

Amendment to Heritage Floor Space Scheme (0 dwellings and 0 jobs)

Proposal Title : **Amendment to Heritage Floor Space Scheme (0 dwellings and 0 jobs)**

Proposal Summary : **The planning proposal seeks to amend the heritage floor space clause in Sydney LEP 2012 so that alterations and additions resulting in an increase in gross floor area of less than 100 square metres do not require an allocation of heritage floor space.**

PP Number : **PP_2017_SYDNE_004_00** Dop File No : **17/05250**

Proposal Details

Date Planning Proposal Received :	30-Mar-2017	LGA covered :	Sydney
Region :	Metro(CBD)	RPA :	Council of the City of Sydney
State Electorate :	SYDNEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	Various		
Suburb :	Various	City :	Various
		Postcode :	Various
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name : **Mary Su**
 Contact Number : **93732807**
 Contact Email : **mary.su@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Tim Aldham**
 Contact Number : **92467846**
 Contact Email : **taldham@cityofsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government **Yes**

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Have there been **No**

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

A transferable heritage floor space scheme to encourage heritage conservation in Central Sydney has been in existence in various forms since the early 1970s. It was originally conceived to enable the unrealised development potential of heritage-listed buildings to be sold and used elsewhere in Central Sydney where a floor space bonus was available.

The supply side of the heritage floor space scheme arises from provisions in the LEP which enable the land owner of a heritage listed building in Central Sydney to be awarded heritage floor space provided they undertake conservation works in accordance with an approved conservation management plan.

The demand side of the heritage floor space scheme arises from provisions in Sydney LEP which generally require heritage floor space to be allocated to a development that exceeds a floor space ratio of 8:1. To maximise the development potential of a site in Central Sydney a developer generally needs to purchase heritage floor space for allocation to their site.

External Supporting
Notes :

Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is considered appropriate as the matter is of local significance.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objective of this planning proposal is to introduce a floor space based threshold for requiring allocations of heritage floor space in existing buildings.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

To achieve the proposed objectives, the planning proposal provides for changes to clause 6.11(3) of the LEP. This planning proposal seeks to amend this clause so that alterations and additions resulting in an increase in gross floor area of less than 100 square metres do

not require an allocation of heritage floor space.

The planning proposal includes the following draft clause to be inserted after clause 6.11(3):

(4) if the gross floor area of the building following the alterations and additions will not be more than 100 square metres greater than the gross floor area of the existing building, no heritage floor space is required to be allocated. For the purposes of this clause, gross floor area of the existing building is to be calculated in accordance with the LEP.

Final drafting of the clause will be subject to Parliamentary Counsel Opinion.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

The proposal is considered to be consistent with all S117 Directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

This planning proposal does not seek to amend any maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 28 days.

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TIMELINE

Council included an indicative timeline with a completion date for September 2017. The Department considers a 9 month timeframe for completion to be adequate.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **The Sydney LEP 2012 was gazetted in December 2012.**

Assessment Criteria

Need for planning proposal : **The planning proposal is not the result of any strategic study or report. The planning proposal is a response to ongoing monitoring of the operation of the heritage floor space scheme. A planning proposal is the best means to achieve the intended outcome and objectives.**

Consistency with strategic planning framework : **The planning proposal is consistent with the goals and objectives of A Plan for Growing Sydney and the Greater Sydney Commission's draft Central District Plan.**

Environmental social economic impacts : **ENVIRONMENT**
This planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

HERITAGE

Under clause 6.11(3) of Sydney LEP 2012, all alterations and additions involving the creation of new gross floor area require an allocation of heritage floor space (provided clause 6.11(1) already required the allocation) irrespective of the amount of new gross floor area being created. This resulted in the discretion of the consent authority to waive minor alterations and additions from the requirement to allocate heritage floor space being removed.

The proposed amendment will allow the consent authority to exempt minor alterations and additions to existing buildings from the requirement to purchase and allocate heritage floor space. The Department suggests consultation with the Office of Environment and Heritage as a condition of Gateway.

SOCIAL AND ECONOMIC

The planning proposal seeks to change the heritage floor space controls which may have an impact on the operation of the heritage floor space market. The proposal includes an assessment of the impact on future demand of excluding minor alterations and additions from the requirement to purchase and allocate heritage floor space. Based on historical development in central Sydney, the forecast reduction in overall demand will be minor and have a negligible impact on the market. The changes are likely to remove a barrier to genuinely minor alterations and additions in central Sydney.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The proposed amendments will not give rise to additional infrastructure demand.**

Documents

Document File Name	DocumentType Name	Is Public
Gateway Request Letter_HFS_March 2017.pdf	Proposal Covering Letter	Yes
Planning Proposal_HFS_March 2017.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

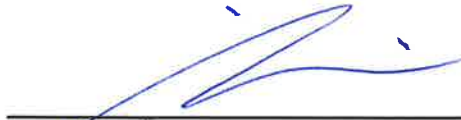
Additional Information : **It is recommended that the planning proposal proceed, subject to the following conditions:**

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1. The planning proposal be publicly exhibited for a period of not less than 28 days.
2. Council is to consult with:
 - Office of Environment and Heritage
3. A public hearing is not required.
4. The planning proposal is to be finalised within 9 months from the date of the gateway determination.

Supporting Reasons : The planning proposal is supported because it seeks to improve the operation of the heritage floor space scheme in Central Sydney.

Signature:



Printed Name:

W. Williamson Date: 24/4/2017