

Housekeeping and minor policy amendments 2016

Proposal Title : **Housekeeping and minor policy amendments 2016**

Proposal Summary : **Amend the Sydney Local Environmental Plan (LEP) 2012 for 5 minor housekeeping amendments. These amendments have been identified through ongoing monitoring and review of the Sydney LEP 2012.**

PP Number : **PP_2016_SYDNE_006_00**

Dop File No : **16/11512**

Proposal Details

Date Planning
Proposal Received : **25-Aug-2016**

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 : **Housekeeping**

Location Details

Street : **Various**

Suburb : **Various**

City : **Various**

Postcode : **Various**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Mary Su**

Contact Number : **0292282807**

Contact Email : **mary.su@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Karen Judd**

Contact Number : **0292659774**

Contact Email : **kajudd@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

Consistent with Strategy :

Regional Strategy :

Housekeeping and minor policy amendments 2016

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 :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, 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 lobbyist in relation to this proposal, nor has the A/Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

On 11 August 2016 the Central Sydney Planning Committee (CSPC) and on 15 August 2016 the Council of the City of Sydney, resolved to approve a planning proposal for housekeeping and minor policy amendments to Sydney Local Environmental Plan 2012. Council seeks authority to exercise the delegations of the Greater Sydney Commission for all their functions under section 59 of the Act to make the local environmental plan.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objectives or intended outcome of the planning proposal is to:

- include public art as permissible with consent in the SP2 Infrastructure and RE1 Public Recreation zones;
- allow demolition consent to be granted if a site specific development control plan has been approved or as part of a staged development application;
- remove "use of footpath by food and drink premises" as exempt development as the provisions duplicate those in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- amend Clause 6.11 and Clause 6.11A to specify that Heritage Floor Space is to be allocated to the site, rather than to the building; and
- amend Clause 7.22 to specify that it applies to existing non-residential buildings rather than land in the R1 General Residential zone.

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

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

Comment : **The minor policy and housekeeping amendments proposed include:**

- **Inserting public art as a permissible use with consent in the SP2 Infrastructure and RE1 Public Recreation zone and a new clause to specify matters that need to be satisfied before public art is granted consent;**
- **amend clause 7.19 to allow development consent to be granted for demolition provided a site specific development control plan has been adopted by Council for a site that has site specific provisions under Part 6, Division 5 of SLEP 2012 or as part of a staged development application;**
- **remove "use of footpath by food and drink premises" from Schedule 2 of SLEP 2012;**
- **amend clause 6.11 and clause 6.11A to specify that Heritage floor Space is to be allocated to the site, rather than to the building;**
- **amend clause 7.22 to specify that its applies to existing non-residential buildings rather than land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

4.3 Flood Prone Land

* May need the Director General's agreement

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

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

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

SREP (Sydney Harbour Catchment) 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? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The Planning Proposal does not amend any maps in Sydney Local Environmental Plan 2012.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Consultation will be undertaken in accordance with the Gateway Determination. Council suggests that an exhibition period of 28 days would be appropriate.**

Council has provided an indicative project timeline with a completion date of February 2016. The Department considers a 12 month project timeline for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

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 notified in December 2012.**

Assessment Criteria

Need for planning proposal : **A planning proposal is needed to achieve the various amendments to the Sydney LEP 2012. The amendments will deliver outcomes on policy matters relating to public art, demolition consent, use of footpaths by food and drink premises, heritage floor spaces and use of non-residential buildings in R1 zones.**

Consistency with strategic planning framework : **The planning proposal is consistent with 'A Plan for Growing Sydney'. The relevant goals, directions and actions applicable to the planning proposal include:**

- **Goal 3 - A great place to live with communities that are strong, healthy and well connected and Direction 3.4 - Promote Sydney's heritage, arts and culture. In particular, it is consistent with the action - Target investment in local arts and culture in precincts by increasing opportunity and access to public art.**

The planning proposal is consistent with Sustainable Sydney 2030, particularly:

- **Strategic Direction 7 – A Cultural and Creative City as it will remove barriers and capture opportunities for creative expression through public art. It is also consistent with the City's Draft Creative City Cultural Policy and Action Plan 2014-2024 and the City Art Public Art Strategy by increasing opportunities for public art.**

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

The proposed amendments to SLEP 2012 will not result in development creating any environmental effects that cannot readily be controlled.

PUBLIC ART

Allowing public art in public spaces such as parks, plazas and roadways offers social

Housekeeping and minor policy amendments 2016

benefits by enabling creative expression for the local community.

DEMOLITION

Streamlining the development process to enable timely delivery of development in line with future demand provides efficient economic development to occur and reduces the risk of a project.

HERITAGE FLOOR SPACE

The proposed amendment to the heritage floor space clause 6.11 and 6.11A to specify that heritage floor space is to be allocated to the site, rather than to the building is generally supported. However final legal drafting will be subject to agreement by Parliamentary Counsel.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 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 proposal will not increase the need for infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - housekeeping and minor policy amendments to Sydney LEP 2012.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **4.3 Flood Prone Land**
6.1 Approval and Referral Requirements

Housekeeping and minor policy amendments 2016

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Additional Information :

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

1. The planning proposal be publicly exhibited for a period of not less than 28 days.

2. Council is to consult with the following public authorities:
Office of Environment and Heritage

3. A public hearing is not required

4. The timeframe for completing the LEP is to be 12 months

Supporting Reasons :

The planning proposal is supported because it will allow public art to be permissible in public areas, timely delivery of development, and removal of duplication and confusions in relation to the use of footpath by food and drink premises, heritage floor space allocation and use of existing non-residential buildings in R1 General Residential zones.

Signature:



Printed Name:

C. Williams

Date:

7/9/2016