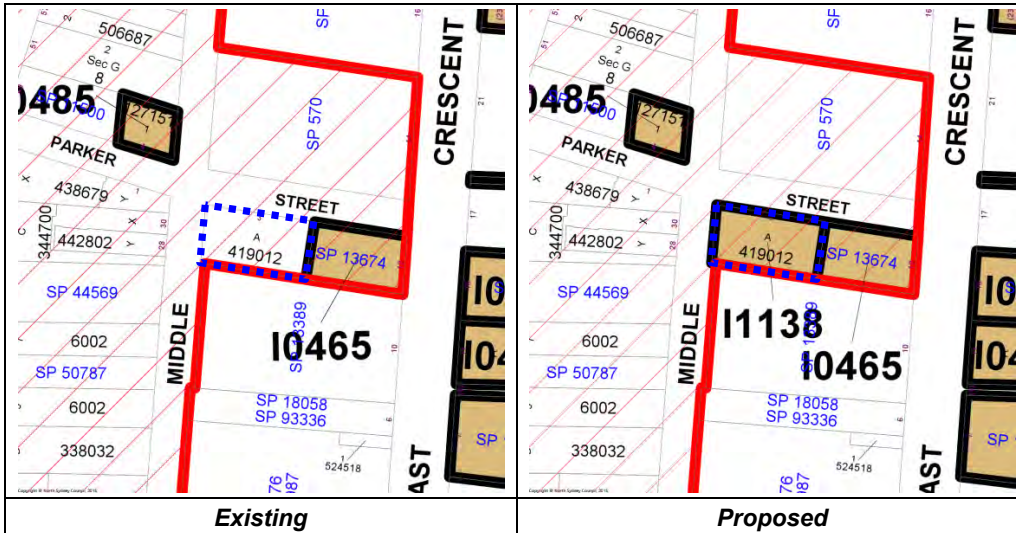


FIGURE 21:
3 Parker Street, McMahan's Point
 - Proposed local heritage listing

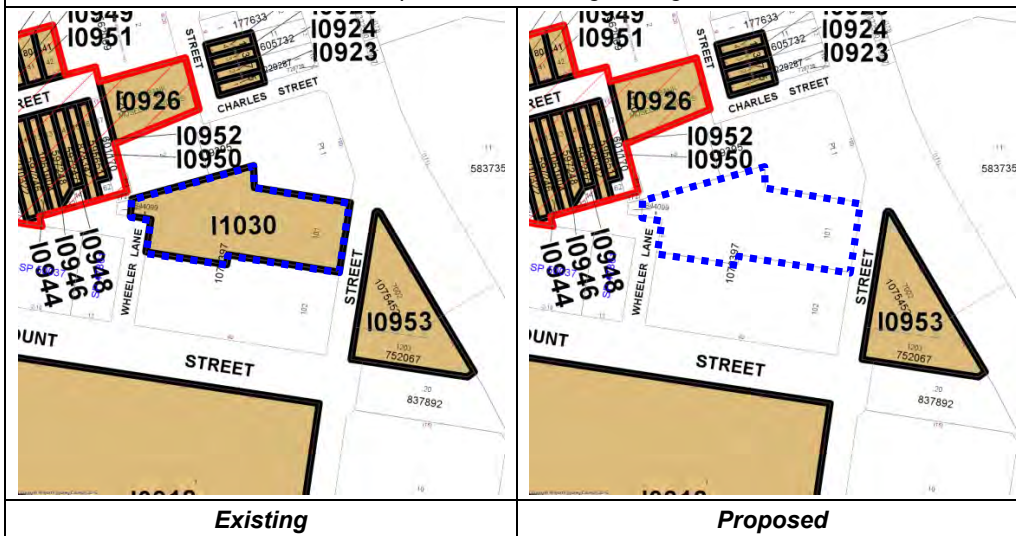
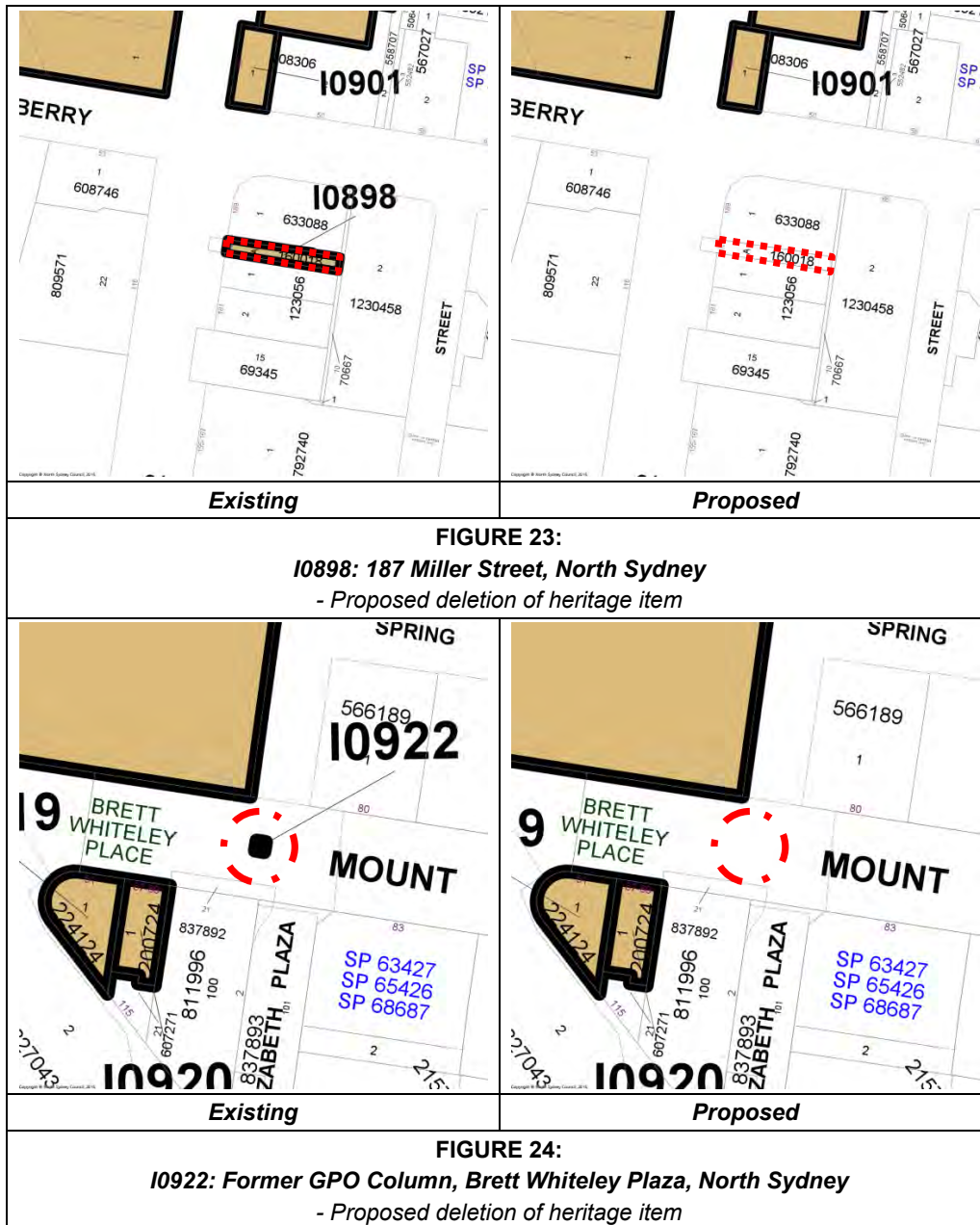
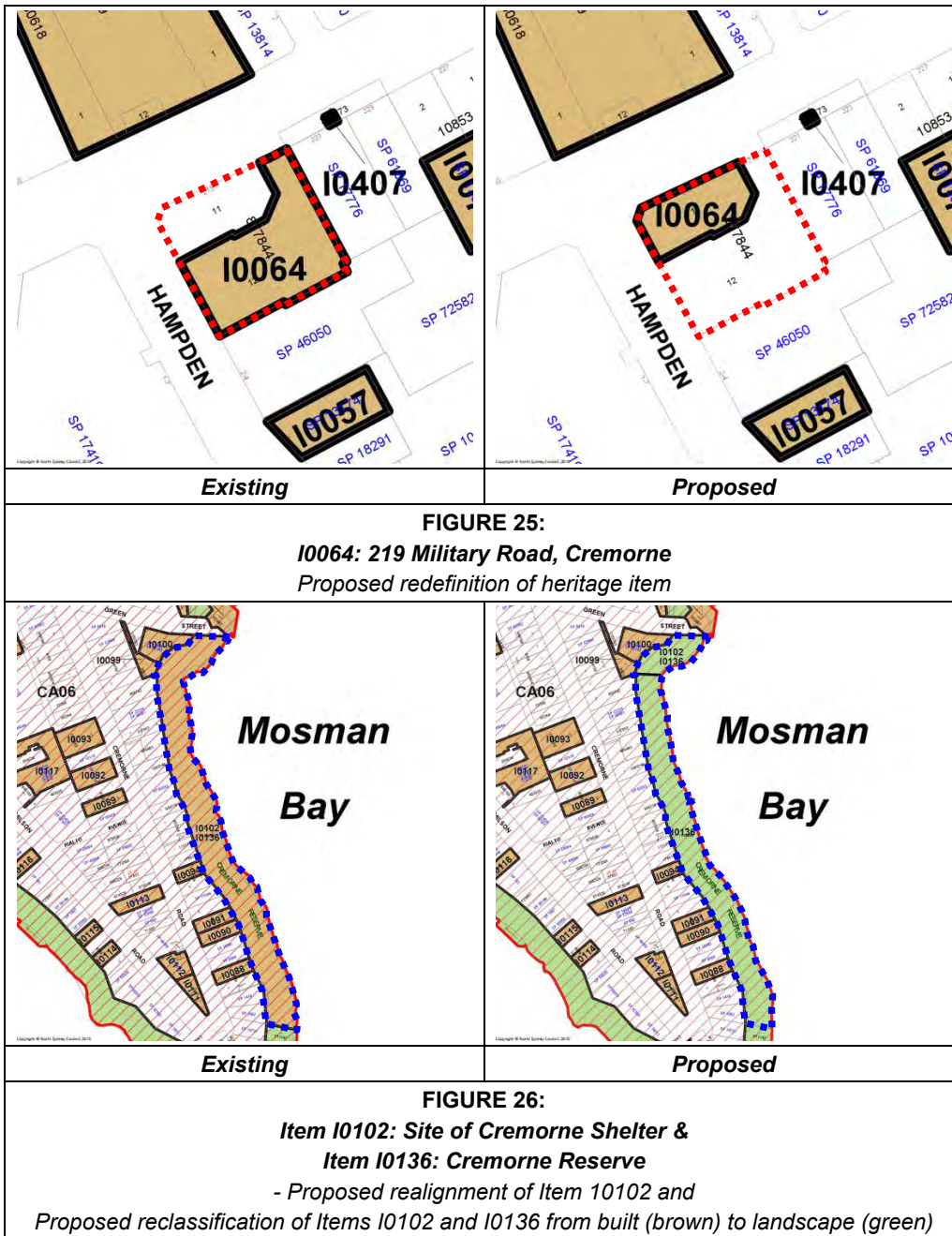


FIGURE 22:
11030 - 1 Wheeler Lane, North Sydney
 - Proposed deletion of heritage item

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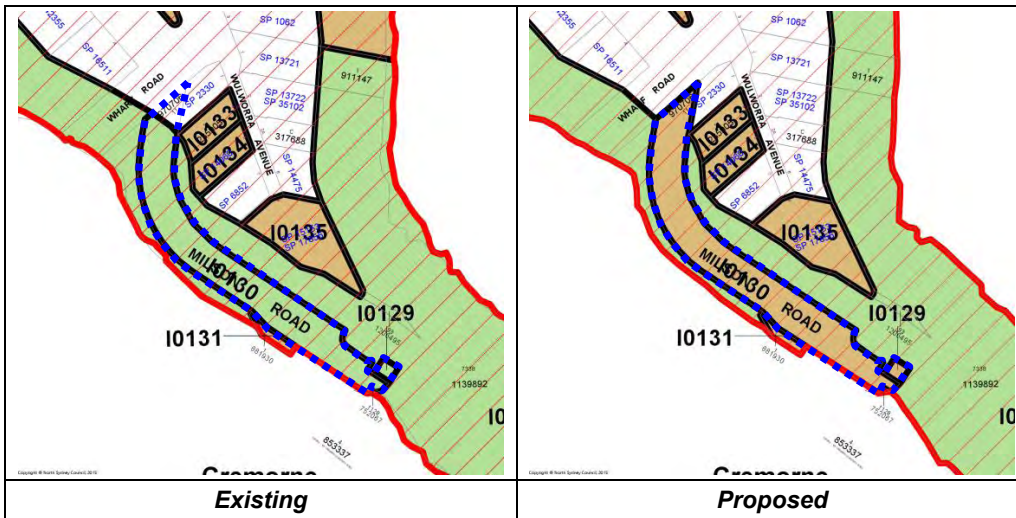


FIGURE 27:
Items I0129 and I0130
 - Proposed reclassification of Item I0129 from landscape (green) to built (brown); and
 Proposed redefinition of Item I0130 and reclassification from landscape (green) to built (brown);

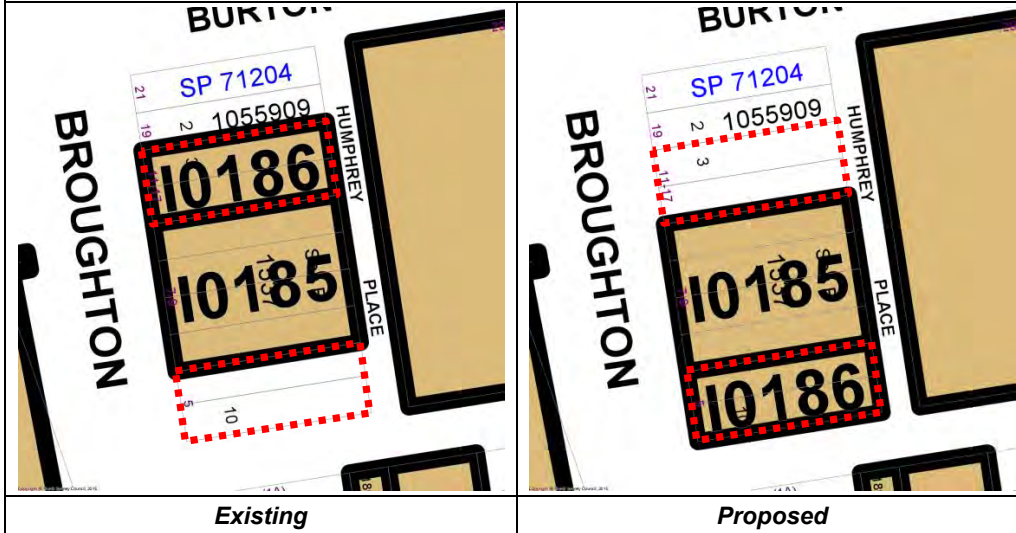


FIGURE 28:
Item I0186: The Fantasia Preschool
 – Proposed redefinition of heritage item

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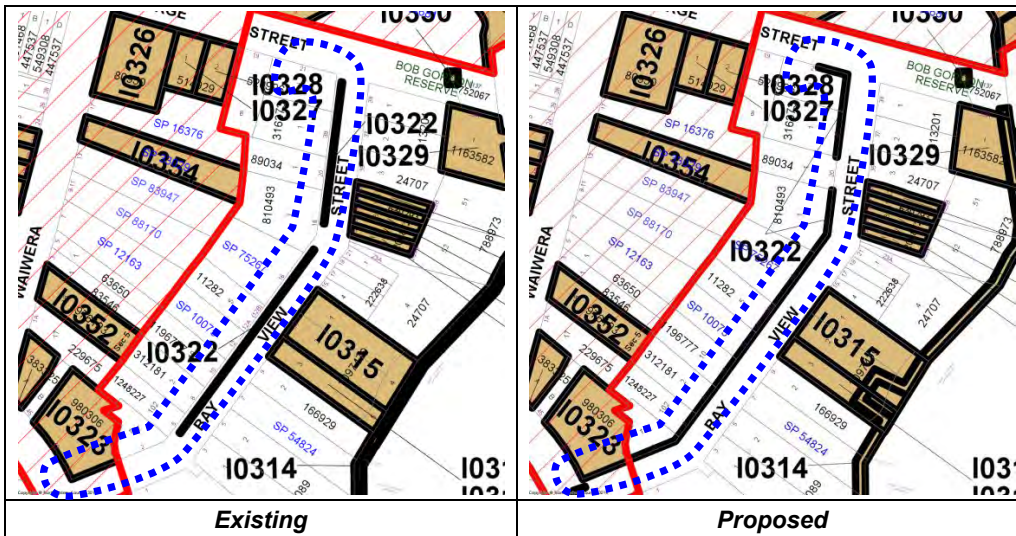


FIGURE 29:
I0322: Bay View Street Sandstone wall, McMahons Point
 - Proposed redefinition of heritage item

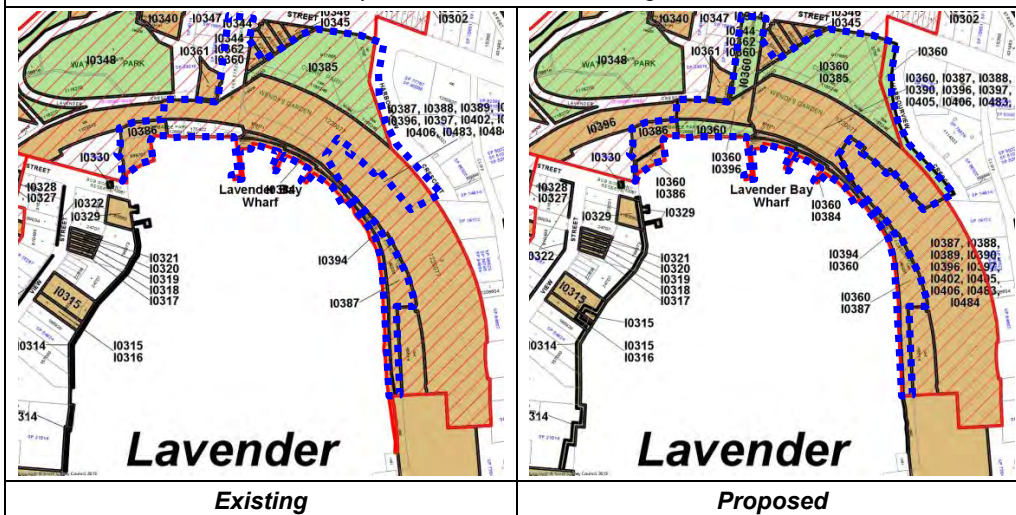
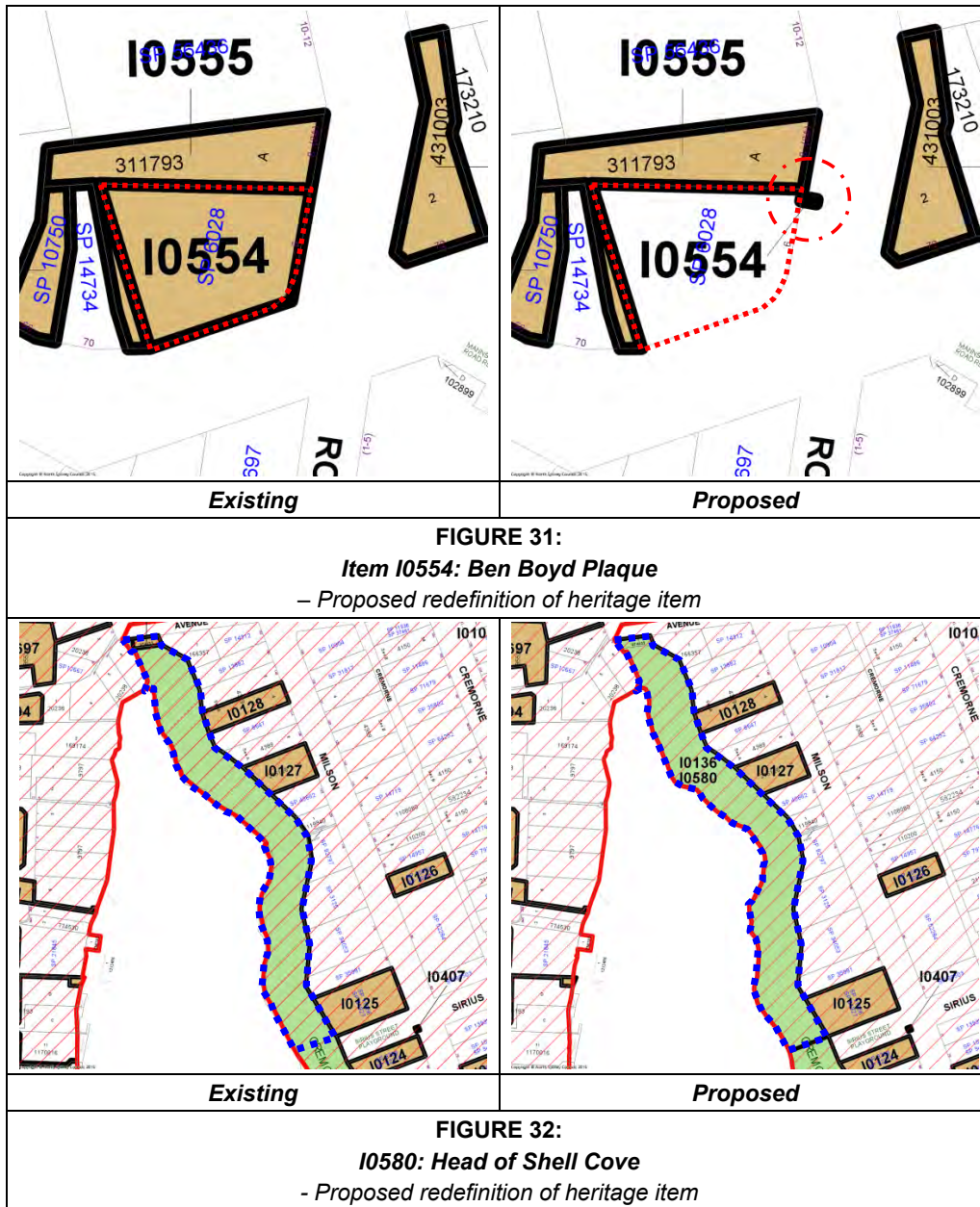
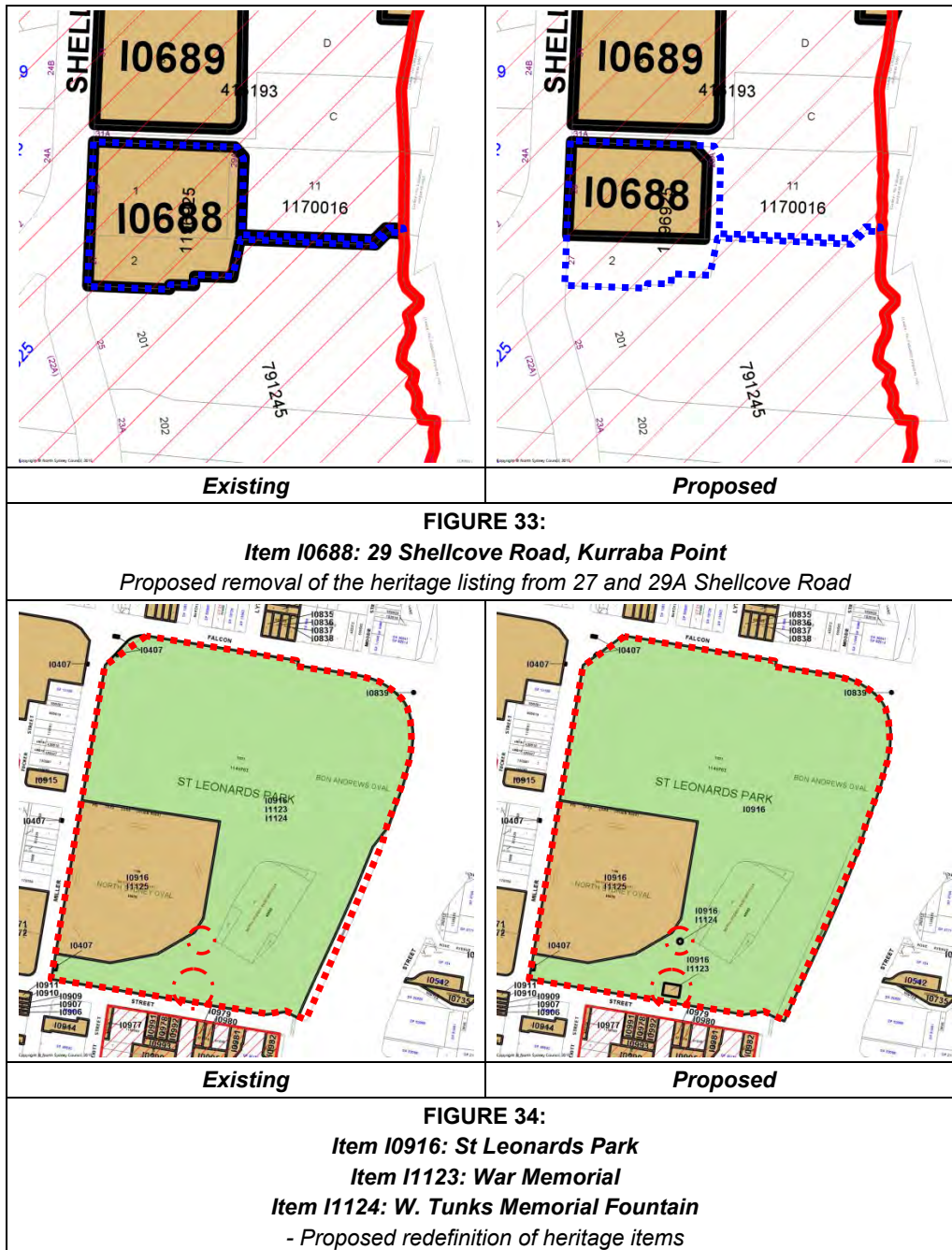
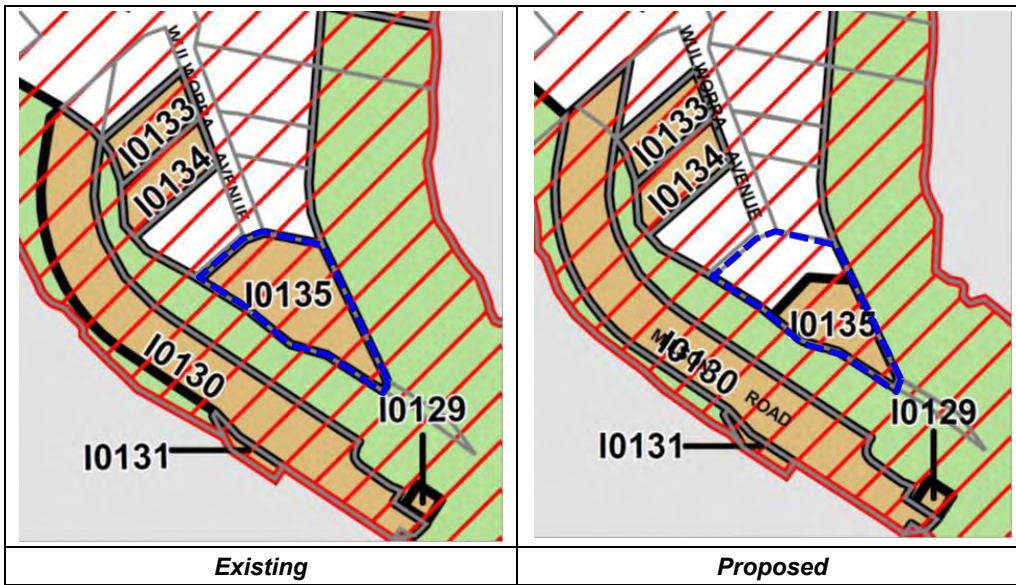


FIGURE 30:
Item I0360: Brett Whiteley House & curtilage
 - Proposed redefinition of heritage item



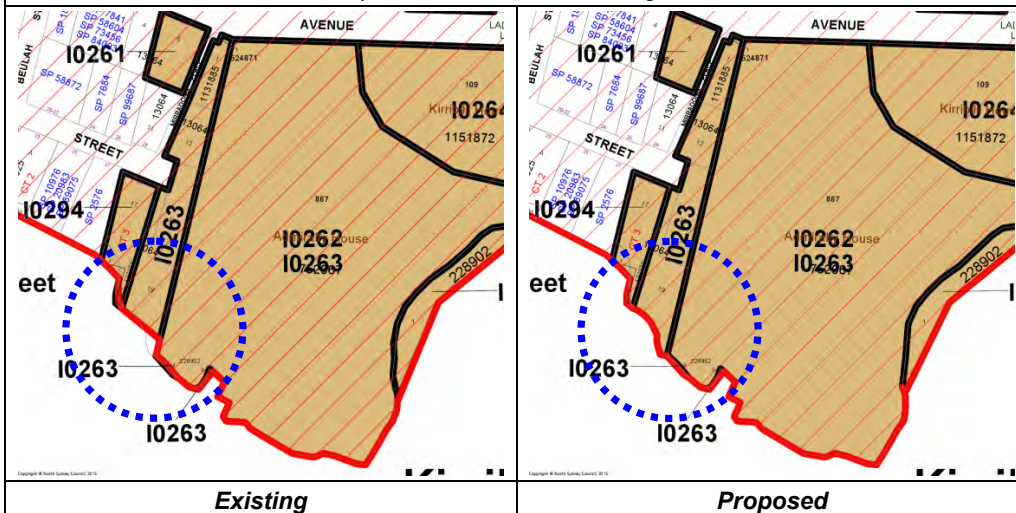




Existing

Proposed

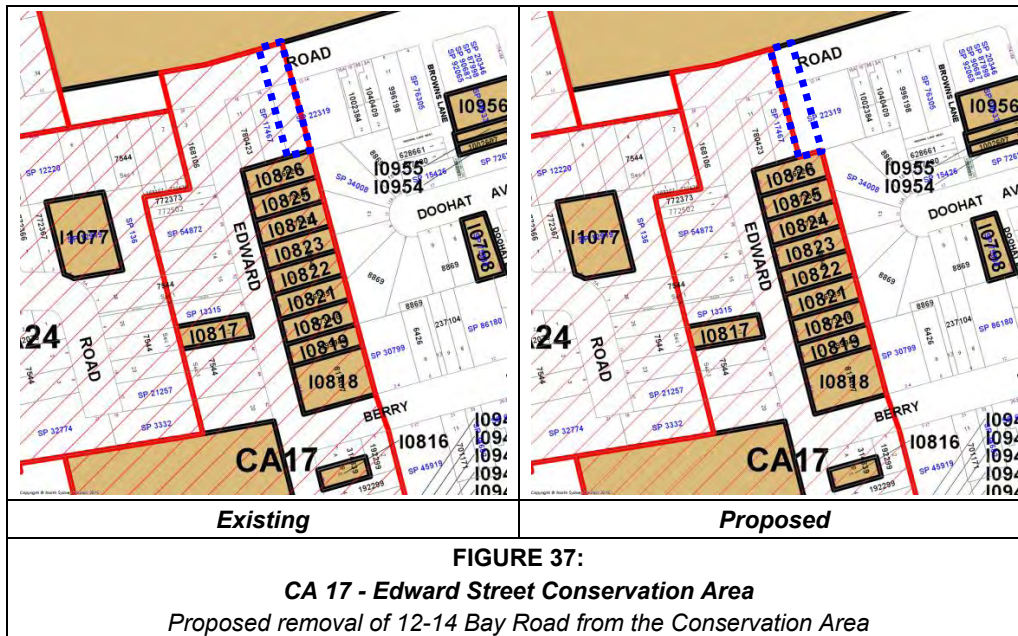
FIGURE 35:
I0135: 8 Wulworra Avenue Cremorne Point
 - Proposed redefinition of heritage item



Existing

Proposed

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*

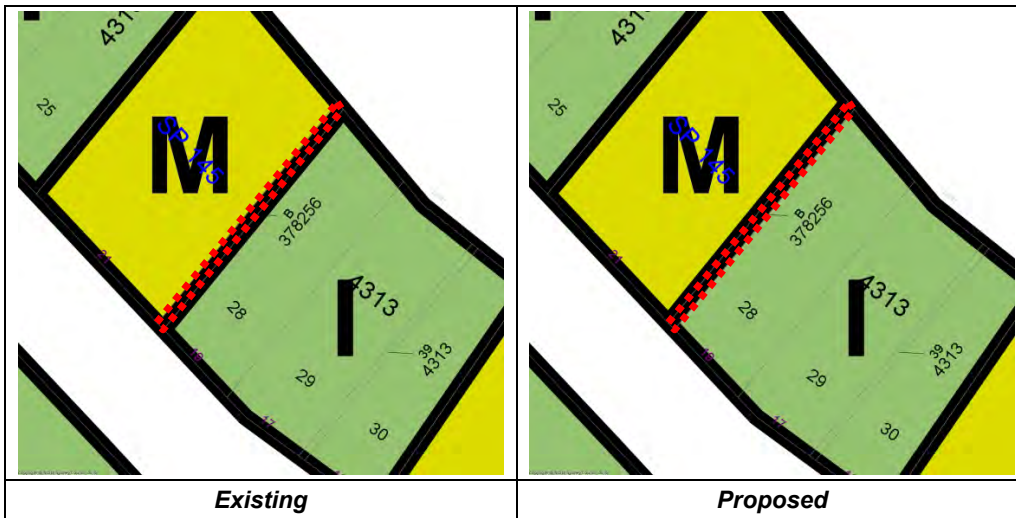


FIGURE 38:
19 Elamang Avenue, Kirribilli
 - Proposed removal of 12m height limit and application of 8.5m height limit

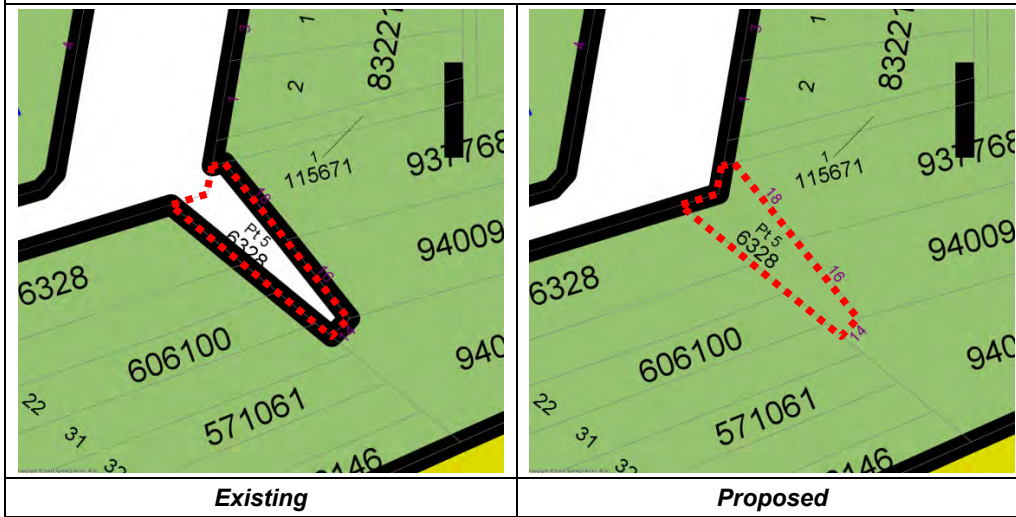


FIGURE 39:
The Avenue road reserve, North Sydney
 - Proposed application of 8.5m height limit

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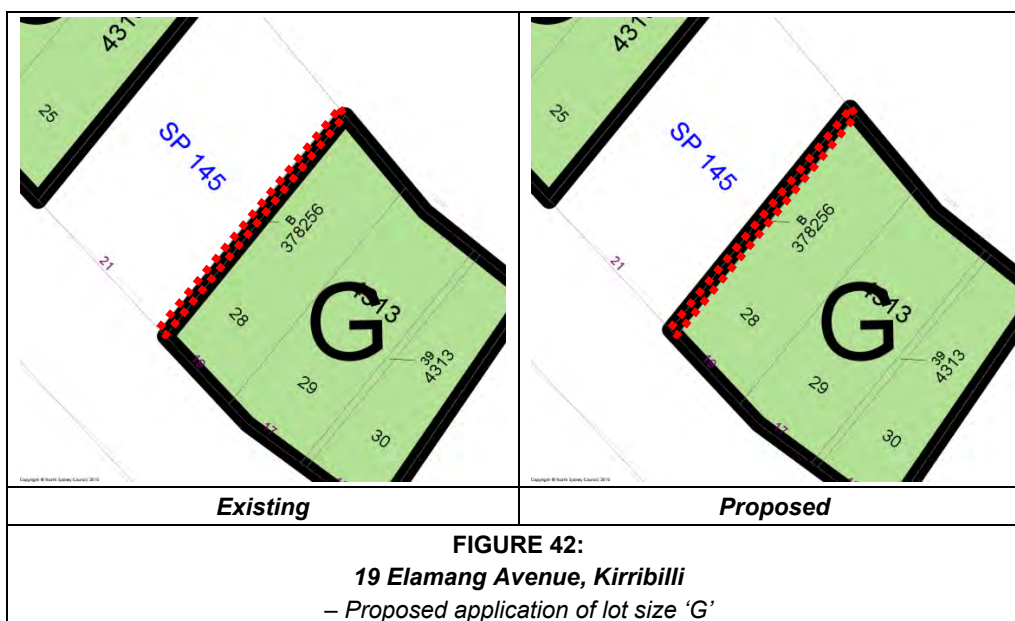
Lot Size Map

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 41 to 48):

- 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*;

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- 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*;



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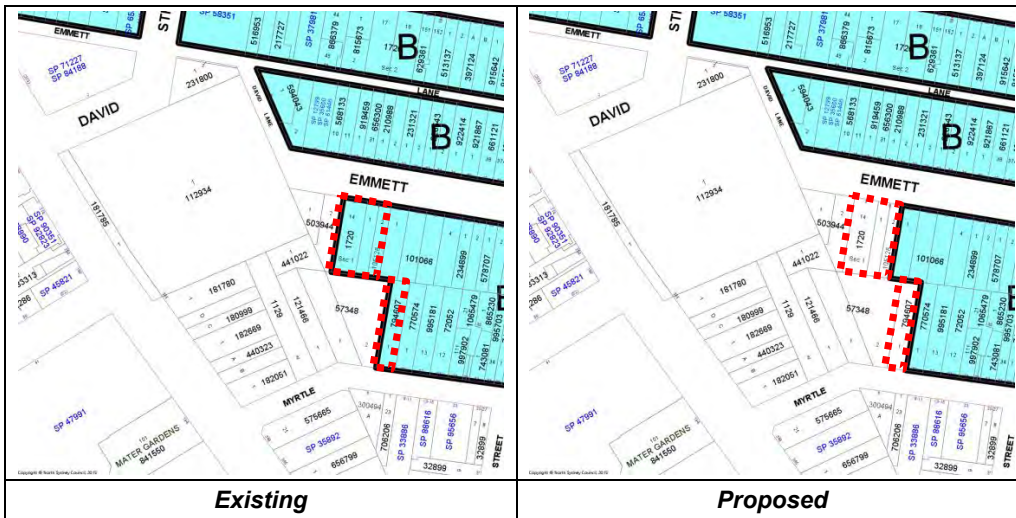


FIGURE 43:
North Sydney Girls High School
5 Emmett Street, Crows Nest (Lot 14, Section 1, DP 1720);
9 Emmett Street, Crows Nest (Lots 1&2 DP105126);
18 Myrtle Street, North Sydney (Lot 1, DP794607)
 – Proposed removal of Lot Size ‘B’

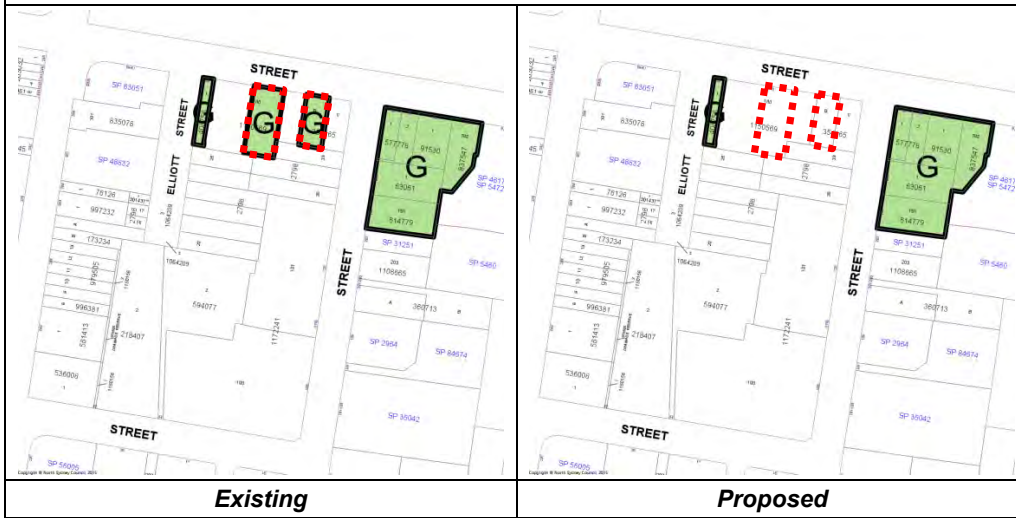
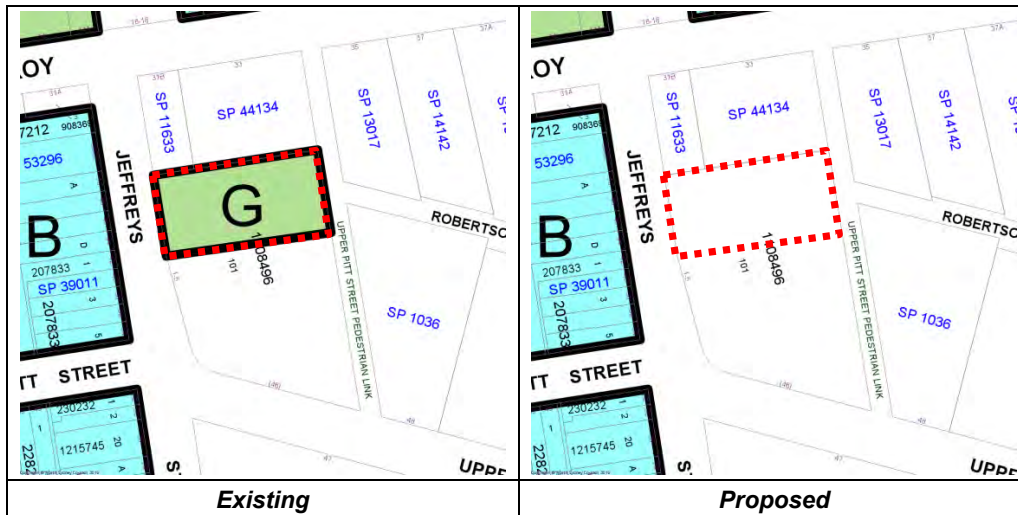


FIGURE 44:
Wenona School:
73 Ridge Street, North Sydney (Lot 100, DP 1150569)
81 Ridge Street, North Sydney (Lot B, DP 354165)
 – Proposed removal of Lot Size ‘G’

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Existing

Proposed

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

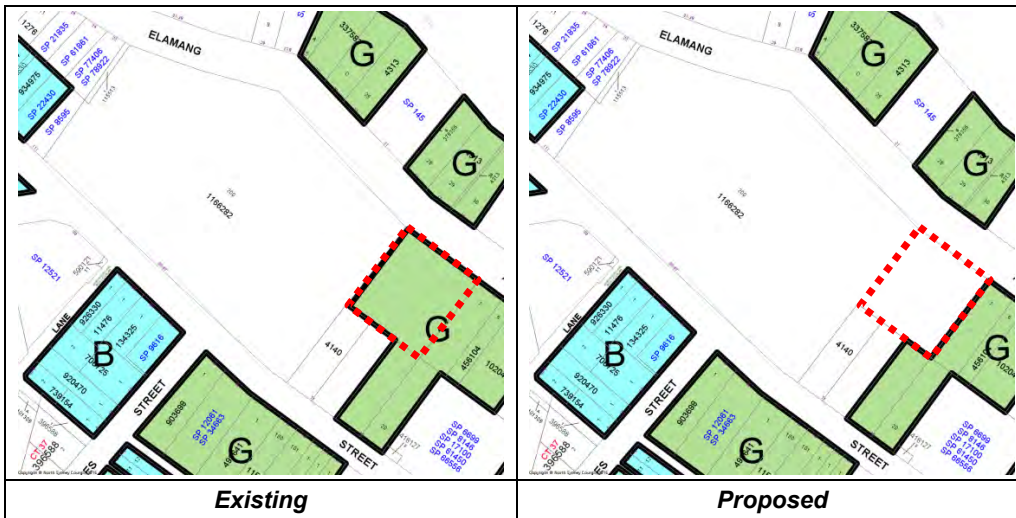


Existing

Proposed

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’

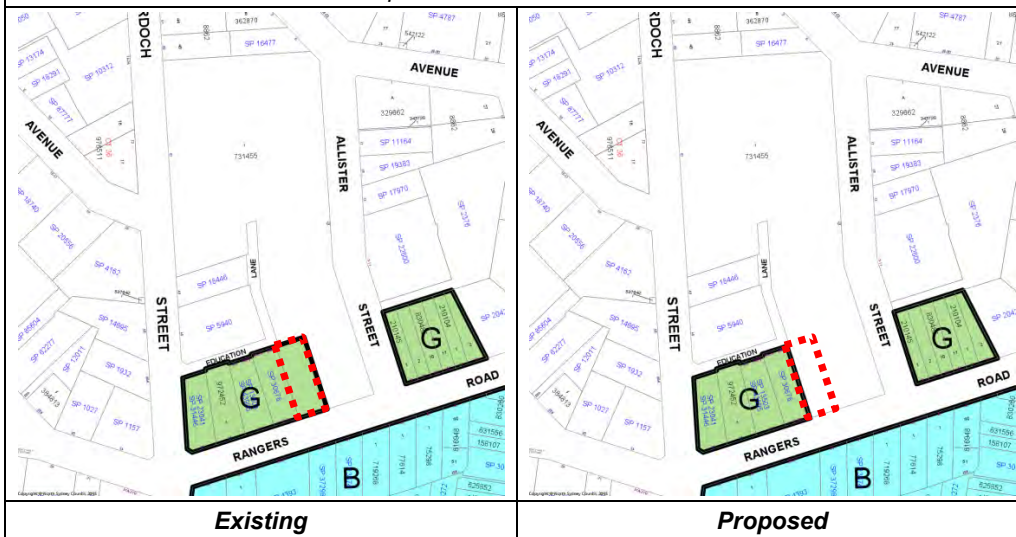
Planning Proposal – North Sydney LEP Review 2019



Existing

Proposed

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

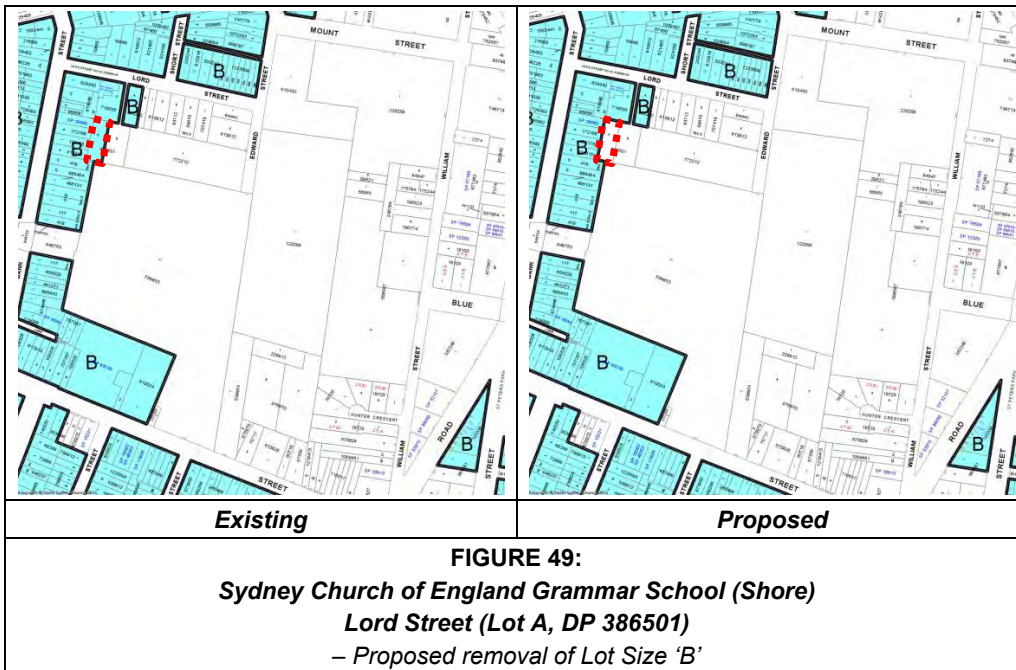


Existing

Proposed

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’

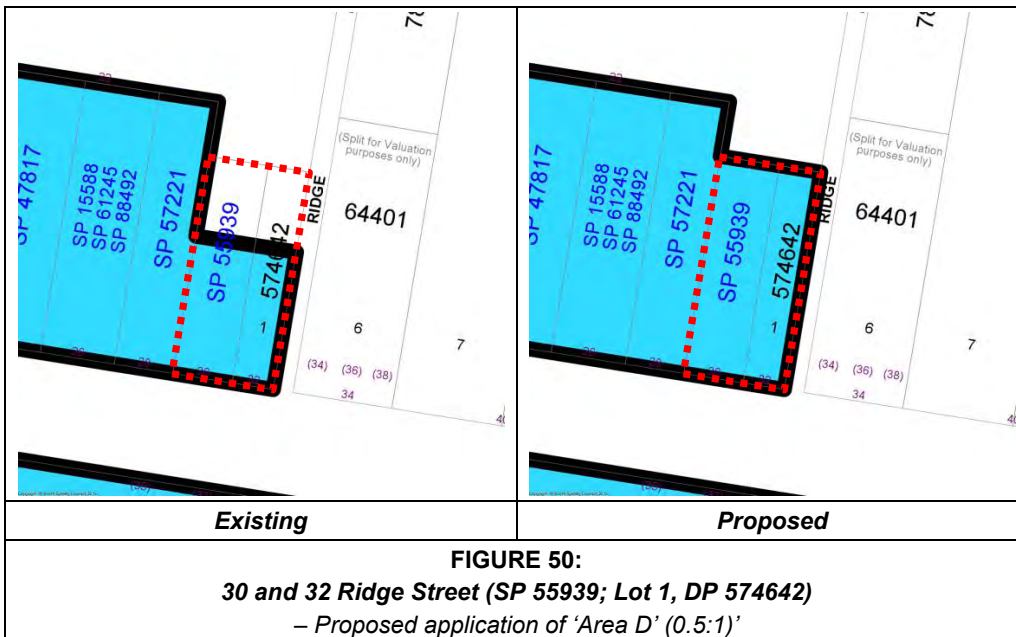
Planning Proposal – North Sydney LEP Review 2019



Non-residential Floor Space Ratio Map

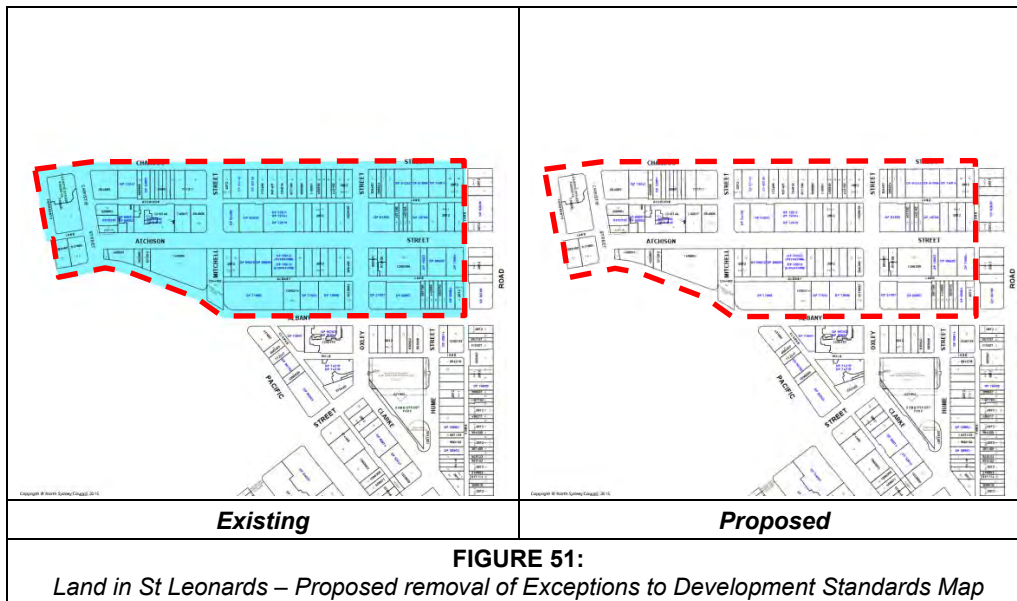
The Planning Proposal requires the replacement of all sheets to the Non-residential Floor Space Ratio Map. The intent of the Planning Proposal is proposed to be achieved by applying “Area D” (0.5:1) across the entirety of the following sites (refer to Figure 50):

- 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*;

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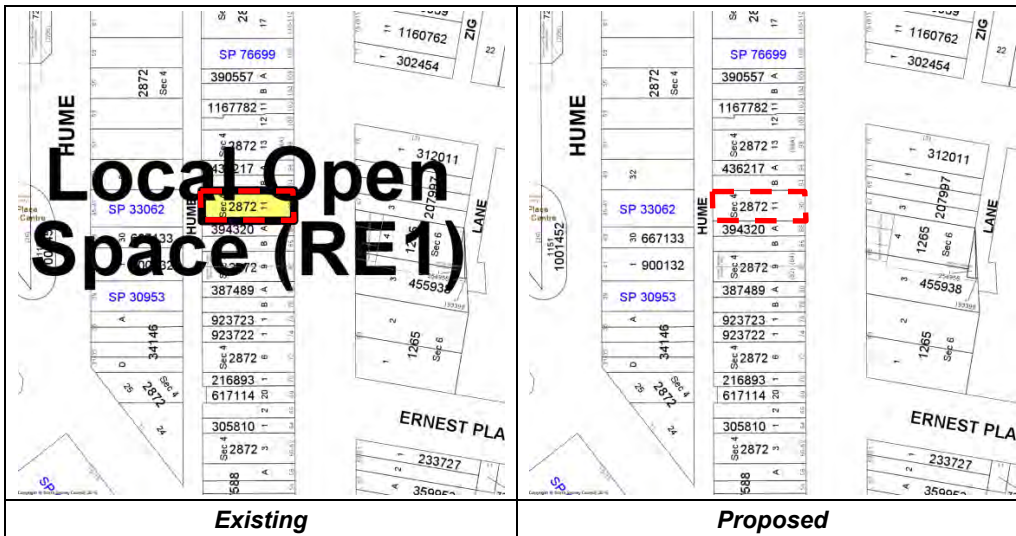


FIGURE 52:
90 Willoughby Road, Crows Nest – Proposed removal of Local Land Reservation status

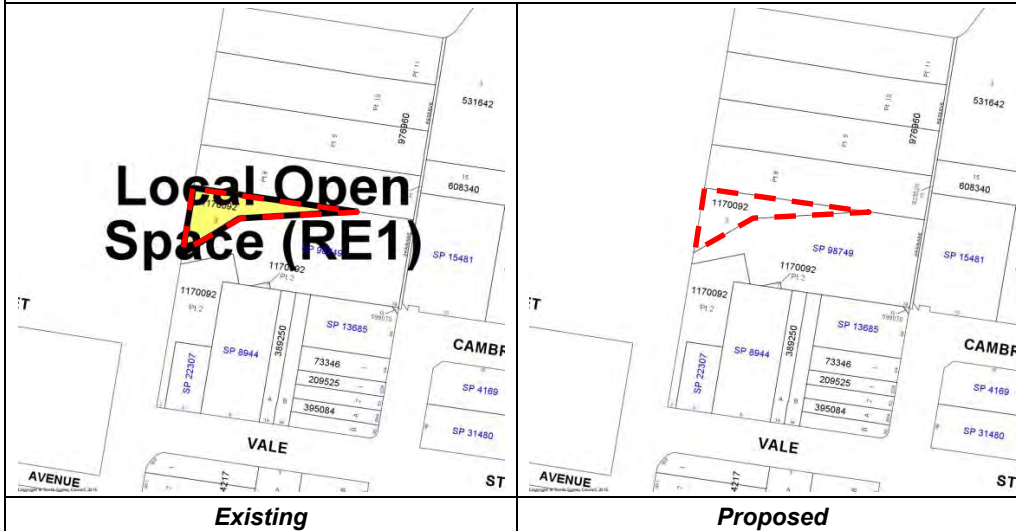
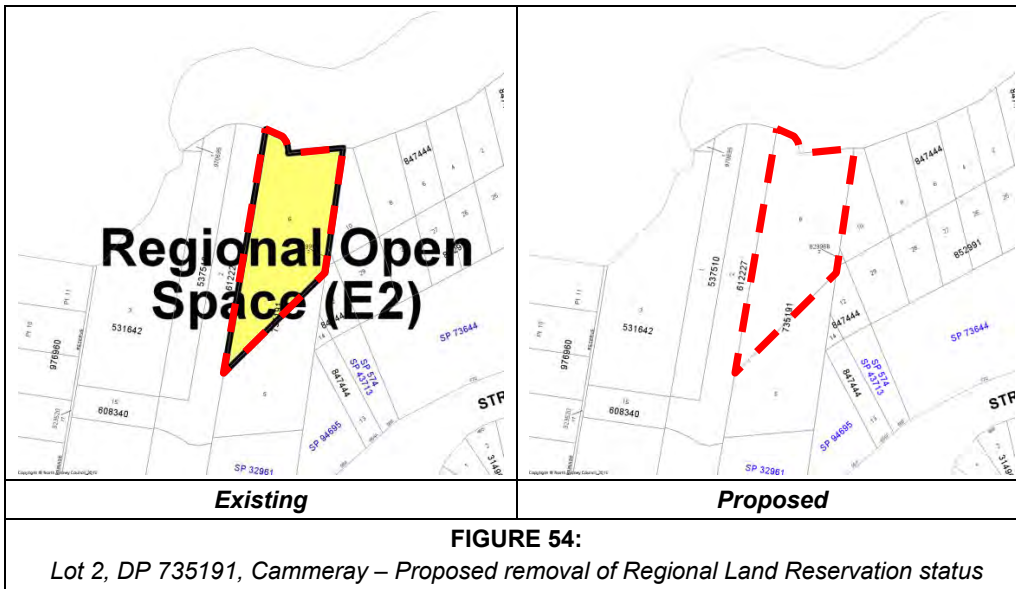


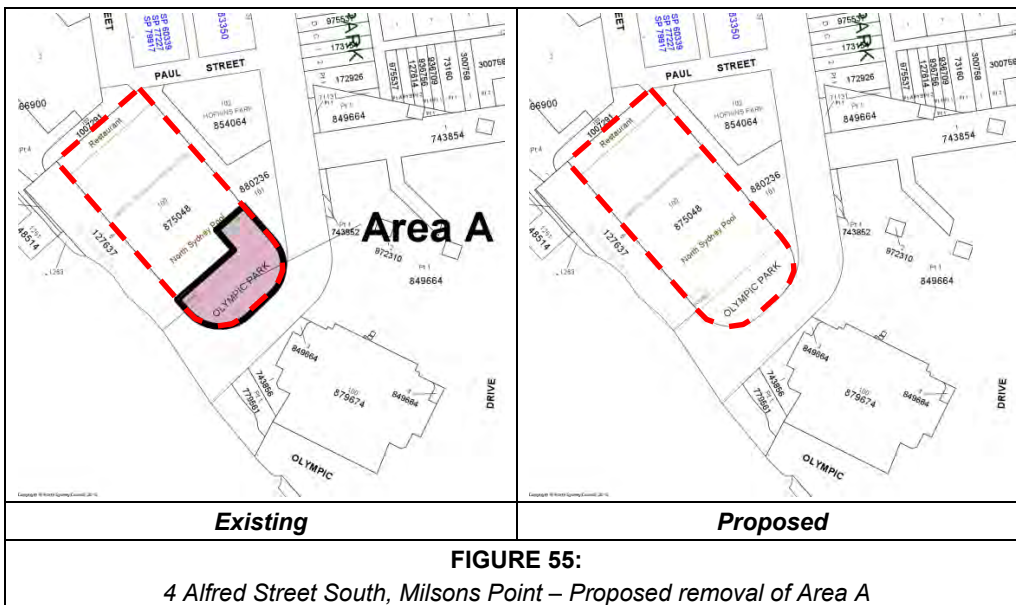
FIGURE 53:
2 Vale Street Cammeray – Proposed removal of Local Land Reservation status

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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 North Sydney Local Strategic Planning Statement and the North Sydney Local Housing Strategy, which are further discussed in the following subsections.

With respect to the other proposed minor amendments to NSLEP 2013, Annexure 1 provides a detailed account as to the additional endorsed reports and studies to support the progression of the amendments.

North Sydney Local Strategic Planning Statement

On 25 November 2019, Council resolved to adopt an LSPS for the LGA. The 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 GSC gave its assurance to the LSPS on 20 March 2020. The relevant *Local Planning Priorities* and *Actions* of the 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.

Furthermore, the LSPS makes several references to amend relevant planning controls relating to the *St Leonards Crows Nest Planned Precinct* and with respect to the preparation and implementation of a *Floodplain Risk Management Study and Plan*.

Work relating to the *St Leonards Crows Nest Planned Precinct* 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.

Work relating to the *Floodplain Risk Management Study and Plan* has yet to be completed by Council, nor been placed on public exhibition for comment. Therefore, in the absence of a draft or final resolved position, it is not appropriate to make any changes to the provisions of NSLEP 2013 in relation to potential flooding impacts. This will ensure that the future planning controls associated with flooding impacts will reflect the adopted final direction, which has been subject to extensive community consultation.

North Sydney Local Housing Strategy

On 25 November 2019, Council resolved to adopt an LHS for the LGA. The 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 8,870 dwellings could be delivered in the same period.

The LHS also 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; and
- Including a new objective to the *R3 Medium Density Residential* zone to reinforce the character of these zoned lands; and
- Including a new objective to the Height of Buildings provision to reinforce the desired future characteristic built form in the *R2 Low Density Residential, R3 Medium Density Residential* and *E4 Environmental Living* zones.

The LHS also 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.

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

North Sydney Local Strategic Planning Statement

Consistency with this document is addressed above.

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.

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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.
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.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
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.

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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 these 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, include new zone and height of buildings objectives to manage any potential impacts for the redevelopment of such sites, especially where the existing residential buildings substantially exceed current controls. These controls will be complimented by additional guidance proposed to be included within NSDCP 2013.

Whilst it is acknowledged that there is potential for a minor increase in dwelling numbers associated with this amendment, there is unlikely to be a resultant increase in population, due to different dwelling sizes (number of bedrooms) and occupancy rates between a multi dwelling development and a residential flat building.

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?*

Condition 11 of the Gateway Determination required that consultation be undertaken with the following public bodies:

- (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 Department of Environment, Energy and Science (now Heritage Division of Department of Premier and Cabinet); and
- (f) Department of Education.

In accordance with this Condition, each of the above public authorities were directly notified and provided with an electronic link to all of the public exhibition documentation in relation to the subject Planning Proposal and associated DCP amendment on 19 May 2020 and given 35 days within which to comment. This consultation was undertaken concurrently with the public exhibition of the Planning Proposal.

Submissions were received from Transport for NSW, Heritage NSW and NSW Education and the issues raised were addressed in Council's post exhibition report to the Planning Proposal which was considered by Council on 24 August 2020.

This version of the Planning Proposal has been amended in response to the issues raised by these public authorities including:

- Correctly identify the legal descriptions of the Warringah Freeway properties that are proposed to be rezoned; and
- Correct the property description of Heritage Item I0387 – Lavender Bay Railway Group under Schedule 5 – *Environmental Heritage*.

5.4 PART 4: MAPPING

All map sheets that comprise NSLEP 2013 maps are proposed to be replaced as part of this Planning Proposal. A copy of the current LEP Maps is provided at ANNEXURE C and a copy of the replacement maps are located at ANNEXURE D.

5.5 PART 5: COMMUNITY CONSULTATION

Consultation was undertaken in accordance with the requirements made by the Gateway Determination and Council's guidelines.

Council received a total of twenty-nine (29) submissions, including three (3) from public authorities. The issues raised in these submissions were addressed in the post exhibition report considered by Council on 24 August 2020.

This version of the Planning Proposal has been amended in response to the issues raised by the community and include:

- Correctly identify the legal descriptions of the Warringah Freeway properties that are proposed to be rezoned;
- Correcting the property description of Heritage Item I0387 – Lavender Bay Railway Group under Schedule 5 – *Environmental Heritage*;
- *Correctly and more accurately describe Heritage Item I0135 - 8 Wulworra Avenue, Cremorne Point by amending the item name under Schedule 5 - Environmental Heritage to "former 3 storey residence" and to amend the Heritage Map such that the listing only applies to the south-eastern portion of the site where the former residence is located; and*

- Clarifying that Heritage Item I1138 – 3 Parker Street, McMahons Point specifically excludes the detached garage structures by amending the item name under Schedule 5 - Environmental Heritage.

5.6 PART 6: PROJECT TIMELINE

TABLE 3 provides a project timeline having regard to identified milestones and estimating approximately 11 months from submitting the proposal to the DPIE to the amending LEP being made. The Gateway Determination states that the amending LEP is to be made within 6 months (19 October 2020) of the issue of the Gateway Determination.

Milestone	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	June 2020	Jul 2020	Aug 2020	Sept 2020	Oct 2020
1. Request for Gateway Determination sent to DPIE												
2. DPIE considers request												
3. Gateway Determination issued to Council												
4. Amendment of Planning Proposal to align with Gateway Determination												
5. Public exhibition undertaken												
6. Council considers submissions												
7. Council considers post exhibition report												
8. Submission to DPIE requesting making of LEP												
9. Drafting of LEP and making												
10. Gateway Determination expires (19 October 2020)												

ANNEXURE A

- Register of Issues



Register of Miscellaneous Issues

Planning Proposal – North Sydney LEP Review 2019

V3_8 May 2020

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, including:
 - The Avenue, North Sydney;
 - 25 Shirley Road, Wollstonecraft;
- Addressing outstanding resolutions of Council, including:
 - 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.

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 to apply 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 Greek 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 MHWM).

MLWM 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 MHWM.

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 MHWM within the LEP. Registered land titles located wholly below MHWM 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 MHWM, planning controls were excluded from that part of the registered title located below MHWM. 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:

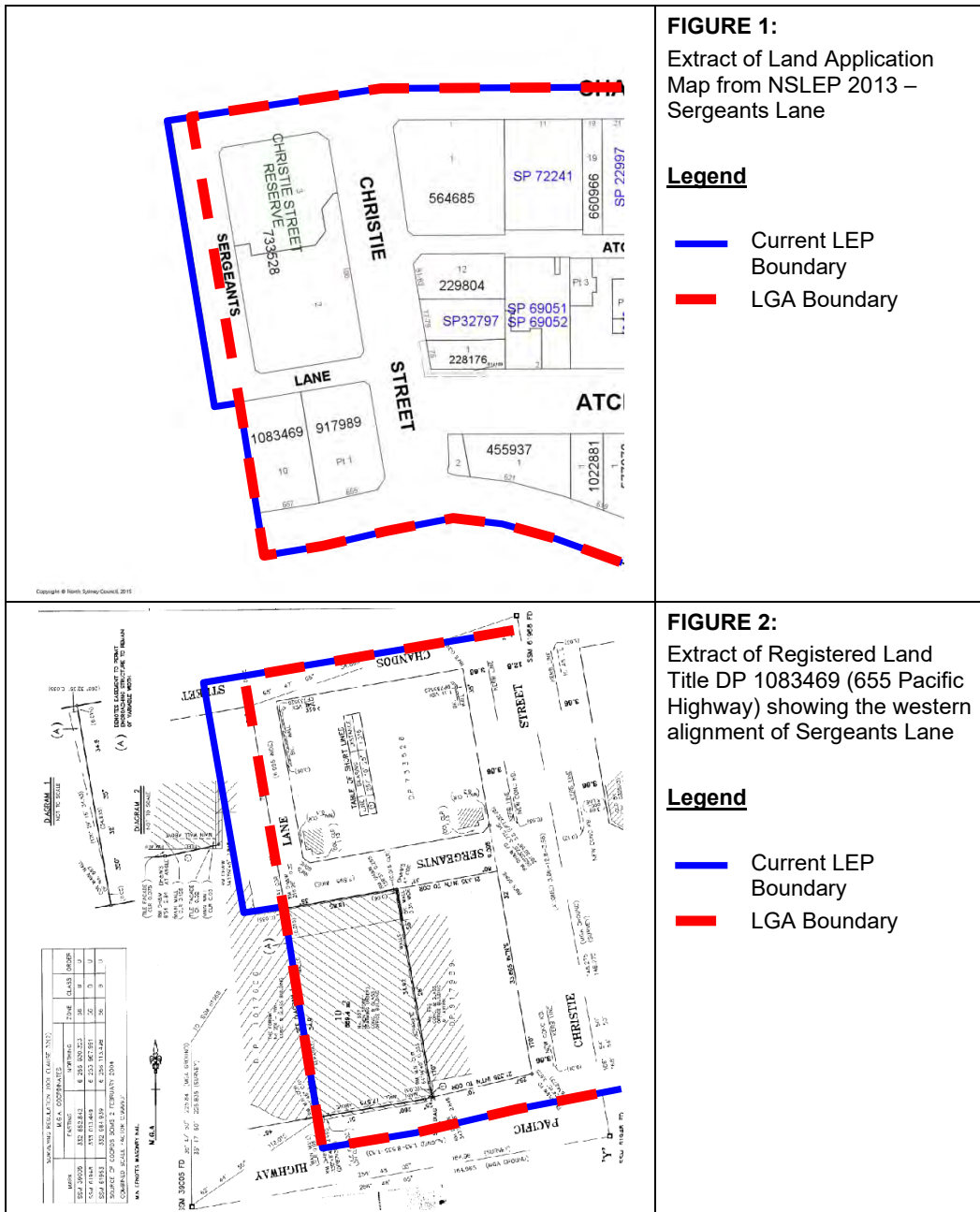
- The change to the NSW Spatial Services DCDB has resulted in realignment issues;
- The boundary to Sergeants Lane, St Leonards does not align with the proclaimed LGA boundary, projecting into the Willoughby LGA (Refer to Figures 1 and 2);
- The boundary to Berrys Creek, Wollstonecraft, does not follow 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

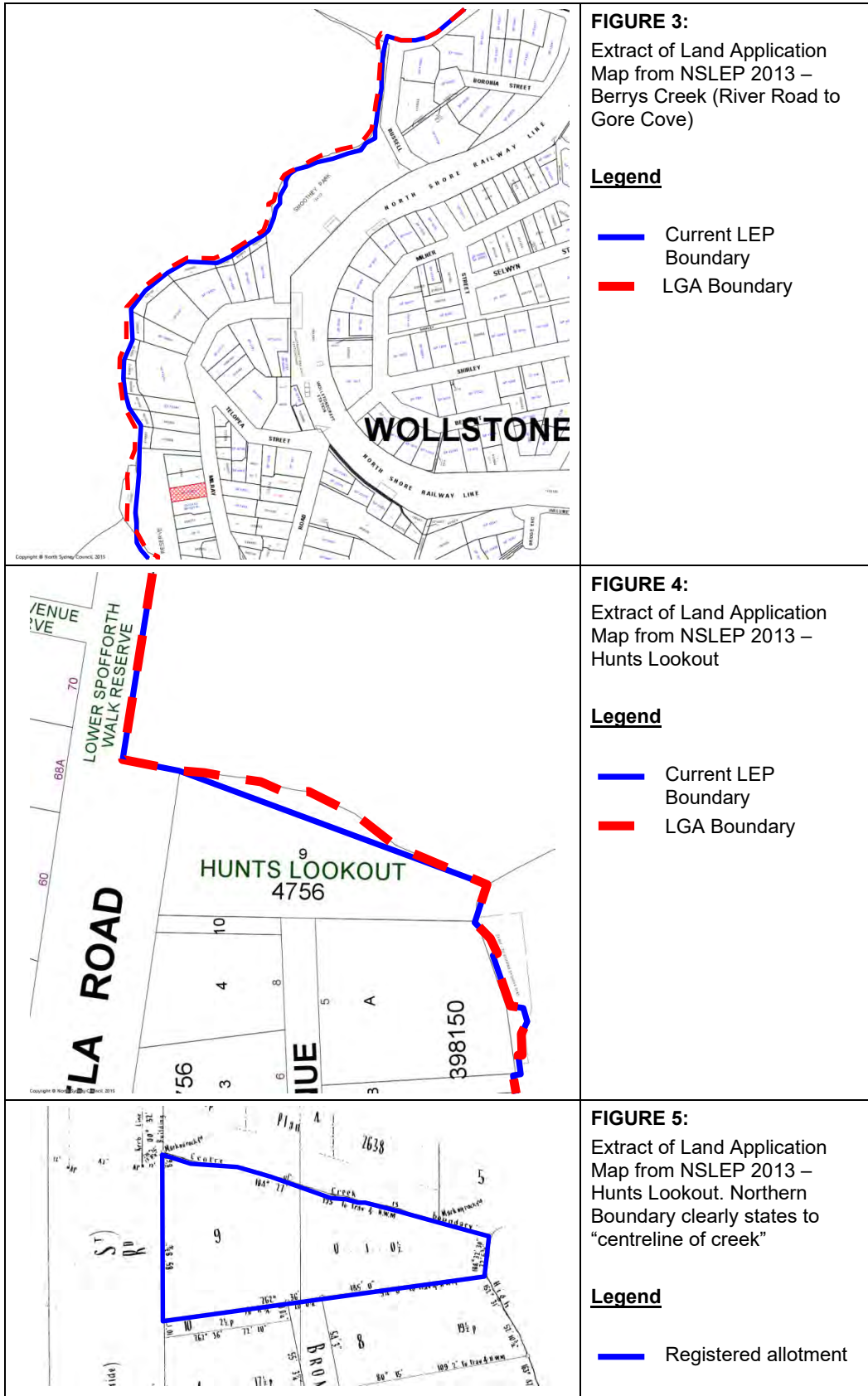
Figures 1 to 6 illustrate the proclaimed location of the North Sydney LGA boundary (dashed red line) and land to which NSLEP 2013 applies (solid blue line). These Figures clearly indicate that there are discrepancies between the alignment of the two boundaries, which results in some land not having any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

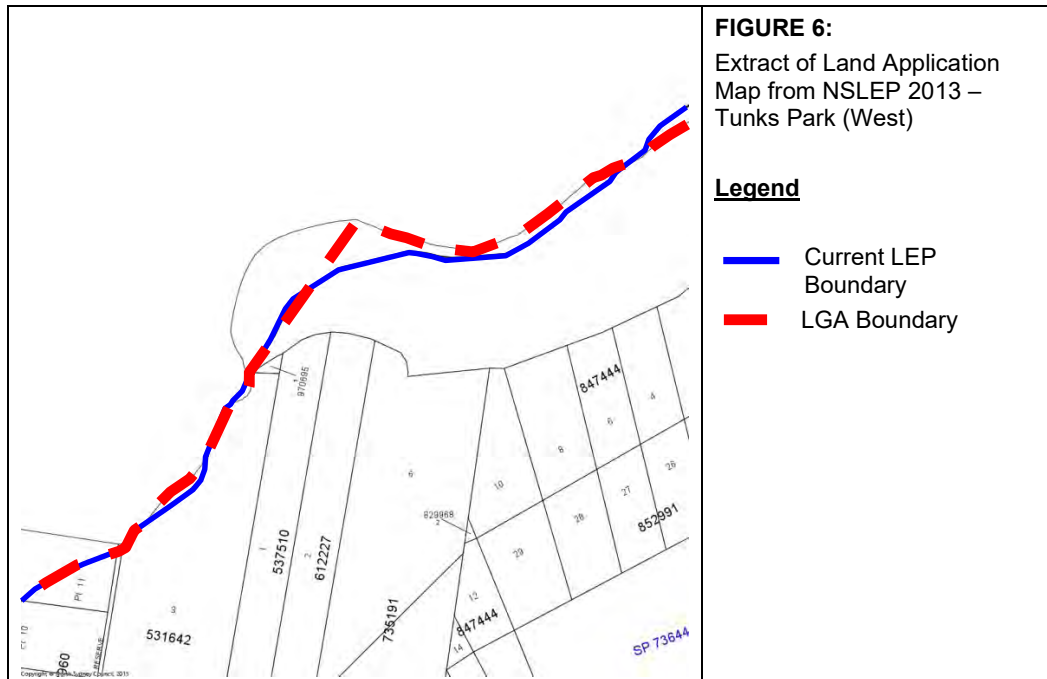
These errors have largely resulted from translating historical errors from former versions of the LEP. In some instances, these errors may have been perpetuated from the lack of detail of cadastral information of land located adjacent to the LGA.

Register of Miscellaneous Issues: Planning Proposal – North Sydney LEP Review 2019



Register of Miscellaneous Issues: Planning Proposal – North Sydney LEP Review 2019





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 McMahons 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	24	Montpelier Street Forsyth Park	Neutral Bay	Lot 1, DP 182655 Lot 2 DP 11568334
1	31	St Leonards Park, Miller Street	North Sydney	Part Crown land 316-3000 Lot 7321 DP 1149783
1	36	40 Ridge Street	North Sydney	Lots 8 and 9, DP 758790 Lots 8-10, DP 1137427
1	40	Waverton Park, Woolcott Street	Waverton	Lot 1, DP 115703 Crown Lot 1205, DP 752067
1	41	Smoothey Park, Milray Avenue	Wollstonecraft	Lot A, DP 6622 Lot 1, DP 134132
5	I0025	Tunks Park	Cammeray	Crown reserve (Tunks Park); Lot 1, Section 7, DP 2407 Crown Lot 7349, DP 1166085; Lot 1, DP 1038592
5	I0024	Cammeray Park (including Golf Course)	Cammeray	Lot 1, DP 166171; Lots 2-46, DP 244543; Closed road; Crown reserve Crown Lots 7302 and 7303, DP 1136001
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) Part Lot 7338, DP 1139892

Register of Miscellaneous Issues: Planning Proposal – North Sydney LEP Review 2019

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 2–44 Ennis Road and 32–746 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

Register of Miscellaneous Issues: Planning Proposal – North Sydney LEP Review 2019

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.

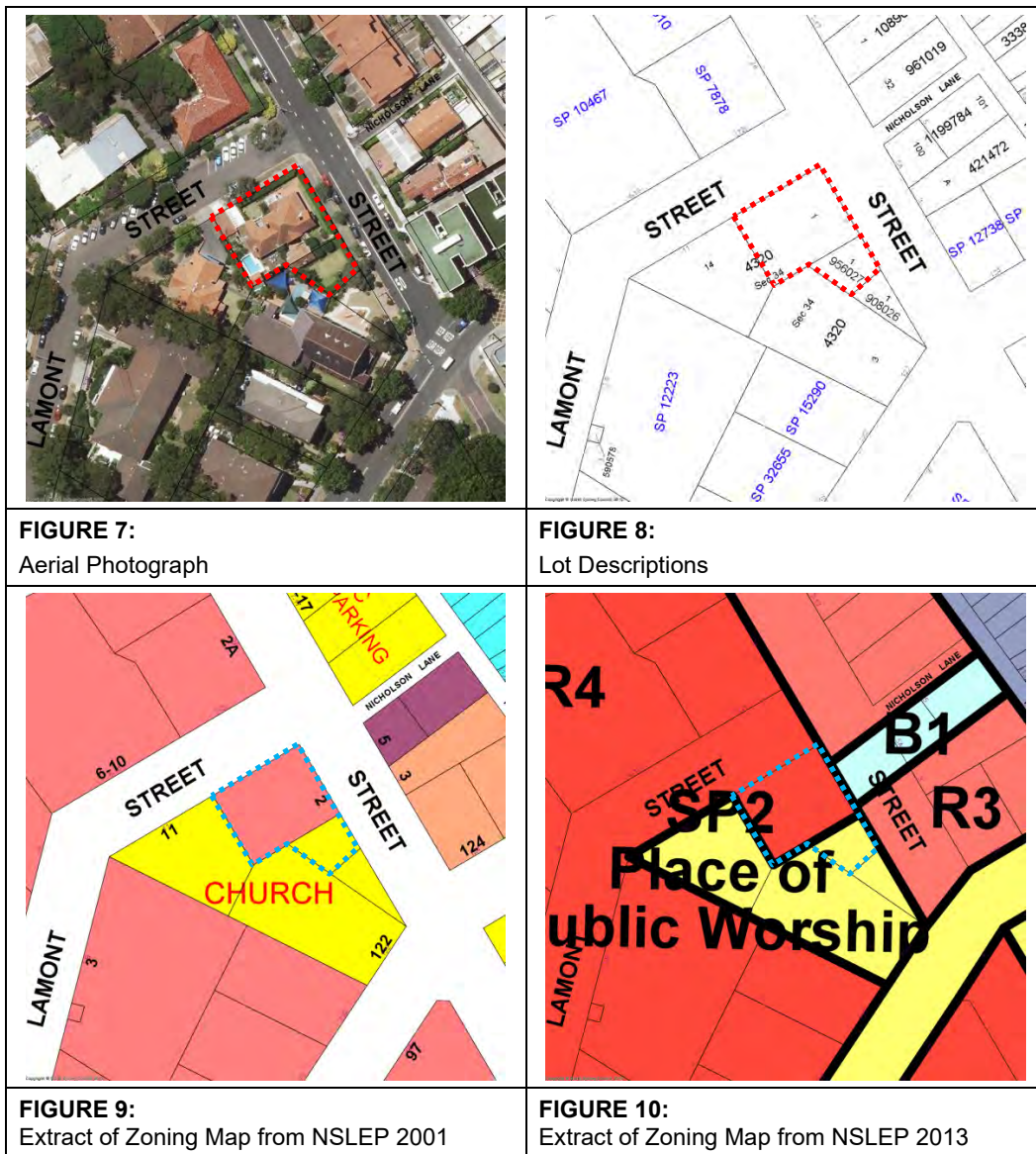
5 Zoning - 2 Nicholson Street, Wollstonecraft

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.



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.

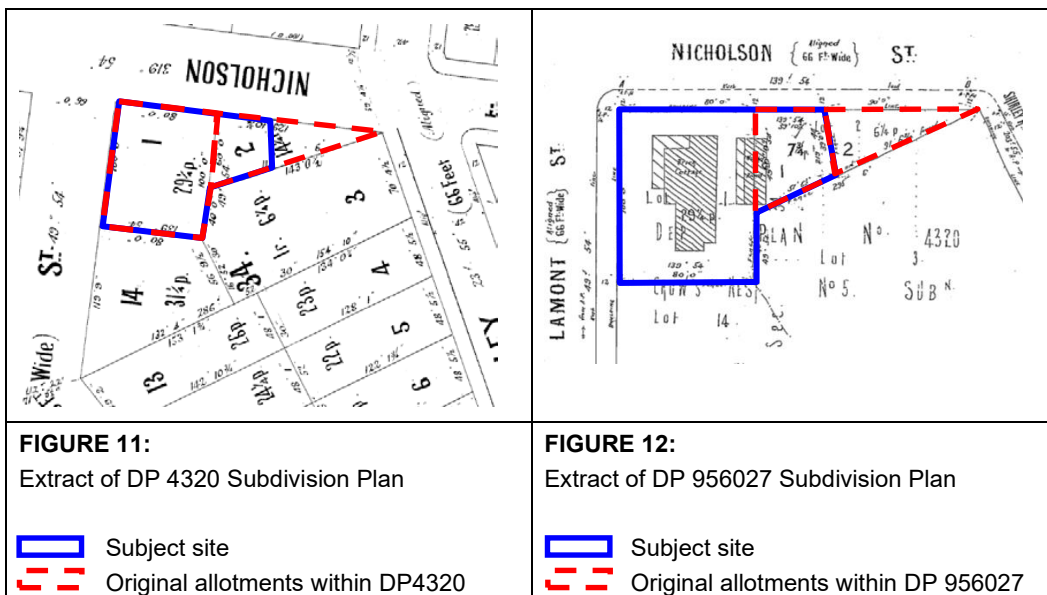
A summary of the facts that lead to Council's position are provided as follows:

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).



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.

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.



FIGURE 13:

Streetscape showing how the fence treatment is similar to the dwelling on Lot 1, Section 34, DP 4320, rather than the Church site.

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

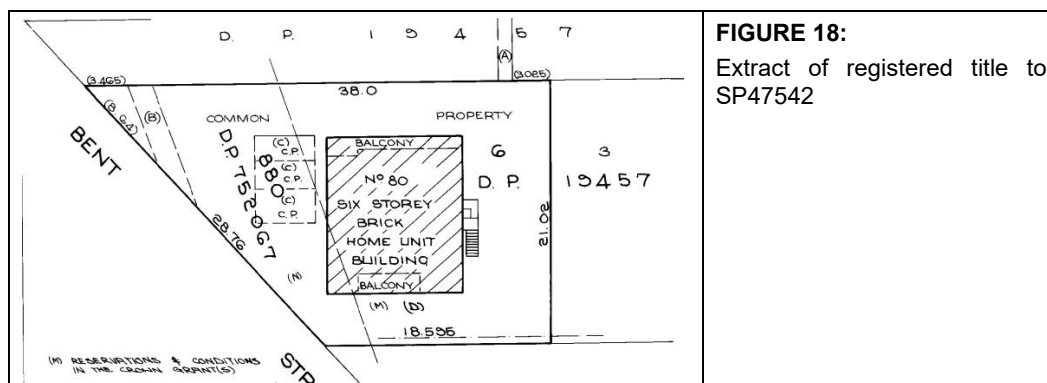
Where private land is identified for public purposes, through zoning and/or other means, there is an implied onus on a public authority to acquire that land. Circulars and guidelines prepared by DPIE relating to the preparation of LEPs state that land to be acquired for public purposes is to be identified 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.

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)

<p>FIGURE 14: Extract of Zoning Map from NSPSO (1963)</p>	<p>FIGURE 15: Extract of Zoning Map from NSLEP 1989</p>
<p>FIGURE 16: Extract of Zoning Map from NSLEP 2001</p>	<p>FIGURE 17: Extract of Zoning Map from NSLEP 2013 (at gazettal)</p>

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 re-subdivided 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

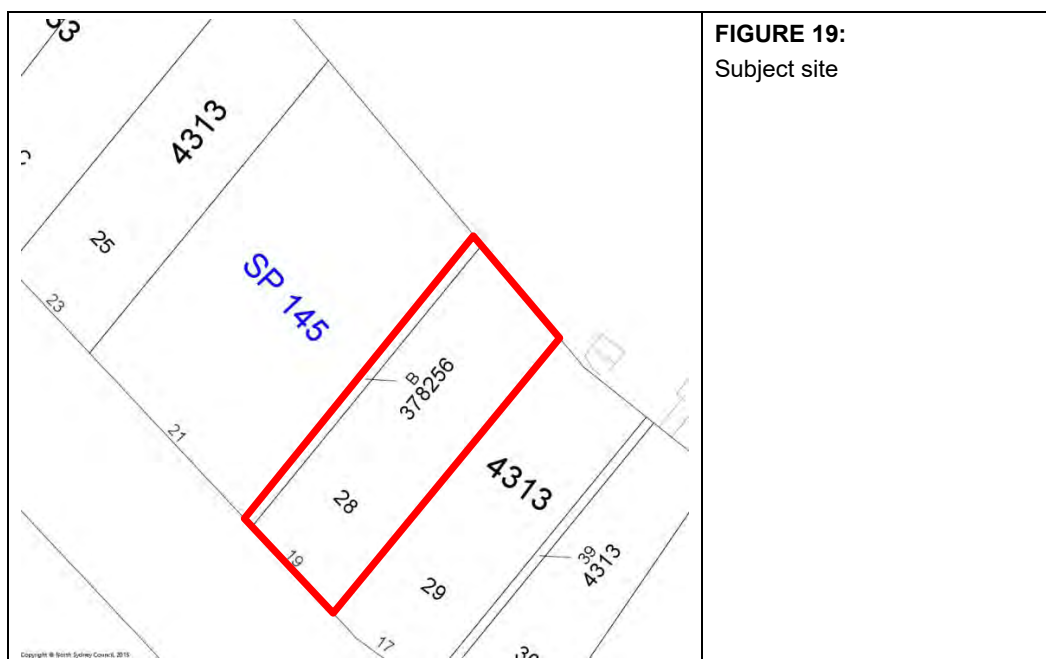
7.1 Background

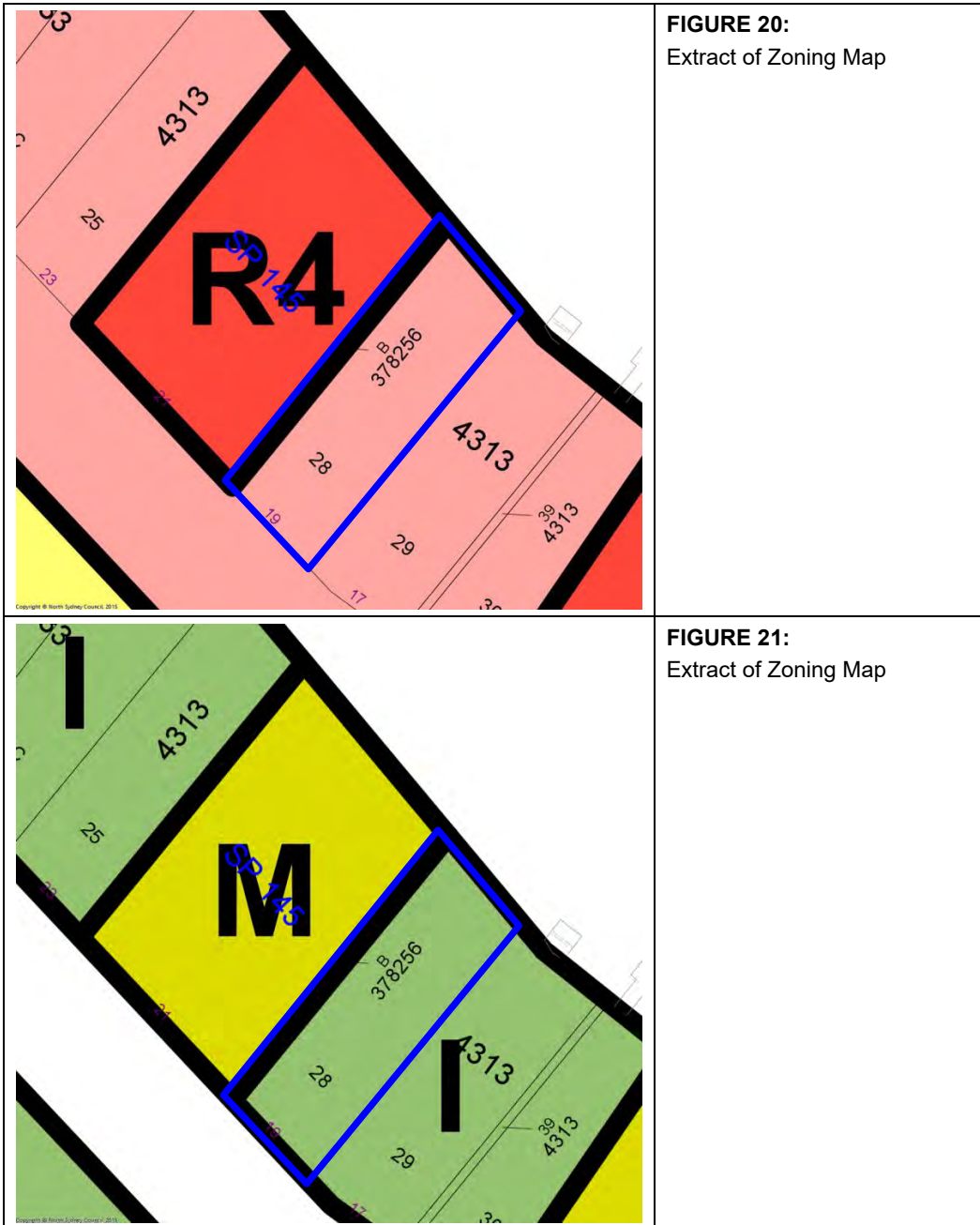
During the processing of Planning Certificates for 19 Elamang Avenue, North Sydney, it was questioned why the two parcels of land that comprise 19 Elamang Avenue have different zonings.

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	R4 High Density Residential	"M" - 12m	N/A
Lot 28, DP 4313	R2 Low Density Residential	"I" – 8.5m	"G" – 450sqm





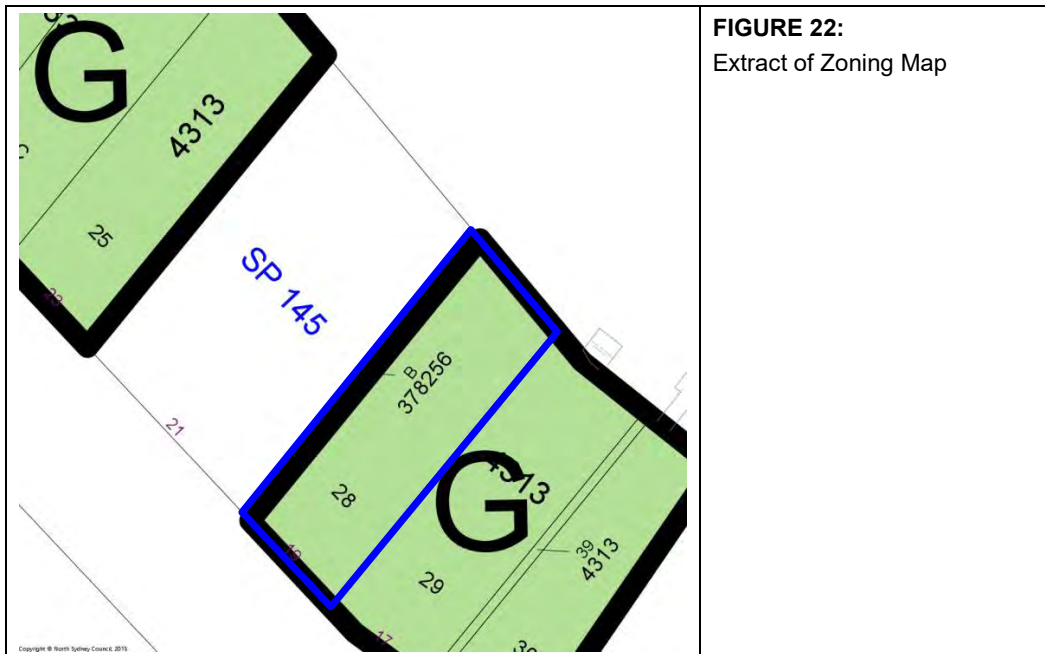
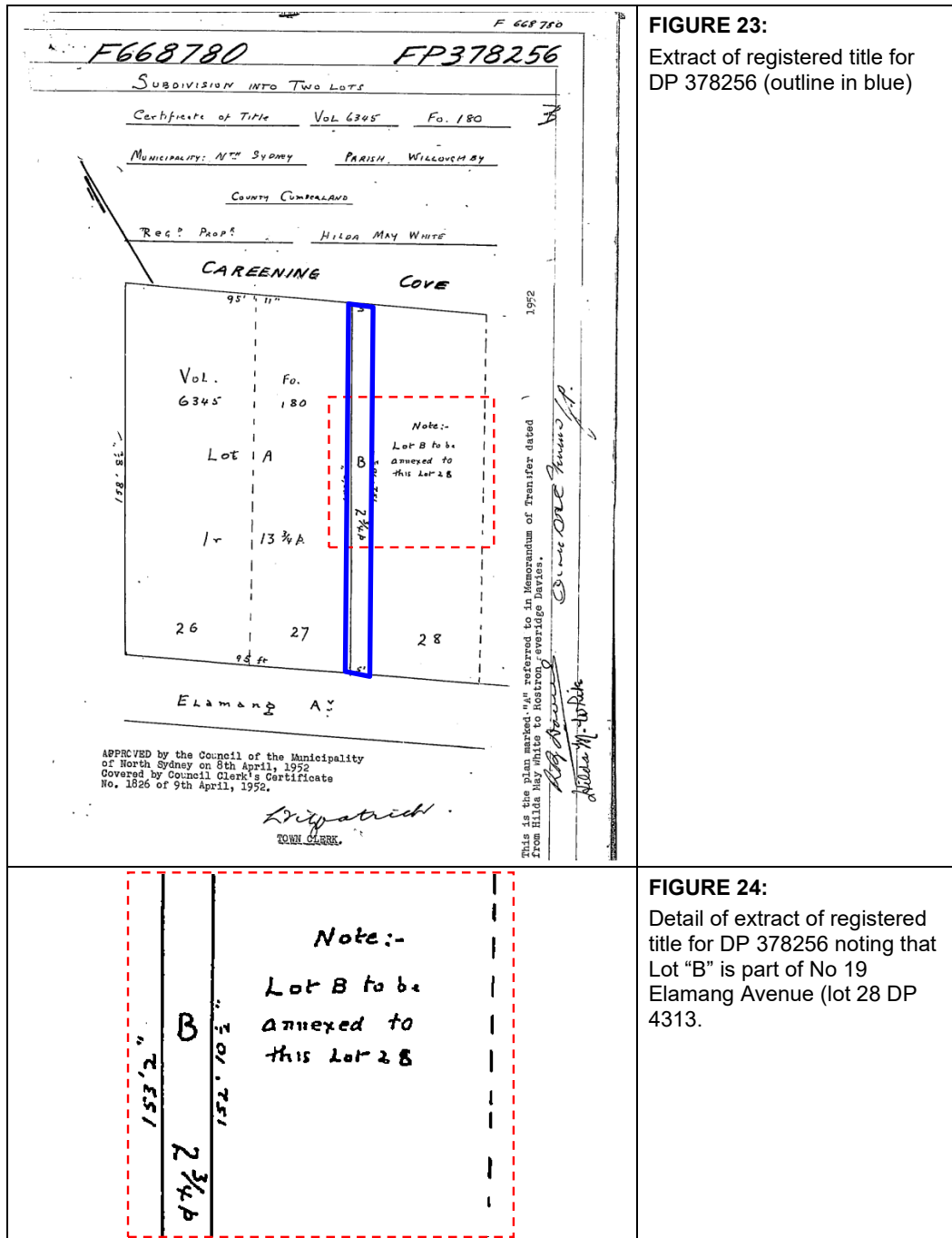


FIGURE 22:
Extract of Zoning Map

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”.

Register of Miscellaneous Issues: Planning Proposal – North Sydney LEP Review 2019



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.

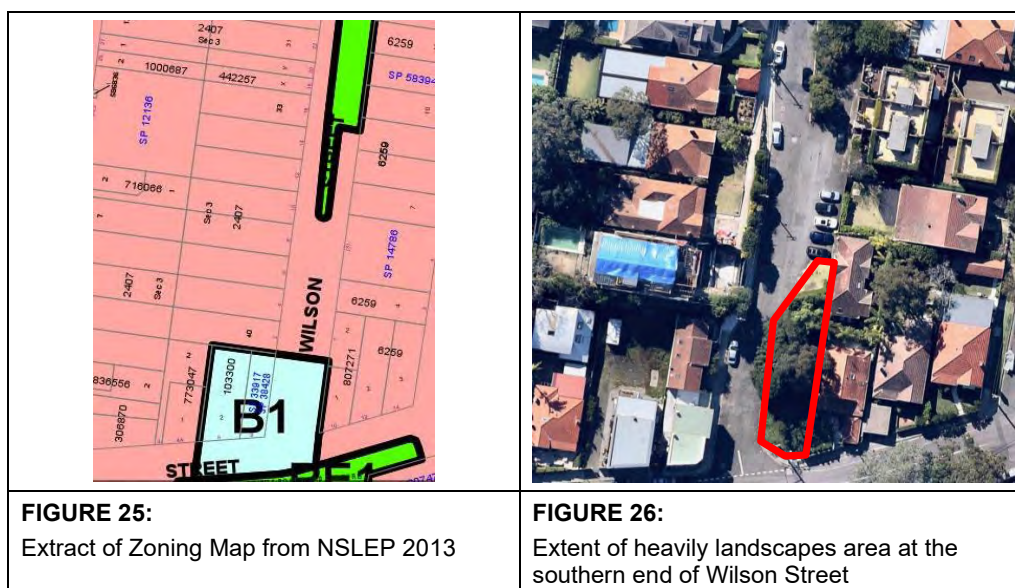
Since the commencement of NSLEP 2013 some issues have been identified with regard to the zoning on some road reserves including:

- 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; and
- Benelong Lane.

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.



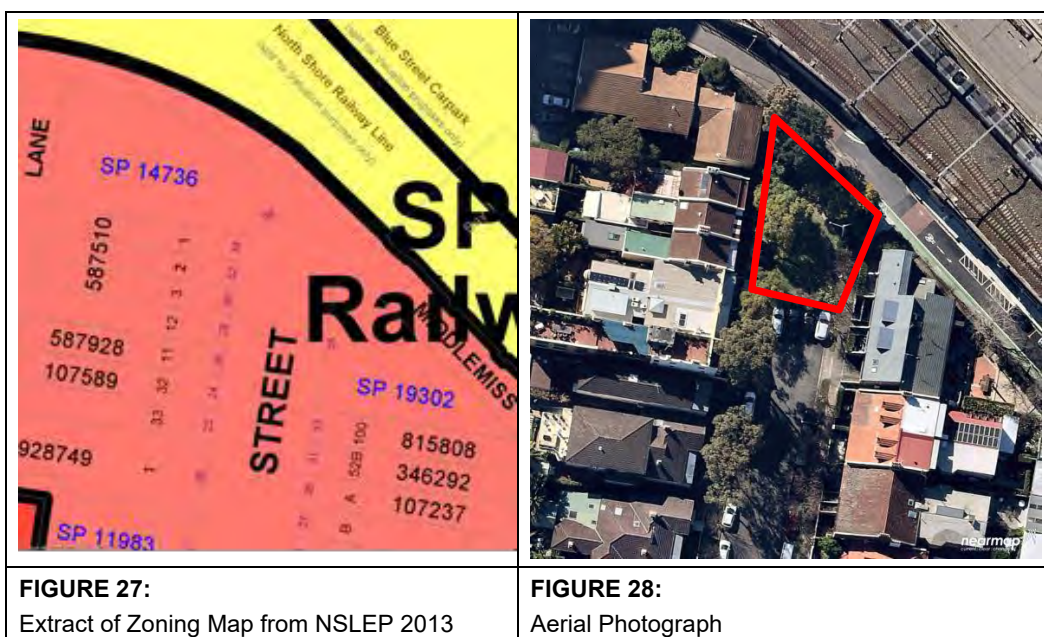
On 13 September 2004, Council considered a report on the North Sydney Open Space on Roads Review 2004. The Review documented the stock of open space on roads in North Sydney and identified land that had the characteristics of open space, which was zoned as *Road* under NSLEP 2001. In relation to Wilson 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.

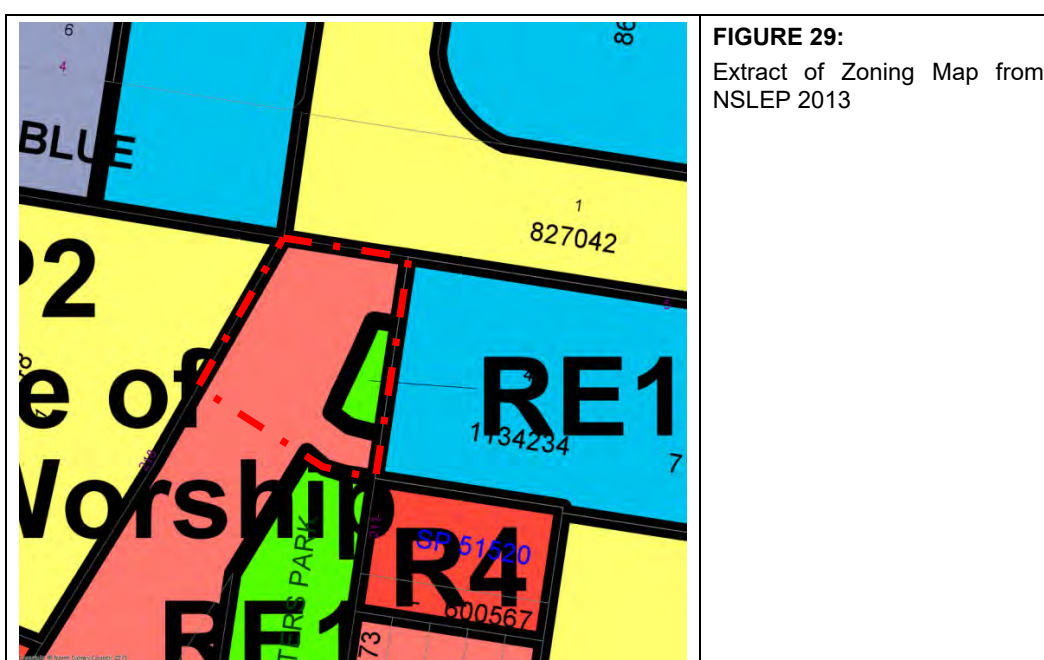
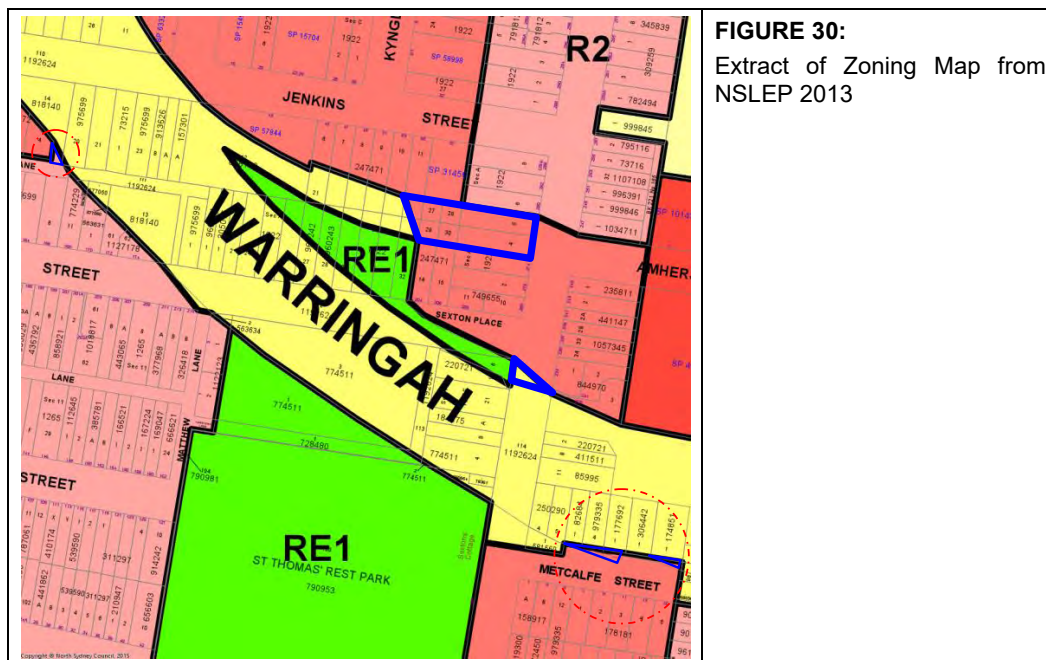


FIGURE 29:
Extract of Zoning Map from
NSLEP 2013

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 *R3 – 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.

9.6 Benelong Lane, Cammeray

Benelong Lane runs directly adjacent to the rear of No.s 69 to 107A inclusive, Young Street Cremorne. The lane provides the primary vehicular access to the majority of these properties, as vehicular access from Young Street is difficult due to the prevailing topography.

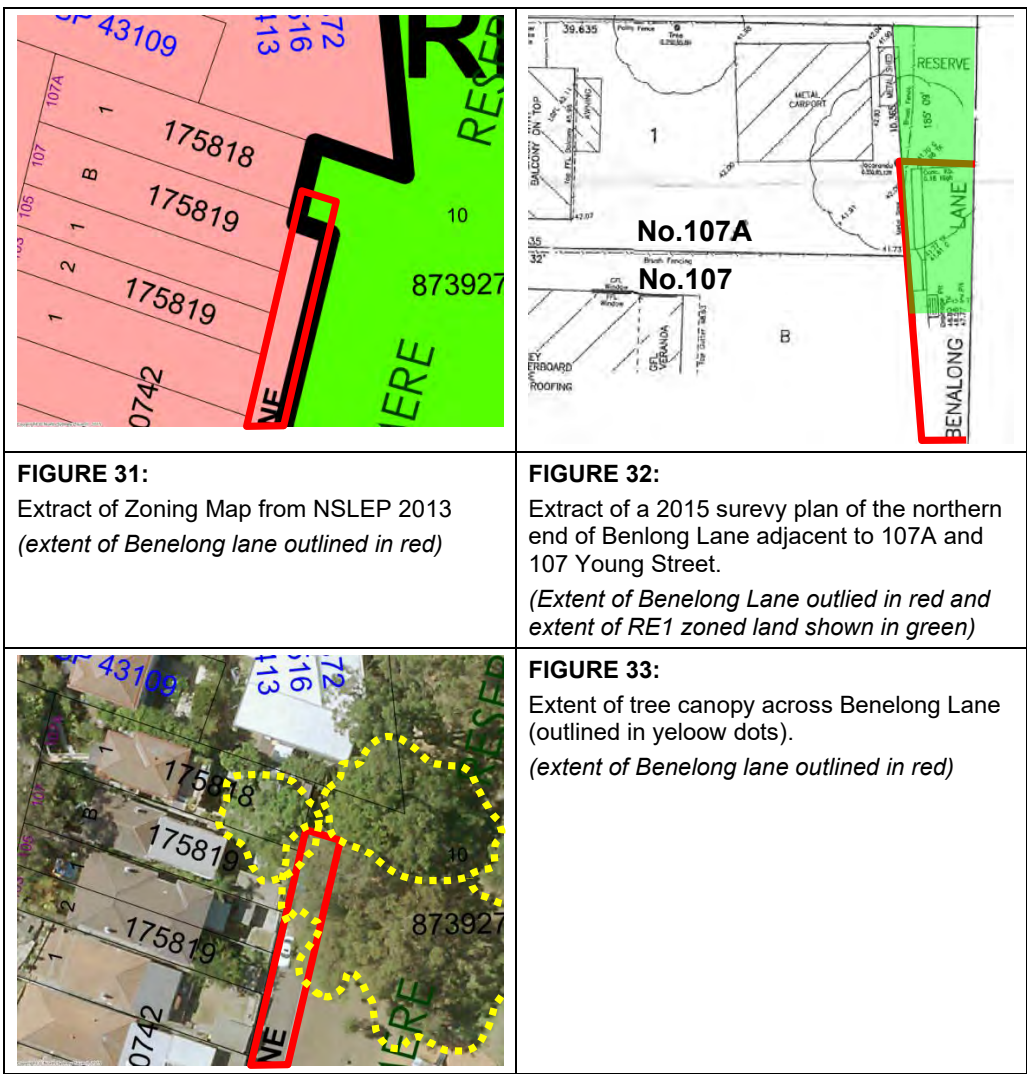
The entire length of this lane is currently zoned *R2 Low Density Residential*, with the exception of a small portion at its northern end which is located adjacent to the rear of No.107A Young Street, which is zoned *RE1 Public Recreation* under NSLEP 2013 (refer to Figure 31). Figure 32 clearly shows that the extent of the laneway projects further than its suggested current alignment under NSLEP 2013.

A review of aerial photography reveals that there are a number of large trees (refer to Figure 33) in the vicinity of the northern end of the lane. It is possible that the extent of the laneway may have been determined via aerial photography rather than via a more detailed analysis of what was happening at the ground plain.

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Prior to the commencement of NSLEP 2013, that part of Benelong Lane that is currently zoned *R2 Low Density Residential* was zoned *Road* under NSLEP 2001. When NSLEP 2001 was translated into NSLEP 2013, it was proposed to zone all roads the same as that adjacent consistent with advice from the DPIE, with preferences given to a residential, commercial or industrial zone where that land was not being used for alternative purposes such as public recreation.

Whilst most the lane had been zoned *R2 Low Density Residential* in accordance with DPIE's advice and Council's policy for zoning roads, a small portion of the lane remains in conflict with this advice and Council policy position. Therefore, it is proposed to rectify the issue, such that the advice and policy is consistently applied throughout the LGA.



10 Zoning of Sydney Water Properties

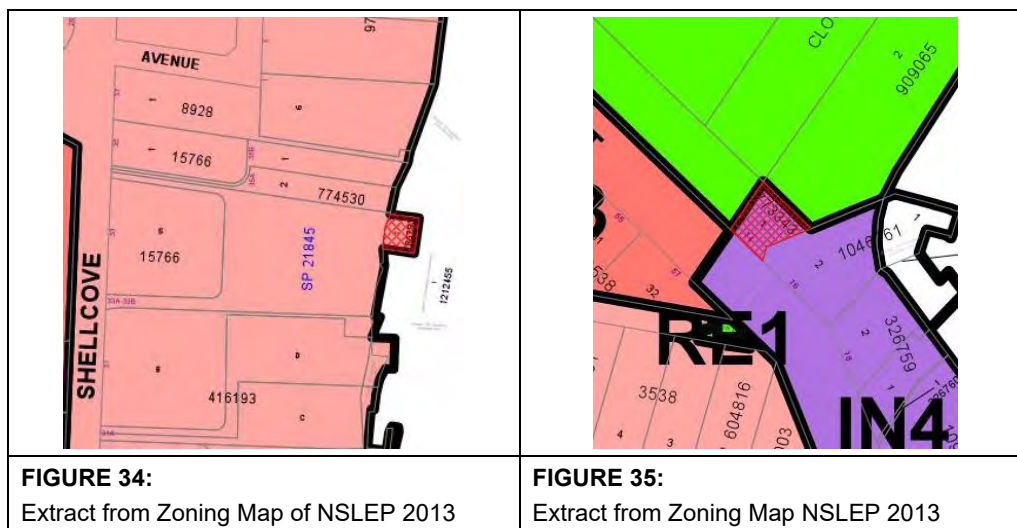
10.1 Background

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 34 and 35).



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 be 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 adopted LSPS and LHS.

With respect to Resolution No.2(b), this action is a little more complicated to address. The report considered on 25 March 2019, 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 minimising the impacts upon the amenity of adjoining dwellings.

With respect to the incorporation of a suitable local provision, it was initially 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. However, in response to

the recommendations of the Local Planning Panel on 23 October 2019, it was resolved by Council on 25 November 2019 to remove this requirement and rely on enhanced provisions within NSDCP 2013.

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 LSPS and 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.

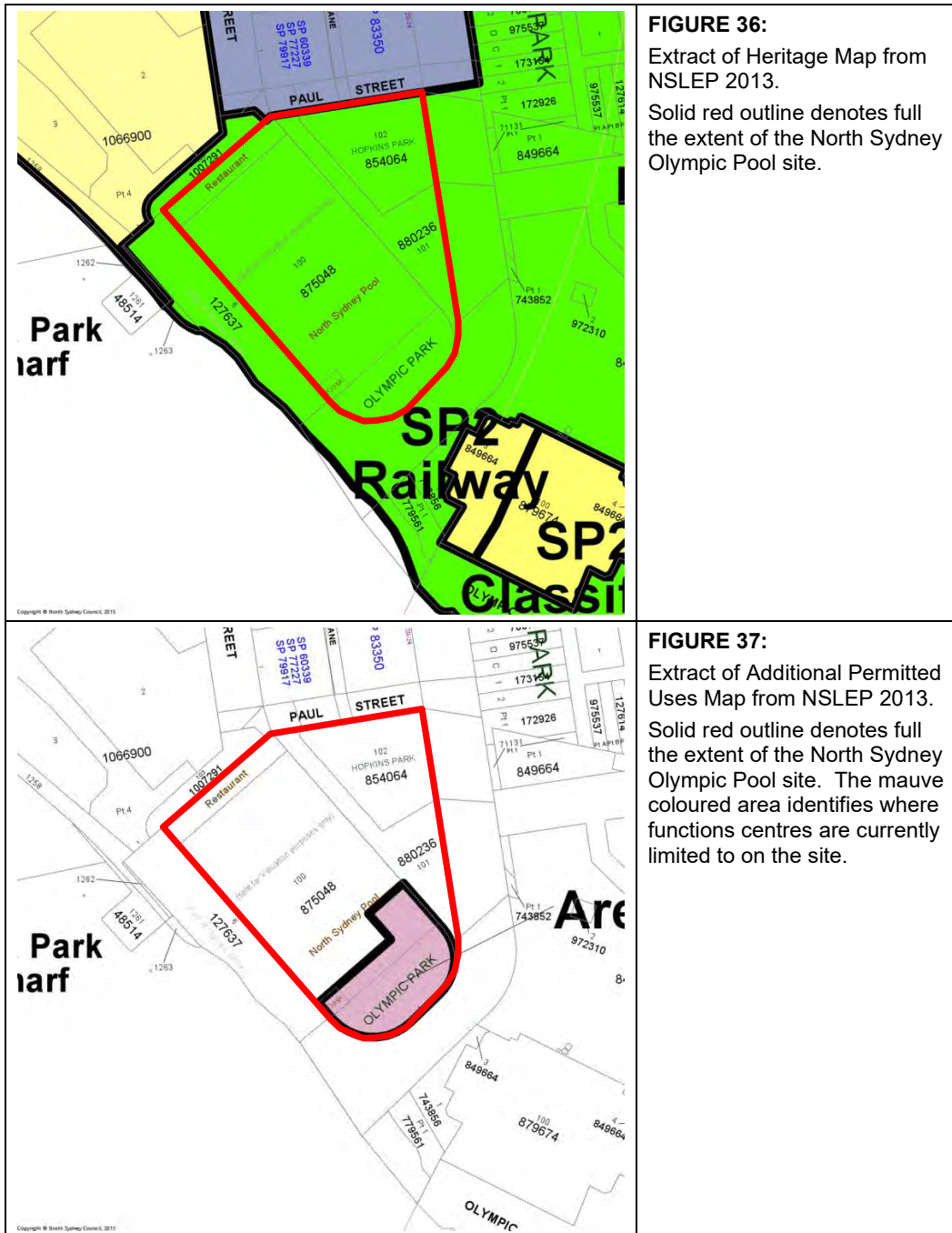
13.2 Comment

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 36). 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 37.



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, McMahons Point

The land at 2 Thomas Street, McMahons 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 – *Additional permitted uses* to 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 without a permit, replicate the instances where they are exempt under NSLEP 2013, and are therefore redundant. Accordingly, due to the duplication of this development type, it is proposed to delete this exempt development type from Schedule 2 – *Exempt Development* of the NSLEP 2013.

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 3 – *Complying Development* of the NSLEP 2013.

16 Renumbering Clauses - Standard Instrument LEP Order

16.1 Background

Clause 5.3 to NSLEP 2013 relates to development near zone boundaries. In particular, the clause states:

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) *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.*

This is a mandated clause under the Standard Instrument LEP Order, upon which NSLEP 2013 is modelled, and is required to be incorporated without amendment unless otherwise directed.

Only subclauses (2) and (3) may incorporate additional localised provisions as permitted by the Order.

16.2 Comment

Subclause 5.3(3)(a1) represents a local insertion to the mandated clause. However, the addition of this localised subclause is not technically in accordance with the direction to subclause 5.3(3) under the Standard Instrument LEP Order which states:

Direction. Additional zones may be included by adding them in a separate paragraph numbered (aa).

Accordingly, it is proposed to renumber subclause 5.3(3)(a1) to 5.3(3)(aa) in accordance with the direction to the Standard Instrument LEP Order.

17 New Heritage Item – 3 Parker Street, McMahons 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, McMahons 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, McMahons Point. Council subsequently resolved:

THAT Council request the Minister for Heritage impose an IHO over 3 Parker Street, McMahons 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.

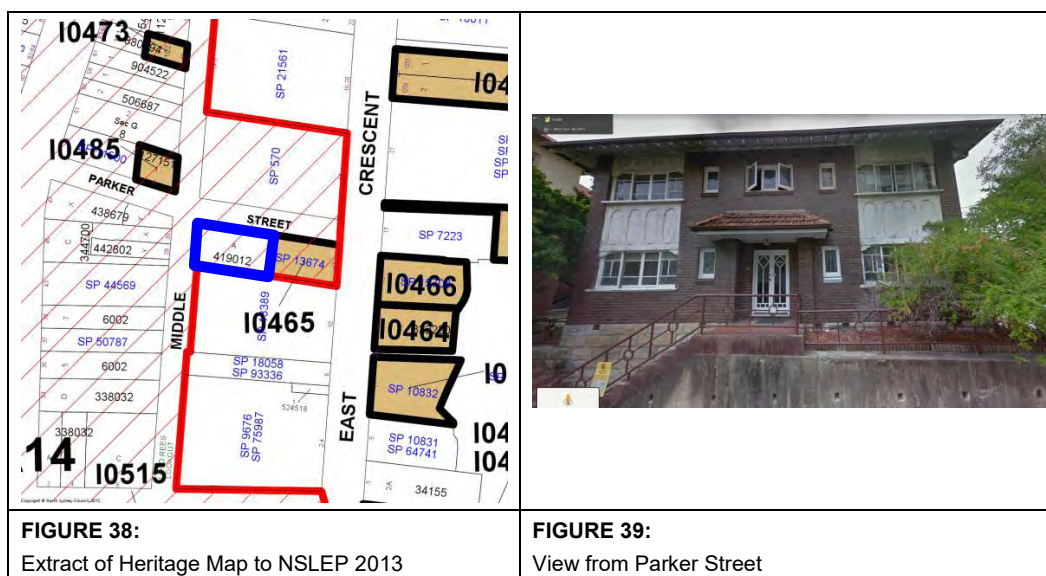
Despite the date of the letter (11 October 2018), Council finally received a formal response from the OEH on behalf of the Minister for Heritage stating that the Minister would not commit to issuing an IHO over the subject site, as the likely local significance has already been established by Council (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, McMahons 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 38), 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.



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.

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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 40).

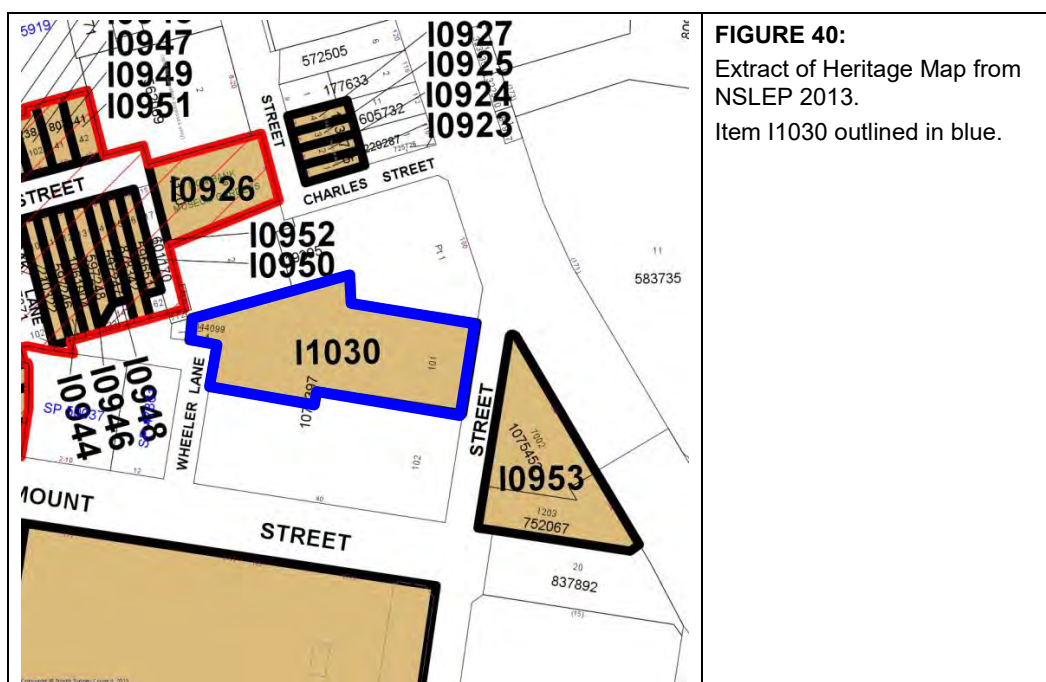


FIGURE 40:
Extract of Heritage Map from NSLEP 2013.
Item I1030 outlined in blue.

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.

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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 43).

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

<p>FIGURE 41: Extract of Heritage Map to NSLEP 2001</p>	<p>FIGURE 42: 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>

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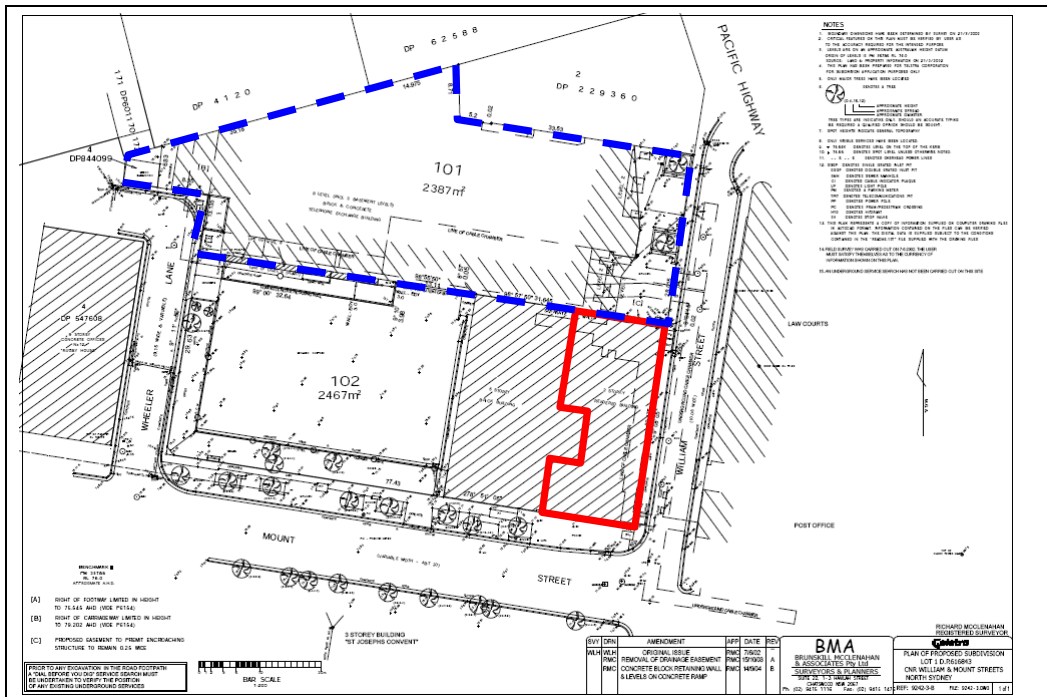


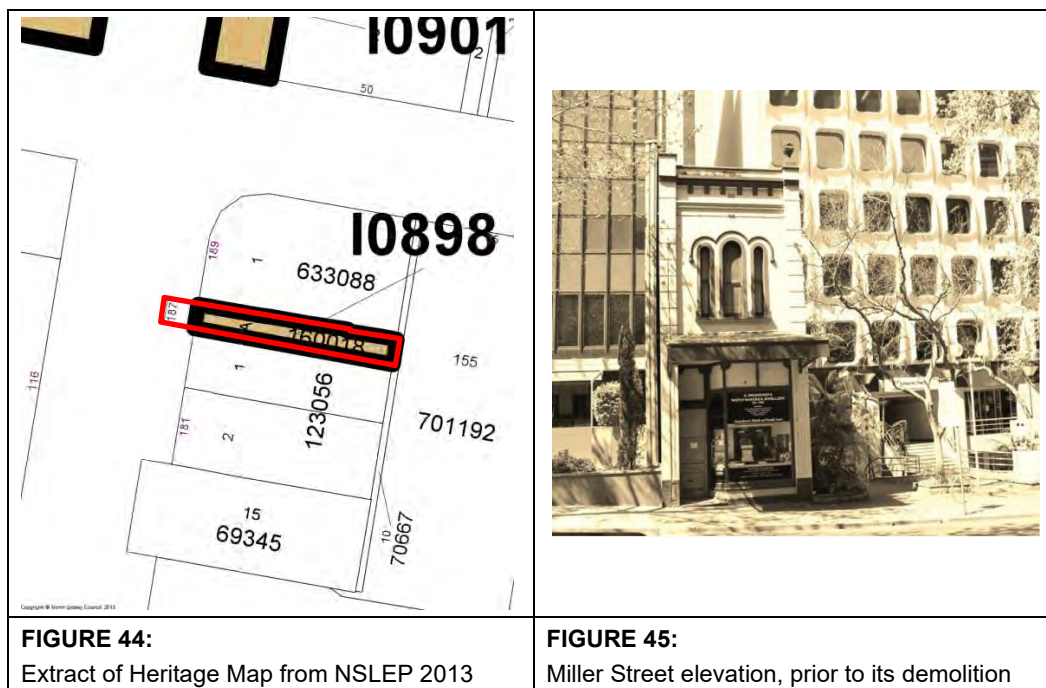
FIGURE 43:
 Extract of the survey plan lodged with DA 660/06
 The original 1930's 2-storey exchange building outlined by a solid red line.
 The extent of the heritage listing under NSLEP 2013 outlined by a dashed blue line.

It would appear that the heritage listing was initially applied to the entire Telstra site (comprising both 40 Mount Street and 1 Wheeler Lane) under NSLEP 2001, despite the heritage item only applying to a small portion of 40 Mount Street (refer to Figure 42). However, whilst Council correctly removed the listing from 40 Mount Street as a result of the redevelopment pursuant to DA 660/06, when it initially prepared NSLEP 2013, it appears the listing was mistakenly retained over the remainder of the Telstra site as evidenced in Figure 40.

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 44) to NSLEP 2013 relates.



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.

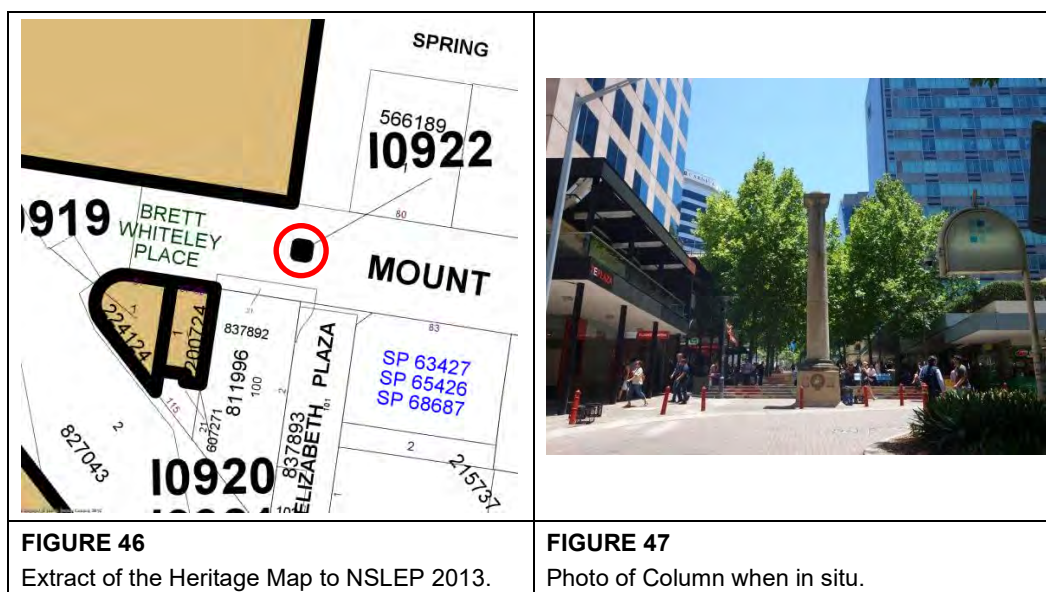
19.2 Comment

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 46) 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 48) currently identify that the heritage item applies to land legally identified as Lot 12, DP 877844, otherwise known as 219 Military Road, Cremorne.

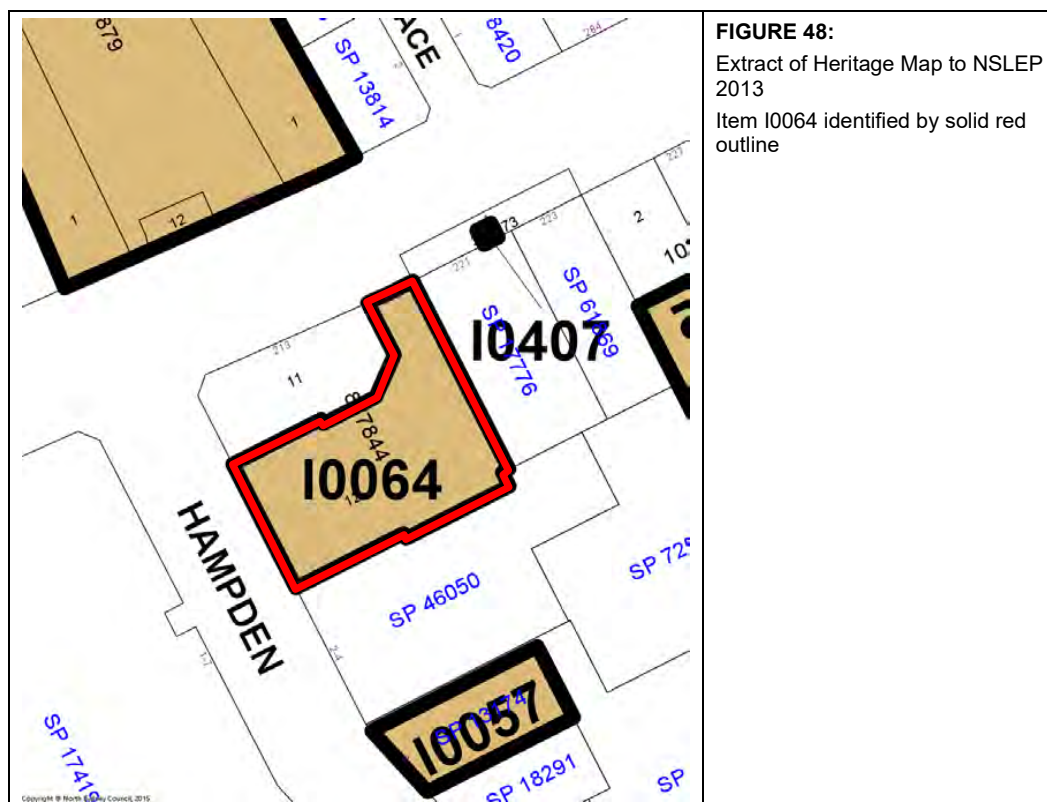
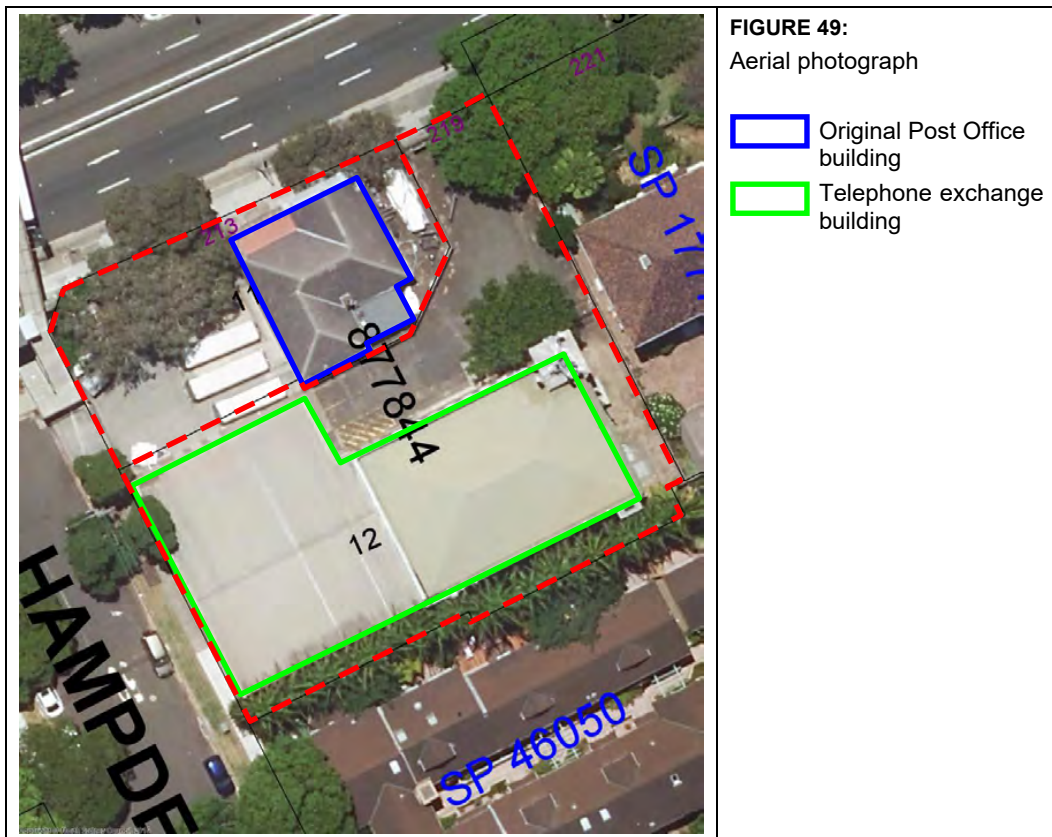


FIGURE 48:
Extract of Heritage Map to NSLEP 2013
Item I0064 identified by solid red outline

A review of the *North Sydney 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 a review of former subdivision plans for the site, clearly show 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 49, 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 50).



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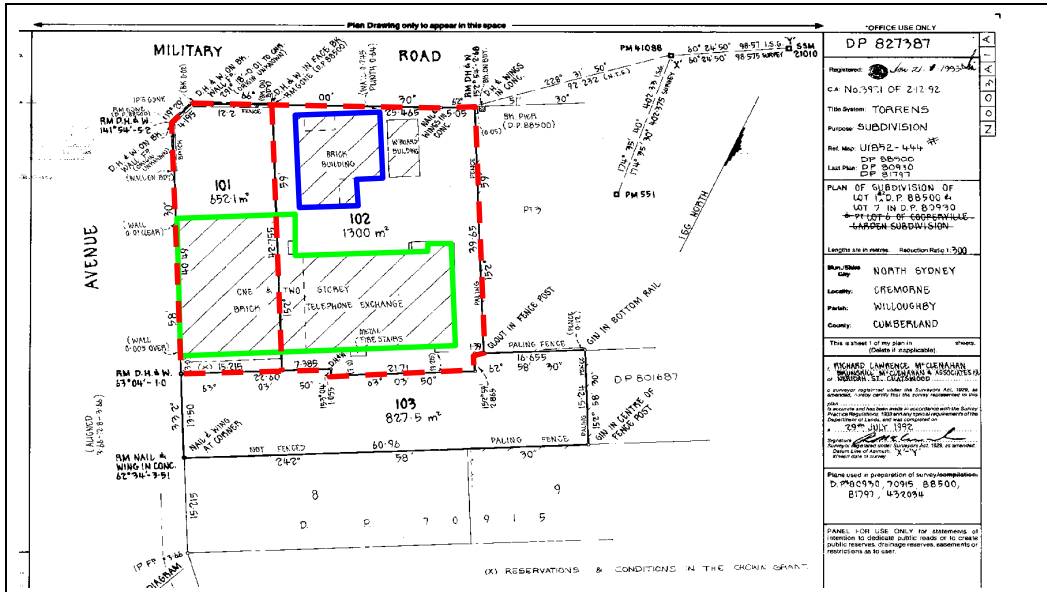


FIGURE 50:
Extract of registered subdivision plan for 213-219 Military Road, Cremorne. Dated 2 December 1992.

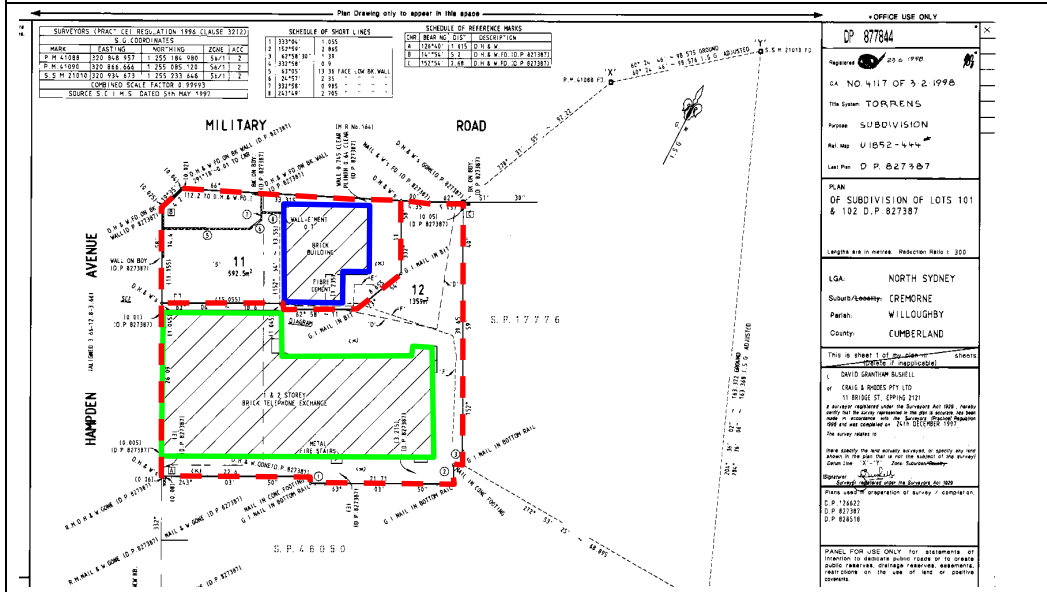
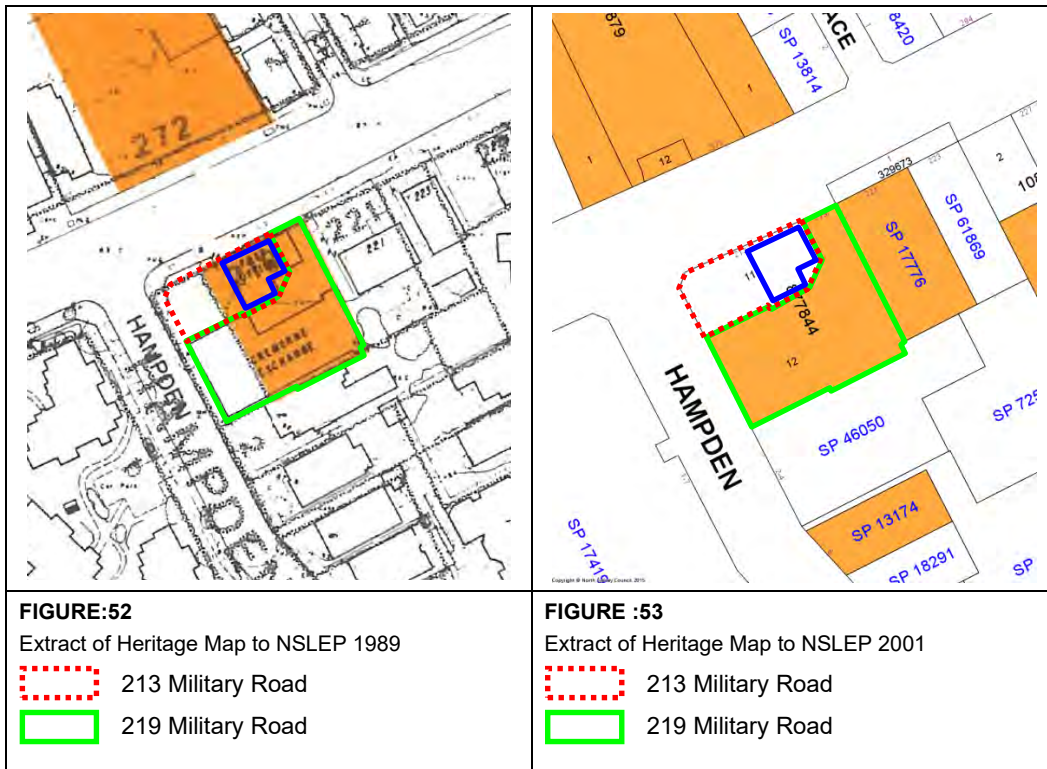


FIGURE 51:
Extract of registered subdivision plan for 213-219 Military Road, Cremorne. Dated 5 February 1998.



Under NSLEP 1989, Part of 213 and all of 219 Military Road were identified as a single heritage item on the Heritage Map (refer to Figure 52), but solely identified as '219 Military Road, (former Post Office)'. This largely reflected the two buildings being located on the same allotment.

Under NSLEP 2001, only 219 Military Road was identified as a heritage item on the Heritage Map (refer to Figure 53), but solely identified as '219 Military Road, Former 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 54) 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.

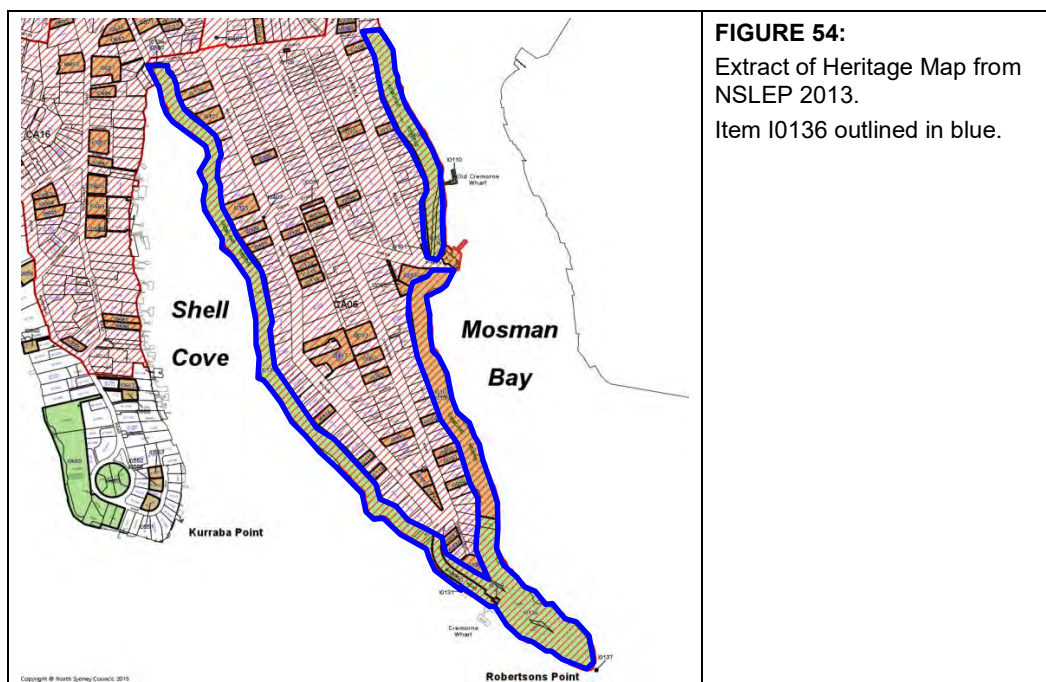


FIGURE 54:
Extract of Heritage Map from
NSLEP 2013.
Item I0136 outlined in blue.

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.

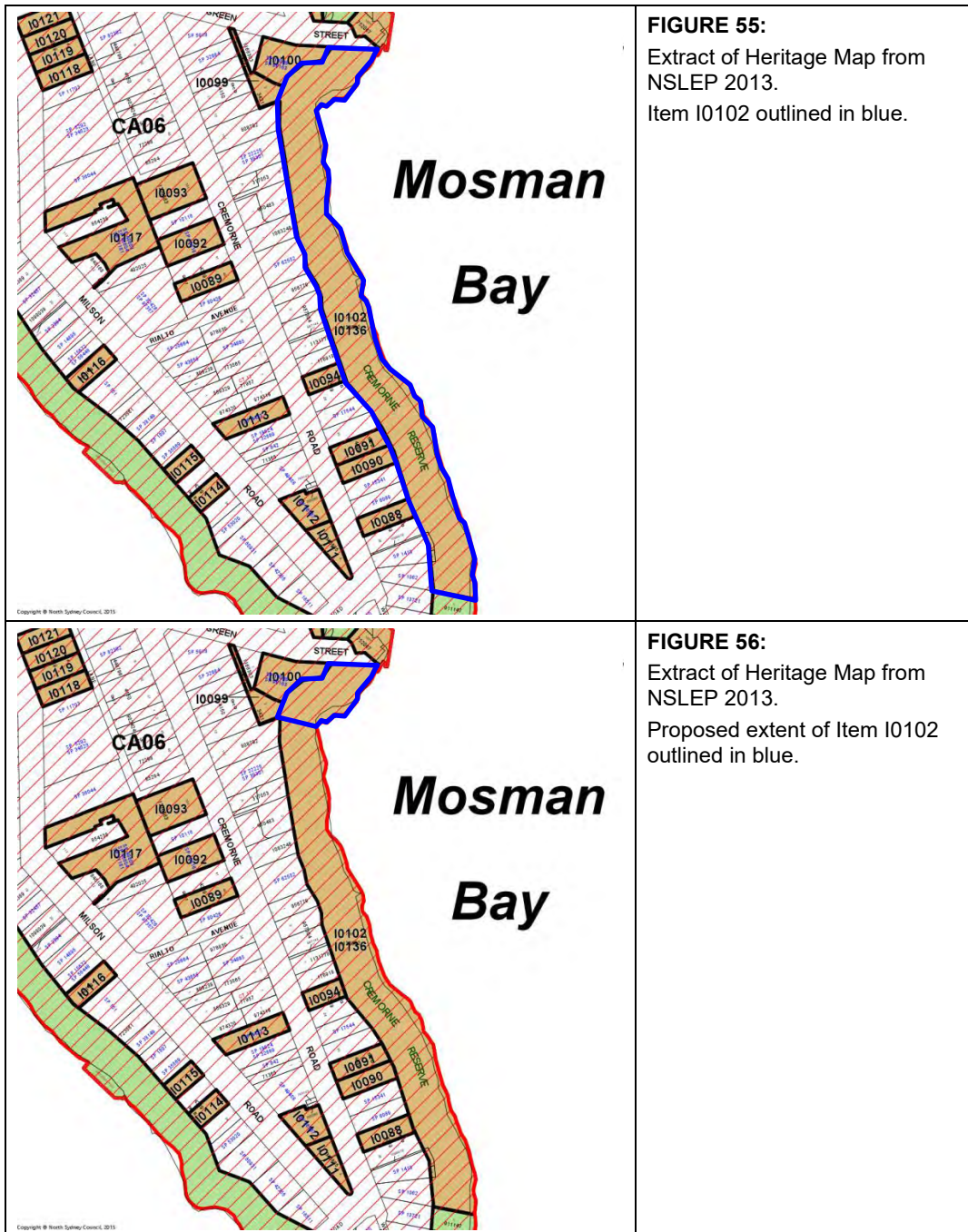
These items are discussed in more detail in the following subsections.

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.

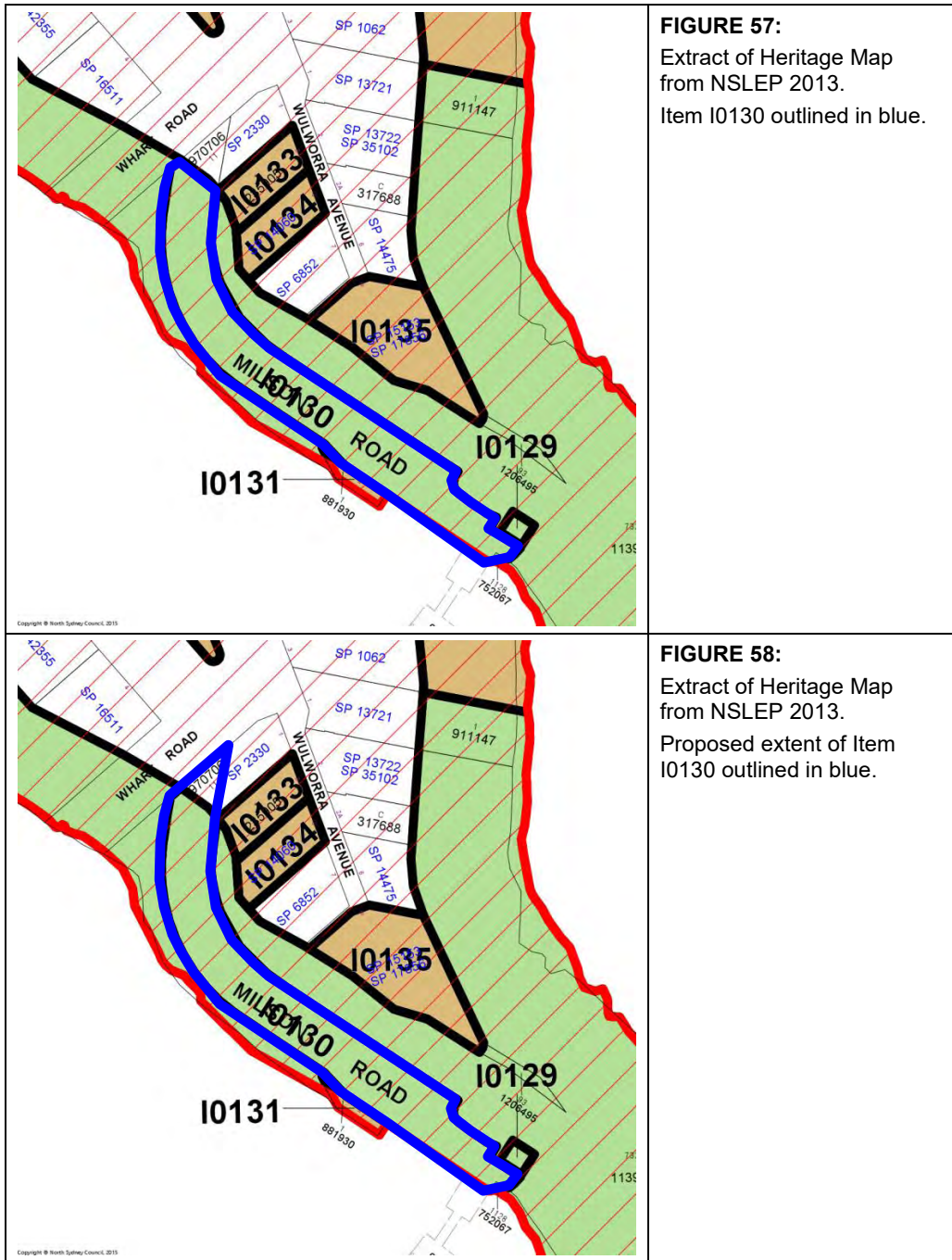
The Heritage Map shows Item I0102 (Figure 55) applies to a large portion of land generally extending from the rear of properties fronting Green Street in the north, to the southern end of Cremorne Road. However, this does not align with the extent described in the *Heritage Inventory Sheet*. It is recommended 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.



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 57) 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 59) currently identify that the heritage item applies to land legally identified as Lot 1, DP 974533.

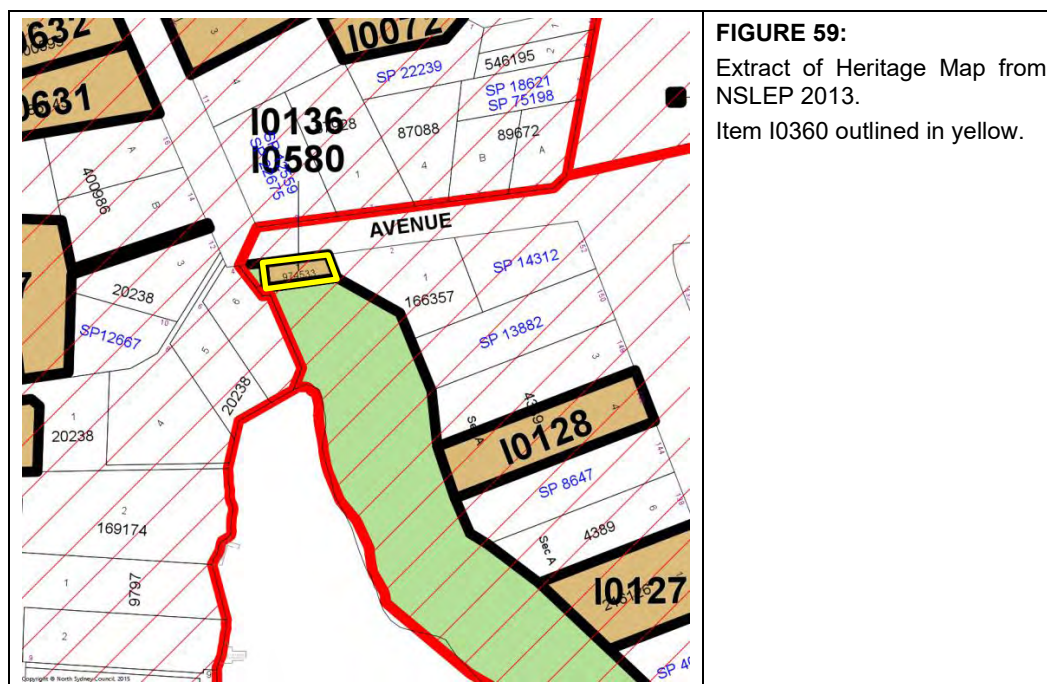


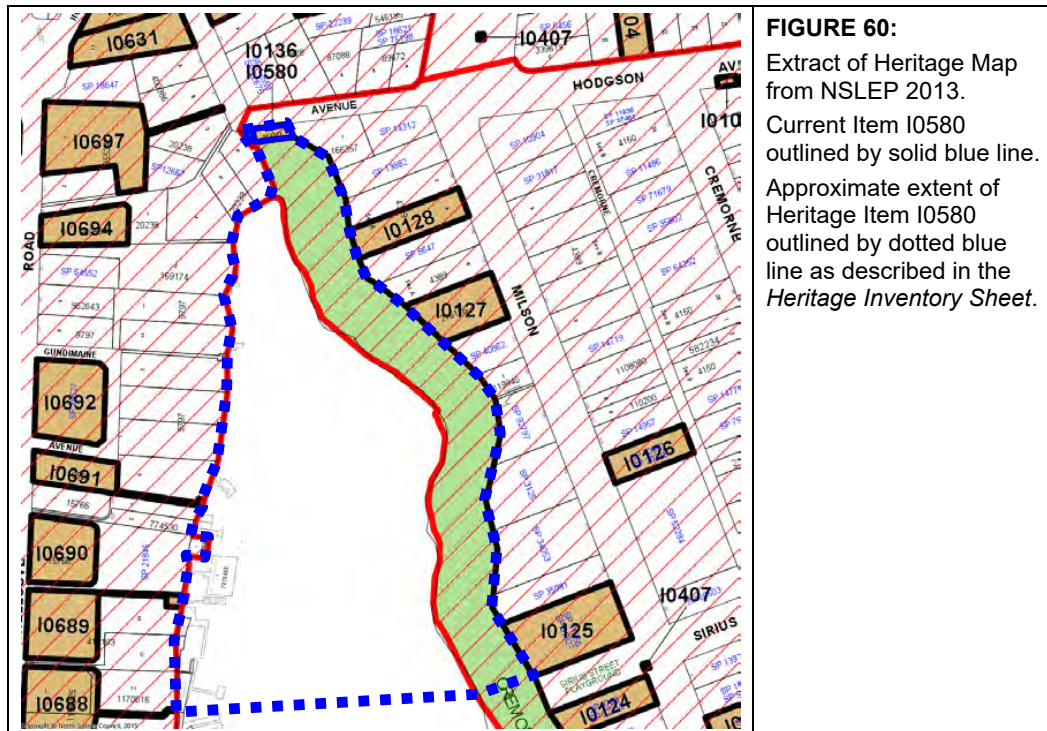
FIGURE 59:
Extract of Heritage Map from NSLEP 2013.
Item I0360 outlined in yellow.

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 60 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.

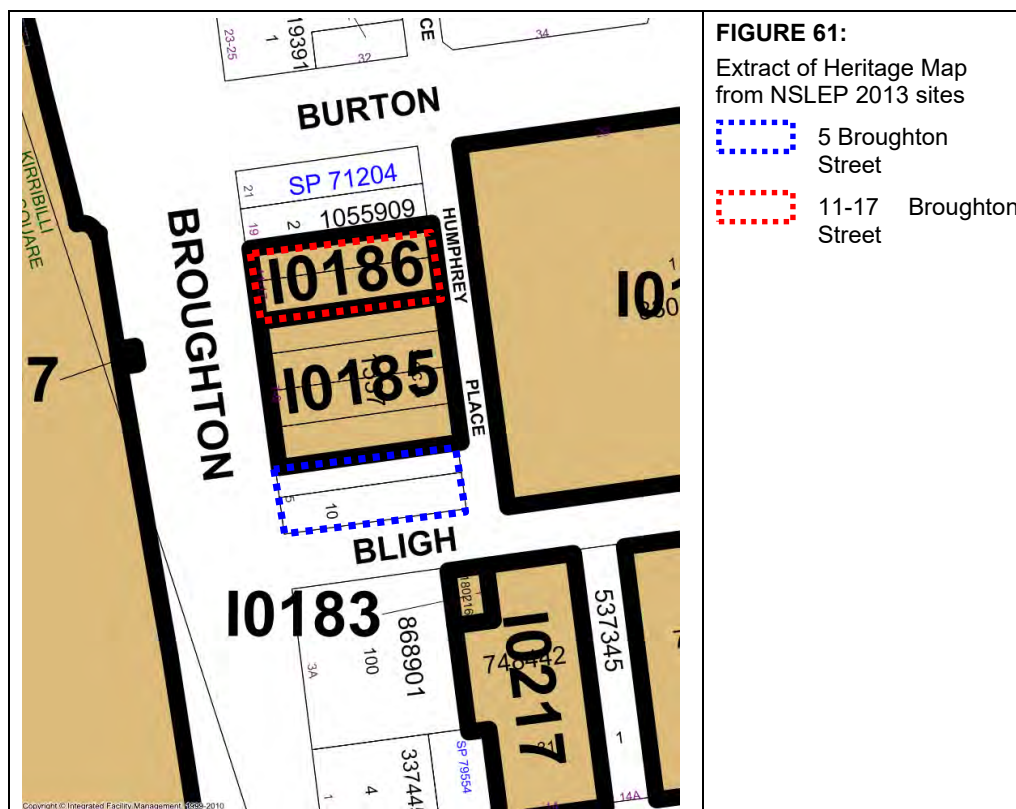
23 Heritage Item I0186 - The Fantasia Preschool, 11-17 Broughton Street, Kirribilli

23.1 Background

During the assessment of a development application in relation to 7-9 Broughton Street, Kirribilli, one of Council's Conservation Planners noted a potential error in the property description of Item I0186. It was suggested that the correct property description for Heritage Item I0186 is 5 Broughton Street, Kirribilli (Lots 9 & 10, Section B, DP 1537).

23.2 Comment

Schedule 5 – *Environmental Heritage* and the Heritage Map (refer to Figure 61) to NSLEP 2013 identify 11-17 Broughton Street, Kirribilli (The Fantasia Preschool) as Heritage Item I0360. The heritage item applies to Lots 3 & 4, Section B, DP 1537 and is identified as having "local" heritage significance.



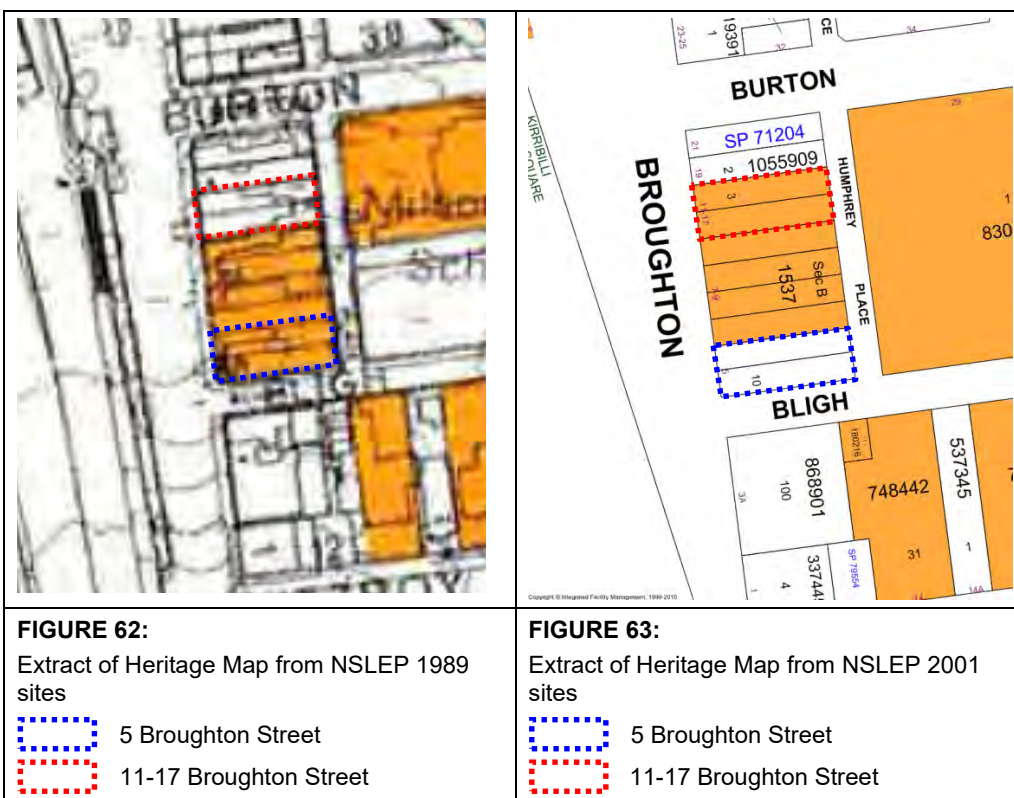
A *North Sydney Heritage Inventory Sheet* exists for No.11-17 Broughton Street, Kirribilli. However, there is a distinct lack of information on the property other than identifying that the property contains a pair of two storey shops constructed in a Federation style with decorative parapets. There is no indication as to what level of significance that the property may contain.

Conversely, a *North Sydney Heritage Inventory Sheet* was found for No.5 Broughton Street, Kirribilli and specifically identifies the site as 'The Fantasia Preschool,' which occupies a former church hall for St John the Baptist Church, which is located directly adjacent to the north at No.7 Broughton Street. The *Inventory Sheet* further describes the significance of the item as:

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 62). 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 63). 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.

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

24.1 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.

24.2 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 64).

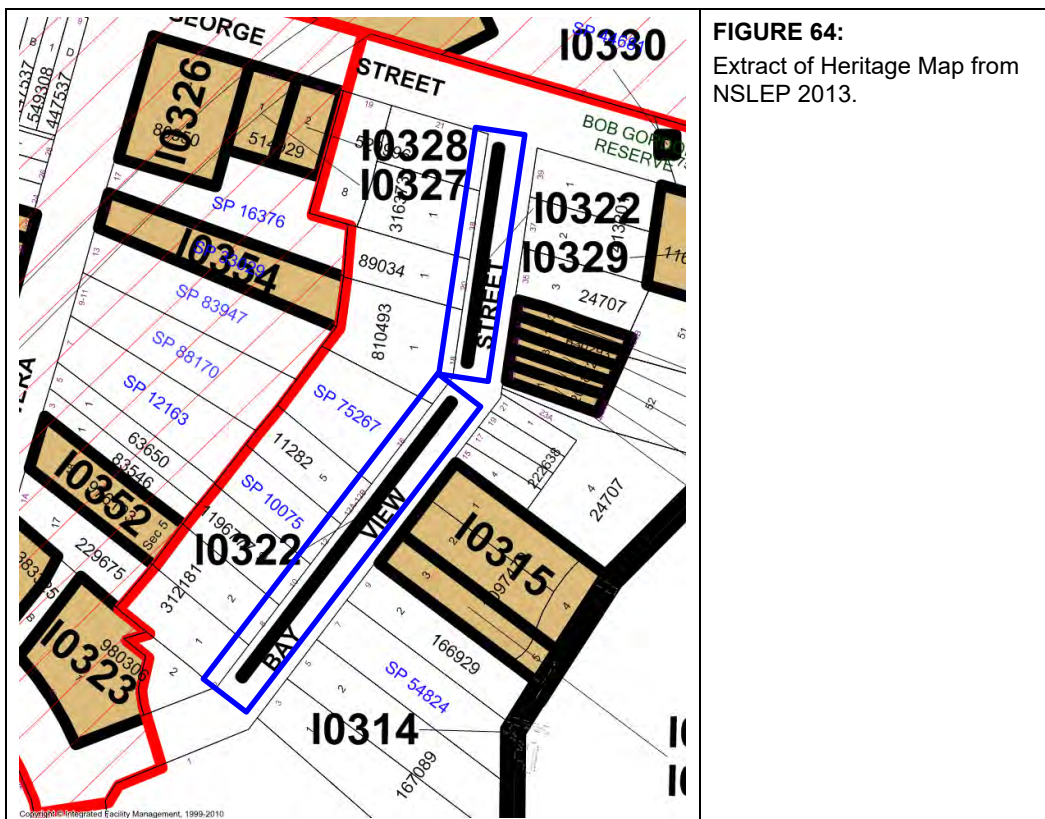


FIGURE 64:
Extract of Heritage Map from
NSLEP 2013.

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 *North Sydney 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.

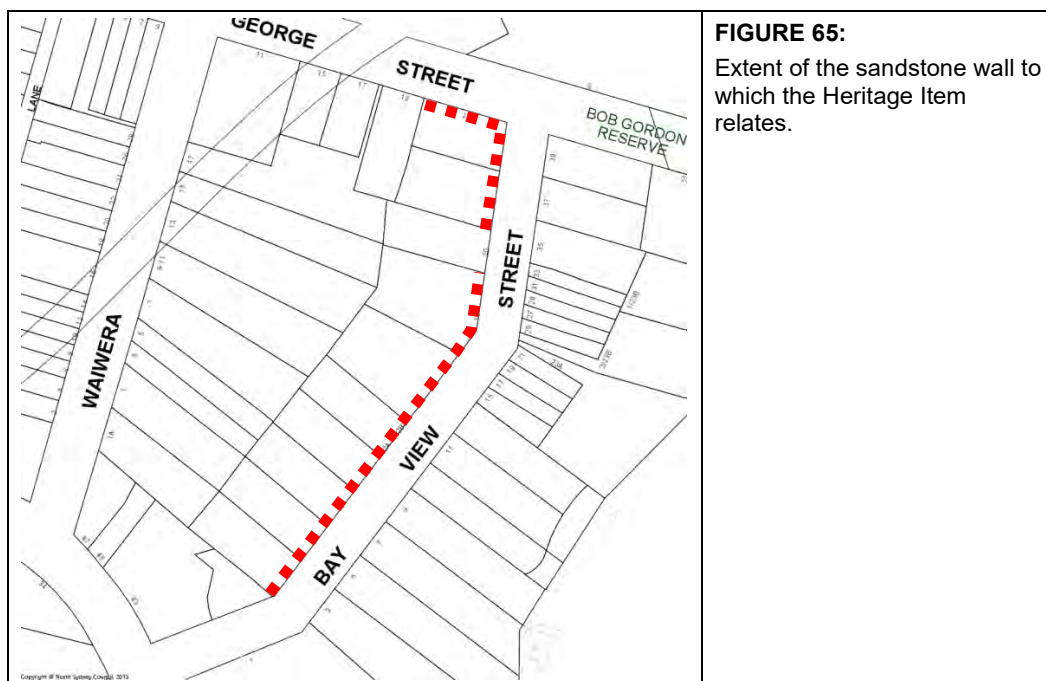


FIGURE 65:

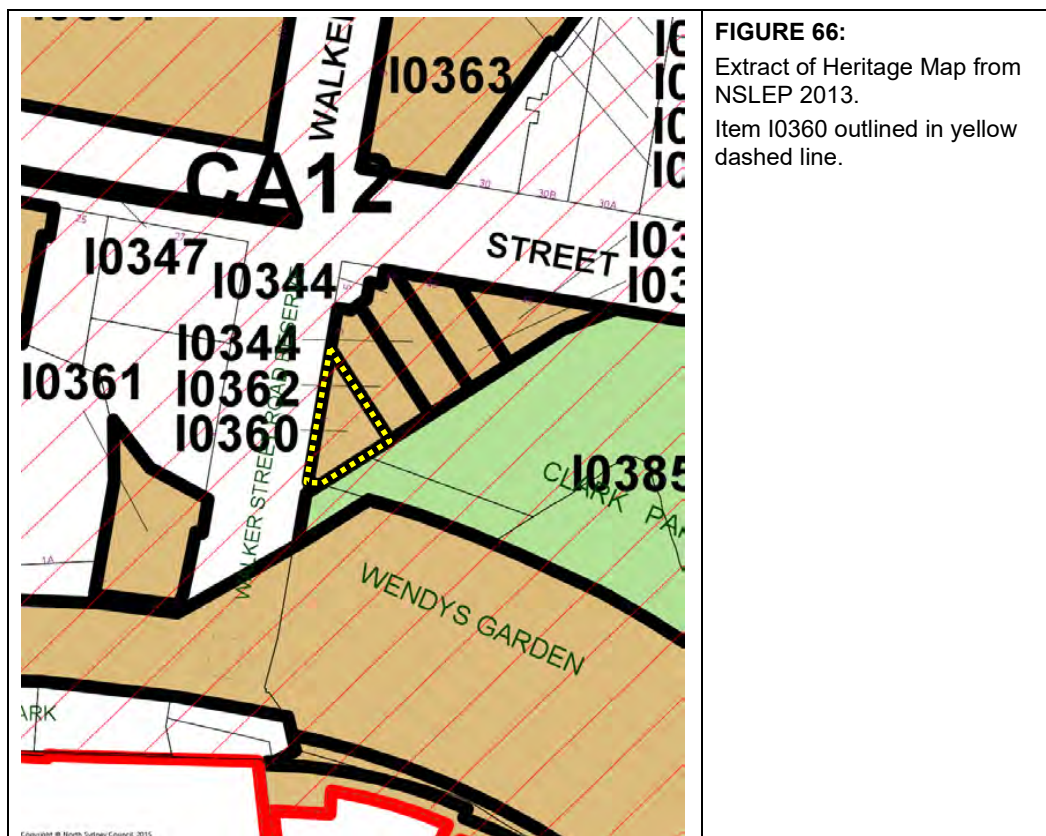
Extent of the sandstone wall to which the Heritage Item relates.

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.

25 Heritage Item I0360 - 1 Walker Street, Lavender Bay (Brett Whiteley House)

25.1 Background

No.1 Walker Street, Lavender Bay (also known as Brett Whiteley's house) comprises Heritage Item I0360 under NSLEP 2013. Schedule 5 - *Environmental Heritage* and the Heritage Map (refer to Figure 66) currently identify that the heritage item applies to Lot 1, DP 931832. The item is identified as having "local" heritage significance.



25.2 Issue

On 23 March 2018, No.1 Walker Street was granted State Heritage status under the NSW Heritage Act 1977, resulting in the significance of the item under NSLEP 2013 being incorrect. The state heritage listing was also revised to include a visual curtilage as illustrated in Figure 67, resulting in the list of affected properties being incorrect.

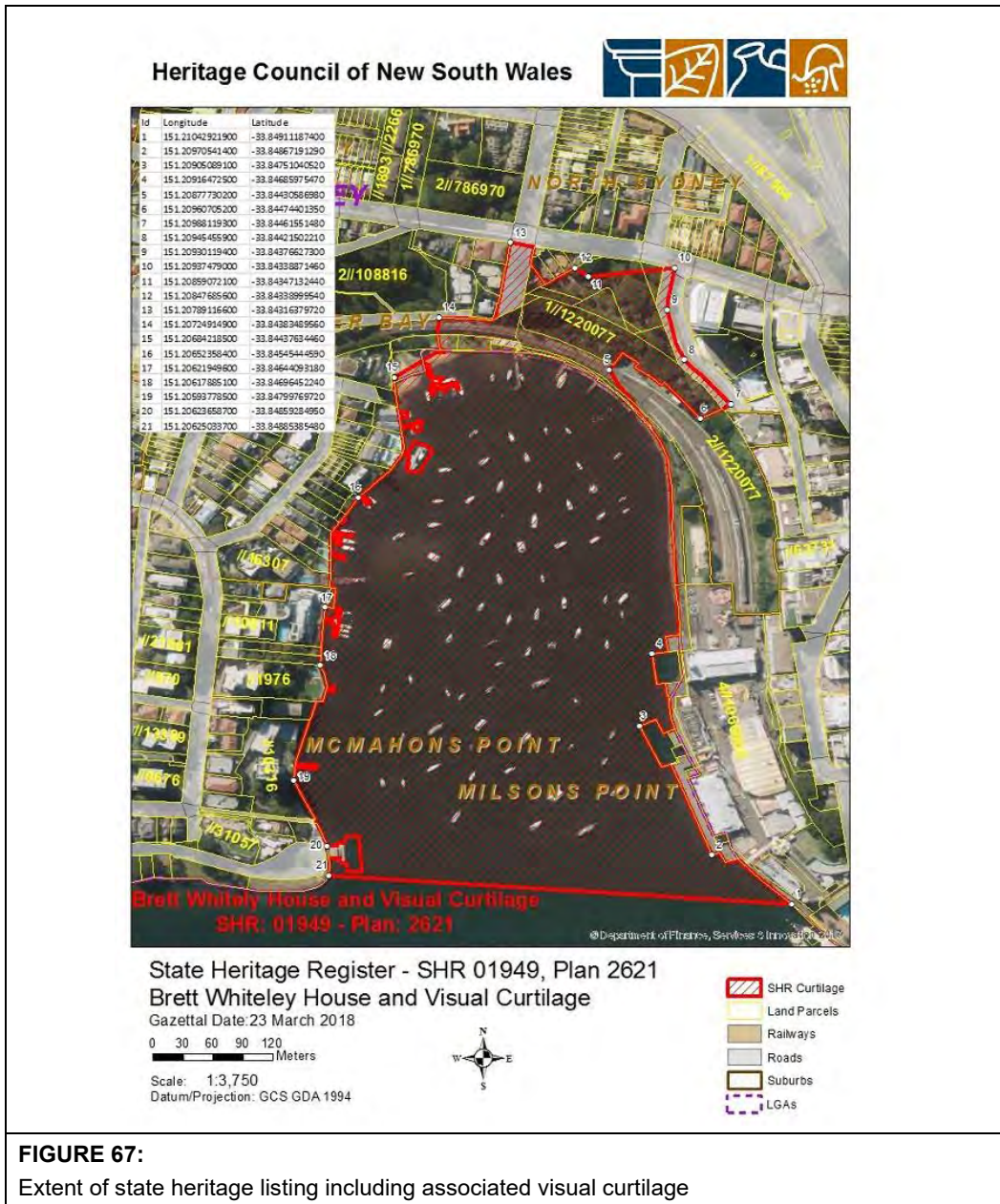


FIGURE 67:
 Extent of state heritage listing including associated visual curtilage

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

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

26 Heritage – Item I0554 – Ben Boyd Plaque

26.1 Background

During the investigation of an issue relating to a retaining wall at 6 Ben Boyd Road, Council's conservation planners questioned the extent of the heritage listing that applied to the subject property. In particular, it was noted that the *North Sydney Heritage Inventory Sheet* for the property only identifies two plaques located on a boundary wall as having any heritage significance and it should not apply to the entire property.

26.2 Comment

Schedule 5 – *Environmental Heritage* and the Heritage Map (refer to Figure 68) to NSLEP 2013 identify 6 Ben Boyd Road, Neutral Bay (Plaques commemorating Ben Boyd) as Heritage Item I0554. The heritage item applies to SP 6028 and is identified as having "local" heritage significance.

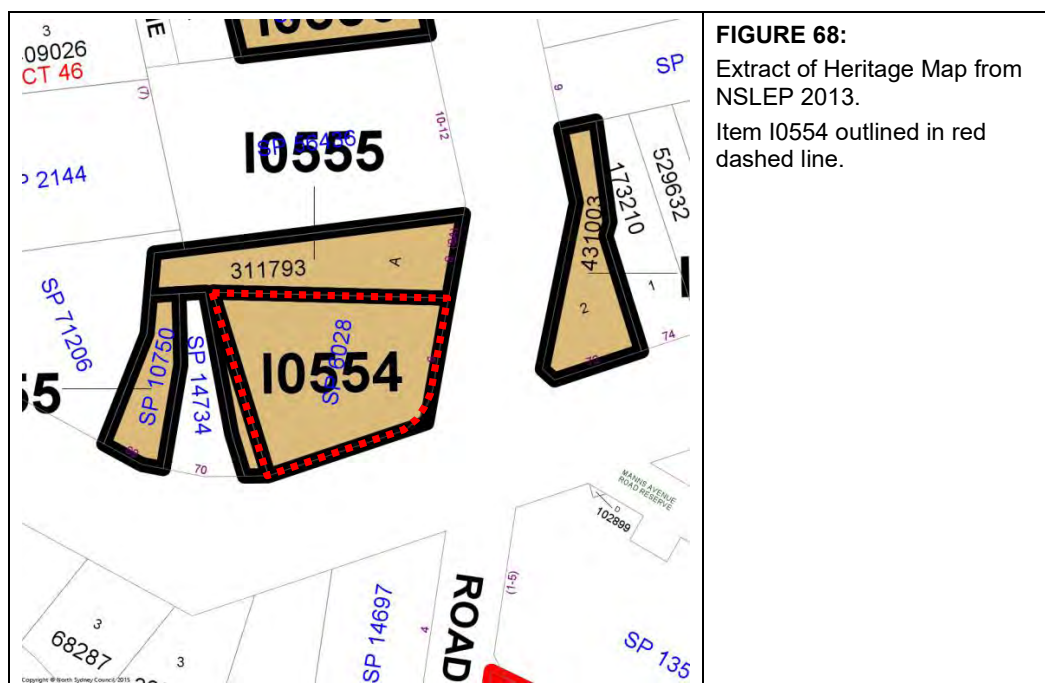


FIGURE 68:
Extract of Heritage Map from NSLEP 2013.
Item I0554 outlined in red dashed line.

The *North Sydney Heritage Inventory Sheet*, states in relation to the item's significance:

Interesting pair of plaques, the older, illustrated plaque being of some interest as a relic of the early focus and approach to the history of the area. They aid the local heritage resource and have some social interest.

With regards to its physical description, the *North Sydney Heritage Inventory Sheet* states:

Two plaques set in a brick wall on the north-west corner of the Ben Boyd Road and Kurraba Road intersection. One is of marble and is visible. The other has a relief picture of Boyd's ship, the 'Wanderer' above an inscribed summary of the salient points of Boyd's life and death.

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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, as illustrated in Figures 69-71 inclusive.

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	<p>FIGURE 69: Detail of the two plaques subject to the heritage listing.</p>
	<p>FIGURE 70: 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.</p>
	<p>FIGURE 71: 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.</p>

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 72) 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.

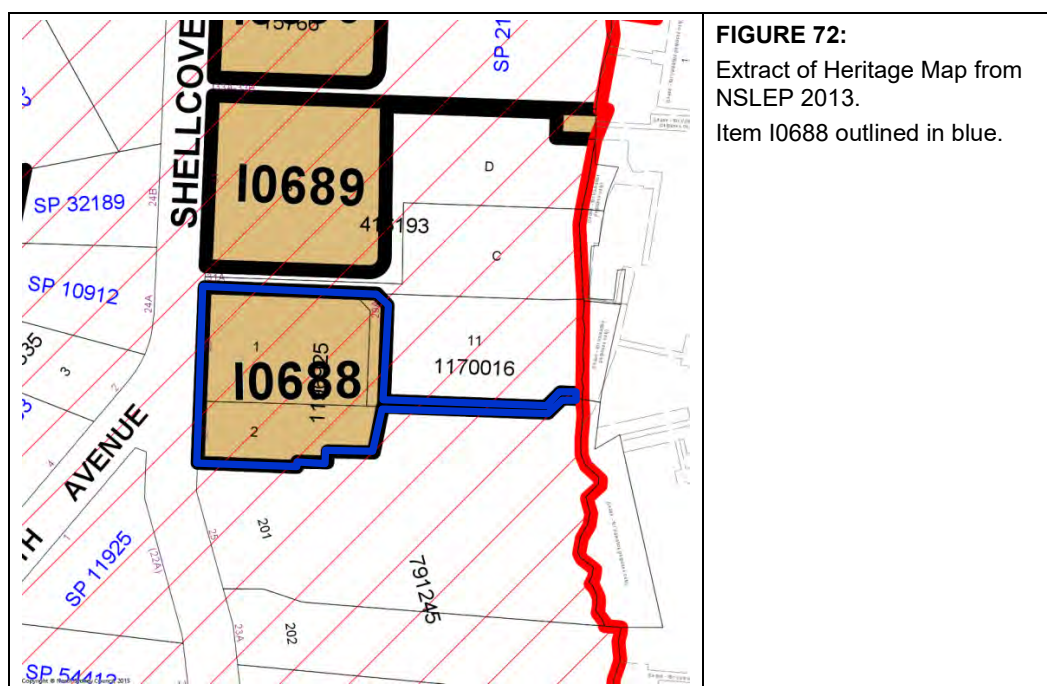


FIGURE 72:
Extract of Heritage Map from
NSLEP 2013.
Item I0688 outlined in blue.

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 73). Lot 1, which fronted Shellcove Road contained the heritage item known as ‘Keynsham’ and

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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.

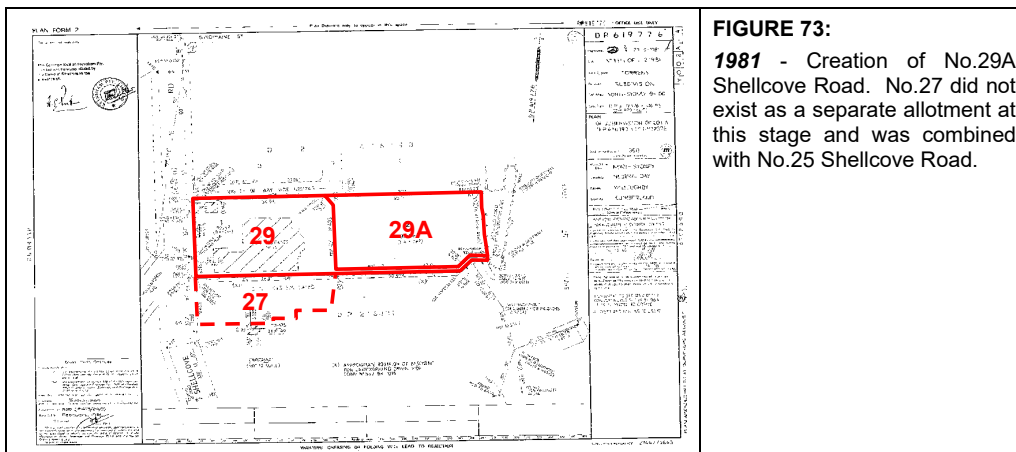
In February 2005, No's 27 and 29 Shellcove Road were consolidated to create a single lot containing the two dwellings comprising Lot 101 in DP 1067984 (refer to Figure 75).

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.

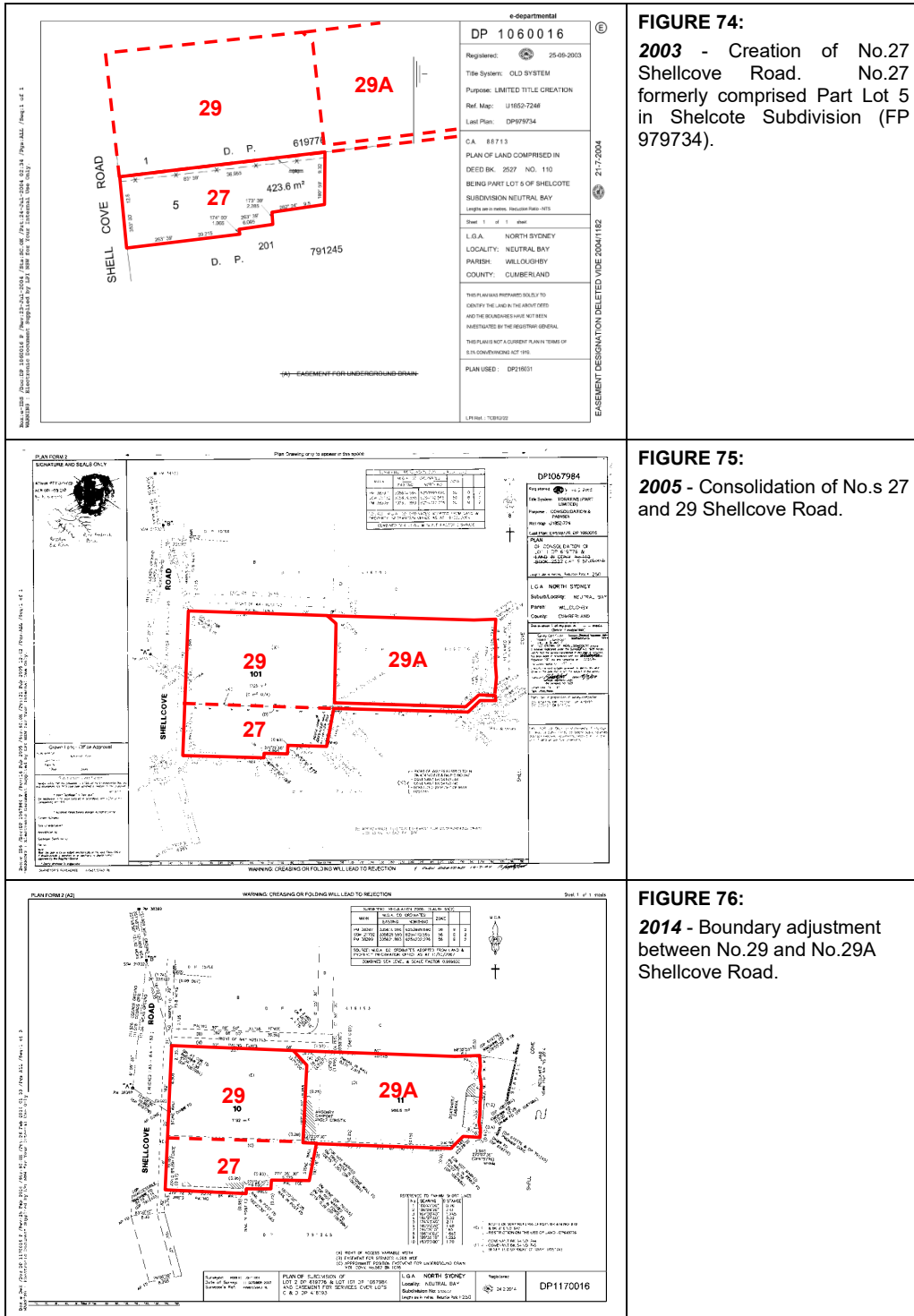
On 20 June 2013 Council granted deferred development consent to DA 34/13 for the subdivision No.29 Shellcove Road into two torrens title allotments to enable the separation of No.27 from No.29 Shellcove Road. The reason for issuing a deferred commencement consent was to ensure that the plan subdivision 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 (refer to Figure 76).

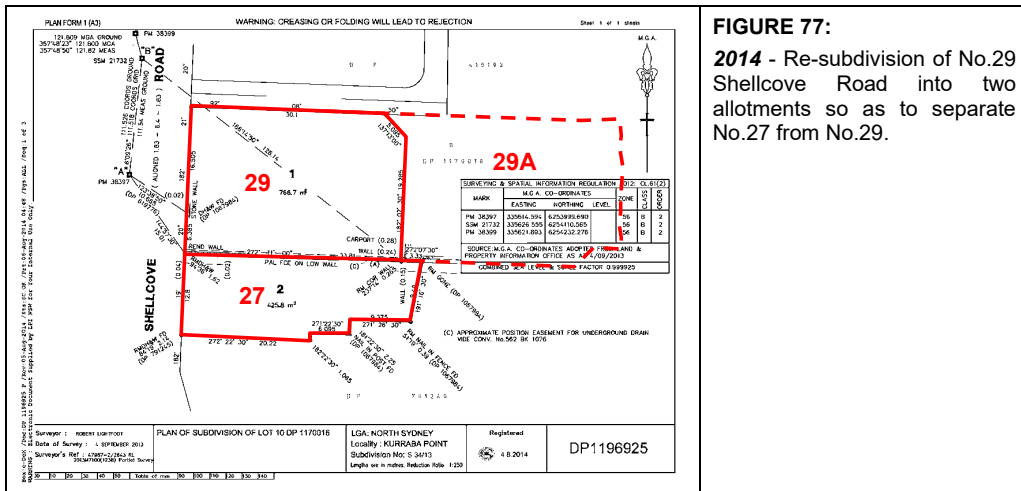
On 4 August 2014, the plan of subdivision separating No.27 and No.29 Shellcove Road from one another was formally registered in accordance with DA 34/13 (refer to Figure 77).



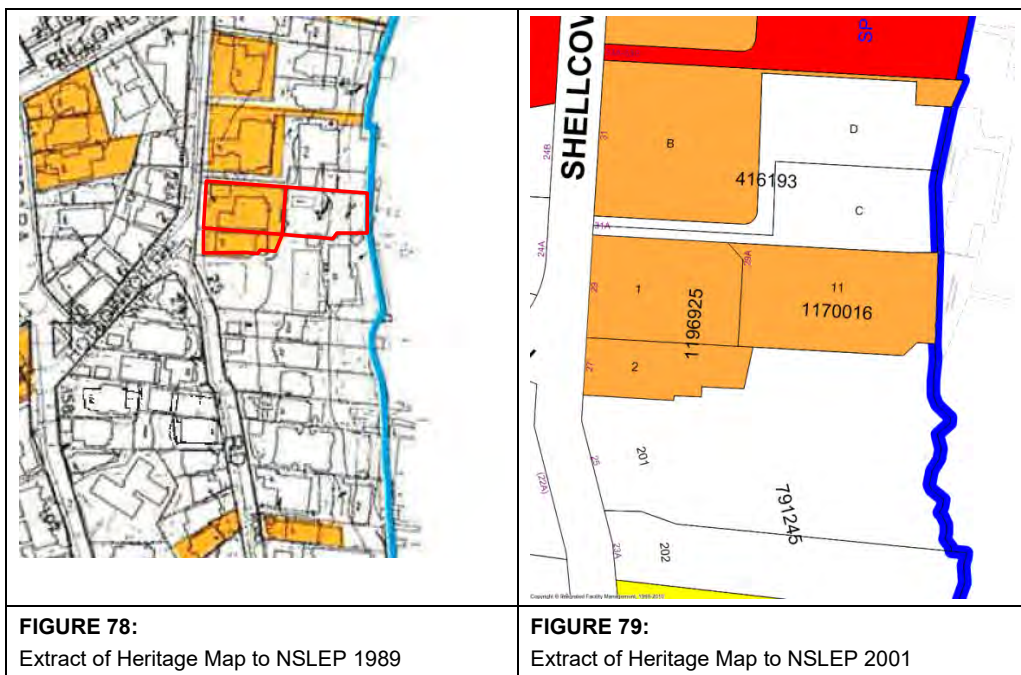
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At the commencement of NSLEP 1989 both No. 27 and 29 Shellcove Road were identified as heritage items. However, the LEP did not provide any legal description of the property. However the Heritage Map to NSLEP 1989 clearly showed that No.s 27 and 29 were identified as heritage items (refer to Figure 78).



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*;

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 72, 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 80) 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.

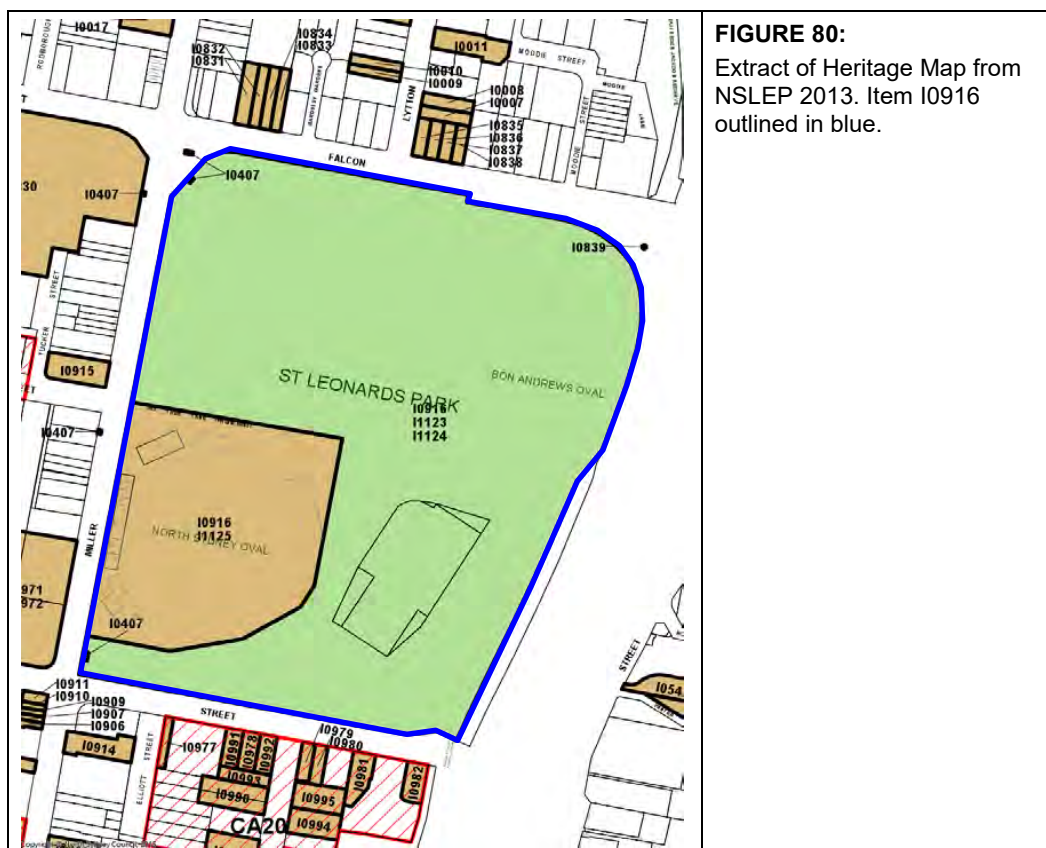
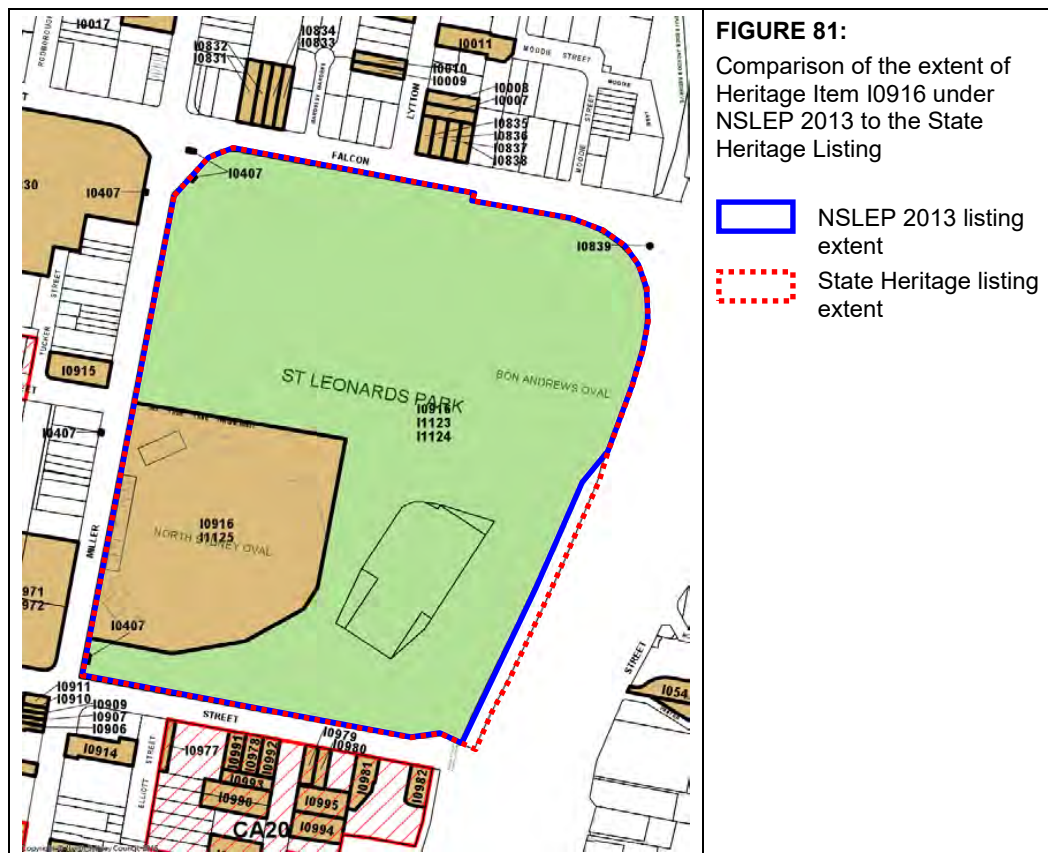


FIGURE 80:
Extract of Heritage Map from NSLEP 2013. Item I0916 outlined in blue.

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 81). In particular, Lot 1, DP 560566 is missing from the curtilage of Heritage Item I0916 under NSLEP 2013 (refer to Figure 81).

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 82 and 83). 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.

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FIGURE 82:
General location of Items I1123 and I1124 within Item I0916 (blue outline)

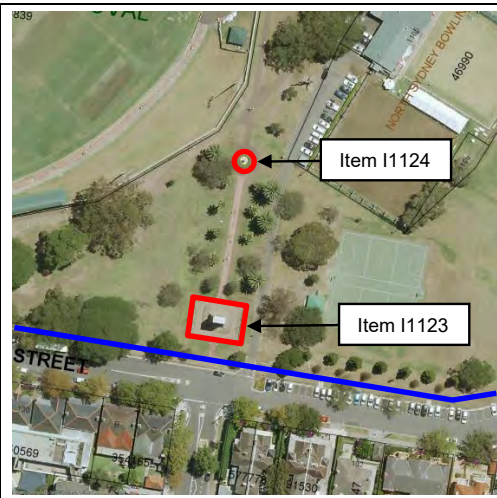


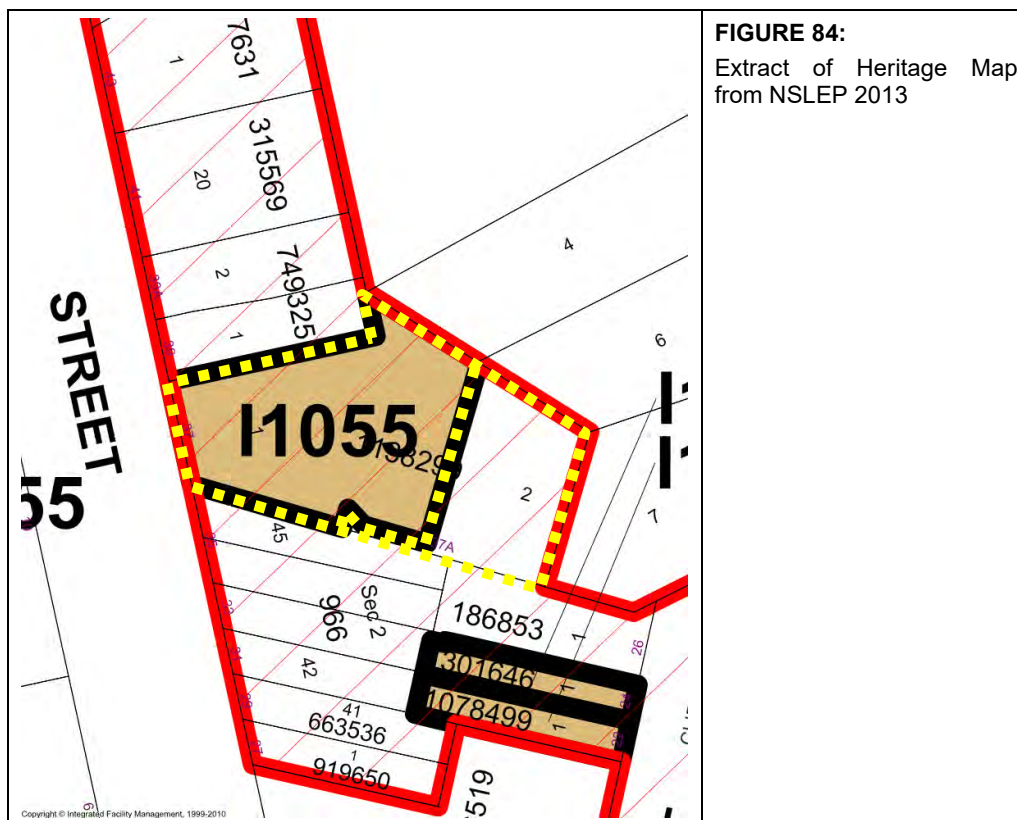
FIGURE 83:
Detailed location of Items I1123 and I1124.

29 Heritage Item I1055 - 37A Carr Street, Waverton

29.1 Background

During the processing of a Planning Certificate for 37 Carr Street, Waverton, questions were raised with regard to the heritage related messages under NSLEP 2013 applying to the property. In particular, it was noted that:

- 37A Carr Street is listed as a Heritage Item I1055 under Schedule 5 - *Environmental Heritage* of NSLEP 2013;
- The property description to Heritage Item I1055 under Schedule 5 - *Environmental Heritage* of NSLEP 2013 applies to Lot 1, DP1138299 (37 Carr Street) and Lot 2, DP1138299 (37A Carr Street); and
- The Heritage Map to NSLEP 2013 identifies 37 Carr Street (Lot 1, DP1138299) as Heritage Item I1055, but 37A Carr Street (Lot 2, DP1138299) is not shown as a heritage item.



29.2 Comment

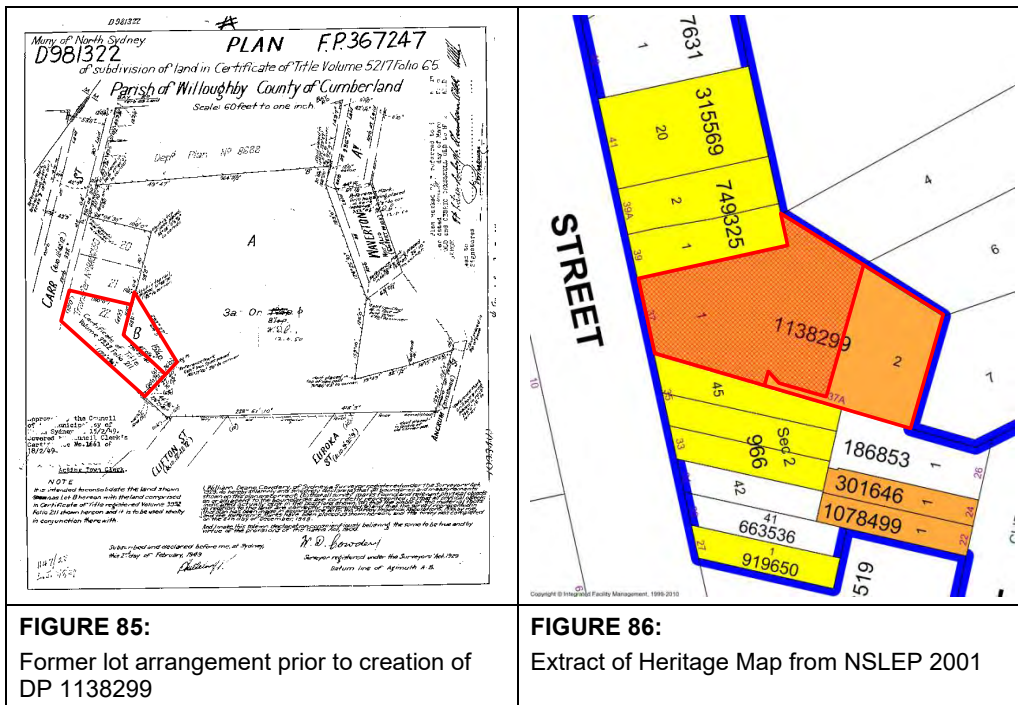
No.37 Carr Street originally comprised 2 allotments legally described as Lot 22, DP 315569 and Lot B, DP 367247 (the extent of which are illustrated in Figure 85). Both allotments comprised No.37 Carr Street and No.37A did not exist at this time.

On 1 June 2009, these two lots were consolidated and re-subdivided into 2 new lots within DP 1138299. The purpose of the re-subdivision of land was to enable a new dwelling (No.37A Carr Street) to be erected at the rear of existing dwelling at No.37 Carr Street. The dwelling at No.37A Carr Street was constructed in 2011 pursuant to the approval granted to DA 203/10.

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Both of the former allotments were identified as a heritage item on the Heritage Map to NSLEP 2001 (refer to Figure 86). When the subject site was re-subdivided 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 84). 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.



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 87).

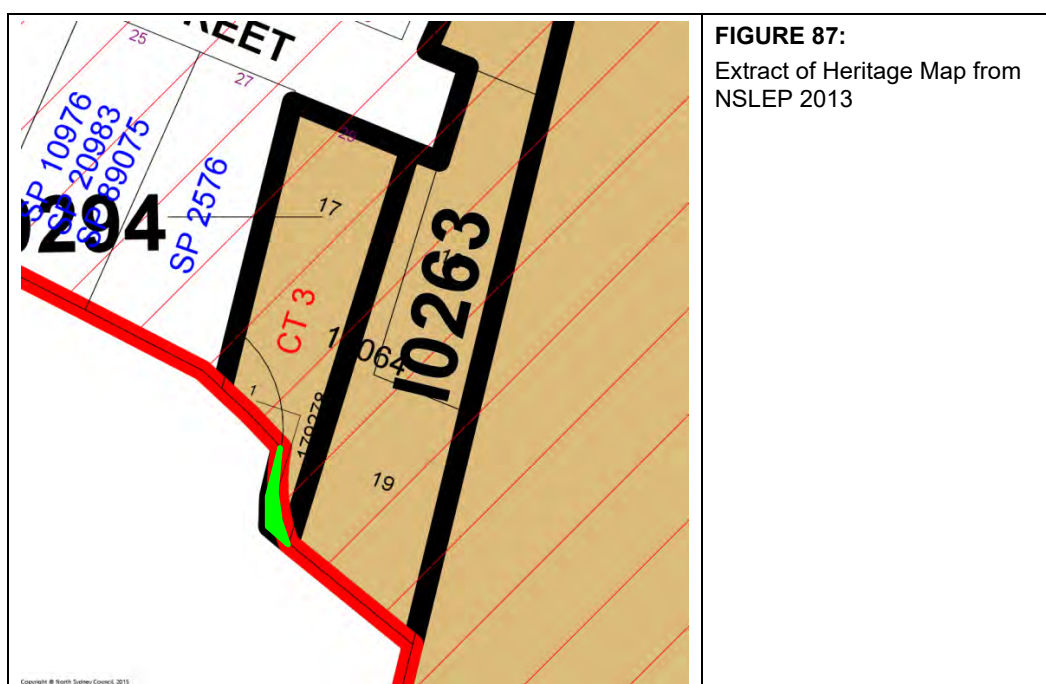


FIGURE 87:
Extract of Heritage Map from
NSLEP 2013

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 on 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.

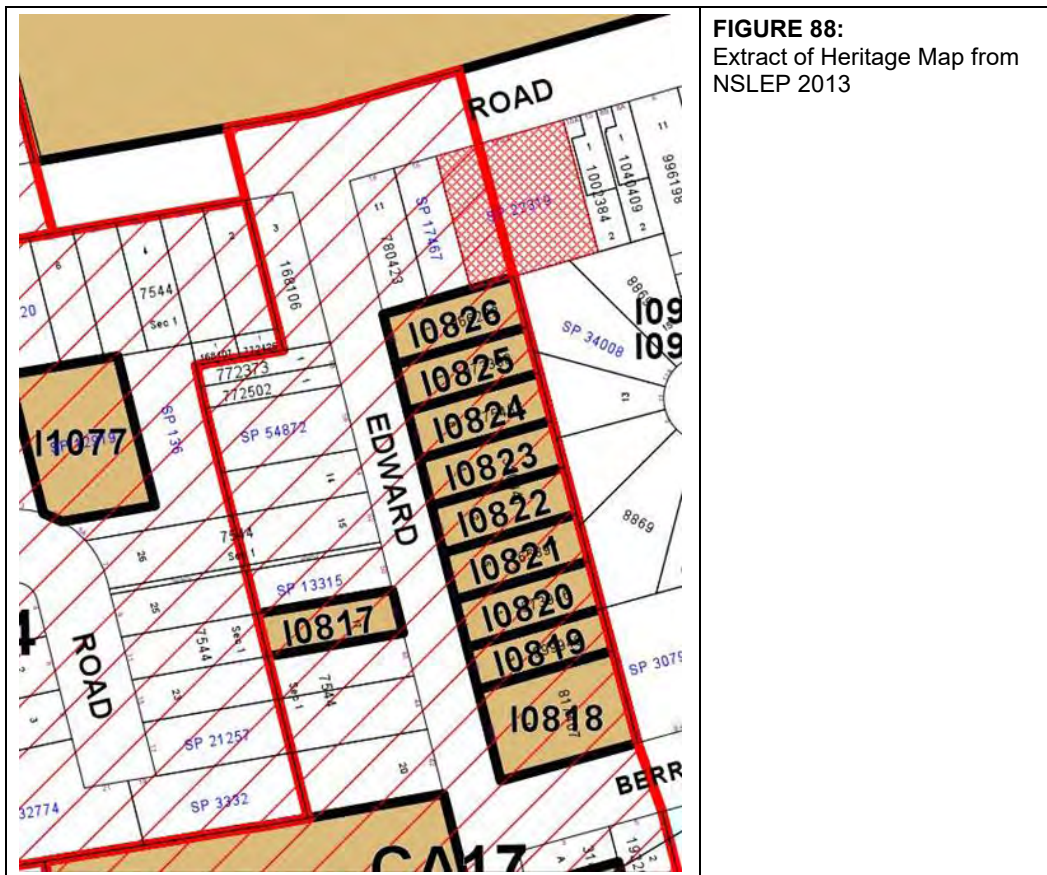


FIGURE 88:
Extract of Heritage Map from
NSLEP 2013

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 89 and 90).

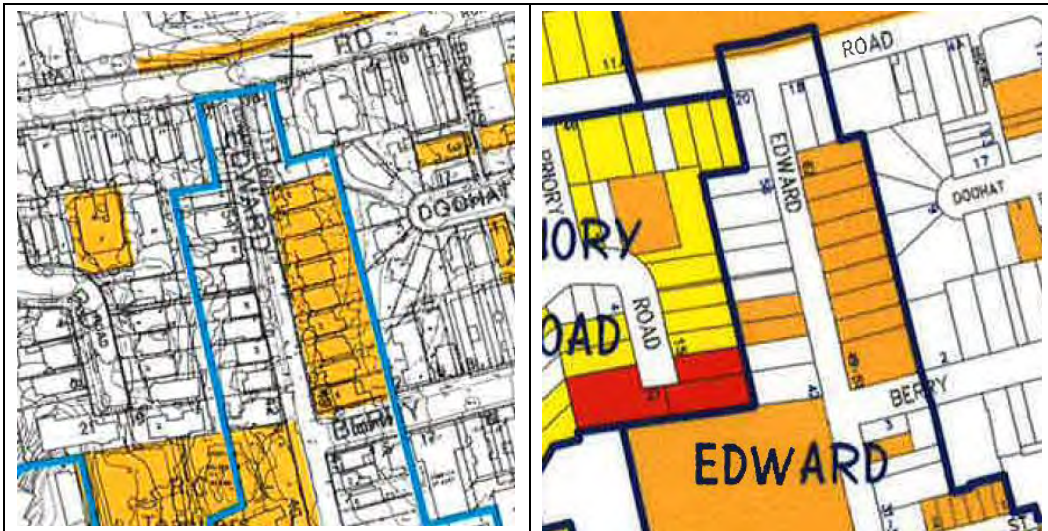


FIGURE 89:
Extract of Heritage Map to NSLEP 1989

FIGURE 90:
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 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.

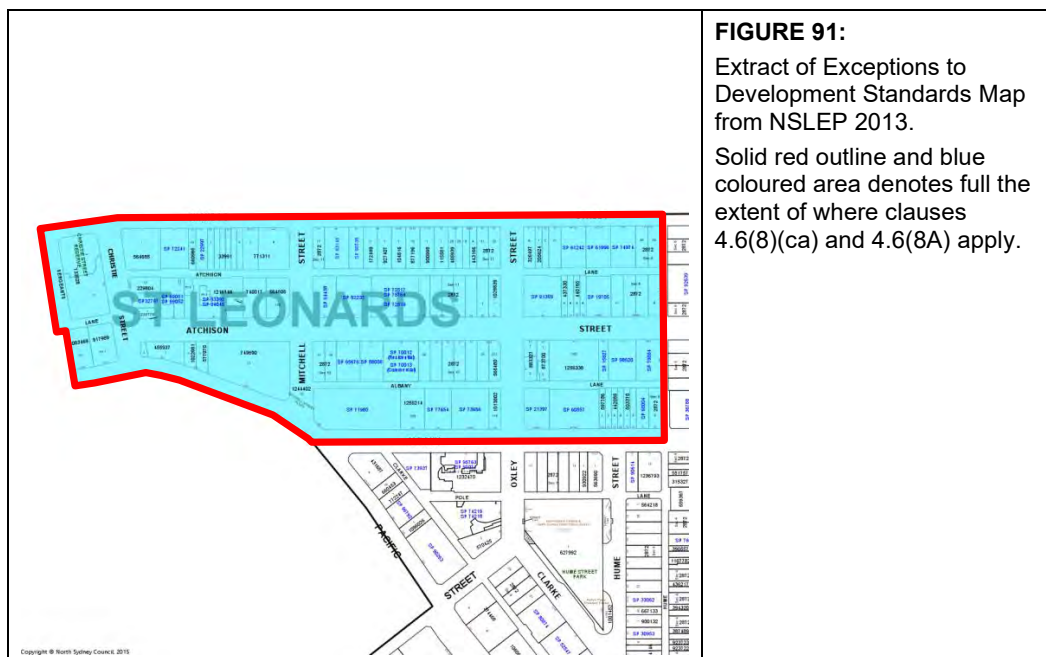
31 Exceptions to Development Standards

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 91).

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.

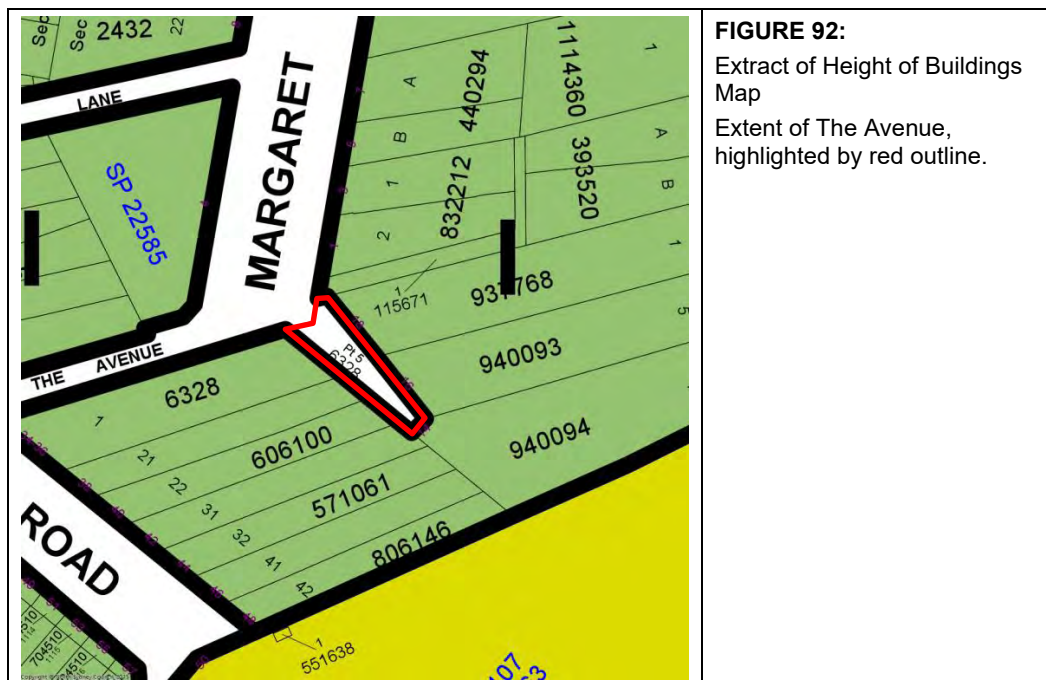
31.2 Comment

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 92), 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.

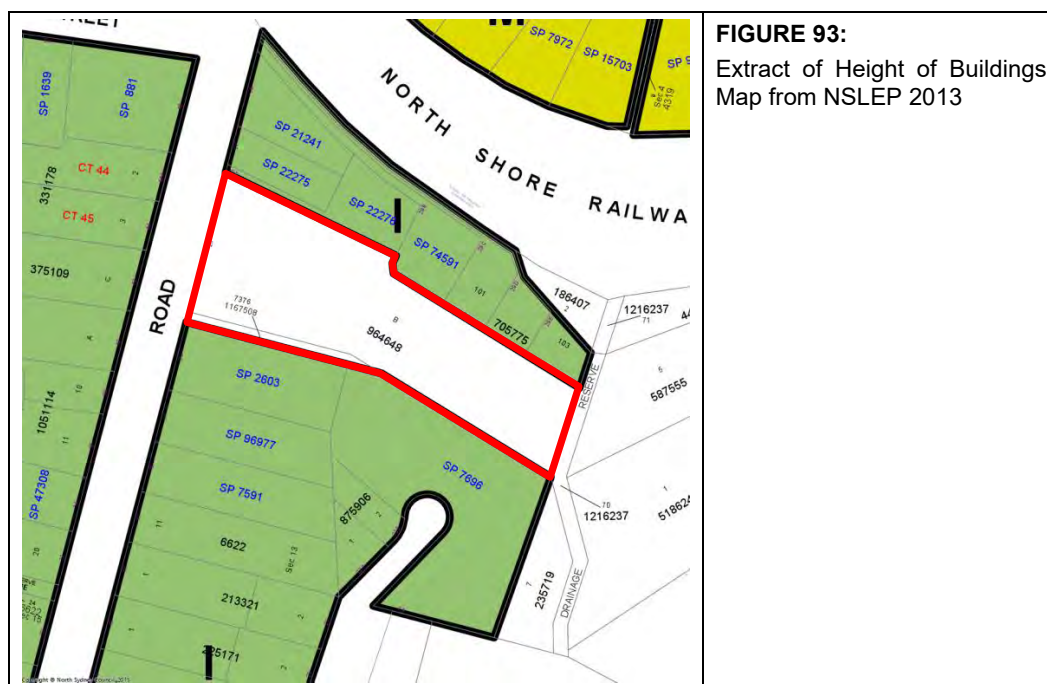
33 Building Height – 25 Shirley Road, Wollstonecraft

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

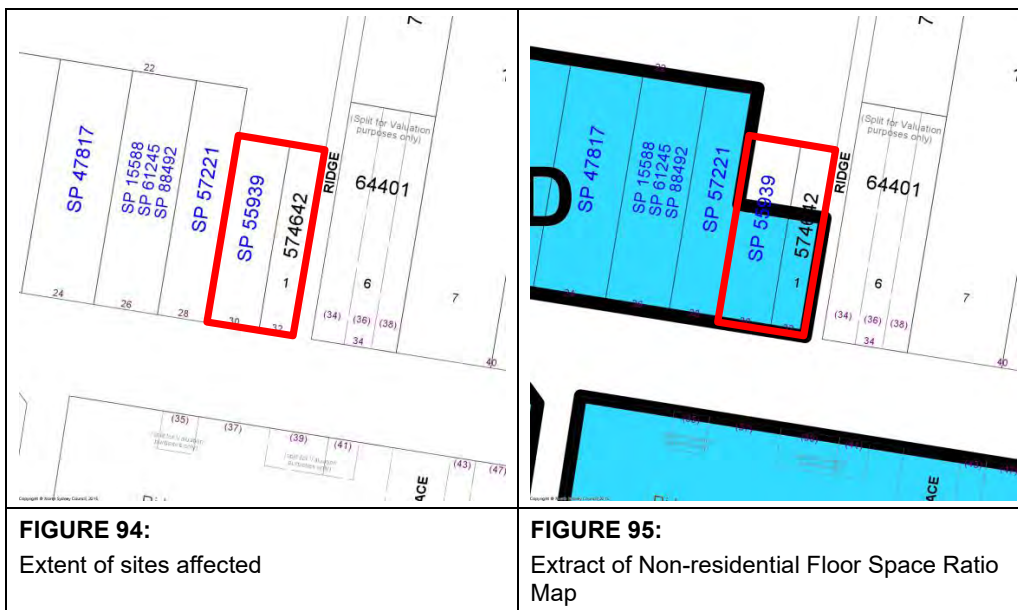
34.1 Background

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 95 and 96 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.



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<p>FIGURE 96: Extract of Zoning Map to NSLEP 2013</p>	<p>FIGURE 97: Extract of zoning Map to NSLEP 2001</p>
<p>FIGURE 98: Extract of Zoning Map to NSLEP 1989</p>	<p>FIGURE 99: Extract of zoning Map to NSPSO</p>
	<p>FIGURE 100: Extract of zoning Map to NSPSO</p>

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 Boulevard	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 help 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.

37 Renumbering Clauses - Standard Instrument LEP Order

37.1 Background

Clause 5.3 to NSLEP 2013 relates to development near zone boundaries. In particular, the clause states:

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) *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.*

This is a mandated clause under the Standard Instrument LEP Order, upon which NSLEP 2013 is modelled, and is required to be incorporated without amendment unless otherwise directed.

Only subclauses (2) and (3) may incorporate additional localised provisions as permitted by the Order.

37.2 Comment

Subclause 5.3(3)(a1) represents a local insertion to the mandated clause. However, the addition of this localised subclause is not technically in accordance with the direction to subclause 5.3(3) under the Standard Instrument LEP Order which states:

Direction. Additional zones may be included by adding them in a separate paragraph numbered (aa).

Accordingly, it is proposed to renumber subclause 5.3(3)(a1) to 5.3(3)(aa) in accordance with the direction to the Standard Instrument LEP Order.

APPENDIX 1

- Council Report of 25 March 2019 – Residential Flat Buildings Relying on Existing Use Rights

Council Report:

https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/legal_planning_committee/11_mar_2019/lp05_residential_flat_buildings_relying_on_existing_use_rights.pdf

Council Resolution:

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2019/mar_25_2019_700pm/corporate_services_division_25_mar_2019/cos02_legal_planning_committee_-_minutes_11_march_2019.pdf

APPENDIX 2

- 3 Parker Street, McMahons Point: Heritage Assessment Report

ROBERT A. MOORE PTY LTD

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Incorporated in New South Wales - ACN 003 546 423
423
Nominated architect Robert Allan Moore Reg. No. 4478

ABN 27 003 546

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

2.

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

3.

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, Vaucluse.

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 of 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

ROBERT A. MOORE PTY LTD
Architects and Conservation Consultants

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

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Architects and Conservation Consultants



View from northeast, to No.12 East Crescent Street, with No. 3 Parker to its right

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View to No. 3, with the apartments behind the garages, and No.12 East Crescent behind ; Middle Street is to the right.



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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

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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

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Architects and Conservation Consultants



Rear stairs and landings of concrete with pipe rails

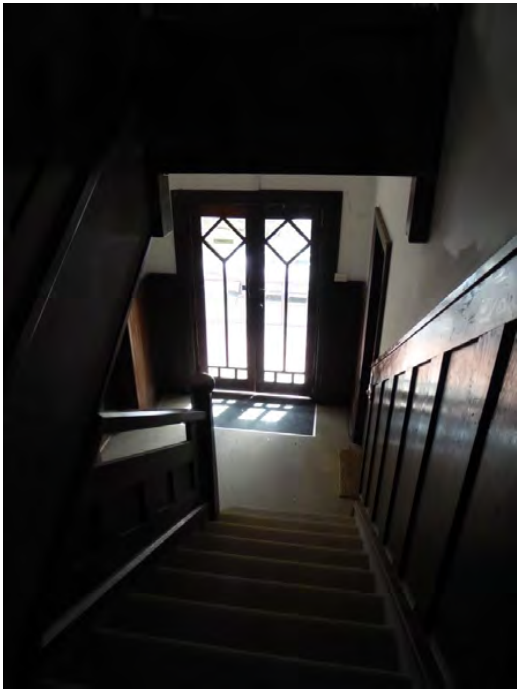


Upper level with rear kitchen door



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Typical half-glazed, ledged and sheeted back box door with sidelight and delivery boxes



View down to ground floor entry doors and showing lobby space paneling

Detail of sidelight and "milk and bread box"

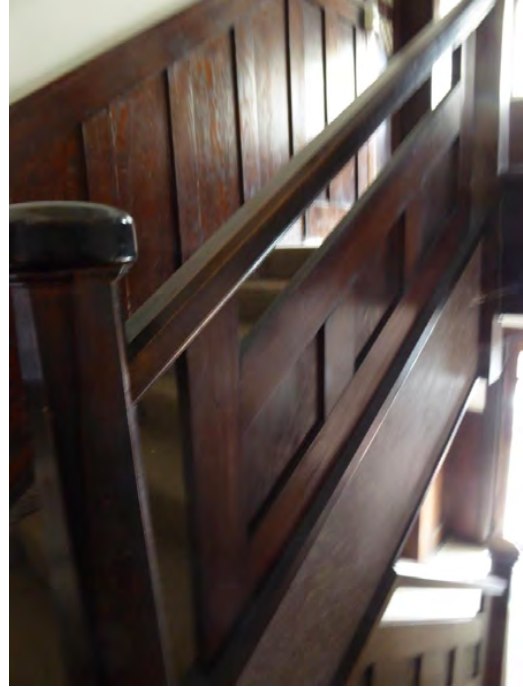


View up lower flight of main stair, balustrade and wainscot

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Typical apartment front entrance door



Detail of main stair balustrade



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View from living room of a typical entry, door paneling, at right, and built-in furniture (first floor)



View into former balcony/sunroom which retains its glazed doors to the living room

Detail of a lobby space, NB ceiling casement with leadlights



View into a former removed

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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)

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The ground floor sitting room, eastern side



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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

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Upper floor bedroom ceiling detail, using moulded fibrous plaster

ANNEXURE B

- Existing LEP (Written Instrument)

<https://www.legislation.nsw.gov.au/#/view/EPI/2013/411>

ANNEXURE C

- Existing LEP Map Sheets

<https://www.legislation.nsw.gov.au/#/view/EPI/2013/411/maps>

ANNEXURE D

- Proposed LEP Map Sheets



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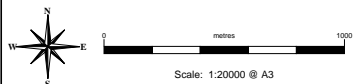
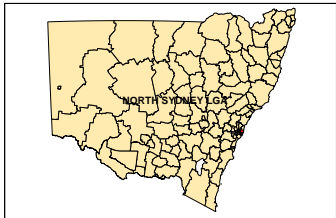
Land Application Map
- Sheet LAP_001

LEP Land Application

Included

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MGA Zone 56

Map identification number:
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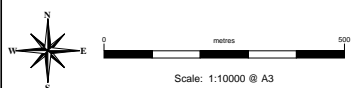
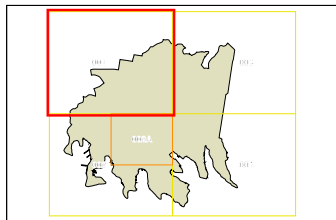
Land Zoning Map - Sheet LZN_001

Zone

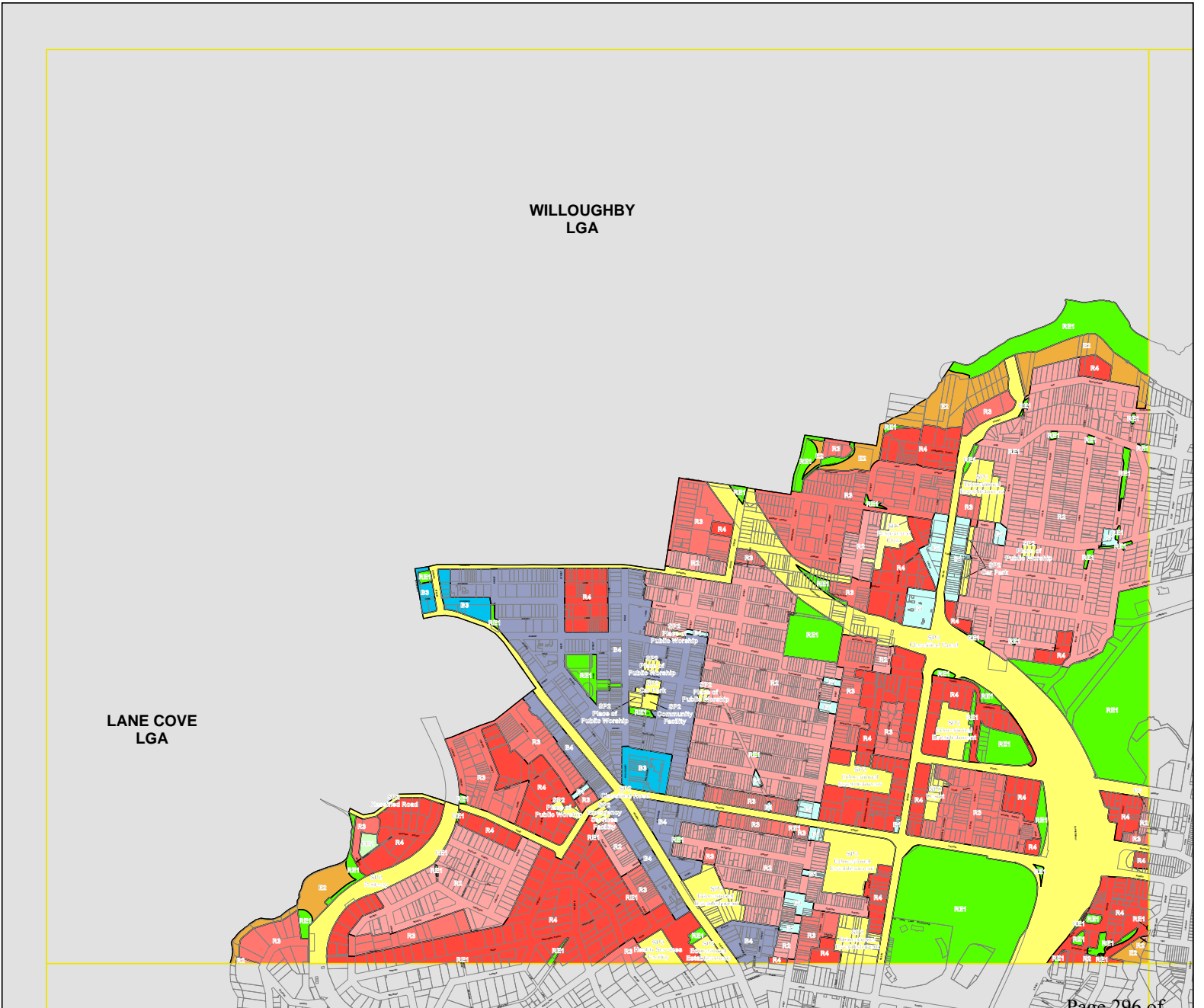
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- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- E4 Environmental Living
- IN2 Light Industrial
- IN4 Working Waterfront
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- UL Unzoned Land

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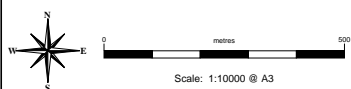
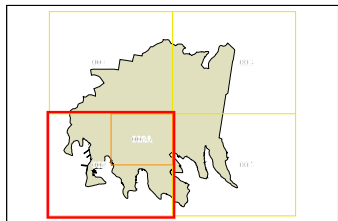
Land Zoning Map - Sheet LZN_002

Zone

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- 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

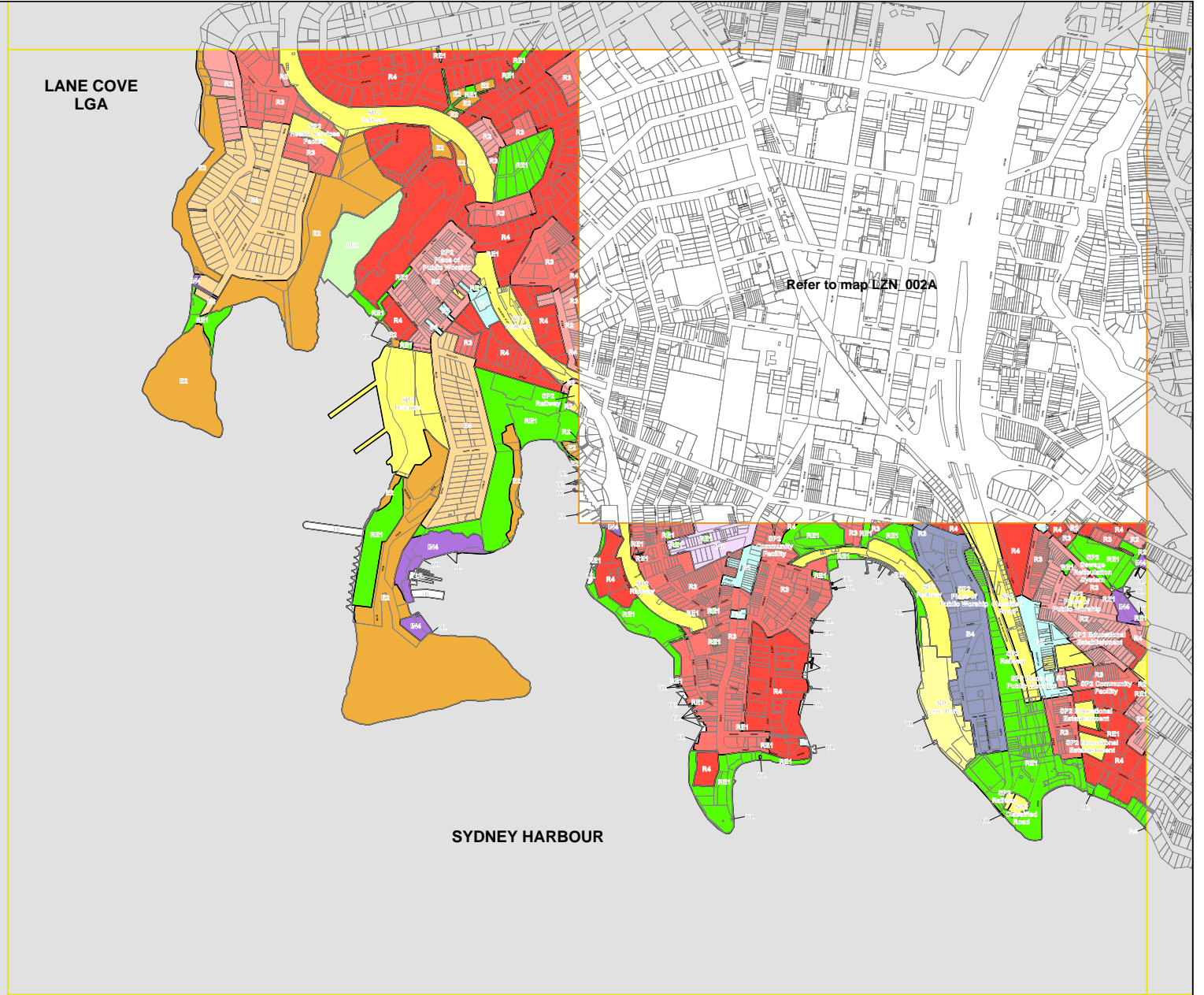
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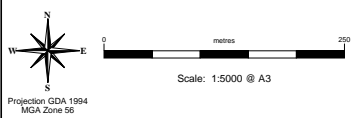
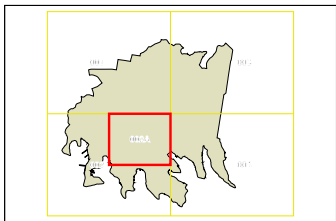
Land Zoning Map - Sheet LZN_002A

Zone

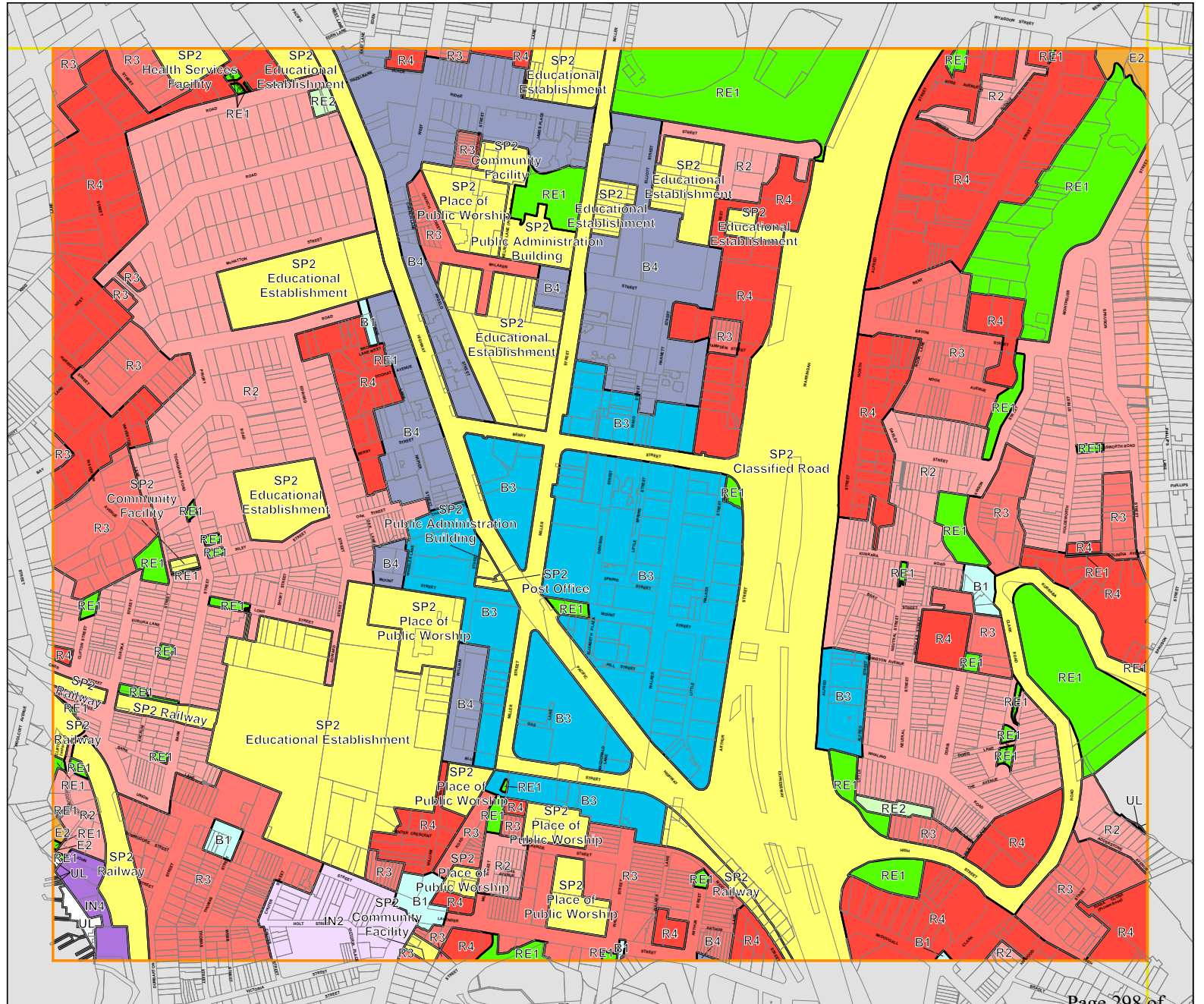
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- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- E4 Environmental Living
- IN2 Light Industrial
- IN4 Working Waterfront
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- UL Unzoned Land

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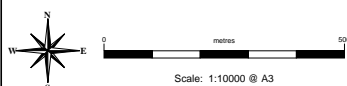
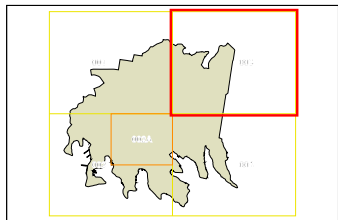
Land Zoning Map - Sheet LZN_003

Zone

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- E4 Environmental Living
- IN2 Light Industrial
- IW4 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

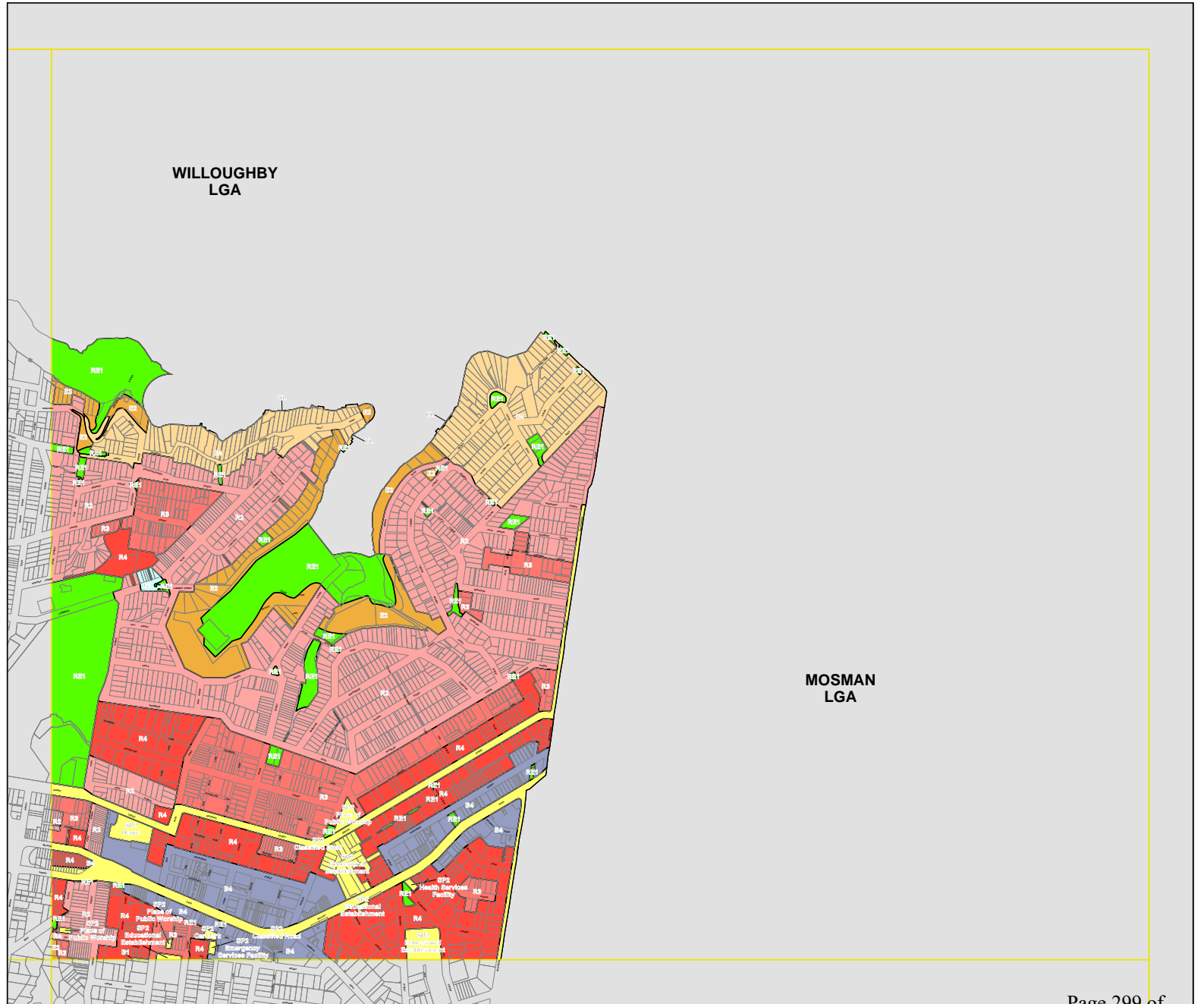
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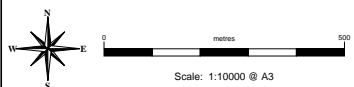
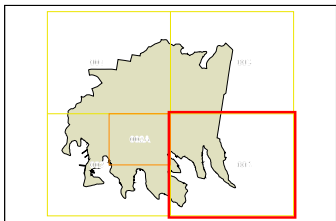
Land Zoning Map - Sheet LZN_004

Zone

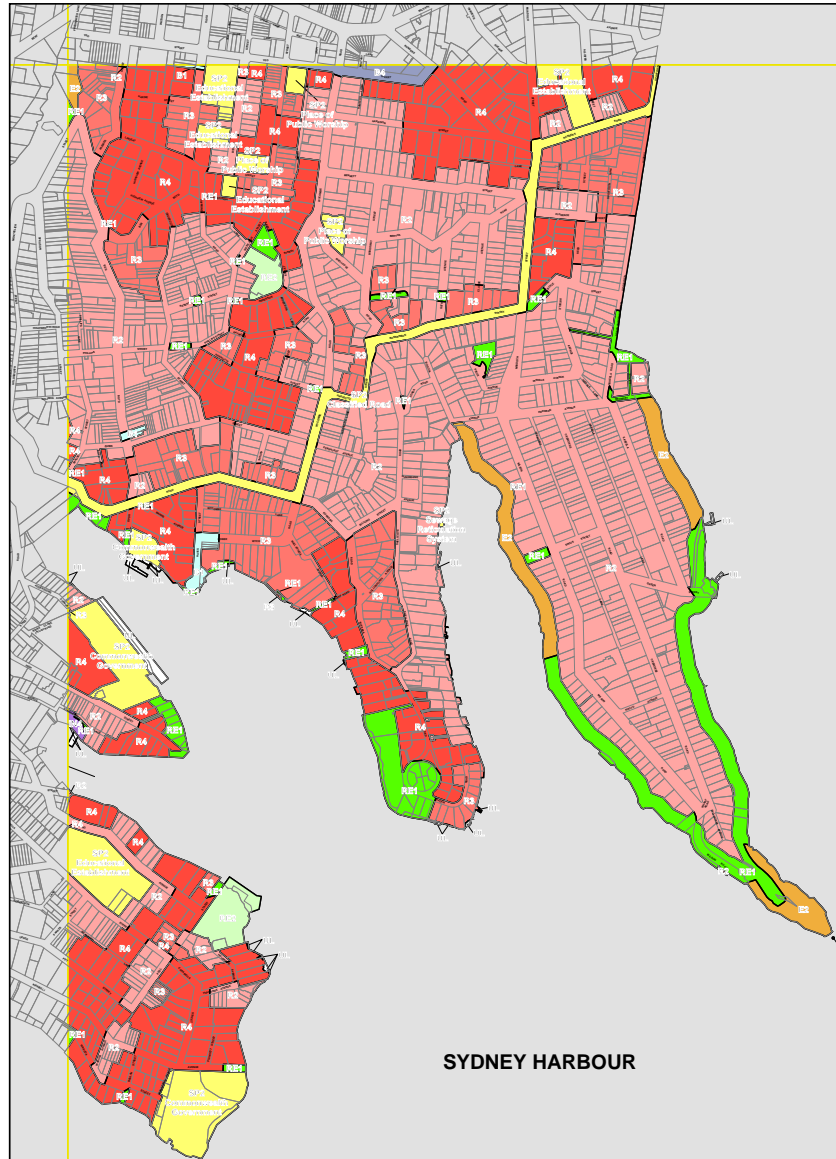
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- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- UL Unzoned Land

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MOSMAN LGA

SYDNEY HARBOUR



North Sydney Local Environmental Plan 2013

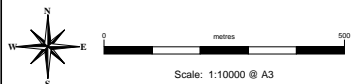
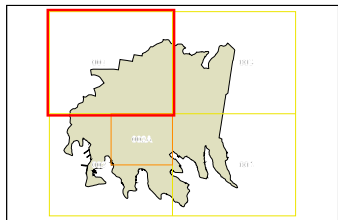
**Floor Space Ratio Map
- Sheet FSR_001**

Maximum Floor Space Ratio (n:1)

N	1
W	3.5
X	4.27
Z	5.6
AA1	6.3
AA2	6.6
AB	7
AT1	18
AT2	25.4

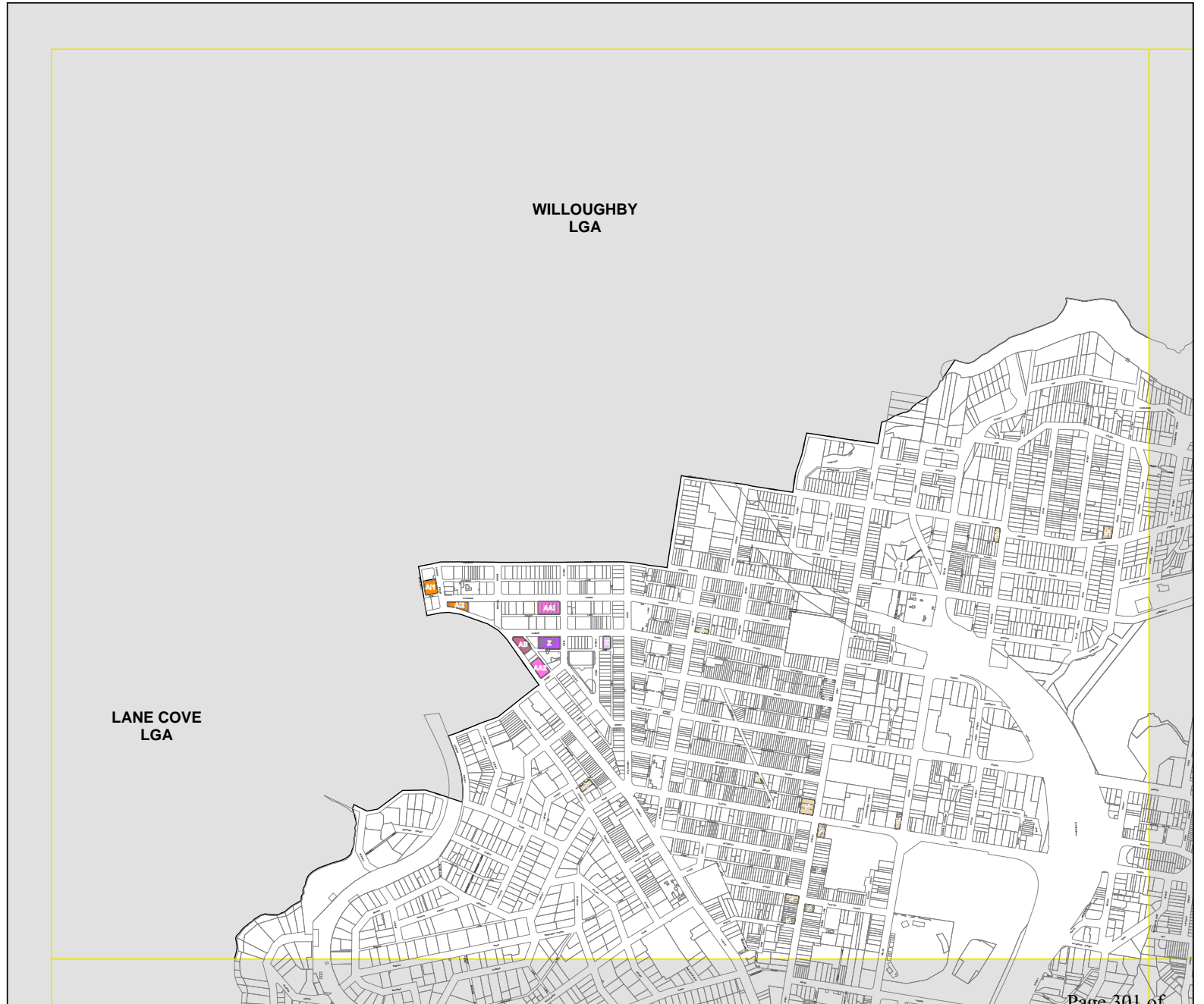
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North Sydney Local Environmental Plan 2013

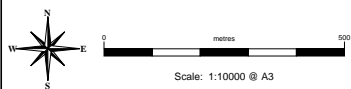
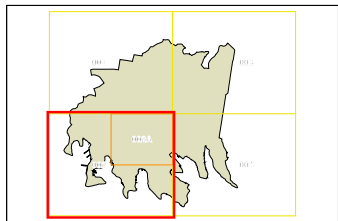
Floor Space Ratio Map - Sheet FSR_002

Maximum Floor Space Ratio (n:1)

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X	4.27
Z	5.6
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AA2	6.6
AB	7
AT1	18
AT2	25.4

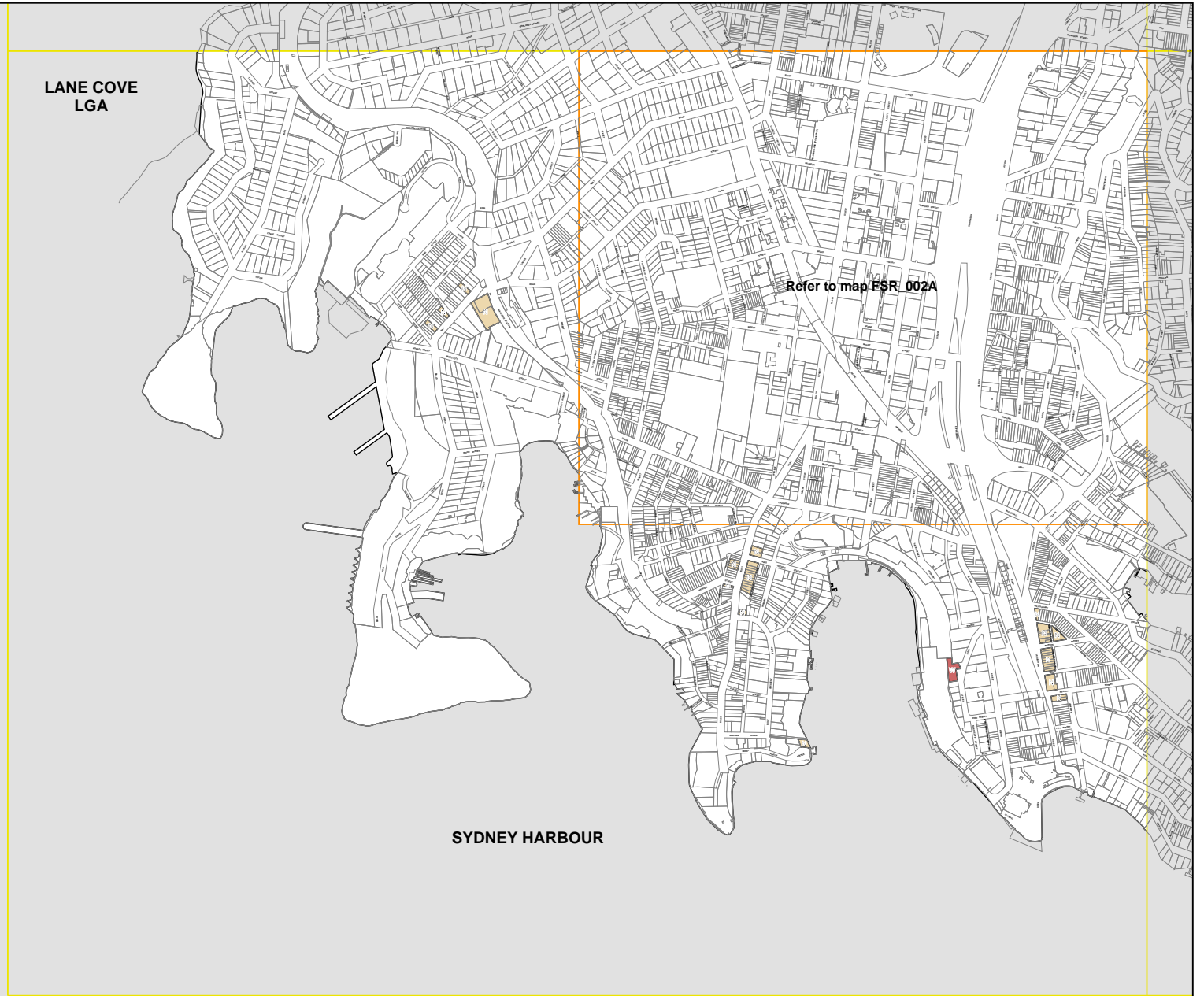
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North Sydney Local Environmental Plan 2013

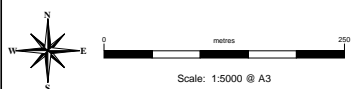
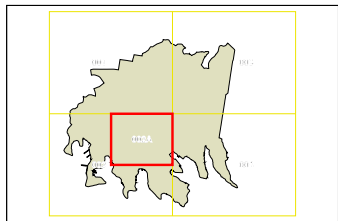
Floor Space Ratio Map - Sheet FSR_002A

Maximum Floor Space Ratio (n:1)

N	1
W	3.5
X	4.27
Z	5.6
AA1	6.3
AA2	6.6
AB	7
AH1	18
AZ	25.4

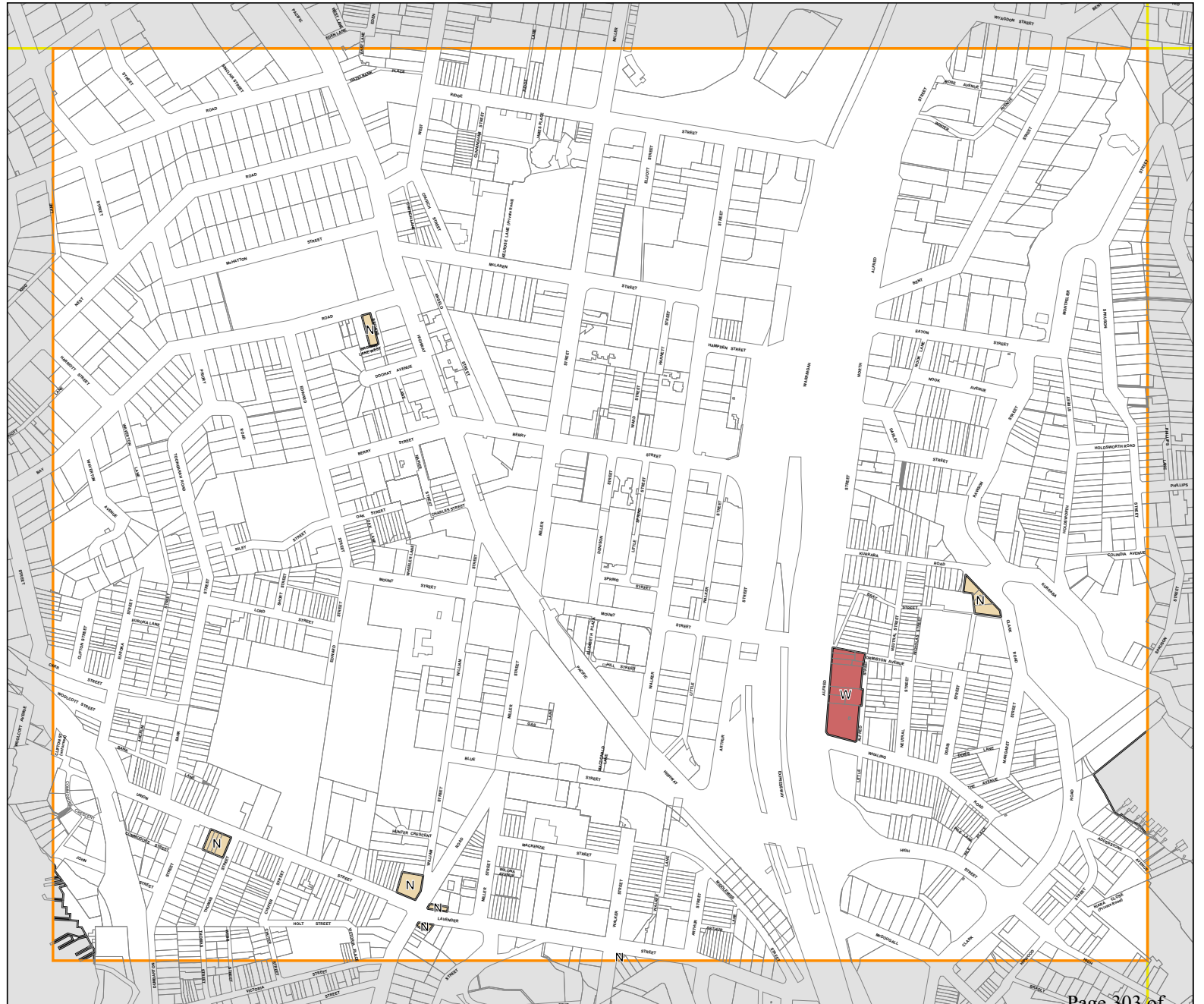
Cadastral

□ Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_FSR_002A_004_20200810





North Sydney Local Environmental Plan 2013

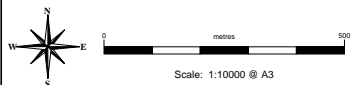
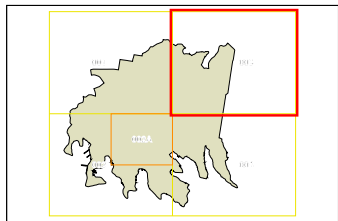
**Floor Space Ratio Map
- Sheet FSR_003**

Maximum Floor Space Ratio (n:1)

N	1
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X	4.27
Z	5.6
AA1	6.3
AA2	6.6
AB	7
AI1	18
AI2	25.4

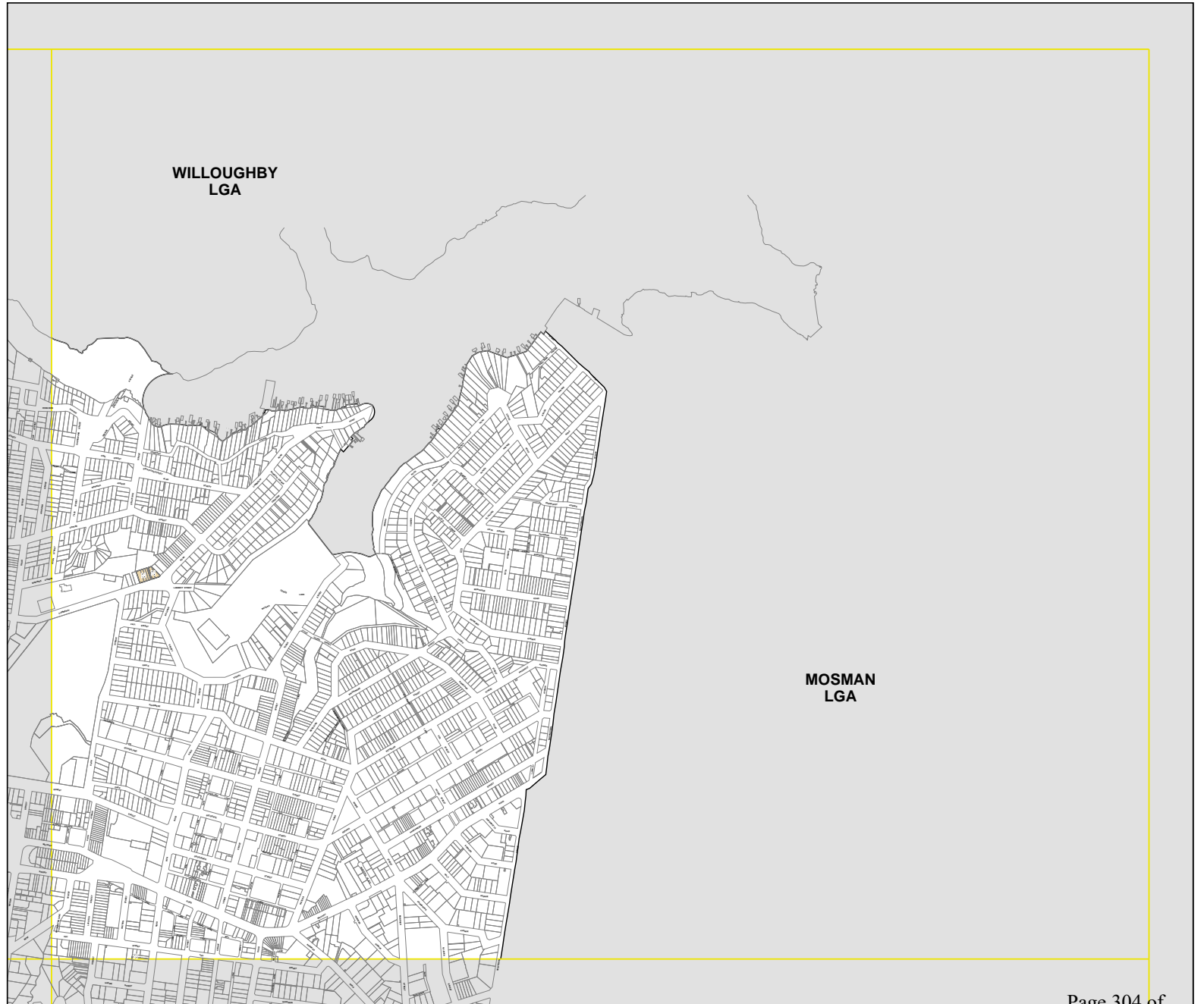
Cadastral

□ Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_FSR_003_010_20200810





North Sydney Local Environmental Plan 2013

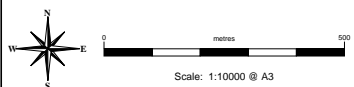
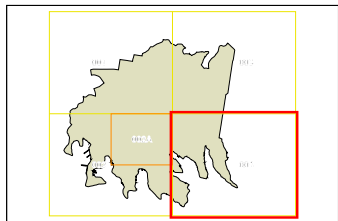
**Floor Space Ratio Map
- Sheet FSR_004**

Maximum Floor Space Ratio (n:1)

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X	4.27
Z	5.6
AA1	6.3
AA2	6.6
AB	7
AI1	18
AI2	25.4

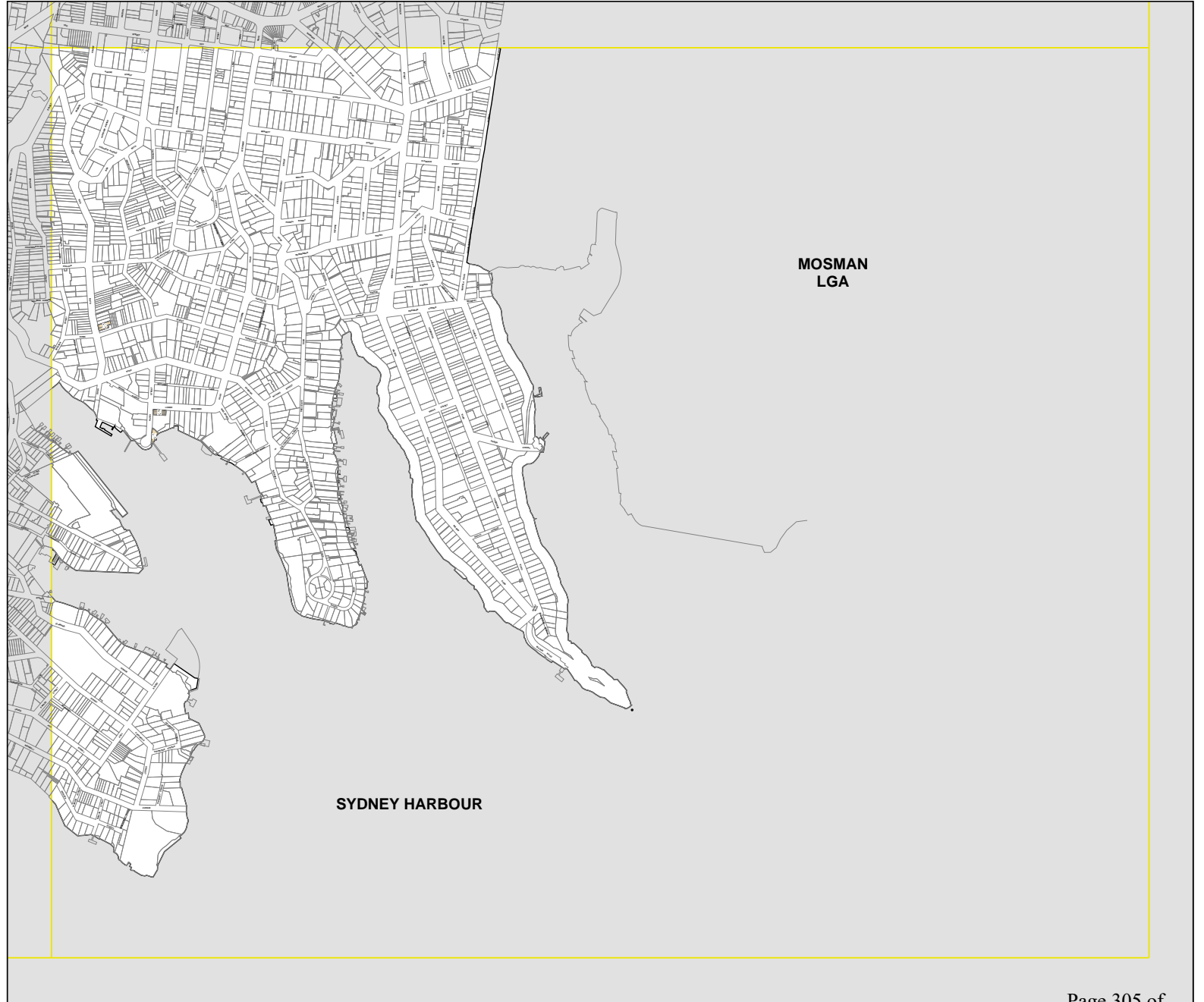
Cadastrate

□ Cadastrate 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_FSR_004_010_20200810









North Sydney Local Environmental Plan 2013

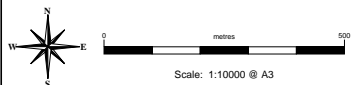
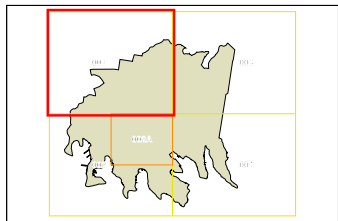
Heritage Map
- Sheet HER_001

Heritage

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

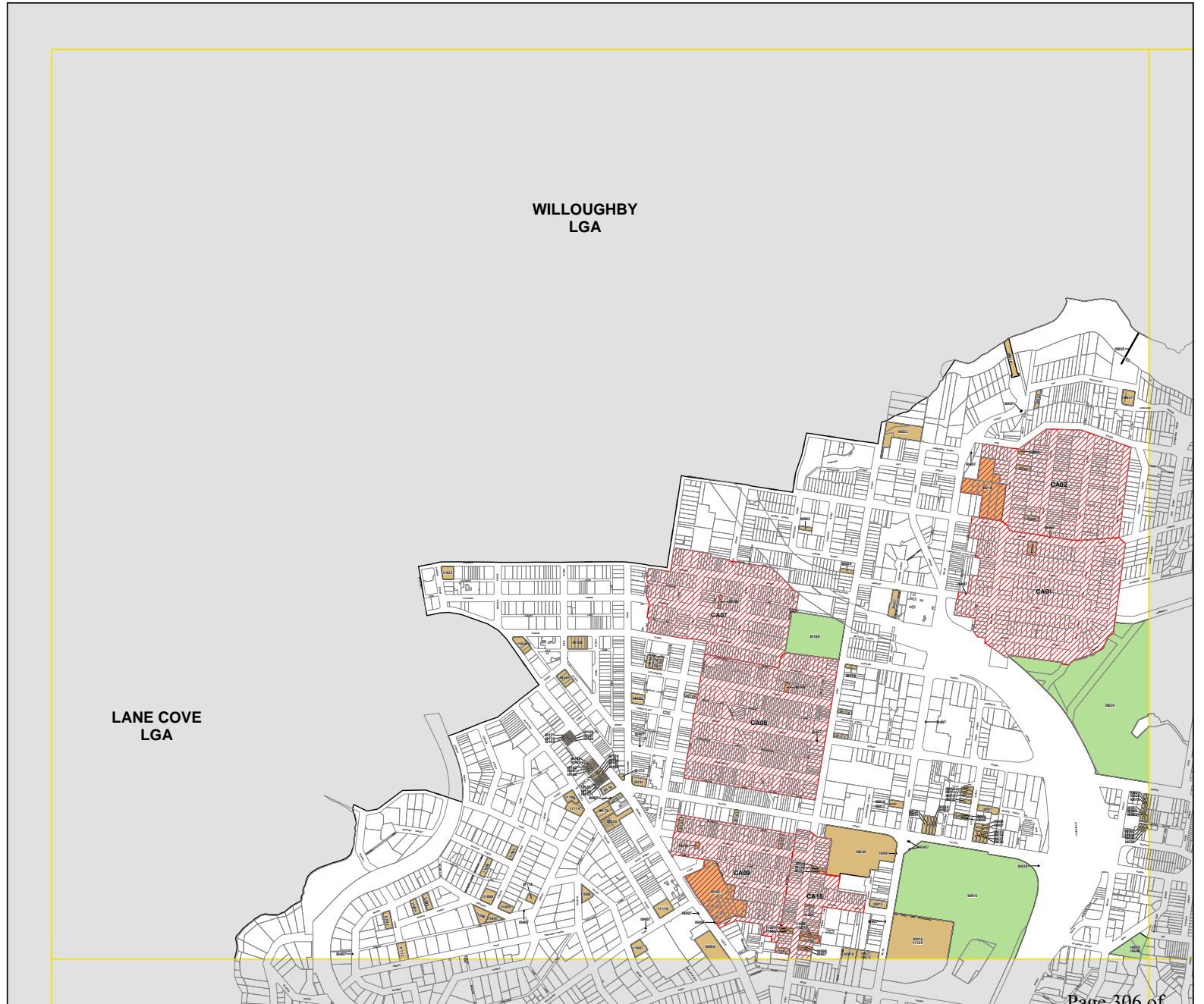
Cadastral

-  Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_HER_001_010_20200810









North Sydney Local Environmental Plan 2013

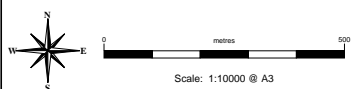
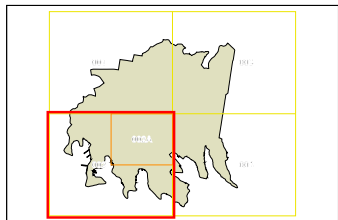
Heritage Map - Sheet HER_002

Heritage

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

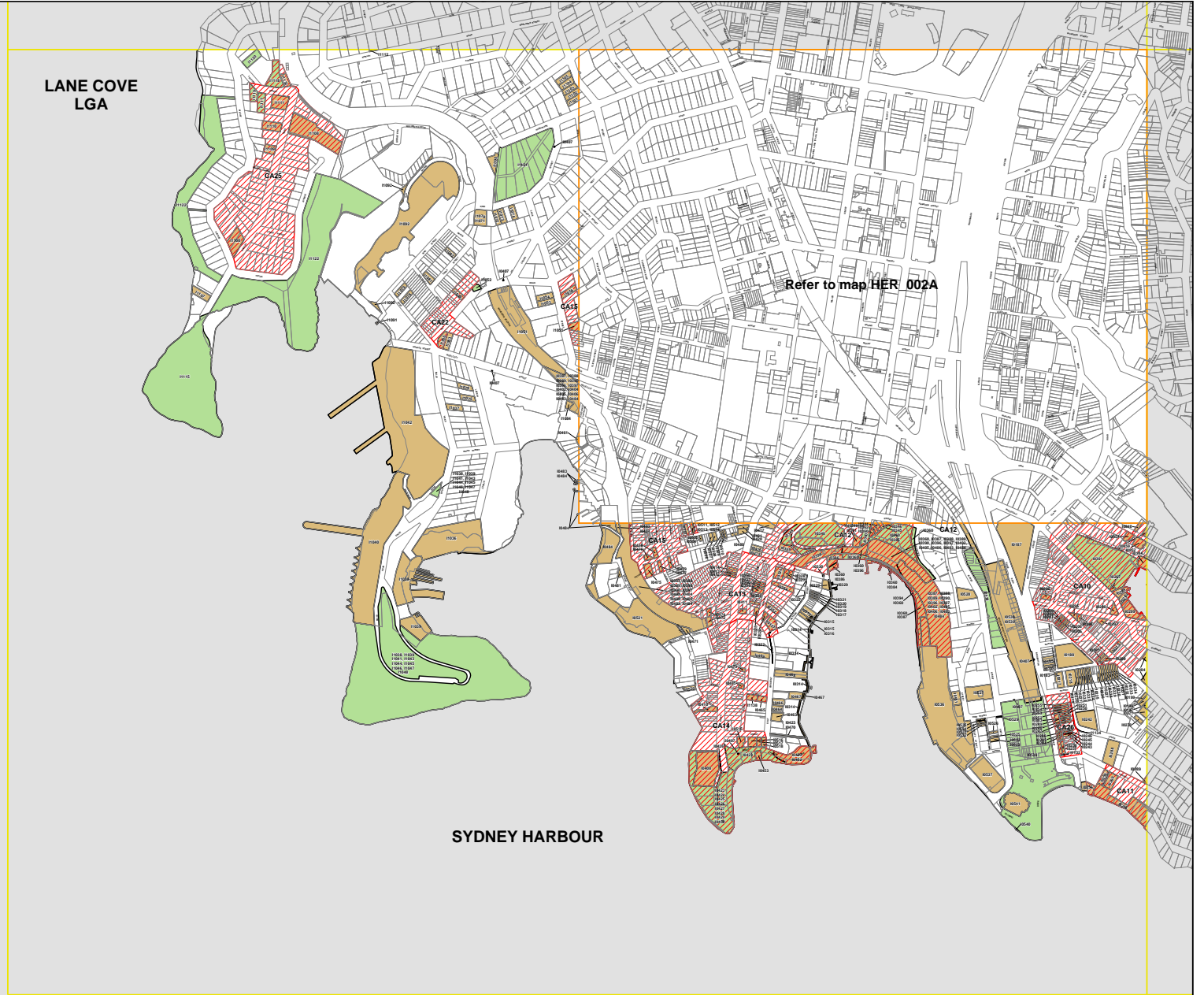
Cadastral

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Projection GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_HER_002_010_20200810



Refer to map HER_002A



North Sydney Local Environmental Plan 2013

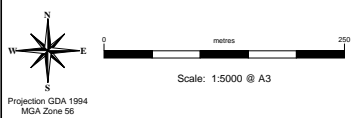
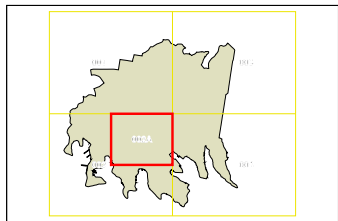
Heritage Map - Sheet HER_002A

Heritage

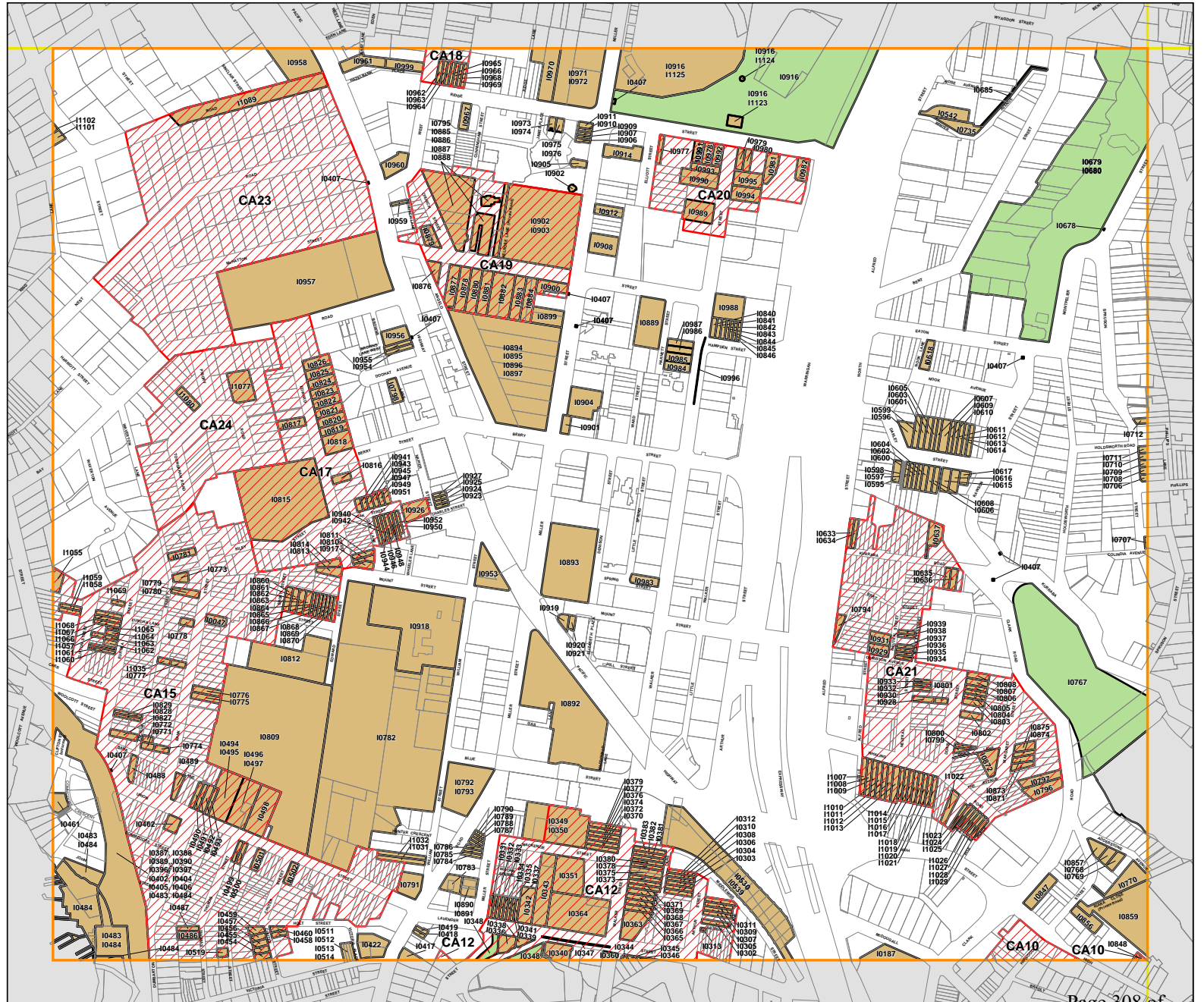
- Conservation Area - General
- Item - General
- Item - Landscape

Cadastral

- Cadastral 10/08/20 © North Sydney Council



Projection GDA 1984
MGA Zone 56
Map identification number:
5950_CDM_HER_002A_005_20200810









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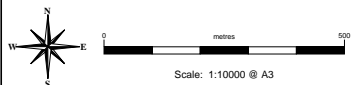
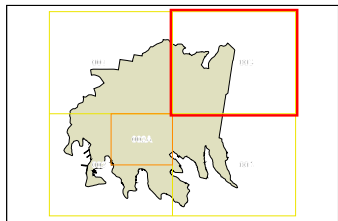
Heritage Map
- Sheet HER_003

Heritage

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

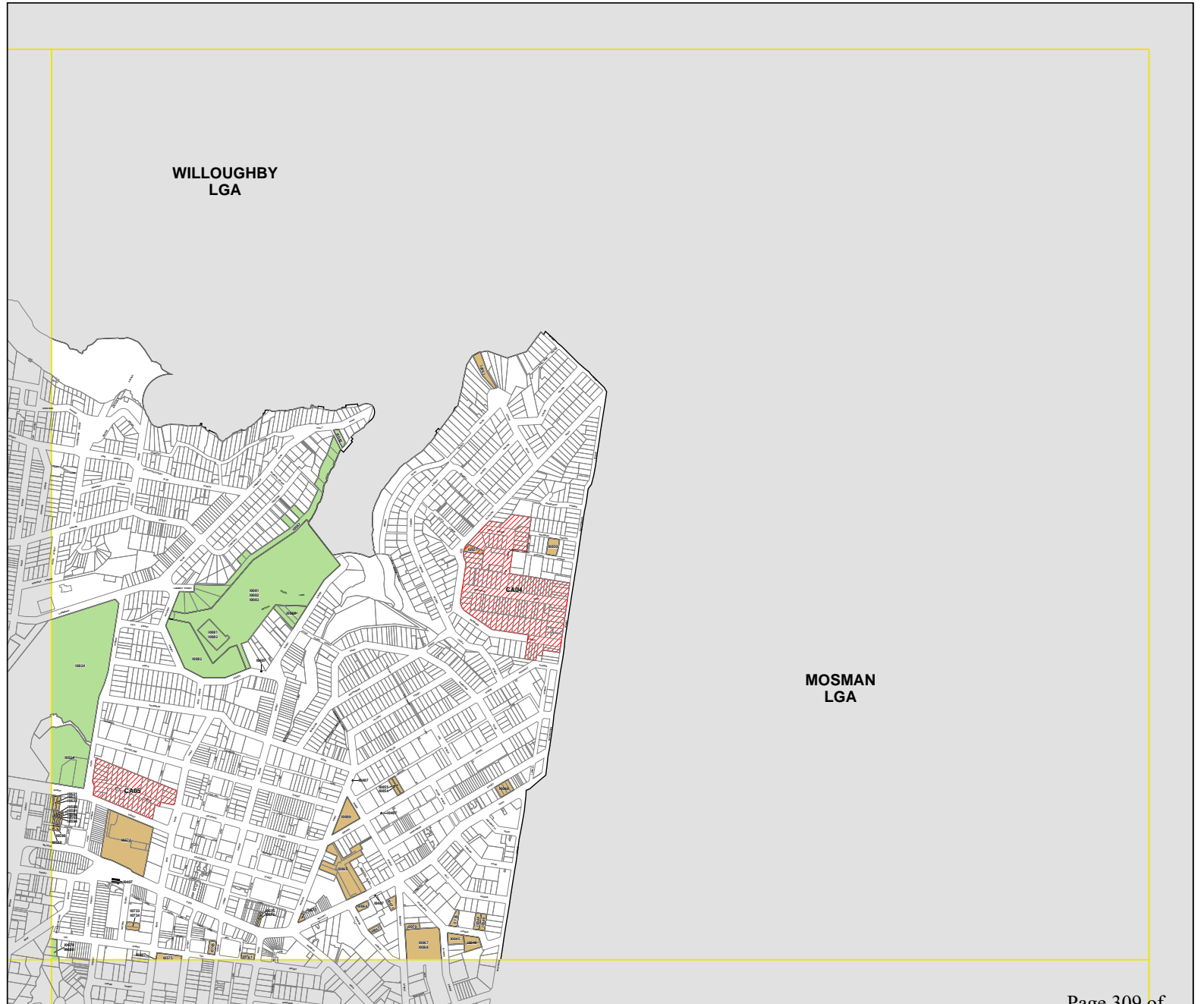
Cadastral

-  Cadastral 10/08/20 © North Sydney Council



Projection GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_HER_003_010_20200810



**WILLOUGHBY
LGA**




**MOSMAN
LGA**




North Sydney Local Environmental Plan 2013

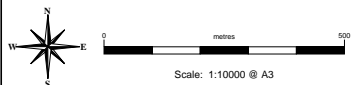
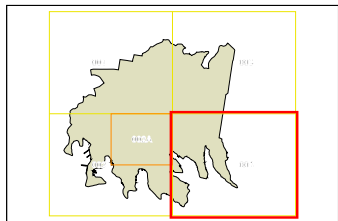
**Heritage Map
- Sheet HER_004**

Heritage

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

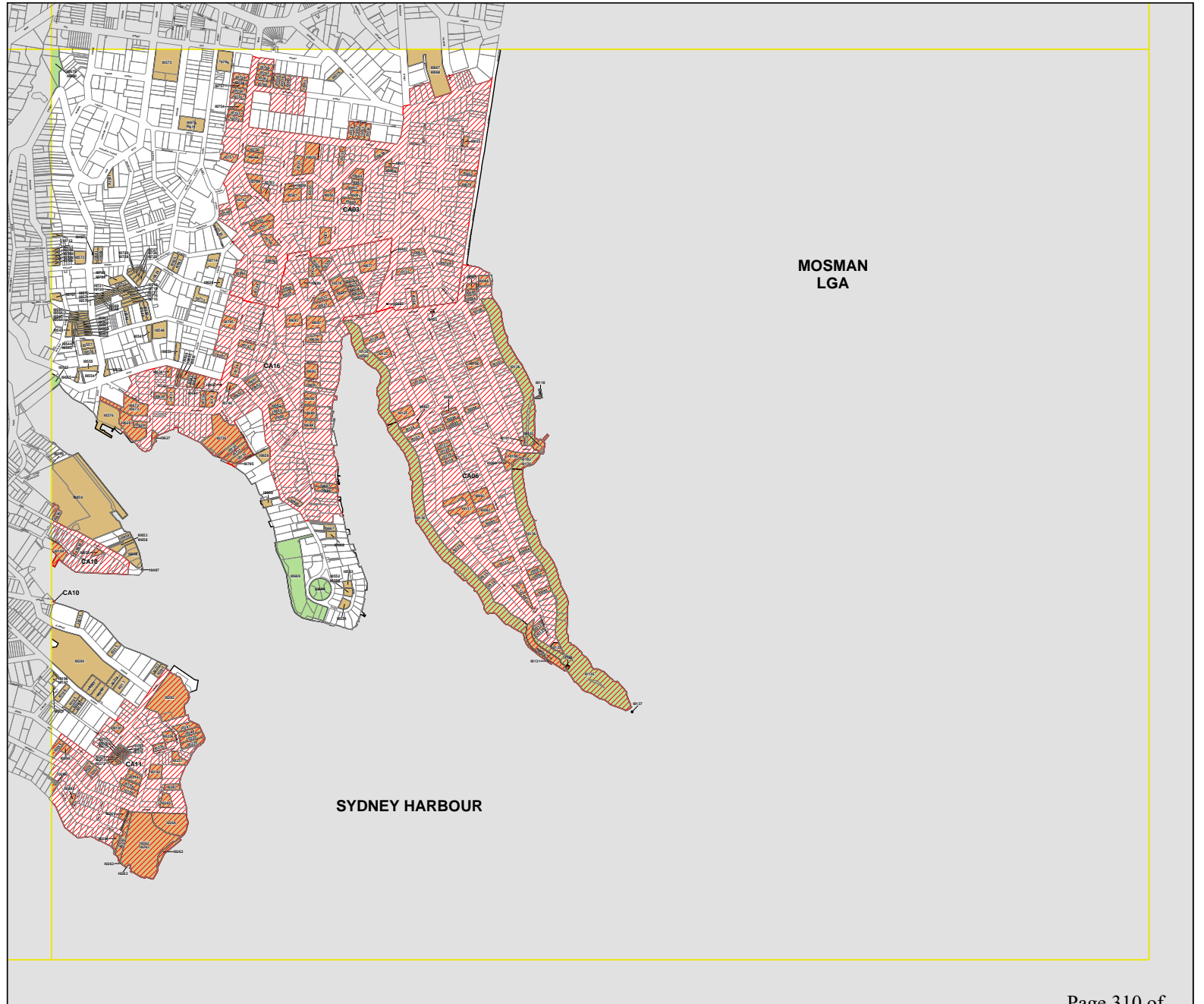
Cadastral

-  Cadastral 10/08/20 © North Sydney Council



Projection GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_HER_004_010_20200810



**MOSMAN
LGA**

SYDNEY HARBOUR



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_001

Maximum Building Height (m)

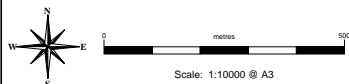
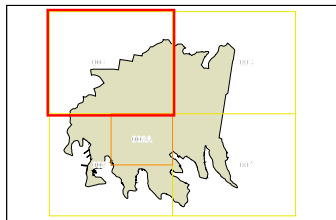
A	1	T1	25
B	8.5	T2	26
K	10	U1	30
L	11	U2	33
M	12	W1	40
N	13	W2	42
O1	15	X	49
O2	16	Y	50
Q1	19.15	Z	56
Q2	20	AD	132
S	24	AF	180

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 +

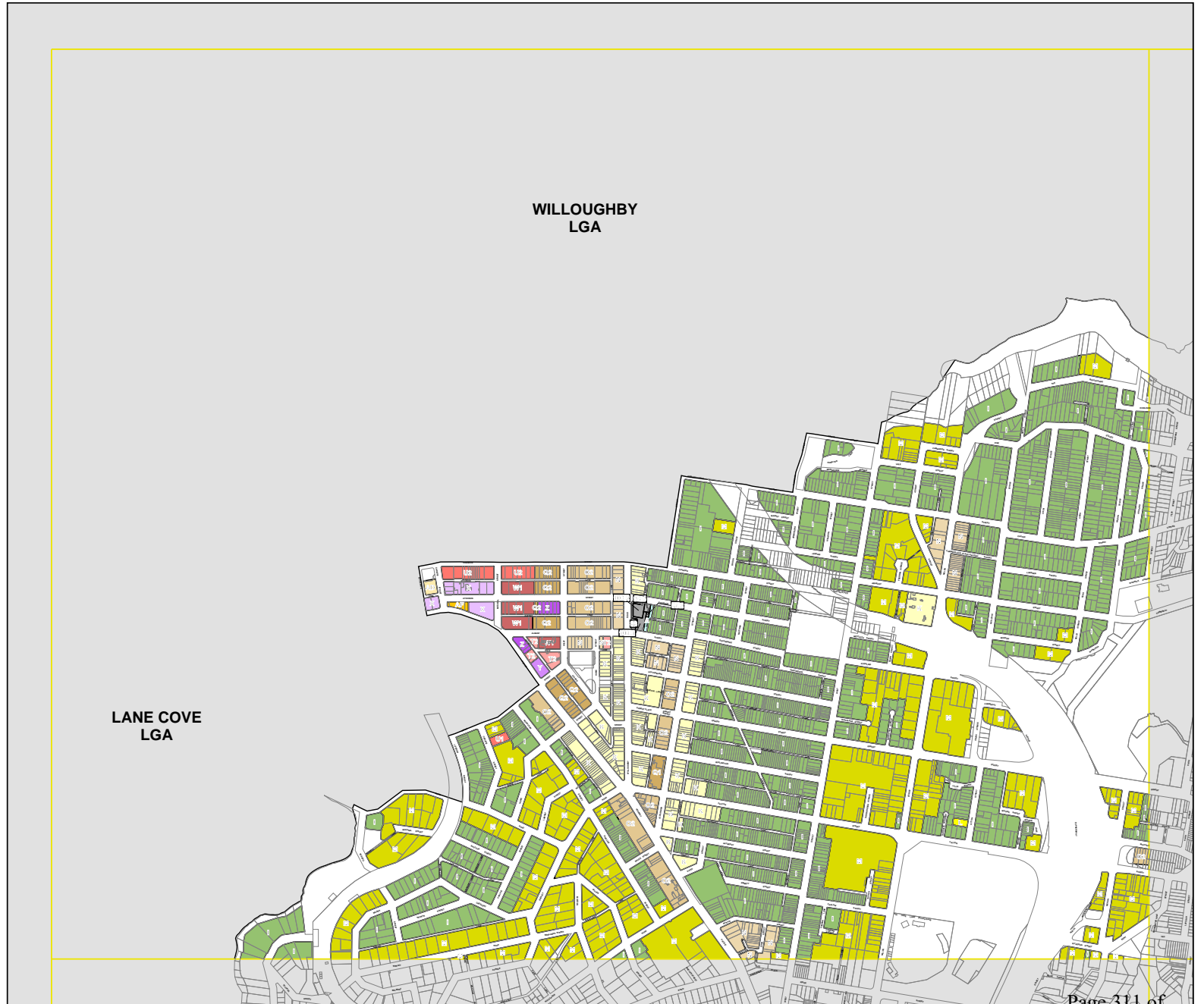
Cadastre

□ Cadastre 10/08/20 © North Sydney Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_HOB_001_010_20200810





North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_002

Maximum Building Height (m)

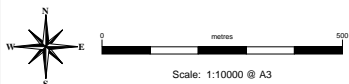
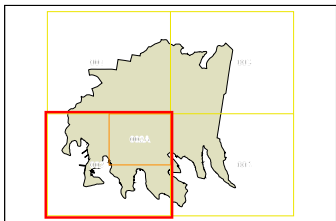
A	1	T1	25
B	8.5	T2	26
K	10	U1	30
L	11	U2	33
M	12	W1	40
N	13	W2	42
O1	15	X	49
O2	16	Y	50
Q1	19.15	Z	56
Q2	20	AD	132
S	24	AF	180

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 +

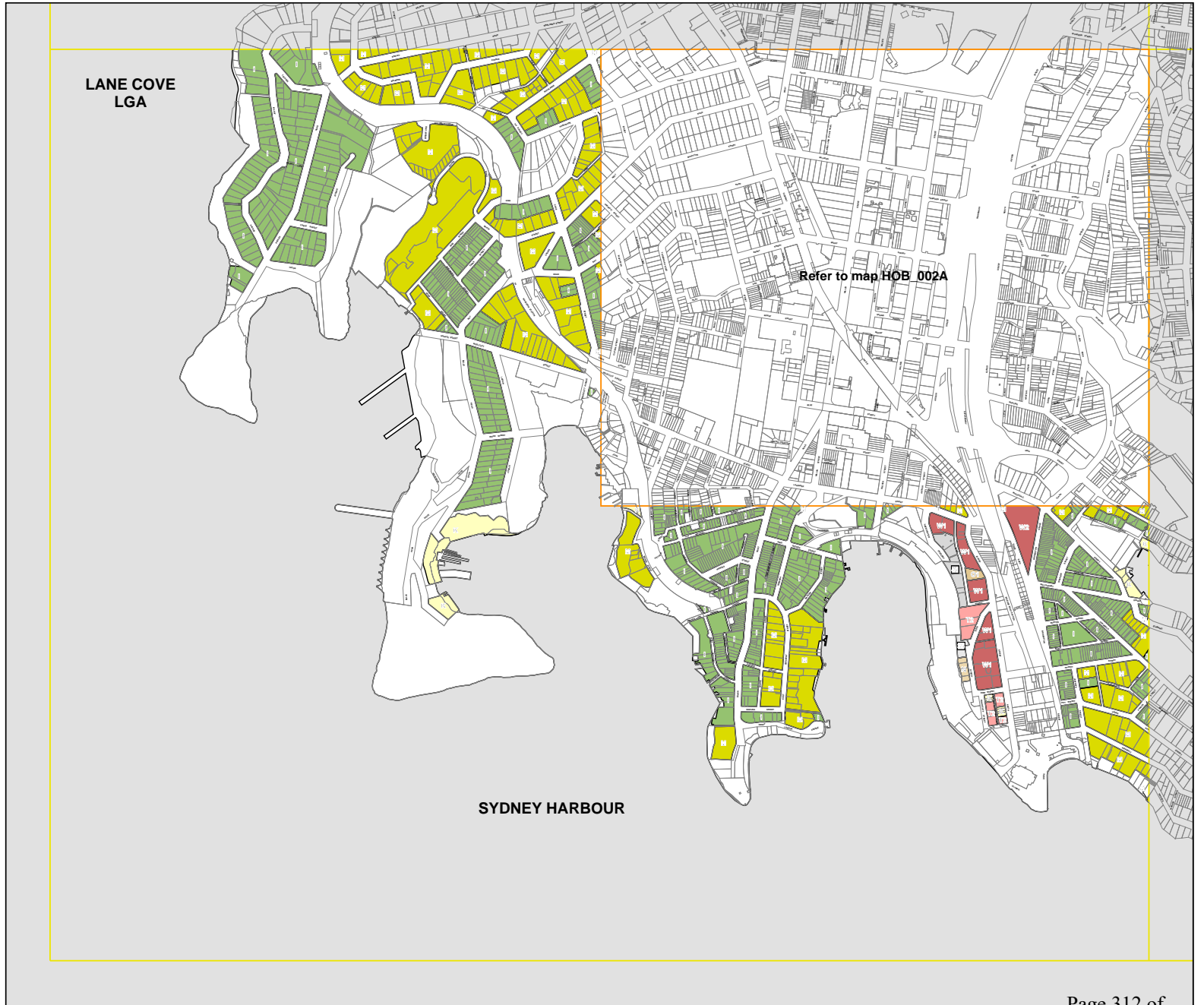
Cadastral

Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_HOB_002_010_20200810





North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_002A

Maximum Building Height (m)

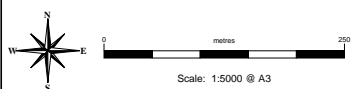
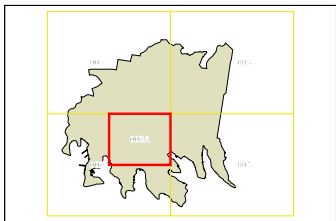
A	1	T1	25
G	8.5	T2	26
K	10	U1	30
L	11	U2	33
M	12	W1	40
N	13	W2	42
O1	15	X	49
O2	16	Y	50
Q1	19.15	Z	56
Q2	20	AD	132
S	24	AF	180

Maximum Building Height (RL m)

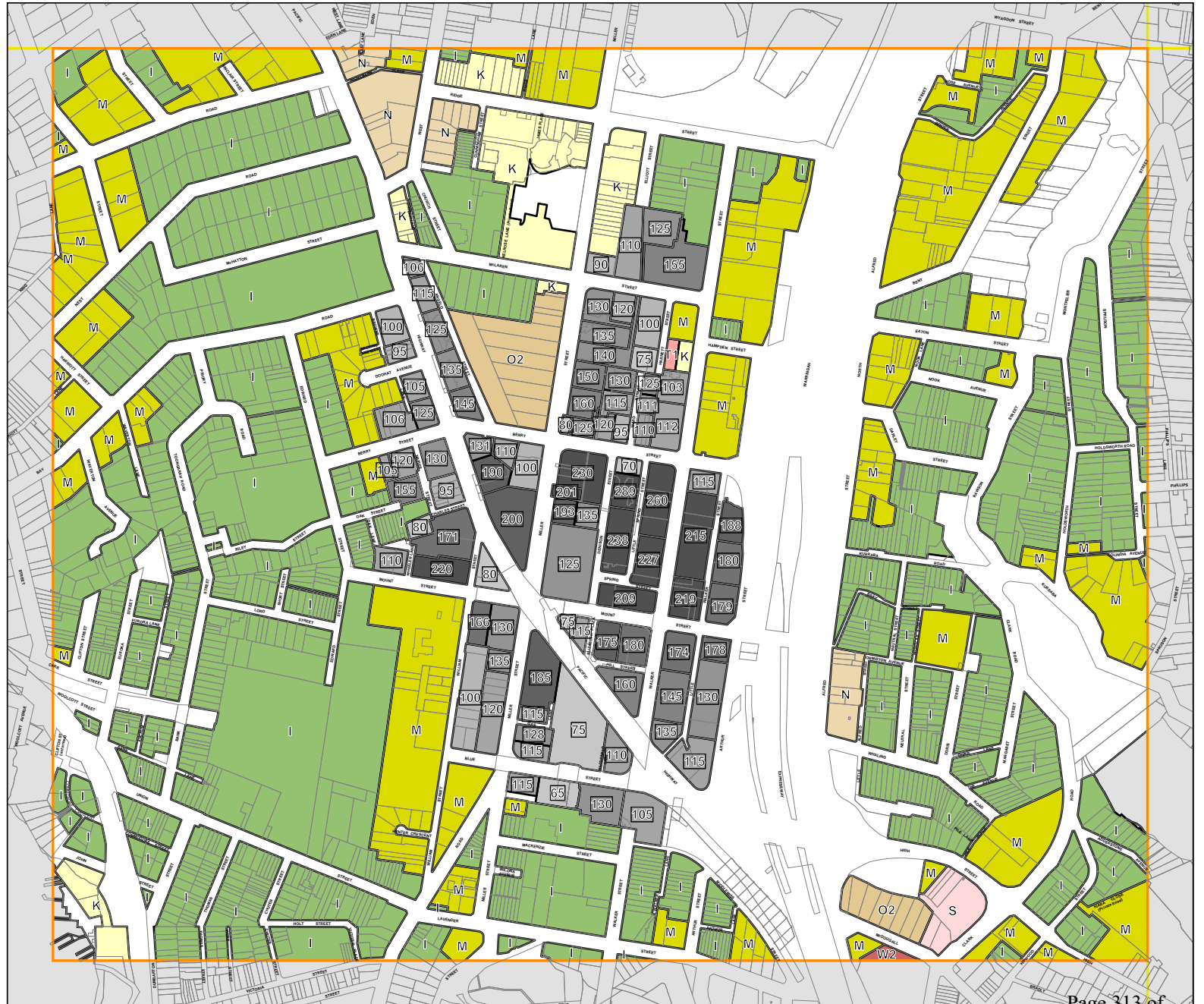
0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
101 - 120
121 - 140
141 - 160
161 - 180
181 - 200
200 +

Cadastre

□ Cadastre 10/08/20 © North Sydney Council



Projection: GDA 1994
 MGA Zone 56
 Map identification number:
 5950_CDM_HOB_002A_005_20200810





North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_003

Maximum Building Height (m)

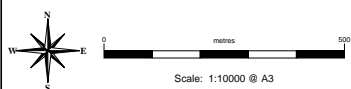
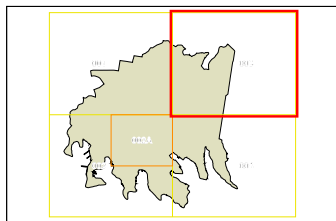
A	1	T1	25
B	8.5	T2	26
K	10	U1	30
L	11	U2	33
M	12	W1	40
N	13	W2	42
O1	15	X	49
O2	16	Y	50
Q1	19.15	Z	56
Q2	20	AD	132
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Maximum Building Height (RL m)

0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
101 - 120
121 - 140
141 - 160
161 - 180
181 - 200
200 +

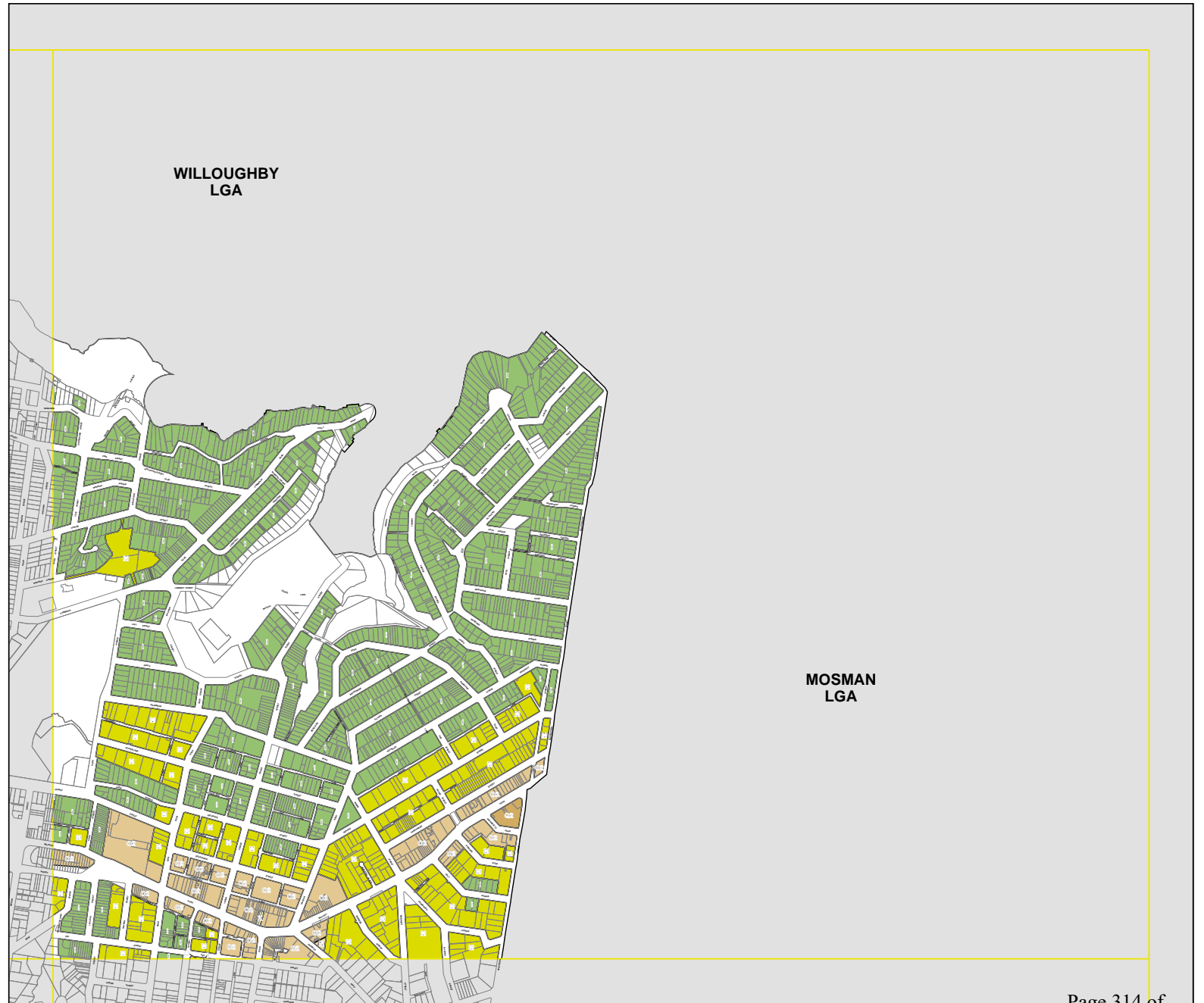
Cadastrate

▭ Cadastrate 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_HOB_003_010_20200810





North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_004

Maximum Building Height (m)

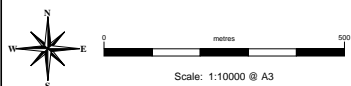
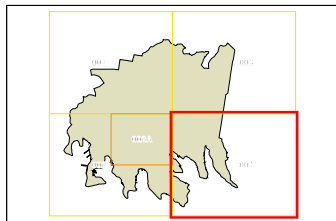
A	1	T1	25
B	8.5	T2	26
K	10	U1	30
L	11	U2	33
M	12	W1	40
N	13	W2	42
O1	15	X	49
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Q1	19.15	Z	56
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Maximum Building Height (RL m)

0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
101 - 120
121 - 140
141 - 160
161 - 180
181 - 200
200 +

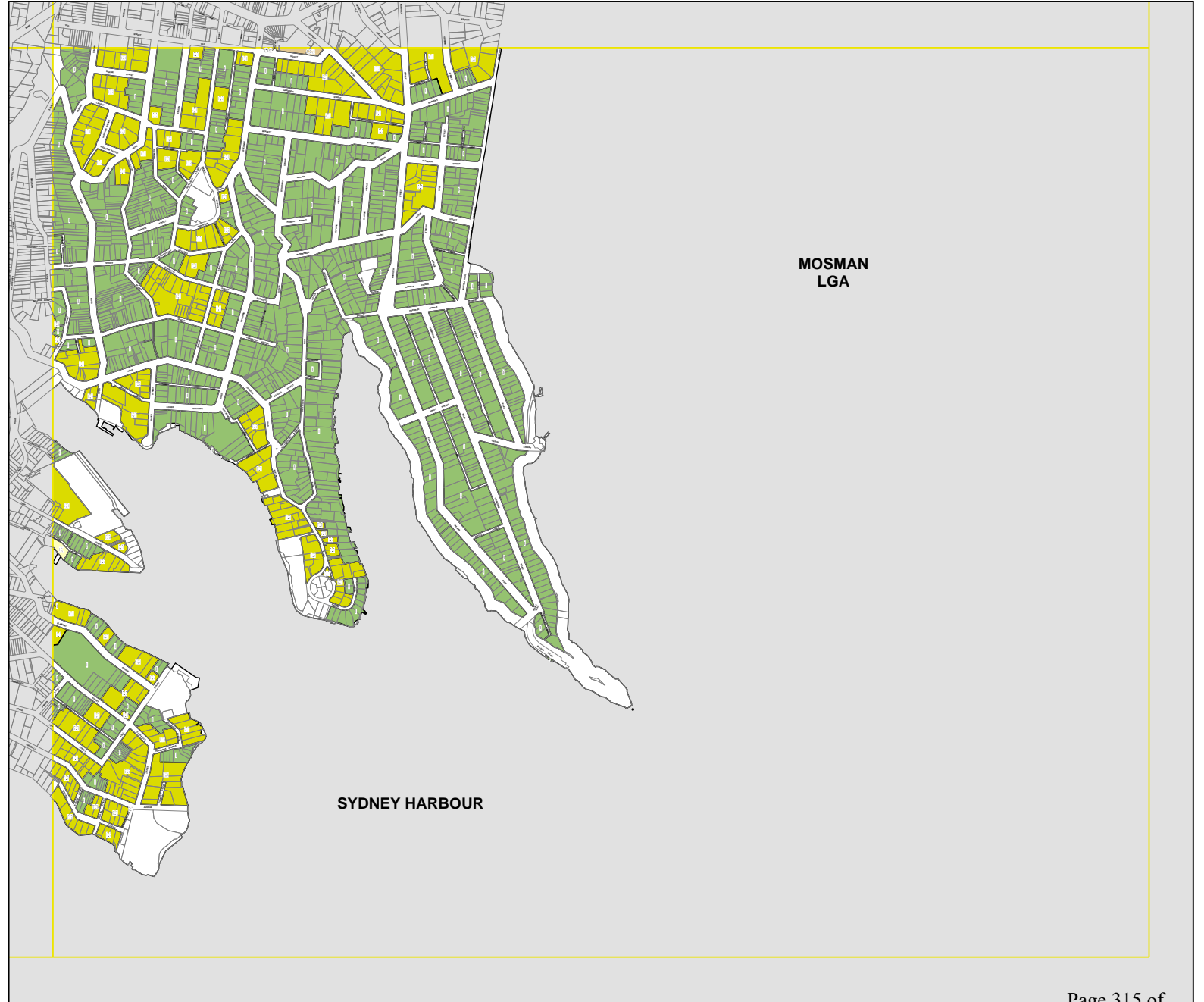
Cadastral

□ Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_HOB_004_010_20200810



MOSMAN LGA

SYDNEY HARBOUR



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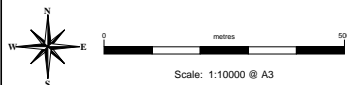
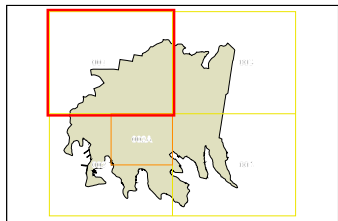
Lot Size Map
- Sheet LSZ_001

Minimum Lot size (sq m)

- B 230
- G 450
- M 600

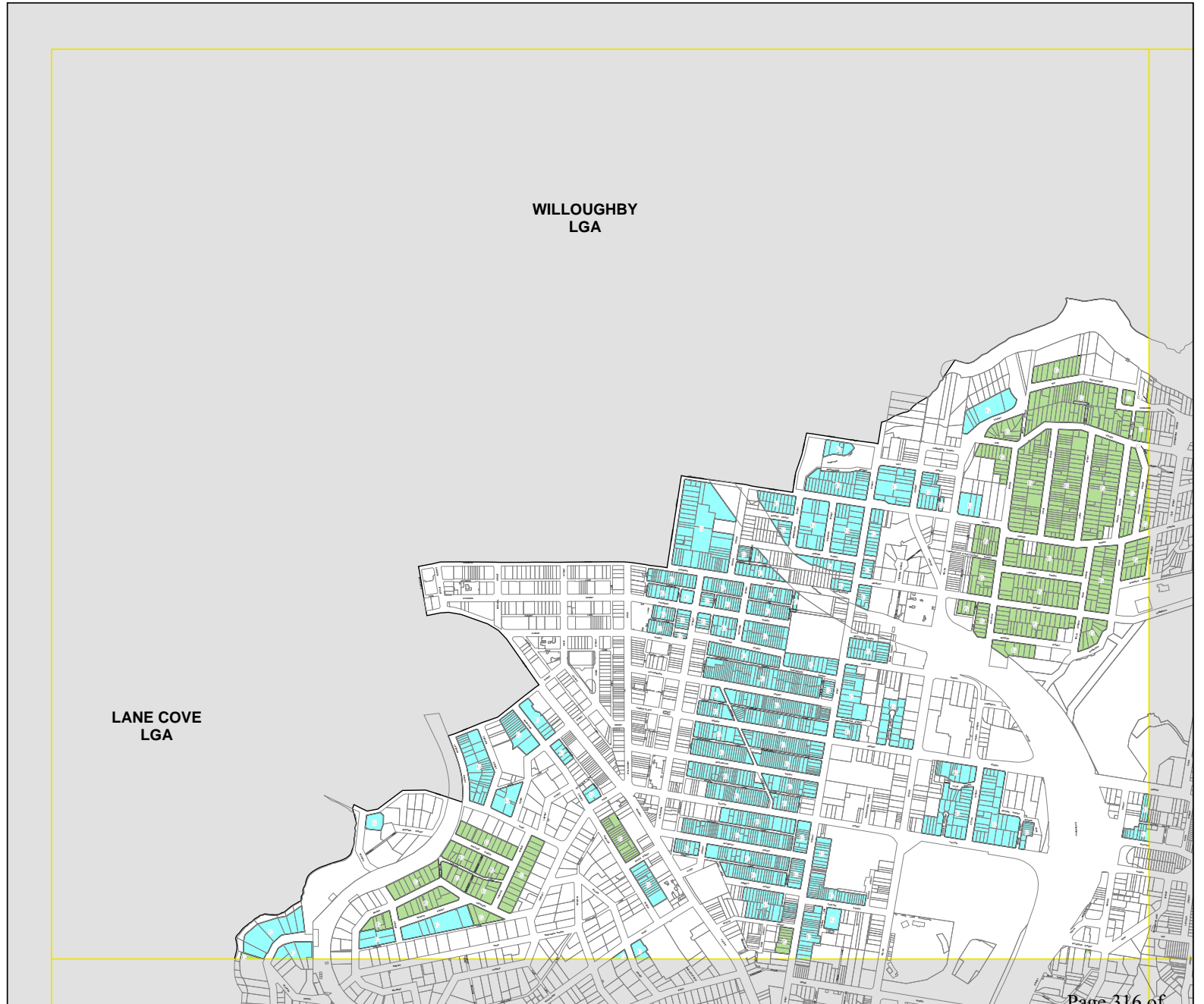
Cadastral

Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_LSZ_001_010_20200810





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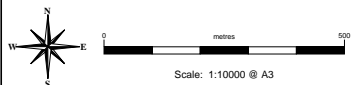
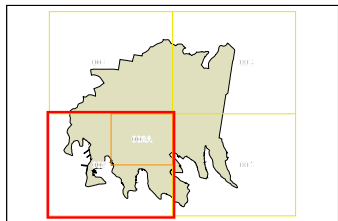
**Lot Size Map
- Sheet LSZ_002**

Minimum Lot size (sq m)

- B** 230
- G** 450
- M** 600

Cadastral

□ Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_LSZ_002_010_20200810





North Sydney Local Environmental Plan 2013

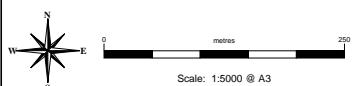
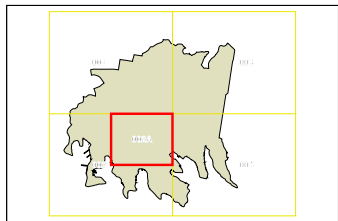
Lot Size Map - Sheet LSZ_002A

Minimum Lot size (sq m)

- B 230
- G 450
- M 600

Cadastral

Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_C01_LSZ_002A_005_20200810






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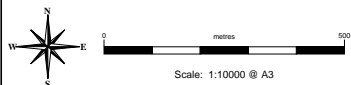
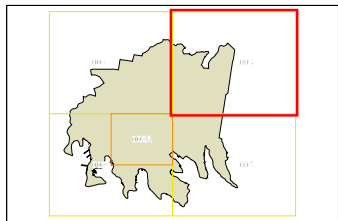
Lot Size Map
- Sheet LSZ_003

Minimum Lot size (sq m)

B	230
G	450
M	600

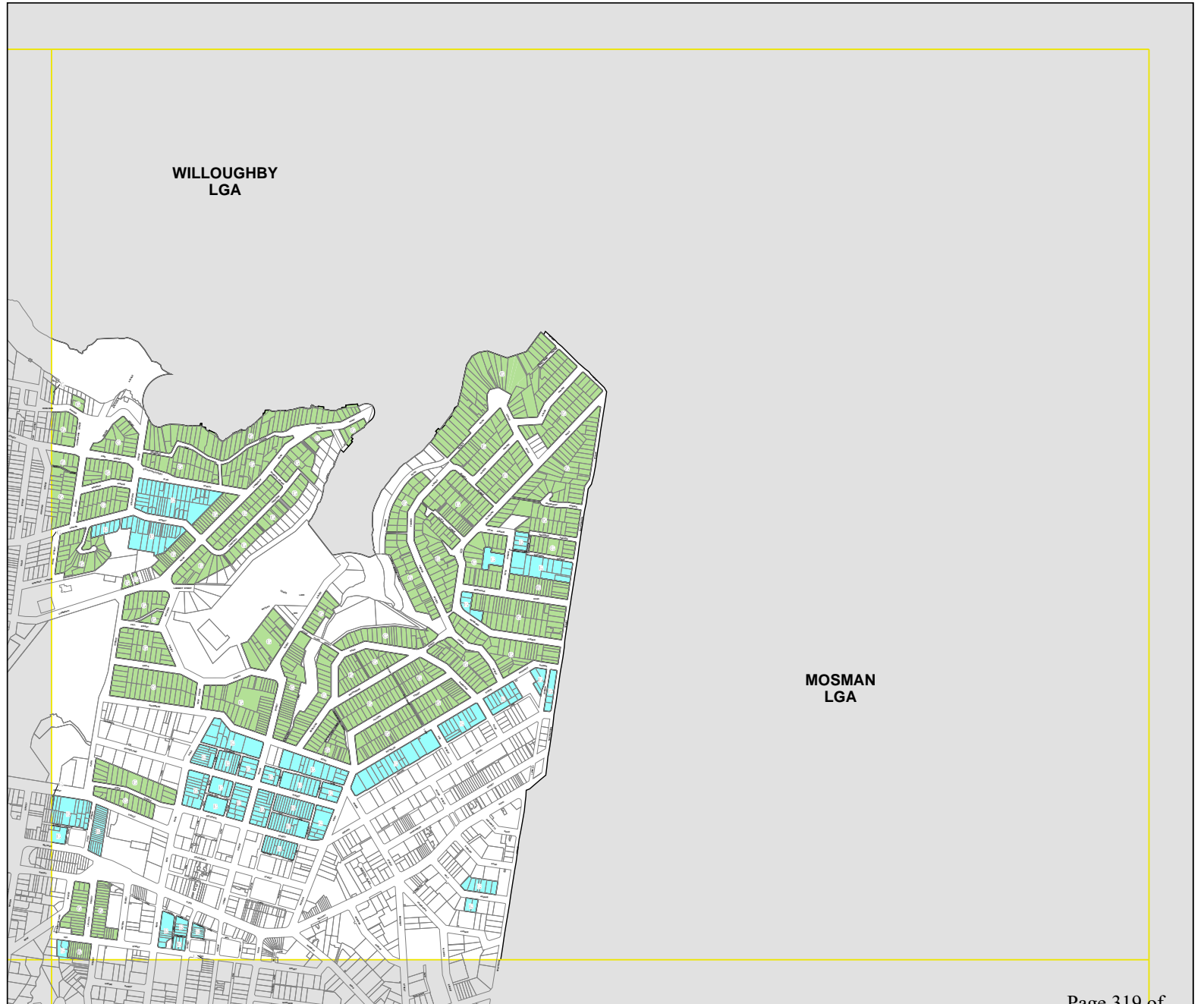
Cadastral

 Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_LSZ_003_010_20200810





**North Sydney Local
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Plan 2013**

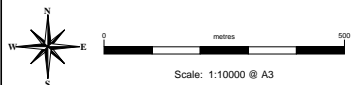
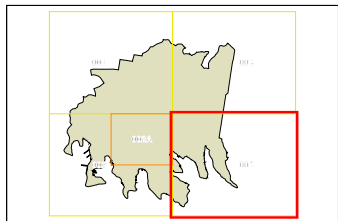
**Lot Size Map
- Sheet LSZ_004**

Minimum Lot size (sq m)

- B** 230
- G** 450
- M** 600

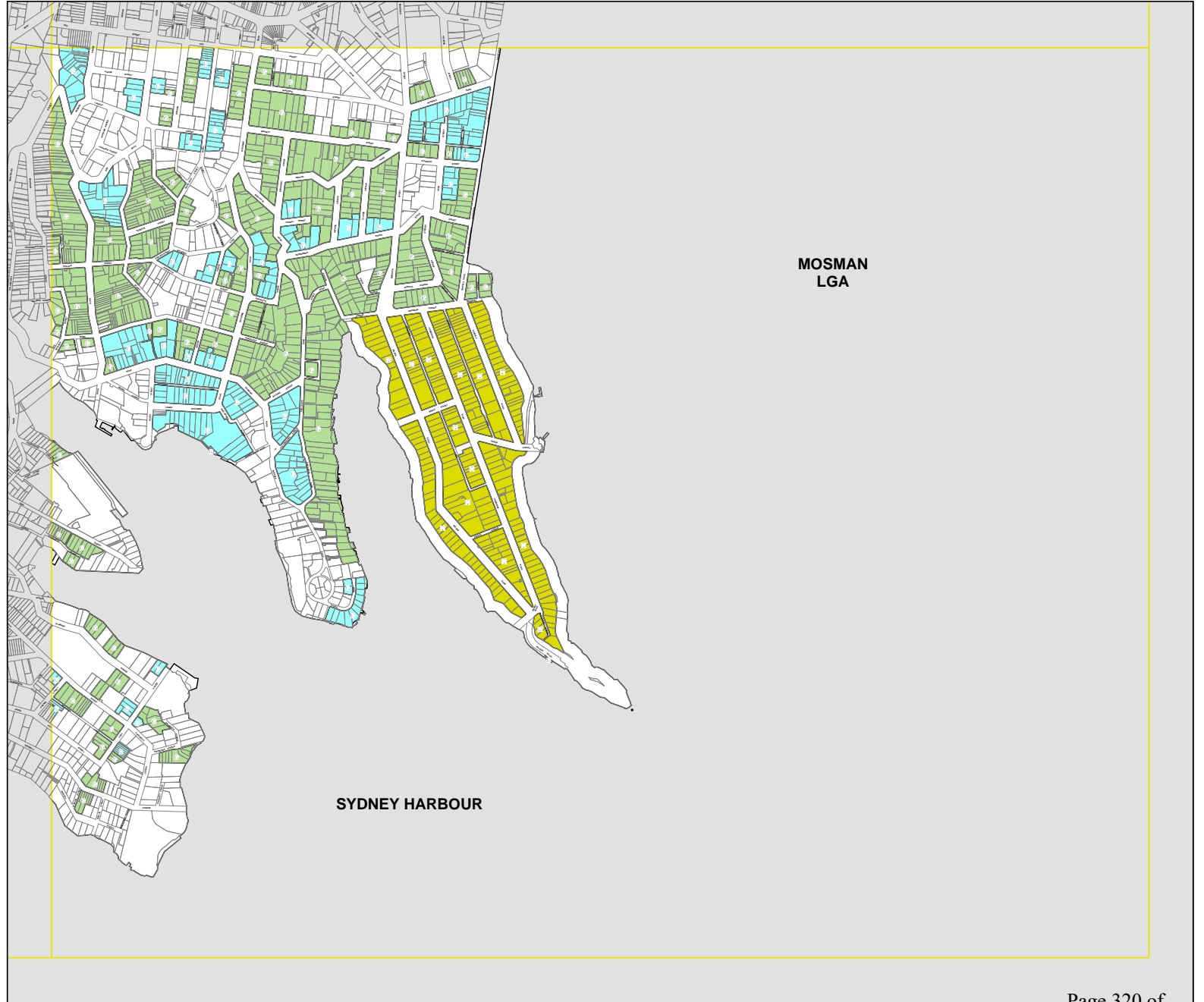
Cadastrate

- Cadastrate 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_LSZ_004_010_20200810





North Sydney Local Environmental Plan 2013

Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_001

Foreshore Building Line

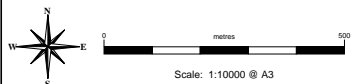
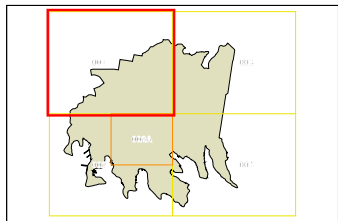
- Foreshore Area
- Foreshore Building Line

North Sydney Centre

- Miller Street Setback
- Special Area
- North Sydney Centre

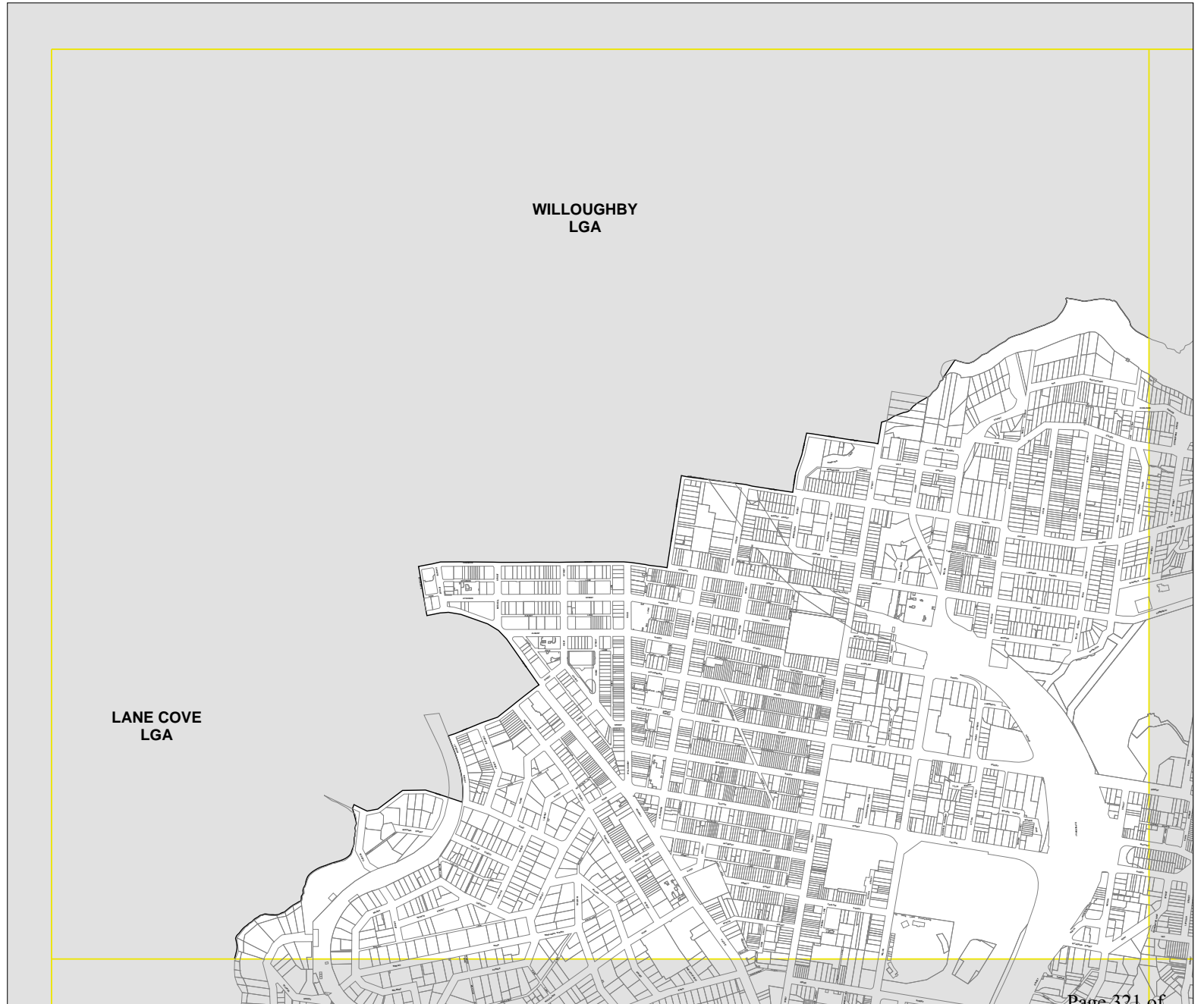
Cadastral

- Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_CL1_001_010_20200810








North Sydney Local Environmental Plan 2013

**Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_002**


Foreshore Building Line

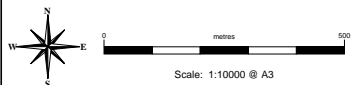
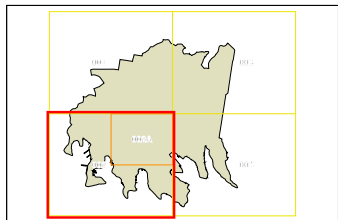
-  Foreshore Area
-  Foreshore Building Line

North Sydney Centre

-  Miller Street Setback
-  Special Area
- North Sydney Centre

Cadastral

-  Cadastral 10/08/20 © North Sydney Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_CL1_002_010_20200810





North Sydney Local Environmental Plan 2013

**Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_002A**

Foreshore Building Line

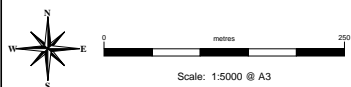
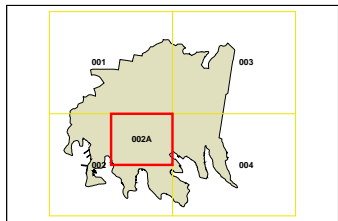
- Foreshore Area
- Foreshore Building Line

North Sydney Centre

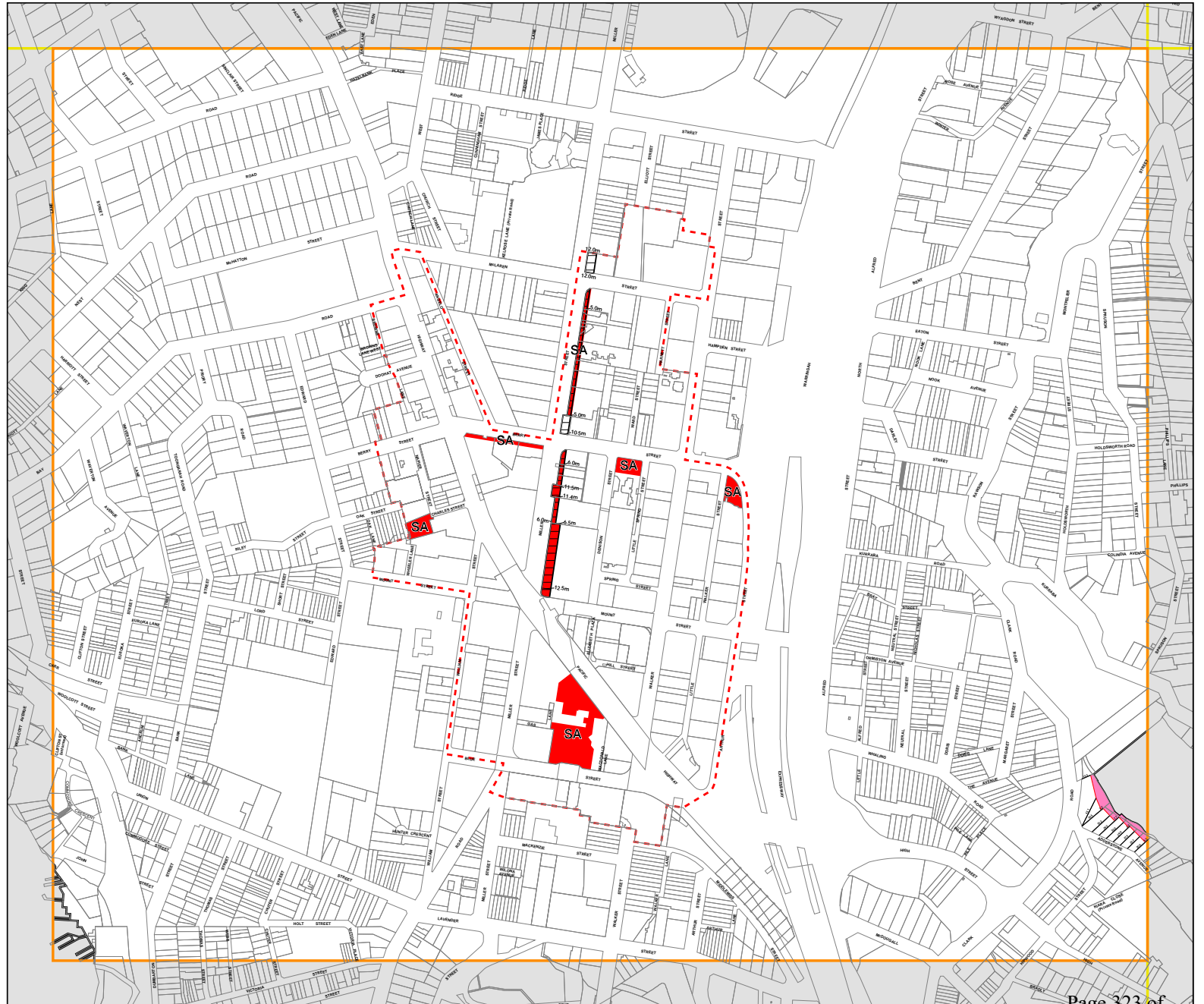
- Miller Street Setback
- Special Area
North Sydney Centre

Cadastre

- Cadastre 10/08/20 © North Sydney Council



Map identification number:
5950_CDM_CL1_002A_005_20200810





North Sydney Local Environmental Plan 2013

Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_003

Foreshore Building Line

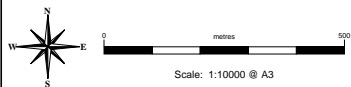
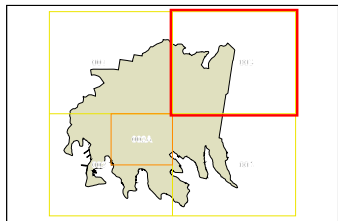
- Foreshore Area
- Foreshore Building Line

North Sydney Centre

- Miller Street Setback
- Special Area
- North Sydney Centre

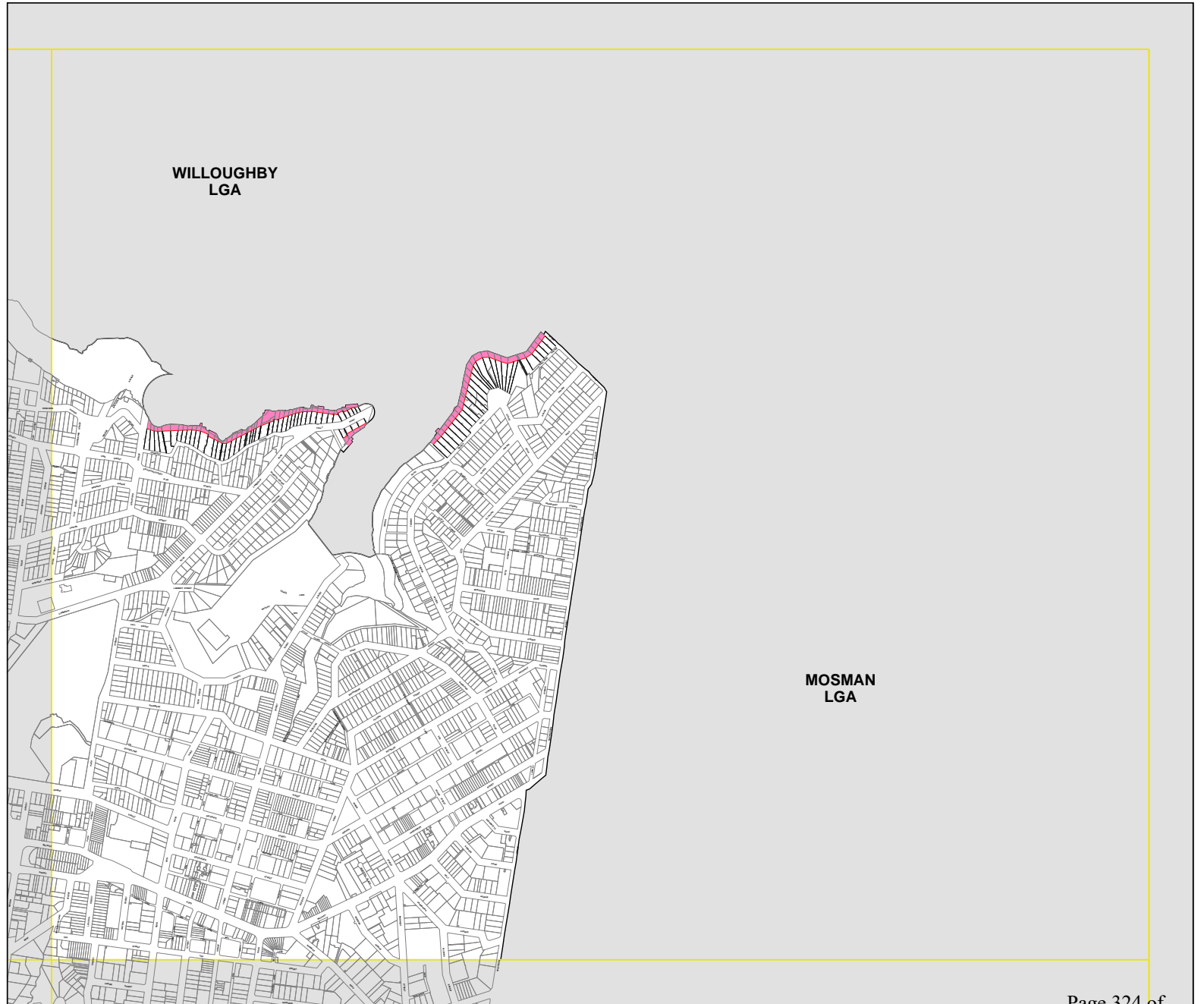
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Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_CL1_003_010_20200810





North Sydney Local Environmental Plan 2013

**Foreshore Building Line Map
North Sydney Centre Map
- Sheet CL1_004**

Foreshore Building Line

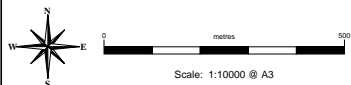
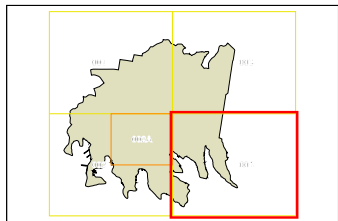
- Foreshore Area
- Foreshore Building Line

North Sydney Centre

- Miller Street Setback
- Special Area
North Sydney Centre

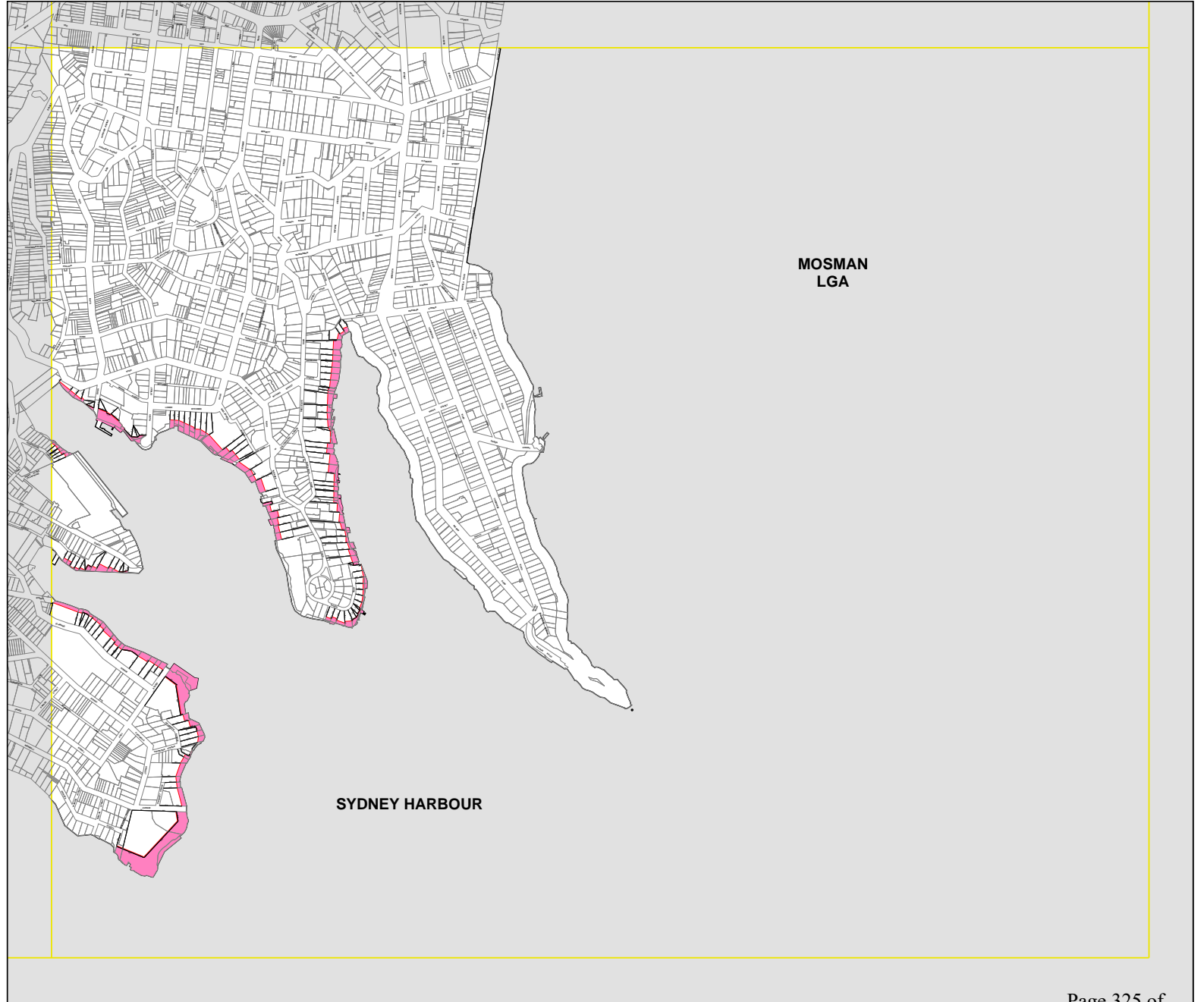
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Projection: GDA 1984
MGA Zone 56

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North Sydney Local Environmental Plan 2013

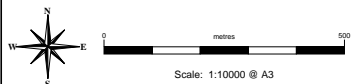
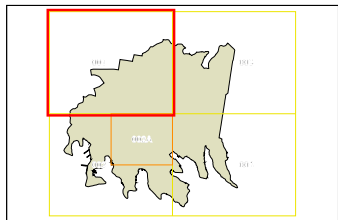
**Non-Residential Floor Space Ratio Map
- Sheet LCL_001**

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
X1	4.25
X2	4.7

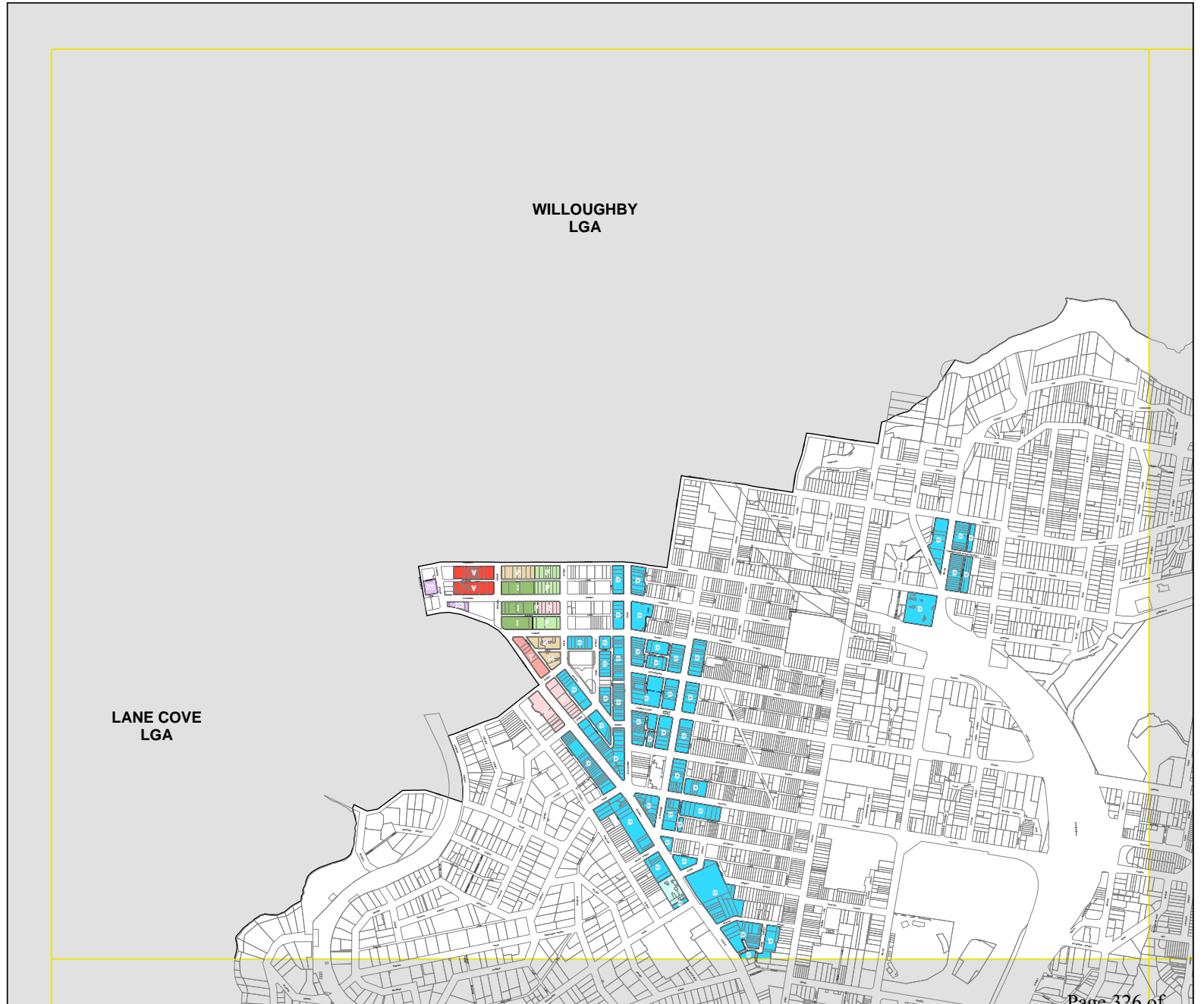
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Projection: GDA 1984
MGA Zone 56

Map identification number:
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North Sydney Local Environmental Plan 2013

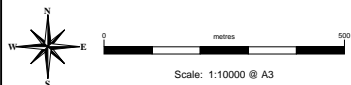
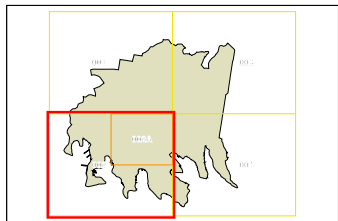
Non-Residential Floor Space Ratio Map - Sheet LCL_002

Minimum Non-Residential Floor Space Ratio (n:1)

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D	0.5
F	0.6
I	0.75
N	1
R	1.4
S	1.5
T	2
V	3
X1	4.25
X2	4.7

Cadastral

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Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_LCL_002_010_20200810





North Sydney Local Environmental Plan 2013

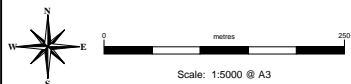
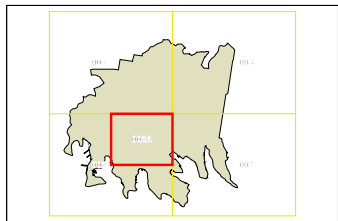
Non-Residential Floor Space Ratio Map - Sheet LCL_002A

Minimum Non-Residential Floor Space Ratio (n:1)

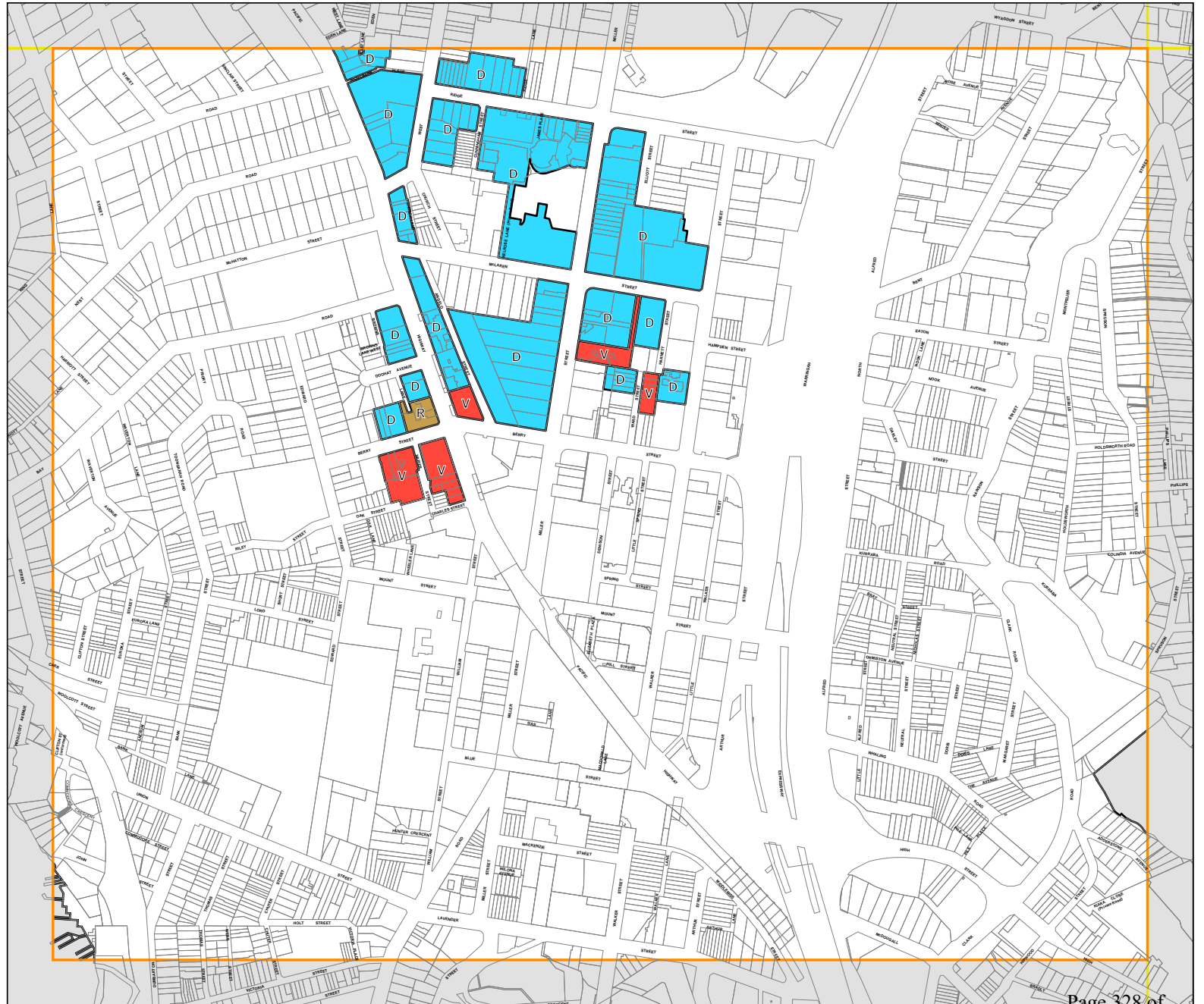
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D	0.5
F	0.6
I	0.75
N	1
R	1.4
S	1.5
T	2
V	3
X1	4.25
X2	4.7

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Map identification number:
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**North Sydney Local
Environmental
Plan 2013**

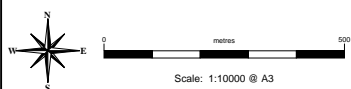
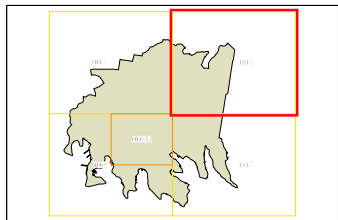
Non-Residential Floor Space
Ratio Map
- Sheet LCL_003

Minimum Non-Residential Floor Space Ratio (n:1)

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S	1.5
T	2
V	3
X1	4.25
X2	4.7

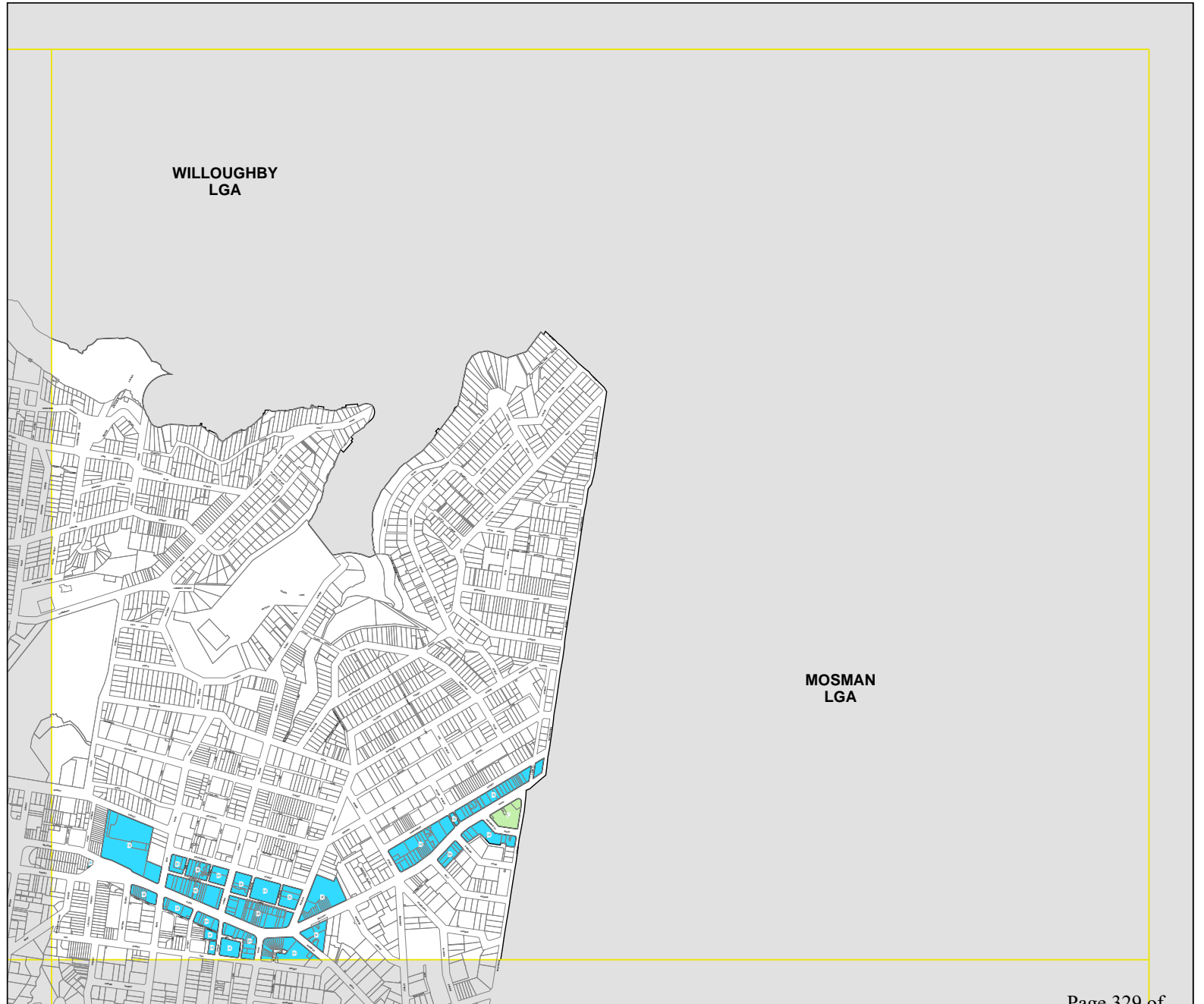
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Projection: GDA 1984
MGA Zone 56

Map identification number:
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North Sydney Local Environmental Plan 2013

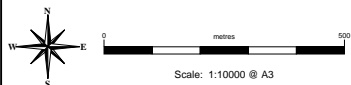
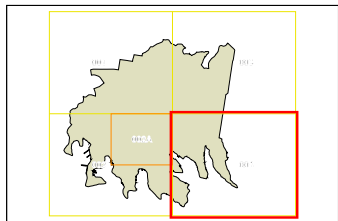
Non-Residential Floor Space Ratio Map
- Sheet LCL_004

Minimum Non-Residential Floor Space Ratio (n:1)

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T	2
V	3
X1	4.25
X2	4.7

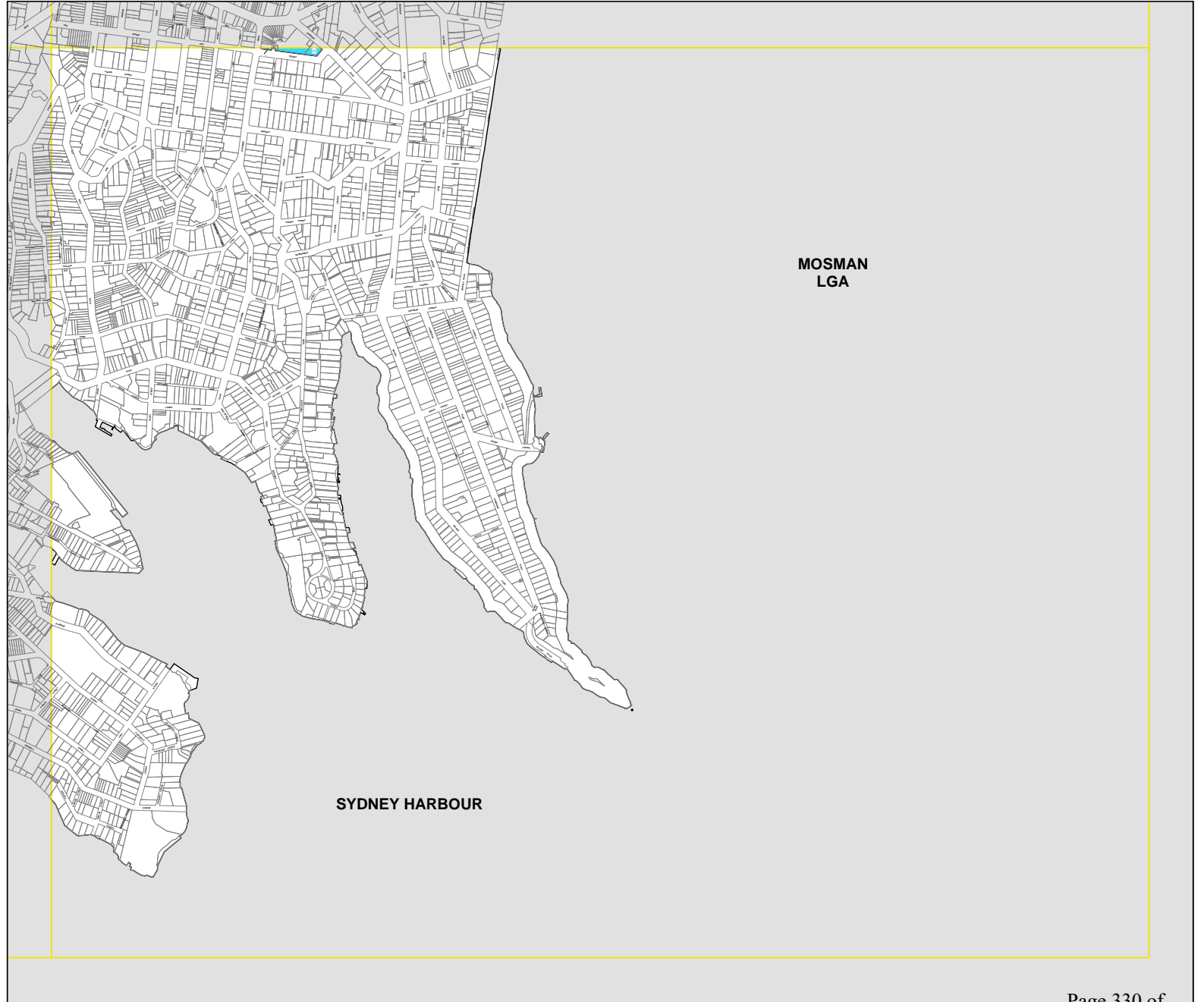
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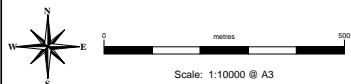
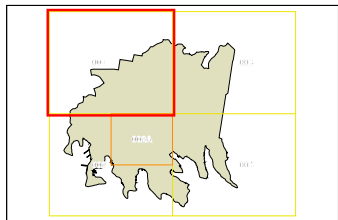
North Sydney Local Environmental Plan 2013

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)

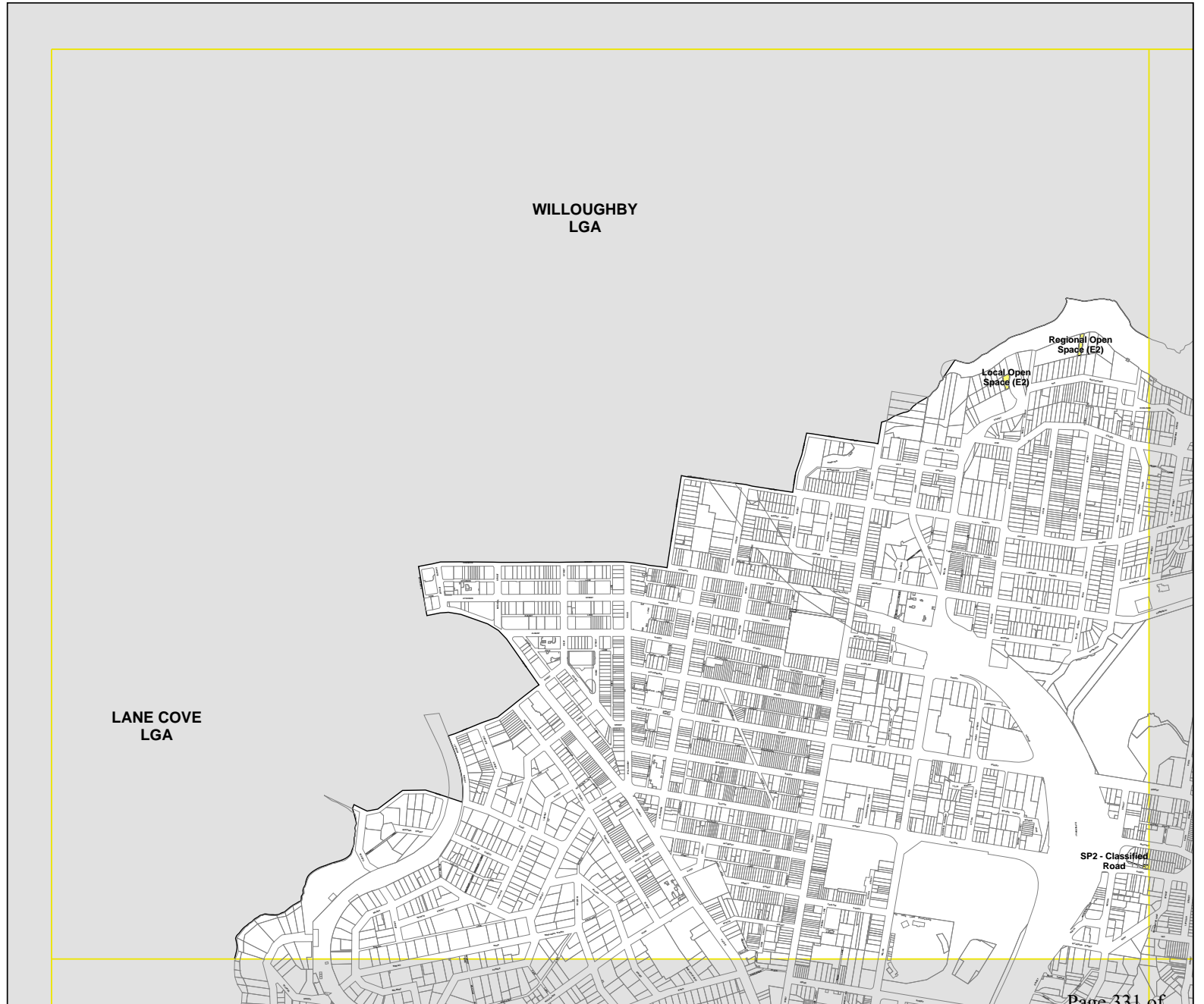
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Projection: GDA 1984
MGA Zone 56

Map identification number:
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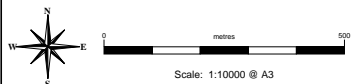
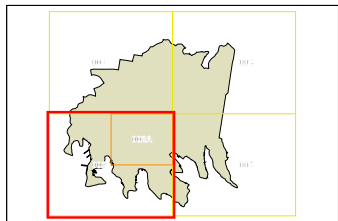


North Sydney Local Environmental Plan 2013

Land Reservation Acquisition Map - Sheet LRA_002

-  Local Open Space (RE1)
-  Regional Open Space (RE1)
-  Local Open Space (E2)
-  Regional Open Space (E2)
-  Classified Road (SP2)

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Projection: GDA 1994
MGA Zone 56

Map identification number:
5950_CDM_LRA_002_010_20200810






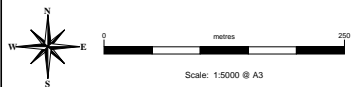
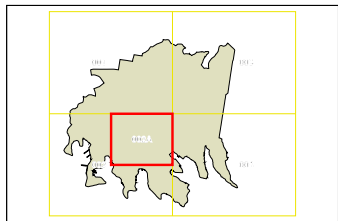
North Sydney Local Environmental Plan 2013

Land Reservation Acquisition Map - Sheet LRA_002A

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-  Local Open Space (E2)
-  Regional Open Space (E2)
-  Classified Road (SP2)

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Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_LRA_002A_005_20200810






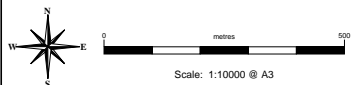
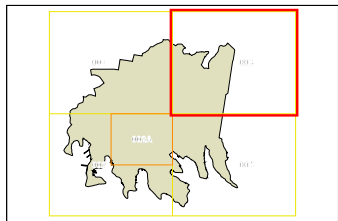
North Sydney Local Environmental Plan 2013

Land Reservation Acquisition Map - Sheet LRA_003

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-  Local Open Space (E2)
-  Regional Open Space (E2)
-  Classified Road (SP2)

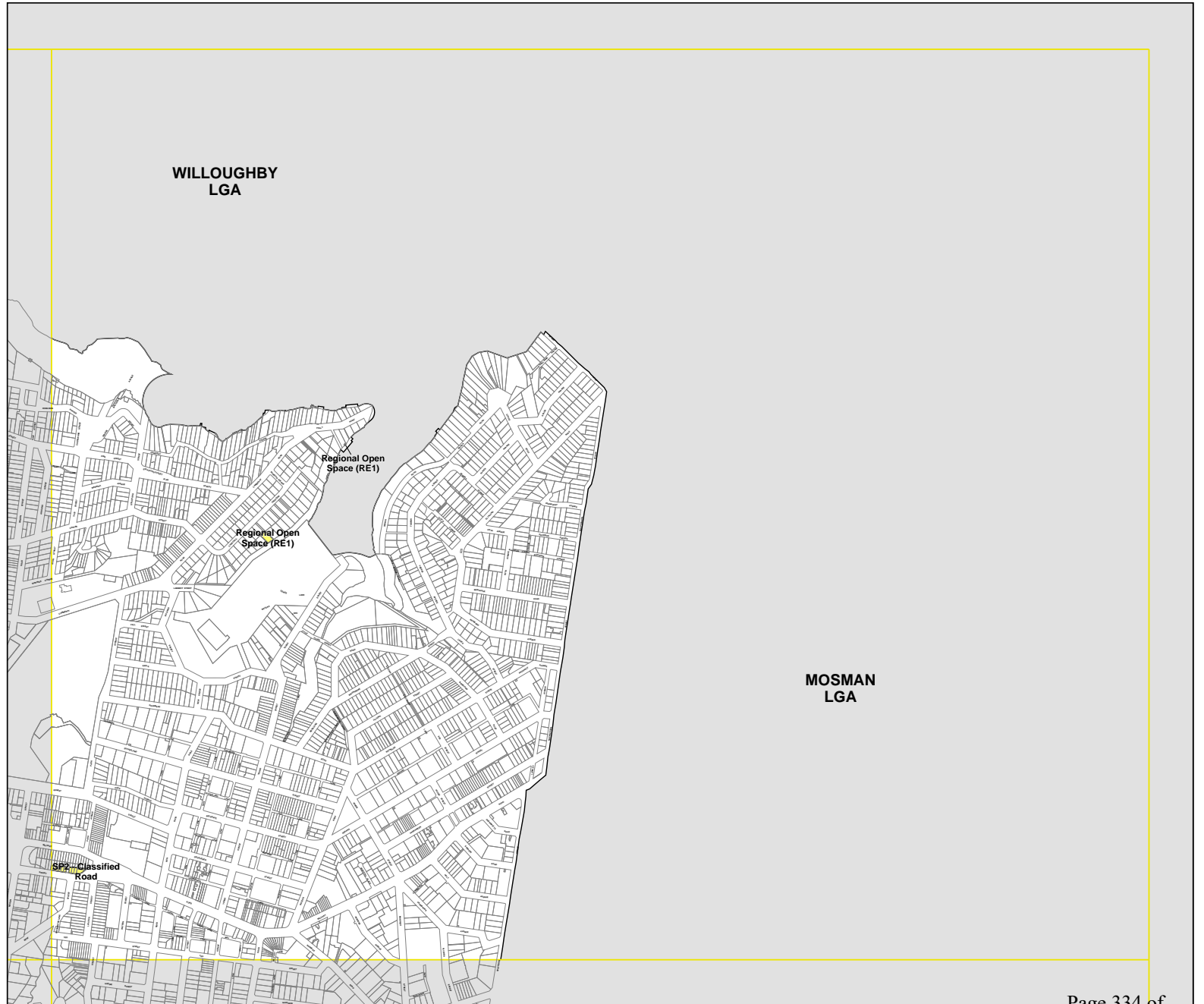
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Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_LRA_003_010_20200810



**WILLOUGHBY
LGA**

Regional Open Space (RE1)

Regional Open Space (RE1)

SP2 - Classified Road


**MOSMAN
LGA**

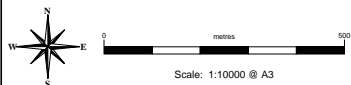
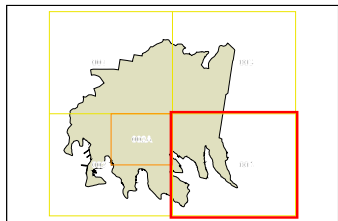


North Sydney Local Environmental Plan 2013

Land Reservation Acquisition Map - Sheet LRA_004

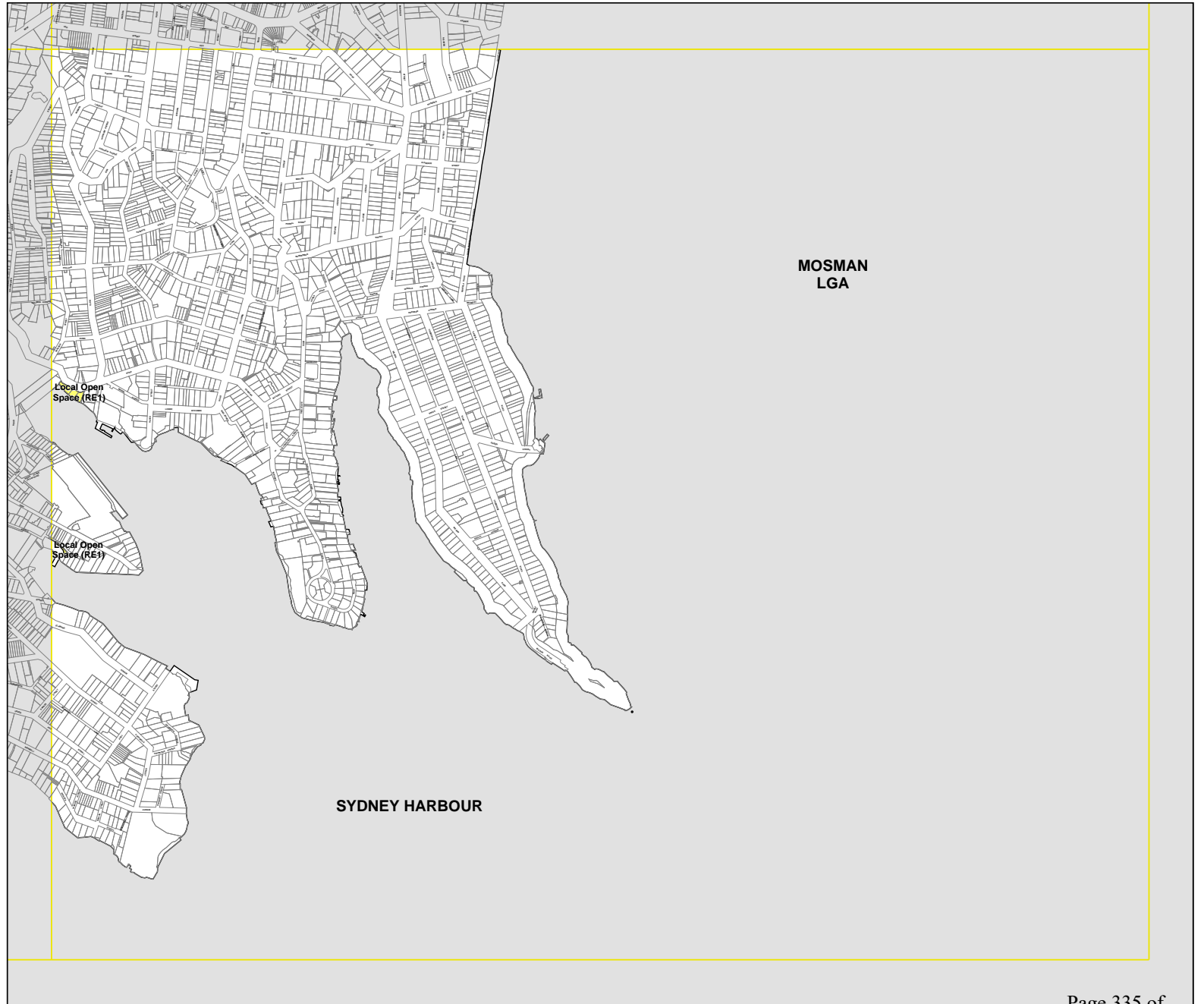
-  Local Open Space (RE1)
- Regional Open Space (RE1)
- Local Open Space (E2)
- Regional Open Space (E2)
- Classified Road (SP2)

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Projection: GDA 1984
MGA Zone 56

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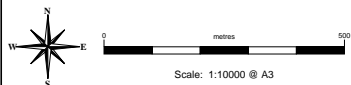
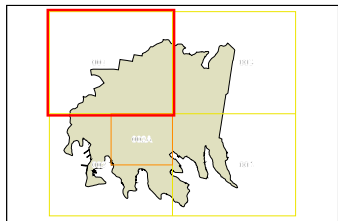
North Sydney Local Environmental Plan 2013

Additional Permitted Uses Map - Sheet APU_001

 Additional Permitted Uses

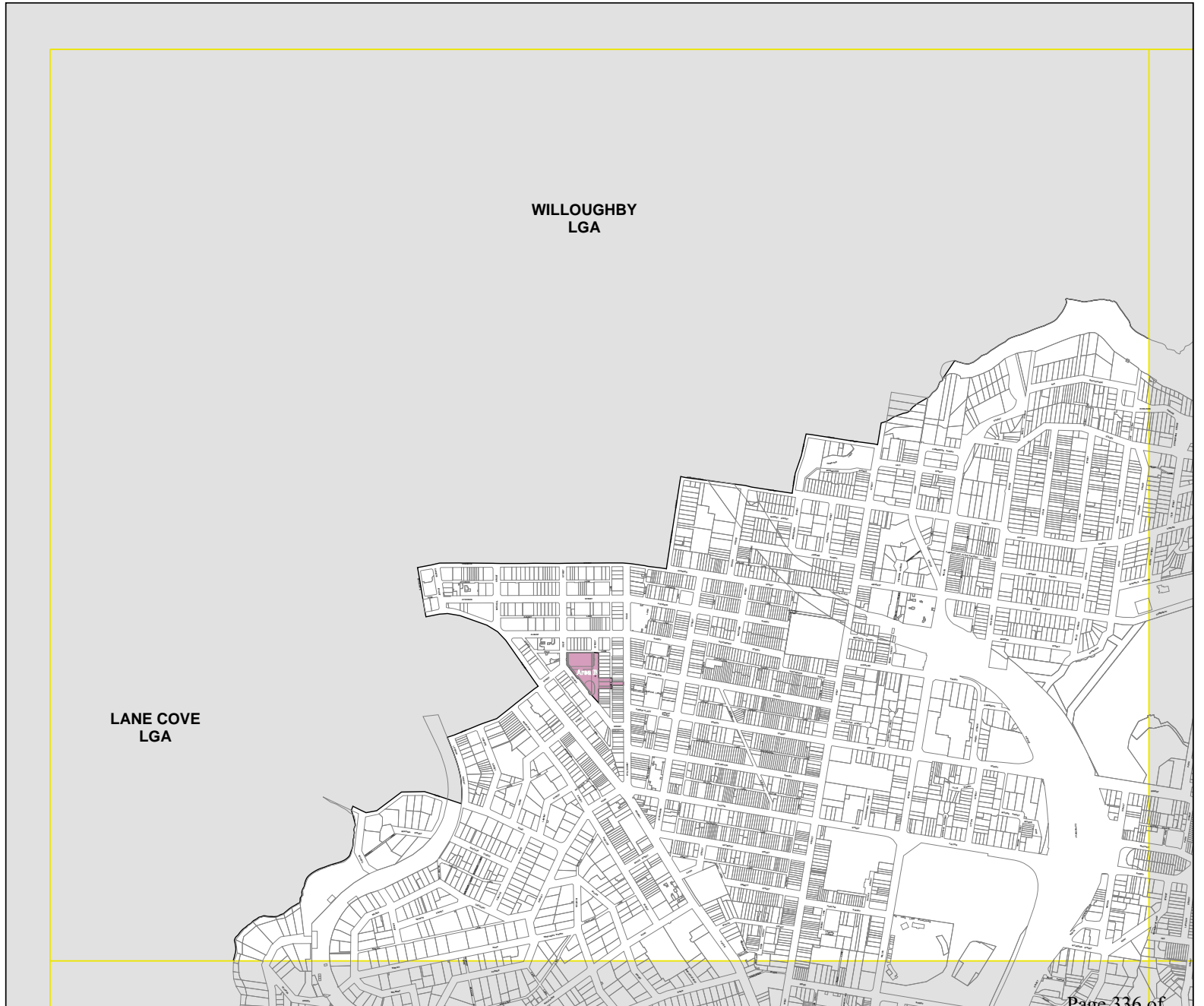
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Projection: GDA 1994
MGA Zone 56



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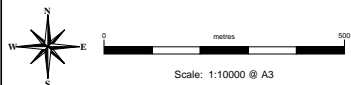
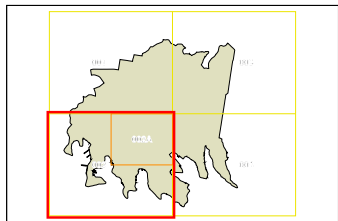




North Sydney Local Environmental Plan 2013

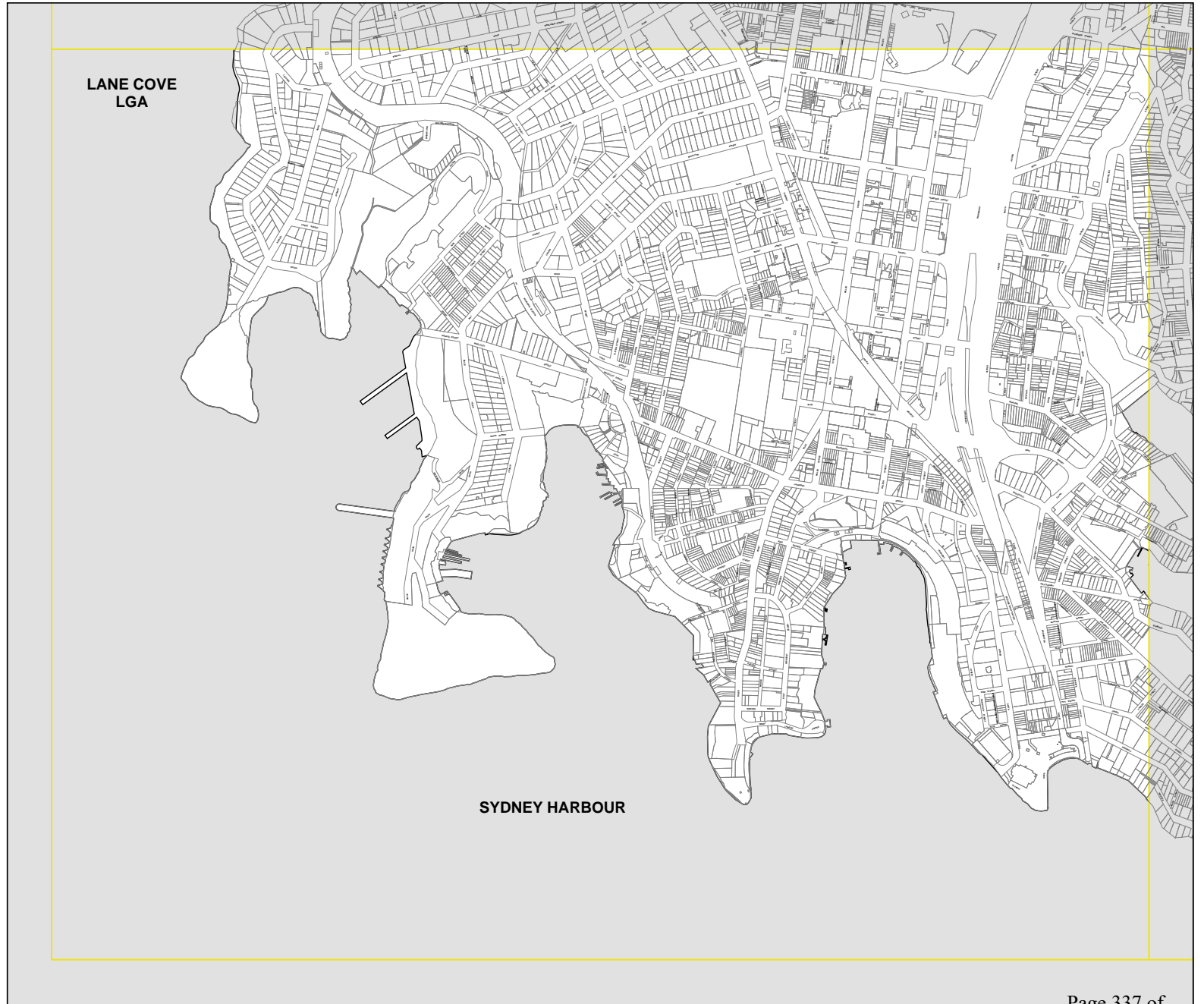
Additional Permitted Uses Map - Sheet APU_002

-  Additional Permitted Uses
- Cadastrre**
-  Cadastrre 10/08/20 © North Sydney Council



Projection: GDA 1984
MGA Zone 56

Map identification number:
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North Sydney Local Environmental Plan 2013

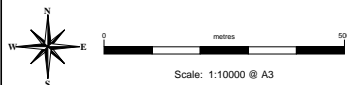
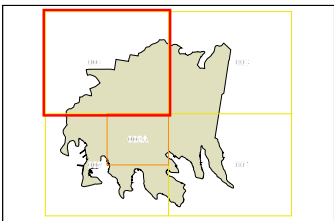
Intensive Urban Development Area
Map - Sheet IUD_001

Intensive Urban Development Area

 Refer to Clause 6.20

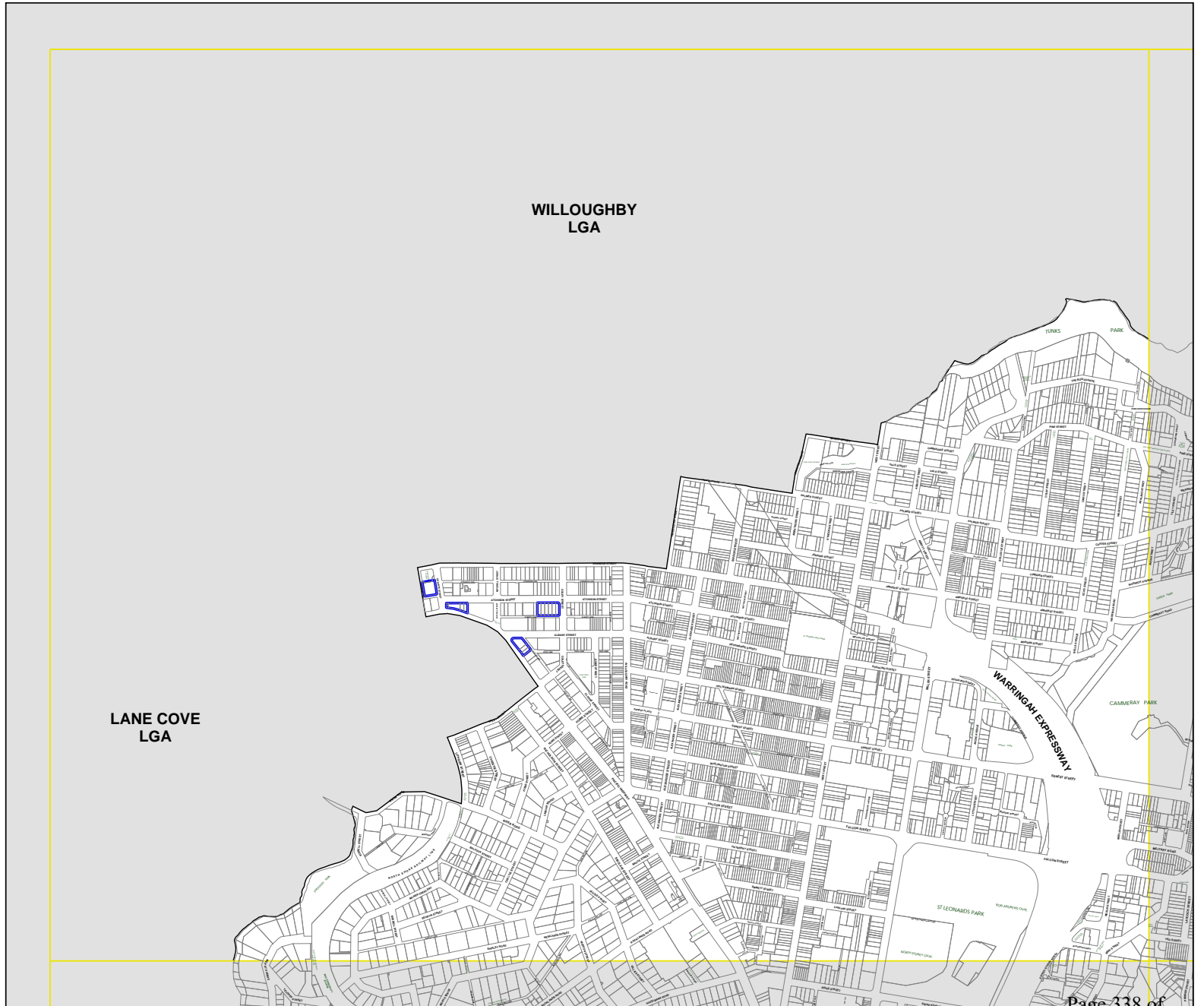
Cadastre

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Projection: GDA 1984
MGA Zone 56

Map identification number:
5950_CDM_IUD_001_010_20200810



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>	✓	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. As indicated in Council's Draft LSPPS 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.
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
<p>Objective 4 <i>Infrastructure use is optimised</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>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></p>		
A collaborative city		
<p>Objective 5 <i>Benefits of growth realised by collaboration of governments, community and business</i></p>	N/A	
<p>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></p>	N/A	The North Sydney LGA does not contain any Collaboration Areas
<p>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></p>	N/A	The North Sydney LGA is not part of the Western Sydney District
LIVEABILITY		
A city for people		
<p>Objective 6 <i>Services and infrastructure meet communities' changing needs</i></p>	✓	
<p>Strategy 6.1 <i>Deliver social infrastructure that reflects the needs of the community now and in the future.</i></p>	✓	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
<p>Strategy 6.2 <i>Optimise the use of available public land for social infrastructure.</i></p>	✓	The planning proposal does not reduce the permissibility of and uses on owned public land.
<p>Objective 7 <i>Communities are healthy, resilient and socially connected</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>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></p> <ul style="list-style-type: none"> • <i>providing walkable places at a human scale with active street life</i> • <i>prioritising opportunities for people to walk, cycle and use public transport</i> • <i>co-locating schools, health, aged care, sporting and cultural facilities</i> • <i>promoting local access to healthy fresh food and supporting local fresh food production.</i> 		
<p>Objective 8 <i>Greater Sydney's communities are culturally rich with diverse neighbourhoods</i></p>	N/A	This objective and strategies are more appropriately addressed through other Council policies and initiatives.
<p>Strategy 8.1 <i>Incorporate cultural and linguistic diversity in strategic planning and engagement.</i></p>		
<p>Strategy 8.2 <i>Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations.</i></p>		
<p>Objective 9 <i>Greater Sydney celebrates the arts and supports creative industries and innovation</i></p>	✓	
<p>Strategy 9.1 <i>Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including:</i></p> <ul style="list-style-type: none"> • <i>arts enterprises and facilities and creative industries</i> • <i>interim and temporary uses</i> • <i>appropriate development of the night-time economy</i> 	✓	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		
<p>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.</p>	✓	The proposal is consistent with the recommended actions to the Draft LHS.
<p>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</p>		
Objective 11 Housing is more diverse and affordable		
Strategy 11.1 Prepare Affordable Rental Housing Target Schemes, following development of implementation arrangements.	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 R3 Medium Density Residential zone will be increased to allow residential flat buildings.
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		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.

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
<p>Strategy 12.2 <i>In Collaboration Areas, Planned Precincts and planning for centres:</i></p> <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>
<p>Objective 13 <i>Environmental heritage is identified, conserved and enhanced</i></p>	✓	<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>
<p>Strategy 13.1 <i>Identify, conserve and enhance environmental heritage by:</i></p> <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		
<p>Objective 14 <i>A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p>	✓	<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>
<p>Strategy 14.1 <i>Integrate land use and transport plans to deliver the 30-minute city.</i></p>		
<p>Strategy 14.2 <i>Investigate, plan and protect future transport and infrastructure corridors</i></p>		
<p>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></p>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Objective 15 The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</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 GPOP and Western Economic Corridor.
<p>Action 6 Collaborate to deliver the Greater Parramatta and the Olympic Peninsula (GPOP) vision. The Greater Sydney Commission to continue leading the collaboration of councils, State agencies, businesses and the community to deliver the GPOP vision. Being the connected and unifying heart of the Central City, GPOP 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.</p>	N/A	The GPOP is not located within or directly adjacent to the North Sydney LGA.
<p>Action 7 Develop a growth infrastructure compact for GPOP. 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 GPOP by December 2018. The growth infrastructure compact will outline the sequencing and funding of local and regional infrastructure aligned to growth.</p>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Objective 16 Freight and logistics network is competitive and efficient</p>	✓	
<p>Strategy 16.1 Manage the interfaces of industrial areas, trade gateways and intermodal facilities by: <u>Land use activities</u></p> <ul style="list-style-type: none"> • providing buffer areas to nearby activities such as residential uses that are sensitive to emissions from 24-hour port and freight functions • 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 • requiring sensitive developments within the influence of port and airport operations to implement measures that reduce amenity impacts • improving communication of current and future noise conditions around Port Botany, airports, surrounding road and rail networks, intermodal terminals and supporting private lands • improving the capacity of existing stakeholders to implement existing planning noise standards for incoming sensitive developments • 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 • preventing inappropriate development within the high noise corridor on the Kurnell Peninsula • identifying and preserving land for future port and airport, intermodal and rail infrastructure • ensuring adequate land is available for transit uses, for example, bus layovers. 	✓	<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
<p>Objective 17 <i>Regional connectivity is enhanced</i></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>
<p>Strategy 17.1 <i>Investigate and plan for the land use implications of potential long-term regional transport connections</i></p>		
Jobs and skills for the city		
<p>Objective 18 <i>Harbour CBD is stronger and more competitive</i></p>	✓	
<p>Strategy 18.1 <i>Prioritise:</i></p> <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 Develop and implement land use and infrastructure plans which strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:</p> <ul style="list-style-type: none"> • further growing an internationally competitive commercial sector to support an innovation economy • providing residential development without compromising commercial development • providing a wide range of cultural, entertainment, arts and leisure activities • providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts. 	✓	The planning proposal does not seek to remove the prohibition on residential development within the B3 Commercial Core zone. Nor does it seek to reduce the number of uses permissible in the B3 Commercial Core or B4 Mixed Use zone, which would impact on the delivery of cultural, entertainment, arts and leisure activities, or a vibrant night-time economy.
<p>Action 8 Support the growth of the Camperdown-Ultimo Collaboration Area</p>	N/A	The North Sydney LGA is not part of the Western Sydney District
<p>Objective 19 Greater Parramatta is stronger and better connected</p>	N/A	The North Sydney LGA is not part of Greater Parramatta
<p>Strategy 19.1 Prioritise:</p> <ul style="list-style-type: none"> • 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 • 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 • 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. 		

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 Develop and implement land use and infrastructure plans which strengthen the economic competitiveness and grow its vibrancy by:</p> <ul style="list-style-type: none"> enabling the development of an internationally competitive health and education precinct at Westmead creating opportunities for an expanded office market balancing residential development with the needs of commercial development, including if required, a commercial core providing for a wide range of cultural, entertainment, arts and leisure activities improving the quality of Parramatta Park and Parramatta River and their walking and cycling connections to Westmead and the Parramatta CBD providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts. 		
<p>Objective 20 Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City</p>	N/A	The North Sydney LGA is not part of the Western Parkland City
<p>Strategy 20.1 Prioritise:</p> <ul style="list-style-type: none"> public transport investments to improve north-south and east-west connections to the metropolitan cluster 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 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. 		

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 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:</p> <ul style="list-style-type: none"> • supporting commercial development, aerospace and defence industries and the innovation economy • supporting internationally competitive freight and logistics sectors • planning vibrant strategic centres and attracting health and education facilities, cultural, entertainment, arts and leisure activities • creating high quality places with a focus on walking and cycling • improving transport connections across the Western Parkland City. 		
<p>Action 9 Collaborate to deliver the Western Sydney City Deal</p>		
<p>Objective 21 Internationally competitive health, education, research and innovation precincts</p>	N/A	The North Sydney LGA does not contain any: <ul style="list-style-type: none"> • identified health and education precincts; or • Collaboration Areas
<p>Strategy 21.1 Develop and implement land use and infrastructure plans for health and education precincts that:</p> <ul style="list-style-type: none"> • create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts • have high levels of accessibility • attract associated businesses, industries and commercialisation of research • facilitate housing opportunities for students and workers within 30 minutes of the precinct 		
<p>Action 10 Facilitate whole-of-government place-based outcomes through Collaboration Areas for targeted centres, including Liverpool, Greater Penrith and Randwick</p>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Objective 22 <i>Investment and business activity in centres</i></p> <p>Strategy 22.1 <i>Provide access to jobs, goods and services in centres by:</i></p> <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> 	✓	<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>
<p>Strategy 22.2 <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>Objective 23 <i>Industrial and urban services land is planned, retained and managed</i></p> <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></p>	✓	<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>

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Strategy 23.2 Consider office development in industrial zones where it does not compromise industrial or urban services activities in the South and Western City Districts.</p>		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.
<p>Action 11 Review and plan for industrial and urban services</p>		
<p>Objective 24 Economic sectors are targeted for success</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>Strategy 24.1 Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers</p>		
<p>Strategy 24.2 Consider the following issues when preparing plans for tourism and visitation:</p> <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 		
<p>Strategy 24.3 Protect and support agricultural production and mineral resources (in particular construction materials) by preventing inappropriately dispersed urban activities in rural areas</p>	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.
<p>Strategy 24.4 Provide a regulatory environment that enables economic opportunities created by changing technologies.</p>	✓	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
<p>Objective 27 <i>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i></p>	✓	It is not proposed to intensify any development within or adjacent to existing areas zoned for open space or bushland purposes.
<p>Strategy 27.1 <i>Protect and enhance biodiversity by:</i></p> <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> 		
<p>Objective 28 <i>Scenic and cultural landscapes are protected</i></p>	✓	The planning proposal does not reduce the number of landscaped heritage items within the LGA.
<p>Strategy 28.1 <i>Identify and protect scenic and cultural landscapes.</i></p>		
<p>Strategy 28.2 <i>Enhance and protect views of scenic and cultural landscapes from the public realm.</i></p>		
<p>Objective 29 <i>Environmental, social and economic values in rural areas are protected and enhanced</i></p>	N/A	The LGA does not contain any land zoned for rural purposes.
<p>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></p>		
<p>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></p>		
<p>Objective 30 <i>Urban tree canopy cover is increased</i></p>	N/A	This issue is outside the scope of the LEP and will be addressed through future amendments to Council's development control plan.
<p>Strategy 30.1 <i>Expand urban tree canopy in the public realm.</i></p>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Objective 31 <i>Public open space is accessible, protected and enhanced</i></p> <p>Strategy 31.1 <i>Maximise the use of existing open space and protect, enhance and expand public open space by:</i></p> <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> 	✓	<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>
<p>Objective 32 <i>The Green Grid links parks, open spaces, bushland and walking and cycling paths</i></p> <p>Strategy 32.1 <i>Progressively refine the detailed design and delivery of:</i></p> <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> 	✓	<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>

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
<p>Objective 37 <i>Exposure to natural and urban hazards is reduced</i></p>	✓	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.
<p>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></p>		
<p>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></p>	N/A	The Hawkesbury-Nepean Valley is not located within the North Sydney LGA.
<p>Objective 38 <i>Heatwaves and extreme heat are managed</i></p>	N/A	This Objective and Strategy are more appropriately addressed through other Council policies and initiatives.
<p>Strategy 38.1 <i>Mitigate the urban heat island effect and reduce vulnerability to extreme heat.</i></p>		
IMPLEMENTATION		
<p>Objective 39 <i>A collaborative approach to city planning</i></p>	N/A	This Objective and Action is for the action of the GSC
<p>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></p>		
<p>Objective 40 <i>Plans refined by monitoring and reporting</i></p>	N/A	This Objective and Actions more appropriately addressed through other Council policies and initiatives
<p>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></p>		

PLANNING PROPOSAL - NORTH SYDNEY LEP REVIEW 2019 – CONSISTENCY WITH A METROPOLIS OF THREE CITIES		
Relevant Objectives, Strategies and actions	Consistency	Comment
<p>Action 15 Develop detailed monitoring and reporting of housing and employment in Greater Sydney.</p>		

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>	✓	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. As indicated in Council's Draft LSPPS 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.
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
<p>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></p>		
<p>Planning Priority N2 <i>Working through collaboration</i></p>	✓	
<p>Objective 5 <i>Benefits of growth realised by collaboration of governments, community and business.</i></p>	✓	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.
<p>Action 7 <i>Identify, prioritise and deliver Collaboration Areas.</i></p>	N/A	There are no identified collaboration areas within the LGA.
<p>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></p>	✓	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		
<p>Planning Priority N3 <i>Providing services and social infrastructure to meet people's changing needs</i></p>	✓	The planning proposal does not reduce the types of land uses permissible within any of the zones within the LGA.
<p>Objective 6 <i>Services and infrastructure meet communities' changing needs</i></p>		
<p>Action 9 <i>Deliver social infrastructure that reflects the needs of the community now and in the future.</i></p>		
<p>Action 10 <i>Optimise the use of available public land for social infrastructure</i></p>		

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
<p>Action 15 Facilitate opportunities for creative and artistic expression and participation, wherever feasible, with a minimum regulatory burden, including:</p> <p>a. arts enterprises and facilities, and creative industries b. interim and temporary uses c. appropriate development of the night-time economy.</p>	✓	The planning proposal does not reduce the types of land uses permissible within any of the zones within the LGA.
<p>Action 16 Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places</p>	N/A	This action is more appropriately addressed through other Council policies and initiatives.
<p>Planning Priority N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	✓	
<p>Objective 10 Greater housing supply.</p>	✓	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.
<p>Objective 11 Housing is more diverse and affordable.</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. 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.

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 17 Prepare local or district housing strategies that address the following:</p> <ul style="list-style-type: none"> a. the delivery of five-year housing supply targets for each local government area b. the delivery of 6–10 year (when agreed) housing supply targets for each local government area c. capacity to contribute to the longer term 20-year strategic housing target for the District d. the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include: <ul style="list-style-type: none"> i. creating capacity for more housing in the right locations ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure iv. supporting the role of centres. 	✓	The proposal is consistent with the recommended actions to the Draft LHS.
<p>Action 18 Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.</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 Creating and renewing great places and local centres, and respecting the District's heritage.</p>		
<p>Objective 12 Great places that bring people together.</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 Environmental heritage is identified, conserved and enhanced.</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 Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none"> a. prioritising a people-friendly public realm and open spaces as a central organising design principle b. recognising and balancing the dual function of streets as places for people and movement c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres d. integrating social infrastructure to support social connections and provide a community hub e. recognising and celebrating the character of a place and its people 	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes.
<p>Action 20 In Collaboration Areas, Planned Precincts, Growth Areas and planning for centres:</p> <ul style="list-style-type: none"> a. investigate opportunities for precinct based provision of adaptable car parking and infrastructure in lieu of private provision of car parking b. ensure parking availability takes into account the level of access by public transport c. consider the capacity for places to change and evolve, and accommodate diverse activities over time d. incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including changing 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>
<p>Action 21 Identify, conserve and enhance environmental heritage by:</p> <ul style="list-style-type: none"> a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place b. applying adaptive re-use and interpreting of heritage to foster distinctive local places c. managing and monitoring the cumulative impact of development on the heritage values and character of places. 	✓	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.

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Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 22 Use place-based planning to support the role of centres as a focus for connected neighbourhoods.</p>	✓	The planning proposal is consistent with the desired actions of the Draft LSPS and Draft LHS which are based on place based planning.
<p>Action 23 Use flexible and innovative approaches to revitalise high streets in decline</p>	✓	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.
PRODUCTIVITY		
<p>Planning Priority N7 Growing a stronger and more competitive Harbour CBD.</p>		
<p>Objective 18 Harbour CBD is stronger and more competitive</p>	✓	
<p>Action 24 Grow economic development in the North Sydney CBD to:</p> <ul style="list-style-type: none"> a. maximise the land use opportunities provided by the new station b. grow jobs in the centre and maintain a commercial core c. strengthen North Sydney’s reputation as an education centre, to grow jobs and add diversity d. expand after hours’ activities 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 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 g. improve amenity by reducing the impact of vehicle movements on pedestrians h. create capacity to achieve job targets by reviewing the current planning controls. 	✓	The planning proposal maintains the existing policy of integrating land use and transport by concentrating density along major transport corridors and nodes. The planning proposal does not seek to remove the prohibition on residential development within the B3 Commercial Core zone. Nor does it seek to reduce the number of uses permissible in the B3 Commercial Core or B4 Mixed Use zone, which would impact on the delivery of cultural, entertainment, arts and leisure activities, or a vibrant night-time economy.

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> <p>a. <i>public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city</i></p> <p>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></p> <p>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>	✓	<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>		

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Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Planning Priority N9 Growing and investing in health and education precincts.</p>	✓	The planning proposal does not reduce the ability to undertake health or education facilities throughout the LGA.
<p>Objective 21 Internationally competitive health, education, research and innovation precincts</p>	N/A	
<p>Action 29 Facilitate health and education precincts that:</p> <ul style="list-style-type: none"> 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 b. have high levels of accessibility c. attract associated businesses, industries and commercialisation of research d. include housing opportunities for students and workers within 30 minutes of the precinct. 	N/A	There are no identified Health and Education Precincts within the North Sydney LGA.
<p>Action 30 Deliver and implement a Place Strategy and Infrastructure Plan for the Frenchs Forest health and education precinct.</p>	N/A	The Frenches Forest Health and Education Precinct is not located within the North Sydney LGA.
<p>Action 31 Deliver and implement a Place Strategy and Infrastructure Plan for the St Leonards health and education precinct.</p>	N/A	The St Leonards Health and Education Precinct is not located within the North Sydney LGA.
<p>Action 32 Deliver and implement a Place Strategy and Infrastructure Plan for the Macquarie Park health and education precinct.</p>	N/A	The Macquarie Park health and education Precinct is not located within the North Sydney LGA.

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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"> a. <i>leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity</i> b. <i>grow jobs in the centre</i> c. <i>reduce the impact of vehicle movements on pedestrian and cyclist accessibility</i> d. <i>protect and enhance Willoughby Road's village character and retail/restaurant strip</i> e. <i>deliver new high quality open space, upgrade public areas, and establish collaborative place-making initiatives</i> f. <i>promote synergies between the Royal North Shore Hospital and other health and education-related activities, in partnership with NSW Health</i> g. <i>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>	✓	

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Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 36 Provide access to jobs, goods and services by:</p> <ul style="list-style-type: none"> a. attracting significant investment and business activity in strategic centres providing jobs growth b. diversifying the range of activities in all centres c. creating vibrant, safe places and quality public realm d. focusing on a human-scale public realm and locally accessible open space e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network f. improving the walkability within and to the centre g. completing and improving a safe and connected cycling network to and within the centre. h. improving public transport services to all strategic centres i. conserving and interpreting heritage significance j. designing parking that can be adapted to future uses k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts 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. 	✓	<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>
<p>Action 37 Create new centres in accordance with the Principles for Greater Sydney’s centres.</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 Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional retail floor space.</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
<p>Action 39 <i>Encourage opportunities for new smart work hubs.</i></p>	✓	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.
<p>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. 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. 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></p>		
<p>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></p>		
<p>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></p>		

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Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 48 Manage the interfaces of industrial areas by:</p> <p><u>Land use activities</u></p> <p>a. providing buffer areas to nearby activities, such as residential uses, that are sensitive to emissions from 24-hour freight functions</p> <p>b. 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.</p> <p>c. identifying and preserving land for future intermodal and rail infrastructure.</p> <p>d. accommodating advanced manufacturing where appropriate by zoning that reflects emerging development models.</p> <p><u>Transport operations</u></p> <p>e. providing the required commercial and passenger vehicle, and freight and passenger rail access.</p>	✓	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 Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights</p>		
<p>Planning Priority N12 Delivering integrated land use and transport planning and a 30-minute city</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 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.</p>		
<p>Action 50 Integrate land use and transport plans to deliver the 30-minute city.</p>		
<p>Action 51 Investigate, plan and protect future transport and infrastructure corridors.</p>		
<p>Action 52 Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.</p>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 53 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.</p>		
<p>Planning Priority N13 Supporting growth of targeted industry sectors.</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>Objective 24 Economic sectors are targeted for success.</p>		
<p>Action 54 Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers.</p>		
<p>Action 55 When preparing plans for tourism and visitation, consider:</p> <ul style="list-style-type: none"> a. encouraging the development of a range of well-designed and located facilities. b. enhancing the amenity, vibrancy and safety of centres and township precincts c. supporting the development of places for artistic and cultural activities. d. improving public facilities and access e. protecting heritage and biodiversity to enhance cultural and eco-tourism f. supporting appropriate growth of the night-time economy g. developing industry skills critical to growing the visitor economy. h. incorporating transport planning to serve the transport access needs of tourists. 		
<p>Action 56 Protect and support agricultural production and mineral resources (in particular, construction materials) by preventing inappropriately dispersed urban activities in rural areas.</p>		
<p>Action 57 Provide a regulatory environment that enables economic opportunities created by changing technologies.</p>		

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Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 58 Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions.</p>		
<p>Action 59 Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation.</p>		
<p>Planning Priority N14 Leveraging inter-regional transport connections</p>		
<p>Objective 16 Freight and logistics network is competitive and efficient.</p>		
<p>Objective 17 Regional connectivity is enhanced</p>		
<p>Action 60 Optimise the efficiency and effectiveness of the freight handling and logistics network by:</p> <ul style="list-style-type: none"> a. protecting current and future freight corridors and shared freight corridors b. balancing the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries. c. identifying and protecting key freight routes d. limiting incompatible uses in areas expected to have intense freight activity. 	✓	<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>
<p>Action 61 Investigate and plan for the land use implications of potential long-term transport connections.</p>		

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Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
SUSTAINABILITY		
<p>Planning Priority N15 <i>Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways</i></p>	✓	<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>
<p>Objective 25 <i>The coast and waterways are protected and healthier</i></p>		
<p>Action 62 <i>Protect environmentally sensitive areas of waterways and the coastal environment areas.</i></p>		
<p>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></p>		
<p>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></p>		
<p>Action 65 <i>Work towards reinstating more natural conditions in highly modified urban waterways</i></p>		
<p>Planning Priority N16 <i>Protecting and enhancing bushland and biodiversity</i></p>	✓	<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>
<p>Objective 27 <i>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i></p>		

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Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Action 66 Protect and enhance biodiversity by:</p> <p>a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</p> <p>b. managing urban bushland and remnant vegetation as green infrastructure</p> <p>c. managing urban development and urban bushland to reduce edge-effect impacts.</p>		proposed to increase the intensity of the use of land adjacent to and in the vicinity of these lands.
<p>Planning Priority N17 Protecting and enhancing scenic and cultural landscapes</p>	N/A	The North Sydney LGA does not contain any identified scenic or cultural landscapes.
<p>Objective 28 Scenic and cultural landscapes are protected</p>		
<p>Action 67 Identify and protect scenic and cultural landscapes.</p>		
<p>Action 68 Enhance and protect views of scenic and cultural landscapes from the public realm.</p>		
<p>Planning Priority N18 Better managing rural areas</p>	N/A	The North Sydney LGA does not contain any land zoned for rural purposes.
<p>Objective 29 Environmental, social and economic values in rural areas are protected and enhanced</p>		
<p>Action 69 Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.</p>		
<p>Action 70 Limit urban development to within the Urban Area.</p>		
<p>Planning Priority N19 Increasing urban tree canopy cover and delivering Green Grid connection.</p>	N/A	This planning priority, objectives and actions are more appropriately addressed through other Council policies and initiatives.
<p>Objective 30 Urban tree canopy cover is increased.</p>		

PLANNING PROPOSAL _ NORTH SYDNEY LEP REVIEW 2019 - CONSISTENCY WITH NORTH DISTRICT PLAN		
Relevant Planning Priorities, Objectives & Actions	Consistency	Comment
<p>Objective 32 <i>The Green Grid links parks, open spaces, bushland and walking and cycling paths.</i></p>		
<p>Action 71 <i>Expand urban tree canopy in the public realm.</i></p>		
<p>Action 72 <i>Progressively refine the detailed design and delivery of:</i></p> <ul style="list-style-type: none"> <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> 		
<p>Planning Priority N20 <i>Delivering high quality open space</i></p>		
<p>Objective 31 <i>Public open space is accessible, protected and enhanced.</i></p>		
<p>Action 73 <i>Maximise the use of existing open space and protect, enhance and expand public open space by:</i></p> <ul style="list-style-type: none"> <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> 	✓	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.

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
<p>Action 78 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.</p>	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.
<p>Action 79 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.</p>	N/A	This is the responsibility of the EPA.
<p>Planning Priority N22 Adapting to the impacts of urban and natural hazards and climate change</p>	✓	<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>
<p>Objective 36 People and places adapt to climate change and future shocks and stresses</p>		
<p>Objective 37 Exposure to natural and urban hazards is reduced</p>		
<p>Objective 38 Heatwaves and extreme heat are managed</p>		
<p>Action 80 Support initiatives that respond to the impacts of climate change.</p>		
<p>Action 81 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.</p>		
<p>Action 82 Mitigate the urban heat island effect and reduce vulnerability to extreme heat.</p>		

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 E2 Environmental Conservation.
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 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 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 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 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 Advocate for the Sydney Harbour High Line</i>		
<i>Strategy 1.4.6 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 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 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 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
Strategy 2.1.4 <i>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.
Strategy 2.1.5 <i>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.
Strategy 2.1.6 <i>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 <i>Vibrant centres, public domain, villages and streetscapes</i>		
Strategy 2.2.1 <i>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.
Strategy 2.2.2 <i>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 <i>Sustainable transport is encouraged</i>		
Strategy 2.3.1 <i>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.
Strategy 2.3.2 <i>Ensure continual improvement and integration of major transport infrastructure through long term planning</i>		
Strategy 2.3.3 <i>Incentivise use of public transport and lower impact vehicles</i>		
Strategy 2.3.4 <i>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.
Strategy 2.3.5 <i>Improve safety for pedestrians, motorists and bus and bike riders</i>		
Strategy 2.3.6 <i>Examine new forms of travel, including driverless cars</i>		
Outcome 2.4 <i>Improved traffic and parking management</i>		
Strategy 2.4.1 <i>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 <i>Secure additional grant funding for new and upgrade of traffic facilities, pedestrian and cycling facilities</i>		
Strategy 2.4.3 <i>Provide integrated and efficient on-street and off-street parking options in residential and commercial areas</i>		
DIRECTION 3: OUR FUTURE PLANNING		
Outcome 3.1 Prosperous and vibrant economy		
Strategy 3.1.1 <i>Encourage a diverse mix of business size and type</i>	✓	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 <i>B1 Neighbourhood Centre</i> zone to improve flexibility as to where these types of uses can occur.
Strategy 3.1.2 <i>Support existing business and attract and foster new businesses</i>		
Strategy 3.1.3 <i>Enhance relationships with Chambers of Commerce and peak bodies representing local businesses</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
Strategy 3.1.4 <i>Promote and enhance the night time/after hours and weekend offer</i>	✓	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 <i>Foster and support tourism activity in North Sydney</i>	✓	The planning proposal does not reduce the existing level of permissibility of tourist related accommodation or activities.
Strategy 3.1.6 <i>Balance visitor impacts with residents’ lifestyles and economic development</i>		
Outcome 3.2 North Sydney CBD is one of NSW’s pre-eminent commercial centres		
Strategy 3.2.1 <i>Plan for North Sydney to continue to be one of NSW’s pre-eminent commercial centres</i>	✓	The planning proposal does not seek to reduce the development potential of any of site within the North Sydney Centre.
Strategy 3.2.2 <i>Strengthen the North Sydney CBD’s competitiveness and identify, differentiating it from other centres</i>	✓	The planning proposal retains the existing prohibition of residential development in the <i>B3 Commercial Core</i> zone and does not seek to reduce the extent of land zoned <i>B3 Commercial Core</i> .
Strategy 3.2.3 <i>Provide a level of amenity in the North Sydney CBD commensurate with a vibrant and active CBD</i>	✓	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>		
<i>Strategy 3.3.1</i> <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.
<i>Strategy 3.3.2</i> <i>Attract and support start-up businesses</i>		
<i>Strategy 3.3.3</i> <i>Promote the uptake of broadband, Wi-Fi and digital technologies</i>		
<i>Strategy 3.3.4</i> <i>Identify and develop innovations that will establish a competitive advantage for North Sydney</i>		
<i>Strategy 3.3.5</i> <i>Celebrate and promote innovation</i>		
Outcome 3.4 <i>North Sydney is distinctive with a sense of place and quality design</i>		
<i>Strategy 3.4.1</i> <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.
<i>Strategy 3.4.2</i> <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.
<i>Strategy 3.4.3</i> <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.
<i>Strategy 3.4.4</i> <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.
<i>Strategy 3.4.5</i> <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 <i>North Sydney is regulatory compliant</i>		
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 <i>North Sydney is connected, inclusive, healthy and safe</i>		
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
<i>Strategy 4.1.9 Plan for future social infrastructure and health services to support healthy communities</i>	✓	The planning proposal does not alter the permissibility of social infrastructure or health service facilities throughout the LGA.
<i>Strategy 4.1.10 Promote physical activity, healthy eating and preventative health care</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
<i>Strategy 4.1.11 Improve the safety of North Sydney's public environment</i>		
Outcome 4.2 North Sydney is creative and home to popular events		
<i>Strategy 4.2.1 Promote support and celebrate creative arts in North Sydney through facilities, spaces and programs</i>	N/A	These strategies are more appropriately addressed through other Council policies and initiatives.
<i>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</i>		
Outcome 4.3 North Sydney supports lifelong learning		
<i>Strategy 4.3.1 Plan for education to meet North Sydney's growing needs</i>	✓	The planning proposal does not alter the permissibility of educational facilities throughout the LGA.
<i>Strategy 4.3.2 Work with the education sector and Council's library to enhance access to learning and development opportunities</i>	N/A	This strategy is more appropriately addressed through other Council policies and initiatives.
<i>Strategy 4.3.3 Support the development of spaces for lifelong learning</i>		
<i>Strategy 4.3.4 Promote diversity of education choices available in North Sydney</i>	✓	The planning proposal does not alter the permissibility of educational facilities throughout the LGA.
<i>Strategy 4.3.5 Promote volunteering and community involvement and draw on community skills and expertise</i>	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		
<i>Strategy 4.4.1 Recognise, celebrate and promote North Sydney's history and heritage</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.
<i>Strategy 4.4.2 Protect and maintain sacred and historical sites, items and records</i>		

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 LSPPS 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>		