



New South Wales

# **North Sydney Local Environmental Plan 2013 (Amendment No 41)**

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*.

**JAZMIN VAN VEEN**

As delegate for the Minister for Planning and Public Spaces

## **North Sydney Local Environmental Plan 2013 (Amendment No 41)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *North Sydney Local Environmental Plan 2013 (Amendment No 41)*.

### **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 land identified as “North Sydney Centre” on the North Sydney Centre Map under *North Sydney Local Environmental Plan 2013*.

## Schedule 1      **Amendment of North Sydney Local Environmental Plan 2013**

### [1]    **Clause 6.3 Building heights and massing**

Omit clause 6.3(3). Insert instead—

- (3) A building on land in the North Sydney Centre may have a height that exceeds the maximum height of buildings shown for the land on the Height of Buildings Map.
- (3A) Subclause (3) does not apply unless the consent authority is satisfied that any increase in overshadowing caused by the part of the building that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map will not result in any private open space, or window to a living area, located outside the North Sydney Centre receiving—
  - (a) if it received 2 hours or more of direct sunlight between 9am and 3pm during the winter solstice 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 between 9am and 3pm during the winter solstice immediately before the commencement of *North Sydney Local Environmental Plan 2013 (Amendment No 23)*—less direct sunlight than it did immediately before that commencement.

### [2]    **Clause 6.3(6)**

Insert after clause 6.3(5)—

- (6) In this section—

***living area*** means an indoor space typically occupied for extended periods of time such as a living room, lounge room, dining room, family room or open plan living area but does not include a bedroom or a study.