
 Planning Proposal – Height of Buildings

- (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.*
- (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) *Despite subclause (2), the height of the street elevation of any building on land in Zone R2 Low Density Residential that is also within a heritage conservation area must not exceed 5.5 metres unless any adjoining buildings with the same street frontage are at least 2 storeys high.*
- (2B) *Despite subclauses (2) and (2A), the maximum height of a building on land in the following zones with a site area of less than 230 square metres (excluding the area of any access handle, access way or right of carriageway) must not exceed 5.5 metres:*
 - (a) *Zone R2 Low Density Residential,*
 - (b) *Zone R3 Medium Density Residential,*
 - (c) *Zone R4 High Density Residential.*
- (2C) *(Repealed)*

4.5 Height of Buildings Map

The Height of Buildings Map comprises the following:

- HOB_001 5950_COM_HOB_001_010_20140708
- HOB_002 5950_COM_HOB_002_010_20130607
- HOB_002A 5950_COM_HOB_002A_005_20130607
- HOB_003 5950_COM_HOB_003_010_20130607
- HOB_004 5950_COM_HOB_004_010_20130607

Copies of these Maps are provided in Annexure A.

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to:

- Correct some minor errors with the legend and application of colours to the Height of Buildings Map;
- Remove maximum building height controls from a number of road reserves and public open spaces, consistent with Council's adopted policy for applying building height controls;
- Imposing a maximum building height on land at 124 Alexander Street, Crows Nest consistent with Council's adopted policy for applying building height controls to land zoned *SP2 Infrastructure*;
- Imposing a maximum building height on land at 74 McDougall Street, Kirribilli consistent with Council's adopted policy for applying building height controls to land zoned *IN4 Working Waterfront*;
- Removing two clauses which further restrict the maximum permissible building height in comparison to that depicted on the Heights of Building Map, that can prevent the reasonable development of land.

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The intent of the Planning Proposal can be achieved by:

- Amending clause 4.3 Height of Buildings to NSLEP 2013; and
- Amending the Height of Building Map to NSLEP 2013.

The specific amendments to the clause and map sought are identified in the following subsections.

5.2.1 Height of Buildings clause

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:

- to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,
- to promote the retention and, if appropriate, sharing of existing views,
- to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,
- to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,
- to ensure compatibility between development, particularly at zone boundaries,
- to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.

(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) (Repealed) ~~Despite subclause (2), the height of the street elevation of any building on land in Zone R2 Low Density Residential that is also within a heritage conservation area must not exceed 5.5 metres unless any adjoining buildings with the same street frontage are at least 2 storeys high.~~

Planning Proposal – Height of Buildings

(2B) ~~(Repealed) Despite subclauses (2) and (2A), the maximum height of a building on land in the following zones with a site area of less than 230 square metres (excluding the area of any access handle, access way or right of carriageway) must not exceed 5.5 metres:~~

- ~~(a) Zone R2 Low Density Residential;~~
- ~~(b) Zone R3 Medium Density Residential;~~
- ~~(c) Zone R4 High Density Residential.~~

(2C) ~~(Repealed)~~

5.2.2 Height of Buildings Map

The Planning Proposal also requires the replacement of all of the existing Height of Buildings Map (refer to Annexure A) comprising:

- HOB_001 5950_COM_HOB_001_010_20140708
- HOB_002 5950_COM_HOB_002_010_20130607
- HOB_002A 5950_COM_HOB_002A_005_20130607
- HOB_003 5950_COM_HOB_003_010_20130607
- HOB_004 5950_COM_HOB_004_010_20130607

with a new Height of Buildings Map (refer to Annexure B) that incorporate the following amendments:

- correcting the colours on the legend and main part of the map, consistent with the DPE's *Standard Technical Requirements for Spatial datasets and Maps* (30 November 2015);
- removing a maximum building height control from the following public road reserves such that no height limit applies:
 - Harriet Lane, Neutral Bay;
 - Balls Head Road, Waverton;
 - The Avenue, North Sydney;
 - Gas Lane, North Sydney;
 - Hill Street, North Sydney;
 - Tucker Lane, North Sydney;
 - McDonald Lane, North Sydney
- removing a maximum building height control from the following public reserves such that no height limit applies:
 - Mater Gardens, 194 Pacific Highway, Wollstonecraft
- imposing a maximum building height of:
 - 8.5m on 125 Alexander Street, Crows Nest; and
 - 10m on 74 McDougall Street, Kirribilli.

5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

Anomalies

No. The anomalies identified have primarily arisen from the maximum building height controls being applied inconsistently with Council's adopted policy. Correction of these anomalies helps to reinforce Council's adopted policy position and not lead to the creation of any unacceptable precedents.

Street frontage height

No. Concern has been raised by both Council staff and applicants with regard to determining how the height of the street elevation is to be measured.

The primary intent of the street elevation control (cl.4.6(2A)) is to maintain a single storey built form, when viewed from the street. This was to ensure that the character of heritage conservation areas would not be adversely affected, where they were predominantly single storey in nature. Topography permitting, the control still enables a development to project up to a maximum height of 8.5m at the rear of a site where the bulk of the building can not be seen from the street.

Determining a building's street frontage height under cl.4.3(2A) could be interpreted in various ways (refer to section 2.2). Based upon the true intent of the clause, the measurement should commence from the ground level of that part of the facade which is closest to the street and project to the highest point of the building.

Notwithstanding, the heritage provisions of NSLEP 2013 (cl.5.10), the heritage provisions of NSDCP 2013 (Section 13 to Part B) and the area character statements of NSDCP 2013 (Part C) provides sufficient guidance to control the built form in heritage conservation areas, including characteristic building heights. Accordingly, cl.4.3(2A) duplicates other development controls and could be considered redundant.

Removing the requirement, would enable a more merit based approach to determining the appropriate height of buildings within a heritage conservation area and remove any ambiguity as to how building height is to be determined.

Heights of buildings on small lots

No. The following types of development applications are required to be referred to NSIPP:

- Council proposals greater than \$250,000 in value;
- proposals by individual Councillors, State or Federal members of parliament or Council staff;
- in the General Manager's or their delegate's opinion considers the proposal to be contentious, particularly complex or in the public interest for the Panel to determine;
- proposals seeking to vary a development standard by more than 10% pursuant to clause 4.6 of NSLEP 2013; and
- proposals subject of a Section 82 Review of Determination, where the original application had been determined by the NSIPP.

Since the commencement of NSLEP 2013 and up to 31 December 2015, Council has approved a total of 566 development applications of which 165 were approved by NSIPP. Of these applications:

- 90 (55% of all NSIPP applications and 16% of all applications) were granted a variation to the building height controls under clause 4.3, of which:
 - 33 (37% of all NSIPP applications and 6% of all applications) were granted a variation to the building height controls under clause 4.3(2B)

Whilst the request to vary the maximum building height under cl.4.3(2B) (maximum of 5.5m on land less than 230sqm) represents 37% of all approvals by NSIPP and 6% of all development applications, the total number of applications seeking to vary the requirement could be much higher (i.e. the figures do not represent those applications which sought to vary cl.4.2(2B) by less than 10%.

All of the applications that sought to vary the development standard under subclause 4.3(2B) and were determined by NSIPP related to proposals for alterations and additions to existing dwellings that already exceeded the maximum building height that applied to the site. Furthermore, in the majority of cases, the proposal did not seek to further increase the degree of non-compliance with the maximum building height control (i.e. the existing non conforming heights were being maintained).

The primary reason why these existing dwellings did not comply with the requirements of subclause 4.3(2B) included:

- the moderately pitched roof profiles of single storey dwelling houses and semi detached dwellings projecting above the maximum requirement in the *R2 Low Density Residential* zone; and
- two storey attached dwellings or semi detached dwellings projecting above the maximum requirement in the *R3 Medium Density Residential* and *R4 High Density Residential* zones.

Moderately pitched roof profiles are required and encouraged by NSDCP 2013 as they form part of a characteristic built form element in North Sydney. In conjunction with narrow allotments, this requirement has resulted in many roofs to single storey dwellings projecting beyond the maximum building height requirements on small lots, demonstrating that the requirement is not necessarily achieving its aims.

Traditionally, 2 and 3-storey terrace houses (attached dwellings) were constructed on lots less than 230sqm in area with narrow allotments. An example of such dwellings is located at 49-57 Whaling Road, North Sydney. Terrace housing enables the redistribution of floor space over multiple levels to provide greater areas of private open space at the ground level. It would seem unreasonable to further restrict the height of buildings on land zoned *R3 Medium Density Residential* and *R4 High Density Residential* zones, merely because the site is less than 230sqm in area. It would also be contrary to the attainment of the objectives of the EP&A Act (e.g. the reasonable development of land).

Furthermore, many of the development applications that are currently being referred to NSIPP due to non-compliance with clause 4.3(2B) could easily be determined under delegated authority. This is due to:

- the majority of the applications not resulting in any further non-compliance with the building height control;
- any associated impacts are considered reasonable; and
- general lack of public objection.

Planning Proposal – Height of Buildings

Removal of the need to refer applications to NSIPP, would provide NISPP with more time to concentrate on determining more important planning matters.

The high level of requests to vary the building height requirement also suggests that the current controls under cl.4.3(2B) are not appropriate and an alternative solution is required.

The primary instance where it would be desirable to maintain single storey built form with a maximum height limit of 5.5m would be in heritage conservation areas, where that building height is the dominant built form. However, such a restriction already exists under cl.5.10 of NSLEP 2013. Therefore the removal of cl.4.3(2B) is considered reasonable in the circumstances.

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

Yes.

Anomalies

There are no alternatives to achieving the desired intent of the planning proposal.

Street frontage height

There are potential options for addressing the issue of determining street frontage height.

Option 1 - Preferred

Option 1 involves deletion of clause 4.3(2A) in its entirety.

The heritage and conservation provisions of NSLEP 2013 and NSDCP 2013, in conjunction with the Area Character Statements under NSDCP 2013, provide a secondary mechanism to control building height with the focus on maintaining and enhancing an area's character via a merit based assessment. This also enables a more flexible approach to approving development which is consistent with the objects of the EP& Act.

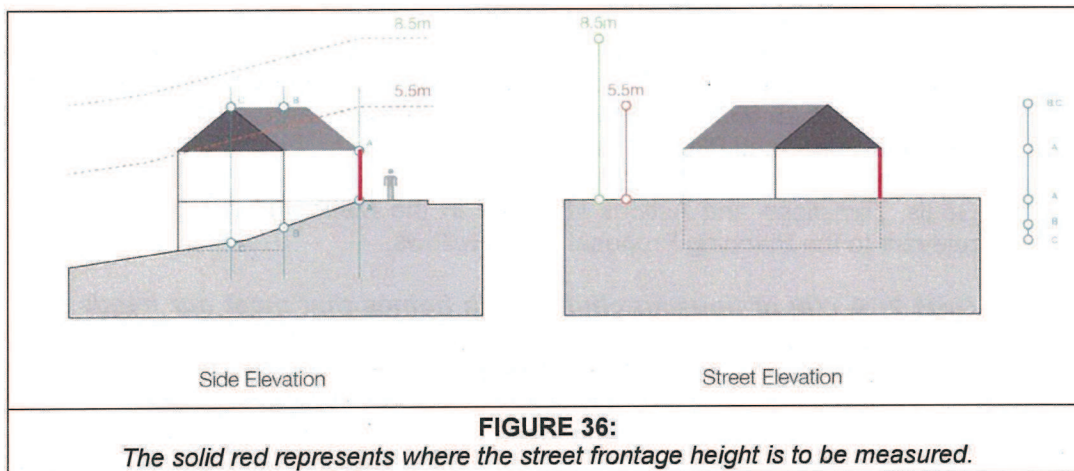
Option 2

Option 2 involves incorporating an additional local subclause within clause 4.3 to NSLEP 2013 to outline how the street elevation building height is to be measured. This would provide a greater level of clarity and ensure that the street elevation height is measured more consistently.

The intent of this Option could be achieved by including the following suggested clause immediately after clause 4.3(2C):

(2D) In this clause, the height of any street elevation means the distance between the lowest point of the building's closest facade to the nearest street at ground level (existing) and the highest point of that facade.

Figure 36 illustrates the intent of the above clause.



However, given the unlimited ways in which buildings can be designed constructed, there is still potential for the wording of such a clause to be misinterpreted. This could ultimately lead to the undermining of the control and the abandoning of the policy to maintain areas characterised by single storey dwellings. On this basis it is recommended that this option should not be pursued.

Option 3

Option 3 involves amending cl.4.3(2A) to restrict the height of buildings to a single storey as viewed from the street with a reference to the number of storeys instead of a metre restriction.

The intent of this Option could be achieved by amending the subject clause as suggested as follows:

- (2A) *Despite subclause (2), the height of the street elevation of any building on land in Zone R2 Low Density Residential that is also within a heritage conservation area must not exceed ~~5.5 metres~~ one storey unless any adjoining buildings with the same street frontage are at least 2 storeys high.*

Such an amendment would be contrary to the DPE's LEP Practice Note 08-001 for Standard Instrument LEPs. In particular, it states that whilst the implementation of a maximum number of storey control can be useful for achieving certain design outcomes, it should be addressed through a DCP. Accordingly, this Option is not supported.

Heights of buildings on small lots

There are no alternatives to achieving the desired intent of the planning proposal.

5.3.2 Section B – Relationship to strategic planning framework

3. ***Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

A Plan for Growing Sydney (2014)

Released in December 2014, *A Plan for Growing Sydney* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 25 years. The Metropolitan Plan sets targets for an additional 664,000 homes and 689,000 jobs by 2031.

Goals, Directions and Actions identified in the Metropolitan Plan which are relevant to the Planning Proposal are as follows:

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

- Direction 2.1: Accelerate housing supply across Sydney
 - Action 2.1.1: Accelerate housing supply and local housing choices
- Direction 2.3: Improve housing choice to suit different needs and lifestyles
 - Action 2.3.3: Deliver more opportunities for affordable housing

The Planning Proposal is considered to be generally consistent with the relevant goals, directions and actions of the Metropolitan Plan, as it will provide increased opportunities to increase residential accommodation and housing choices.

Draft Inner North Subregional Strategy

In July 2007, the NSW Government released the draft Inner North Subregional Strategy (draft INSS). The North Sydney LGA is located within the Inner North subregion with the other LGAs of Lane Cove, Ryde, Willoughby, Hunters Hill and Mosman. The Draft INSS sets targets of an additional 5,500 homes and 15,000 jobs by 2031 for the North Sydney LGA.

Directions and Actions identified in the draft INSS which are relevant to the Planning Proposal are as follows:

- Direction C1 – Ensure adequate supply of land and sites for residential development
 - Action C1.2 – Apply sustainability criteria for new urban development
- Direction C2 – Plan for a housing mix near jobs, transport and services
 - Action C2.1 – Focus residential development around centres, town centres, villages and neighbourhood centres
 - Action C2.3 – Provide a mix of housing

The Planning Proposal is considered to be consistent with the above directions and actions of the draft INSS as it will provide increased opportunities to increase residential accommodation and housing choices.

North Sydney Residential Development Strategy

The North Sydney Residential Development Strategy (RDS) identifies the potential for an additional 6,199 dwellings in the North Sydney LGA by 2031 under the provisions of NSLEP 2013.

Implementing the Planning Proposal is unlikely to affect the attainment of the forecast residential potential envisaged under the RDS.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

North Sydney Council Delivery Program 2010/11-2013/14

The North Sydney Council Delivery Program 2010/11-2013/14 (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, set out under five key Directions.

The directions and goals of the Delivery Program which are relevant to the Planning Proposal are as follows:

Direction: 2 Our Built Environment

Outcomes: 2.2 Improved mix of land use and quality development through design excellence

Outcomes: 2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community

The Planning Proposal will allow these directions and outcomes to be pursued in a robust and strategic manner.

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 Local Government Area, as demonstrated in TABLE 1.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	N/A	This SEPP does not apply as the lands affected by the Planning Proposal do not contain bushland or are located adjacent to land containing bushland.
SEPP No. 32 - Urban consolidation (redevelopment of urban land)	YES	The Planning Proposal is consistent with the SEPP as it will remove impediments to the development potential of land on small sites in residential zones.
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	N/A	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.

Planning Proposal – Height of Buildings

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP No. 64 - Advertising and signage	N/A	The Planning Proposal does not relate to development for the purposes of advertising and signage.
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 (Exempt and Complying Development Codes) 2008	N/A	The Planning Proposal does not seek to introduce any additional exempt or complying development types.
SEPP (Housing for Seniors or People with a Disability) 2004 - <i>formerly SEPP (Seniors Living) 2004</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Major Development) 2005 - <i>formerly SEPP Major Projects & SEPP State Significant Development</i>	N/A	The Planning Proposal does not relate to any state significant sites identified under this SEPP and therefore does not apply.
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>	N/A	This SEPP does not apply as the Planning Proposal does not relate to development for the purposes of temporary structures.
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.
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.117 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the EP&A Act by the Minister to Councils, as demonstrated in TABLE 2.

Planning Proposal – Height of Buildings

TABLE 2: Consistency with s.117 Directions		
Direction	Consistency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	YES	The Planning Proposal does not seek to reduce any commercial or industrial zoning under NSLEP 2013 nor does it seek to reduce the level of permissible non-residential floor space achievable on the affected lands.
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 or 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 does not propose any changes in land use.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a rural or environmental protection zone.
2 Environmental Heritage		
2.1 Environmental Protection Zones	N/A	This Direction does not apply as the Planning Proposal does not affect land in an environmental protection zone.
2.2 Coastal Protection	N/A	This Direction does not apply as the Planning Proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction.
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 may enhance the ability to provide increased residential development and choice within residential zones.
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.

Planning Proposal – Height of Buildings

TABLE 2: Consistency with s.117 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	N/A	This Direction does not apply as the Planning Proposal does not seek to create, alter or remove a zoning or land use provision under NSLEP 2013.
3.5 Development Near Licensed Aerodromes	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a licensed aerodrome nor does it propose to amend a height limit that exceeds the Obstacle Limitation Surface level that applies to the North Sydney LGA.
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.
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	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire prone land.
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.
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.
5.8 Second Sydney Airport: Badgerys Creek	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

Planning Proposal – Height of Buildings

TABLE 2: Consistency with s.117 Directions		
Direction	Consistency	Comment
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.
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal does not alter any concurrence, consultation or referral requirements under NSLEP 2013, nor does it identify any development as designated development.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	This Direction does not apply, as it does not allow a particular type of development to be carried out.
7 Metropolitan Planning		
7.1 Implementation of the A Plan for Growing Sydney	YES	Refer to question 4 to Section 5.3.2 of this report.
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 of 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 relates to the amending of height controls and is unlikely to 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 Planning Proposal could potentially result in adverse impacts with regards to overshadowing and view sharing through the implementation of increased heights. However, these issues are largely addressed through the consideration of provisions contained within NSDCP 2013. Accordingly, it is considered that despite any increases in height permitted by NSLEP 2013, there is potential to adequately address issues of overshadowing and view sharing through the consideration of the NSDCP 2013.

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

The Planning Proposal will provide increased transparency and certainty for the development of sites ensuring that the maximum building heights applying to a site have been considered against an established Council policy and with due regard to a site's local context.

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It also provides increase flexibility for the redevelopment of residential sites without having to justify variations to an unreasonable development standard.

The Planning Proposal will result in a number of positive economic outcomes, including:

- reducing applicant costs by:
 - removing the need for applicants to justify variations to development standards;
 - enabling faster determinations by determining applications under delegated authority (i.e. no need to wait for scheduled meeting times; and
- reducing operating costs of NSIPP (i.e. less applications to consider).

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 demand for and provision of public infrastructure as it does not specifically seek to increase residential or employment density.

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

The Planning Proposal has not yet been considered by State or Commonwealth public authorities. Views of the State will be gained through the Gateway Determination process.

5.4 PART 4 : MAPPING

The Planning Proposal requires the replacement of all of the existing Height of Buildings Maps (refer to Annexure A) comprising:

- HOB_001 5950_COM_HOB_001_010_20140708
- HOB_002 5950_COM_HOB_002_010_20130607
- HOB_002A 5950_COM_HOB_002A_005_20130607
- HOB_003 5950_COM_HOB_003_010_20130607
- HOB_004 5950_COM_HOB_004_010_20130607

These maps are proposed to be replaced with the maps provided within Annexure B: comprising:

- HOB_001 5950_COM_HOB_001_010_20160413
- HOB_002 5950_COM_HOB_002_010_20160413
- HOB_002A 5950_COM_HOB_002A_005_20160413
- HOB_003 5950_COM_HOB_003_010_20160413
- HOB_004 5950_COM_HOB_004_010_20160413

5.5 PART 5: COMMUNITY CONSULTATION

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

5.6 PART 6: PROJECT TIMELINE

TABLE 3 provides a project timeline having regard to identified milestones and estimating approximately 9 months from submitting the proposal to the DPE to the amending LEP being made.

TABLE 3 – Project Timeline									
Milestone	June 2016	July 2016	Aug 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017
1. Request for Gateway Determination sent to DPE									
2. DPE considers Request									
3. Gateway Determination Issued to Council									
4. Public Exhibition Undertaken									
5. Council considers post exhibition report									
6. Submission to DPE requesting making of LEP									
7. Drafting of LEP and making									