

ATTACHMENT H

TABLE OF SIGNIFICANT AMENDMENTS

Proposed changes to the exhibited draft planning proposal and drafting instructions

The proposed changes to the exhibited draft Employment Lands Development Planning Proposal are provided at Attachment A. Additions are provided in blue with deleted text being struckthrough.

The proposed changes are consistent with the objectives and intended outcomes of the Planning Proposal (Part1) or the explanation of the provisions included as Part 2.

Proposed change	Explanation
Addition of Clause 1.8B - Savings provision relating to land in the Employment Lands	The proposed addition is to ensure savings provisions apply to any development application on land that is 'excluded' from the Sydney LEP 2012 at the time of its making in 2012.
Amendment to Zone objectives and land use table	<p>The proposed change is to prohibit 'Home occupations' and 'Home occupations (sex services)' in the B6 zone where residential development is not permitted.</p> <p>Drafting instructions and text in the Planning Proposal has been amended accordingly.</p>
Amendment to proposed new clause for public domain in the B6 Enterprise Corridor zone	<p>The proposed change to the publicly exhibited planning proposal is to:</p> <ul style="list-style-type: none"> ● broaden the application of the Clause to apply to all sites where land may be dedicated for public domain, not only public roads. This is following consideration of a number of submissions that identified concerns about the impact that the range of requirements for public domain may have on development potential of certain sites. It is considered reasonable that to achieve the objectives of the planning proposal, and provide a path to secure the necessary infrastructure and public domain outcomes in the B6 zone that the Clause be amended; ● clarifying that only a total of 15 per cent additional height or additional floor space can be achieved on a site, that is: <ul style="list-style-type: none"> ○ where Clause 6.21 Design Excellence of the Sydney LEP requires a design competition, and 10 per cent additional height or floor space is being sought under that clause, additional height or floor space of up to five per cent can be achieved on the site for public domain dedication; but ○ where a design competition is not required, and additional height or floor space is not being sought under that clause, up to 15 per cent of floor space or height can be achieved on the site for public domain dedication; and ● exclude areas in Green Square, where the provision of community infrastructure is incentivised by Clause 6.14. <p>Drafting instructions and text in the Planning Proposal has been amended accordingly.</p>
Amendment to proposed	The proposed change to the publicly exhibited planning proposal is to:

<p>Clause 7.25 - Affordable housing in the B7 – Business Park</p>	<ul style="list-style-type: none"> ● clarify that the clause applies only for affordable housing provided by a public authority or a social housing provider. This is consistent with the stated intent of the clause in the planning proposal, which is to bring the area in line with the provisions that might apply to the area under <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>, if it had not been excluded from operation in Green Square and the Southern Employment Lands because of the affordable housing contribution schemes operating or planned for operation; ● allow for affordable housing to locate on the ground floor of a development, but not where it would be adjacent to an existing or planned public road. This follows consideration of submissions by landowners, including the City of Sydney, who were concerned the exhibited requirement for all of the ground floor to be for a non-residential purpose would impact on the viability of an affordable housing outcome on the subject sites. The exhibited requirement was to address concerns about the impact residential development might have on the activation of streets in the B7 zone. It is therefore reasonable to change the requirement where this risk can be mitigated; ● clarify what matters will be taken into consideration by the consent authority when considering the suitability of affordable housing on the site. This change comes from consideration of submissions that expressed concerns about the impact of sensitive land uses on the operation viability of existing employment uses in the proposed B7 zone. The recommended changes are considered reasonable given the intent of the stated intent of the clause, to allow for affordable housing where it does not undermine the predominantly employment focused objectives of the zone. <p>Drafting instructions and text in the Planning Proposal has been amended accordingly.</p>
<p>Amend existing clause 7.20 - Development requiring preparation of a development control plan</p>	<p>The proposed changes are to allow for staged approval of affordable housing in the B7 Business Park zone where the applicant chooses the staged approach or where the consent authority determines it may have a significant impact on the other non-residential uses in the zone. The change follows consideration of how affordable housing providers, given the substantial considerations provided as part of new clause 7.25, may achieve some certainty of the use being approved prior to undertaking expensive detailed design required for development application. The amendment is intended to provide the consent authority with the flexibility to waive the requirement where there is less risk of the use being a concern.</p>
<p>Clarify Clause 4 of Schedule 1 – Additional Permissible Uses for the use of certain land at Botany Road, Alexandria and Birmingham Street,</p>	<p>The proposed change is to remove any doubt that where a site is located within the Clause 4 Schedule 1 boundary, and has a street address of Birmingham Street, Alexandria, that the additional permissible use is intended to apply there also.</p> <p>Drafting instructions and text in the Planning Proposal has been</p>

Alexandria	amended accordingly.
Addition of Clause 6 Schedule 1 – Additional Permissible Uses relating to 15-17 O’Riordan Street and 7 Bourke Street, Alexandria	<p>Following a submission and additional consultation with Ausgrid, the additional use of ‘depot’ is proposed. The change will enable a future depot to locate on the sites subject to the conditions of the Schedule 1 listing. The depot is considered essential to service the needs of the inner-city population on a day to day basis, as well in the event of emergencies. Proximity of the depot to the City is particularly important in the event of emergencies as is a site with a dual frontage [to Bourke and O’Riordan].</p> <p>Drafting instructions and text in the Planning Proposal has been amended accordingly.</p>
Changes to the ‘Locality and Site Identification Map’	<p>The Locality and Site Identification Map is to be amended to expand the area identified as area (ii). The change follows consideration of a submission from the landowner at 94-96 O’Riordan Street, Alexandria that the area should be expanded to include that site. When introduced in the Sydney LEP, the intent of identifying area (ii) was to provide a layer of planning permissibility for bulky goods and vehicle sales or hire premises so that they were not forced to rely on existing use rights for the ongoing operation of their business. The subject land is currently used for a ‘vehicle sales or hire premises’, which was approved in 2008. Given the existing use and its long standing consent, it is reasonable to include it in the Schedule 1 area.</p> <p>Mapping instructions and text in the Planning Proposal has been amended accordingly.</p>
Changes to the ‘Height of Buildings Map’	The Height of Buildings Map identifies two building heights on 67N Bourke Road. The map is to be amended to show a building height of 22 metres across the entirety of the site.
Additional Appendices	<p>The planning proposal is to include:</p> <ul style="list-style-type: none"> ● Appendix I - Southern Employment Lands Infrastructure Plan, which is to provide additional context to planning proposal; ● Appendix J - Employment Lands Affordable Housing Program, which was publicly exhibited with the draft planning proposal and draft DCP amendment and provides the monetary contribution rate, requirements and operational aspects for changes to Clause 7.13 and proposed Clause 7.25; ● Appendix K - City of Sydney Review of the Plan for Growing Sydney, which is a strategic review of the planning proposal in the context of the Plan for Growing Sydney, that was published following the exhibition of the planning proposal. ● Appendix L - Summary of Submissions to the public exhibition of the planning proposal, which is a summary of the submissions received together with the City’s response.
Amendments to text	A number of amendments are made to the text of the planning proposal to make clarifications, provide additional information or

	reflect changes or new information that has emerged since the planning proposal was exhibited.
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Proposed changes to the exhibited Development Control Plan amendment

The proposed changes to the exhibited draft Employment Lands Development Control Plan amendment are provided at Attachment B. Additions are provided in blue with deleted text being struckthrough.

Proposed change	Explanation
Amend 2.10.1 and 2.10.2	The change is to recognise the new active square identified at the head of the Alexandra Canal.
Amend provision 4.2.5.3	The change is to improve the clarity of the provision.
Add provision to 5.8.1	The change is to ensure that savings provisions apply to any development application on land that is 'excluded' from the Sydney LEP and DCP at the time of their commencement in 2012.
Amend Figure 5.104	The change is to: <ul style="list-style-type: none"> remove a planned road that is no longer required because of the heritage value of buildings that would be affected by the road; remove references to 'activity nodes', which are generally identifies as 'activity hubs'; identify the Liveable Green Network along the open canal from just south of Bowden Street to Wyndham Street. This reflects the 'water channel link' previously identified in the Green Square Structure Plan but inadvertently removed from the Employment Lands maps.
Amend provision 5.8.2.2	The change is to remove from Table 5.9 the requirement for a street setback and to add the requirement in words within the main body of the provision.
Move provisions 5.8.2.10 and 5.8.2.11	The change is to move provisions 5.8.2.10 and 5.8.2.11 under new provision 5.8.6 - Building design for employment zones. Some changes have been made to the wording of the provisions to: <ul style="list-style-type: none"> improve readability and bring together under one provision the design requirements that must be considered when preparing an application for development in an employment zone; reiterate the primary purpose of the southern employment lands as being to accommodate employment generating uses, that is, sensitive land uses should only be approved where they do not have unreasonable impact on the primary purpose; detail considerations for determining development applications for affordable housing in the B7 zone; ensure approved truck routes are not affected by sensitive land uses.
Move provisions 5.8.3.2(2-3)	The change is to move provisions 5.8.3.2(2-3) under new provision 5.8.3.4. Some changes and additions have been made to the wording

	<p>of the provisions to:</p> <ul style="list-style-type: none"> ● improve readability; ● reflect proposed post exhibition changes to the draft Clause 6.22 of the Sydney LEP 2012.
Amend Figure 5.104	The change is to identify an active square at the head of the Alexandra Can and to identify future active edges in key locations.
Amend Figure 5.107	The change is to remove a planned road that is no longer required because of the heritage value of buildings that would be affected by the road.
Amend the preamble of provision 5.8.3.3	The change is to add a reference to proposed public domain incentive Clause in the Planning Proposal, which will relate to public domain dedications.
Move provision 5.8.6	The change is to renumber provision 5.8.6 as provision 5.8.7.1. No amendment has been made to the written provisions.
Amend Green Roofs schedule	<p>The change is to:</p> <ul style="list-style-type: none"> ● reflect the latest numbering of Schedules in the DCP; and ● add a link to Councils Green Roofs page at www.cityofsydney.nsw.gov.au/green-roofs-and-walls
Changes to the Maps	<p>A number of changes are proposed to the DCP maps, including:</p> <ul style="list-style-type: none"> ● removal of a portion of road in the north west corner of the southern employment lands wherever it is identified. The road is no longer required because of the heritage value of buildings that would be affected by the road; ● identify the Liveable Green Network along the open canal from just south of Bowden Street to Wyndham Street. This reflects the 'water channel link' previously identified in the Green Square Structure Plan but inadvertently removed from the Employment Lands maps; ● the 'Building height in storeys' map which on two separate sites identifies in error two heights. The change affects 67N Bourke Road and 34A Burrows Road, Alexandria; ● the 'Active frontages' map which inadvertently removed current active edges from the exhibited version of the map. Current active edges have been reintroduced into the document. An additional active frontage along McEvoy Street has also been identified.

Proposed changes to the exhibited draft Employment Lands Affordable Housing Program

The proposed changes to the exhibited draft Employment Lands Affordable Housing Program are provided at Appendix J of Attachment A. Additions are provided in blue with deleted text being struckthrough.

Proposed change	Explanation
Title page	To reflect the status of the Program if amended.
'Status of this Document' section	Following public exhibition the section is no longer required
Removal of public exhibition explanatory notes	Following public exhibition the notes are no longer required
Amend references to the Centre for Affordable Housing	Following public exhibition of the draft program the Centre for Affordable Housing (Centre) changed its name to the Community, Homes and Place Program (CHPP). All references in the document have been updated.
Additions to Section 2.1.4	<ul style="list-style-type: none"> To ensure that affordable housing resulting from the Scheme is owner either by government or by an eligible community housing provider. To clarify that affordable housing can be rented at up to a maximum of 30 per cent of gross household income, but there is no minimum rate that it must be rented at.
Additions to Section 2.3.2	To provide guidance about how a condition requiring a contribution may be satisfied where there is no construction certificate.
Additions to Appendix B – Program Steering Committee – Terms of Reference	<ul style="list-style-type: none"> To clarify the primary focus of the Committee as being on administration of the Scheme. To include in the Terms of Reference the further explanation the role of the Committee in providing advice and recommendations about tenders and/or requests for expressions of interest.