

Appendix E

LEP Drafting advice. Post exhibition additions marked in **blue**
with deletions ~~struckthrough~~

Clause	Name	Drafting Instruction
Part		
New clause 1.8B	Savings provision relating to land in the Employment Lands	<p>Insert new clause after 1.8A:</p> <p>If a development application has been made before the commencement of <i>Sydney Local Environmental Plan 2012 (Amendment No X)</i> on land to which the amendment applies but that was not subject to the <i>Sydney Local Environmental Plan 2012</i> on its commencement and the development application has not been finally determined before the commencement of the amendment, then the application must be determined as if the amendment had been exhibited but not commenced.</p>
1.9	Application of SEPPs Land use table	Amend this clause so that <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> does not apply to land in the southern employment lands, as identified on the Locality and Site Identification Map.
Part 2		
2.1	Land use zone	Amend this clause by removing reference to the IN2 Light Industrial zone.
	Zone objectives and Land use table	<ul style="list-style-type: none"> • Amend Zone B6 Enterprise Corridor to read: <ol style="list-style-type: none"> 1. Objectives of the zone <ul style="list-style-type: none"> • To promote businesses along main roads and to encourage a mix of compatible uses. • To provide a range of employment uses (including business, office, retail and light industrial uses). • To maintain the economic strength of centres by limiting retailing activity. • To ensure uses support the viability of the adjoining industrial zone for industrial uses. 2. Permitted without consent Nil 3. Permitted with consent Agricultural produce industries; Business premises; Community facilities; Food and drink premises; Garden centres; General industries; Hardware and building supplies; Horticulture; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Passenger transport facilities; Plant nurseries; Roads; Shops; Warehouse or distribution centres; Any other development not specified in item 2 or 4 4. Prohibited Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Heavy industrial storage establishments; Helipads; Home occupations; Home occupations (sex services); Industries; Recreation facilities (major); Residential accommodation; Retail premises; Rural industries; Tourist and visitor accommodation

		<ul style="list-style-type: none"> • Amend Zone B7 Business Park to read: <ol style="list-style-type: none"> 1. Objectives of the zone <ul style="list-style-type: none"> • To provide a range of office and light industrial uses. • To encourage employment opportunities. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To ensure uses support the viability of nearby centres. 2. Permitted without consent Nil 3. Permitted with consent Agricultural Produce Industries; Child care centres; Food and drink premises; Horticulture; Hotel or motel accommodation; Kiosks; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Shops; Warehouse or distribution centres; Any other development not specified in item 2 or 4 4. Prohibited Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Heavy industrial storage establishments; Helipads; Industries; Recreation Facilities (major); Residential accommodation; Retail premises; Rural industries; Tourist and visitor accommodation; Truck depots • Amend Zone IN1 General Industrial to read: <ol style="list-style-type: none"> 1. Objectives of the zone <ul style="list-style-type: none"> • To provide a wide range of industrial and warehouse land uses. • To encourage employment opportunities. • To minimise any adverse effect of industry on other land uses. • To support and protect industrial land for industrial uses. • To ensure uses support the viability of nearby centres. 2. Permitted without consent Nil 3. Permitted with consent Agricultural produce industries; Boat building and repair facilities; Depots; Food and drink premises; Freight transport facilities; General industries; Hardware and building supplies; Horticulture; Industrial training facilities; Kiosks; Light industries; Neighbourhood shops; Roads; Roadside stalls; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4 4. Prohibited
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Part 6		
<p>New Division and Clause (Division 5, Clause 6.22)</p> <p>New clause after 6.15</p>	<p>Required Public domain roads in the Zone B6 Enterprise Corridor zone</p>	<p>Insert new clause at the end of Division 2</p> <p>The objective of this clause is to facilitate the expansion of the public domain road network in the Zone B6 Enterprise Corridor.</p> <p>(1) This clause applies to development on land in the Zone B6 Enterprise Corridor, where it is not in Green Square and where the consent authority determines there is a need for a public domain road and the development is for that involves:</p> <ul style="list-style-type: none"> (a) the erection of a new building, or (b) alterations to an existing building that result in the creation of 20% or more additional floor space area. <p>(2) Despite any other clause, if the consent authority determines there is a need for a public road and the development involves the dedication of land for that purpose, the consent authority may grant development consent for the development with:</p> <ul style="list-style-type: none"> (a) A building height that exceeds the maximum height shown for the land on the Height of Buildings Map by up to 10%, or (b) an amount of floor space that exceeds the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map by up to 10%. <p>(2) Despite any other provision of this Plan, if the consent authority determines there is a need for public domain and the development provides public domain to the satisfaction of the consent authority, the consent authority may grant development consent to the development to which this clause applies with:</p> <ul style="list-style-type: none"> (a) where an amount of additional building height for which the building is eligible under Division 4 is being sought, an amount of additional

		<p>building height, to be determined by the consent authority, of up to 5% of the total of:</p> <p>(i) the amount permitted as a result of the building height shown for the land on the <u>Height of Buildings Map</u>, and</p> <p>(ii) any building height for which the building is eligible under Division 4.</p> <p>(b) where an amount of additional floor space for which the building is eligible under Division 4 is being sought, an amount of additional floor space, to be determined by the consent authority, of up to 5% of the total of:</p> <p>(i) the amount permitted as a result of the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>, and</p> <p>(ii) any floor space for which the building is eligible under Division 4.</p> <p>(c) where an amount of additional building height for which the building is eligible under Division 4 is not being sought, an amount of additional building height, to be determined by the consent authority, of up to 15% of the amount permitted as a result of the building height shown for the land on the <u>Height of Buildings Map</u>.</p> <p>(d) where an amount of additional floor space for which the building is eligible under Division 4 is not being sought, an additional amount of floor space, to be determined by the consent authority, of up to 15% of the amount permitted as a result of the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</p> <p>(3) Nothing in this clause permits the consent authority to grant development consent to development that will result in a building with an amount in excess of 15% additional floor space and/or height above that shown on the <u>Floor Space Ratio Map</u> and/or the <u>Height of Buildings Map</u>.</p> <p>In this clause public domain means land that is dedicated to Council or otherwise made available for public roads, public open space, public through site links and public pedestrian and cycle paths.</p> <p><i>Drafting note: The intention of (3) is to ensure that no development subject to this clause would be able to seek additional floor space and/or height twice.</i></p>
Part 7		
<p>Division 3 Affordable Housing (Clause 7.13)</p>	<p>Contribution for the purpose of affordable housing</p>	<p>The purpose of this amendment is to allow the consent authority to require development in the southern employment lands¹ to make a contribution for the purposes of providing affordable rental housing.</p> <p>Amend 7.13 (1) so that on development in the southern employment lands, as identified on the Locality and Site Identification Map, the consent authority may impose a condition requiring a contribution of 3% of the total floor area of the development intended for residential purposes development, and 1% of the total floor area of the development intended for non-residential purposes uses.</p> <p>Amend 7.13 (4) so that the rate at which monetary contribution for development on land in the employment lands, is to be calculated in accordance with the City of Sydney <i>Southern Employment Lands Affordable Housing Program</i> adopted by the Council on XX XX XX [a date to be determined].¹</p> <p>Amend 7.13 (6) so that development on the land located in the zone IN1 General</p>

		<p>Industrial zone is identified as excluded development.</p> <p>¹The City of Sydney Council has resolved to prepare and publically exhibit a draft <i>Southern Employment Lands Affordable Housing Program</i>. It is noted the inclusion of this clause in the LEP will rely on the adoption of a Program by Council.</p>
7.20	Development requiring preparation of a development control plan	<p>Amend 7.20 (2) so that:</p> <p>(a) a development control plan, or a Stage 1 development application, is not required in Zone B6 Enterprise Corridor unless the site area is greater than 5,000 square metres and the development is primarily for a commercial use premises.</p> <p>Add 7.20 (2A)</p> <p>(1) This clause applies to development in Zone B7 Business Park.</p> <p>(2) Where development for affordable housing provided under Clause 7.25 is proposed, a development control plan, or a Stage 1 development application may be:</p> <p>(a) prepared by the applicant; or</p> <p>(b) required by the consent authority, but only where in the opinion of the consent authority the development may have a significant adverse impact on non-residential uses in the zone.</p>
New clause (7.25)	Affordable housing in the B7 – Business Park	<p>Insert a new clause at the end of Division 4.</p> <p>Notwithstanding Despite the land use table, permit development for the purpose of affordable housing in Zone B7 Business Park is permitted subject to the consent authority being satisfied that:</p> <p>(a) it is provided by or on behalf of a public authority or social housing provider;</p> <p>(b) it is provided in accordance with the City of Sydney <i>Southern Employment Lands Affordable Housing Program</i> as adopted by the Council on XX XX XX; at a date to be determined².</p> <p>(c) the development will not be unreasonably impacted by the existing and approved uses on land in the vicinity of the development having regard to:</p> <p>(i) hours of operation; and</p> <p>(ii) truck access requirements.</p> <p>(d) the development is compatible with the existing uses and approved uses-on of land in the vicinity of the development having regard to:</p> <p>(i) the impact that the development (including its bulk and scale) is likely to have on the existing and approved uses; and</p> <p>(ii) the services and infrastructure that are or will be available to meet the demands arising from the development; and</p> <p>(iii) the health, wellbeing and amenity of future residents owing to the potential impacts of noise, dust, lighting, traffic and the like associated with the existing and approved uses;</p> <p>(e) no part of the ground floor of the building that is immediately adjacent to an existing or planned public road will be used for residential purposes; and</p> <p>(f) the development is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.</p> <p>In this clause social housing provider means land the same as it does in <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>.</p>

		<p>²The City of Sydney Council has resolved to prepare and publically exhibit a draft <i>Southern Employment Lands Affordable Housing Program</i>. It is noted the inclusion of this clause in the LEP will rely on the adoption of a Program by Council.</p>
New clause 7.26	Sustainable transport in the southern employment lands	<p>Insert new clause 7.26 after clause above.</p> <p>The objective of this clause is to ensure that as the use of land intensifies in the southern employment lands, development actively promotes sustainable transport modes and minimises traffic congestion.</p> <p>(1) This clause applies to development involving:</p> <ul style="list-style-type: none"> (a) the erection of a new building, or (b) alterations to an existing building that result in the creation of 20% or more additional floor space area, or (c) a change of use that results in either: <ul style="list-style-type: none"> (i) a 20% or more increase in the number of parking spaces on the site; or (ii) an increase of 100 parking spaces or more on the site, whichever is greater. <p>(2) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development achieves the objectives of this clause.</p> <p>(3) In considering whether development to which this clause applies achieves the objectives of this clause, the consent authority must have regard to how the proposed development addresses the following matters:</p> <ul style="list-style-type: none"> (a) the extent to which the development is currently serviced by sustainable transport modes; (b) the likely transport impacts generated by the development and the capacity of the transport network to accommodate these; (c) the extent to which the development will contribute to achieving any mode share targets identified for the locality; and (d) the extent to which the development will promote sustainable transport modes and reduce private vehicle usage. <p>In this clause sustainable transport modes include, but are not limited to walking, cycling, public transport and bus shuttle services.</p> <p>In this clause transport network includes all transport infrastructure that contributes to the accessibility of land, including roads, public transport and pedestrian and bike paths.</p>
Schedules		
Schedule 1	Additional permitted uses	<p>Add clause 4:</p> <p>4 Use of certain land at Botany Road and Birmingham Street, Alexandria</p> <p>(1) This clause applies to land at Botany Road and Birmingham Street, Alexandria (between Gardeners Road and Morley Avenue), as shown edged heavy red and marked “(iv)” on the Locality and Site Identification Map.</p> <p>(2) Development for the purposes of Shop top housing and Seniors housing is permitted with consent.</p>

		<p>Add clause 5:</p> <p>5 Use of certain land at South Dowling Street, Moore Park</p> <p>(1) This clause applies to land at 2A South Dowling Street, Moore Park Botany Road, being Lot 100 and Lot 101, DP 808835, as shown edged heavy red and marked “(v)” on the Locality and Site Identification Map.</p> <p>(2) Development for the purposes of shops is permitted with consent. The sum of the gross floor area of all shops on the land is not to exceed a total of 1000 square metres.</p> <p>Add clause 6:</p> <p>6 Use of certain land at 15 O’Riordan Street and 70 Bourke Road, Alexandria</p> <p>(1) This clause applies to land at 15 O’Riordan Street and 70 Bourke Road, Alexandria, being Lot 7 DP 818246 and Lot 1 DP 387290 respectively.</p> <p>(2) Development for the purposes of depots is permitted with consent where the primary access to and from the site is by Bourke Road, Alexandria, with access to and from O’Riordan Street, Alexandria being used only in the event of an emergency.</p>
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