

ATTACHMENT A

Drafting Advice

Part 1 Preliminary	
1.1 Name of Plan [compulsory]	Adopt, inserting “Draft Sydney Local Environmental Plan 2010 – Glebe Affordable Housing Project”.
1.1A Commencement [local]	Adopt with Parliamentary Counsel approved wording, such as Provision 1.1A in Wollongong LEP 2009.
1.2 Aims of Plan [compulsory]	Adopt; inserting “the City of Sydney Local Government Area defined in clause 1.3” in subclause (1); removing “in accordance with the relevant standard environmental planning instrument under section 33A of the Act”; and inserting, at subclause (2)(a): (a) to facilitate the development of affordable housing and social housing on the subject land; (b) to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing and social housing; (c) to encourage the economic growth of nearby commercial centres by: (i) providing for development at densities that permits employment to increase, and (ii) retaining and enhancing land used for employment purposes that are significant for the Sydney region; (d) to promote ecologically sustainable development; (e) to ensure that the pattern of land use and density reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport; (f) to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities; (g) to conserve the environmental heritage of the City of Sydney Local Government Area; (h) to enhance the amenity and quality of life of local communities; and (i) to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney Local Government Area, its harbour setting and its recreation areas.
1.3 Land to which Plan applies [compulsory]	Adopt.
1.4 Definitions [compulsory]	Adopt.
1.5 Notes [compulsory]	Adopt.
1.6 Consent authority [compulsory]	Adopt, inserting an additional note that has the following effect: Note. The City of Sydney Act 1988 constitutes the Central Sydney Planning Committee which has and may exercise the functions of the Council under Parts 4, 5, 6 and 8 of the Act in relation to the carrying out of major development, to the exclusion of the Council.

Part 1 Preliminary	
1.7 Maps [compulsory]	Adopt.
1.8 Repeal of other local planning instruments applying to land [compulsory]	Adopt, inserting a note under subclause (2) that has the following effect: Note. As a result of this clause Leichhardt LEP 2000 ceases to apply to land to which this LEP applies.
1.8A Savings provision relating to development applications [local]	Adopt with Parliamentary Counsel approved wording, such as Provision 1.8A in Wollongong LEP 2009.
1.9 Application of SEPPs and REPs [compulsory]	Adopt.
Part 2 Permitted or prohibited development	
2.1 Land use zones [compulsory]	Adopt, removing all categories except “Residential Zones” and all zones except “R1 General Residential”. Similarly the Land Use Table should remove all other zones.
2.2 Commencement [local]	Adopt.
2.3 Zone objectives and land use table [compulsory]	Adopt.
2.4 Unzoned land [compulsory]	Adopt.
2.5 Additional permitted uses for particular land [compulsory]	Adopt.
2.6 Subdivision—consent requirements [compulsory]	Adopt.
2.6A Demolition requires consent [local]	Adopt with Parliamentary Counsel approved wording, such as Provision 2.6A in Lane Cove LEP 2009, inserting a second subclause that has the following effect: (2) Development consent must not be granted under this clause to the demolition of a building unless the consent authority is satisfied that: (a) a replacement building will be constructed on the site within a reasonable time, or (b) any adverse visual impacts on the public domain that may arise as a result of the demolition are adequately mitigated.

Land Use Table

Zone R1 General Residential	Adopt inserting, as land uses permitted with consent: Bed and breakfast accommodation; Retail Premises, but only below Shop Top Housing; Roads; and Roadside Stalls; and inserting after list of land uses permitted with consent Any other development not specified in items 2 or 4 and inserting, as prohibited land uses: Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Bulky goods premises; Business premises; Car parks; Caravan parks; Charter and tourism boating facilities; Crematoria; Depots; Entertainment facilities; Environmental protection works; Extractive industries; Farm buildings; Freight transport facilities; Forestry; Function centres; Funeral chapels; Funeral homes; Highway service centres; Industrial retail outlets; Industries; Landscape and garden supplies; Manufactured home estates; Moorings; Mortuaries; Office premises; Passengers transport facilities; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural supplies; Service stations; Sewerage systems; Sex service premises; Storage premises; Timber and building supplies; Tourist and visitor Accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Wholesale supplies; Waste or resource management facilities; Water supply systems; and Water recreation structures.
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Part 3 Exempt and complying development

3.1 Exempt development [compulsory]	Adopt.
3.2 Complying development [compulsory]	Adopt.
3.3 Environmentally sensitive areas excluded [compulsory]	Adopt.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]	Do not adopt.
4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]	Do not adopt.

Part 4 Principal development standards

4.3 Height of buildings [optional]	Adopt inserting, at (1)(a): (a) to ensure the height of development is appropriate to the condition of the site and its context, (b) to ensure appropriate height transitions between new development and heritage items or heritage conservation areas, (c) to ensure the sharing of views from buildings; and (d) to ensure direct sunlight access potential is maximised.
4.4 Floor space ratio [optional]	Do not adopt.
4.5 Calculation of floor space ratio and site area [optional]	Do not adopt.
4.6 Exceptions to development standards [compulsory]	Adopt.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]	Adopt.
5.2 Classification and reclassification of public land [compulsory]	Adopt.
5.3 Development near zone boundaries [optional]	Do not adopt.
5.4 Controls relating to miscellaneous permissible uses [compulsory]	Adopt, inserting “3” as the number of bedrooms in subclause (1), “45” as the number of square metres in subclause (2), “45” as the number of square metres in subclause (3), “20” and “400” as the percentage and number of square metres, respectively, in subclause (4), “3” as the number of bedrooms in subclause (5), “20” as the number of square metres in subclause (6), “80” as the number of square metres in subclause (7), “8” as the number of square metres in subclause (8), and “30” as the percentage in subclause (9).
5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]	Do not adopt.

Part 5 Miscellaneous provisions

5.6 Architectural roof features [optional]	Adopt inserting, at (1)(a): (a) to allow minor architectural roof features to exceed height limits, (b) to ensure that any architectural roof feature does not cause an adverse visual impact or adversely affect the amenity of neighbouring premises, (c) to ensure that architectural roof features are considered in the design of a building and form an integral part of a building's design.
5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]	Do not adopt.
5.8 Conversion of fire alarms [compulsory]	Adopt.
5.9 Preservation of trees or vegetation [optional]	Adopt.
5.10 Heritage conservation [compulsory]	Adopt inserting "City of Sydney Local Government Area" in subclause (1)(a).
5.11 Bush fire hazard reduction [compulsory]	Adopt.
5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]	Adopt.

6 Local Provisions

6.1 Acid Sulfate Soils [local]	Adopt with Parliamentary Counsel approved wording, such as such as Provision 7.5 in Wollongong LEP 2009.
6.2 Flood planning area [local]	Adopt with Parliamentary Counsel approved wording such as such as Provision 7.3 in Wollongong LEP 2009.
6.3 Public utility infrastructure [local]	Adopt with Parliamentary Counsel approved wording, such as Provision 7.1 in Wollongong LEP 2009.
6.4 Design Excellence [local]	Adopt with wording that has the following effect: (1) The objective of this clause is to deliver the highest standard of architectural and urban design. (2) This clause applies to development involving the construction of a new building or external alterations to an existing building.

6 Local Provisions

6.4 *Design Excellence* [local] (continued)

- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) bulk, massing and modulation of buildings,
 - (v) street frontage heights,
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (vii) the achievement of the principles of ecologically sustainable development,
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements, and
 - (iv) impact on, and any proposed improvements to, the public domain.

6.5 *Car parking ancillary to other development* [local]

- Adopt with wording that has the following effect:
- (1) The objectives of this clause are:
- (a) to identify the maximum number of car parking spaces that may be provided to service particular land uses, and
 - (b) to minimise the amount of vehicular traffic generated by a proposed development.
- (2) Development consent must not be granted to development that would result in a greater number of car parking spaces than the permitted maximum set out in this clause.
- (3) The maximum number of car parking spaces permitted is:
- (a) for development for the purpose of residential accommodation:
 - 0.2 spaces per studio dwelling, plus
 - 0.4 spaces per 1-bedroom dwelling, plus
 - 0.8 spaces per 2-bedroom dwelling, plus
 - 1.1 spaces for all other dwellings; and
 - (b) for development for the purpose of a retail premises, 1 space per 60m² of gross floor area that is used for that purpose; and

6 Local Provisions

6.5 Car parking ancillary to other development [local] (continued)

- (c) for development for the purpose of a child care centre, 1 space per 100m² of gross floor area that is used for that purpose; and
 - (d) for development for the purpose of an information and education facility, 1 space per 200m² of gross floor area used for that purpose; and
 - (e) for development for any other purpose, 1 space per 100m² of gross floor area used for that purpose.
- (4) Development for the purpose of residential accommodation may provide car parking spaces in addition to the maximum permitted in subclause (2) up to a maximum of:
- 1 space per six dwellings for the first 30 dwellings, plus
 - 1 space per 10 dwellings for the next 40 dwellings, plus
 - 1 space per 20 dwellings for all dwellings in excess of 70 dwellings only where any additional car parking spaces are reserved as time-limited parking for the exclusive use of people visiting residents in the residential accommodation.
- (5) Where a development is for the purpose of a mix of land uses, the maximum number of car parking spaces is the sum of the maximum permitted for each land use. (This subclause is technically unnecessary, but it is inserted to be clear that mixed-use developments are not considered under subclause (2)(e)).
- (6) If the total number of car parking spaces under this clause is not a whole number the total is to be rounded down to the next whole number. (This subclause is technically unnecessary, but it is inserted to be clear that numbers are not to be rounded up).
- (7) For the purposes of this clause:
- car parking space* means a space intended to be used for the parking of a vehicle and that is ancillary to another land use on the site but does not include:
- (a) a place primarily used for the purpose of washing vehicles,
 - (b) a place primarily used for the purpose of loading or unloading of goods,
 - (c) a place primarily used for the purpose of storing bicycles, or
 - (d) a car parking space in a car park.

6.6 Maximum development capacity [local]

Adopt with wording that has the following effect:

- (1) The objectives of this clause are:
- (a) to provide sufficient floor space to meet the anticipated development needs for the foreseeable future,
 - (b) to regulate the density of development, built form, land use intensity and to control the generation of vehicle and pedestrian traffic,
 - (c) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality,
 - (d) to ensure a proportion of the development potential is realised as social and affordable housing.

6 Local Provisions

6.6 *Maximum development capacity [local] (continued)*

- (2) Land to which this LEP applies must not be developed for more than 36,500m² of gross floor area.
- (3) Land to which this LEP applies must not be developed for any purpose other than affordable housing or social housing for more than 20,500m².
- Note. *Affordable housing* has the same meaning as in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*; and *social housing* has the same meaning as social housing premises in the *Residential Tenancies Act 1987 No 26*.

Schedules and Dictionary

Schedule 1 Additional permitted uses

Adopt without insertions.

Schedule 2 Exempt development

Adopt without insertions.

Schedule 3 Complying development

Adopt without insertions.

Schedule 4 Classification and reclassification of public land

Adopt without insertions.

Schedule 5 Environmental heritage

Adopt without insertions.

Dictionary

Adopt inserting the appropriate names of maps in the relevant definitions, 'City of Sydney Local Government Area' in the definition of *relic*, and the following definition, in the appropriate position:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.