

ATTACHMENT A

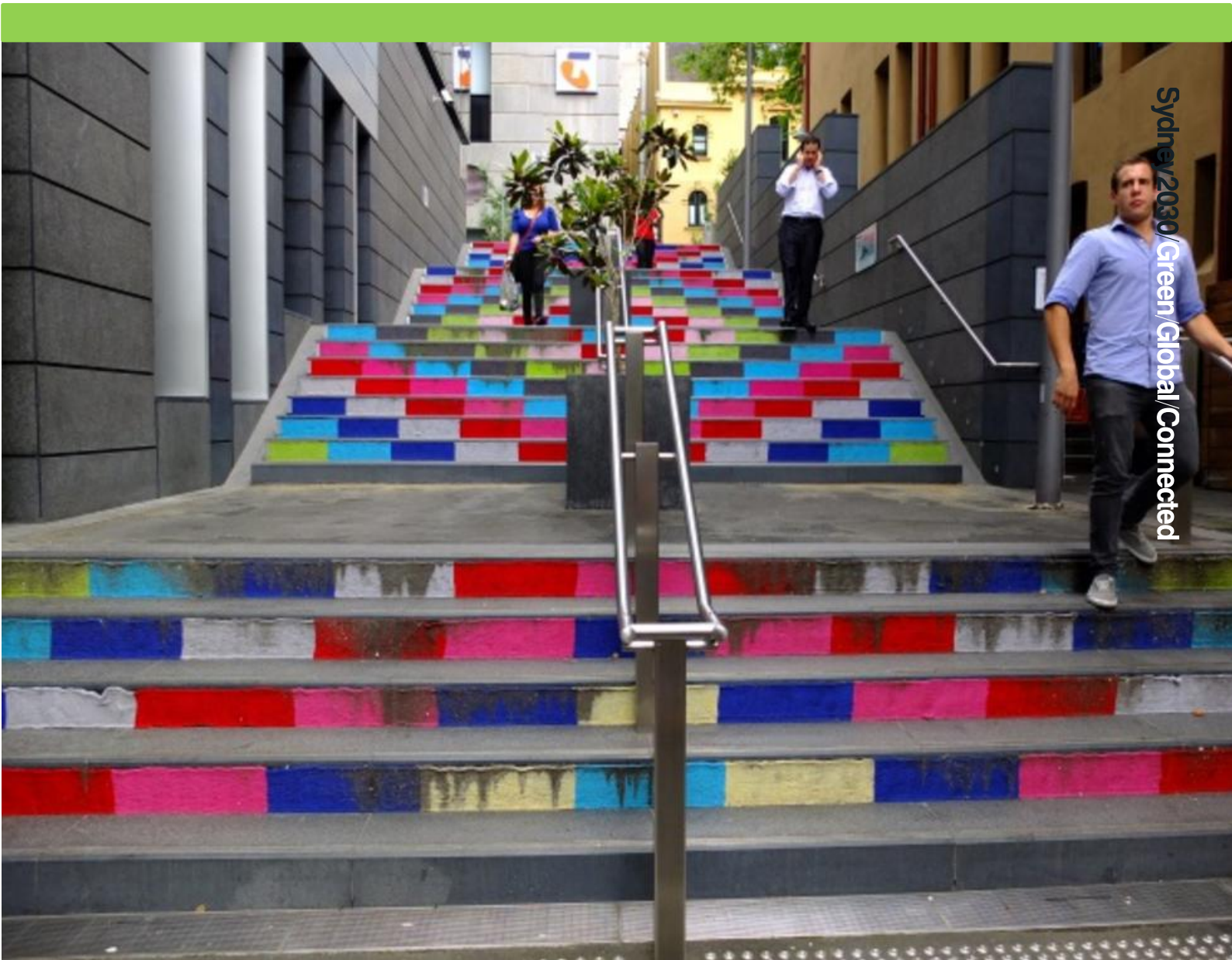
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**PLANNING PROPOSAL FOR SYDNEY
LOCAL ENVIRONMENTAL PLAN 2012 –
MINOR POLICY & HOUSEKEEPING
AMENDMENTS 2014**

Planning Proposal

Sydney LEP 2012 – Minor Policy & Housekeeping Amendments 2014

July 2015



Sydney 2030 / Green / Global / Connected

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Appendix A: Proposed Amendments to Sydney LEP 2012

Introduction

The *Planning Proposal: Sydney LEP 2012 – Minor Policy and Housekeeping Amendments 2014* (planning proposal) explains the intent of, and justification for, the amendment to *Sydney Local Environmental Plan 2012* (the LEP).

The planning proposal is to implement minor policy and housekeeping amendments to the LEP that:

- align future development and the objectives of the City's *Sustainable Sydney 2030*; and
- improve the operation and accuracy of the plan by permitting additional uses to a site, correcting errors, refining definitions, correcting descriptions, removing barriers and updating details.

This planning proposal amends the LEP to:

- allow low impact creative uses in the R1 General Residential zone (amendment number 1);
- allow wind affected balconies on high rise residential towers to be partially enclosed without counting the floor space towards gross floor area (amendment number 2);
- remove a disincentive to providing community facilities and child care centres in Central Sydney under the accommodation floor space scheme (amendment number 3),
- refine the application of lanes development floor space (amendment number 4),
- clarify the meaning of car parking space and car share parking scheme to facilitate the provision of car share parking spaces (amendment number 5),
- allow 'business premises' to be permitted on land at 83-93 Dalmeny Avenue, Rosebery (amendment number 6),
- clarify the amount that a heritage floor space allocation may be reduced by for development in existing buildings (amendment number 7),
- clarify community floor space requirements in Green Square (amendment number 8),
- correct the description of sun access plane coordinates for Belmore Park and Hyde Park west (amendment 9),
- correct the design excellence clause by replacing the term 'capital value' with 'capital investment value' (amendment 10),
- update the opportunities site map to correctly identify opportunity sites eligible for additional floor space (amendment 11),
- update relevant maps to accurately show the site boundaries for 17 Elizabeth Bay Road Potts Point (amendment 12),
- correct an error in the heritage listing for 22-26 York Street Sydney which incorrectly identifies 345-355 George Street Sydney as part of the heritage item (amendment 13),
- update the heritage schedule to remove sites which do not have heritage significance (amendment numbers 14 and 15), and
- reflect the significance of various heritage items and ensure they are accurately described (amendment numbers 16 to 19).

A detailed explanation, justification and drafting instruction for each amendment is in **Appendix A**.

The proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

The planning proposal relates only to those matters to be amended in the LEP. For amendment numbers 2, 5 and 8, more detailed planning provisions are included in the *Draft Sydney Development Control Plan – Minor Policy and Housekeeping Amendments 2014* (draft DCP).

Background

The LEP came into effect on 14 December 2012. The LEP is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Local Environmental Plan.

Since the LEP has been in force, the City has identified a number of housekeeping amendments needed to improve the operation and accuracy of the plan. Minor policy amendments are also proposed so that the City's planning framework contributes to the City's environmental, social and economic aims for development.

The City continuously reviews the Sydney LEP 2012 to ensure it aligns with Sustainable Sydney 2030 and delivers positive outcomes for the City of Sydney community. Objective 9.4 of the City's *Sustainable Sydney 2030* specifically recognises the City's planning framework and its implementation towards ensuring long term growth.

Part 1: Objectives and intended outcomes

The objectives of this planning proposal are to:

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

Part 2: Explanation of provisions

To achieve the proposed objectives, the planning proposal amends the provisions of the LEP as shown in Table 1. **Appendix A** provides further details of each item including the justification and drafting instructions.

Table 1 – List of amendments

Item number	Item name	Description
Minor Policy		
1	Creative uses	Introduce a new clause to reduce the barriers to the supply of work spaces for creative uses by allowing adaptive reuse of non-residential buildings in the R1 General Residential zone.
2	Wind affected balconies	Introduce a new clause to permit balconies on residential towers over 30m high to be partially enclosed without counting the balcony floor space towards gross floor area.
3	Community facilities and child care	Amend clause 6.4 Accommodation Floor Space to remove a barrier for community facilities and child care centres by

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Item number	Item name	Description
	centres	identifying those uses as being able to be awarded accommodation floor space.
4	Lanes development floor space	Amend clause 6.8(1)(c) and introduce a new map to identify where lanes development floor space may apply.
5	Car share parking spaces	Amend clause 7.2 under Part 7, Division 1 Car Parking ancillary to other development, to exclude car share scheme parking spaces and introduce a new provision to define the meaning of a car share scheme.
Housekeeping		
6	83-93 Dalmeny Avenue, Rosebery	Amend Schedule 1 Additional Permitted Uses to allow 'business premises' on the land.
7	Heritage floor space	Amend Heritage Floor Space clause 6.11(2)(c) to clarify the amount that a heritage floor space allocation may be reduced by for development in existing buildings.
8	Community Infrastructure – Green Square	Amend clause 6.14 to refine the meaning of community infrastructure and the basis upon which additional floor space for community infrastructure is appropriate.
9	Sun access planes	Amend clause 6.17 to correct the description of sun access coordinates for Belmore Park and Hyde Park west.
10	Capital Investment Value	Amend the Design Excellence clause 6.21(5)(b) by replacing the reference term 'capital value' with 'capital investment value', which is defined under the Environmental Planning and Assessments Regulation 2000.
11	453 and 443-451 Kent Street, Sydney	Amend the Opportunity Sites Map to remove 453 Kent Street, Sydney and identify 443-451 Kent Street, Sydney as an opportunity site.
12	17 Elizabeth Bay Road, Potts Point	Amend the Height of Building Map and Floor Space Ratio Map to align the building height and floor space boundaries with the lot boundary of 17 Elizabeth Bay Road, Elizabeth Bay.
13	22-24 York Street, Sydney (heritage item I1976)	Amend the Heritage Schedule to correct the property description for the heritage item at 22-26 York Street, Sydney so the listing does not apply to buildings that do not have heritage significance.
14	372 Riley Street, Surry Hills (heritage item I1612)	Amend the Heritage Schedule to remove 372 Riley Street, Surry Hills (Lot 1 DP 770605) as it has been demolished.
15	73 Glebe Point Road, Glebe	Amend the Heritage Schedule to remove 73 Glebe Point Road, Glebe (Lot 1 DP 736366) as it has been demolished.

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Item number	Item name	Description
	(heritage item I700)	
16	69-77 King Street, Newtown, Trocadero Hall (heritage item I988)	Amend the Heritage Schedule to replace 'Lot 1' with 'Lot 5' in the property description for 69-77 King Street, Newtown.
17	117-119 Young Street, Redfern, St Saviour's Anglican Church Group (heritage item I1369)	Amend the Heritage Schedule to replace 'Lot A' with 'Part Lot A' in the property description for 117-119 Young Street, Redfern.
18	97-99 Victoria Street, Potts Point (heritage item I1172)	Amend the Heritage Schedule to correct the item name details to reflect the significance of the dwellings at 97-99 Victoria Street, Potts Point.
19	1-3 Rosebery Avenue, Rosebery (heritage item I1379)	Amend the Heritage Schedule to correct the item name from 'National Springs' to 'Moffat Virtue' to reflect the significance of 1-3 Rosebery Avenue, Rosebery.
20 19	168-174 Cathedral Street, Woolloomooloo (heritage item I2132) 168-174 Cathedral Street, Woolloomooloo (174-174A Cathedral Street) (heritage item I2133)	Amend the Heritage Schedule to correct the item name and address details for properties to reflect their individual significance.

Part 3: Justification

Section A – Need for this planning proposal

A detailed justification of each amendment including relevant background information is included in **Appendix A**.

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

No. The proposed amendments are the result of ongoing monitoring and review of the land use and planning controls. The proposed amendments relate to minor policy and housekeeping only.

The minor policy and housekeeping amendments will encourage desirable uses and forms of development, improve the operation of the controls to ensure the intended planning outcomes can be achieved and increase certainty for proponents, the community and the City.

The proposed amendments will improve the clarity and useability of the LEP by providing consistent development control, improving certainty, correcting identified errors and anomalies.

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

Yes. The planning policy is the best means of achieving the objectives and intended outcomes in Part 1.

Amendments to the planning instrument will help the City deliver outcomes on policy matters relating to creative uses, car share schemes, laneways revitalisation and community and child care facilities for its communities.

Public and private investment in development that will achieve the policy outcomes could be assisted with the removal of planning barriers and ensuring planning controls are effective as possible.

3. Is there a net community benefit?

Yes. It is considered that the planning proposal will provide a net community benefit in that:

- it provides increased certainty and clarity to proponents, landowners and the broader community,
- the amendments will contribute positively to the community by:
 - supporting the supply of work spaces for creative uses,
 - encouraging the provision of community facilities and child care centres in Central Sydney,
 - activating laneways with fine grain development and contributing to a vibrant city,
 - encouraging sustainable transport habits, and
 - ensuring the type of community infrastructure provided contributes to the amenity of the community.

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 A Plan for Growing Sydney and the exhibited draft strategies)?

A Plan for Growing Sydney

In December 2014 the NSW Government published *A Plan for Growing Sydney*. A Plan for Growing Sydney is a State Government strategic document that outlines a vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, 689,000 new jobs by 2031 and a requirement for 664,000 new homes.

In responding to these and other challenges, *A Plan for Growing Sydney* sets out four goals:

1. A competitive economy with world-class services and transport;
2. A city of housing choice with homes that meet our needs and lifestyles;
3. A great place to live with communities that are strong, healthy and well connected; and
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

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To achieve these goals, the plan proposes 22 directions and associated actions. The Planning Proposal is consistent with relevant goals, directions and actions of the plan.

Draft Sydney City Subregional Strategy

The NSW Government's draft *Sydney City Subregional Strategy* sets directions and actions for the implementation of the previous metropolitan strategy at a more detailed local level. Subregional planning provides a framework for coordinating planning, development, infrastructure, transport, open space networks and environmental actions across local and state government agencies.

The planning proposal is consistent with the draft *Sydney City Subregional Strategy* as discussed within Table 2 below.

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

Key Direction	Statement of Consistency
Reinforce global competitiveness and strengthen links to the regional economy.	Not inconsistent. The planning proposal will have negligible impact on the regional economy.
Ensure adequate capacity for new office and hotel developments.	Not inconsistent. The planning proposal will have negligible impact on capacity for office and hotel developments.
Plan for sustainable development of major urban renewal projects.	Consistent. The amendment to clarify the community floor space requirements in Green Square will support the provision of infrastructure in Green Square.
Plan for housing choice	Consistent. The planning proposal will not reduce the opportunities to provide a range of housing types in the council area. Changes to land uses at 83-93 Dalmeny Avenue and in the R1 General Residential zone support appropriate non-residential development while continuing to allow for the current range of housing opportunities.
Develop an improved and increasingly integrated transport system that meets the City's multiple transport needs.	Consistent. The planning proposal will have negligible impact on existing and future road infrastructure. The amendment to the car parking space controls removes a barrier to providing parking spaces for car share schemes in private development. Car share schemes encourage sustainable transport habits and provides walkers, cyclists and public transport users with convenient access to a vehicle. Car share spaces in off-street development will bring wider benefits through reduced impacts on traffic and parking.
Improve the quality of the built environment and aim to decrease the subregion's ecological footprint.	Consistent. The planning proposal will have negligible impact on the quality of the built environment and the subregion's ecological footprint. The amendment relating to partially enclosed balconies will make these private external open spaces more useable. The group of amendments to reflect the significance of various heritage items and ensure they are accurately described supports the conservation of heritage items.

Key Direction	Statement of Consistency
Enhance the City's prominence as a diverse global & cultural centre.	Consistent. The amendment to the lanes development floor space clause supports 'finegrain' laneway development which contributes to a more lively and engaging City.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Sustainable Sydney 2030 (SS2030) outlines the City's vision for a 'green', 'global' and 'connected' City of Sydney and sets targets, objectives and actions to achieve that vision. The vision was adopted by Council in 2008. Six of the ten strategic directions of SS2030 which relate to the planning proposal are:

- Direction 3 - Integrated Transport for a Connected City – the draft controls provide more certainty about car share, which increases the range of transport options for City residents.
- Direction 4 – A City for Walking and Cycling – the draft controls provide more certainty about car share, which encourages sustainable transport habits and provides walkers, cyclists and public transport users with convenient access to a vehicle.
- Direction 5 - A Lively and Engaging City Centre – the draft controls create opportunities for fine grain laneway development and encourage cultural, creative, retail and small business activity in the City Centre.
- Direction 6 - Vibrant Local Communities and Economies – the draft controls facilitate the provision of community facilities and child care centres in Central Sydney.
- Direction 7 - A Cultural and Creative City – the draft controls create opportunities for the supply of work spaces for creative uses.
- Direction 9 - Sustainable Development, Renewal and Design – the draft controls promote development that is well designed and fit for purpose. The draft controls are the result of regular monitoring and review of land use and planning controls to ensure sustainable long-term growth.

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

The planning proposal is consistent with applicable SEPPs and deemed State Environmental Planning Policies (formerly known as Regional Environmental Plans (REPs)) as shown in Table 3. In this section, 'consistent' means that the planning proposal does not contradict or hinder application of the relevant SEPP.

Table 3 – Consistency with SEPPs and REPs

SEPPs with which the planning proposal is consistent
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

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(Major Development) 2005; SEPP (Infrastructure) 2007; SEPP (Temporary Structures) 2007; SEPP (Exempt and Complying Development Codes) 2008; SEPP (Affordable Rental Housing) 2009
<i>SEPPs that are not applicable to the planning proposal</i>
4—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; SEPP No 29—Western Sydney Recreation Area; 30—Intensive Agriculture; 33—Hazardous and Offensive Development; 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 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
<i>REPs with which the planning proposal is consistent</i>
Sydney REP (Sydney Harbour Catchment) 2005
<i>REPs that are not applicable to the planning proposal</i>
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; 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; Greater Metropolitan REP No 2— Georges River Catchment; Darling Harbour Development Plan No. 1.

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

The planning proposal is consistent with applicable Ministerial Directions as shown in Table 4. A discussion of key issues arising from particular Ministerial Direction for the planning proposal follows. In this section, 'consistent' means that the planning proposal does not contradict or hinder application of the relevant SEPP.

Table 4 – Consistency with Ministerial Directions under section 117

<i>Ministerial Directions with which this planning proposal is consistent</i>
1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.1 Residential Zones; 3.3 Home occupations; 3.4 Integrating Land use and Transport; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; 6.1 Approval and Referral Requirements; 6.2 Reserving Land for Public Purposes; 6.3 Site Specific Provisions; 7.1 Implementation of the Metropolitan Plan for Sydney 2036
<i>Ministerial Directions that are not applicable to the planning proposal</i>
1.2 Rural Zones; 1.3 Mining, Petroleum Production and Extractive Industries; 1.4 Oyster

Aquaculture; 1.5 Rural Lands; 2.1 Environmental Protection Zones; 2.2 Coastal Protection; 2.4 Recreation Vehicle Areas; 3.2 Caravan Parks and Manufactured Home Estates; 3.5 Development Near Licensed Aerodromes; 3.6 Shooting Ranges; 4.2 Mine subsidence and Unstable land; 4.4 Planning for Bushfire Protection; 5.1 Implementation of Regional Strategies; 5.2 Sydney Drinking Water Catchments; 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

Direction 1.1 Business and Industrial Zones: the proposed amendments do not affect the areas or locations of existing business zones nor does it reduce the total floor space capacity for industrial uses in industrial zone.

Direction 3.1 Residential Zones: the proposed amendment to allow business uses at 83-93 Dalmeny Avenue, Rosebery is to allow for the continued operation of existing businesses that are well established and service the needs of local residents. It will not result in a loss of the net amount of land zoned residential nor affect the permissible residential density of the land.

The amendment to permit low impact creative uses in the R1 General Residential zone will not reduce the amount of land used as residential in these zones as low impact creative uses will be restricted to the use of existing non-residential buildings only.

Direction 3.4 Integrating Land Use and Transport: the amendment to the car parking controls will remove a barrier to providing car share schemes in development. Car share schemes encourage sustainable transport habits and provide walkers, cyclists and public transport users with convenient access to a vehicle when needed.

Direction 7.1 Implementation of A Plan for Growing Sydney: the planning proposal is consistent with *A Plan for Growing Sydney*.

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

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

Introducing creative uses into R1 General Residential zones will increase the opportunities for creative work spaces. Creative uses can provide social capital to well-being, engagement and skills development. Creative uses also contribute to the City's economy. It may also represent competition

with other non-residential uses in the zone and an intensification of a mix of activities in residential zone.

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

The amendment relating to 83-93 Dalmeny Avenue Rosebery to B4 Mixed Use is to ensure the current and future operations of existing businesses on site are not compromised. The existing group of shops and businesses in this development provide a neighbourhood level of service to this well-established residential population.

The proposed amendments reflect the significance of various heritage items and ensure they are accurately described. This assists the conservation of items that have cultural significance to the local community.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes. The proposed amendments do not increase the need for infrastructure.

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

Appropriate consultation was conducted when the Gateway determination was issued.

Part 4: Mapping

All draft maps accompanying this planning proposal are included with the relevant amendment item in **Appendix A**. In summary they relate to:

- a new Lanes Map that identifies the lanes that lanes development floor space applies to (amendment 4),
- amend the Opportunity Sites Map sheet (OPS_015) to remove 453 Kent Street Sydney and identify 443-451 Kent Street Sydney as an opportunity site (amendment 11),
- amend the building heights map sheet (HOB_022) and floor space ratio map sheet (FSR_022) for 17 Elizabeth Bay Road, Elizabeth Bay to align with the lot boundaries (amendment 12),
- the deletion of 372 Riley Street, Surry Hills from the heritage schedule and heritage map sheet HER_016 (amendment 14), and
- the deletion of 73 Glebe Point Road, Glebe from the heritage schedule and heritage map sheet HER_009 (amendment 15).

Part 5: Community consultation

The requirements for community consultation were set out in the Gateway Determination issued by the Minister of Planning dated 14 December 2014.

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The amendments were exhibited from Tuesday 10 March to Tuesday 7 April 2015.

The public exhibition included:

- advertisement on the City of Sydney website;
- advertisement in The Sydney Morning Herald and relevant local newspapers; and
- directly inviting comments from the private owners of the affected land at:
 - Properties adjoining Central Sydney lanes identified by the amendment to clause 6.8;
 - 83-93 Dalmeny Avenue, Rosebery;
 - 22-26 York Street, Sydney and 345-355 George Street, Sydney;
 - 372 Riley Street, Surry Hills;
 - 73 Glebe Point Road, Glebe;
 - 69-77 King Street, Newtown;
 - 117-119 Young Street, Redfern;
 - 97-99 Victoria Street, Potts Point;
 - 1-3 Rosebery Avenue, Rosebery;
 - 168 Cathedral Street, Woolloomooloo, 170 Cathedral Street, Woolloomooloo and 172-174 Cathedral Street, Woolloomooloo;
 - 453 Kent Street, Sydney and 443-451 Kent Street, Sydney; and
 - 17 Elizabeth Bay Road, Elizabeth Bay.

Exhibition material was display at the following City of Sydney customer service centres:

CBD

Level 2, Town Hall House
456 Kent Street
Sydney NSW 2000

Glebe

186 Glebe Point Road
Glebe NSW 2037

Green Square

100 Joynton Avenue
Zetland NSW 2017

Kings Cross

50 - 52 Darlinghurst Rd
Kings Cross NSW 2011

Redfern

158 Redfern Street
Redfern NSW 2016

Part 6: Project Timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15
Commencement/ submit to DP&E for Gateway Determination											
Gateway Panel consider Planning Proposal											
Receive Gateway Determination											
Public Exhibition of Planning Proposal											
Consideration of submissions											
Post Exhibition report to Council and CSPC											
Council meetings											
Draft and finalise LEP											
LEP made (if delegated)											
Plan forwarded to DP&E for notification											

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Proposed Amendments to Sydney LEP 2012

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AMENDMENT 1 - FACILITATING LOW IMPACT CREATIVE USES	
Objectives/ intended outcomes	This amendment seeks to reduce barriers to the supply of work spaces for creative uses by allowing adaptive reuse of non-residential buildings in residential zones for creative uses.
Site identification	Applicable development in R1 General Residential zones throughout the council area.
Explanation	To introduce a new clause to permit low impact creative uses in the R1 General Residential zone.
Justification	<p>Creative uses can provide social capital and contribute to community well-being, engagement and skills development. Creative uses also contribute to the City's economy and a city that is an attractive place to live, work and invest. <i>Sustainable Sydney 2030</i> and the <i>Draft Cultural Policy and Action Plan 2014 – 2024</i> have objectives to support the provision of space for creative industries. Challenges for creative industries include an adequate supply of affordable and appropriate workspaces to showcase, practice or sell their work.</p> <p>The NSW Department of Culture, Media and Sport's <i>Creative Industries Mapping Document (2001)</i> defines creative industries as those industries which have their origin in individual creativity, skill and talent, and that have a potential for wealth and job creation through the generation and exploitation of intellectual property. The industries are formed from a broad range of sub-sectors.</p> <p>Under this amendment, creative uses are specifically defined as media, fine arts, arts & crafts, design (fashion, industrial, graphic), film and television, photography and publishing. This amendment focusses on a limited range of uses, rather than the broad spectrum which includes advertising, music, performing arts, theatres and the like.</p> <p>Creative uses are not defined in the Sydney LEP 2012 but fall under a range of group terms. For example:</p> <ol style="list-style-type: none"> (1) artist studios with teaching facilities or creative businesses with training facilities are typically 'business premises'; (2) artists' studios, web development, graphic design, film editing and art photography are typically 'office premises'; and (3) handmade furniture design, fashion design with manufacturing, artist studio and craft, pottery and sculpture are typically 'light industry' definition. <p>Much of the City is zoned for mixed use or business where a large range of creative uses are permitted as 'commercial premises' which includes retail, office and business premises. Industrial zones also permit and attract creative uses due to lower land values.</p> <p>However, in the residential zones, business and office premises and light industry are prohibited. This means creative uses such as artist studios with and without teaching facilities, arts & craft or photography studios with and without teaching facilities, graphic design and film editing premises are prohibited. These creative uses are prohibited even though they may be low impact and compatible with the</p>

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area.

The areas zoned R1 General Residential (R1 zone) have traditionally supported a limited range of compatible non-residential development. There is non-residential building stock in these zones, such as warehouses and corner shops, that could be used for appropriate non-residential purposes, but which the LEP does not currently allow. Non-residential buildings that have not yet been converted to residential offer opportunities for workspaces for creative uses.

Sydney LEP 2012 is the consolidation of three different zoning approaches under the previous controls and their translation into the NSW Government's Standard Instrument format. Residential zones were generally converted to the R1 General Residential zone.

The South Sydney LEP 1998 permitted compatible non-residential development in the 2(b) residential zone. However, the R1 General Residential zone only permits limited non-residential uses such as shops and food and drink premises, 'home industry' and 'home business'. The adaptive reuse of existing non-residential buildings for creative uses is not permitted.

It is proposed to permit low impact office, business and light industrial creative uses in the R1 General Residential zone. They will only be permitted in existing non-residential buildings and where they do not detract from the amenity of the area. To manage potential impacts with neighbouring residential uses and ensure the uses are compatible with residential development, only the following low-impact uses will be permitted: media, fine arts, arts & crafts, design (fashion, industrial, graphic), film and television, photography and publishing.

It is not recommended to amend the Land Use Table for Zone R1 General Residential to allow 'office premises', 'business premises' or 'light industry' uses (or their group terms) to be permitted with consent. This is not considered an appropriate approach given the unintended consequences that arise from the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Exempt and Complying SEPP) from this approach.

Change of use of premises is possible under the Exempt and Complying SEPP. To be exempt or complying development, the new use must meet the standards specified and comply with the requirements in the SEPP. This includes that the new use must be permissible with consent under an environmental planning instrument applying to the land being developed.

The proposed amendment will only make certain forms of business and office premises and light industry permissible in the R1 zones, for example media, fine arts, arts & crafts, design (fashion, industrial, graphic), film and television, photography and publishing. 'Office premises', 'business premises' and 'light industry' (or their group terms) will still be prohibited under the Land Use Table. If 'office premises', 'business premises' and 'light industry' (or their group terms) are permitted with consent as a way to address the situation, it would mean exempt and complying development applications to change the use of the premises to any type of business, office or light industry would be possible in future. This will encourage uses that may not be compatible with the R1 zone objectives.

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AMENDMENT 1 - FACILITATING LOW IMPACT CREATIVE USES


	<p>The new clause will apply to existing non-residential buildings only and not allow additional floor space or changes to the external form of the building. Also, the consent authority is to be satisfied that the use does not detract from the amenity enjoyed by nearby residents including that the hours of operation are appropriate.</p>
<p>Drafting instructions</p>	<p>Insert a new local clause. The objective is to permit low impact creative uses in the R1 General Residential zone. The new clause is to:</p> <ol style="list-style-type: none"> (1) apply to existing non-residential buildings on land in Zone R1 General Residential that were constructed, wholly or partly, for a purpose other than residential accommodation and erected before the commencement of Sydney LEP 2012; (2) permit development for the purposes of business and office premises and light industry that will be used for media, fine arts, arts & crafts, design (fashion, industrial, graphic), film and television, photography or publishing; and (3) require the consent authority be satisfied that: <ol style="list-style-type: none"> a) the development is compatible with and does not detract from the amenity of residential development, b) the building is suitable for adaptive reuse, c) no additional floor space is proposed to the building, d) modifications to the building façade are minimal, and e) appropriate hours of operation are imposed. <p>Amendments should not result in any changes to the Land Use Table for the R1 General Residential zone. Where ‘office premises’, ‘business premises’ or ‘light industry’ (or their group terms such as ‘commercial premises’ or ‘industries’) are prohibited, the status quo is to be maintained. Alternatively, ‘office premises’, ‘business premises’ or ‘light industry’ (or their group terms such as ‘commercial premises’ or ‘industries’) are not be made permissible with consent.</p> <p>An example of what the clause may look like is provided below:</p> <ol style="list-style-type: none"> (1) The objective of this clause is to provide for creative uses specified in (3) below. (2) This clause applies to land in Zone R1 General Residential. (3) Development consent must not be granted to development for the purpose of business premises, office premises or light industry on land to which this clauses applies unless the consent authority is satisfied that: <ol style="list-style-type: none"> a) the development will be used for media, fine arts, arts & crafts, design (fashion, industrial, graphic), film and television, photography, publishing, and <ol style="list-style-type: none"> (i) the development is located within a building that was constructed wholly or partly for a purpose other than residential accommodation and was erected before the

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AMENDMENT 1 - FACILITATING LOW IMPACT CREATIVE USES

	<p>commencement of this Plan,</p> <ul style="list-style-type: none">(ii) the development is compatible with, and does not detract from the amenity of residential development,(iii) the building is suitable for adaptive reuse,(iv) no additional floor space is proposed to the building,(v) modifications to the building façade are minimal (e.g. signage only), and(vi) appropriate hours of operation are imposed.
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ATTACHMENT A

AMENDMENT 2 – WIND AFFECTED BALCONIES	
Objectives/ intended outcomes	To provide more usable private open spaces by allowing balconies on high-rise residential towers to be partially enclosed without reducing the overall residential development potential.
Site identification	Applicable development LGA-wide
Explanation	A new provision will allow the partial enclosure of balconies on residential towers over 30 metres high without counting the balcony floor area towards the gross floor area. The consent authority is to be satisfied that the enclosure is designed for use as an external space, has adequate natural ventilation, cannot be fully enclosed and will not increase the bulk of the development.
Justification	<p>Balconies on high-rise residential buildings can suffer from very high wind speeds and other amplified adverse weather conditions. They can be difficult to regularly and comfortably use as private open space.</p> <p>Under the LEP definition, balcony floor area is required to be counted as gross floor area when balconies are enclosed with walls above 1.4 metres high. This discourages proponents partially enclosing balconies to provide useable private open space.</p> <p>The proposed amendment will allow the floor space of partially enclosed balconies to facilitate this design outcome. The amendment will also allow the floor area of partially enclosed balconies to be excluded from the calculation of gross floor area. This will provide for private open space with relatively minor changes to the overall bulk of a high rise residential flat building.</p> <p>Enclosed balconies were approved by the Central Sydney Planning Committee for the Greenland Centre at 115-119 Bathurst Street, Sydney. These enclosed balconies were designed to be naturally ventilated external spaces protected from wind and rain. A similar outcome was approved for the Lumiere Residences at 101 Bathurst Street, Sydney in 2003. A photomontage of the Greenland Centre balconies is shown below:</p> 

AMENDMENT 2 – WIND AFFECTED BALCONIES	
	<p>Residential buildings over 30 metres high create wind conditions that make using balconies uncomfortable. To control the bulk of the building, the amount of floor area for enclosed balconies that can be excluded from the gross floor area calculation cannot exceed 15 per cent of the gross floor area of the apartment to which is it connected. This takes into account the average size of balconies in the Residential Flat Design Code.</p> <p>DCP provisions have been drafted to guide the consent authority’s consideration of the design of the balconies and enclosures.</p>
Drafting instructions	<p>Insert a new clause that allows balconies on residential high rise towers to be partially enclosed without the need to include balcony floor area as gross floor area.</p> <p>The new clause is to:</p> <ol style="list-style-type: none"> (1) apply to residential flat buildings over 30 metres high. (2) enable the partial enclosure of balconies to provide open private open space that is usable and has reasonable amenity. (3) allow the consent authority to exclude the floor area of partially enclosed balconies from the calculation of gross floor area. (4) the maximum area that may be excluded from the calculation of gross floor area under the clause is 15 per cent of the gross floor area of the apartment to which the enclosed balcony is connected. (5) require the consent authority to be satisfied that: <ol style="list-style-type: none"> (a) the enclosure is designed as a balcony for use as external open space, (b) the enclosure has adequate natural ventilation and cannot be fully enclosed, and (c) the bulk of the building is no greater than if would be if the balconies were not partly enclosed. <p>An example of what the clause will look like is provided below:</p> <p>Wind affected balcony floor space</p> <ol style="list-style-type: none"> (1) The objective of this clause is to provide reasonable wind amenity for private residential balconies on high rise buildings. (2) The clause applies to residential development within a building with a height of 30 metres or more. (3) The consent authority may exclude the floor area of a private external balcony that is partially enclosed by a wind screen from the calculation of gross floor area. (4) The maximum private external balcony area that may be excluded under this clause must not exceed 15 per cent of the gross floor area of the apartment to which the balcony is connected. (5) In considering whether to exclude the floor area of a wind screen protected balcony the consent authority must be satisfied that: <ol style="list-style-type: none"> (a) the glass wind screen is designed so the balcony remains external open space, (b) the wind screen design ensures permanent natural ventilation and cannot be fully enclosed or sealed from the weather, and (c) the bulk of the building is no greater than it would be if balconies were not partially enclosed.

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AMENDMENT 3 - COMMUNITY FACILITIES AND CHILD CARE CENTRES FLOOR SPACE IN CENTRAL SYDNEY	
Objectives/ intended outcomes	To facilitate the provision of community facilities and child care centres in Central Sydney by removing a disincentive under clause 6.4. To ensure the maximum accommodation floor space bonus can be achieved if community facilities or child care centres are provided in a development.
Site identification	Applicable development in Central Sydney.
Explanation	To introduce 'community facilities' and 'child care centres' into the scope of land uses in Central Sydney that attract bonus accommodation floor space under clause 6.4 of Sydney LEP 2012.
Justification	<p>The provision of community facilities and child care centres are integral components of building communities and local economies. The City encourages their provision as child care centres are under supplied in parts of Central Sydney.</p> <p>Clause 6.4 allows for a floor space bonus, known as accommodation floor space. It encourages a building to include specified uses such as residential, hotel, commercial and retail uses within identified areas as shown on the Floor Space Ratio Map. The bonus floor space varies between 1.5:1 and 6:1 depending on the use and where in Central Sydney it is located.</p> <p>Clause 6.4(2) requires the bonus floor space to be reduced proportionally if only part of the building is used for a specified use.</p> <p>Community facilities and child care centres are not able to be awarded the bonus floor space. Including community facilities or child care centres in a development reduces the bonus floor space that can be awarded to the development and the overall size of the development.</p> <p>For example, if the community facility occupies 5% of the building and the remainder (95%) is used for residential, only 95% of the bonus floor space can be awarded. For a 1,000 square metre site in Area A2, the bonus floor space would be 5,700 square metres (6 x 95% x 1000) rather than 6,000 square metres if the whole building was residential. A proponent will be discouraged from providing a community facility or child care centre as they will not be able to develop as large a building.</p> <p>It is proposed to remove this disincentive to the provision of community facilities and child care centres. It is proposed to add 'community facilities' and 'child care centres' to the specified uses under clause 6.4 to enable those uses to be awarded the maximum bonus throughout Central Sydney. This will allow buildings that include community facilities and child care centres to achieve the maximum floor space.</p> <p>The proposed amendment will not allow buildings to exceed the absolute maximum floor space that can be achieved using accommodation floor space.</p> <p>Council can vary the floor space ratio standard subject to meeting criteria under clause 4.6 of the LEP. The amendment means the development standard does not need to be raised to encourage the provision of community facilities and child care centres.</p>

AMENDMENT 2 – WIND AFFECTED BALCONIES

Drafting instructions

Amend clause 6.4 to ensure there is no loss of development potential if a community facility or child care centre is included in a development.

Insert 'community facilities and child care centres' into clauses 6.4(1)(a), (d), (f) and (g).

An example of the amendment is provided below. Additional text shown as **bold underline** and deleted text as ~~**bold strikethrough**~~

6.4 Accommodation floor space

- (1) A building that is in an Area, and is used for a purpose specified in relation to the Area in paragraph (a), (b), (c), (d), (e), (f) or (g), is eligible for an amount of additional floor space (accommodation floor space) equivalent to that which may be achieved by applying to the building the floor space ratio specified in the relevant paragraph:
 - (a) Area 1, hotel or motel accommodation, **community facilities or child care centres**—6:1,
 - (b) Area 1, office premises, business premises, retail premises, residential accommodation or serviced apartments—4.5:1,
 - (c) Area 2, office premises, business premises, or retail premises — 4.5:1,
 - (d) Area 2, residential accommodation, serviced apartments, ~~or~~ hotel or motel accommodation, **or community facilities or child care centres** —6:1,
 - (e) Area 3, office premises, business premises, or retail premises —2:1,
 - (f) Area 3, residential accommodation, serviced apartments, ~~or~~ hotel or motel accommodation, **or community facilities or child care centres** —3:1,
 - (g) Area 4, residential accommodation, serviced apartments, ~~or~~ hotel or motel accommodation, **community facilities or child care centres** —1.5:1.
- (2) The amount of additional floor space that can be achieved under a paragraph is to be reduced proportionally if only part of a building is used for a purpose specified in that paragraph.
- (3) More than one amount under sub-clause (1) may apply in respect of a building that is used for more than one purpose.

ATTACHMENT A

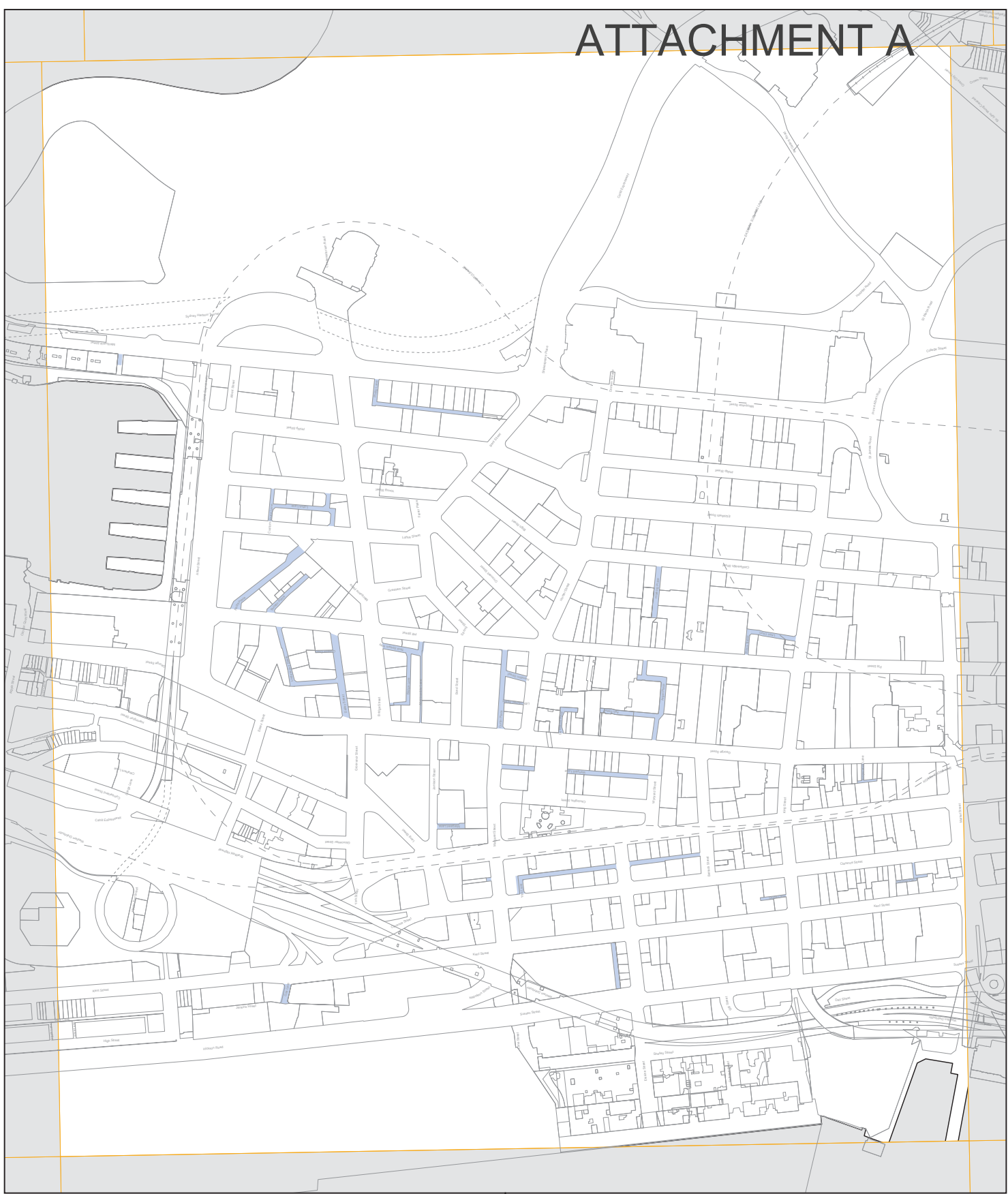
AMENDMENT 4 - LANES DEVELOPMENT FLOOR SPACE IN CENTRAL SYDNEY	
Objectives/ intended outcomes	Refine the criteria for application of the lanes development floor space to ensure the intent of the clause is achieved.
Site identification	Applicable development in Central Sydney
Explanation	To change the application of the clause from lanes less than 6m to those identified on a map.
Justification	<p><i>Sustainable Sydney 2030</i> includes an objective to support cultural, creative, retail and small business activity in the city centre. The City's laneways revitalisation program, fine grain matching grants and planning controls support this objective.</p> <p>The intent of clause 6.8 is to promote the activation of laneways with fine-grain development. It encourages existing buildings to introduce such uses through floor space incentives. Existing buildings may be prevented from doing so because the building has already achieved the maximum FSR permissible, or may exceed the maximum as a result of proposing laneway development.</p> <p>Clause 6.8(1) applies to buildings fronting lanes with a width 6m or less in Central Sydney. This criteria does not reflect the majority of lanes in Central Sydney and acts as a barrier to the lanes development floor space incentive being taken up.</p> <p>Around a quarter of Central Sydney lanes are estimated to be less than 6m wide. Around 10 per cent of lanes have variable width depending at which point along the lane measurements are taken. Around 60 per cent of the lanes are estimated to be wider than 6m. Given the varying widths of laneways in Central Sydney, identification of the lanes through a map provides greater certainty for the application of the clause.</p> <p>It is proposed to replace the 6m criteria with a map identifying applicable lanes within Central Sydney. The map is based on the existing lanes map in Sydney Development Control Plan 2012, a review of the potential opportunities for the incentive to be taken up and the City's program for laneway upgrades.</p> <p>Clause 6.8 also requires lanes development to be in an existing building in Central Sydney and the proposed development, be located on the ground level and not exceed 100m² gross floor area. These subclauses are not affected by the proposed change.</p> <p>The proposed change will ensure the intent of the clause is achieved and increase certainty to existing building owners about the applicability of lanes development floor space.</p>
Drafting Instructions	<p>Amend clause 6.8(1)(c) as follows, with additional text shown as <u>bold underline</u> and delete text shown as bold strikethrough below:</p> <p>6.8 Lanes development floor space</p> <p>(1) This clause applies only to development consisting of alterations or additions to a building that:</p> <p>(a) is in existence on the making of this Plan, and</p>

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AMENDMENT 4 - LANES DEVELOPMENT FLOOR SPACE IN CENTRAL SYDNEY

- (b) is on land in Central Sydney, and
- (c) adjoins a public road ~~with a width less than 6 metres~~ (a *lane*) **as shown on the Lanes Map.**

Insert new map that identifies laneways, for the purpose of giving effect to the proposed amendments to clause 6.8. A draft lanes map is attached.

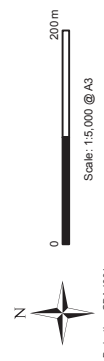
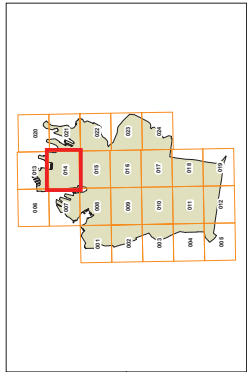


Sydney Local Environmental Plan 2012



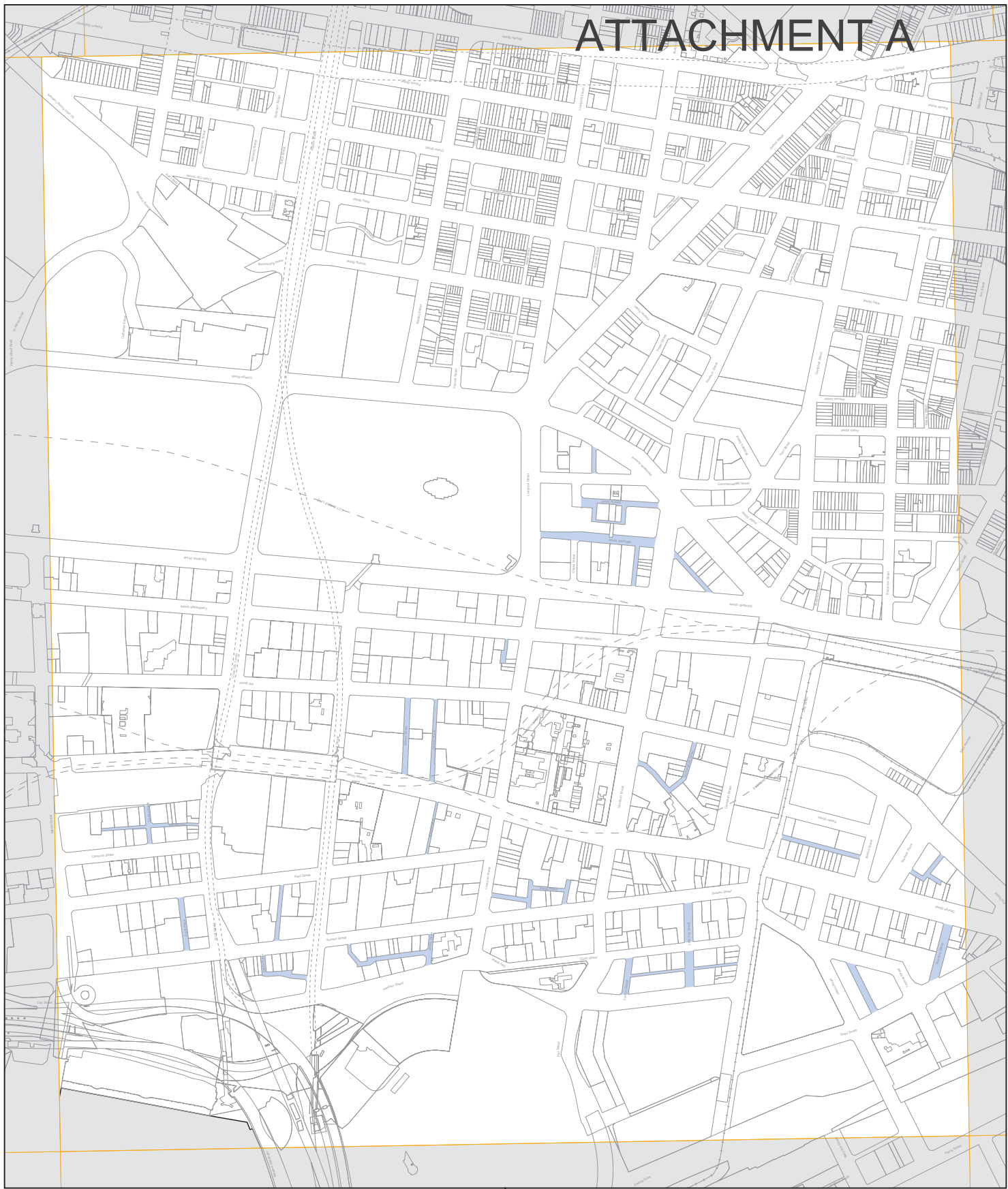
Lanes Map - Sheet LNE_14

- Zone**
- Central Sydney existing lane
 - Cadastre 09/10/2014 © City of Sydney



Projection: GDA 1984
Zone 56
Map identifier: 7200_COM_LNE_014_005_20140909

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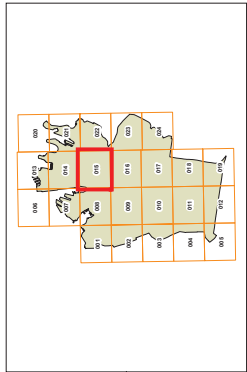


Sydney Local Environmental Plan 2012



Lanes Map - Sheet LNE_15

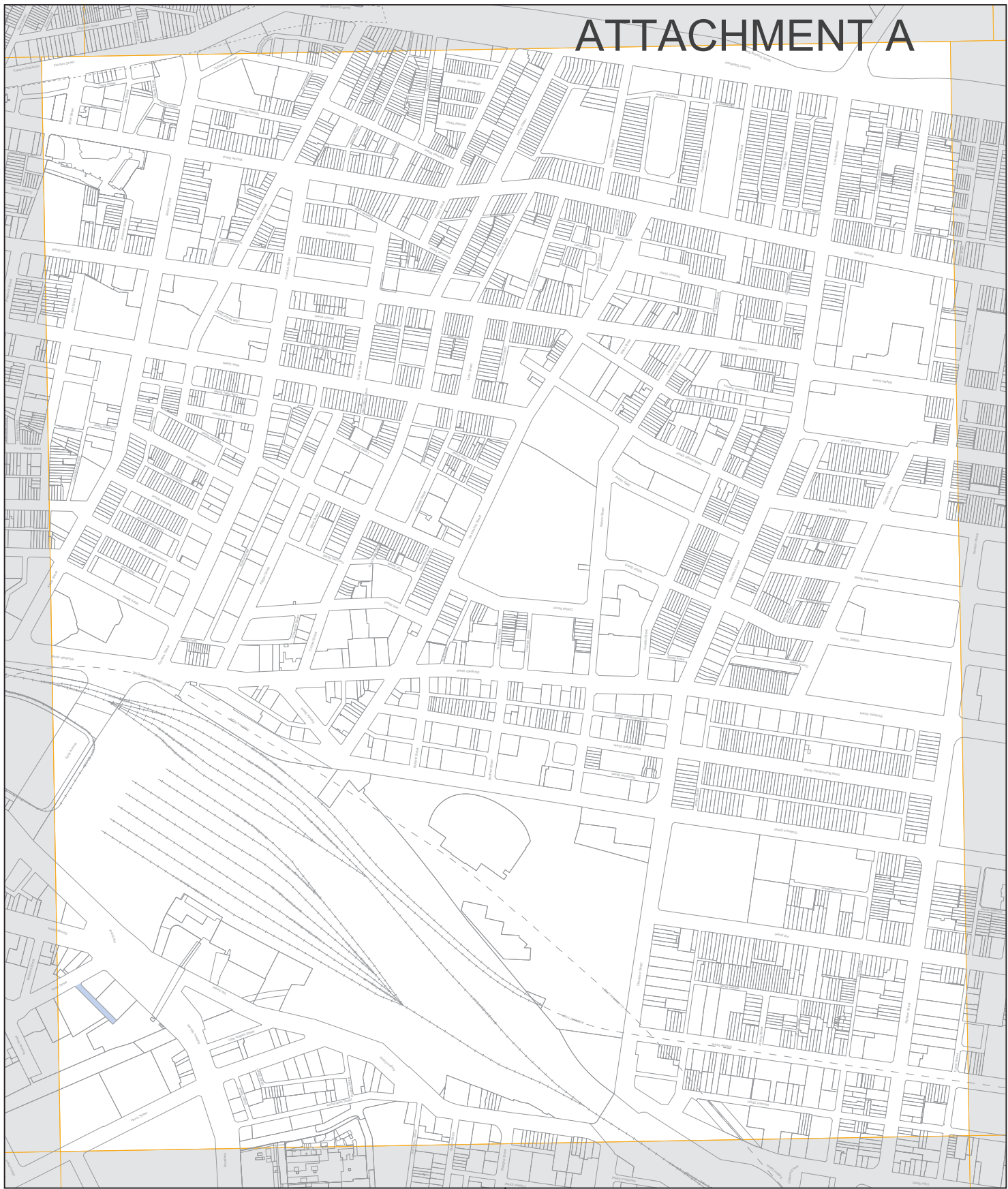
- Zone**
- Central Sydney existing lane
 - Cadastre 09/10/2014 © City of Sydney



Projection: GDA 1984
Zone 56

Map identifier: 7292_LCN_LNE_015_005_20141009

ATTACHMENT A

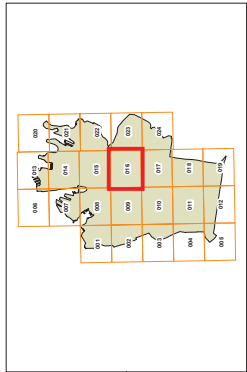


Sydney Local Environmental Plan 2012



Lanes Map - Sheet LNE_16

- Zone**
- Central Sydney existing lane
 - Cadastre 09/10/2014 © City of Sydney



Scale: 1:5,000 @ A3

Projection: GDA 1994
Zone 56

Map identifier: Sydney City of Sydney
7292_LCN_LNE_016_016_20141009

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AMENDMENT 5 – CAR PARKING AND CAR SHARE SCHEME PARKING (PART 7, DIVISION 1)	
Objectives/ intended outcomes	To remove a barrier to the provision of care share scheme parking spaces in new development by ensuring the maximum car parking rate can be achieved, excluding car share parking spaces from the definition of a car parking space and providing a definition of a car share scheme.
Site identification	Applicable development LGA-wide
Explanation	<p>Exclude car share parking spaces from the definition of a car parking space under Part 7, Division 1 <i>Car parking ancillary to other development</i> of Sydney LEP 2012.</p> <p>Introduce a new provision under clause 7.2 to define a car share scheme to provide clarity on the interpretation of Part 7, Division 1.</p>
Justification	<p>The City of Sydney encourages the expansion of car share as a key initiative to support the transport goals of the City's <i>Sustainable Sydney 2030 vision</i>. The City's <i>Car Share Policy 2011</i> includes a commitment to increase the number of households that use a car share scheme to 10% of all households by 2016. As of May 2012, approximately 6,200 resident households (6.4%) of the City were registered members of car share schemes.</p> <p>Car sharing provides short-term hire of passenger and light commercial vehicles for personal and business use by its members who have paid a joining fee. It does not have casual non-member users of its vehicles as is the case with car hire or car rental companies.</p> <p>Since 2009, the City has implemented on-street car share parking by approving 392 on-street parking spaces for conversion into car share bays. The provision of off-street (on-site) car share parking spaces in developments is supported by the Sydney DCP 2012 (clause 3.11.2).</p> <p>The City's planning controls encourages the use of car share schemes and sets out how it is to be provided and managed including the recommended number of spaces in a development. The controls do not require car share scheme parking spaces to be provided.</p> <p>On 12 May 2014, Council adopted an amendment to Sydney DCP 2012 to allow car share parking rates to be provided in addition to the maximum number of parking spaces permitted in a development.</p> <p>This amendment clarifies the car parking requirements and the meanings of car share scheme parking spaces and car share parking schemes to facilitate their provision.</p> <p>Part 7, Division 1 of the LEP includes provisions for car parking spaces within developments and sets the maximum amount of car parking spaces for certain land uses.</p> <p>Clause 7.2 defines a 'car parking space' and excludes car parking for purposes such as washing vehicles, loading and unloading of goods and bike storage. The current definition of a car parking space means a car share scheme parking space is included in the total number of spaces allowed. This means including car share scheme parking in a development reduces the number of car parking spaces for private motor vehicles</p>

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AMENDMENT 5 – CAR PARKING AND CAR SHARE SCHEME PARKING (PART 7, DIVISION 1)

	<p>that can be provided and discourages proponents from providing car share scheme spaces.</p> <p>The amendment will exclude car share scheme spaces from the calculation of the maximum number of car parking spaces within a development. The amendment is consistent with the recent amendment to Sydney DCP 2012 which removed a disincentive to the provision of car share scheme parking spaces by allowing them to be provided in addition to the maximum number of parking spaces permitted in a development.</p> <p>Clause 7.2 will also be amended to define a car share scheme. This will ensure that car share scheme parking spaces are provided only for genuine car share schemes.</p>
<p>Drafting Instructions</p>	<p>Amend clause 7.2(1) as follows, with additional text shown as <u>bold underline</u> as show below:</p> <p>7.2 Interpretation</p> <p>(1) For the purposes of this Division:</p> <p><i>car parking space</i> means a space intended to be used for the parking of cars that is ancillary to another land use on the site, but does not include any of the following:</p> <ul style="list-style-type: none"> (a) a place primarily used for the purpose of washing vehicles, (b) a place primarily used for the purpose of loading or unloading of goods, (c) a place primarily used for the purpose of storing bicycles, (d) a car parking space in a car park, (e) <u>a car share parking space used only by cars belonging to any organised car share scheme.</u> <p>Insert a new provision under clause 7.2 to define a car share scheme as:</p> <p><i>In this clause:</i></p> <p><i>car share scheme</i> means a service offered by a public or private organisation that provides access to vehicles exclusively for its members. The scheme does not have casual non-member users of its vehicle. The service involves managing and maintaining vehicles that are made available for use by the organisation’s members on demand and on a pay as you go short term basis from set locations.</p>

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AMENDMENT 6 - 83-93 DALMENY AVENUE, ROSEBERY

Objectives/ intended outcomes

To provide for a range of compatible non-residential uses at 83-93 Dalmeny Avenue, Rosebery.

Site identification

The properties at 83-93 Dalmeny Avenue, Rosebery are bound by Dalmeny Avenue to the west, Southern Cross Drive to the east and Kimberly Grove to the south. The site is approximately 7 hectares in area. It is located on the edge of the Green Square redevelopment area and north of Rosebery Estate. See Figure 1.

83-93 Dalmeny Avenue, Rosebery has a property description of Lot 110 DP 861950, Lots 1-128 SP 53194, Lots 133-286 SP 53997, Lots 287-469 SP 56729, Lots 470-571 SP 58586, Lots 572-689 SP 61596, Lots 691-797 SP 62388.



Figure 1: Aerial photograph showing 83-93 Dalmeny Avenue, Rosebery and surrounds

83-93 Dalmeny Avenue, Rosebery is an existing medium density residential development with non-residential tenancies.

The site is known as 'Kimberly Estate'. A Masterplan was approved in March 1995 for a maximum of 750 units for a residential population of approximately 1,600 residents. The estate consists numerous residential flat buildings that were developed in five stages beginning in the mid 1990's. Approximately 500 square meters of non-residential uses are located in the western portion of the site by the main entrance to the estate. These include retail spaces, child care and community facilities approved as part of the Masterplan. Post construction, development approval has been granted for business premises such as a drying cleaning service.

The area to the west of the site is the North Rosebery precinct which has predominantly light industrial and commercial uses, but has been transitioning to mixed use and residential precinct over recent years. To the south of the site is Rosebery Estate, a predominantly low scale residential area.

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AMENDMENT 6 - 83-93 DALMENY AVENUE, ROSEBERY	
Explanation	To enable 'business premises' to be permitted with consent on this site by adding the use to Schedule 1 Additional Permitted Uses in Sydney LEP 2012.
Justification	<p>The amendment to Schedule 1 of Sydney LEP 2012 will enable the continuation of existing uses and better reflect the range of compatible non-residential appropriate for the site to complement the future needs of residents.</p> <p>The site was previously zoned 2(b) Medium Density Residential (2(b) zone) under <i>South Sydney Local Environmental Plan 1998</i>. The 2(b) zone is predominately a residential zone that allows limited opportunities for non-residential development and small-scale local business activity, compatible with existing residential development. The site is currently zoned R1 General Residential (R1 zone) under Sydney LEP 2012. Figure 2 is an extract from the zoning map for Sydney LEP 2012 which shows the site zoned as R1 General Residential. Land to the north and west of the site is zoned B4 Mixed Use. The existing non-residential premises are located along the western boundary of the site, opposite land zoned Mixed Use.</p> <p>A review of development applications reveals that several mixed use residential and commercial developments have been approved in close proximity, directly north and to the west of the site. These approvals generally comprise numerous residential buildings and commercial or retail uses. Other uses in the area include light industrial, bulky goods storage, offices, motor showrooms and gymnasium. These sites however, are zoned B4 Mixed Uses.</p> <p>The Standard Instrument R1 zone is generally an appropriate translation for the 2(b) Medium Density Residential zone. The R1 zone reflects the established predominately residential character of this estate. Some non-residential uses are permitted in the R1 zone, including child care centres, food and drink premises, home industries, shops and neighbourhood shops.</p> <p>However, business premises including services such as hairdressers, clothes alterations and tutoring services, uses which currently exist on the site, are prohibited. Under the LEP, business premises are defined as:</p> <p style="padding-left: 40px;">“...a building or place at or on which:</p> <p style="padding-left: 80px;">(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or</p> <p style="padding-left: 80px;">(b) a service is provided directly to members of the public on a regular basis...”</p> <p>The effect is that existing businesses are prohibited and therefore reliant on existing use rights if they wish to make changes to their operations. It also means new business premises cannot be approved to replace the existing.</p> <p>The existing group of shops, food and drink premises and businesses on this site provide a neighbourhood level of service to a well-established residential population. The small-scale local business activities on site include a hairdresser that has been operating for around three years, as well as a tutoring service for primary school children. These businesses do not appear to have a negative impact on the residential amenity and small-scale local business that serves the needs of</p>

AMENDMENT 6 - 83-93 DALMENY AVENUE, ROSEBERY

residents is appropriate in this area. A dry cleaning service has also been approved under previous planning instruments.

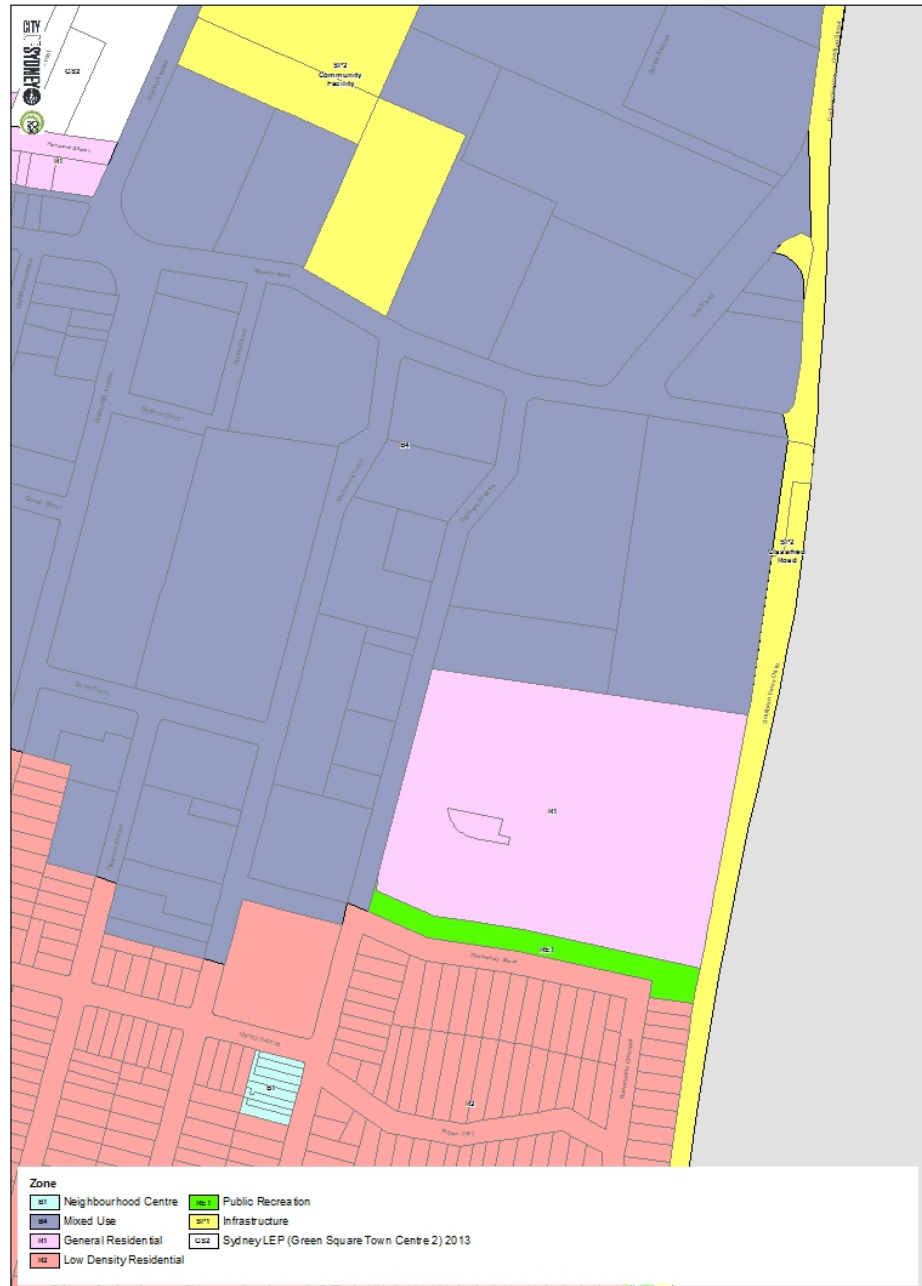


Figure 2: Extract from zoning map of Sydney LEP 2012. 83-93 Dalmeny Avenue is highlighted.

The child care centre aside, there are six non-residential premises on the site. Four of these are occupied by a convenience store, fashion retail shop, café and a restaurant. This variety of uses suggests that the businesses benefit from being different to one another, providing residents with options that are convenient and local. Other uses would be appropriate and there is only so much demand for more shops, cafes and restaurants. A wider range of permissible but compatible uses will support the needs of residents and provide an appropriate level of occupied and active non-residential space.

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AMENDMENT 6 - 83-93 DALMENY AVENUE, ROSEBERY

	<p>The prohibition of business uses on 83-93 Dalmeny Avenue was a consequence of translating the previous planning instrument to into the standard template. It is recommended to make business premises permissible with consent specifically on the site to ensure their current and future operations are not compromised and to accommodate a range of uses for which there is demonstrated demand.</p> <p>Schedule 1 of Sydney LEP 2012 provides for additional permitted uses for particular land. Schedule 1 should only be used in circumstances where it can be demonstrated that the intended outcome cannot be controlled by rezoning or rezoning would generate additional impacts which would not be acceptable.</p> <p>Spot rezoning is not considered an appropriate strategy to deal with the site’s circumstances, given the small number of non-residential premises involved and the site is not identified in a strategic study or report to support rezoning the site from R1 to B4. It is outside of the Green Square Urban Renewal Area and North Rosebery precinct. Rezoning to mixed use would allow for the expansion of the compatible non-residential uses. It would also allow for an increased intensity of non-residential activity that was not planned for in the site’s Masterplan and may require additional physical works and measures to mitigate against associated impacts, particularly given residential apartments adjoin and are located directly above the non-residential uses.</p> <p>Schedule 1 amendments have been made to Sydney LEP 2012 for similar circumstances. For example the Sydney Fish Market site permitting charter and tourism boating facilities, jetties, port facilities and water recreation structures with development consent; and 57 Ashmore Street and 165–175 Mitchell Road at Erskineville permitting depots, hardware and building supplies, light industries, timber yards and warehouse or distribution centres with development consent.</p> <p>The objectives of the R1 zone still apply and ensure compatible uses and that, along with DCP controls, impacts can be managed. It will provide opportunities for a limited range of compatible non-residential uses to serve the needs of residents.</p>
<p>Drafting Instructions</p>	<p>Amend Schedule 1 of the Sydney LEP 2012 to permit “business premises” as permissible uses on the land at 83-93 Dalmeny Avenue, Rosebery.</p>

ATTACHMENT A

AMENDMENT 7 - HERITAGE FLOOR SPACE DISCOUNT RELATING TO EXISTING BUILDINGS	
Objectives/ intended outcomes	That for existing buildings, heritage floor space allocation applies to all new floor area created by the proposed development but not to floor area that is in existence before the proposed development.
Explanation	<p>Amend sub-clause 6.11(2)(c) so that the allocation of heritage floor space for development in existing buildings does not include the amount of floor area equivalent to the existing building's gross floor area that exceeds the maximum floor space ratio in clause 4.4 of Sydney LEP 2012 before the development.</p> <p>This will clarify what is reasonable for a proponent to allocate heritage floor space in relation to development in existing buildings.</p>
Justification	<p>The City's Heritage Floor Space scheme is set out under clauses 6.10 and 6.11 of the LEP.</p> <p>The scheme creates incentives for the conservation of heritage buildings in Central Sydney. It allows heritage buildings to create heritage floor space based on their unrealised development potential. It then requires development being awarded bonus floor space to purchase heritage floor space from the owners of the heritage buildings. The funds raised assist with the conservation and on-going management of the heritage buildings.</p> <p>Clause 6.11(2) allows the consent authority to reduce how much floor space may be required to be purchased, or 'allocated' to a development.</p> <p>The clause does not affect the total floor space that can be developed, only the amount of heritage floor space required to be purchased. Any reduction in the amount of heritage floor space to be purchased decreases the cost of development, not the size of the development.</p> <p>Reductions are permitted for development that undertakes a design competition, provides a through site link or alterations and additions to an existing building (clauses 6.11(2)(a) and (b)). The latter is clause 6.11(2)(c) and the subject of this amendment.</p> <p>Clause 6.11(2)(c) was intended to make clear that heritage floor space must be allocated for all newly created floor area in existing buildings and that the allocation of heritage floor space exclude floor area already in existence prior to the proposed alterations and additions.</p> <p>This is important because of the effects from the changes in how floor area is counted under the LEP definitions compared to the definitions in the previous controls. The same existing building may have more or less floor space area under the current controls because different types of spaces are included or excluded when counting the gross floor area. The definitional changes means in some situations existing floor area is now counted but wasn't previously. This consequently affects how much heritage floor space is required to be allocated for existing buildings.</p> <p>Any new floor area in a building that exceeds the maximum floor space ratio relies on the accommodation floor space bonus and the allocation of heritage floor space for the newly counted floor area to be approved.</p>

ATTACHMENT A

AMENDMENT 7 - HERITAGE FLOOR SPACE DISCOUNT RELATING TO EXISTING BUILDINGS	
	<p>The problem with the clause is that it goes beyond what the City seeks to achieve as it allows for no heritage floor space to be allocated even in the case where new floor area is being created and added to the building.</p> <p>It is therefore proposed to amend the clause so that it is clear that heritage floor space must be allocated for all newly created floor area in existing buildings. The allocation of heritage floor space should not include floor area that exists prior to the proposed alterations and additions to the building.</p>
Drafting instructions	<p>Amend sub-clause 6.11(2)(c) in Sydney LEP 2012 to ensure:</p> <ul style="list-style-type: none">(1) heritage floor space allocation applies to all new floor space created by proposed development in existing buildings; and(2) that the heritage floor space allocation in these situations should not include the floor area by which the gross floor area of the building exceeds the maximum floor space ratio (under clause 4.4 of Sydney LEP 2012) prior to the proposed development.

ATTACHMENT A

AMENDMENT 8 - COMMUNITY INFRASTRUCTURE FLOOR SPACE IN GREEN SQUARE	
Objectives/ intended outcomes	To amend clause 6.14 <i>Community infrastructure floor space at Green Square</i> to clarify the meaning of community infrastructure and the basis upon which additional floor space for community infrastructure is appropriate.
Site identification	The clause applies to the whole of the “Green Square” urban renewal area as defined under <i>Sydney Local Environmental Plan 2012</i> . “Green Square” excludes the Green Square Town Centre which is subject to a separate stand-alone local environmental plan.
Explanation	<p>The additional floor space allowed under clause 6.14 seeks to encourage the provision of community infrastructure with development. Community infrastructure encompasses both physical and social infrastructure that benefits and contributes to the amenity and well-being of the community. The clause is intended to complement other public infrastructure delivery mechanisms such as section 94 developer levies.</p> <p>The intended aim is to allow the additional floor space only where the type of infrastructure provided is necessary in Green Square and where the development contributes to the desired character of the locality. The infrastructure is to be of a value that is commensurate with the increased population densities generated by the additional floor space.</p> <p>The infrastructure may be provided by way of works, such as a road, or instead it may be a cash payment agreed to between Council and the landowner/developer by way of a planning agreement. Council would use the cash payment for the provision of infrastructure elsewhere in Green Square.</p> <p>The provisions of clause 6.14 are supported by more detailed provisions under <i>Sydney Development Control Plan 2012</i>. Council’s <i>Development Guidelines – Providing Community Infrastructure in Green Square, December 2012</i> further explains the rationale and describes how the community infrastructure may be delivered, including how the value is calculated so that it is commensurate with the density of development.</p>
Justification	<p>The current wording of clause 6.14 does not clearly state its intended aim and requires the community infrastructure to be included as part of the development. The clause does not permit the alternative of a cash payment when the provision of community infrastructure is not appropriate on a site but can be provided by Council elsewhere in Green Square. An example is the provision of flood management works such as trunk drainage that may be best constructed by Council at a precinct scale.</p> <p>The proposed amendment seeks to address these issues. An amendment is also proposed in the relevant provisions of <i>Sydney Development Control Plan 2012</i>.</p>
Drafting instructions	<p>Amend clause 6.14 <i>Community infrastructure floor space at Green Square</i> as follows, with additional text shown as <u>bold underline</u> and deleted text as bold strikethrough:</p> <p>(1) The objectives of this clause <u>are: is to allow greater densities where community infrastructure is also provided.</u></p>

ATTACHMENT A

AMENDMENT 8 - COMMUNITY INFRASTRUCTURE FLOOR SPACE IN GREEN SQUARE

- (a) to allow greater densities where equivalent community infrastructure is also provided,
- (b) to provide for an intensity of development that remains commensurate with the capacity of existing and planned infrastructure notwithstanding the greater density,
- (c) to ensure that new development with the greater density reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of the locality.

(2) A building on land in an Area specified in paragraph (a), (b), (c), (d), (e) or (f) is eligible for an amount of additional floor space (**community infrastructure floor space**) up equivalent to that **amount** which may be achieved by applying the floor space ratio specified in the relevant paragraph to the building, but only if the development of the land includes **equivalent community infrastructure development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads, drainage or flood mitigation works:**

- (a) Area 5—0.25:1,
- (b) Area 6—0.5:1,
- (c) Area 7—0.75:1,
- (d) Area 8—1:1,
- (e) Area 9—1.5:1,
- (f) Area 10—2.2:1.

(3) In this clause:

Area means an Area shown on the Floor Space Ratio Map.

Equivalent community infrastructure means:

- (a) development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads, drainage or flood mitigation works;
- (b) which are reasonably necessary infrastructure in the Green Square area; and
- (c) the cost of the infrastructure is equal to or greater than the sum calculated by the equivalent community infrastructure formula.

Equivalent community infrastructure formula means the calculation of the value of Community Infrastructure set out in a development control plan in force as at the date of grant of development consent.

ATTACHMENT A

AMENDMENT 9 - CORRECT SUN ACCESS PLANE POINTS	
Objectives/ intended outcomes	To provide correct descriptions of the points from which the sun access planes are drawn for Belmore Park and Hyde Park west
Site identification	Belmore Park and Hyde Park West
Explanation	In the note to clause 6.17 (5)(a) replace the reference to 'Castlereagh Street' with 'Pitt Street'. In the note to clause 6.17 (10)(a) replace the reference to 'eastern alignment' with 'western alignment'.
Justification	<p>The intent of the sun access planes clause is to maximise sunlight access to public places. It establishes sun access planes for eight major public areas: Belmore Park, Hyde Park, Macquarie Place, Martin Place, Pitt Street Mall, the Domain, Royal Botanic Gardens, and Wynyard Park. A building must not project above any sun access plane.</p> <p>Each sun access plane is described using two points (identified by mapping grid coordinates and Reduced Level (RL)), a specified horizontal bearing and a vertical angle. The land affected by the sun access planes is shown on the Sun Access Protection Map.</p> <p>The proposed changes relate to the sun access planes for Belmore Park and Hyde Park West.</p> <p>The amendment corrects the notes which provide plain english descriptions of the coordinates for the sun access plane points. The clause uses the coordinates to define the sun access plane points rather than the description in the notes or map. The changes do not affect the coordinates in the clause, the Sun Access Protection Map or location of the sun access planes.</p> <p>The change will reduce the chance of misinterpretation or confusion by making the notes consistent with the clause.</p> <p>The locations of the coordinates have been checked against the descriptions. The X coordinate for the Belmore Park 1A sun access plane is approximately 95m west of the western alignment of <u>Pitt Street</u>, not Castlereagh Street, as shown in Figure 1.</p>

AMENDMENT 9 - CORRECT SUN ACCESS PLANE POINTS



BELMORE PARK 1A SAP
X: 34067E, 49731N, 30RL

Figure 1: Belmore Park Area and surrounding streets

The X and Y coordinates for the Hyde Park West are approximately on the western alignment of Elizabeth Street, not the eastern alignment, as shown in Figure 2.

AMENDMENT 9 - CORRECT SUN ACCESS PLANE POINTS

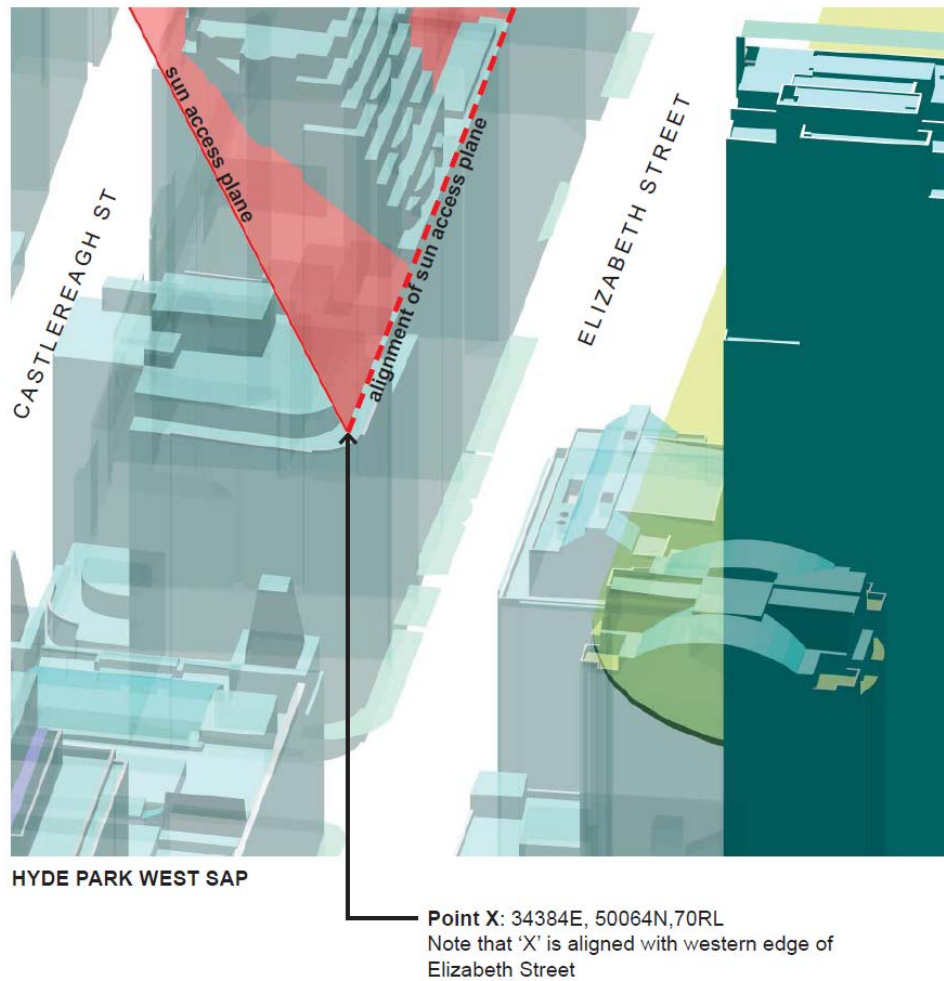


Figure 2: Hyde Park West sun access plane

Drafting Instructions

Amend clause 6.17 (5) (a) and (10) (a) and (b) Sun Access Plane, as follows, with deleted text shown as ~~strikethrough~~ and additional text shown as **bold underline**.

6.17 - Sun Access Plane

(5) Belmore Park

For the Belmore Park 1A sun access plane:

- (a) X is a point at 34067E, 49731N, 30RL, and

Note. Approximately 25 metres above the northern alignment of Hay Street 95 metres west from the junction of the northern alignment of Hay Street and the western alignment of ~~Castlereagh Street~~ **Pitt Street**.

(10) Hyde Park West

For the Hyde Park West 3 sun access plane:

- (a) X is a point at 34384E, 50064N, 70RL, and

Note. Approximately 45 metres above the junction of the ~~eastern~~ **western** alignment of Elizabeth Street and the northern alignment of Liverpool Street.

- (b) Y is a point at 34458E, 50900N, 71RL, and

Note. Approximately 45 metres above the junction of the ~~eastern~~ **western** alignment of Elizabeth Street and the

ATTACHMENT A

AMENDMENT 9 - CORRECT SUN ACCESS PLANE POINTS	
	southern alignment of King Street.

ATTACHMENT A

AMENDMENT 10 - CORRECT DESIGN EXCELLENCE CAPITAL VALUE REFERENCE	
Objectives/ intended outcomes	Correct the reference to the value threshold to more accurately define the trigger for undertaking a competitive design process.
Site identification	Applicable developments City-wide
Explanation	Replace 'capital value' with 'capital investment value' in clause 6.21 (5)(b)
Justification	<p>'Capital value' is not defined in Sydney LEP 2012 or in the Environmental Planning and Assessment Regulations 2000 (EP&A Regulations).</p> <p>'Capital investment value' is defined in the EP&A Regulations under Clause 3 Definitions as:</p> <p>capital investment value of a development or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, other than the following costs:</p> <ul style="list-style-type: none"> (a) amounts payable, or the cost of land dedicated or any other benefit provided, under a condition imposed under Division 6 or 6A of Part 4 of the Act or a planning agreement under that Division, (b) costs relating to any part of the development or project that is the subject of a separate development consent or project approval, (c) land costs (including any costs of marketing and selling land), (d) GST (within the meaning of A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth). <p>Using 'capital investment value' as defined in the EP&A Regulations will ensure a consistent application of the requirement to undertake a competitive design process.</p>
Drafting Instructions	<p>Amend Clause 6.21, as follows, with additional text shown as bold underline and deleted text shown as striketrough:</p> <p>6.21 Design excellence</p> <p>(5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development:</p> <ul style="list-style-type: none"> (b) development having a capital value capital investment value of more than \$100,000,000,

ATTACHMENT A

AMENDMENT 11 - CORRECT DESCRIPTION OF OPPORTUNITY SITE – 453 AND 443-451 KENT STREET, SYDNEY

**Objectives/
intended
outcomes** To correctly identify an opportunity site eligible for additional floor space under clause 6.9 of Sydney LEP 2012.

**Site
identification** 453 Kent Street, Sydney is located on the western side of Kent Street, north of the intersection of Druiitt Street. The building is a 7 storey Inter-war commercial building built boundary to boundary and does not have any colonnades or forecourts (see Figure 1).



Figure 1: 453 Kent Street Sydney as at May 2014

443-451 Kent Street, Sydney is located north of 453 Kent Street across Druiitt Place (see Figure 2). It has an approximate site area of 1042m². The site is not a heritage item and is not in a conservation area, but is within the York Street/ Clarence Street/ Kent Street Special Character Area identified in Sydney LEP 2012. The building is a 16 storey commercial building with frontages to Kent Street and Druiitt Place. The building is set back from Kent Street by approximately 9m (see Figures 3 and 4).

ATTACHMENT A

AMENDMENT 11 - CORRECT DESCRIPTION OF OPPORTUNITY SITE – 453 AND 443-451 KENT STREET, SYDNEY



Figure 2: Relationship between 443-451 Kent Street Sydney and 453 Kent Street Sydney



Figure 3: 443-451 Kent Street Sydney as at May 2014

AMENDMENT 11 - CORRECT DESCRIPTION OF OPPORTUNITY SITE – 453 AND 443-451 KENT STREET, SYDNEY



Figure 4: 443-451 Kent Street Sydney open space at street level as at May 2014

Explanation

Amend the Opportunity Sites Map (Sheet OPS_015) to remove 453 Kent Street, Sydney and identify 443-451 Kent Street, Sydney as an opportunity site.

Justification

Opportunity sites are existing buildings in Central Sydney with colonnades or forecourts that do not make a positive contribution to the streetscape or pedestrian amenity or to the public domain.

Under clause 6.9 of the LEP, opportunity sites are eligible for additional floor space, known as opportunity site floor space, to infill colonnades and forecourts. The clause requires public domain improvements to be carried out to be awarded opportunity site floor space and the matters that the consent authority must consider before granting consent to development that uses opportunity site floor space. The clause is a translation of similar provisions in Sydney LEP 2005.

Under the clause, public domain improvements are defined for infilling setback areas or colonnades that adjoin a public road, reconfiguring the space between the street and an existing building for access or public open space, or relocation of existing driveways and ramps.

A submission has been received on behalf of the owners of 443-451 Kent Street requesting clarification on whether the opportunity site clause applies to its site.

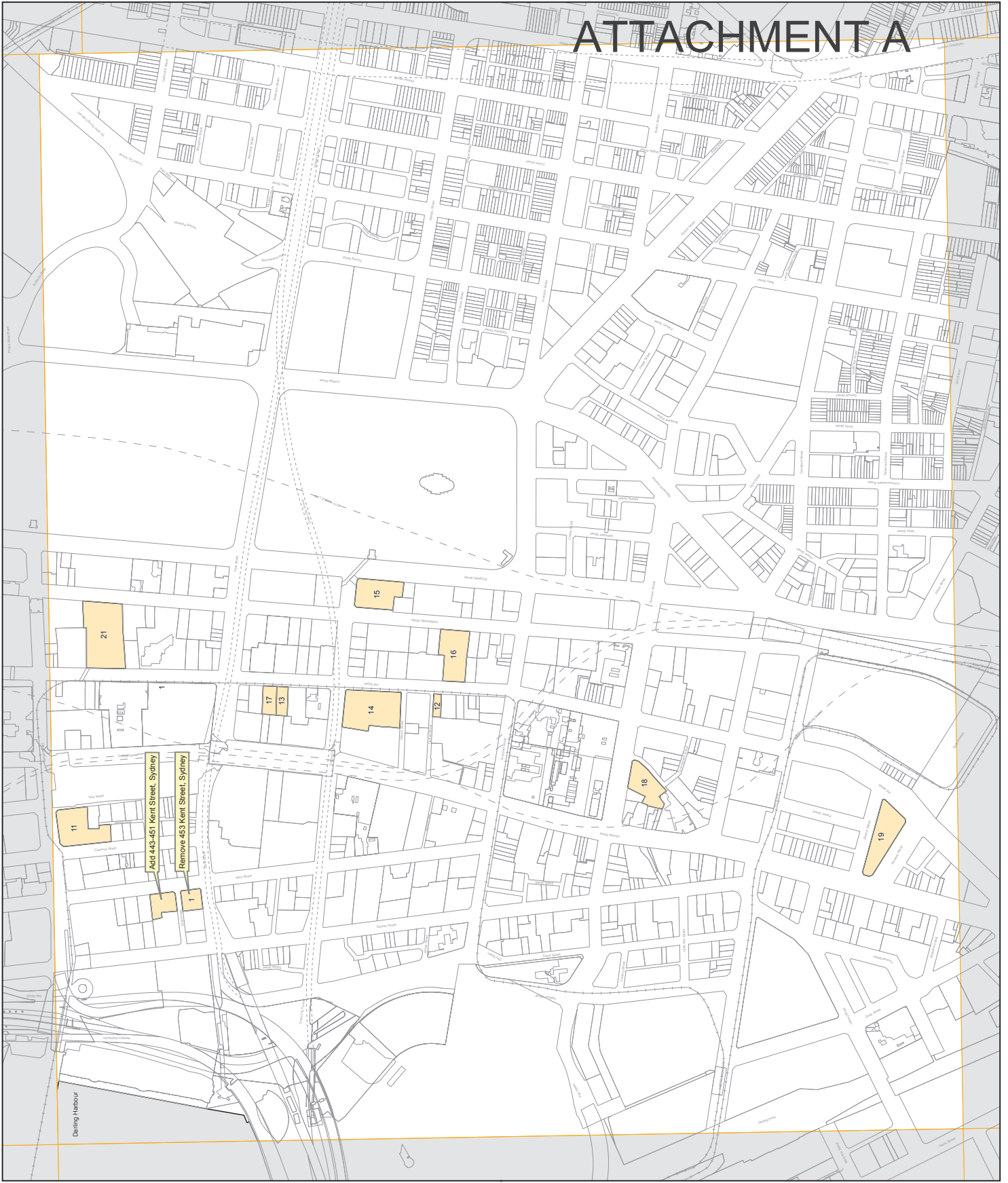
The Opportunity Sites Map (Sheet OPS_015) identifies 453 Kent Street Sydney as an opportunity site. Incorrectly identifying 453 Kent Street Sydney as an opportunity site may encourage proponents to seek additional floor space which is not appropriate.

A 2002 discussion paper reviewing opportunity sites in Sydney LEP 1996 confirms the identification of 453 Kent Street is an error and that 443-451 Kent Street should be mapped instead. The discussion paper was part of a larger review of the Central Sydney LEP 1996. It identified additional opportunity sites based on their potential

ATTACHMENT A

AMENDMENT 11 - CORRECT DESCRIPTION OF OPPORTUNITY SITE – 453 AND 443-451 KENT STREET, SYDNEY

	<p>to provide public domain improvements. 443-451 Kent Street was found to be an opportunity site but identified by the wrong address.</p> <p>453 Kent Street does not have any colonnades or forecourts that can be in-filled or reconfigured. It should not be identified as an opportunity site and should be removed from the opportunity sites map.</p> <p>443-451 Kent Street has a forecourt and the potential for in-fill or reconfiguration to improve its relationship to the street and the amenity for those who use the building and the public. The 2002 review of opportunity sites found the space created by the setback is poor in quality, receiving little sunlight and protection from the elements. The site is able to achieve the Council’s policy intent and is recommended to be identified as an opportunity site on the opportunities site map.</p>
Drafting Instructions	<p>In the Opportunity Sites Map – Sheet OPS-015, remove 453 Kent Street and insert 443-451 Kent Street (mapping and key reference).</p> <p>A draft amended map to replace Opportunity Sites Map – Sheet OPS-015 is attached.</p>



Sydney Local Environmental Plan 2012

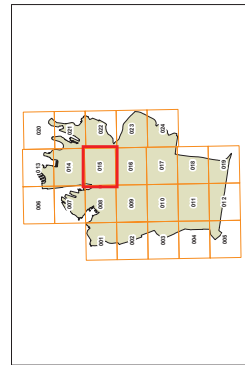
Opportunity Sites Map - Sheet OPS_015

Opportunity Sites

- | | | | |
|----|--|----|------------------------|
| 1 | Change to 443-451 Kent Street | 17 | 307 Pitt Street |
| 2 | Royal Exchange Building | 18 | Sydney Plaza |
| 3 | National Australia Bank House | 19 | McKell Building |
| 4 | Suncorp Place | 20 | 66-74 Clarence Street |
| 5 | Westpac Plaza | 21 | Piccadilly Arcade |
| 6 | State Authorities Superannuation Board | 22 | St James Arcade/Centre |
| 7 | Kent Telephone Exchange | 23 | 25 Bligh Street |
| 8 | The Colonial Building | 24 | 55 Clarence Street |
| 9 | MLC Centre | 25 | 178-186 George Street |
| 10 | National Mutual Centre | 26 | 188-194A George Street |
| 11 | St Martins Tower | 27 | 196-208 George Street |
| 12 | 359-361 Pitt Street | 28 | 210-214 George Street |
| 13 | 309 Pitt Street | 29 | 218-232 George Street |
| 14 | Sydney Water Corporation Ltd | 30 | 19-31 Pitt Street |
| 15 | Teira House | 31 | 33-35 Pitt Street |
| 16 | Telecom House | 32 | 37-49 Pitt Street |
| | | 33 | 49A-57 Pitt Street |

Cadastral

- Cadastral 02/10/2014 © City of Sydney



0 200 m

Scale: 1:5,000 @ A3

Projection: GDA 1984
Zone 56

Map identification number:
7200_CON_OPS_015_005_20141002

ATTACHMENT A

AMENDMENT 12 -CORRECT LEP MAPPING CADASTRE– 17 ELIZABETH BAY ROAD, ELIZABETH BAY

**Objectives/
intended
outcomes** Amend the Building Height Map and Floor Space Ratio Map for 17 Elizabeth Bay Road, Elizabeth Bay in Sydney LEP 2012 to match the boundaries to updated information from the NSW Land and Property Information digital cadastral database.

**Site
identification** The site is located on the southern side of Elizabeth Bay Road, at the intersection with Birtley Place and is identified as Lot 1 DP 83292, Lots 1-52 SP 42232.

Explanation Amend Height of Building Map and Floor Space Ratio Map for 17 Elizabeth Bay Road, Elizabeth Bay to align boundaries with the updated property boundaries.

Justification 17 Elizabeth Bay Road, Elizabeth Bay is an existing residential flat building containing 32 apartments.

The NSW Land and Property Information (LPI) regularly update their digital cadastral database. This data is provided to all Councils in NSW and is the basis of LEP maps.

The boundaries between different Height and FSR standards are typically drawn along property boundaries so that one height and one FSR applies to a property. The property boundaries on which the maps are based were incorrect for 17 Elizabeth Bay Road.

This misalignment between the FSR and height map boundaries and the property boundary was identified through a development application for the site. The boundaries have been updated and the height and FSR boundaries need to be redrawn to align with the correct property boundary. The boundaries are shown in Figure 1 below.

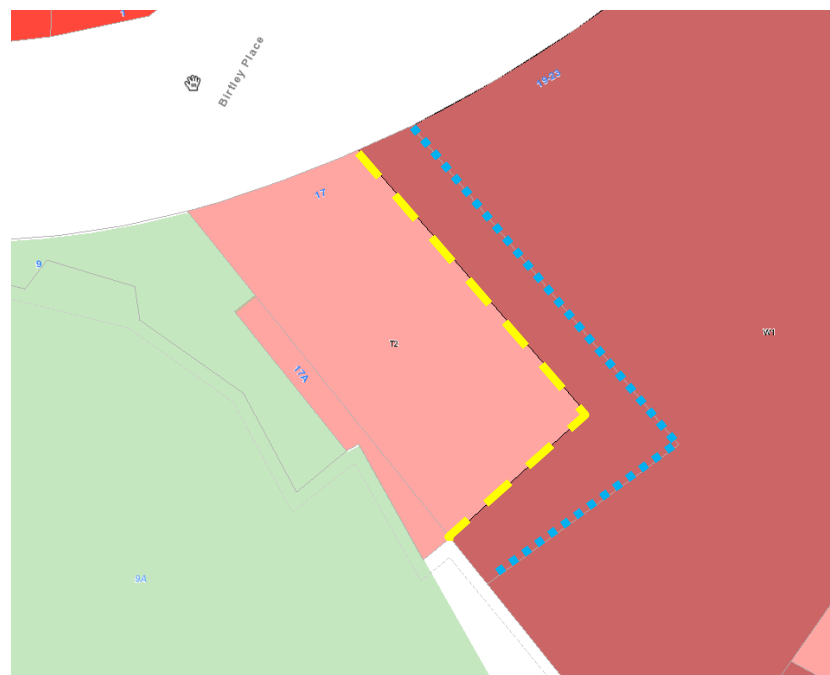
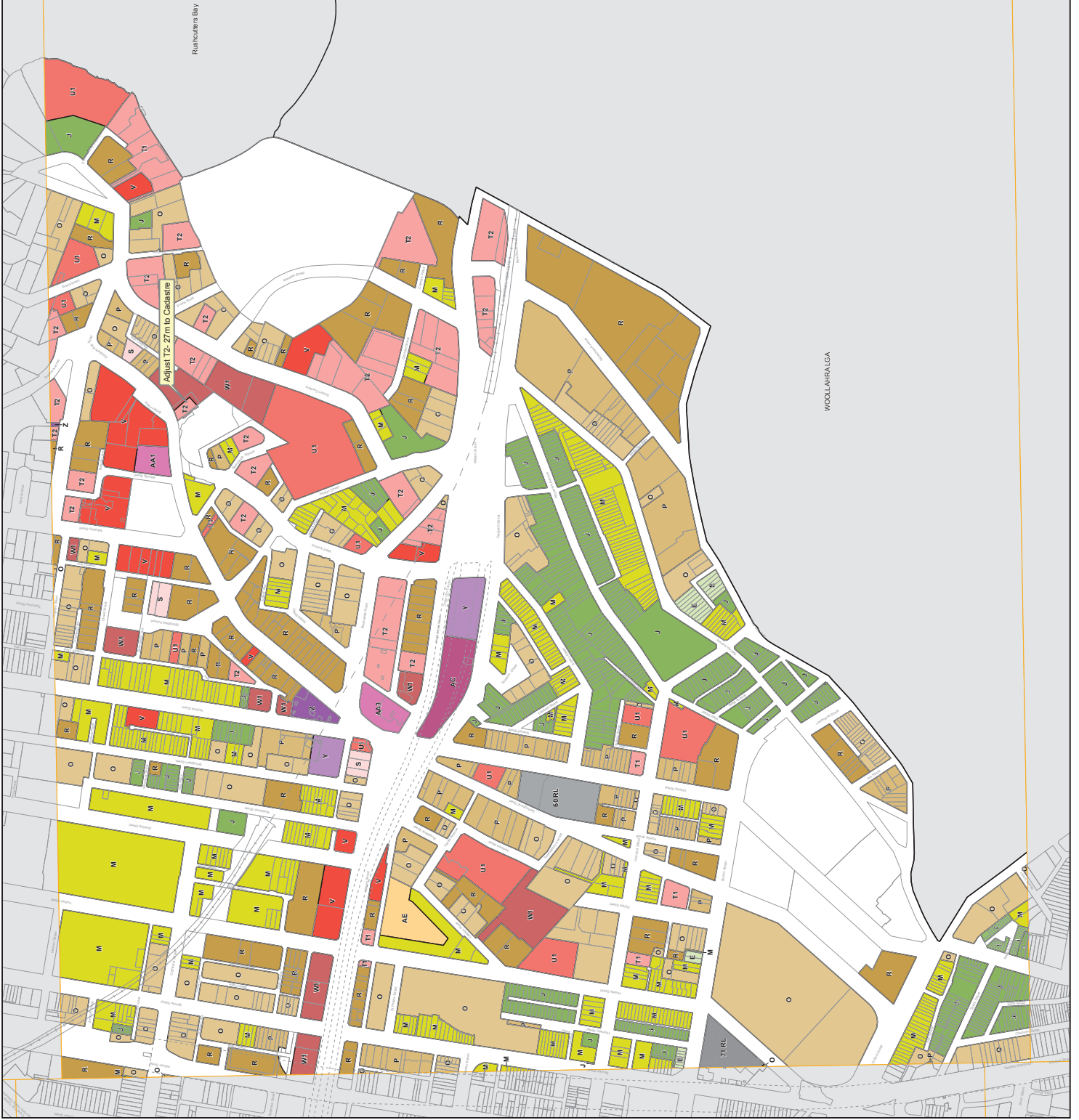


Figure 1: Extract from LEP Height of Buildings Map. The existing height boundary is shown as the dashed yellow line and the updated property boundary and proposed height boundary is shown as the blue dotted line.

ATTACHMENT A

AMENDMENT 12 -CORRECT LEP MAPPING CADASTRE– 17 ELIZABETH BAY ROAD, ELIZABETH BAY	
	This change to the maps will reflect the updated property boundary of 17 Elizabeth Bay Road, Elizabeth Bay. This change will remove confusion and enable the accurate use of Sydney LEP 2012.
Drafting Instructions	Adjust the height and FSR boundaries on the maps HOB Sheet _022 and FSR Sheet _022 to reflect the updated cadastre information and align to the property boundary of 17 Elizabeth Bay Road, Elizabeth Bay. Maps showing the amendments are attached.



Sydney Local Environmental Plan 2012

Height of Buildings Map - Sheet HOB_022

Maximum Building Height (m)

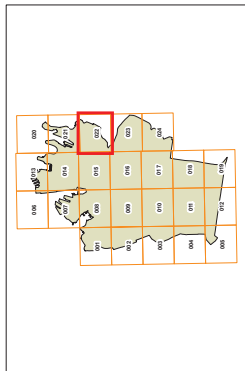
A	3
W2	42
E	6
X	45
M	7.5
Y	50
L	8
Z	55
J	9
AA1	60
AA2	65
AA3	70
AB1	80
AB2	85
AC	110
AD	130
AE	150
AT1	235
T2	27
T3	28
T4	29
U1	30
U2	33
V	35
W1	40

Maximum Building Height (m)

10	46.7
28.6	60
42	71
46	98

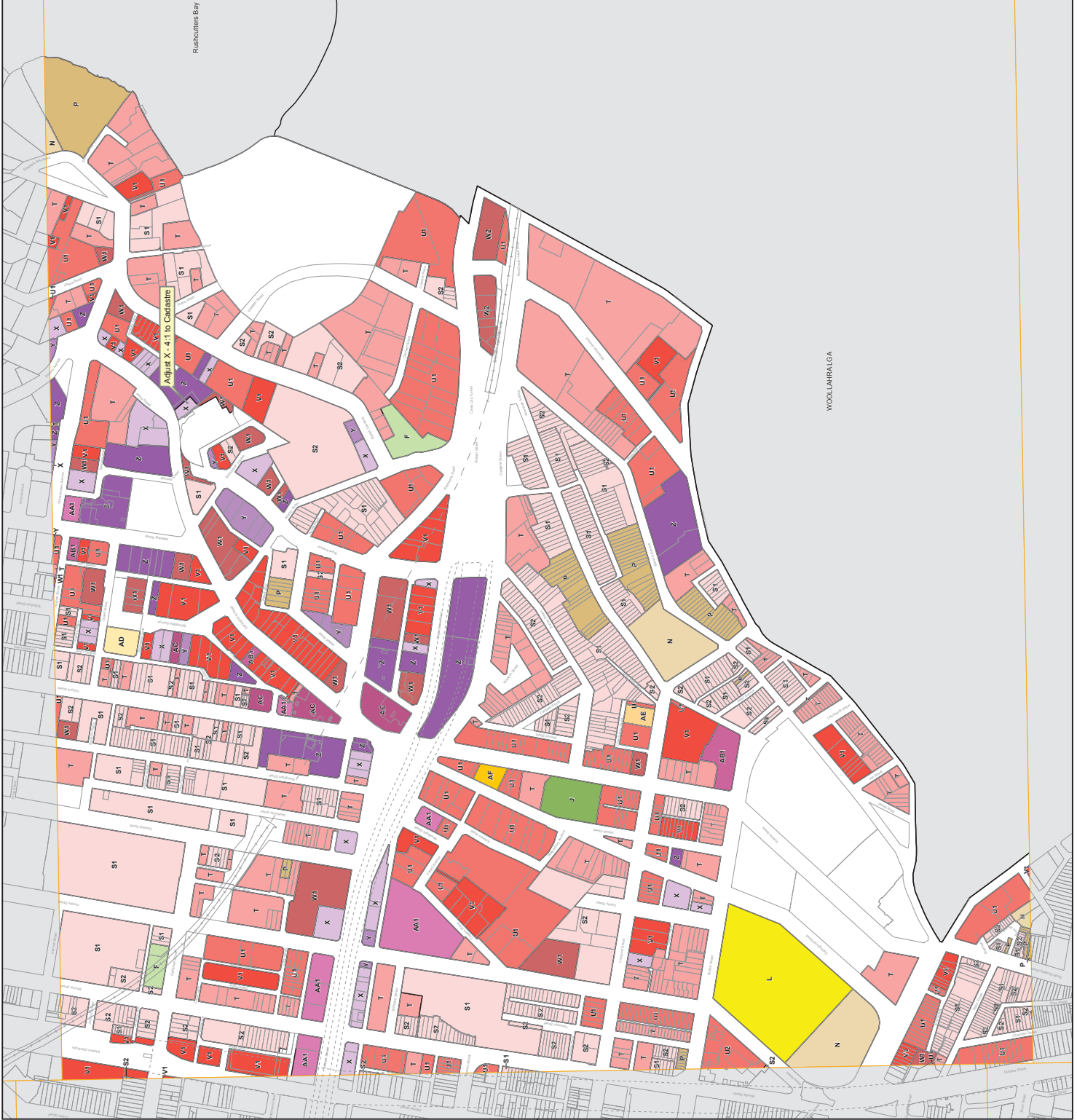
Cadastre

□ Cadastre 29/07/2014 © City of Sydney



Projection: GDA 1984 Zone 56

Map identifier number: 2200_COM_HOB_022_005_20140729



Sydney Local Environmental Plan 2012

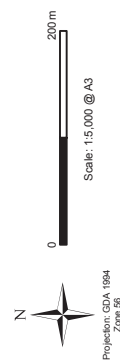
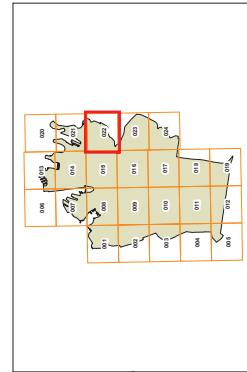
Floor Space Ratio Map - Sheet FSR_022

Maximum Floor Space Ratio (n:1)

- F 0.6
- H 0.7
- J 0.8
- L 0.9
- N 1
- P 1.25
- S1 1.5
- S2 1.75
- T 2
- U1 2.5
- U2 2.75
- V1 3
- V2 3.25
- W1 3.5
- W2 3.75

Cadastre

- Refer to clause 6.14
- Refer to clause 6.15A
- Refer to clause 6.4




Scale: 1:5,000 @ A3

Projection: GDA 1984
Zone 56
Map identification number:
Z200_COM_FSR_022_005_20140723

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ATTACHMENT A

AMENDMENT 13 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 22-26 YORK STREET, SYDNEY

Objectives/ intended outcomes	To correct the property description in the heritage listing for 22-26 York Street Sydney, so that the listing does not apply to buildings that do not have heritage significance.
Site identification	<p>22-26 York Street Sydney is located on the eastern side of York Street, north of the intersection of King Street. It has an approximate site area of 1068m² and comprises all of the land in Strata Plan 62101, being Lots 1 to 7 and common property. The site is occupied by two heritage warehouses: 24 York Street Sydney, a local heritage item, and 22 York Street Sydney, a state heritage item (Figure 1).</p>
	 <p style="text-align: center;">Figure 1: 22-26 York Street Sydney as at May 2014</p>
Explanation	Remove Lot 1 DP 1006536, which relates to 345 George Street Sydney, from the property description for the heritage listed item 22-26 York Street.
Justification	The property description for 22-26 York Street in schedule 5 includes the Lot and DP details of 345-355 George Street. There are no other references to 345-355 George Street in the listing. There is no reference to 345-355 George Street on the heritage map sheet HER_014 (Figure 2).

AMENDMENT 13 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 22-26 YORK STREET, SYDNEY

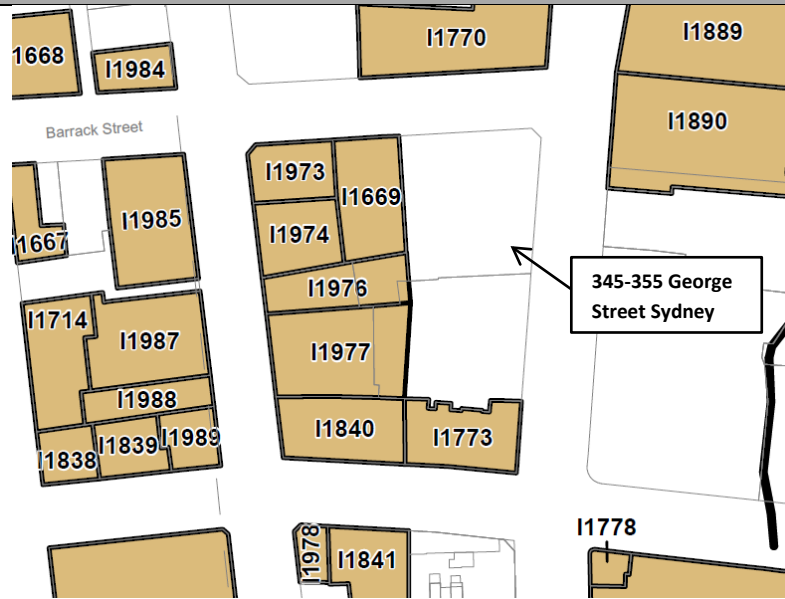


Figure 2: Extract of Sydney LEP 2012 Heritage Map Sheet HER_014. I1976 denotes the heritage item at 22-26 York Street Sydney.

345-355 George Street Sydney is a contemporary commercial office building (Figure 3). The relationship between the two buildings is shown in Figure 4 below. 345-355 George Street Sydney has frontages to George and Barrack Streets and is identified as Lot 1 DP 1006536.



Figure 3: 345-355 George Street Sydney as at May 2014

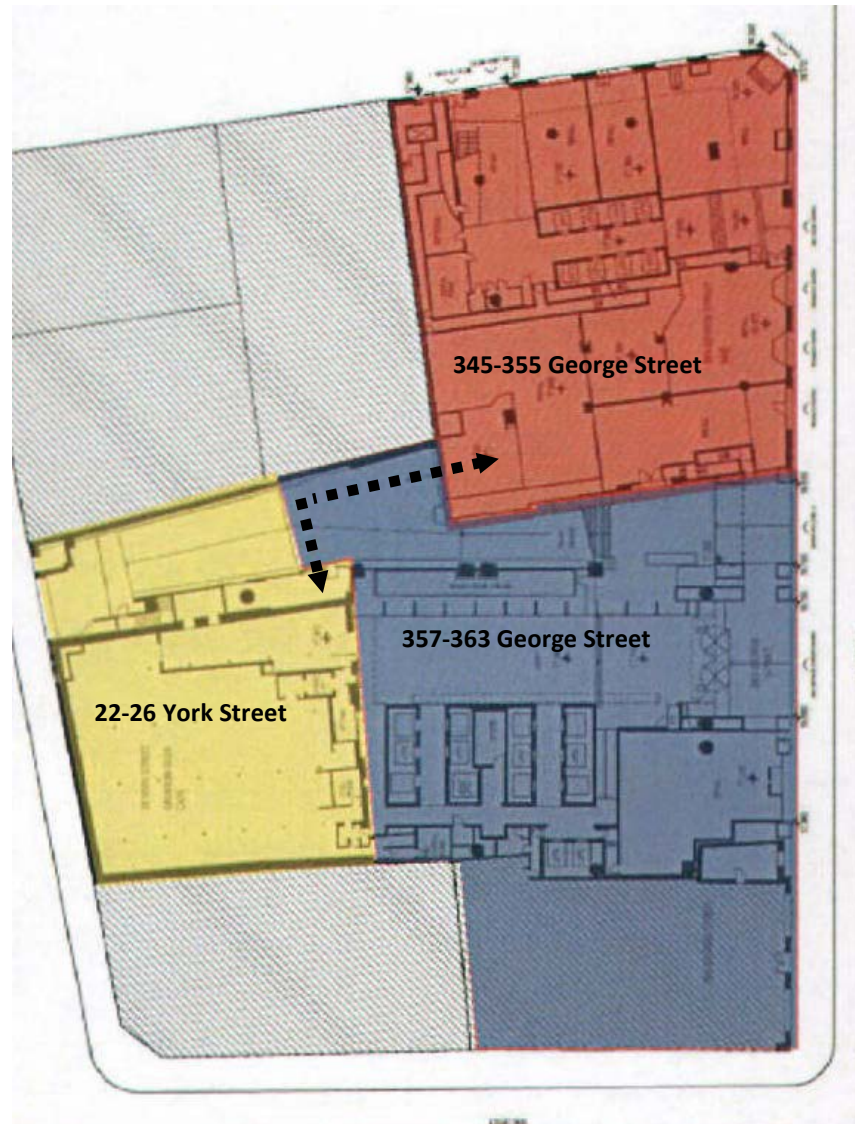


Figure 4: Location and property description of 22-26 York Street Sydney (coloured yellow), 357-363 George Street Sydney (coloured blue) and 345-355 George Street Sydney (coloured red). Through site link shown as dashed line.

A submission has been received by consultants representing the landowners of 345-355 George Street Sydney requesting the removal of their site from the listing for 22-26 York Street. The submission includes an independent heritage assessment that concludes:

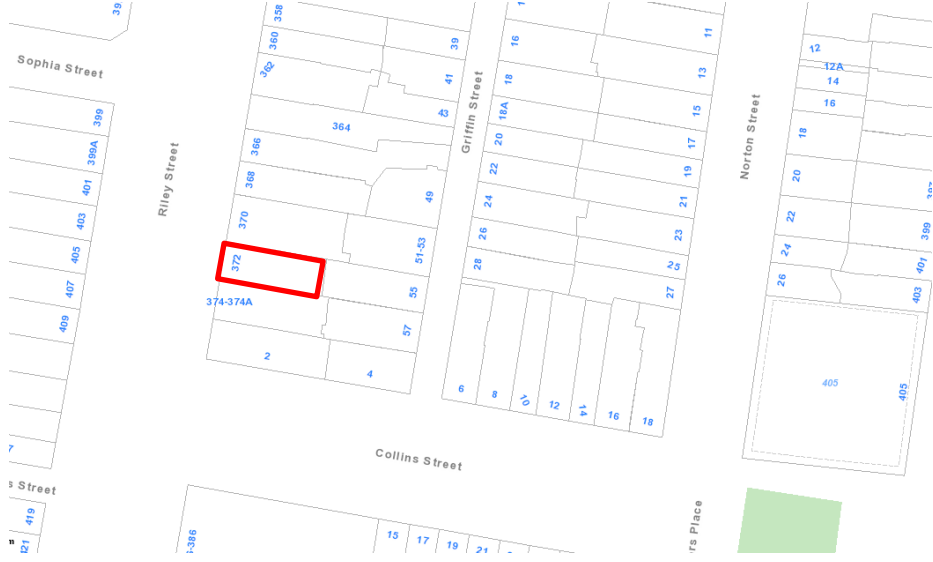
- 345-355 George Street is not identified within the NSW Heritage Inventory or within the Statement of Significance for the building at 22-26 York Street,
- the proposed removal of the property description of 345-355 George Street from schedule 5 will not impact on the heritage significance of 22-26 York Street as the buildings do not historically or physically relate to each other,
- the proposed removal of the property description of 345-355 George

ATTACHMENT A

AMENDMENT 13 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 22-26 YORK STREET, SYDNEY

	<p>Street from schedule 5 will not alter the character of the Special Character Area.</p> <p>All sites were part of a larger site that was developed, subdivided and strata subdivided. 345-355 George Street and 22-26 York Street are now on separate titles. There is a ground floor through site link that connects 22-26 York Street to 345-355 George Street (via 357-363 George Street). There is an easement affecting 22-26 York Street and benefitting 345-355 George Street for the purposes of vehicle and pedestrian access and utility services from York Street. Figure 4 shows relationship between the buildings and the through site link.</p> <p>The easements are partly located upon 22-26 York Street but do not form part of the ownership or tenure of the 'land' at 345-355 George Street. They are noted on the Titles as registered easements only. 345-355 George Street is not linked to 22-26 York Street in terms of heritage significance, titles or ownership.</p> <p>The proposed removal of 345-355 George Street from the heritage listing for 22-26 York Street will not affect the heritage significance of 22-26 York Street.</p>												
<p>Drafting Instructions</p>	<p>Remove 'Lot 1 DP 1006536' from the property description for the heritage item at 22-26 York Street (I1976), as shown as bold strikethrough below:</p> <table border="1" data-bbox="395 987 1366 1456"> <thead> <tr> <th data-bbox="395 987 560 1137">Locality</th> <th data-bbox="560 987 719 1137">Item name</th> <th data-bbox="719 987 879 1137">Address</th> <th data-bbox="879 987 1038 1137">Property description</th> <th data-bbox="1038 987 1203 1137">Significance</th> <th data-bbox="1203 987 1366 1137">Item No.</th> </tr> </thead> <tbody> <tr> <td data-bbox="395 1137 560 1456">Sydney</td> <td data-bbox="560 1137 719 1456">Former warehouse including interiors (22 York Street)</td> <td data-bbox="719 1137 879 1456">22-26 York Street</td> <td data-bbox="879 1137 1038 1456">Lot 103, DP 1010007 (SP62101); Lot 1, DP1006536</td> <td data-bbox="1038 1137 1203 1456">State</td> <td data-bbox="1203 1137 1366 1456">I1976</td> </tr> </tbody> </table>	Locality	Item name	Address	Property description	Significance	Item No.	Sydney	Former warehouse including interiors (22 York Street)	22-26 York Street	Lot 103, DP 1010007 (SP62101); Lot 1, DP1006536	State	I1976
Locality	Item name	Address	Property description	Significance	Item No.								
Sydney	Former warehouse including interiors (22 York Street)	22-26 York Street	Lot 103, DP 1010007 (SP62101); Lot 1, DP1006536	State	I1976								

ATTACHMENT A

AMENDMENT 14 - ALTER SCHEDULE 5 HERITAGE ITEM– 372 RILEY STREET, SURRY HILLS	
Objectives/ intended outcomes	To ensure the heritage schedule is accurate and reflect the significance of the building at 372 Riley Street Surry Hills.
Site identification	<p>372 Riley Street Surry Hills is located on the eastern side of Riley Street, north of the intersection of Collins Street (see Figure 1). It is identified as Lot 1 DP 770605.</p>  <p style="text-align: center;">Figure 1: Location of 372 Riley Street Surry Hills</p>
Explanation	Remove the heritage listing for 372 Riley Street Surry Hills from schedule 5 of Sydney LEP 2012.
Justification	<p>The site is currently listed as a heritage item in Sydney LEP 2012 (11612). Demolition of the single storey mid-Victorian cottage heritage item was approved by the City’s Small Permits and Appeals Panel in January 2013 (RD/2007/2159/A). It was noted that the property had been subject to vast changes and only a very minor amount of original fabric with heritage significance or value remained, which was incapable of being made compliant with current building codes.</p> <p>Construction of a new residential dwelling with development approval is currently underway (D/2013/37) (see Figure 2). As the heritage building no longer exists, the heritage listing for the site is no longer appropriate and should be removed from schedule 5.</p> <p>The site is located within the Little Riley Street heritage conservation area. This listing will remain in effect. The proposed change has no effect on this.</p>

ATTACHMENT A

AMENDMENT 14 - ALTER SCHEDULE 5 HERITAGE ITEM- 372 RILEY STREET, SURRY HILLS



Figure 2: 372 Riley Street Surry Hills as at June 2014

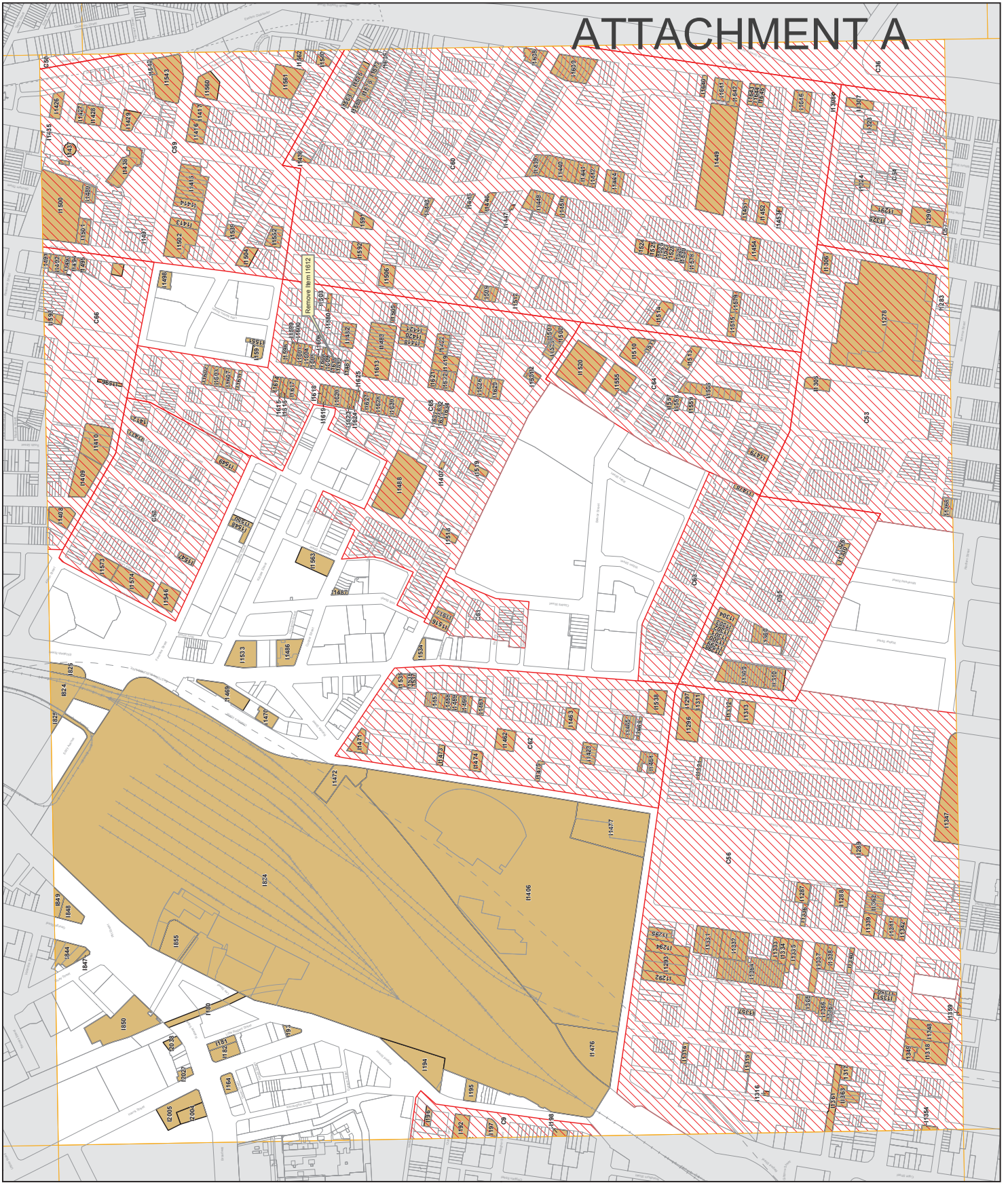
Drafting Instructions

Amend Schedule 5 as follows, with deleted text shown as **~~bold strikethrough~~**:

Locality	Item name	Address	Property description	Significance	Item No.
Surry Hills	Cottage	372 Riley Street	Lot 1, DP 770605	Local	1612

Remove 372 Riley Street, Surry Hills from Heritage Map Sheet HER_016.

ATTACHMENT A

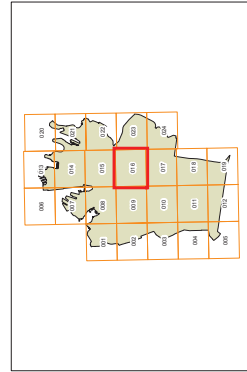


Sydney Local Environmental Plan 2012




Heritage Map - Sheet HER_016

- Heritage**
- Conservation Area - General
 - Item - General
- Cadastral**
- Cadastre 23/07/2014 © City of Sydney



ATTACHMENT A

AMENDMENT 15 - ALTER SCHEDULE 5 HERITAGE ITEM – 73 GLEBE POINT ROAD, GLEBE	
Objectives/ intended outcomes	To ensure the heritage schedule is accurate and reflect the significance of the building at 73 Glebe Point Road, Glebe.
Site identification	<p>73 Glebe Point Road, Glebe is located on the north-eastern side of Glebe Point Road, north of the intersection of Cowper Street. It is identified as Lot 1 DP 736366. The location and a photo of the site are provided below.</p> <div style="text-align: center;">  <p>Figure 1: Location of 73 Glebe Point Road Glebe</p> </div>
Explanation	Remove the heritage listing for 73 Glebe Point Road, Glebe from schedule 5 of Sydney LEP 2012 as it has been demolished.
Justification	<p>The site is currently listed as a heritage item in Sydney LEP 2012 (I700). The site was previously occupied by a heritage listed single storey masonry building that was used as a restaurant. The building was destroyed by fire and subsequently demolished.</p> <p>The site currently includes a single storey building which is a reconstruction of the previous commercial premises approved with development consent (D/2013/273) (see Figure 2). While the consent required the reconstruction be sensitive to and acknowledge the building’s prior history there is no original or surviving fabric that remains for heritage listing. The heritage listing for the site is no longer appropriate and should be removed from schedule 5.</p>

ATTACHMENT A

AMENDMENT 15 - ALTER SCHEDULE 5 HERITAGE ITEM – 73 GLEBE POINT ROAD, GLEBE



Figure 2: 73 Glebe Point Road, Glebe as at June 2014

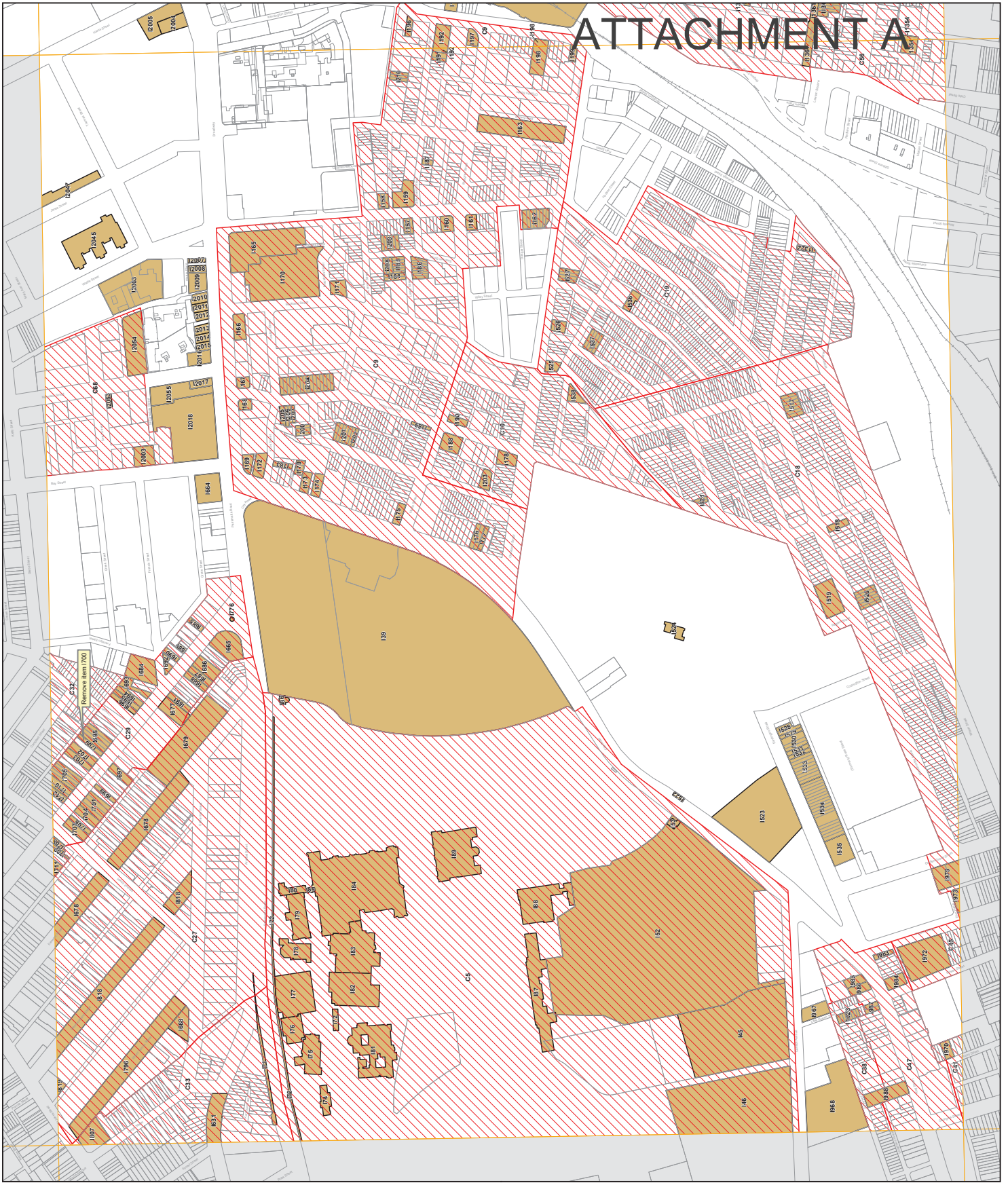
The site is located within the Glebe Point Road heritage conservation area. This listing will remain in effect. The proposed change has no effect on this.

Drafting Instructions

Amend Schedule 5 as follows, with deleted text shown as **~~bold strikethrough~~**:

Locality	Item name	Address	Property description	Significance	Item No.
Glebe	Commercial building, including interior	73 Glebe Point Road, Glebe	Lot 1, DP 736366	Local	1700

Remove 73 Glebe Point Road, Glebe from Heritage Map Sheet HER_009.

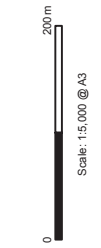
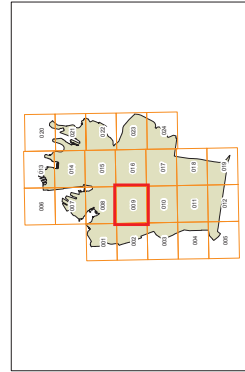


Sydney Local Environmental Plan 2012



Heritage Map - Sheet HER_009

- Heritage**
- Conservation Area - General
 - Item - General
- Cadastral**
- Cadastral 23/07/2014 © City of Sydney



Projection: GDA 1984
Zone 56

Map identification number:
2200_CCN_HER_009_005_20140723

ATTACHMENT A

AMENDMENT 16 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 69-77 KING STREET, NEWTOWN

Objectives/ intended outcomes	To provide an accurate property description for the heritage listing at 69-77 King Street, Newtown.
Site identification	69-77 King Street, Newtown is located on the northern side of King Street, east of Missenden Road.
Explanation	To correct an inaccuracy in the property description for the heritage item at 69-77 King Street, Newtown, within schedule 5 of Sydney LEP 2012.

Justification 69-77 King Street Newtown listed as a heritage item under Schedule 5 of Sydney Local Environmental Plan 2012 (1988). The item name for the listing is “Commercial building ‘Trocadero Hall’ including interior”. The item listing incorrectly has the property description as Lot 1 DP 67004.

The property description is incorrect. The correct property description for 69-77 King Street is Lot 5 DP67004 (see Figure 1).

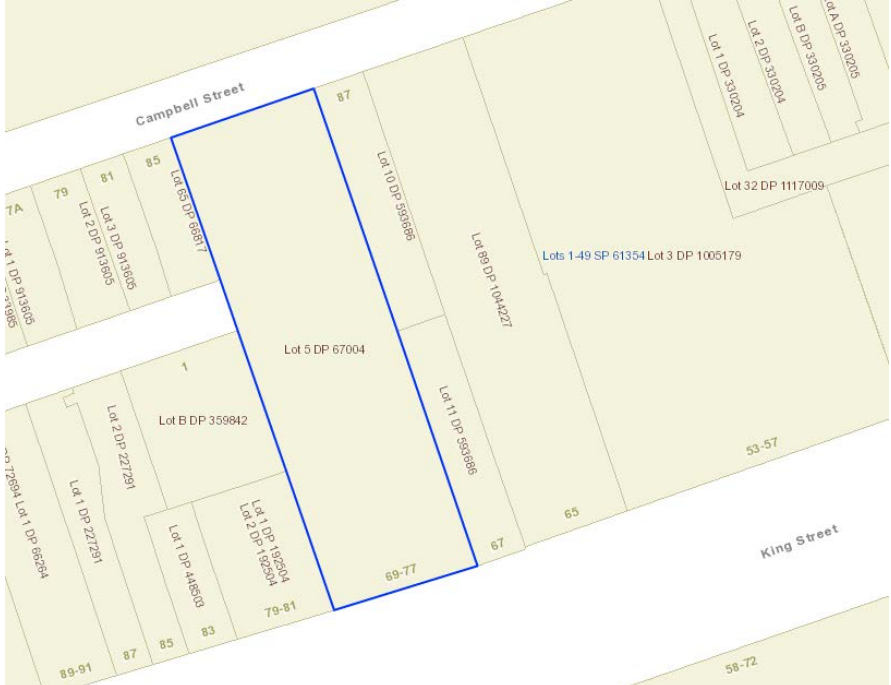


Figure 1: Location and property description of 69-77 King Street, Newtown

Drafting Instructions Amend the property description under Schedule 5 of Sydney LEP 2012 for 69-77 King Street, Newtown as follows, with additional text shown as **bold underline** and deleted text as **~~bold strikethrough~~**:

Locality	Item name	Address	Property description	Significance	Item No.
Newtown	Commercial building, “Trocadero Hall” including interior	69-77 King Street	Lot 1, Lot 5, <u>Lot 5,</u> DP67004	State	1988

ATTACHMENT A

AMENDMENT 17 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 117-119 YOUNG STREET, REDFERN

Objectives/ intended outcomes	To provide an accurate property description for the heritage listing for 117-119 Young Street Redfern.
Site identification	117-119 Young Street, Redfern is located on the eastern side of Young Street, north of Zamia Street and south of Ogden Lane.
Explanation	To correct an inaccuracy in the property description for the heritage item at 117-119 Young Street, Redfern within schedule 5 of Sydney LEP 2012.

Justification 117-119 Young Street, Redfern is a heritage item under schedule 5 of Sydney LEP 2012 (I1369) (see Figure 1). The item name for the listing is the “St Saviour’s Anglican Church group church and rectory including interiors”. The listing has the property description as Lot 1, DP 177708; Lot A, DP 359196.



Figure 1: Extent of heritage item at 117-119 Young Street, Redfern

The property description is incorrect. The correct property description for 117-119 Young Street is Lot 1, DP 177708; Part Lot A, DP 359196 (see Figure 2).

ATTACHMENT A

AMENDMENT 16 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 69-77 KING STREET, NEWTOWN



Figure 2: Location and property description of 117-119 Young Street, Redfern

Drafting instructions

Amend the property description under Schedule 5 of Sydney LEP 2012 for 117-119 Young Street, Redfern as follows, with additional text shown as **bold underline**:

Locality	Item name	Address	Property description	Significance	Item No.
Redfern	St Saviour's Anglican Church group church and rectory including interiors	17-119 Young Street	Lot 1, DP 177708; <u>Part</u> Lot A, DP 359196	Local	I1369

ATTACHMENT A

AMENDMENT 18 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 97-99 VICTORIA STREET, POTTS POINT

**Objectives/
intended
outcomes**

To provide an accurate reflection of the significance of the individual dwellings under the heritage listing for 97-99 Victoria Street Potts Point.

**Site
identification**

97 and 99 Victoria Street Potts Point are located on the western side of Victoria Street, north of the junction with Hughes Street. 97 Victoria Street has an approximate site area of 192m² and is identified as Lot 6 DP 1156935. 99 Victoria Street directly adjoins the southern side of this site and is set back from the building alignment of 97 Victoria Street. 99 Victoria Street has an approximate site area of 266m² and is identified as Lot 7 DP 1156935.

The location and photos of the sites are provided below.

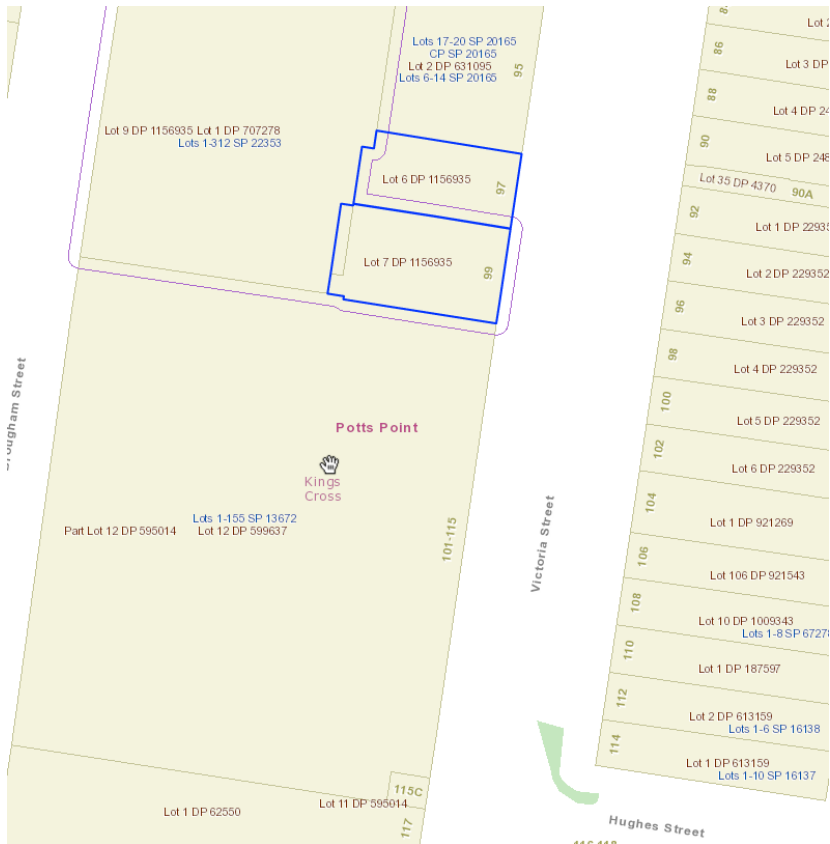


Figure 1: Location of 97 and 99 Victoria Street Potts Point

ATTACHMENT A

AMENDMENT 18 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 97-99 VICTORIA STREET, POTTS POINT



Figure 2: 97 and 99 Victoria Street Potts Point at May 2014



Figure 3: 97 Victoria Street Potts Point at May 2014

ATTACHMENT A

AMENDMENT 18 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 97-99 VICTORIA STREET, POTTS POINT



Figure 4: 99 Victoria Street Potts Point at May 2014

Explanation

To correct the item name description to refer to the two dwellings that exist at 97-99 Victoria Street, Potts Point.

Justification

97 and 99 Victoria Street Potts Point are two lots under separate ownership. Both sites are listed as one heritage item under schedule 5 and heritage map HER_021 of Sydney LEP 2012, and within the Potts Point heritage conservation area.

The heritage significance of each dwelling is unclear as the description under “Item name” column of the item listing suggests that only one of the two dwellings has heritage significance. This suggestion can be traced back to the entry in South Sydney LEP 1998. Furthermore, both buildings have heritage significance based on the heritage inventory sheets for each site.

In accordance with the Department of Planning’s LEP Practice Note PN11-001 *Preparing LEPs using the Standard Instrument: standard clauses*, the “Item Name” column should include a brief description of things that are part of the heritage significance of the item.

The “Property Description” column for 97-99 Victoria Street in schedule 5 describes the two separate lots, whereas the “Item name” column states *Terrace house including interior and front fence*.

The City recommends that the “Item Name” column be amended to clarify that both dwellings are part of the heritage listing. The one heritage listing over both sites will remain in effect and has the same effect as if the sites were individually listed.

The site is located within a conservation area. This listing will remain in effect. The proposed change has no effect on this.

ATTACHMENT A


AMENDMENT 18 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 97-99 VICTORIA STREET, POTTS POINT

Drafting Instructions

Amend Schedule 5 Environmental Heritage for 97-99 Victoria Street, Potts Point, with additional text shown as **bold underline** and deleted text as ~~**bold**~~ **strikethrough**:

Locality	Item name	Address	Property description	Significance	Item No.
Potts Point	Terrace <u>Houses</u> including interiors and front fences	97-99 Victoria Street	Lots 6 and 7, DP115693 5	Local	I1172

ATTACHMENT A

AMENDMENT 19 – CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 1-3 ROSEBERY AVENUE, ROSEBERY	
Objectives/ intended outcomes	To accurately reflect the significance of 1-3 Rosebery Avenue, Rosebery in schedule 5 of Sydney LEP 2012.
Explanation	Correct the item name from “National Springs” to “Moffat-Virtue” for item number 11379 relating to 1-3 Rosebery Avenue, Rosebery, within schedule 5 of Sydney LEP 2012.
Justification	<p>1-3 Rosebery Avenue Rosebery is located on the western side of Rosebery Avenue, at the corner intersection between Rosebery Avenue and Epsom Road. (see Figures 1 and 2).</p> <div style="text-align: center;">  </div> <p style="text-align: center;">Figure 1: Location of 1-3 Rosebery Avenue Rosebery</p>

AMENDMENT 19 – CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 1-3 ROSEBERY AVENUE, ROSEBERY



Figure 2: 1-3 Rosebery Avenue, Rosebery as at June 2014

The item name refers to a recent owner of the site, National Springs Pty Ltd. However, the most significant owner of the site is Moffat Virtue Ltd, a engineering and machinery merchant for whom the office and warehouse buildings were constructed in 1943. Best heritage practise is for an item name that references the most significant historical owner as this reflects the significance of the site and does not become redundant as ownership changes.

ATTACHMENT A

AMENDMENT 19 20 - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 168-174 CATHEDRAL STREET, WOOLLOOMOOLOO

**Objectives/
intended
outcomes**

To correctly and accurately identify heritage items by name and address.

**Site
identification**

168, 170 and 172 Cathedral Street, Woolloomooloo are a group of 3 two storey Victorian terrace houses formerly associated with President Lincoln Hotel (174 Cathedral Street, Woolloomooloo) (see Figure below). 168, 170 and 172 Cathedral Street have primary street frontages to Cathedral Street and secondary street frontages to Junction Lane.



Figure 1: 168, 170 and 172 Cathedral Street, Woolloomooloo

174 Cathedral Street is a three storey Victorian building and the site of the former President Lincoln Hotel. The site has frontages to Cathedral and Forbes Street and secondary frontage to Junction Lane.

172 and 174 Cathedral Street are two separate buildings and lots under the same DP number and are under the one ownership.



Figure 2: 174 Cathedral Street Woolloomooloo

ATTACHMENT A

AMENDMENT 19 ~~20~~ - CORRECT DESCRIPTION OF SCHEDULE 5 HERITAGE ITEM – 168-174 CATHEDRAL STREET, WOOLLOOMOOLOO

Explanation Accurately describe the heritage items of significance, correct the item name and address details for:

- the three terrace house group at 168 to 172 Cathedral Street, Woolloomooloo, and
- the Former President Lincoln Hotel at 174 Cathedral Street, Woolloomooloo.

Justification

The three terraces are currently listed as a heritage item in Sydney LEP 2012 (I2132) and identified on Heritage Map sheet_022. The “Property Description” column of the item listing correctly identifies the Lot and Deposited Plan details for each of the three terraces. The description under “Item name” notes one terrace house rather than the three identified by the addresses, property description and map.

The address for this item listing is inaccurate. It currently refers to 168-174 Cathedral Street, Woolloomooloo. However, the properties are known as 168, 170 and 172-174 Cathedral Street, Woolloomooloo.

The former President Lincoln Hotel is currently listed as a separate heritage item, item number I2133. The item listing currently has the address of the site as 168-174 Cathedral Street Woolloomooloo. This address is incorrect. The correct address is 172-174 Cathedral Street, Woolloomooloo.

A correction to the “Item Name” column is also required to this item listing. It currently refers to 174-174A Cathedral Street, Woolloomooloo. The reference to 174A is unnecessary and it recommended to be removed to minimise confusion.

Drafting instructions Amend Schedule 5 Environmental Heritage as follows, with additional text shown as **bold underline** and deleted text shown as ~~**bold strikethrough**~~:

Locality	Item name	Address	Property description	Significance	Item no.
Woolloomooloo	<u>3</u> Terrace houses (168-172 Cathedral Street) including interior	168 174 , <u>170 and 172-174</u> Cathedral Street	Lot 11, DP 559657; Lots 12 and Lot 13 DP 218974	Local	I2132
Woolloomooloo	Former President Lincoln Hotel (174- 174A -Cathedral Street) including interior	168 <u>172-174</u> Cathedral Street	Lot 14, DP 218974	Local	I2133