

ATTACHMENT C

**RESOLUTION OF COUNCIL OF
12 MARCH 2012**

AND

**RESOLUTION OF THE CENTRAL
SYDNEY PLANNING COMMITTEE OF
8 MARCH 2012**

Resolution of Council

12 MARCH 2012

ITEM 9.6

POST EXHIBITION - DRAFT SYDNEY LOCAL ENVIRONMENTAL PLAN 2011

(S048243)

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 12 March 2012.

The motion, as adopted by Council, is as follows:

It is resolved that:

- (A) Council note the matters raised in submissions received in response to the public exhibition of Draft Sydney Local Environmental Plan 2011, the draft Green Square Affordable Housing Program and the draft City of Sydney Competitive Design Policy;
- (B) Council approve the amendments proposed to *Draft Sydney Local Environmental Plan 2011*, as shown at Attachments A and B to the subject report;
- (C) Council, under section 68(5) of the *Environmental Planning and Assessment Act 1979*, exclude from *Draft Sydney Local Environmental Plan 2011* the following parcels of land (deferred matters):
 - (i) the Goodman site at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, due to unacceptable impacts, including overshadowing and amenity impacts, insufficient infrastructure to support increased densities and inappropriate urban design outcomes that would result from the exhibited controls;
 - (ii) the Lachlan Precinct in Green Square, to enable further detailed building envelope, height, solar access and amenity testing to establish appropriate floor space ratio controls to be undertaken; and

- (iii) land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive, to enable further review of the exhibited controls and their impact on the privacy and amenity of adjoining landowners and the Rosebery Estate's low density residential character;
- (D) subject to the provisions of the *City of Sydney Act 1988*, Council submit *Draft Sydney Local Environmental Plan 2011* (as amended) to the Director-General of the Department of Planning and Infrastructure, together with a report prepared in accordance with section 68(4) of the *Environmental Planning and Assessment Act 1979*, that outlines the outcomes of public exhibition, the justification for the proposed alterations to the Plan, and a request that the Minister for Planning and Infrastructure make the Local Environmental Plan;
- (E) authority be delegated to the Chief Executive Officer to make drafting changes to *Draft Sydney Local Environmental Plan 2011*, in order to address issues of an operational nature and other non-substantive matters that may arise from discussions with the Department of Planning and Infrastructure and Parliamentary Counsel;
- (F) Council adopt the draft *Green Square Affordable Housing Program*, as shown at Attachment C to the subject report, to take effect from the date on which *Sydney Local Environmental Plan 2011* takes effect;
- (G) Council adopt the draft *City of Sydney Competitive Design Policy*, as shown at Attachment D to the subject report, to take effect from the date on which *Sydney Local Environmental Plan 2011* takes effect;
- (H) authority be delegated to the Chief Executive Officer to make changes to the draft *Green Square Affordable Housing Program* at Attachment C and the draft *Competitive Design Policy* at Attachment D, in order to address issues of an operational nature and reflect *Sydney Local Environmental Plan 2011* when made;
- (I) subject to the provisions of the *City of Sydney Act 1988*, Council prepare and exhibit one or more planning proposals to:
 - (i) reflect planning controls for the Goodman site arising from consideration of submissions to the exhibition of the *Draft Amendment to South Sydney Development Control Plan 1997: Urban Design – Part G Special Precinct No. 7 – Ashmore Precinct*, in accordance with the Resolution of Council of 5 December 2011;
 - (ii) rezone the following parcels of land at Pymont Point to Zone R1 General Residential reflecting their completed development:
 - (a) 2-8 Point Street, Pymont;
 - (b) 5 Tambua Street, Pymont;
 - (c) 15 Bowman Street Pymont;
 - (d) 25 Bowman Street, Pymont;
 - (e) 45 Bowman Street, Pymont;

- (f) 66 Bowman Street, Pyrmont;
 - (g) 1-3 Distillery Drive, Pyrmont;
 - (h) 3 Harris Street, Pyrmont; and
 - (i) 2-4 and 6-8 Mount Street Walk, Pyrmont;
- (iii) rezone land at 37 to 61 Nickson Street, Surry Hills to Zone R1 General Residential;
- (iv) identify “The Three Proud People” mural at 39 Pine Street, Newtown as a heritage item; and
- (v) identify portions of the following parcels of land as being required by the Roads and Maritime Authority for classified road purposes;
- (a) northern side of Henderson Road, corner of Wyndham Street (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
 - (b) eastern side of Botany Road, corner of John Street (Lot 1 DP 229389);
 - (c) land at McEvoy Street, opposite Harley Street (DP243107 SP 2506);
 - (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
 - (e) 583 Botany Rd (Lot 11 DP 604322);
- (J) subject to the provisions of the *City of Sydney Act 1988*, Council prepare planning proposals to determine appropriate planning controls for:
- (i) the Lachlan Precinct in Green Square; and
 - (ii) the land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive;
- (K) Council note that consideration is being given to whether a planning proposal should be prepared in the future to amend the planning controls for the following sites:
- (i) 263 Broadway, Glebe;
 - (ii) 287-289 Crown Street, Surry Hills;
 - (iii) 4-44 Wentworth Avenue and 9-19 Brisbane Street, Surry Hills;
 - (iv) 2-6 Allen Street, Waterloo;
 - (v) 2-10 Fountain Street, Alexandria;
 - (vi) 1 Hutchinson Walk, Zetland;
 - (vii) 106–116 Epsom Road, Zetland;

- (viii) 26-58 Rothschild Avenue, Rosebery (former RTA site);
 - (ix) 1-3 Rosebery Avenue, Rosebery;
 - (x) Jacksons Landing, Pyrmont, including 21 Harris Street, Pyrmont;
 - (xi) 18 Huntley Street, Alexandria;
 - (xii) 2-32 Junction Street, Forest Lodge; and
 - (xiii) 4, 4A, 6 and 8 Macleay Street, Potts Point;
- (L) Council note that consideration is being given to whether a planning proposal should be prepared in the future to rezone the land in the Alexandria Park and Danks Street localities at Green Square, shown as Zone R1 General Residential on the draft Land Zoning Map at Attachment B;
- (M) Council note that appropriate heritage assessment is to be undertaken to consider whether the following items warrant heritage listing in the future:
- (i) 35 Arundel Street, Forest Lodge;
 - (ii) 96-104 Mitchell Street, Glebe;
 - (iii) 113 Mitchell Street, Glebe (the Old Fire Station);
 - (iv) 127-153 Riley Street, Darlinghurst;
 - (v) 134-140 Riley Street, Darlinghurst;
 - (vi) 56 Watkin Street, Newtown;
 - (vii) 22 Campbell Street, Haymarket;
 - (viii) 398-402 Sussex Street, Haymarket; and
 - (ix) the Glebe foreshore sea walls;
- (N) Council note that the Employment Lands Study for the southern area of the City is under preparation and the recommendations of the Study may inform a future planning proposal to amend controls in this area;
- (O) Council approve the amendment of the Draft Sydney Local Environmental Plan 2011 Height of Buildings Map to show the maximum building height for 21 Harris Street, Pyrmont as 33m and the Floor Space Ratio Map to show the maximum FSR for 21 Harris Street, Pyrmont as 6:1;
- (P) Council request that staff commence work and advise Council on how planning instruments can be used to restrict the development of megabrothels in close proximity to residential developments or student housing; and
- (Q) Council request that urgent consideration be given to whether a planning proposal should be prepared in the future with regard to the appropriate zoning of land zoned mixed use in Chippendale.

Motion carried.

Resolution of Central Sydney Planning Committee

08 MARCH 2012

ITEM 6

POST EXHIBITION - DRAFT SYDNEY LOCAL ENVIRONMENTAL PLAN 2011

(S048243)

Moved by the Chair (the Lord Mayor), seconded by Councillor McInerney -

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in submissions received in response to the public exhibition of Draft Sydney Local Environmental Plan 2011, the draft Green Square Affordable Housing Program and the draft City of Sydney Competitive Design Policy;
- (B) approve the amendments proposed to Draft Sydney Local Environmental Plan 2011, as shown at Attachments A and B to the subject report;
- (C) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 and resolve to exclude from Draft Sydney Local Environmental Plan 2011 the following parcels of land (deferred matters):
 - (i) the Goodman site at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, due to unacceptable impacts including overshadowing and amenity impacts, insufficient infrastructure to support increased densities and inappropriate urban design outcomes that would result from the exhibited controls;
 - (ii) the Lachlan Precinct in Green Square to enable further detailed building envelope, height, solar access and amenity testing to establish appropriate floor space ratio controls to be undertaken; and
 - (iii) land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive to enable further review of the exhibited controls and their impact on the privacy and amenity of adjoining landowners and the Rosebery Estate's low density residential character;

- (D) under section 39(1) of the City of Sydney Act 1988, approve the submission of Draft Sydney Local Environmental Plan 2011 (as amended) to the Director-General of the Department of Planning and Infrastructure, together with a report prepared in accordance with section 68(4) of the Environmental Planning and Assessment Act 1979, that outlines the outcomes of public exhibition, the justification for the proposed alterations to the Plan, and a request that the Minister for Planning and Infrastructure make the Local Environmental Plan;
- (E) delegate authority to the Chief Executive Officer to make drafting changes to Draft Sydney Local Environmental Plan 2011, in order to address issues of an operational nature and other non-substantive matters that may arise from discussions with the Department of Planning and Infrastructure and Parliamentary Counsel;
- (F) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 to adopt the draft Green Square Affordable Housing Program, as shown at Attachment C to the subject report, to take effect from the date on which Sydney Local Environmental Plan 2011 takes effect;
- (G) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 to adopt the draft City of Sydney Competitive Design Policy, as shown at Attachment D to the subject report, to take effect from the date on which Sydney Local Environmental Plan 2011 takes effect;
- (H) delegate authority to the Chief Executive Officer to make changes to the draft Green Square Affordable Housing Program at Attachment C and the draft Competitive Design Policy at Attachment D, in order to address issues of an operational nature and reflect Sydney Local Environmental Plan 2011 when made;
- (I) under section 39(1) of the City of Sydney Act 1988, approve the preparation and exhibition of one or more planning proposals to
 - (i) reflect planning controls for the Goodman site arising from consideration of submissions to the exhibition of the Draft Amendment to South Sydney Development Control Plan 1997: Urban Design – Part G Special Precinct No. 7 - Ashmore Precinct, in accordance with the Resolution of Council of 5 December 2011;
 - (ii) rezone the following parcels of land at Pymont Point to Zone R1 General Residential reflecting their completed development:
 - (a) 2-8 Point Street, Pymont;
 - (b) 5 Tambua Street, Pymont;
 - (c) 15 Bowman Street Pymont;
 - (d) 25 Bowman Street, Pymont;
 - (e) 45 Bowman Street, Pymont;
 - (f) 66 Bowman Street, Pymont;

- (g) 1-3 Distillery Drive, Pyrmont;
- (h) 3 Harris Street, Pyrmont; and
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- (iv) identify “The Three Proud People” mural at 39 Pine Street, Newtown as a heritage item; and
- (v) identify portions of the following parcels of land as being required by the Roads and Maritime Authority for classified road purposes;
 - (a) northern side of Henderson Road, corner of Wyndham Street (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
 - (b) eastern side of Botany Road, corner of John Street (Lot 1 DP 229389);
 - (c) land at McEvoy Street, opposite Harley Street (DP243107 SP 2506);
 - (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
 - (e) 583 Botany Rd (Lot 11 DP 604322);
- (J) under section 39(1) of the City of Sydney Act 1988, approve the preparation of planning proposals to determine appropriate planning controls for:
 - (i) the Lachlan Precinct in Green Square; and
 - (ii) the land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive;
- (K) note that consideration is being given to whether a planning proposal should be prepared in the future to amend the planning controls for the following sites:
 - (i) 263 Broadway, Glebe;
 - (ii) 287-289 Crown Street, Surry Hills;
 - (iii) 4-44 Wentworth Avenue and 9-19 Brisbane Street, Surry Hills;
 - (iv) 2-6 Allen Street, Waterloo;
 - (v) 2-10 Fountain Street, Alexandria;
 - (vi) 1 Hutchinson Walk, Zetland;
 - (vii) 106–116 Epsom Road, Zetland;
 - (viii) 26-58 Rothschild Avenue, Rosebery (former RTA site);

- (ix) 1-3 Rosebery Avenue, Rosebery;
 - (x) Jacksons Landing, Pyrmont, including 21 Harris Street, Pyrmont;
 - (xi) 18 Huntley Street, Alexandria;
 - (xii) 2-32 Junction Street, Forest Lodge; and
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- (L) note that consideration is being given to whether a planning proposal should be prepared in the future to rezone the land in the Alexandria Park and Danks Street localities at Green Square, shown as Zone R1 General Residential on the draft Land Zoning Map at Attachment B;
- (M) note that appropriate heritage assessment is to be undertaken to consider whether the following items warrant heritage listing in the future:
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 - (iv) 127-153 Riley Street, Darlinghurst;
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 - (vi) 56 Watkin Street, Newtown;
 - (vii) 22 Campbell Street, Haymarket;
 - (viii) 398-402 Sussex Street, Haymarket; and
 - (iv) the Glebe foreshore sea walls.
- (N) note that the Employment Lands Study for the southern area of the City is under preparation and the recommendations of the Study may inform a future planning proposal to amend controls in this area; and
- (O) approve the amendment of the Draft Sydney Local Environmental Plan 2011 Height of Buildings Map to show the maximum building height for 21 Harris Street, Pyrmont as 33m and the Floor Space Ratio Map to show the maximum FSR for 21 Harris Street, Pyrmont as 6:1.

Carried unanimously.