



New South Wales

North Sydney Local Environmental Plan 2013 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MARCUS RAY

As delegate for the Greater Sydney Commission

North Sydney Local Environmental Plan 2013 (Amendment No 23)

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1 Name of Plan

This Plan is *North Sydney Local Environmental Plan 2013 (Amendment No 23)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land to which *North Sydney Local Environmental Plan 2013* applies:

- (a) land in Zone B3 Commercial Core,
- (b) land in the North Sydney Centre,
- (c) land at 80 Arthur Street, North Sydney, being Lot 1, DP 539001.

4 Maps

The maps adopted by *North Sydney Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of North Sydney Local Environmental Plan 2013

[1] Land Use Table

Omit “Serviced apartments;” from item 3 of Zone B3 Commercial Core.

[2] Clause 6.1 Objectives of Division

Omit clause 6.1 (b)–(d). Insert instead:

- (b) to maximise commercial floor space capacity and employment growth within the constraints of the environmental context of the North Sydney Centre,

[3] Clause 6.1 (g) and (h)

Omit clause 6.1 (f)–(h). Insert instead:

- (g) 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,
- (h) to ensure that any land within a residential zone is afforded a reasonable amount of solar access,

[4] Clause 6.3 Building heights and massing

Omit clause 6.3 (1) (a).

[5] Clause 6.3 (1) (b)

Insert “in the North Sydney Centre” after “in Zone RE1 Public Recreation”.

[6] Clause 6.3 (1) (c)

Omit “land identified as “Special Area” on the North Sydney Centre Map”.

Insert instead “land that is located outside the North Sydney Centre”.

[7] Clause 6.3 (2) (a) and (b)

Insert “from the March equinox to the September equinox (inclusive)” after “2 pm” wherever occurring.

[8] Clause 6.3 (2) (c)

Insert “and any building resulting from the development would have a building height greater than 45 metres” after “1,000 square metres”.

[9] Clause 6.3 (3)

Omit the subclause. Insert instead:

- (3) The consent authority 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 the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm 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 *North Sydney Local Environmental Plan 2013 (Amendment No 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 *North Sydney Local Environmental Plan 2013 (Amendment No 23)*—less direct sunlight than it did immediately before that commencement.

[10] Clause 6.3 (4)

Omit “Mount Street Plaza” wherever occurring. Insert instead “Brett Whiteley Plaza”.

[11] Clause 6.3 (4)

Insert “from the March equinox to the September equinox (inclusive)” after “Zone RE1 Public Recreation”.

[12] Clause 6.3 (5) (a)

Omit “North Sydney Centre”. Insert instead “the North Sydney Centre”.

[13] Clause 6.5 Railway infrastructure—transitional arrangements

Omit the clause.

[14] Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering:

Use of certain land at 80 Arthur Street, North Sydney

- (1) This clause applies to land at 80 Arthur Street, North Sydney, being Lot 1, DP 539001.
- (2) Development for the purposes of serviced apartments is permitted with development consent.