

Planning and Assessment

IRF19/1656

Plan finalisation report

Local government area: City of Sydney

1. NAME OF DRAFT LEP

Sydney Local Environmental Plan 2012 (Sydney LEP 2012) (Amendment No 43)

2. PURPOSE OF PLAN

The planning proposal seeks to amend the planning controls within the Millers Point Heritage Conservation Area (HCA) in the Sydney LEP 2012 by inserting a site-specific provision to:

- remove the existing maximum height of building and floor space ratio (FSR) controls;
- set the existing height of building and FSR as built as the maximum;
- allow variations to the maximum building height and FSR for heritage items, subject to consideration of a conservation management plan (CMP) (endorsed by the Heritage Council where it is for a State heritage item) and impacts on the item and the Millers Point HCA; and
- allow variations to buildings that are not heritage items of up to 2:1 FSR and a height of 9 metres (m) subject to consideration of the impacts on the Millers Point HCA and nearby heritage items.

Amendments to the height of buildings map and FSR map are also required to enable the LEP amendment.

The provision does not preclude the application of clause 5.10 and clause 4.6 of the Sydney LEP 2012.

The planning proposal was accompanied by a site-specific DCP, which provides further guidance on the planning controls for Millers Point. The approved site-specific DCP will come into effect on the same day the LEP amendment is made.

3. SITE DESCRIPTION

The planning proposal applies to land within the Millers Point HCA (**Figure 1 and 2**).

The Millers Point HCA is located at the north-western edge of Central Sydney between the Rocks and Barangaroo. North of the Millers Point HCA is the Sydney Harbour Bridge and the Walsh Bay Arts Precinct which includes the Sydney Theatre Company and the Roslyn Packer Theatre. To the west is Barangaroo Reserve, Barangaroo (including the development site of the Crown Hotel Casino) and the Darling Harbour precinct. To the east is the Rocks and Circular Quay and to the south is Sydney's Central Business District (CBD) (**Figure 1**).

The Millers Point HCA is an intact residential and maritime precinct of State and local significance due to its unique characteristics, architectural diversity and continuity of 19th and 20th century residential and maritime elements. The area has changed little since the 1930's and is characterised by a fine grain subdivision pattern, two to three storey residential terraces and similar scaled commercial buildings including a church and the

Carlton Hotel (**Figures 2 to 4**). The Millers Point HCA also includes the Sydney Observatory, Fort Street Public School and the NSW National Trust (**Figure 1**).

Since the 1980's the majority of properties have been under the stewardship of the NSW Department of Housing for social housing purposes. At the time the planning proposal was lodged the majority of properties in the Millers Point HCA were owned by the NSW Government. On 19 March 2014, the NSW Government announced the sale of heritage listed items in the Millers Point HCA. It is understood that most of these properties have since been sold and are now in private ownership.



Figure 1: Millers Point Heritage Conservation Area Boundary (Source: Nearmap)

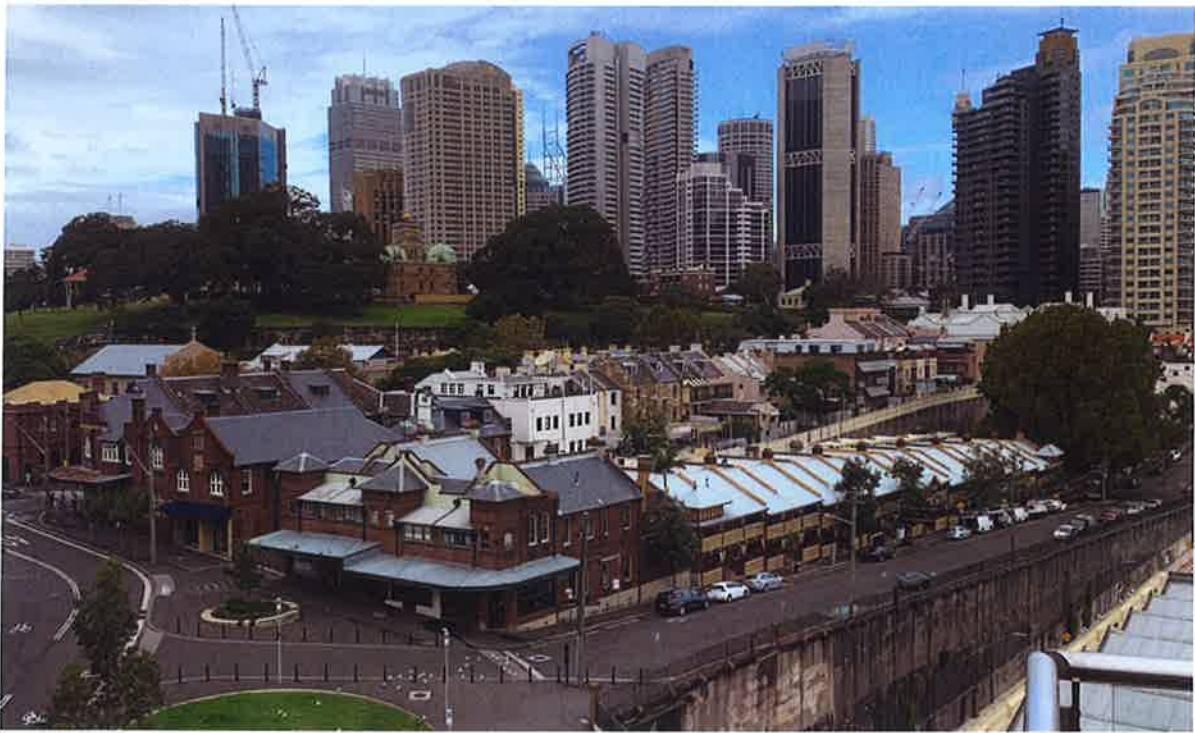


Figure 2: View of Millers Point HCA looking south-east (Source: DPIE)



Figure 3: High Street Terraces (Source: DPIE)



Figure 4: Argyle Place Terraces (Source: DPIE)

4. CURRENT PLANNING CONTROLS

Land Use Zoning

Under Sydney LEP 2012, there are several land use zones that apply throughout the Millers Point HCA (**Figure 5**). The HCA is predominantly zoned R1 General Residential, particularly concentrated throughout the west, north and north-east of the HCA. In the north-west there is a minor area zoned B1 Neighbourhood Centre. In the south-east surrounding Fort Street Public School, Sydney Observatory and the NSW National Trust building there is a mix of B8 Metropolitan Centre and RE1 Public Recreation zones. There are also small areas of SP2 special infrastructure zones that affect the HCA near Fort Street Public School.

Built Form

The following built form controls apply to the Millers Point HCA:

- the existing FSR control across the HCA is 2:1 with the exception of Observatory Hill, Fort Street Public School and the area near the NSW National Trust which do not have an FSR control (**Figure 6**); and
- the existing maximum height of building control across the HCA is 9 m with the exception of Observatory Hill, Fort Street Public School and the area near the NSW National Trust which do not have a building height control (**Figure 7**).

Heritage

Millers Point is currently listed as an HCA and the majority of buildings are currently individually listed as items of local and State heritage significance under the Sydney LEP 2012 as seen in **Figure 8**.

As the site is located within an HCA, clause 5.10 of the Sydney LEP 2012 applies to the site, which requires the heritage impacts to be considered prior to development consent being issued.

Millers Point is also listed on the State Heritage register under the *Heritage Act 1977* as the Millers Point and Dawes Point Village Precinct (**Figure 9**). Under section 62 of the *Heritage Act 1977*, the approval body must consider the following when determining an application for development in respect of a heritage item:

- the extent to which the application would affect the significance of an item of environmental heritage;
- the representations made with respect to that application;
- such matters relating to the conservation of that item or land; and
- any applicable endorsed CMPs.

CMPs are endorsed by the Heritage Council under section 38A of the *Heritage Act 1977* and are valid for a period of five years, after which the CMP should be reviewed.

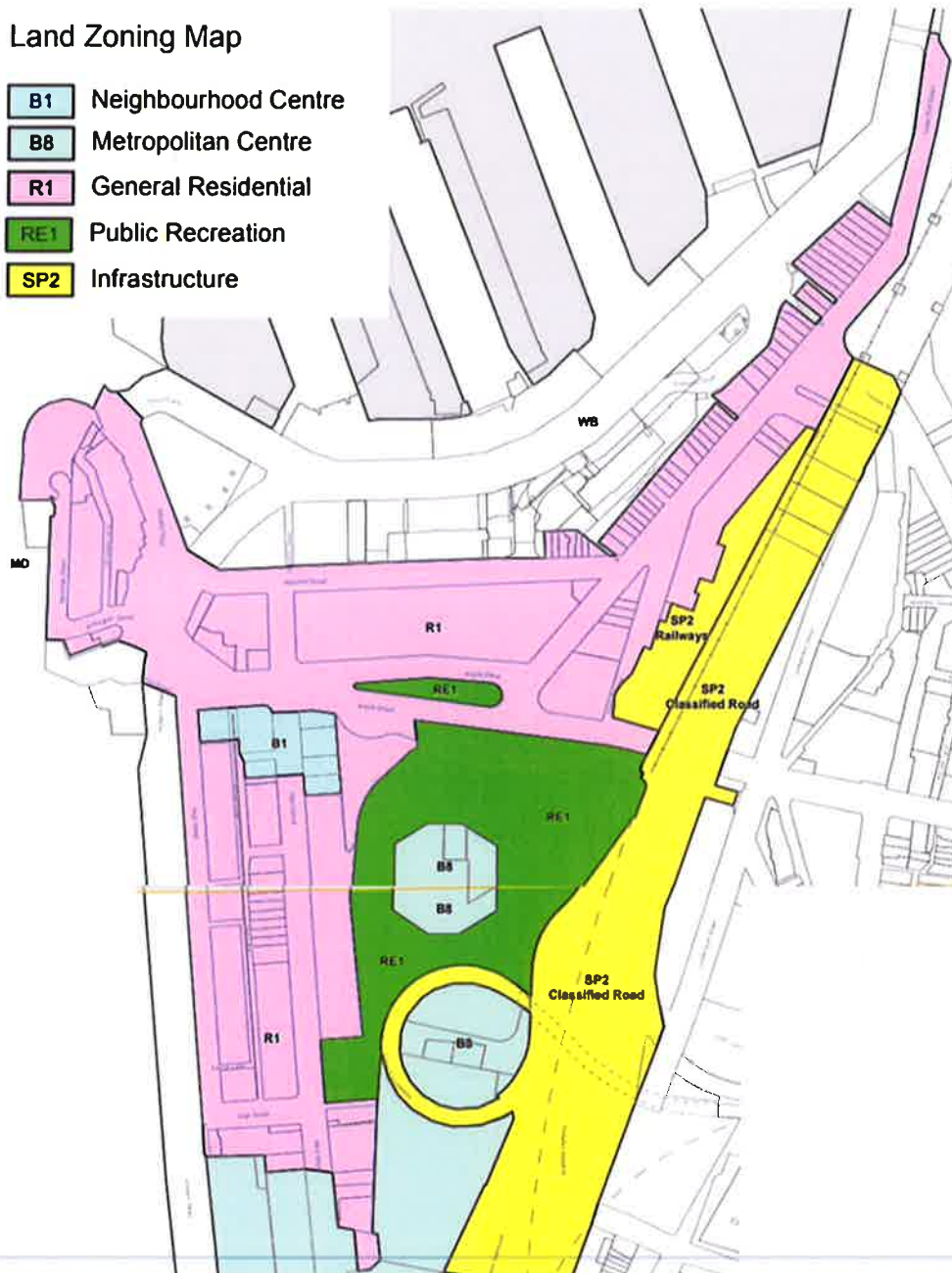


Figure 5: Land use zoning map (Source: Sydney LEP 2012)



Figure 6: FSR of 2:1 shown as pink (Sydney LEP 2012)



Figure 7: Building height of 9m shown as dark green (Sydney LEP 2012)

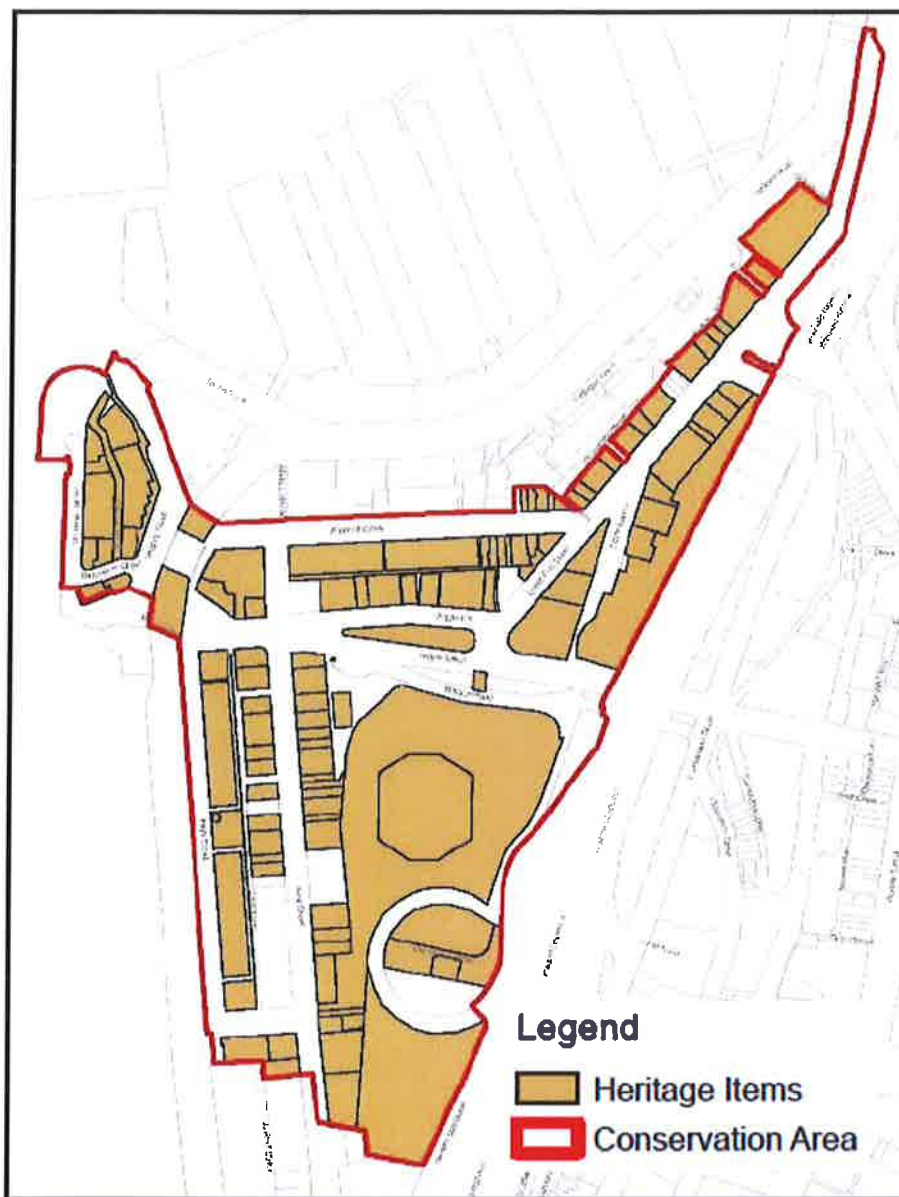


Figure 8: Heritage items in Millers Point HCA under the Sydney LEP 2012



Figure 9: State heritage items in Millers Point HCA listed under the State heritage register.

5. BACKGROUND

On 19 March 2014, the NSW Government announced the sale of government owned properties in the Millers Point HCA and committed to preparing CMP's for each property sold.

Following the announcement from the NSW Government, the Heritage Council wrote to the City of Sydney Council requesting that the planning controls for the Millers Point HCA be reviewed (**Attachment C**). The Heritage Council noted that the Millers Point HCA is listed as a separate heritage item on the State heritage register as well as being listed under the Sydney LEP 2012. The Heritage Council raised concern with the development potential available under the Sydney LEP 2012 (being an FSR of 2:1 and a building height of 9m). The Heritage Council noted that once the properties were sold from Government ownership, that new landowners would likely seek to maximise development potential which could have a significant impact on the heritage significance of the Millers Point HCA.

On 30 October 2014, the Central Sydney Planning Committee endorsed a planning proposal to be forwarded to the Department. The Department initially received the proposal on 21 November 2014. The Department received preliminary comments from the Heritage Council on 1 December 2014, raising concern with the proposed requirements for endorsed

CMPs for privately owned properties (which were not previously owned by the NSW Government) and as such, were unlikely to have an endorsed CMP. The Heritage Council stated that under the proposed amendments, private owners would be bearing the cost of preparing or updating a CMP, even if a small amount of additional FSR was required. The Heritage Council also raised concern with properties that were on a 99-year lease from Housing NSW and whether the lessees or the Land and Housing Corporation would be responsible for the cost of preparing a CMP when lodging a development application.

On 11 December 2014, the LEP Review Panel considered the proposal and recommended that Council provide additional justification to support the proposal. On 21 January 2015, a Gateway was issued requiring Council to resubmit the planning proposal with additional information. The additional information was required to justify the need for the proposed control over and above the existing planning controls.

Council submitted a revised planning proposal on 23 March 2016 which was accompanied by an Urban Landscape Study that analysed the impact of the existing planning control on the Millers Point HCA and a new Gateway determination was issued by the Department on 24 November 2016.

Planning control background

A provision similar to the proposed provision existed in the Sydney LEP 2005. In the Sydney LEP 2005 the FSR for Millers Point was 2:1. However, the Sydney LEP 2005 included a clause which limited FSR for heritage items to the existing FSR, development was able to exceed this FSR if heritage criteria were met. However, this clause was not included when the Sydney LEP 2012 was consolidated with the Leichhardt LEP 2000, South Sydney LEP 1998 and Sydney LEP 2005.

6. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Sydney state electorate. Alex Greenwich MP is the State Member. The site falls within the Sydney federal electorate. Hon Tanya Pilbersek MP is the Federal Member.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

7. GATEWAY DETERMINATION

The Gateway determination issued on 24 November 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions which included that the proposal be amended prior to public exhibition to allow the consent authority to consider variations to the maximum height and FSR under clause 4.6 of the Sydney LEP 2012.

The planning proposal was due for finalisation on the 24 November 2017. However, on 30 November 2017, Council resolved to request the LEP be made and as such a gateway alteration was not required.

8. PUBLIC EXHIBITION

In accordance with the conditions of the Gateway determination, the proposal was publicly exhibited by Council for 28 days from 6 February 2017 to 7 March 2017.

Section 2.19(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the associated Ministerial Direction does not apply to the City of Sydney. However, Council has satisfied its obligations under section 39 of the *City of Sydney Act 1988* as the proposal was endorsed by the Central Sydney Planning Committee on 30 November 2017.

During the exhibition, a total of 12 submissions were received. Of the 12 submissions, three supported the proposal (including the Heritage Council and the Millers Point Residents' Action Group), five submissions raised concern (including the Department of Education) and four objected to the proposal. The NSW Department of Family and Community Services did not provide a submission on the planning proposal.

Public submissions raised the following key issues:

- The proposed controls:
 - are considered unreasonable and overly restrictive;
 - are overly complex and will lead to a loss of development potential;
 - will impact on 99-year lease holders who have not been issued with endorsed CMPs.
- the requirement for an endorsed CMP which is only valid for five years is onerous for landowners;
- the landowner will be burdened by the costs and time associated with obtaining an endorsed CMP from the Heritage Council; and
- lack of consultation with landowners prior to exhibition.

Justification for the proposal

Submissions raised concern that the controls are too restrictive and are not applied to other State listed heritage items or HCA's in the city.

Council's View

The proposed planning controls for Millers Point HCA are different to other HCA's because of the very high level of integrity and significance of the Millers Point HCA. The planning proposal was prepared at the request of the Heritage Council. The Heritage Council considered that the existing controls enabled development which is inconsistent with the heritage significance of the area. Council states that as the properties are transitioning into private ownership the controls must reflect the heritage significance of the area and must not result in inappropriate development.

Department's View

The Department notes that the planning proposal is supported by the Heritage Council to ensure the heritage significance of Millers Point is conserved. The Department acknowledges the significance of the Millers Point HCA and its rarity as a highly intact urban precinct. The Department also agrees that permitting development to achieve an existing maximum FSR of 2:1 throughout the HCA will erode the high level of architectural integrity in the area. The Department considers that Council has adequately responded to the public submissions, through post exhibition amendments that simplify the proposed controls and allow for greater flexibility whilst still preserving the original intent of the proposal.

Loss of development potential and complexity of controls

Submissions raised concern about the loss of development potential from the removal of the 2:1 FSR control. Submissions also raised concern that setting the existing height and floor space of a building as the maximum will limit the ability to upgrade and adaptively reuse properties and overly complicates the planning controls.

Council's View

To address concerns raised in public submissions Council has removed the maximum FSR for heritage items in the HCA. Instead, the CMP will guide development applications that seek to increase gross floor area. This approach is similar to that applied in other state listed conservation areas in NSW, such as Catherine Hill Bay and Braidwood. The FSR of 2:1 will be retained for the non-heritage properties in the HCA.

Department's View:

The Department supports the post exhibition change to remove the existing 2:1 FSR, as the change will allow for an appropriate level of flexibility. The removal of an FSR control for heritage items in the HCA promotes merit-based assessment on a case-by-case basis against the heritage controls and relevant CMP. This is considered to be an appropriate approach.

Endorsed Conservation Management Plans

Submissions raised concerns about the requirement for CMPs to be endorsed. Other concerns were raised by 99-year leaseholders about the costs of obtaining an endorsed CMP. Some 99-year leaseholders did not purchase their properties with a endorsed CMP by the Heritage Council.

Council's View:

Post-exhibition amendments allow consideration of 'any' CMP. This post-exhibition change will allow a landowner who does not have an endorsed CMP to lodge a development application.

Department's View:

The post exhibition change to allow for the use of 'any' CMP when no endorsed CMP is available, is considered an appropriate mechanism to allow for relevant plans to still be considered. The post exhibition change is supported by the Department as it allows for appropriate flexibility and will not impose unnecessary costs on landowners. Furthermore, it is understood that the Land and Housing Corporation is the landowner for development applications for 99-year leases.

Validity of endorsed CMPs

Submissions raised concern about the costs of updating a CMP every five years, which could result in an unacceptable financial burden on landowners.

Council's View:

To allow greater flexibility to the planning controls, post exhibition amendments allow the consent authority to consider a 'any' CMP provided that the works are still relevant to the CMP. This may remove the cost of updating a CMP.

Department's View:

The post exhibition change allows for the use of expired CMPs to be considered as it allows for 'any' CMP to be considered. The post exhibition change is supported by the Department as it allows for appropriate flexibility and will not impose unnecessary costs on landowners.

Lack of public consultation

Concerns have been raised in submissions that Council did not adequately consult with landowners in Millers Point prior to public exhibition.

Council's View:

Council states that it has followed the NSW Government's established process for obtaining approval to place a planning proposal on public exhibition. A Gateway determination determines when consultation on a planning proposal can proceed and how the long public exhibition should be.

Department's View:

The Department is satisfied that Council has undertaken public exhibition in accordance with both the EP&A Act and the conditions of the Gateway determination.

9. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with the Office of Environment and Heritage and the Department of Family and Community Services in accordance with the Gateway determination. Council also consulted with the Heritage Council and Department of Education in relation to the proposal. Details of the public submissions are provided below.

Heritage Council

The Heritage Council support the planning proposal as the amendments seek to protect the heritage significance of Millers Point by ensuring that the existing built form and scale is retained and that new development is sympathetic to heritage items and the Millers Point HCA. The proposed controls are also supported as the introduction of CMPs as a matter for consideration during the consent authorities assessment process will align decisions under EP&A Act and the *Heritage Act 1977*.

NSW Department of Family and Community Services

Council consulted with the Department of Family and Community Services as the landowner of properties in Millers Point during the preparation of the planning proposal in 2014. Council also wrote to the Department of Family and Community Services in accordance with the conditions of the Gateway determination. The Department of Family and Community Services did not lodge a submission during the formal exhibition planning proposal. Council states that since the exhibition period, Council staff have met with staff at the Department of Family and Community Services to explain the proposal and potential post-exhibition changes.

NSW Department of Education

The NSW Department of Education raised concern with the proposed LEP amendments and the potential impact on future works for Fort Street Public School.

The Department acknowledges that Fort Street Public School is listed as a local heritage item under the Sydney LEP 2012, however, it is not listed as a State heritage item under the *Heritage Act 1977* and does not currently have any height or FSR controls.

The Department raised concern in relation to the proposed LEP amendment applying to Fort Street Public School. On 18 April 2019, Council confirmed that the LEP amendment should not apply to Fort Street Public School, Observatory Hill and the NSW National Trust. Council confirmed that the LEP amendment should only apply to land identified as Area 10 in the Height of Building Map not the entire Millers Point HCA (**Figure 10**). It is noted that Area 10 in the Height of Building Map and Area 11 in the FSR map have the same boundary and only one reference is required to identify the land to which the clause applies.

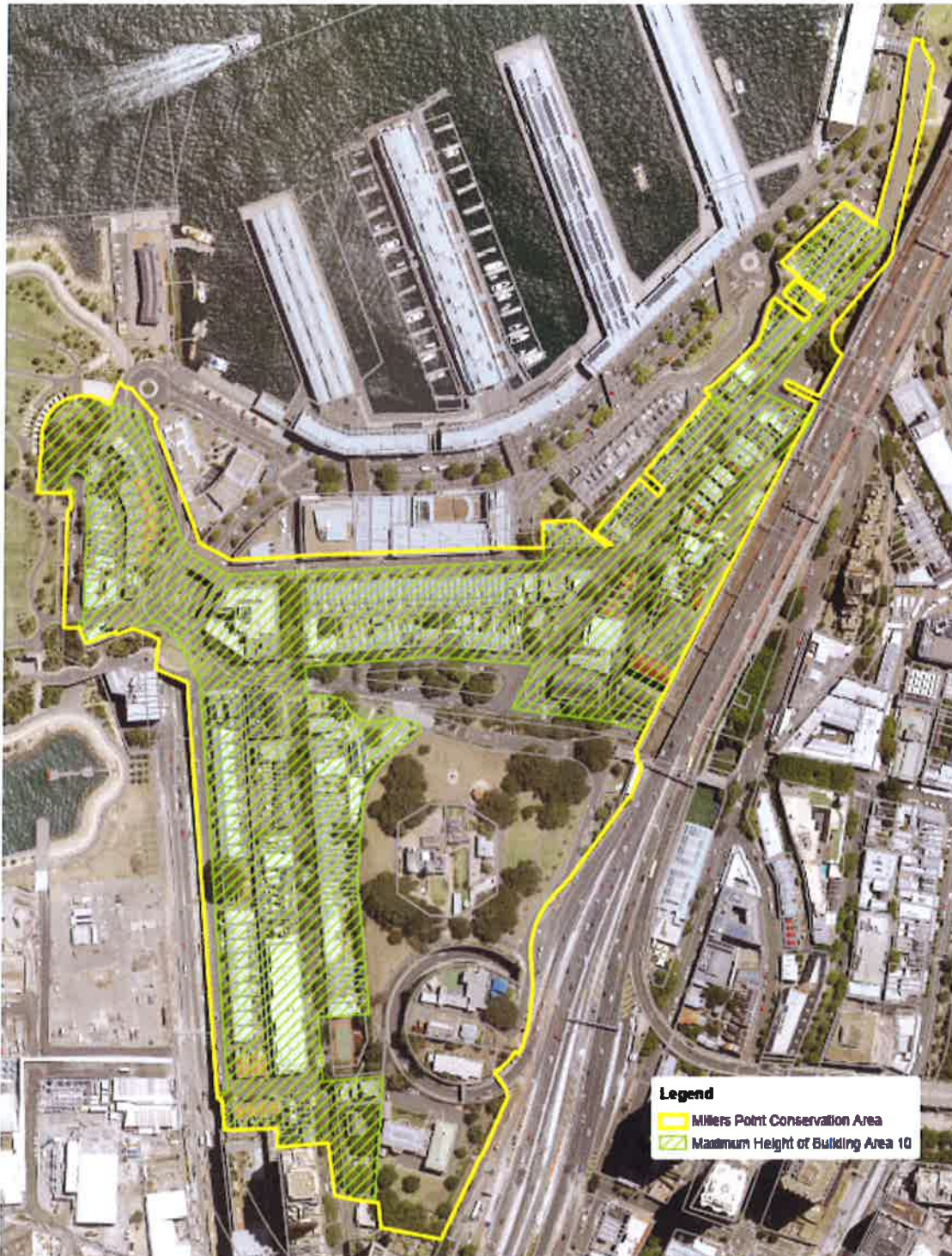


Figure 10: Area to which the planning proposal applies (shown in green) (source: Council)

10. POST-EXHIBITION CHANGES

Post-exhibition changes were made to the planning proposal in response to comments from the community and public authorities. The post-exhibition changes are as follows:

- the proposed FSR control that sets the existing building floor space as the maximum has been removed. Post exhibition changes now propose that no FSR control is to apply to heritage items in the area;
- the requirement to assess a proposal for additions against a CMP that has been endorsed by the Heritage Council has been amended so that if no endorsed CMP is

available, proposed development can be assessed against any CMP to the satisfaction of the consent authority;

- endorsed CMPs that have passed their five-year expiry date can still be considered, provided they remain relevant, having regard to any changes to the heritage item and their consistency with the CMP; and
- the site-specific provision will not apply to Fort Street Public School, Observatory Hill and the NSW National Trust and would only apply to the area identified as Area 10 in the height of buildings map.

The post exhibition changes are recommended to proceed without additional community consultation as they do not fundamentally change the intent of the planning proposal as exhibited, respond to concerns raised during public exhibition and provide mechanisms to allow for flexibility where appropriate.

11.ASSESSMENT

Built form and Heritage

Council and the Heritage Council considers that the existing controls (which include a maximum floor space of 2:1 and a building height of 9m) are inconsistent with the heritage conservation objectives of the Millers Point HCA.

Council's planning proposal was accompanied by an Urban Landscape Study prepared by Council. The Urban Landscape Study demonstrates that the majority of sites in Millers Point HCA have an FSR of 1.05:1 to 1.34:1, with only 0-2% of sites having a current FSR of 2:1. The study concludes that:

- the uniquely important character of Millers Point is reflected in the numerous heritage listings at both a State and local government level;
- Millers Point contributes to the internationally iconic Sydney harbour landscape and its heritage value, it is a highly visible location which requires a more tailored approach to the planning controls;
- almost 75% of the sites in Millers Point would be significantly affected by continuing to allow an FSR of 2:1; and
- relying on the existing FSR and building height controls would be an inadequate means of managing the intracity, diversity and integrity of the urban landscape of Millers Point.

The Department considers that the current planning controls have the potential to enable development that is inconsistent with the heritage significance of Millers Point and may lead to inconsistencies where a CMP applies to the site. Therefore, the Department is of the view that:

- the proposed controls will remove a conflict between heritage objectives and planning controls and align decisions under the EP&A Act (including the Sydney LEP 2012) and the *Heritage Act 1977* by making CMPs the principal matter for consideration when assessing a development application;
- CMPs provide the best guidance for modifications to heritage items, as they provide a thorough analysis of each item and are required to be considered in approvals under the *Heritage Act 1977*;
- removing conflicts with the *Heritage Act 1977* and aligning matters for consideration will reduce costs for landowners by reducing assessment timeframes and providing greater certainty for landowners, Council and the community; and
- the removal of the FSR control is considered acceptable as it promotes a merit-based assessment on a case by case basis against the CMP.

The Department notes that if an endorsed CMP is not available or the endorsement has expired, then the CMP can be considered by the consent authority provided the works are still relevant. This approach provides greater flexibility for landowners and is considered acceptable.

Notwithstanding, it is noted that as the buildings are located within an HCA, any development application would need to address clause 5.10 of the Sydney LEP 2012. Under clause 5.10 of Sydney LEP 2012, the relevant consent authority may require a heritage management document and/or a heritage CMP to be prepared prior to development consent being granted. The proposed site-specific provision would not hinder the application of clause 5.10 of the Sydney LEP 2012 and is consistent with the provision.

It is unlikely the LEP amendment would unreasonably stymie development potential for buildings which are not heritage items. Whilst development applications for these buildings must consider the impacts on nearby heritage items, the existing controls will remain for non-heritage listed buildings. In addition, as per the condition of Gateway determination, a consent authority for a development application can consider variations to the maximum height or floor space of a building under clause 4.6 of the Sydney LEP 2012. This approach provides landowners with flexibility when seeking to undertake alterations and additions to heritage items and non-heritage items, where there is adequate merit and justification.

The Department's assessment concludes that the amended planning proposal is acceptable and should proceed to finalisation.

Section 9.1 Directions

The proposal is considered inconsistent with Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones. At Gateway it was determined that these inconsistencies were minor in nature and required no further justification. **Table 1** identifies the consistency with the relevant 9.1 Direction.

Table 1: Consistency with Section 9.1 Directions

Section 9.1 Direction	Consistent	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	No	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> • encourage employment growth in suitable locations; • protect employment land in business and industrial zones; and • support the viability of identified centres. <p>The proposal is considered inconsistent with Direction 1.1 Business and Industrial Zones as it reduces the total potential floor space area for employment generating land uses. Several properties in the Millers Point conservation area are zoned B1 Neighbourhood Centre and B8 Metropolitan Centre. Although the inconsistency was considered justified at the Gateway stage, post-exhibition changes now allow for clause 4.6 variations to be made. Additionally, the FSR control has been removed, allowing for additions to be considered on a case by case basis.</p>
Environment and Heritage		
2.3 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The proposal is consistent with this direction as it proposes to include a site-specific provision to conserve the heritage</p>

Section 9.1 Direction	Consistent	Comment
		significance of the Millers Point HCA and the heritage items within the HCA and retain the existing built form.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	No	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and to minimise the impact of residential development on the environment and resource lands <p>The proposal is considered inconsistent with Direction 3.1 Residential Zones as it reduces the potential for increased residential density and greater housing variety. The inconsistency was determined to be justified at the Gateway stage as the change in permissible density supports Direction 2.3 Heritage Conservation. It is considered that the retention of the existing controls would enable unsympathetic housing additions that would impact the heritage significance of the area.</p>
5. Regional Planning		
5.1 Implementation of Regional Strategies (refer to Section 4.1 of this report).	Yes	<p><u>Eastern City District Plan</u></p> <p>The proposal is consistent with the District Plan as it seeks to implement development standards to conserve and respect the heritage significance of the Millers Point HCA and associated items.</p>
7 Metropolitan Planning		
7.1 Implementation of a Plan for Growing Sydney	Yes	Refer to response to s.9.1 Direction 5.1 above.

State environmental planning policies

The planning proposal does not hinder the application of any State Environmental Planning Policies.

State, regional and district plans

Eastern City District Plan

The proposal is considered consistent with the District Plan with particular relevance to Planning Priority E6: Creating and renewing great places and local centres and respecting the District's heritage. The proposal is considered consistent as it seeks to implement development standards to conserve and respect the heritage significance of the Millers Point HCA and associated items.

12. MAPPING

The proposal seeks to amend the Floor Space Ratio and Height of Building Maps of Sydney LEP 2012. The following map sheets are to be amended:

Height of Buildings Map:

- HOB_013
- HOB_014

Floor Space Ratio Map:

- FSR_013
- FSR_014

The proposal seeks to remove the height and FSR controls from the maps and identify the area as Area 10 and Area 11 on the height and FSR maps respectively. The area layers relate to the proposed new site-specific provision.

The map cover sheet and maps have been approved by the Department's e-Planning team and forwarded to Parliamentary Counsel.

13. CONSULTATION WITH COUNCIL

Council was initially consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* on 22 March 2018. Council responded on 16 April 2018 advising of several concerns with the Draft LEP which related to requiring endorsed CMPs, the objectives of the clause, the planning controls for buildings which are not heritage listed and semantics. Subsequent Draft LEP's were provided by Parliamentary Counsel on 20 March 2018, 30 July 2018, 28 November 2018, 14 February 2019 and 11 September 2019.

On 18 April 2019, the Department raised concern with the proposed provision applying to Fort Street Public School. Council subsequently confirmed that the planning proposal should not apply to Fort Street Public School.

Council confirmed on 12 September 2019 that it was satisfied with the draft LEP and that the LEP should be made (**Attachment E**).

14. PARLIAMENTARY COUNSEL OPINION

On 19 September 2019, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

15. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because it:

- will protect the State and local heritage significance of the Millers Point HCA;
- removes a conflict between heritage objectives and planning controls and will align decisions under the EP&A Act 1979 and the Heritage Act 1977;
- allows CMPs to guide any alterations and additions to heritage items, as these provide a thorough and site-specific analysis of a heritage item and therefore it is considered appropriate that the planning controls be informed by CMPs due to Millers Point unique character;
- aligns matters for consideration and will reduce costs for landowners, reduce assessment timeframes and provide greater certainty for landowners, Council and the community;
- removes the FSR control for Millers Point as it promotes a merit-based assessment on a case by case basis against the relevant site-specific CMP;
- addresses issues raised by the community, the Heritage Council and the Department of Education;
- is consistent with and gives effect to the Greater Sydney Region Plan and Eastern City District Plan; and

- it is generally consistent with all relevant section 9.1 Directions or justified in accordance with the Direction and SEPPs.

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