

Appendix B

LEP PROVISIONS DRAFTING ADVICE - CITY OF SYDNEY

APPENDIX K: LEP Provisions Drafting Advice

Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road; 501 Botany Road; 509 Botany Road; 3 Joynton Avenue; 511-515 Botany Road; 97-115 Portman Street; 811 Elizabeth Street; Zetland; 312-318 Botany Road; 324 Botany Road; 318A Botany Road; 6-20 O’Riordan Street; and 2A Bourke Road, Alexandria

Clause	Name	Drafting Instruction
Part 1		
1.1	Name of the Plan	The name of the plan is the Sydney Local Environmental Plan 2011 (Green Square Town Centre) – Sites 301 Botany Road; 501 Botany Road; 509 Botany Road; 3 Joynton Avenue; 511-515 Botany Road; 97-115 Portman Street; 811 Elizabeth Street; Zetland; 312-318 Botany Road; 324 Botany Road; 318A Botany Road; 6-20 O’Riordan Street; and 2A Bourke Road, Alexandria
1.2	Aims of the Plan	(1) This plan aims to make local environmental planning provisions for land in the City of Sydney known as Green Square Town Centre. (2) The particular aims of the plan are: (a) to foster the environmental, economic, social and cultural well-being of the Green Square Urban Renewal Area by encouraging the establishment of Green Square Town Centre as the major commercial, retailing, cultural and entertainment centre for Green Square. (b) to allow for a mix of land uses that will: 1. provide an appropriate balance between residential, retail, commercial and other land uses within the Green Square Town Centre; and 2. encourage the provision of a range of services and facilities to help meet the needs of the population and users of the Green Square Town Centre; and 3. generate employment in the Green Square Town Centre; and 4. establish a significant new people-oriented public town square and other vibrant public plazas and public spaces, and (c) to deliver environmental planning outcomes and benefits to the public and owners of land within the Green Square Town Centre that are significantly superior to those likely to result from development of the land in accordance with local environmental planning instruments that earlier applied to that land;

Clause	Name	Drafting Instruction
		(d) to accommodate and integrate the management of stormwater (including floodwater) into the function and design of buildings and the public domain in the Green Square Town Centre;
		(e) to encourage the provision of a high-quality, safe and functional public domain, ensure high-quality building design, that provides an enhanced amenity and quality of life for the local community;
		(f) to ensure that the public domain of the Green Square Town Centre is fronted by high-quality buildings having a scale and alignment that both define and contribute positively to the amenity of, the public spaces (including parks, plazas and streets) they adjoin;
		(g) to maximise the use of public transport, walking and cycling by integrating land uses, access to public transport and services and the provision of on-site parking;
		(h) to ensure that development is designed so as to promote the vitality of the public domain by providing active frontages to streets and other identified public spaces; and
		(i) to allow the equitable access to, within and across the Green Square Town Centre for pedestrians, cyclists, public transport and other vehicles.
1.3 – 1.6	Various	The standard instrument clause is adopted.
1.7	Maps	The standard instrument clause is adopted.
1.8	Repeal of other local planning instruments applying to land	The standard instrument clause is adopted. South Sydney Local Environmental Plan 1998
1.8A	Savings Provision	The standard instrument model clause is adopted.
1.9	Application of SEPPs and REPs	The standard instrument clause is adopted.
Part 2		
2.1	Land Use Zones	The land use zone under the plan is: B4 Mixed Use
		The Land Use Table is as follows:
		1 Objectives of zone

Clause	Name	Drafting Instruction
		- To provide a mixture of compatible land uses. - To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. - To ensure uses support the viability of centres.
		2 Permitted without consent
		Home occupations.
		3 Permitted with consent
		Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in items 2 or 4
		4 Prohibited
		Extractive industries; Hazardous industries; Hazardous storage establishments; Heavy industries; Offensive industries; Offensive storage establishments; Timber and Building Supplies.
		B3 Commercial Core
		1 Objectives of zone
		- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. - To encourage appropriate employment opportunities in accessible locations. - To maximise public transport patronage and encourage walking and cycling.
		2 Permitted without consent
		Horticulture.
		3 Permitted with consent

Clause	Name	Drafting Instruction
		Backpackers' accommodation; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Any other development not specified in items 2 or 4 4 Prohibited Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Forestry; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Industrial retail outlets; Industries; Jetties; Manufactured home estates; Mortuaries; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restriction facilities; Rural industries; Rural supplies; Sex service premises; Sewerage systems; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Wholesalesupplies; Vehicle repair stations; Vehicle body repair workshops; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems. SP2 Infrastructure 1 Objectives of zone • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure. 2 Permitted without consent Horticulture

Clause	Name	Drafting Instruction
3 Permitted with consent		
Roads; Waste management facilities; water storage facilities; Water treatment facilities; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.		
4 Prohibited		
Any development not specified in item 2 or 3		
2.2 – 2.6	Various	The standard instrument clauses are adopted.
2.6AA	Demolition requires consent	The standard instrument model clause is adopted.
2.6BB	Temporary Use of Land	The standard instrument model clause is adopted.
Part 3		
3.1 – 3.3	Various – Exempt and complying development	The standard instrument clause is adopted.
Part 4		
4.1	Minimum Subdivision Lot Size	This clause will not be used in the Plan.
4.2	Rural subdivision	This clause will not be used in the Plan.
4.3	Height of Buildings	The objectives of clause 4.3 are: (1) to ensure the height of development is appropriate to the condition of the site and its context; (2) to provide a characteristic built form of “street walls” that defines the public domain and lessens the visual impact of development from public places including streets, plazas and parks; (3) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas; (4) to ensure the sharing of views; (5) to ensure appropriate height transitions from Green Square Town Centre to adjoining areas;

Clause	Name	Drafting Instruction
		(6) to ensure the amenity of the public domain by restricting taller buildings to only part of a site; and
		(7) to ensure the built form contributes to the physical definition of the street network and public spaces.
4.4	Floor space ratio	The clauses in the draft <i>Sydney Local Environmental Plan 2011</i> will be adopted.
4.5	Calculation of floor space ratio	The standard instrument clause is adopted.
4.6	Exceptions to development standards	The standard instrument clause is adopted.
Part 5		
5.1	Relevant acquisition authority	The standard instrument clause is adopted.
5.2	Classification and reclassification of public land	The standard instrument clause is adopted.
5.4	Controls relating to miscellaneous permissible uses	The clauses in the draft <i>Sydney Local Environmental Plan 2011</i> will be adopted.
5.5	Development within the coastal zone	This clause will not be used in the plan.
5.7	Development below mean high water mark	This clause will not be used in the plan.
5.8	Conversion of fire alarms	The standard instrument clause is adopted.
5.9	Preservation of trees or vegetation	The standard instrument clause is adopted.
5.10	Heritage Conservation	The standard instrument clause is adopted.

Clause	Name	Drafting Instruction
5.11	Bush fire hazard reduction	The standard instrument clause is adopted.
5.12	Infrastructure development and use of existing buildings of the Crown	The standard instrument clause is adopted.
Part 6		
6.21 Division 4	Design Excellence	The clauses in the draft <i>Sydney Local Environmental Plan 2011</i> will be adopted.
Part 7		
7.1 Division 1	Car parking ancillary to other development	New local provision that restricts the number of ancillary car spaces that can be provided in a development. Planning Purpose: to identify the maximum number of parking spaces ancillary to a development that may be provided in the development to reduce the external impacts of private vehicle use. (1) The objectives of the clause are: (a) to identify the maximum number of car spaces that may be provided to service particular uses of land; and (b) to minimise the amount of vehicular traffic generated by a proposed development. (2) The maximum amount of car parking spaces is as follows: (a) Residential flat buildings, dual occupancies and multi-dwelling housing: (i) for each studio dwelling—0.5; and (ii) for each 1 bedroom dwelling—0.5; and (iii) for each 2 bedroom dwelling—0.8; and (iv) for each 3 or more bedroom dwelling—1.2. (b) Office premises and business premises 1 for every 125 square metres. (c) Retail premises: (i) small shops—1 for every 50 square metres; (ii) supermarkets—survey-based assessment. (d) Child care centres—1 for every 4 staff, and one space for every 8 children for parents drop off and pick

Clause	Name	Drafting Instruction
		up.
		(e) Information and education facilities—1 for every 200 square metres of the gross floor area of the building that is used for that purpose.
		(f) Health consulting rooms and medical centres—2 for every effective full time doctors.
		(g) Places of public worship and entertainment facilities—whichever of the following is the greater: (i) 1 car parking space for every 10 seats; or (ii) 1 car parking space for every 30 square metres of the gross floor area of the building that is used for one of those purposes.
		(h) Warehouse or distribution centres—1 for every 300 square metres of gross floor area.
		(i) Industry— 1 for every 100 square metres of gross floor area.
		(j) Serviced apartments and hotel or motel accommodation: (i) 1 car parking space for every 4 bedrooms up to 100 bedroom; and (ii) 1 car parking space for every 5 bedrooms more than 100 bedrooms.
		(k) Bulky Goods Retail Stores—survey-based assessment
		3) Development for the purpose of residential flat buildings, dual occupancies and multi-dwelling housing may provide car parking spaces in addition to the maximum permitted in subclause (2) up to a maximum of: (a) 1 space per five dwellings for the first 30 dwellings; plus (b) 1 space per eight dwellings for the next 40 dwellings; plus (c) 1 space per 15 dwellings for all dwellings in excess of 70 dwellings. but only where any additional car parking spaces are reserved as time-limited parking for the exclusive use of people visiting residents of the residential accommodation.
		(4) For the purposes of this clause: car parking space means a space intended to be used for the parking of cars that is ancillary to another land use on the site but does not include any of the following: (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;

Clause	Name	Drafting Instruction
		(c) a place primarily used for the purpose of storing bicycles; (d) a car parking space in a car park.
Model Clause 7.18	Airspace Operations	The standard instrument model clause is adopted
Model Clause 7.19	Development in Areas Subject to Aircraft Noise	The standard instrument model clause is adopted
7.14-15 Division 3	Affordable Housing	The clauses in the draft <i>Sydney Local Environmental Plan 2011</i> that apply to the Green Square Urban Renewal Area will be adopted.
Division 4	Miscellaneous	
7.16	Acid Sulfate Soils	The standard instrument model clause is adopted.
7.20	Car Parks	The clauses in the draft <i>Sydney Local Environmental Plan 2011</i> will be adopted.
7.17	Flood planning	The standard instrument model clause is adopted.
		In the clause Flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard or a specific freeboard established for the land under the <i>Green Square Flood Risk Management Plan</i> .
7.25	Land Use and Infrastructure	(1) The objective of this clause is to ensure that development on land occurs in a logical and cost-effective manner, in accordance with a staging plan, and to a scale and type that is matched by supporting essential infrastructure. (2) This clause is to apply to all development and includes the subdivision of land and construction of a new building. (3) The clause is to require that development consent not be granted to development to which the clause applies unless the consent authority is satisfied that: (a) a staging plan has been prepared for the timely and efficient development of land making provision for necessary infrastructure and sequencing; (b) the proposed development satisfies the infrastructure requirements in the <i>Green Square Town Centre Infrastructure Strategy</i>, and (c) the infrastructure that is essential for the proposed development is available or can be made available when required. (4) The clause is not to apply to:

Clause	Name	Drafting Instruction
		(a) a subdivision for boundary realignment that does not create new lots, or (b) a subdivision that creates a new lot to be reserved or dedicated for public open space or a public road.
Model Clause 7.26	Active Frontages	The standard instrument model clause is adopted
7.27	Public Utility Infrastructure	The standard instrument model clause is adopted.
Schedules		
Schedule 1	Additional Permitted Uses	No items to be added to this schedule
Schedule 2	Exempt Development	Adopt as per standard instrument
Schedule 3	Complying Development	Adopt as per standard instrument
Schedule 4	Classification and reclassification of public land	No land is to be reclassified
Schedule 5	Environmental Heritage	The Former Royal South Sydney Hospital Group at 3 Joynton Avenue, Zetland NSW 2017, Lot 1 DP 136025. Buildings: • Administration Building, Queen Anne Style Building, 1913, with later alterations and additions; • Pathology Building, single storey building to Joynton Avenue, 1913; • Outpatients Building, single storey Inter-War Georgian Revival Style building c1935; • Nurses Home (eastern wing), three storey Inter-War Georgian Revival style building; • brick and sandstone boundary fence to Joynton Avenue, 1913; and • landscaped area fronting Joynton Avenue between the Nurses Home and Pathology Building, including significant trees and open landscaped areas around the buildings.