

ATTACHMENT A

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**PLANNING PROPOSAL: SYDNEY
LOCAL ENVIRONMENTAL PLAN 2012 –
MILLERS POINT AMENDMENT**

Planning Proposal

Sydney Local Environmental Plan 2012 - Millers Point Amendment

October 2014



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Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment to the planning controls for Millers Point Heritage Conservation Area under *Sydney Local Environmental Plan 2012* (Sydney LEP). This Planning Proposal seeks to amend the controls so that a building's existing height and floor space ratio will be the height and floor space control.

On 19 March 2014, the NSW Government announced the sale of 293 government owned properties, including heritage listed items in the Millers Point Heritage Conservation Area. The NSW Heritage Council in a letter dated 8 July 2014 requested the City urgently review the planning controls for the Millers Point Heritage Conservation Area in response to the sale.

The planning controls for the Millers Point Heritage Conservation Area are in the Sydney LEP and came into effect in December 2012. The building height and floor space controls are a translation of previous controls under *Sydney Local Environmental Plan 2005*. The maximum floor space ratio is 2:1 and maximum height is 9m. These controls are inconsistent with the heritage conservation controls. This Planning Proposal will address this by prioritising the heritage significance of the area and heritage items to deliver Council's objectives for the conservation area.

This approach is appropriate for the Millers Point Heritage Conservation only due to its integrity and heritage significance.

Background

Area and Context Description

Millers Point Heritage Conservation Area is located at the north western edge of Central Sydney between the Rocks and Barangaroo.

The Millers Point Heritage Conservation Area shown in Figure 1, is an intact residential and maritime precinct of outstanding state and local significance due to its unique characteristics, architectural diversity and continuity of 19th and 20th century residential and maritime elements. The precinct has changed little since the 1930s. The area is characterised by a fine grain subdivision pattern, two to three storey residential terraces and similar scaled commercial buildings.



Figure 1: Millers Point Heritage Conservation Area boundary under Sydney Local Environmental Plan 2012

Heritage Significance

Three conservation area listings apply to Millers Point. In 1999 properties owned by the Department of Housing in Millers Point were listed on the State Heritage Register under the *Heritage Act, 1977*. In 2003 Millers Point was listed on the State Heritage Register as the Millers Point and Dawes Point Village Precinct allowing for the management of the whole of the precinct. Millers Point is also listed in Sydney LEP as the Millers Point Heritage Conservation Area. Individual properties are also listed as items on the Sydney and State Heritage Register.

Each listing recognises the high level of significance and value to the people of NSW and the local area. The State Heritage Register's statement of significance for the conservation area states:

"Millers Point is an intact residential and maritime precinct of outstanding state and national significance. It contains buildings and civic spaces dating from the 1830s and is an important example of nineteenth and early twentieth century adaptation of the landscape. The precinct has changed little since the 1930s." (NSW Heritage Office, Millers Point Conservation Area, 2001, <http://bit.ly/YUYbYI>).

Sale of Government Properties

Millers Point has a long history of government ownership. The area was resumed after the 1900 plague then developed with infrastructure and housing for the maritime industry and its workers. Since the early 1980s the Department of Housing has managed residential properties in Millers Point for social housing.

On 19 March 2014, the NSW Government announced the sale of 293 government owned properties, including heritage listed items in the Millers Point Heritage Conservation Area. NSW Family and Community Services have started to sell the public housing assets. The sale of all properties is likely to occur within a two year period. All NSW Government owned properties in the Millers Point Heritage Conservation Area are shown in Figure 2 below.

The NSW Heritage Council wrote to the City requesting the urgent review of the planning controls for Millers Point Heritage Conservation Area under Sydney LEP and Sydney DCP. City staff have also met with NSW Department of Family and Community Services and Office of Environment and Heritage staff to discuss how the heritage significance of these properties will be protected.

The properties being offered for sale retain a significant level of original building fabric, form and architectural detailing. Together and individually they are rare and unique in Australia. The sale to private owners is likely to result in applications for works to the properties.

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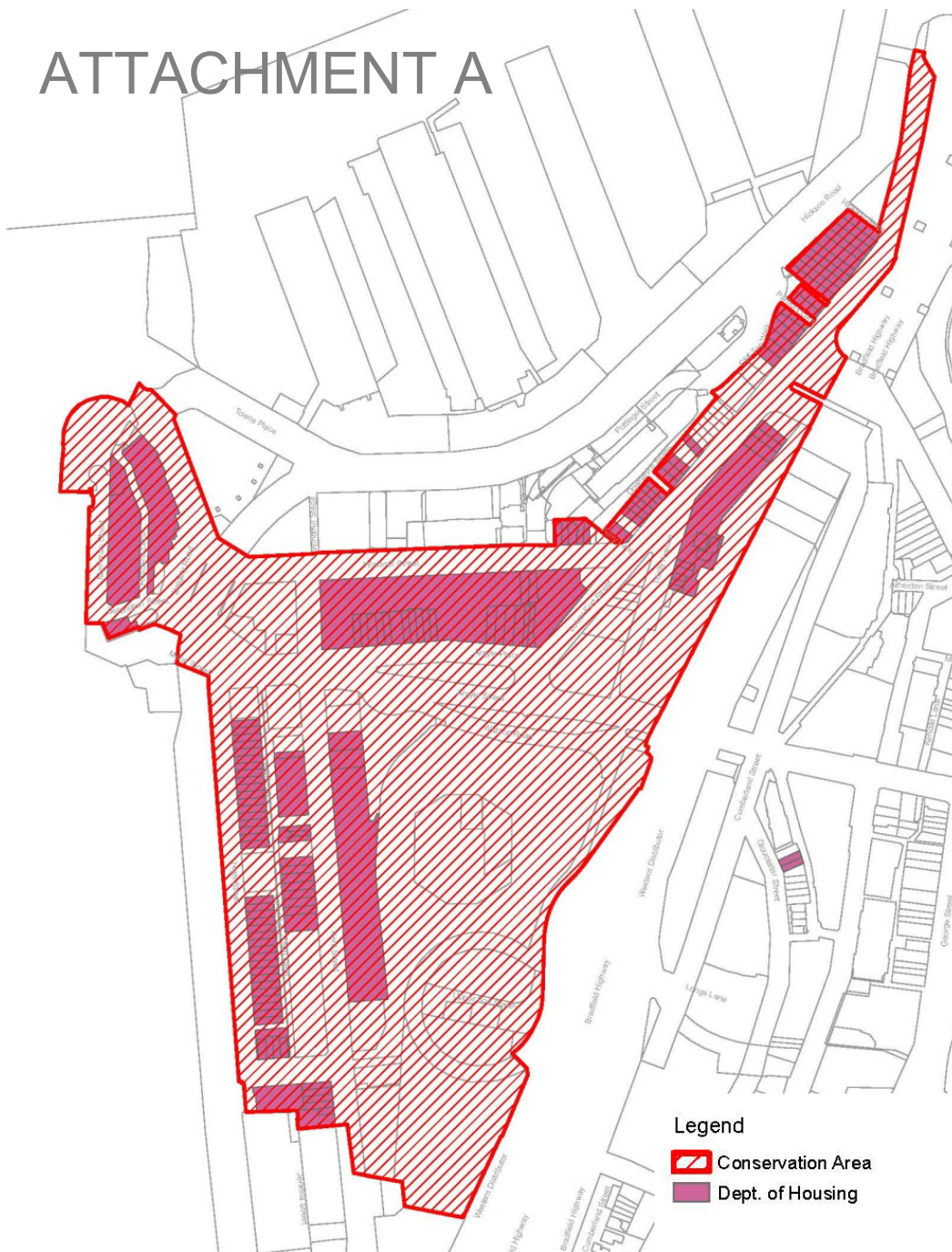


Figure 2: NSW Government owned properties in the Millers Point Heritage Conservation Area (as of March 2014)

Current Planning Controls

The current planning controls applying to the Millers Point Heritage Conservation Area are in the Sydney LEP and came into effect in December 2012. The building height and floor space controls are the translation of previous controls under *Sydney Local Environmental Plan 2005* and are almost 10 years old. A comprehensive review of the controls for Millers Point was not undertaken as part of the Sydney LEP as development was not expected while most properties were in government ownership.

The maximum floor space ratio for the whole area is 2:1 and the maximum building height across the whole area is 9m. Millers Point is listed as a Heritage Conservation Area and most properties are individually listed heritage items. The Millers Point Heritage Conservation Area does not include the

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Walsh Bay Precinct. An extract of the Sydney LEP Heritage map showing the Millers Point Heritage Conservation area boundary is at Figure 3.

The Millers Point Heritage Conservation Area includes a range of building forms and building heights. Amongst this varied built form are distinct rows of terrace houses that are generally two storeys in height. The application of a maximum building height of 9m and FSR of 2:1 is not an accurate indication of the architectural diversity of existing built form in Millers Point. Developing heritage items to the maximum floor space ratio under Sydney LEP would likely impact on the significance of the items and the conservation area.



Figure 3: Millers Point Heritage Conservation Area and heritage listed items under Sydney Local Environmental Plan 2012

Part 1:

Objectives and intended outcomes

The intended outcome of this Planning Proposal is to amend the height and floor space controls under Sydney LEP 2012 for the Millers Point Heritage Conservation Area.

The objective of this Planning Proposal is to protect the state and local heritage significance of the Millers Point Heritage Conservation Area and individually listed items with appropriate height and density controls.

Part 2:

Explanation of provisions

All properties within the Millers Point Heritage Conservation Area are subject to the provisions of the *Sydney Local Environmental Plan 2012*. A list of all properties to which this Planning Proposal applies is provided at Appendices B and C.

To achieve the intended outcomes, the Planning Proposal seeks to amend the planning controls and introduce local provisions for Millers Point in Sydney LEP as follows:

- Amend **Height of Buildings Map** – Sheets HOB_013 and HOB_014 by removing the 9m height control for the Millers Point Heritage Conservation Area and showing the area as Area 7. A building's existing height will be the maximum height. A new local clause will be introduced to **Division 5 Site Specific provisions** to give effect to this change.
- Amend **Floor Space Ratio Map** – Sheet HOB_013 and HOB_014 by removing the 2:1 floor space ratio for the Millers Point Heritage Conservation Area and showing the area as Area 11. A building's existing floor space ratio will be the maximum floor space ratio. A new local clause will be introduced to **Division 5 Site Specific provisions** to give effect to this change.
- Introduce a new provision under **Division 5 of Part 6 Site Specific Provisions** for Millers Point Heritage Conservation Area that only permits a contravention to the maximum height and floor space ratio controls under clause 4.6 when the variation is consistent with an endorsed conservation management plan.

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LEP Drafting Notes

Inserting a new local clause under Division 5 of *Sydney Local Environmental Plan 2012*

Objectives

The objective of this clause is to ensure height and density of development conserves the state and local heritage significance of the Millers Point Heritage Conservation Area and individually listed heritage items.

Clauses

- (1) The maximum height of a building on land shown as Area 7 on the Height of Buildings Map is the height of the building on the land as at the commencement of this Plan;
- (2) The maximum floor space ratio of a building on land shown as Area 11 on the Floor Space Ratio Map is the floor space ratio of the building as at the commencement of this Plan;
- (3) Consent to contravene the maximum height and floor space ratio controls under clause 4.6 must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the heritage conservation management plan for the site.

Sydney LEP Maps

Amend the *Sydney Local Environmental Plan 2012* Building Height Map sheets HOB_013 and HOB_014 for properties in the Millers Point Heritage Conservation Area in accordance with the proposed Building Height map shown at Appendix A.

Amend the *Sydney Local Environmental Plan 2012* Floor Space Ratio Map sheets FSR_013 and FSR_014 for properties in the Millers Point Heritage Conservation Area in accordance with the proposed Floor Space Ratio map shown at Appendix A.

Part 3: Justification

This section sets out the reasons for the Planning Proposal.

Properties in the Millers Point Heritage Conservation Area have a significant level of intact original fabric, form and architectural detailing. Individually and as a group they are a rare and potentially unique heritage resource in Australia. The NSW Government and the City have recognised the very high heritage significance of Millers Point by listing the area and almost all properties within it on the State and local heritage lists.

Three conservation area listings apply to Millers Point. The Millers Point Heritage Conservation Area is listed under Sydney LEP. Two conservation area listings apply to Millers Point under the State Heritage Register and individual items are listed on the State Heritage Register and Sydney LEP. This unprecedented degree of listing, unique to Millers Point, reflects the high significance of the conservation area.

The NSW Government's announcement to sell 293 properties, including heritage listed items in the Millers Point Heritage Conservation Area prompted the NSW Heritage Council to write to the City with a request to urgently review the planning controls for Millers Point in response to the sale.

The current Millers Point Heritage Conservation Area planning controls are in the Sydney LEP and came into effect in December 2012. The building height and floor space ratio controls are a translation of previous controls under *Sydney Local Environmental Plan 2005*. The Millers Point planning controls were not reviewed or refined as part of this process because no change was envisaged for these properties due to their government ownership.

The City has recently commenced a review of heritage conservation areas with the aim of conserving their heritage significance through appropriate planning controls. The Millers Point Heritage Conservation Area is included in this review and is being brought forward because the sale of NSW Government properties has started. This is to ensure the national significance of these properties is protected as they move into private ownership. The sale of properties to private owners may result in development applications.

The maximum floor space ratio for all properties in the conservation area is 2:1 and the maximum building height is 9m. Millers Point is listed as a heritage conservation area and most properties are individually listed heritage items. The Millers Point Heritage Conservation Area includes a range of building forms and building heights. The application of a maximum building height limit of 9m and maximum FSR of 2:1 is not an accurate indication of the highly significant existing built form.

A review was undertaken to estimate how much floor space is available under the current controls to determine the impact existing controls have on the significance on the items and conservation area. The review estimated the available capacity to be between 30sqm and 110sqm, which is equivalent to between one bedroom and a new floor. Additions of this size will have a significant impact on the integrity and significance of the items and the conservation area.

The Planning Proposal seeks to amend Sydney LEP so that the building's existing height and floor space ratio will be the maximum height and floor space ratio. The planning proposal also introduces a clause that will require any height and floor space increase for a heritage item to be consistent with an endorsed conservation management plan. This approach provides the most appropriate planning controls to conserve the high level of significance and integrity of the conservation area and items. It also allows for changes that have been considered appropriate through detailed

analysis of the conservation management plans. The height and floor space controls will support the conservation policies in conservation management plans.

The amendment will apply to 135 sites within the Millers Point Heritage Conservation Area. This includes five privately owned non-heritage listed properties at 65-69 and 89-105 Kent Street, Millers Point and 45A, 45B and 45C Lower Fort Street, Dawes Point. Applying the same controls to these properties will allow appropriate development that is sympathetic to the Millers Point Heritage Conservation Area. The amendments to the planning controls will also protect the significance of the conservation area by ensuring sympathetic infill development is consistent with the scale and form of existing development.

The integrity of the terrace housing stock in Millers Point is of very high cultural significance and is unique in Australia. The area and buildings have changed little, if any, since their construction. Only sympathetic alterations and minor additions could be contemplated for some items. The changes are to be set out in the Conservation Management Plans.

The amendment will also remove the existing 9m building height and 2:1 floor space ratio control for properties in the Millers Point Heritage Conservation Area currently zoned RE1 Public Recreation. This includes 2 Merriman Street, Millers Point, 2 Rhodens Lane, Millers Point and 5 and 5B Dalgety Road, Millers Point, existing parks located at the end of Merriman Street. There are no specific height and floor space controls for land zoned RE1 Public Recreation eg parks, under Sydney LEP. Removing these controls for RE1 zoned land within the Millers Point Heritage Conservation Area will not affect how the parks currently operate, and it ensures a consistent approach across the LGA.

This amendment will also be supported with an amendment to the locality statement for Millers Point Heritage Conservation Area and Building Contributions Map in Sydney Development Control Plan 2012 (Sydney DCP). The amended locality statement recognises the significance of the conservation area as an intact residential and maritime precinct with unique characteristics and architectural diversity, but highly consistent townscape.

Section A – Need for this planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. Properties in the Millers Point Heritage Conservation Area have a significant level of intact original fabric and form and architectural detailing. Individually and as a group, they are a rare and potentially unique heritage resource in Australia. The NSW Governments announcement to sell 293 properties, including heritage listed items in the Millers Point Heritage Conservation Area prompted the NSW Heritage Council to write to the City with a request to urgently review the planning controls for the Millers Point Heritage Conservation Area in response to the sale.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This draft planning policy is the only means of achieving the objectives and intended outcomes as the built form controls in the LEP need to support the heritage listings and conservation of the Millers Point Heritage Conservation Area.

3. Is there a net community benefit?

The planning proposal will provide a net community benefit because it will protect heritage items in Millers Point and the Millers Point Heritage Conservation Area. The significance of the Millers Point Heritage Conservation Area is important to the local community and heritage groups and the broader NSW community who over the years have recognised and taken action to protect the heritage values of individual buildings and the whole precinct.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)?

In March 2013 the NSW Government published the draft *Metropolitan Strategy for Sydney to 2031* (draft Metropolitan Strategy) and once adopted it will replace the *Metropolitan Plan for Sydney 2036* (Metropolitan Plan to 2036). However, until that time, the Metropolitan Plan to 2036 is the applicable adopted strategy. In assessing the consistency of this draft planning proposal with metropolitan wide objectives, both the Metropolitan Plan to 2036 and draft Metropolitan Strategy have been considered, together with the *Draft Sydney City Subregional Strategy 2008* (the draft Subregional Strategy).

This Planning Proposal is aligned with Action 7.3 Identify significant heritage precincts to inform future planning. Millers Point is one of the most significant precincts in the metropolitan region. The amendment to Sydney LEP will protect the high significance of the area and individually listed buildings.

Table 2: Consistency with draft Sydney City Subregional Strategy Key Directions

Consistency with draft Sydney City Subregional Strategy Key Directions	
<i>Plan for housing choice</i>	The planning proposal does not propose to rezone land from involve a change in zone from the existing R1 General Residential. The amendment proposed to the primary development controls for heritage listed items in Millers Point will recognise the significance of these items and the cultural landscape of Millers Point.
<i>Enhance the City's prominence as a diverse global cultural centre</i>	<p>Improve the quality of the built environment and aim to decrease the subregion's ecological footprint - Subregional Strategy Action E6.1.2 encourages Councils to update out of date or adequate heritage studies as part of the preparation of their Principal LEPs. Sydney LEP and Sydney DCP came into operation of 14 December 2012. The controls are a translation of previous controls into a single local environmental plan and development control plan. The building height and FSR controls are a translation of previous controls under <i>Sydney Local Environmental Plan 2005</i>. The Millers Point planning controls were not reviewed or refined as part of the City Plan process because no change to properties was envisaged whilst under government ownership.</p> <p>Subregional Strategy objective 6.2.1 requires councils to recognise where Sydney's cultural heritage contributes to its character and quality and manage change appropriately. This Planning Proposal to amend the controls will make</p>

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	<p>the existing height and floor space the maximum permitted. This approach is consistent with the very high level of significance and very little change seen in the area. The amendment recognises the significant cultural heritage of Millers Point by aligning the development standards with the intent of the heritage listings.</p> <p>The planning proposal will recognise and protect the range of architectural styles that are intact and good examples of their typology.</p>
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1 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The City's Community Strategic Plan is *Sustainable Sydney 2030 (SS2030)*, a vision for a 'green', 'global' and 'connected' City of Sydney that sets targets, objectives and actions for the sustainable development of Sydney to 2030 and beyond. The vision was adopted by Council in 2008 and includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress.

Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. Of particular relevance to this proposal is Direction 9 – Sustainable Development, Renewal and Design. Action 9.3.4 is to protect the heritage value of objects, buildings, places and landscapes and action 9.4.1 is to regularly review and streamline development control. The proposed amendment to the height and floor space controls will protect the heritage significance of the Millers Point Heritage Conservation Area consistent with the state and local heritage listings.

2 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) and Deemed State Environmental Planning Policies (former REPs) as shown in Table 3 Consistency with State Environmental Planning Policies.

Table 3 Consistency with State Environmental Planning Policies (SEPPs)

Consistency with State Environmental Planning Policies	
SEPPs with which the Planning Proposal is consistent. The Planning Proposal will not constrain or hinder the Application of the SEPP	6 Number of Storeys in a Building; 22 Shops and Commercial Premises; 32 Urban Consolidation (Redevelopment of Urban Land); 33 Hazardous and Offensive Development; 55 Remediation of Land; 60 Exempt and Complying Development; 64 Advertising and Signage; 65 Design Quality of Residential Flat Development; 70 Affordable Housing (Revised Schemes); SEPP (Building Sustainability Index: BASIX) 2004; SEPP (Housing for Seniors or People with a Disability) 2004; SEPP (Major Development) 2005; SEPP (Infrastructure) 2007; SEPP (Temporary Structures) 2007; SEPP (Exempt and Complying Development Codes) 2008; SEPP (Affordable Rental Housing) 2009
SEPPs that are not applicable to the Planning Proposal	3 Development Without Consent and Miscellaneous Exempt and Complying Development; 10 Retention of Low Cost Rental Accommodation; 14 Coastal Wetlands; 15 Rural Landsharing Communities; 19 Bushland in Urban Areas; 21 Caravan Parks; 26 Littoral Rainforests; 29 Western Sydney Recreation Area; 30 Intensive Agriculture; 36 Manufactured Home Estates; 39 Spit Island Bird Habitat; 41 Casino Entertainment Complex; 44 Koala Habitat Protection; 47 Moore Park Showground; 50 Canal Estate Development; 52 Farm Dams and Other Works in

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	Land and Water Management Plan Areas; 59 Central Western Sydney Regional Open Space and Residential; 62 Sustainable Aquaculture; 71 Coastal Protection; SEPP (Kurnell Peninsula) 1989; SEPP (Penrith Lakes Scheme) 1989; SEPP (Sydney Region Growth Centres) 2006; SEPP (Kosciuszko National Park— Alpine Resorts) 2007; SEPP (Mining, Petroleum Production and Extractive Industries) 2007; SEPP (Miscellaneous Consent Provision) 2007; SEPP (Rural Lands) 2008; SEPP (Western Sydney Employment Area) 2009; SEPP (Western Sydney Parklands) 2009; SEPP (Urban Renewal) 2010; SEPP (SEPP 53 Transitional Provisions) 2011; SEPP (State and Regional Development) 2011; SEPP (Sydney Drinking Water Catchment) 2011; SEPP (Three Ports) 2013
Consistency with Deemed State Environmental Planning Policies (former REPs)	
Deemed SEPPs that are not applicable to the Planning Proposal	5 (Chatswood Town Centre); 8 (Central Coast Plateau Areas); 9 Extractive Industry (No 2—1995); 11 Penrith Lakes Scheme; 13 Mulgoa Valley; 16 Walsh Bay; 17 Kurnell Peninsula (1989); 18 Public Transport Corridors; 19 Rouse Hill Development Area; No 20 Hawkesbury- Nepean River (No 2—1997); 24 Homebush Bay Area; 25 Orchard Hills; 26 City West; 28 Parramatta; 29 Rhodes Peninsula; 30 St Marys; 33 Cooks Cove; Sydney REP (Sydney Harbour Catchment) 2005; Greater Metropolitan REP No 2 Georges River Catchment

7 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with the applicable Ministerial Directions, with the exception of Direction 1.1 and 3.1, with justification provided below. Table 4 identifies whether the Planning Proposal is consistent, inconsistent or not applicable with the Directions. Key issues arising from particular directions and the necessary justification is discussed below.

Table 4: Consistency with applicable Ministerial Directions under Section 117

Consistency with Directions	
Directions with which this Planning Proposal is consistent	2.3 Heritage Conservation; 3.3 Home Occupations; 3.4 Integrating Land Use and Transport; 4.4 Acid Sulfate Soils; 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 <i>Direction 2.3 Heritage Conservation:</i> This Planning Proposal is consistent with this Direction as it facilitates the conservation of items and an area that is of heritage significance.
Directions with which the Planning Proposal is inconsistent	<i>Direction 1.1 Business and Industrial Zones</i> This Planning Proposal is inconsistent with this Direction in that it reduces the total potential floor space area for employment uses and related public services in business zones (4)(c). However the Direction allows inconsistency if the change is considered to be of minor significance. Seven properties in Millers Point including a church, Carlton Hotel and small scale local businesses that serve the immediate locality are zoned B1 neighbourhood centre and are heritage listed items under Sydney LEP 2012. The Planning Proposal will remove the 9m height control and floor space control of 2:1 and make the existing height and floor space the maximum

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	<p>permitted. This change will result in reduced development potential for five of the seven properties which are currently built below the floor space control.</p> <p>The proposed amendment will continue to facilitate these uses. The businesses serve the local area which is not expected to grow because of the heritage significance of the area and of the individual properties.</p> <p>The City will also be able to consider minor increases in height and floor space under clause 4.6 of the LEP which allow variations to development standards consistent with an adopted CMP.</p> <p><i>Direction 3.1 Residential Zones</i></p> <p>This planning proposal is inconsistent with this direction as amendment reduces the permissible residential density. Inconsistency is permitted by this direction if the planning authority can demonstrate that the provisions of the draft LEP are of minor significance. The Millers Point Heritage Conservation Area is one of the most significant urban precincts in NSW, if not Australia. It is listed on the State Heritage Register and the LEP. Most properties are also individually listed on the State Heritage Register and the LEP.</p> <p>The change in density is of minor significance. The precinct is not expected to deliver additional dwellings or a greater variety of dwelling types given the high level of significance and the comprehensive state and local heritage listings. Changing the density also supports direction 2.3 Heritage Conservation. Maintaining the density will enable unsympathetic additions that will erode the significance of the area but will not deliver more dwellings.</p> <p>The planning proposal's consistency with the objectives of this direction is described below:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs - The existing building stock contributes to the variety of housing types that will continue to provide for the range of housing needs in the council area.</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services – new dwellings are not expected in the Millers Point Conservation Area due to the state and local heritage listings.</p> <p>(c) to minimise the impact of residential development on the environment and resource lands – changing the density will not impact in the environment or resource lands.</p>
<p>Directions that are not applicable to the Planning Proposal</p>	<p>1.2 Rural Zones; 1.3 Mining, Petroleum Production and Extractive Industries; 1.4 Oyster Aquaculture; 1.5 Rural Lands; 2.1 Environment Protection Zones; 2.2 Coastal Protection; 2.4 Recreation vehicle Areas; 3.2 Caravan Parks and Manufactured Home Estates; 3.5 Development Near Licensed Premises; 3.6 Shooting Ranges; 4.2 Min Subsidence and Unstable Land; 4.3 Flood Prone Lane; 4.4 Planning for Bushfire Protection; 5.1 Implementation of Regional Strategies; 5.2 Sydney Drinking Water Catchment; 5.3 Farmland of State and Regional Significance on the NSW Far North Coast; 5.4 Commercial and Retail Development along the Pacific Highway, North Coast; 5.8 Second Sydney Airport, Badgerys Creek; 5.9 North West Rail Link Corridor Strategy;</p>

Section C – Environmental, social and economic impact

- 8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The planning proposal does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

- 9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. There are no likely environmental effects arising from this planning proposal.

- 10 Has the planning proposal adequately addressed any social and economic effects?**

Millers Point includes examples of buildings demonstrating each stage and every major component of the area's history. This amendment will ensure Millers Point continues as a place of social and cultural significance for the people of New South Wales.

Floor space, height, heritage controls and conservation management plans create greater certainty for future owners about the development potential of individually listed items.

Section D – State and Commonwealth interests

- 11 Is there adequate public infrastructure for the planning proposal?**

The changes do not require the need for public infrastructure.

- 12 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The NSW Heritage Council wrote requesting the City to urgently review the planning controls for the Millers Point Heritage Conservation Area. The NSW Heritage Council is concerned the development potential available under the existing controls in may result in unacceptable impacts on the significance of heritage items and the conservation area. City staff have met with the NSW Department of Family and Community Services and Office of Environment and Heritage staff to discuss approaches protecting the significance of Millers Point.

The City will consult with Department of Family and Community Services and the NSW Heritage Council.

Part 4

Mapping

The Planning Proposal amends the Building Height and Floor Space Ratio Map in the *Sydney Local Environmental Plan 2012* by removing the existing building height control of 9m and floor space ratio control of 2:1 for the Millers Point Heritage Conservation Area. A copy of the draft maps are provided at Appendix A.

Amend the LEP Heights of Buildings map, as shown on sheets HOB_013 and HOB_014 at Part 4 Maps

Amend the LEP Floor Space Ratio map, as shown on sheets FSR_013 and FSR_014 at Part 4 Maps

Part 5

Community consultation

The Planning Proposal will be publicly exhibited in accordance with the Gateway Determination. It is anticipated that the Planning Proposal and Draft DCP will be exhibited for at least 28 days. The City will also further consult with public authorities including the NSW Department of Family and Community Services and the NSW Heritage Council during this time.

Public exhibition will include:

- (a) notification through the City of Sydney website and newspapers that circulate widely in the area,
- (b) written notification of the public exhibition to all owners, occupants, local interest groups and residents in adjacent sites, and
- (c) information relating to the Planning Proposal and draft DCP will be made available on the City of Sydney website and on display at the City's One Stop Shop.

Part 6

Project Timeline

It is estimated that this amendment to Sydney LEP will be completed by July 2015 as follows:

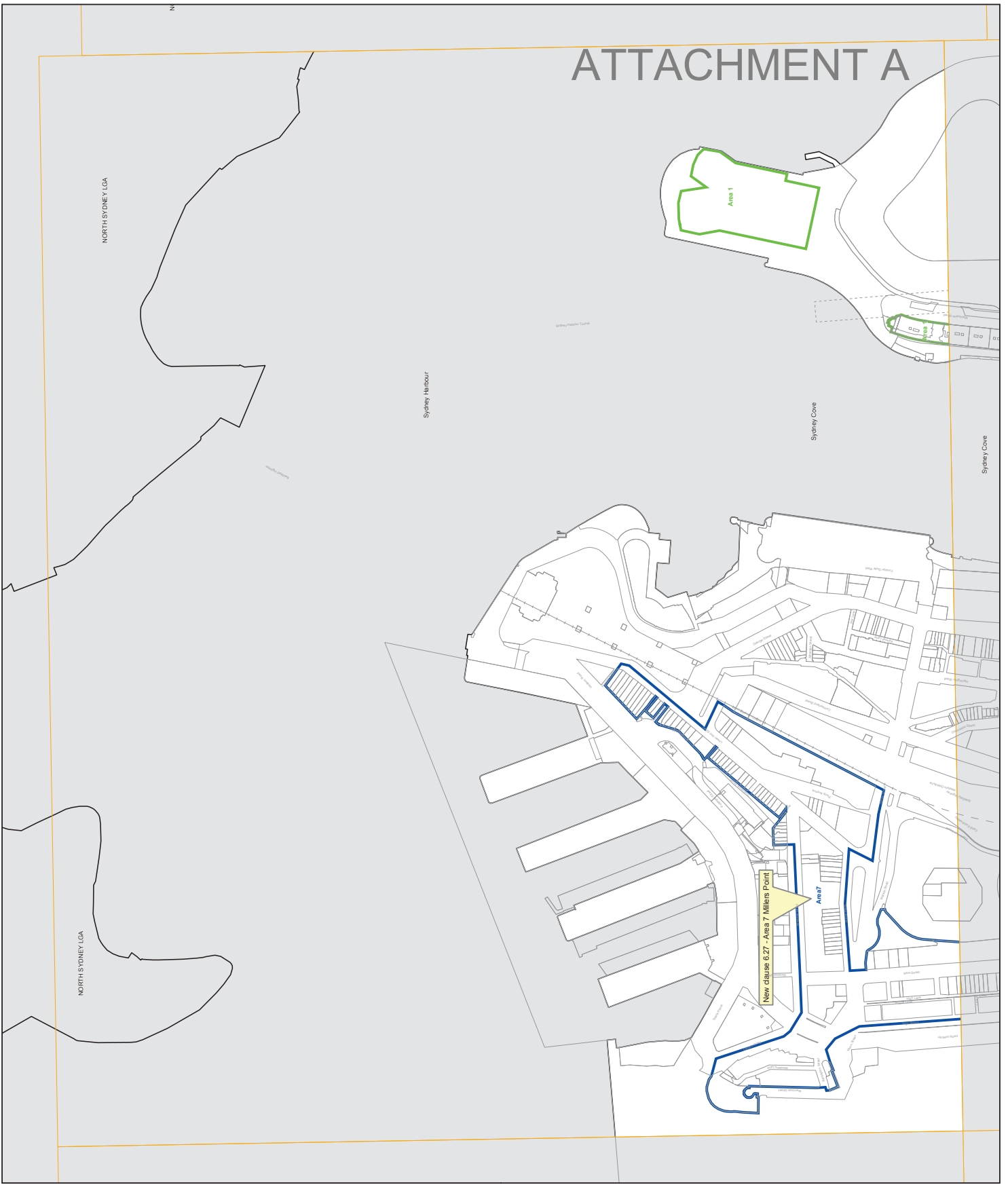
	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Jul-15
Submit to the Department of Planning and Environment for Gateway Determination									
Gateway Panel consider Planning Proposal									
Receive Gateway Determination									
Public Exhibition of Planning Proposal									
Review of submissions received									
Post Exhibition report to Council and CSPC									
Council Meetings									
Forward draft Planning Proposal to Department of Planning and Environment with a request it be made									
Draft Planning Proposal is legally drafted and made									

Appendix A

Draft Sydney Local Environmental Plan 2012 maps

- **Height of Buildings Map**
- **Floor Space Ratio Map**

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Sydney Local Environmental Plan 2012



Height of Buildings Map - Sheet HOB_013

Maximum Building Height (m)

A	3	X	45
E	6	Y	50
H	7.5	Z	55
L	8	AA1	60
J	9	AA2	65
L	11	AA3	70
M	12	AB1	80
O	15	AB2	85
P	18	AC	110
R	22	AD	130
S	24	AE	150
T1	25	AH	235
T2	27		
T3	28	Area 1	
T4	29	Area 2	
U1	30	Area 3	
U2	33	Area 4	
V	35	Area 5	
W1	40	Area 6	
W2	42	Area 7	

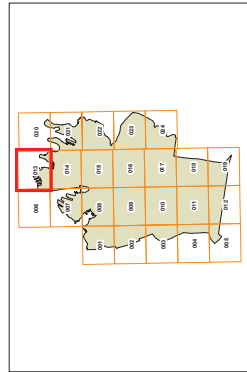
Maximum Building Height (m)

Heights shown on map in RL (m)

10	46.7
28.6	60
42	71
46	98

Cadastre

□ Cadastre 15/06/2014 © City of Sydney



Projection: GDA 1984
Zone 56

Map identifier number:
2200_CDM_HOB_013_005_20140815

Sydney Local Environmental Plan 2012

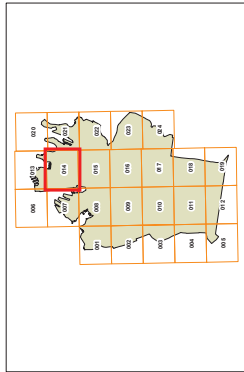


Height of Buildings Map - Sheet HOB_014

Maximum Building Height (m)	Area Code
3	A
45	X
50	Y
55	Z
7.5	H
60	AA1
60	AA2
65	AA3
70	AA4
80	AA5
85	AA6
110	AA7
130	AA8
150	AA9
235	AA10
Area 1	Area 1
Area 2	Area 2
Area 3	Area 3
Area 4	Area 4
Area 5	Area 5
Area 6	Area 6
Area 7	Area 7

Maximum Building Height (m)	Height shown on map in RL (m)
10	46.7
28.6	60
42	71
46	98

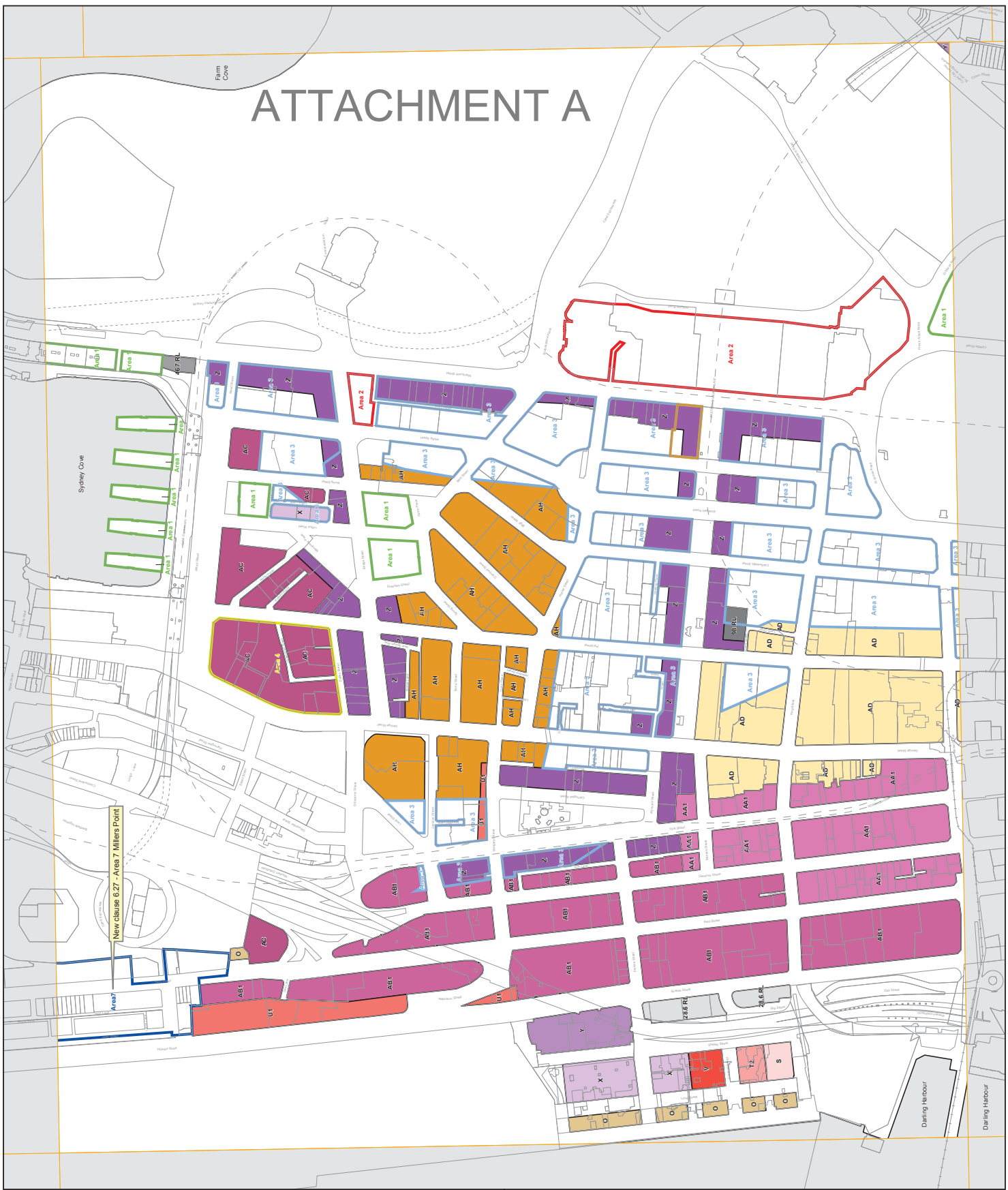
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Zone 56

Map identifier number:
2200_COM_HOB_014_005_20140615

ATTACHMENT A



New clause 6.27 - Area 7 Millers Point

ATTACHMENT A



Sydney Local Environmental Plan 2012



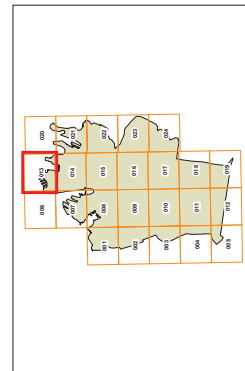
Floor Space Ratio Map - Sheet FSR_013

Maximum Floor Space Ratio (n:1)

F	0.6	X	4
H	0.7	Y	4.5
J	0.8	Z	5
L	0.9	AA1	6
N	1	AA2	6.5
P	1.25	AB1	7
S1	1.5	AB2	7.5
S2	1.75	AC	8
T	2	AD	9
U1	2.5	AE	10
U2	2.75	AF	11
V1	3		Refer to clause 6.14
V2	3.25		Refer to clause 6.15A
W1	3.5		Refer to clause 6.27
W2	3.75		Refer to clause 6.4

Cadastral

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Scale: 1:5,000 @ A3

Projection: GDA 1984
Zone 56

Map identification number:
Z200_COM_FSR_013_005_20140815

Sydney Local Environmental Plan 2012



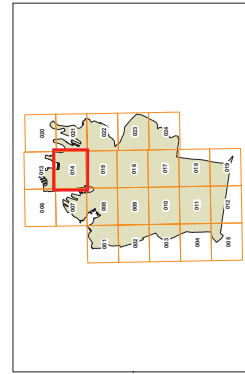
Floor Space Ratio Map - Sheet FSR_014

Maximum Floor Space Ratio (m:1)

F	0.6	X	4
H	0.7	Y	4.5
J	0.8	Z	5
L	0.9	AA1	6
N	1	AA2	6.5
P	1.25	AB1	7
S1	1.5	AB2	7.5
S2	1.75	AC	8
T	2	AD	9
U1	2.5	AE	10
U2	2.75	AF	11
V1	3		Refer to clause 6.14
V2	3.25		Refer to clause 6.15A
W1	3.5		Refer to clause 6.27
W2	3.75		Refer to clause 6.4

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Projection: GDA 1984
Zone 56

Map identification number:
Z202_COM_FSR_014_005_20140815

ATTACHMENT A



Appendix B

Properties within the Millers Point Heritage Conservation Area to which this Planning Proposal applies

ATTACHMENT A

Suburb	Item Name	Address	Property Description	Significance	Item No. (Sydney LEP 2012)	Ownership
Millers Point	Shops and residences including interiors	1–7 Argyle Place	Lot 7, DP 739194 (SP 69703, SP 79818)	State	I870	Private
Millers Point	Shops and residences including interiors	6–12 Argyle Place	Lot 1, DP 737194 (SP 69702)	State	I871	Private
Millers Point	Palisade Hotel including interior	35–37 Bettington Street	Lot 1, DP 738240; Lot 5, DP 869022	State	I874	Private
Millers Point	Terrace group including interiors	66–68 Bettington Street	Lot 102, DP 1129795	State	I875	Housing NSW
Millers Point	Terrace group “Dalgety Terrace” (7–13A Dalgety Road) including interiors	7–35 Dalgety Road	Lot 103, DP 1129795	State	I878	Housing NSW
Millers Point	Terrace group (15–35A Dalgety Road) including interiors	7–35 Dalgety Road	Lot 103, DP 1129795	State	I879	Housing NSW
Millers Point	Former warehouse “MSB Stores” including interior	36 Hickson Road	Lot 12, DP 1065410	State	I880	Private
Millers Point	Terrace duplex group including interiors	2–36 High Street	Lot 8, DP 739194	State	I883	Housing NSW
Millers Point	Terrace duplex group including interiors	3–9 High Street	Lot 18, DP 773849	State	I884	Housing NSW
Millers Point	Terrace group (115–121 Kent Street) including interiors	3–9 High Street	Lot 18, DP 773849	State	I885	Housing NSW
Millers Point	Lance Kindergarten including buildings and their interiors, early remnant fencing and grounds	37 High Street	Lot 9, DP 739194	Local	I886	City of Sydney
Millers Point	Terrace duplex group	38–72 High Street	Lot 10, DP 739194	State	I888	Housing NSW
Millers Point	Terrace duplex group	74–80 High Street	Lot 11, DP 739194	State	I889	Housing NSW
Millers Point	Former warehouse “Oswald Bond Free Store” including interior	1–17 Kent Street	Lot 2, DP 737194	State	I891	Private
Millers Point	Millers Point Post Office including interior and outbuilding	10–12 Kent Street	Lot 5, DP 43741	State	I892	Private
Millers Point	St Brigid’s Roman Catholic Church and School including buildings and their interiors and grounds	14–16 Kent Street	Lot 1, DP 86217	State	I893	Private
Millers Point	Terrace group including interiors	18–22 Kent Street	Lot 101, DP 1063868	State	I894	Housing NSW
Millers Point	Lord Nelson Hotel including interior	19 Kent Street	Lot 3, DP 737194	State	I895	Private
Millers Point	Shops and residences including interiors (9 Argyle Place)	21–29 Kent Street	Lot 1, DP 739194 (Lots 1–3, SP 72082)	State	I896	Private

ATTACHMENT A

Suburb	Item Name	Address	Property Description	Significance	Item No. (Sydney LEP 2012)	Ownership
Millers Point	Shops and residences including interiors (9 Argyle Place)	21–29 Kent Street	Lot 1, DP 739194 (Lots 4–11, SP 72082)	State	I897	Private
Millers Point	Commercial building “House of Bodleigh” including interior	24–26 Kent Street	Lot 100, DP 1063868	State	I898	Housing NSW
Millers Point	Terrace house (28 Kent Street) including interior	28–94 Kent Street	Lot 1, DP 618262	State	I899	Housing NSW
Millers Point	Terrace house (30 Kent Street) including interior	28–94 Kent Street	Lot 1, DP 618262	State	I900	Housing NSW
Millers Point	Terrace group (32–40 Kent Street) including interiors	28–94 Kent Street	Lot 1, DP 618262	State	I901	Housing NSW
Millers Point	Terrace house (42 Kent Street) including interior	28–94 Kent Street	Lot 1, DP 618262	State	I902	Housing NSW
Millers Point	Terrace house (44 Kent Street) including interior	28–94 Kent Street	Lot 1, DP 618262	State	I903	Housing NSW
Millers Point	Terrace house (46 Kent Street) including interior	28–94 Kent Street	Lot 1, DP 618262	State	I904	Housing NSW
Millers Point	Terrace group (48–52 Kent Street) including interiors	28–94 Kent Street	Lot 1, DP 618262	State	I905	Housing NSW
Millers Point	Terrace house (54 Kent Street) including interior	28–94 Kent Street	Lot 1, DP 618262	State	I906	Housing NSW
Millers Point	Terrace group (56–62 Kent Street) including interiors	28–94 Kent Street	Lot 1, DP 618262	State	I907	Housing NSW
Millers Point	Terrace group “Blyth Terrace” (82–88 Kent Street) including interiors	28–94 Kent Street	Lot 1, DP 618262	State	I908	Housing NSW
Millers Point	Terrace group (90–92 Kent Street) including interiors	28–94 Kent Street	Lot 1, DP 618262	State	I909	Housing NSW
Millers Point	Terrace house “Toxteth” (94 Kent Street) including interior	28–94 Kent Street	Lot 1, DP 618262	State	I910	Housing NSW
Millers Point	Captain Cook Hotel including interior	33–35 Kent Street	Lot 10, DP 843179	State	I911	Private
Millers Point	Terrace group “Alfred’s Terrace” (37–47 Kent Street) including interiors	37–55 Kent Street	Lot 2, DP 739194	State	I912	Housing NSW
Millers Point	Terrace group (49–51 Kent Street) including interiors	37–55 Kent Street	Lot 2, DP 739194	State	I913	Housing NSW
Millers Point	Terrace group (53–55 Kent Street) including interiors	37–55 Kent Street	Lot 2, DP 739194	State	I914	Housing NSW
Millers Point	Terrace group “Hexham Terrace” including interiors	59–63 Kent Street	Lot 3, DP 739194	State	I915	Housing NSW
Millers Point	Terrace group (71–73 Kent Street) including interiors	71–87 Kent Street	Lot 5, DP 739194	State	I916	Housing NSW
Millers Point	Terrace group “Winsbury Terrace” and “Winsbury House” (75–79 Kent Street) including interiors	71–87 Kent Street	Lot 5, DP 739194	State	I917	Housing NSW
Millers Point	Terrace house “Seaforth Terrace” (81 Kent Street) including interior	71–87 Kent Street	Lot 5, DP 739194	State	I918	Housing NSW

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Suburb	Item Name	Address	Property Description	Significance	Item No. (Sydney LEP 2012)	Ownership
Millers Point	Terrace group (83–85 Kent Street) including interiors	71–87 Kent Street	Lot 5, DP 739194	State	I919	Housing NSW
Millers Point	Terrace group “Agar Steps Terrace” (5–9 Agar Steps) including interiors	110–114 Kent Street	Lot 1, DP 877598 (Lots 1–6, SP 57193)	Local	I921	Private
Millers Point	Terrace group “Carlson Terrace” including interiors	110–114A Kent Street	Lots 1 and 2, DP 877598	Local	I922	Private
Millers Point	House “Richmond Villa” including interior	116–122 Kent Street	Lot 2, DP 258052	Local	I923	Private
Millers Point	Terrace group including interiors	123–125 Kent Street	Lot 22, DP 773847	State	I924	Housing NSW
Millers Point	Terrace group “Glover Cottages” including interiors	124–134 Kent Street	Lot 3, DP 258052; Lot 3, DP 258013	Local	I925	Private
Millers Point	Hero of Waterloo Hotel including interior	81–83 Lower Fort Street	Lot 32, DP 788672	State	I926	Private
Millers Point	Cottage and former workshop, wall and interiors	14–16 Merriman Street	Lot 93, DP 1063867	State	I927	Housing NSW
Millers Point	Cottage (18 Merriman Street) including interior	18–48 Merriman Street	Lot 92, DP 1063867	State	I928	Housing NSW
Millers Point	Terrace group (20–42 Merriman Street) including interiors	18–48 Merriman Street	Lot 92, DP 1063867	State	I929	Housing NSW
Millers Point	Terrace group (44–48 Merriman Street) including interiors	18–48 Merriman Street	Lot 92, DP 1063867	State	I930	Housing NSW
Millers Point	Terrace group (56–60 Bettington Street) including interiors	18–48 Merriman Street	Lot 92, DP 1063867	State	I931	Housing NSW
Millers Point	Terrace group including interiors	18–20 Munn Street	Lots 6 and 7, DP 869022; Lot 2, DP 738240	State	I932	Housing NSW
Millers Point	Community building “Abraham Mott Hall” including interior	2 Watson Road	Land in MS 2040.3000	Local	I940	State of NSW
Millers Point	Terrace group (1–63 Windmill Street) including interiors	1–75 Windmill Street	Lot 96, DP 1073576	State	I941	Housing NSW
Millers Point	Terrace house (65 Windmill Street) including interior	1–75 Windmill Street	Lot 96, DP 1073576	State	I942	Housing NSW
Millers Point	Terrace house (67 Windmill Street) including interior	1–75 Windmill Street	Lot 95, DP 1073576	State	I943	Housing NSW
Millers Point	Terrace house (69 Windmill Street) including interior	1–75 Windmill Street	Lot 96, DP 1073576	State	I944	Housing NSW
Millers Point	Terrace house (71 Windmill Street) including interior	1–75 Windmill Street	Lot 96, DP 1073576	State	I945	Housing NSW
Millers Point	Terrace house “Stevens Terrace” (73 Windmill Street) including interior	1–75 Windmill Street	Lot 96, DP 1073576	State	I946	Housing NSW

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Suburb	Item Name	Address	Property Description	Significance	Item No. (Sydney LEP 2012)	Ownership
Millers Point	Former Shipwrights Arms Inn (75 Windmill Street) including interior	1-75 Windmill Street	Lot 96, DP 1073576	State	I947	Housing NSW
Millers Point	Terrace house "Argyle House" (85 Lower Fort Street) including interior	1-75 Windmill Street	Lot 96, DP 1073576	State	I948	Housing NSW
Millers Point	Lane between Argyle Place and Windmill Street (north of Argyle Place)	1-75 Windmill Street	Lot 96, DP 1073576	Local	I949	Housing NSW
Millers Point	Terrace group (24-32 Argyle Place) including interiors	1-75 Windmill Street	Lot 96, DP 1073576	State	I950	Housing NSW
Millers Point	House "Osborne House" (34 Argyle Place) including interior	1-75 Windmill Street	Lot 94, DP 1073576	State	I951	Housing NSW
Millers Point	Terrace group (36-44 Argyle Place) including interiors	1-75 Windmill Street	Lot 96, DP 1073576	State	I952	Housing NSW
Millers Point	Terrace group (46-48 Argyle Place) including interiors	1-75 Windmill Street	Lot 96, DP 1073576	State	I953	Housing NSW
Millers Point	House "Undercliff Cottage" (50 Argyle Place) including interior	1-75 Windmill Street	Lot 96, DP 1073576	State	I954	Housing NSW
Millers Point	Terrace group "Undercliff Terrace" (52-60 Argyle Place) including interiors	1-75 Windmill Street	Lot 96, DP 1073576	State	I955	Housing NSW
Millers Point	Terrace group (62-64 Argyle Place) including interiors	1-75 Windmill Street	Lot 96, DP 1073576	State	I956	Housing NSW
Millers Point	Retaining Wall	2 Rhodens Lane	Lot 13 DP823998	Local	1933	Park - State of NSW
Dawes Point	Terrace group "Milton Terrace" including interiors and front fencing	1-19 Lower Fort Street	Lots 82-91, DP 832148	State	I541	Housing NSW
Dawes Point	Harbour View Hotel including interior	18 Lower Fort Street	Lot 30, DP 788671	State	I542	Private
Dawes Point	Terrace group including interiors	20-22 Lower Fort Street	Lots 37 and 38, DP 811936	State	I543	Housing NSW
Dawes Point	Terrace group "Linsley Terrace" including interiors	21-23 Lower Fort Street	Lots 80 and 81, DP 832148	State	I544	Housing NSW
Dawes Point	House (24-26 Lower Fort Street) including interior	24-42 Lower Fort Street	Lot 77, DP 816308	State	I545	Housing NSW
Dawes Point	Terrace house (28 Lower Fort Street) including interior	24-42 Lower Fort Street	Lot 77, DP 816308	State	I546	Housing NSW
Dawes Point	Terrace group (30-42 Lower Fort Street) including interiors	24-42 Lower Fort Street	Lot 77, DP 816308	State	I547	Housing NSW
Dawes Point	Flat building (2-4B Trinity Avenue) including interior	24-42 Lower Fort Street	Lot 77, DP 816308	State	I548	Housing NSW
Dawes Point	House "Darling House" (8-12 Trinity Avenue)	24-42 Lower Fort Street	Lot 78, DP 816308	State	I549	Housing NSW

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	including interior					
Dawes Point	Terrace group (14–22 Trinity Avenue) including interiors	24–42 Lower Fort Street	Lot 79, DP 816308	State	I550	Housing NSW
Dawes Point	Terrace group “Linsley Terrace” including interiors	25–33 Lower Fort Street	Lots 47–59, DP 826364	State	I551	Housing NSW
Dawes Point	Terrace house “Linsley Terrace” including interior	35 Lower Fort Street	Lot 46, DP 826364	State	I552	Housing NSW
Dawes Point	House “Dawesleigh” including interior	37 Lower Fort Street	Lot 25, DP 773846	State	I553	Private
Dawes Point	Terrace house “Millers Point House” including interior	39–41 Lower Fort Street	Lot 24, DP 773846	State	I554	Private
Dawes Point	House “Clydebank” including interior, front fence, gates and coach house	43 Lower Fort Street	Lot 23, DP 773846	State	I555	Private
Dawes Point	Terrace group “Palermo Terrace” including interiors	47–53 Lower Fort Street	Lot 20, DP 773845	State	I556	Housing NSW
Dawes Point	Terrace group “Garrison Terrace” including interiors and grounds	50–56 Lower Fort Street	Lots 1–4, DP 595488	State	I557	Private
Dawes Point	House “Wyong House” including interiors and front fence	55 Lower Fort Street	Lot 21, DP 773845	State	I558	Private
Dawes Point	Terrace group including interiors	57–61 Lower Fort Street	Lots 70–72, DP 835201	State	I559	Housing NSW
Dawes Point	Former Millers Point Drill Hall including interior	58 Lower Fort Street	Lot 3, DP 90921 (SP 53918)	State	I560	Private
Dawes Point	Holy Trinity Anglican Church and Church Hall including interiors, grounds and fencing	60–62 Lower Fort Street	Lots 1 and 2, DP 1035618	State	I561	Private
Dawes Point	Terrace group “Vermont Terrace” including interiors	63–65 Lower Fort Street	Lots 68 and 69, DP 835795	State	I562	Housing NSW
Dawes Point	Terrace group “Eagleton Terrace” including interiors	67–73 Lower Fort Street	Lots 64–67, DP 835795	State	I563	Housing NSW
Dawes Point	Shop and residence including interiors	75–77 Lower Fort Street	Lot 61, DP 1062077	State	I564	Housing NSW
Dawes Point	Former “The Young Princess Hotel” including interior	79 Lower Fort Street	Lot 60, DP 1062077	State	I565	Housing NSW
Dawes Point	Terrace house (82 Windmill Street) including interior	82–86 Windmill Street	Lot 98, DP 1064647	State	I566	Housing NSW
Dawes Point	Terrace house (84 Windmill Street) including interior	82–86 Windmill Street	Lot 98, DP 1064647	State	I567	Housing NSW
Dawes Point	Terrace group (86–88 Windmill Street) including interiors	82–88 Windmill Street	Lots 98 and 99, DP 1064647	State	I568	Housing NSW
Dawes Point	Terrace house including interior	90 Windmill Street	Lot 1, DP 1007570	State	1569	Private
Dawes Point	Terrace house	92 Windmill Street	Lot 2, DP 1007570	State	1570	Private

Appendix C

Privately owned non heritage listed properties within the Millers Point Heritage Conservation Area to which this Planning Proposal applies

ATTACHMENT A

Suburb	Address	Property Description
Millers Point	5 Dalgety Road	Lot 15 DP 773848 – Part of Clyne Reserve (park)
Millers Point	89-105 Kent Street	Lot 101 DP 838849
Millers Point	65-69 Kent Street	Lot 4 DP 739194, Lot 1 DP 432710
Millers Point	2 Merriman Street	Crown Land Reserve No.96178 (park)
Dawes Point	45A Lower Fort Street	Lot 111 DP 801572
Dawes Point	45B Lower Fort Street	Lot 110 DP 801572
Dawes Point	45C Lower Fort Street	Lot 109 DP 801572