



North Sydney Council's Community Precinct System

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## **PLANNING IN NSW**

### **A reference guide for Neutral Precinct residents**

#### **1. INTRODUCTION**

This document has been prepared by the Neutral Precinct Committee as a reference for Neutral Precinct residents. Planning proposals and processes continue to evolve. The Precinct Committee will endeavour to keep this document up to date. However, always check the embedded web links in this document for current information.

**Disclaimer:** This guide is intended as general information for residents of the Neutral Precinct. It does not constitute legal or professional planning advice. Planning legislation and policies may change over time. Readers should refer to the relevant legislation, North Sydney Council, and NSW Government resources for up-to-date information.

#### **Quick Guide: Have you received a Planning Proposal or Development Application notice?**

1. Read the notification letter.
2. Find the application on the [North Sydney Council's Planning Portal](#).
3. Check the closing date for submissions.
4. Review the plans and supporting documents.
5. Consider how the proposal may affect your property or neighbourhood.
6. Discuss the proposal with neighbours if appropriate.
7. Prepare and lodge your submission before the closing date.
8. Monitor the application and attend meetings if you wish.

**Read on for more detailed information on the planning process including:** the Planning controls in NSW; defining a Development Application and Planning Proposal; participate in the planning process; steps to help you respond or object to a development application; what happens after you lodge your submission; planning decisions and appeals; and heritage considerations. The Guide has a glossary of planning terms on the last page.

#### **2. WHAT ARE THE PLANNING CONTROLS IN NSW?**

Development is regulated by the [NSW Environmental Planning & Assessment Act 1979](#)

All development that requires consent must consider the requirements of the relevant **Local Environmental Plan (LEP)** and **Development Control Plan (DCP)** of their local Council. The applicable LEP for Neutral Precinct is the [North Sydney Local Environmental Plan](#).

A LEP is a statutory planning instrument and a legal document. It has more statutory strength than a DCP. Zoning provisions determine what development is permitted or prohibited; Development standards (such as height limits) may be varied in certain circumstances, subject to statutory tests. Amending the LEP requires other bodies to achieve amendments and is guided by a standard template.

The DCP provides detailed planning and design guidance. It includes things like setbacks, privacy, landscaping, solar access and design-based controls. Council may amend the DCP without approval from the NSW Government, provided the amendments remain consistent with the LEP. [North Sydney Development Control Plan](#).

In February 2025 the NSW Government put in place the [Low and Mid Rise Housing Policy](#) (LMR) controls to apply to residential areas within 400 metres and 800 metres walking distance of a town centre. Neutral Bay was identified as a town centre, so the entire Neutral Precinct is within this area.

One feature of the LMR is it allows six storeys on sites within 400 metres of the town centre. Another key feature of the LMR policy is that it allows consideration for an additional 30% building height above the LEP limit where affordable housing is included in the proposal. More information is provided in the [summary of key provisions](#).

A [presentation](#) on the reforms delivered by Council's Director Planning & Environment and Service Unit Manager Strategic Planning (*scroll to the end of the web page for the YouTube video link*).

Planning in Neutral Bay is also guided by the [Neutral Bay Village Planning Study](#).

### 3. WHAT ARE DEVELOPMENT APPLICATIONS AND PLANNING PROPOSALS?

**Development Applications (DAs)** are specific development proposals assessed against the applicable LEP, DCP and other relevant planning controls. Assessment is a highly regulated process, legal, and subject to judicial review. A DA must have regard to existing planning controls.

A **Planning Proposal (PP)** is an application to amend the planning controls in the North Sydney Local Environmental Plan (LEP); to amend land use zones, permissible land uses, building heights, floor space ratios and other planning controls. Planning Proposals may seek amendments relating to floor space ratios (FSR), heritage listings, zonings, building heights or other planning controls affecting future development.

Planning Proposals are assessed against both strategic and site-specific merit criteria. A PP application to amend the LEP requires concept plans or reference design. During the assessment process, Council will on occasion seek advice from the North Sydney Design Excellence Panel.

### 4. WHO IS THE CONSENT AUTHORITY FOR DEVELOPMENT APPLICATIONS?

90 percent of development applications in North Sydney are determined by Council officers under delegated authority. The reminder are determined by one of four ways:

1. **Sydney North Planning Panel** for developments over \$30 million. One community representative and three panel members appointed by the Minister. Report prepared by council officers. **Note:** Regional Panels are to be removed by the State Government and their responsibilities transferred to local planning panels. ( See North Sydney Local Planning Panel at 4 below).
2. **Independent Planning Commission** convened by the Department Of Planning, Housing and Infrastructure as needed to determine developments that have been declared State Significant (E.g. all school developments, plus aged care and tourist developments). A report is prepared by Departmental officers.
3. **The Minister** determines projects selected by the Housing Delivery Authority (e.g. Woolworths Rangers Road). A report to the Minister is prepared by Department staff.

4. **North Sydney Local Planning Panel** Local planning panels have been instituted to depoliticise development approvals. The elected Council cannot give directions to the Panel or Council officers. Each Panel meeting has four members: A chair and two independent experts selected from a pool approved by the Minister and one community representative selected from a pool established by Council. The chair has to have relevant expertise which can include law or government administration. The independent experts typically have planning, architecture or heritage expertise.

**The circumstances requiring referral to the Panel are:**

- a conflict of interest (E.g. the application is from a Councillor);
- a contentious development (where the council receives 10 or more unique submissions);
- a departure from standards (a variation of more than 10%, E.g. building height);
- it is a sensitive development which includes residential apartment buildings of 4 storeys or more and where demolition of heritage item is proposed.

**The Panel has four members:** a chair and two independent experts selected from a pool approved by the Minister and one community representative selected from a pool established by Council. The chair has to have relevant expertise which can include law or government administration. The independent experts typically have planning, architecture or heritage expertise. Panel members have to identify if they have a conflict of interest on any item on the agenda beforehand.

**Panel meetings** are held on a Wednesday. The Council officer's report is published on the Council's website a week before the Panel meeting.

Submitters can put in submissions after reading the report. If there have been 10 or more submissions, submitters will be able to address the Panel remotely on the day.

**The Panel members** review the DA documents and the Council officer's report, they participate in a site inspection (this can include visiting a neighbour's place if requested and listen to the verbal submissions of submitters and the applicant (made remotely) and can ask questions.

The public part of the meeting finishes and the Panel discusses each item and makes a determination.

In 2024-25 54 development applications were determined by the North Sydney Local Planning Panel. In 49 cases a Council officer's recommendation was accepted without major modification.

## 5. HOW CAN YOU PARTICIPATE IN THE PLANNING PROCESS?

North Sydney Council has a strong community engagement program. A critical part of this program is to keep residents informed.

### Development Applications

Council will notify by letter impacted residents and email the relevant Precinct Committee when a DA goes on exhibition. The notification letter contains a summary of the key elements of the DA. More detailed information, including most documents submitted by the applicant, is available on the [North Sydney Council Planning Tracker](#).

The Precinct Committee includes DAs on meeting agendas. Residents are encouraged to attend Neutral Precinct meetings to discuss proposals and receive advice from residents and the Precinct

Committee. (Neutral Precinct meetings are held on the 2<sup>nd</sup> Tuesday of each month, except January, at the Neutral Bay Club 3 Westleigh Street Neutral Bay). The Precinct includes agendas and meeting minutes on the [Precinct website](#) and posts information on significant developments on the [Precinct Facebook Page](#).

**Note 1:** The State Government has proposed changes to community engagement. If adopted, this will prevent Council officers from notifying neighbours of DAs that comply with 'relevant controls'. In addition, the documents will not go up on Council's website. In theory, an 8 storey building could be approved next door to you and the first you get to hear of it is 7 days before construction starts. The Precinct has made a submission to the Department of Planning objecting to the proposal and will update this guide when a decision is made regarding changes to community engagement.

**Note 2:** Up until recently, DAs with a construction value over \$30m would go to the regional Sydney North Planning Panel. The State Government is in the process of abolishing the regional panels. The North Sydney Local Planning Panel will then need to consider these larger developments (but not State Significant or Housing Delivery Authority projects). The Precinct will update this guide when this change takes place.

### Planning Proposals

A PP is not notified when received.

Council planners assess the PP and the PP and the Council planners report goes to the North Sydney Local Planning Panel (NSLPP) for advice. A Council meeting then considers the report and the advice of the NSLPP and decides whether to support the PP proceeding to Gateway (a determination made by the Department of Planning Housing and Infrastructure (DPHI)). If DPI gives Gateway (saying it is satisfied on strategic and site specific merit) it will then be put on exhibition.

If Council does not support the PP, but the developer sought a Rezoning Review, which recommended that the Proposal be supported, and Gateway is subsequently issued it won't be Council that notifies the public exhibition. Note that public exhibition is a formality. The Department has already decided to support the rezoning.

## **6. THREE STEPS TO HELP YOU RESPOND POSITIVELY TO, OR OBJECT TO A DEVELOPMENT APPLICATION**

### **Step 1: Review the Development Application documents**

- The most authoritative source is the [North Sydney Council Planning Tracker](#). If the proposal is not listed, it has not yet been formally lodged as a DA and cannot yet be the subject of a submission. Check the source from where you learned about the proposal, trade magazines, newspapers, social media etc.
- When a DA is listed you can review the documents submitted by the applicant. These documents will have descriptions and technical design drawings with measurements, proposed landscaping, and show the location of proposed buildings on the site.
- After reviewing the DA documents, decide whether you support or object to the DA. It may be a simple deck for your neighbour, a small extension or an eight-storey apartment block. If you feel comfortable with the DA, you don't need to do anything, or, you can lodge a letter in support.
- Before we discuss being against a DA and how to object, it is worth mentioning that we live in a densely populated and desirable area and one should expect a certain level of development and change.

Broadly, DAs which residents object to most commonly fall into three categories:

- i. There is the single-dwelling DA which may involve a deck, extension, extra floor, etc. In the first instance we would always suggest discussing these with your neighbour. Explain your issues and

see if there is common ground. You may both find some modest changes, such as moving a window to give more privacy, may make the proposal more acceptable to both parties. If you cannot reach an agreement, you can submit an objection to the DA and the Council will decide the merits of each case.

- ii. There is the multiple-dwelling DA under the existing Council Development Control Plan Council (DCP). The Plan has been developed over a long period of time so broadly you have an idea what to expect. If you live in a R4 zone you can have apartment buildings up to four-storeys, if you are in a R2 zone, you can have townhouses up to two-storeys, etc. This used to be the predominant style of DA to receive objections, but since the Low and Mid Rise housing reforms these DAs are now less common. Objecting to them is similar to the third category, so we will put them together. The current zonings are also identified in the [Neutral Bay Village Planning Study](#).
- iii. There are multiple-dwelling DAs under the NSW Government's Low and Mid Rise Housing Policy (LMR). The LMR Policy introduces state-wide planning controls intended to increase housing density in designated areas. The policy changes the planning framework that applies within specified distances of nominated town centres and alters some aspects of the assessment and consultation process. This affects areas within both a 400m radius from the town centre and an 800m radius from the Neutral Bay town centre. It allows buildings of up to 6-storeys within 400m of the town centre, with a further 30% allowance if low income housing is included to make them 8 storeys. It is fair to say these DAs have caused a lot of angst when single storey dwellings are finding they are going to have an eight- storey neighbour

## **Step 2: Preparing to object to the Planning Proposal/Development Application**

- Identify other potentially affected residents. These are most likely your immediate neighbours but in the case of eight-storey buildings it will include neighbours in the adjacent streets who may be overshadowed or overlooked and would lose privacy. Check with these neighbours including schools, childcare centres, businesses, in fact anyone affected by the traffic volumes created by increased housing density. Also, if there is a small older style apartment block on the site of the DA that building may also have residents who wish to object to the DA. Apartment buildings only require 75% (of entitlements) to be in agreement to sell the building.
- Establish a WhatsApp or Email Group with identified concerned neighbours to gather and share information on key objections. You can create a community email '[yourstreet@gmail.com](mailto:yourstreet@gmail.com)', or letterbox drop etc. You need to do this and put yourself out there. No one cares more about your local neighbourhood than the people who live there. Find others who feel the same.
- Consider engaging a town planner or architect to review the DA documents and prepare your submission. While the State Government has decreed new height limits for buildings to accommodate more multi-storey buildings within 800 metres of the Neutral Bay Village centre, any new building proposal must conform to the [North Sydney Development Control Plan 2025 \(DCP\)](#). This document sets out the rules relating to privacy, sunlight and set-backs etc. While Council planners assess compliance with the DCP, an independent planning consultant can help identify issues impacting your dwelling and prepare a detailed submission for you.

Council allows 28 days for residents to lodge an objection. The DCP is over 660 pages long and it is impossible for residents to become familiar with the rules in such a short space of time. Therefore, we suggest you consider engaging a town planner to review the DA documents and prepare your submission. A town planner is familiar with the planning language the State Government and Council

Planners use and will make your objections succinct and meaningful. To find a town planner, you could ask a local architect to recommend one, otherwise search on-line for a qualified town planner.

The Planning system is under pressure at all points due to the State Government's requirement of local Councils to increase housing availability. Developers often seek to maximise development potential and may pursue alternative interpretations of the planning controls. Don't be afraid to ask the developer (applicant) for perspectives of a proposed DA from your outlook. With modern design software it's possible for them to provide these relatively quickly.

In the following example the red hatching indicates how this DA does not comply, by as much as 6 metres, with the Apartment Design Guide's (ADG) set back rules referenced under the [State Environment Planning Policy- \(Housing\) \(SEPP\)](#).



### Step 3: Make your submission

**Submissions should focus on the impacts of the development.** When making a submission, you should make it clear what the issue is and why it affects you. All submissions will be considered but submissions which focus on one or two very real issues have much greater impact than a submission that lists every numerical control that is not complied with but doesn't identify any adverse impact.

Council officers and Panel members want to address concerns that are raised. Often this will be by means of a condition or requiring a design change. For example:

- Overlooking of private open space where the applicant may be required to add privacy screens or planters which prevent someone coming to the edge of the balcony and looking down.
- Loss of solar access (direct sunlight) where an applicant may be required to increase building setbacks.
- Part of the proposed building obscuring a harbour view where the applicant may be required to redesign the corner of the building to maintain views.
- Excavation close to footings of heritage item where the applicant may be required to redesign the basement and set it back further from boundary.

If a development application complies with the development standard or numerical control it is very hard to object with respect to that particular standard or control.

There are, however, development controls which overlap. A development application may comply in terms of height and side setback, but not comply in terms of overshadowing of a neighbour's private open space. Or may interfere with an iconic view of the harbour bridge from a neighbour's living room.

A development will not be refused because there will be disruption due to construction. This issue is addressed by appropriate conditions setting out Construction Management Plan requirements.

## 7. WHAT HAPPENS AFTER YOU LODGE YOUR SUBMISSION

- Your submission will be acknowledged. The Council planning staff will review the DA and approve or refuse the application.
- If the Council receives 10 or more unique submissions objecting to a proposal the Council planners will prepare an assessment report and refer it to the North Sydney Local Planning Panel (**NSLPP**).
- If the DA is referred to the NSLPP and you have made a submission to Council on that DA you will receive advice from the secretary to the NSLPP of the date and time of the NSLPP meeting. You will be advised how to register to speak remotely to the meeting, if you wish, or to observe remotely the meeting.

Tips for speaking at an NSLPP meeting:

- You will be allocated 3 minutes to speak so preparation is key. Focus: emphasise the impact the development will have on the liveability of your residence E.g. how will it affect natural light in your living rooms and your privacy.
- Panel members will have reviewed submissions and inspected the site prior to the meeting so they will be familiar with your objections.
- You may not ask questions of the Panel, but the Panel members may ask questions of you.
- After hearing from the speakers, the Panel will retire to discuss and make their decision/recommendation to the Council. You cannot participate in this part of the meeting.
- Panel recommendations to Council are usually available within a few days and published on [NSLPP section of the Council website](#).

## 8. PLANNING APPEALS

If the Council planners refuse a DA the applicant has the right to appeal the refusal to the Land and Environment Court.

The Court's process to hear an appeal usually includes an on-site hearing and a courtroom hearing. Depending on the nature of the refusal it may also include a mediation conference between the Council and the applicant/developer which may also be preceded by an site hearing.

Note: Appeal proceedings may take many weeks or several months before a final decision is reached.

The Court's [website](#) lists hearings and judgements (decisions).

A person/company/organisation that has lodged an objection to the DA can attend a site hearing and a court hearing (held in the L&EC court rooms in Phillip Street in the city). You will usually receive a letter with the date/time of a site hearing and an invitation to address the court at the site hearing if you wish. In most cases it will be Council's solicitor who sends the letter and coordinates speakers (generally limited to 6) at the site hearing. While there is no set time limit to speak the Judge/Commissioner at the start will usually address those gathered at the site hearing and invite registered speakers to address the court. The Judge/Commissioner may ask you questions but you may not ask questions of the Judge/Commissioner of the Court. Most judges/commissioners will be willing to view your concerns from your indoor/outdoor living spaces if you invite them to do so.

It is recommended that you advise Council's solicitor, when you register to speak of any invitation to view the impacted rooms or external living areas of your property.

## 5. HERITAGE CONSIDERATIONS

The heritage listing process in NSW establishes legal protection for places and objects with historical, aesthetic, or social significance. The process requires submitting a nomination, followed by a formal assessment against state or local criteria, public consultation, and final approval by the relevant Minister or local council.

There is a State Heritage Register and a Local Heritage Register. A State Heritage Register listing recognises that a place or object has significance for all of New South Wales. The listing is made under the ***Heritage Act 1977*** by the Minister for Heritage at the recommendation of the Heritage Council of NSW. A local heritage listing recognises the place has significance to the local government area and community. The listing is included in a local environmental plan (LEP), made under the ***Environmental Planning and Assessment Act 1979***.

If you believe a property may warrant a heritage listing you should undertake research first to support your nomination before requesting the Heritage Council of NSW or North Sydney Council to consider imposing an Interim Heritage Order (IHO) on the dwelling. The following resources provide further information on heritage listing and research:

- NSW Heritage – [Request a Heritage Listing](#)
- [North Sydney Heritage Centre](#)
- [Trove \(National Library of Australia\)](#)

## Glossary of common planning terms

**ADG** – Apartment Design Guide

**DA** – Development Application

**DCP** – Development Control Plan

**DPHI** – Department of Planning, Housing and Infrastructure

**FSR** – Floor, Space Ratio

**IHO** – Interim Heritage Order

**LEP** – Local Environment Plan

**LGA** – Local Government Area

**LMR** - Low and Mid Rise Housing Policy

**NSLPP** – North Sydney Local Planning Panel

**PP** – Planning Proposal

**SEPP** – State Environment Planning Policy - Housing