



IRF22/1599

Gateway determination report – PP-2022-901

North Sydney Centre – Height of Buildings Variation
(Clause 6.3)

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
A1 – Planning Proposal Report (dated September 2021)
A2 – Letter Requesting Gateway Determination (dated 18 March 2022)
A3 – Planning Proposal Application Form
A4 – Site Identification Map
A5 – Council Report and Resolution (dated 21 February 2022)
A6 – North Sydney Local Planning Panel Minutes (29 September 2021)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	North Sydney
PPA	North Sydney Council
NAME	North Sydney Centre – Height of Buildings Variation (Clause 6.3)
NUMBER	PP-2022-901
LEP TO BE AMENDED	North Sydney LEP 2013
ADDRESS/LOT DESCRIPTION	All lots located within North Sydney Centre (Mapped area Figure 1)
RECEIVED	18/03/2022
FILE NO.	IRF22/1599
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Rationalise the relationship between clause 4.6 ‘Exception to development standards’ and clause 6.3 ‘Building heights and massing’, both of which enable variations to height in the North Sydney Centre.
- Address the apparent primacy placed on clause 6.3(3) and its narrow set of considerations.
- Include provisions to ensure consideration of objectives set out under clause 6.1 in determining a development application in the North Sydney Centre.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the following clauses under North Sydney LEP 2013:

- **Clause 6.3(3)** – to remove specific reference to building height variation in North Sydney Centre, and thereby mandating that solar issues be considered before granting development consent.
- **Clause 6.3(5)** – by including a provision to require consideration of objectives of Division 1 of Part 6 (set out under clause 6.1).

The below provides an indication of the proposed changes (~~red strike through~~ represents deletion, blue underline represents an addition):

Clause 6.3 Building heights and massing

....

- 3) The consent authority must not grant consent ~~may grant development consent~~ to development on land in the North Sydney Centre ~~that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if~~ unless the consent authority is satisfied that any increase in overshadowing between 9am and 3pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving –
- (a) If it received 2 hours or more of direct sunlight immediately before the commencement of the NSLEP 2013 (Amendment 23) – less than 2 hours of direct sunlight, or
 - (b) If it received less than 2 hours of direct sunlight immediately before the commencement of the NSLEP 2013 (Amendment 23) – less direct sunlight than it did immediately before that commencement.

....

- 5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following—
- (a1) the objectives of this Division,
 - (a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining the North Sydney Centre,
 - (b) whether the proposed development preserves significant view lines and vistas,
 - (c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.

The objectives of Division 1 of Part 6 in clause 6.1 of the LEP include:

- to maintain the status of the North Sydney Centre as a major commercial centre,
- maximise commercial floor space capacity and employment growth within the constraints of the environmental context of the North Sydney Centre,
- to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,
- to prevent any net increase in overshadowing during winter months of any land in Zone RE1 Public Recreation (other than Brett Whiteley Plaza) or any land identified as “Special Area” on the North Sydney Centre Map,
- to ensure that any land within a residential zone is afforded a reasonable amount of solar access,
- to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal describes the direct changes requested to the clauses. A condition has been attached to require a plain English explanation of the proposed amendments to be included in the planning proposal under explanation of provisions.

1.4 Site description and surrounding area

The planning proposal applies to all land within the North Sydney Centre (**Figures 1 and 2**) as Clause 6.3 applies to. The North Sydney Centre is established under Division 1 of Part 6 North Sydney LEP 2013 and the North Sydney Centre Map – Sheet CL1_002A.

North Sydney Centre is largely zoned B3 Commercial Core, with parts of the northern and western extents zoned B4 Mixed Use. The Centre is a significant commercial and employment precinct on the North Shore and is identified as being part of the ‘Harbour CBD’ metropolitan centre in the North District Plan.

It is noted that the North Sydney Centre is immediately adjacent to established residential areas and heritage items/conservation areas. These areas are particularly sensitive to amenity impacts that may result from development that occurs within the North Sydney Centre.



Figure 1 North Sydney Centre (in red) overlaid cadastre map (source: Attachment A4)

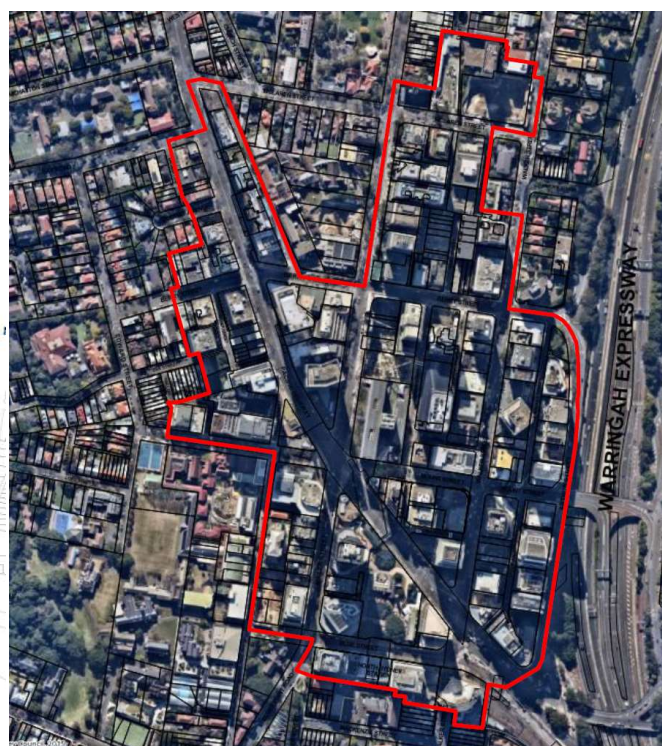


Figure 2 North Sydney Centre (in red) overlaid satellite image (source: Attachment A1)

1.5 Mapping

The planning proposal does not propose amendments to any of the maps in the North Sydney LEP 2013.

1.6 Background

1.6.1 Amendment 23

Amendment 23 of North Sydney LEP 2013 was gazetted on 26 October 2018. One of the key objectives of Amendment 23 was the implementation of Council’s *North Sydney CBD Land Use and Capacity Strategy* adopted on 1 May 2017. The Strategy sought to:

provide a framework to allow for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial

centre and to accommodate forecast demand for additional commercial/employment floor space.

The intent of Amendment 23 was to increase building heights in the parts of North Sydney Centre that could accommodate additional height, while managing impacts on solar access to surrounding residential areas, and Special Areas within the Centre.

In addition to the increased building heights in North Sydney Centre, Amendment 23 also introduced the current wording of clause 6.3(3), which enables a height of building variation in consideration of solar impacts to surrounding residential areas and open space located outside the North Sydney Centre.

As part of the planning proposal for Amendment 23, Council noted that where proposed variations are considered significant, changes to the planning controls via the planning proposal process should occur and it was expected that this approach will continue. The purpose of the proposed variation control as outlined in the Council report, was to provide some level of flexibility where it can be demonstrated that residential amenity outside the North Sydney CBD is not unreasonably affected.

1.6.2 Application of clause 6.3(3) and clause 4.6

The planning proposal states that clause 6.3(3) has increasingly been used to seek variation to building heights on sites that have already been afforded significant increases in height pursuant to Amendment 23. The proposal notes that the matters for considerations under clause 6.3(3), in determining whether to vary building heights in North Sydney Centre, are narrow when compared to requirements set out under clause 4.6 Exceptions to development standards.

The planning proposal considers the application of clause 4.6 to vary development standards (such as building heights) is a more effective and established approach to consider such variations, noting that there is considerable caselaw to draw on and to reference in applying clause 4.6.

The proposal notes that Council has received an increasing number of applications in the North Sydney Centre seeking building height variations based solely on clause 6.3(3), and not clause 4.6.

Concerns raised by stakeholders – savings provision for DAs

It is noted that concerns have been raised by stakeholders of current development applications (DAs) in the North Sydney Centre that seek to rely on clause 6.3(3) for additional building height. The concerns relate to the proposed amendments to clause 6.3(3) which would remove an established pathway to vary building height within the North Sydney Centre where the implications of the varied height can meet a certain solar access criteria. The Department has received requests from stakeholders to include a savings provision for DAs lodged prior to the proposed amendment of clause 6.3(3).

Council's view is that any proposal that exceeds the maximum height control under the LEP should be considered with regard to clause 4.6.

Council have indicated that three (3) DAs for development within the North Sydney Centre that apply clause 6.3(3) for additional building height are currently being assessed, as outlined below:

- 105 Miller Street, North Sydney (DA147/20) for demolition of building and construction of a new 27 storey commercial building. This DA was lodged on 7 July 2020 and is currently the subject of a deemed refusal and ongoing Land and Environment Court proceedings.

- 100-102 Walker Street, North Sydney (DA32/22) for demolition of existing commercial building and construction of 48 storey commercial building. The Sydney North Planning Panel is the consent authority for the DA.
- 107 Mount Street, and Little Walker Street, North Sydney (DA58/22) for demolition of existing structures and construction of 37 storey commercial building with 8 level of basement parking. This DA was lodged on 22 February 2022 and is subject to a deemed refusal and Class 1 Appeal.

Comment: The proposal does not address how undetermined DAs that apply clause 6.3(3) to vary building heights in the North Sydney Centre are dealt with, should the LEP be amended as proposed by this planning proposal. This includes DAs that have yet to have been lodged with Council but are lodged prior to the amendment of clause 6.3(3).

However, as the applications afoot all have been submitted with a clause 4.6 variation request, a savings and transitional arrangements provision is not required. A merit assessment can be conducted for these applications.

It is noted that under section 4.15(1)(ii) of the *Environmental Planning and Assessment Act 1979*, any proposed instrument that has been subject to public consultation under the Act is a matter for consideration for a consent authority in determining a DA.

Additionally, Clause 1.8A of North Sydney LEP 2013 also provides a savings provision relating to DAs:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

A condition has been attached for council to update the planning proposal to address development applications lodged but not determined.

1.6.3 Draft DCP for North Sydney Centre

In addition to the planning proposal, it is noted that Council has also concurrently prepared a draft amendment to the North Sydney DCP 2013 to provide better design guidance for commercial towers in the North Sydney CBD. It specifically identifies building setbacks and separation distances for commercial towers to protect views and allow for view sharing, enhance the character of the CBD and better align the CBD's planning controls with other centres.

Council notes that the draft DCP amendments support the North Sydney Centre Capacity and Land Use Strategy (2017) and associated Planning Proposal (Amendment No.23) which increased the maximum height limits of commercial buildings in the CBD in 2018. Council undertook a study on commercial tower setbacks and separation (dated June 2021) to enable jobs growth in commercial towers that are of a bulk and scale that complement the long-term vision for North Sydney CBD. These controls seek to address amenity impacts arising from the scale of the development in the CBD.

Council considered a report on the DCP amendment and its public exhibition on 25 October 2021 and resolved to defer the amendment to allow for:

- A further detailed review on the impact of the proposal on Council's Ward Street Masterplan and future development within the broader CBD.
- An internal briefing to Council on the submissions received during public exhibition and the outcome of the above review.

2 Need for the planning proposal

The proposal states that the planning proposal is the only mechanism that can achieve the objectives and intended outcomes. The planning proposal also states that it is principally informed by the outcomes of the *North Sydney Local Strategic Planning Statement* and the *North Sydney Centre Capacity and Land Use Strategy*.

The planning proposal is considered to be the best means of achieving the objectives and intended outcomes outlined in Section 1.2 of this report. It is noted that variations to the maximum building heights within the North Sydney Centre under North Sydney LEP 2013 may still be achieved through the application of clause 4.6.

Council considers that Clause 4.6 represents a mechanism that enables continued consideration of applications to vary any development standard throughout the LGA including height in the North Sydney Centre. The operation of the current clause 6.3(3) provision limits the matters for consideration by the consent authority only to ensure no increase in overshadowing impacts.

Assessment of the planning proposal's consistency with the *North Sydney Local Strategic Planning Statement* and the *North Sydney Centre Capacity and Land Use Strategy* are provided in Section 3.3 of this report.

3 Strategic assessment

3.1 Greater Sydney Region Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

Table 3 Greater Sydney Region Plan assessment

Region Plan Objectives	Justification
Objective 18 – Harbour CBD is stronger and more competitive	The proposal does not seek to amend existing principal controls relating to land zoning, FSR or maximum building height, and is therefore not considered to impact the growth and investment of North Sydney Centre. Variations to building heights within the North Sydney Centre may still be considered under clause 4.6.
Objective 22 – Investment and business activity in centres	

3.2 North District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 North District Plan assessment

North District Plan Priorities	Justification
Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage	Clause 6.3(2) requires consideration of solar impacts to areas zoned RE1 Public Recreation, Special Areas and the Don Bank Museum prior to development consent. The planning proposal does not propose changes to these provisions and is therefore considered to be consistent with these Planning Priorities.
Planning Priority N20 – Delivering high quality open space	
Planning Priority N7 – Growing a stronger and more competitive Harbour CBD	The planning proposal does not seek to amend existing principal controls relating to land zoning, FSR or maximum building height, and is therefore considered to be consistent with these Planning Priorities.
Planning Priority N8 – Eastern Economic Corridor is better connected and more competitive	
Planning Priority N10 – Growing investment, business, opportunities and jobs in strategic centres	It is noted that variations to building heights within the North Sydney Centre may still be considered under clause 4.6.
Planning Priority N12 – Delivering integrated land use and transport planning and a 30-minute city	

A Gateway condition requiring the planning proposal to be updated to remove references to a 'draft' North District Plan has been recommended.

3.3 Local Strategy / Plan

The proposal states that it is consistent with the following local plans and endorsed strategies:

Table 5 Local strategic planning assessment

Local Strategies	Justification
North Sydney Local Strategic Planning Statement (LSPS)	The North Sydney LSPS was endorsed by the Greater Sydney Commission on 20 March 2020. The LSPS sets the 20-year direction for housing, employment, transport, recreation, environment and infrastructure for the North Sydney LGA. The planning proposal is considered to be consistent with the local planning priorities and actions of the LSPS.

North Sydney Centre Capacity and Land Use Strategy	<p>The Capacity and Land Use Strategy was adopted by Council in May 2017, setting out a framework for North Sydney Centre to maintain and improve its status as a significant commercial and employment centre.</p> <p>Amendment 23 of North Sydney LEP 2013 was gazetted on 26 October 2018 to implement the Capacity and Land Use Strategy. This included increasing building heights in parts of North Sydney Centre that could accommodate additional height, while managing impacts on solar access to surrounding residential areas, and Special Areas within the Centre.</p> <p>The planning proposal is not inconsistent with the Land Use Strategy as it does not seek to amend the principal controls relating to land zoning, FSR or maximum building height.</p>
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3.4 Local planning panel (LPP) recommendation

The planning proposal to amend the LEP clauses 6.3(3) and 6.3(5) and confine all applications that seek to vary the building height development standards to clause 4.6 (*Exceptions to Development Standards*) was considered by the North Sydney Local Planning Panel on 29 September 2021 (**Attachment A6**).

The Local Planning Panel unanimously supported for the following reasons:

The Panel considers the proposal to amend Clause 6.3(3) and 6.3(5) provisions of the North Sydney LEP, is the appropriate course of action and will provide greater clarity to the community for variations to be considered under the mechanism of Clause 4.6, which is more comprehensive of the issues to be addressed for such variations.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Yes	<p>The planning proposal does not include any provisions that will limit any of the permissible land uses under the B3 Commercial Core or B4 Mixed Use land zones within the North Sydney Centre. The maximum building height and FSR controls within the North Sydney Centre are not being amended.</p> <p>The proposal is considered to be consistent with this Direction.</p>

3.2 Heritage Conservation	Yes	<p>There are a number of heritage items located in North Sydney Centre as identified by North Sydney LEP 2013. The planning proposal does not propose to alter any controls relating to heritage conservation and is considered to be consistent with this Direction.</p> <p>Any DAs for future development in the North Sydney Centre would need to consider impact on heritage items and conservation areas of the subject site of the surrounding area.</p>
6.1 Residential Zones	Yes	<p>Areas of the North Sydney Centre are zoned B4 Mixed Use where shop top housing and residential flat buildings are permissible.</p> <p>The planning proposal does not seek to amend the principal controls relating to permissible use, land zoning, FSR or maximum building height. The proposal also requires solar issues to surrounding residential development be considered before the granting development consent.</p> <p>The proposal is therefore considered to be consistent with this Direction.</p>
7.1 Business and Industrial Zones	Yes	<p>The planning proposal does not seek to amend the principal controls relating to permissible use, land zoning, FSR or maximum building height. It therefore does not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>It is noted that variations to building heights within the North Sydney Centre may still be considered under clause 4.6.</p> <p>The proposal is not inconsistent with the North Sydney Centre Capacity and Land Use Strategy as discussed in Section 3.3 of this report.</p>

The section 9.1 Ministerial Directions were updated, restructured and issued to commence on 1 March 2022. A Gateway condition requiring the planning proposal to be updated to consider these changes is recommended.

3.6 State environmental planning policies (SEPPs)

There are no specific SEPPs that directly relate to the planning proposal. It is considered the planning proposal is not inconsistent with the aims and objectives of the current SEPPs in force.

In late 2021, a number of previous SEPPs were consolidated and came into effect on 1 March 2022. A Gateway condition requiring the planning proposal to be updated to consider these newly consolidated SEPPs has been recommended.

4 Site-specific assessment

Given the planning proposal does not seek to amend the principal controls relating to permissible use, land zoning, FSR or maximum building height, it is not considered to have significant environmental impact to the North Sydney Centre. Economic impact is discussed in more detail below.

4.1 Economic Impact

4.1.1 Relationship with *North Sydney Land Use and Capacity Study*

Council's North Sydney Land Use and Capacity Study supported the introduction of Amendment 23 of the LEP. The intent was to identify and implement policies and strategies to ensure that North

Sydney Centre retains and strengthens its role as a key component of Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore, and becomes a more attractive, sustainable and vibrant place for residents, workers and businesses.

Council additionally introduced a clause into the LEP in 2018 (Amendment 23) to support the framework for the growth of the North Sydney Centre which allowed increased building heights in parts of the North Sydney CBD with the intent to manage impacts on solar access to surrounding residential development, open space and special areas in the CBD.

Council now seeks to amend this clause to instead rely on Clause 4.6 (Exceptions to development standards) in the LEP which is a mandatory clause under the standard LEP instrument and is used as a mechanism state-wide, to consider the variation of any development standard within the LEP.

Council considers that clause 6.3(3) is increasingly being used to vary heights on buildings that have already been provided with increases in height and considers the clause to be superfluous given that clause 4.6 is the widely accepted and used mechanism for seeking variations to development standards.

The Planning Proposal states that it seeks to increase transparency in the relationship between these clauses that perform a similar function and requires broader considerations to ensure broader amenity impacts of additional height in the North Sydney Centre are considered beyond just overshadowing impact.

Comment: It is noted that the proposed change to clause 6.3(3) as described in section 1.3 of this report would require all DAs for development on land within the North Sydney Centre to satisfy the prescribed solar access criteria under the clause, regardless of the building height proposed.

The wording proposed by Council in amending the clause would require that the consent authority must not grant consent to development on land in the North Sydney Centre unless the consent authority is satisfied that any increase in overshadowing between 9am and 3pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving less than 2 hours of direct sunlight (if it had received 2 hours or more before the commencement of Amendment 23) or if it received less than 2 hours of direct sunlight no further impact to reduce sunlight occurs.

The amendment does not refer to height of buildings or where a proposal seeks to vary the height control and would therefore require all development applications submitted in the North Sydney Centre to consider this clause.

This is considered to be an additional requirement for DAs in the North Sydney Centre that do not seek height above the maximum building height under the LEP. A Gateway condition requiring the planning proposal be updated to consider a potential height threshold that triggers the requirements of clause 6.3(3) has been recommended.

4.1.2 Potential barrier to commercial development in North Sydney Centre

As noted in Section 1.6.2 of this report, concerns have been raised by stakeholders of current development applications (DAs) in the North Sydney Centre that seek to rely on clause 6.3(3) for additional building height.

This includes the concern that it may not be possible to achieve a variation to the maximum building heights under the North Sydney LEP 2013 without submitting a planning proposal, and that it may pose a potential barrier to development in North Sydney Centre in accordance with the recommendations of Council's North Sydney Land Use and Capacity Study. A gateway condition has been recommended to require the planning proposal to be updated to consider the implications on the delivery of commercial floorspace on sites within the North Sydney Centre and Council's independent review of proposed development control plan changes.

5 Consultation

5.1 Community

Council does not specify the number of days proposed for community consultation.

The exhibition period is to be 20 working days in accordance with the Department's Local Environmental Plan Making Guidelines for standard planning proposals and forms the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

- Sydney Water.
- Transport for NSW.
- Department of Education.
- Ausgrid.
- Jemena Gas Networks (NSW) Ltd.
- Telstra / Optus.

Given the nature of the proposal, no agency consultation is considered necessary during the public exhibition period.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure sufficient time is enabled to finalise the planning proposal and make the LEP.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the nature of the planning proposal and the potential implications to commercial development in North Sydney Centre, the Department does not recommend Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is the best means of achieving the objectives and intended outcomes, as they cannot be achieved without amendment to the LEP.
- It is consistent with the Region Plan, District Plan, Local Strategic Planning Statement, and North Sydney Centre Capacity and Land Use Strategy.
- It is consistent with all relevant Section 9.1 Directions.
- It is not inconsistent with any SEPPs currently in force.
- Variations to building heights within the North Sydney Centre may still be considered under clause 4.6 of North Sydney LEP 2013.

- Development applications currently under assessment can still be determined, as the planning proposal will not prevent their consideration and the Department understand these applications have all been submitted with a clause 4.6 variation assessment.

Based on the assessment outlined in this report, the proposal is to be updated before consultation to:

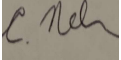
- Include a plain English explanation of the intent of the planning proposal under explanations of provisions;
- Update the planning proposal to address development applications lodged but not determined.
- Consider the inclusion of a height threshold trigger for clause 6.3(3) to ensure that the clause only applies to development applications seeking a variation to maximum building height.
- Discuss potential implications on the delivery of commercial floorspace on sites within the North Sydney Centre and Council's independent review of proposed development control plan changes.
- Remove references to a 'draft' North District Plan;
- Include updated references to the Section 9.1 Ministerial Directions issued on 1 March 2022;
- Include consideration of the consolidated State Environmental Planning Policies (SEPPs) and remove reference to repealed SEPPs; and
- Include an updated project timeline.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - Provide a plain English explanation of the proposed amendments to be included in the planning proposal under explanation of provisions.
 - Update the planning proposal to address development applications lodged but not determined.
 - Consider the inclusion of a height threshold trigger for clause 6.3(3) to ensure that the clause only applies to development applications seeking a variation to maximum building height.
 - Discuss potential implications on the delivery of commercial floorspace on sites within the North Sydney Centre and Council's independent review of proposed development control plan changes.
 - Remove references to a 'draft' North District Plan.
 - Include updated references to the Section 9.1 Ministerial Directions issued on 1 March 2022.
 - Include consideration of the consolidated State Environmental Planning Policies (SEPPs) and remove reference to repealed SEPPs.
 - Include an updated project timeline.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



29/7/2022

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9/8/2022

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