

Resolution of Council

25 FEBRUARY 2013

ITEM 9.4

PREPARATION OF AN AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 UNDER SECTION 73A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO CORRECT MINOR ERROR

(S111882)

It is resolved that Council:

- (A) submit a Section 73A Environmental Planning and Assessment Act Submission to the Department of Planning and Infrastructure for amendments to Sydney Local Environmental Plan 2012 to correct minor errors, for the following reasons:
- (i) the insertion of the word 'space' in Clause 6.10(2)(d) in the context of 'total gross floor area' is inconsistent with the definition of 'gross floor area' in the Sydney Local Environmental Plan 2012 dictionary and will result in unnecessary confusion;
 - (ii) the insertion of the word 'or' after each subclause in Clause 6.11(1) and (2) will result in an inappropriate interpretation of the requirement for allocations and reductions of heritage floor space;
 - (iii) the drafting of Clause 6.11(2)(c) does not reflect Council's policy intent for the discount on heritage floor space for entertainment facilities located in basements of buildings;
 - (iv) the omission of the reference to 'Division 2' in Clause 6.21(7)(b) is inconsistent with the accompanying note and will result in unnecessary confusion; and

(v) the repeal of Part 4 Division 3 of the South Sydney Local Environmental Plan 1998 through Schedule 6 of the Sydney Local Environmental Plan 2012 has resulted in the affordable housing provisions having no effect on certain land where the Sydney Local Environmental Plan 2012 does not apply; and

(B) endorse a section 73A amendment to correct the errors described in clauses (A)(i) to (v) above in Sydney Local Environmental Plan 2012.

Carried unanimously.