

Sydney LEP 2012 - Minor Policy and Housekeeping Amendments

Proposal Title : **Sydney LEP 2012 - Minor Policy and Housekeeping Amendments**

Proposal Summary : **Amend the Sydney Local Environmental Plan (LEP) 2012 for 5 minor policy and 15 housekeeping amendments. These amendments have been identified through ongoing monitoring and review of the Sydney LEP 2012.**

PP Number : **PP_2014_SYDNE_007_00** Dop File No : **14/18990**

Proposal Details

Date Planning Proposal Received : **21-Nov-2014** 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 : **83 □ 93**

Suburb : **Dalmeny Avenue** City : **Rosebery** Postcode : **2018**

Land Parcel : **Lot 110 DP 861950, Lots 1 □ 128 SP 53194, Lots 133 □ 286 SP 53997, Lots 287 □ 469 SP 56729, Lots 470 □ 571 SP 58586, Lots 572 □ 689 SP 61596, Lots 691 □ 797 SP 62388**

Street : **443 - 451**

Suburb : **Kent Street** City : **Sydney** Postcode : **2000**

Land Parcel : **various**

Street : **17**

Suburb : **Elizabeth Bay Road** City : **Potts Point** Postcode : **2011**

Land Parcel : **Lot 1 DP 83292, Lots 1-52 SP 42232**

Street : **22 - 24**

Suburb : **York Street** City : **Sydney** Postcode : **2000**

Land Parcel : **Lot 1 DP 1006536**

Street : **372**

Suburb : **Riley Street** City : **Surry Hills** Postcode : **2010**

Land Parcel : **Lot 1 DP 770605**

Street : **73**

Suburb : **Glebe Point Road** City : **Glebe** Postcode : **2037**

Land Parcel : **Lot 1 DP 736366**

Street : **69-77**

Suburb : **King Street** City : **Newtown** Postcode : **2042**

Land Parcel : **Lot 5 DP 67004**

Sydney LEP 2012 - Minor Policy and Housekeeping Amendments

Street : 117-119
Suburb : Young Street City : Redfern Postcode : 2016
Land Parcel : Lot 1 DP 177708, Part Lot A DP 359196
Street : 97-99
Suburb : Victoria Street City : Potts Point Postcode : 2011
Land Parcel : Lots 6 and 7 DP 1156935
Street : 1-3
Suburb : Rosebery Avenue City : Rosebery Postcode : 2018
Land Parcel : Lot 1 DP 19528, Lots C and D DP 401964
Street : 168, 170, 172-174
Suburb : Cathedral Street City : Woolloomooloo Postcode : 2011
Land Parcel : Lot 11 DP 559657, Lots 12-14 DP 218974

DoP Planning Officer Contact Details

Contact Name : Wayne Williamson
Contact Number : 0285754121
Contact Email : wayne.williamson@planning.nsw.gov.au

RPA Contact Details

Contact Name : Anita Leong
Contact Number : 0292659333
Contact Email : aleong@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 :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
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. Metropolitan Delivery has not met any lobbyist in relation to this proposal, nor has the Director been

Sydney LEP 2012 - Minor Policy and Housekeeping Amendments

advised of any meetings between other Department officers and lobbyists concerning this proposal.

Have there been meetings or communications with registered lobbyists?

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objectives of this proposal are to:

- (a) facilitate development that aligns with the objectives of Sustainable Sydney 2030,
- (b) allow for a greater range of uses at 83-93 Dalmeny Avenue, Rosebery in response to the current uses on the site,
- (c) improve the clarity and useability of the Sydney LEP 2012, and
- (d) reflect the significance of heritage items and ensure they are accurately described.

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

Is an explanation of provisions provided? Yes

Comment : The five minor policy amendments proposed include:

- o Insert new clause to allow low impact creative uses in the R1 General Residential zone,
- o Insert a new clause to allow partially enclosed balconies in high wind areas, without counting the balcony floor space in gross floor area,
- o Amend clause 6.4 Accommodation floor space to remove disincentives to providing community facilities and child care uses in central Sydney,
- o Amend clause 6.8(1)(c) to clarify where lane development floor space applies, and
- o Amend clause 7.2 in Division 1 Car parking ancillary to other development to clarify the meaning of car share scheme parking spaces.

The housekeeping amendments include:

- o Amend Schedule 1 to insert business premises to be permitted with consent on land at 83-93 Dalmeny Avenue, Rosebery,
- o amend clause 6.11 Utilisation of certain additional floor space requires allocation of heritage floor space to clarifying heritage floor space allocation in existing buildings,
- o amend clause 6.14 Community infrastructure floor space at Green Square to refine the meaning of community infrastructure and the basis for which community floor space is

appropriate in Green Square,

o amend 6.17 Sun access planes to correct the description of sun access plane for Belmore and Hyde parks,

o amend clause 6.21 Design Excellence to insert "capital investment value", which is defined under the regulations,

o update opportunities site map for 443-451 Kent Street, Sydney,

o update height and FSR maps for 17 Elizabeth Bay Road, Potts Point,

o amend heritage listing for 22-26 York Street, Sydney,

o remove the heritage listing for 372 Riley Street, Surry Hills,

o remove the heritage listing for 73 Glebe Point Road, Glebe, and

o minor corrections to names and addresses for 5 heritage items.

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

4.2 Mine Subsidence and Unstable Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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 6—Number of Storeys in a Building

SEPP No 22—Shops and Commercial Premises

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

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

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 (Temporary Structures and Places of Public Entertainment) 2007

SREP (Sydney Harbour Catchment) 2005

SEPP (Affordable Rental Housing) 2009

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

Sydney LEP 2012 - Minor Policy and Housekeeping Amendments

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

If No, explain : **Council advises the amendments do not reduce the total floor space capacity for industrial uses in industrial zones, will not result in the loss of residential zoned land or affect permissible residential densities and will remove barriers to providing car share schemes in proposed developments.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping is adequate.**

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.**

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. Amendments will help the City of Sydney deliver outcomes on policy matters relating to creative business uses, car sharing schemes, laneway revitalisation and community and childcare facilities.**

Consistency with strategic planning framework : **The proposal is consistent with the Sydney Metropolitan Plan for Sydney to 2036 and the draft Sydney City Subregional Strategy for the following objectives:**

- Clarify the community floor space requirements in Green Square to support major urban renewal projects,
- supports appropriate non-residential uses while continuing to allow for the current range of housing opportunities,
- support and encourages sustainable transport through the clarification of car sharing schemes, and
- supports laneway development to promote diverse cultural development.

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 will not result in environmental impacts that cannot be controlled through development assessment processes.

Sydney LEP 2012 - Minor Policy and Housekeeping Amendments

Introducing creative uses in to R1 General Residential zones will increase the opportunities for creative work spaces.

The amendment to the car parking space controls removes a barrier to facilitating the provision of parking spaces for car share schemes, which contribute to a wider range of transport options to meet the City's transport needs.

The amendment relating to 83-93 Dalmeny Avenue Rosebery to B4 Mixed Use is to ensure the current and future operations of existing businesses on site are not compromised.

Heritage

The amendments to 22-24 York Street, Sydney and 69-77 King Street Newtown relate to state heritage items, consultation material sent was sent to the Office of Environmental Heritage (OEH) on 18/11/2014. On 3 December 2014, the Heritage Office advised that the Heritage Council will review and provide comment on the planning proposal at public exhibition stage.

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 Transport for NSW Transport for NSW - Roads and Maritime Services		

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
Council Letter - Housekeeping.pdf	Proposal Covering Letter	Yes
Planning proposal - Housekeeping.pdf	Proposal	Yes
Planning Proposal - Appendix A.pdf	Proposal	Yes

Planning Team Recommendation

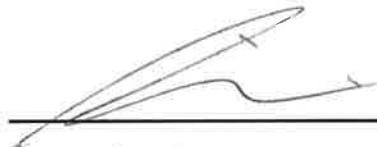
Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

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
 4.2 Mine Subsidence and Unstable Land
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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:**
Office of Environment and Heritage;
Transport for NSW; and
Roads and Maritime Services.
 - 3. A public hearing is not required, and**
 - 4. Prior to exhibition the planning proposal is to be revised to demonstrate consistency with A Plan for Growing Sydney, released on 14 December 2014.**
 - 5. The planning proposal to be finalised within 12 months from a week following the date of the gateway determination.**
- Supporting Reasons : **The planning proposal is supported because it will encourage desirable land uses and forms of development, improve the operation of the planning instrument and increase certainty for all stakeholders.**

Signature:



Printed Name:

W. Williamson

Date:

19/12/2014.