

ITEM 4. POST EXHIBITION - 12-40 ROSEBERY AVENUE AND 108 DALMENY AVENUE ROSEBERY - PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012

FILE NO: S114564

SUMMARY

The Green Square Urban Renewal Area was identified for urban renewal in the late 1990s. Its ongoing renewal has been supported by successive state governments and Councils. Urban renewal in the area continues to deliver new homes and commercial space, as well as new public domain, including streets and parks, and new community facilities. This supports the objectives and delivery of outcomes outlined in *Sustainable Sydney 2030*.

This report informs the Central Sydney Planning Committee of the outcomes of the public exhibition of draft planning controls for 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery and recommends approval of the finalised controls. The controls comprise a planning proposal to amend *Sydney Local Environmental Plan 2012*, at Attachment A, and a draft amendment to *Sydney Development Control Plan 2012*, at Attachment B.

Located in the south east corner of the Green Square Urban Renewal Area, within the North Rosebery precinct, the site is approximately 1.2 kilometres from Green Square station and approximately 400 metres from several bus services. It is also located close to a range of goods, services and facilities, including existing and planned retail premises in Rosebery, the future Green Square Aquatic Centre and future community facilities at the former South Sydney Hospital site. Figures 1 and 2 show the site location and context. The site's redevelopment will contribute to the vision and targets of *Sustainable Sydney 2030* by delivering approximately 380 new dwellings and a new public street and pedestrian link. This will provide better connectivity and improve the walkability of the area. Redevelopment is also consistent with key directions in the NSW Government's strategy *A Plan for Growing Sydney*, as it will provide housing to suit different needs and lifestyles in an established urban location.

In May 2015, the landowner submitted a request to the City to prepare a planning proposal. The City assessed the request and worked in consultation with the landowner and their consultant team to develop the draft controls. The current controls limit development to a maximum floor space ratio (FSR) of 1.5:1 (including 0.5:1 community infrastructure floorspace) and a maximum height of up to 22 metres (six storeys). The proposed controls will allow development up to an FSR of 2:1 (including 1:1 community infrastructure floorspace) and up to a height of 29 metres (eight storeys). The proposed amendments will encourage a more efficient use of the site and an improved built form outcome more consistent with the surrounding context.

Redevelopment under the proposed controls will result in significant public benefits. The proposed additional FSR may only be realised where community infrastructure is provided. The redevelopment will therefore be accompanied by the delivery of critical infrastructure, such as a new street and pedestrian link to support the new residential population. The proponent has also indicated an intention to deliver a childcare centre as part of a future development. This is reflected in the draft Development Control Plan (DCP) amendment. The draft DCP amendment also includes provisions to guide a future competitive design process, encouraging best practice environmental sustainability outcomes through this process.

In February 2016, Council and the Central Sydney Planning Committee resolved to publicly exhibit the proposed controls and a copy of the resolutions are at Attachment C. On 8 April 2016, the Department of Planning and Environment, under delegation of the Greater Sydney Commission, issued a Gateway Determination allowing public exhibition of the planning proposal. The Gateway Determination is at Attachment D and authorises Council to liaise directly with Parliamentary Counsel to legally draft and make the local environmental plan under delegation, to give effect to the planning proposal.

The planning proposal and draft DCP amendment were exhibited for 28 days from 16 May 2016 to 14 June 2016. The City received a total of 10 submissions and two petitions. Five submissions are from public authorities consulted in accordance with the Gateway Determination and raise no objections. Five submissions are from individual local residents and raise matters relating to building heights, traffic impacts, solar access and community infrastructure. One petition is from owners within the residential apartment building to the east of the site and raises concerns with traffic impacts. The other petition is from the Rosebery Residents Action Group and raises concerns with the scale of development and the adverse impact on resident amenity. These issues are discussed in the body of the report and a full summary is at Attachment E. No changes to the draft controls are proposed as a result of the submissions.

If approved, the City will request Parliamentary Counsel commence the preparation of the local environmental plan amendment. The local environmental plan will come into effect when it is published on the NSW Legislation website. The development control plan will come into effect at the same time.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition and public authority consultation of *Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery* and draft *Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment*, as shown at Attachment E to the subject report;
- (B) the Central Sydney Planning Committee approve *Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery*, as shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 10 October 2016 that Council approve draft *Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment*, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to amend the planning proposal to correct any minor errors or omissions.

ATTACHMENTS

- Attachment A:** Planning Proposal: 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery. Dated July 2016. Post exhibition changes marked in red
- Attachment B:** Draft Sydney Development Control Plan 2012 – 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery Amendment. Dated July 2016. Original changes marked in red. Post exhibition changes marked in blue
- Attachment C:** Resolution of Council of 29 February 2016 and Resolution of the Central Sydney Planning Committee of 25 February 2016
- Attachment D:** Gateway Determination. Dated 8 April 2016
- Attachment E:** Summary of submissions and responses from the City of Sydney

BACKGROUND

Purpose of this report

1. This report seeks Central Sydney Planning Committee approval of a planning proposal relating to 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery. It also recommends that the Central Sydney Planning Committee note a supporting draft development control plan amendment. The planning proposal, at Attachment A, seeks to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). The draft DCP amendment, at Attachment B, seeks to amend *Sydney Development Control Plan 2012* (Sydney DCP 2012).
2. Council and the Central Sydney Planning Committee (CSPC) approved the draft planning proposal and draft DCP amendment for public exhibition on 29 February 2016 and 25 February 2016, respectively. The Council and CSPC resolutions are at Attachment C.
3. The Department of Planning and Environment issued a Gateway Determination setting out the requirements for the public exhibition on 8 April 2016. The Gateway Determination is at Attachment D.
4. The draft planning proposal and draft DCP amendment were publicly exhibited in accordance with the Gateway Determination from Monday 16 May 2016 to Tuesday 14 June 2016.
5. The City received a total of 10 submissions and two petitions. Five submissions are from individual local residents and five are from public authorities. One petition is from a group of owners within an adjacent apartment building and the other is from the Rosebery Residents Action Group. A summary of all submissions, and the City's response, is at Attachment E. Key issues raised in submissions are discussed later in this report. No changes are proposed as a result of submissions received.

Site details and context

6. The site comprises three separate lots with a total area of 15,198 square metres. The site and surrounding streets and precincts are shown in Figures 1 and 2.

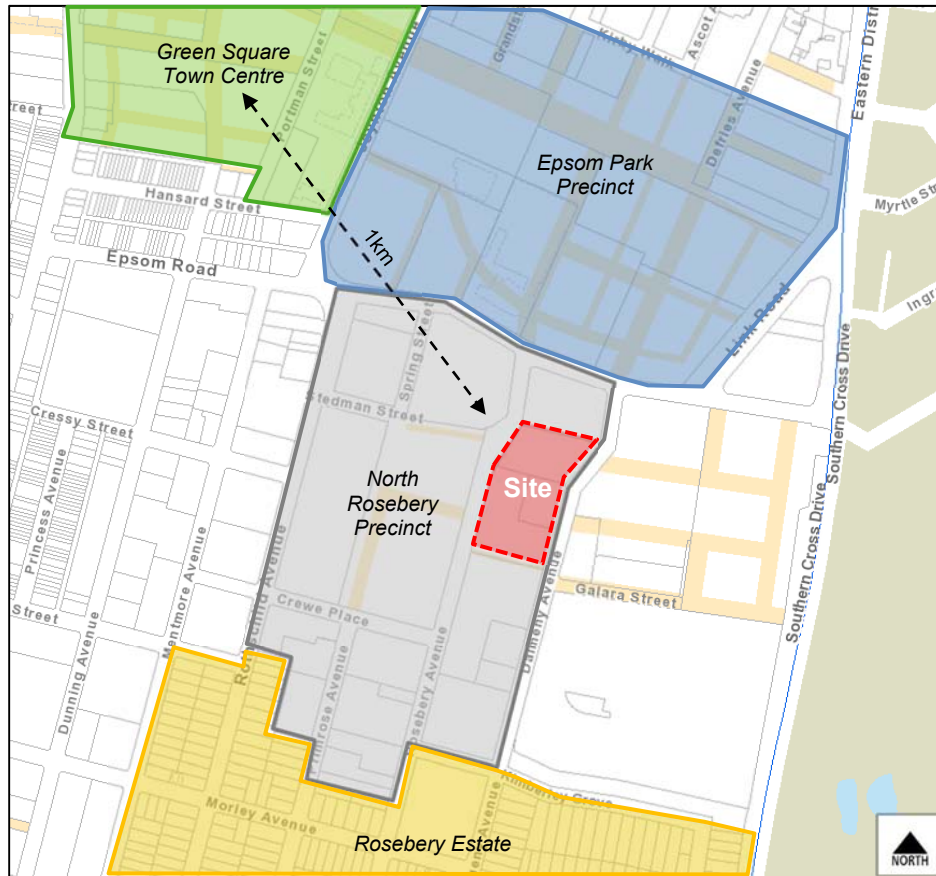


Figure 1: Location and context plan



Figure 2: Aerial photograph, July 2015

7. The site is situated within the North Rosebery precinct, as shown in Figure 1, in the south eastern corner of the Green Square Urban Renewal Area. This precinct is undergoing significant renewal from light industrial and commercial uses to predominantly residential uses.
8. The site is to the north of the Rosebery Residential Estate, to the south of the higher density Victoria Park and Epsom Park precincts, and approximately 1.2 kilometres to the south-east of Green Square station.
9. The existing buildings comprise several two storey commercial units, an at-grade car parking and loading area and some minor landscaping.
10. The site has frontages to Rosebery Avenue on the west and Dalmeny Avenue on the east. Adjacent sites to the east, south and west are at various stages of redevelopment for residential uses. The site to the north has a three storey commercial building used by Optus for telecommunication and data services.

Current planning controls

11. Sydney LEP 2012 contains zoning and principal development standards, including:
 - (a) 'B4 Mixed Use' zoning which permits a wide range of uses, including commercial and residential;
 - (b) an FSR of 1.5:1. This comprises a 'base' FSR of 1:1, plus up to an additional 0.5:1 FSR subject to the provision of 'community infrastructure'. Up to a further 10% FSR may be awarded subject to a development undertaking a competitive design process under the design excellence provisions. This increases the potential maximum FSR to up to 1.65:1; and
 - (c) a maximum building height of 18 metres (five storeys) on the southern part of the site, 22 metres (six storeys) on the northern part and three metres along the southern boundary, reflecting the location of a future public street.
12. Sydney DCP 2012 contains detailed built form and public domain controls, including:
 - (a) a maximum building height of between three and six storeys;
 - (b) requirements for landscape setbacks; and
 - (c) delivery of part of a new public street along the southern boundary and part of a pedestrian link along the northern boundary.
13. An extract from the current height in storeys map of Sydney DCP 2012 is shown at Figure 3. The current planning controls are the outcome of a detailed review and update of the North Rosebery precinct controls undertaken by the City between 2012 and 2014. This work established built form principles which have been used by the City in reviewing the proposed draft controls as discussed in more detail below.



Figure 3: Extract from current DCP Height in storeys map

Amendment request and the indicative scheme

14. In May 2015, Rosebery Properties Ltd, lodged a request with the City to amend the planning controls for the site. Specifically, the request was for an increase in FSR from 1.5:1 to 2:1 (excluding any design excellence bonus) and an increase in height from 18 metres and 22 metres to up to 29 metres (eight storeys). The request included an urban design report prepared by Bates Smart.
15. The report argued that the current height and density controls are inconsistent with those of surrounding sites. It proposed that increasing the controls would result in greater equity with adjacent sites and more efficient use of a site well serviced by key existing and future transport and social infrastructure and other complementary uses.
16. In assessing the proposal, the City worked with Bates Smart and the proponent to arrive at an appropriate site layout and indicative scheme. This work was guided by the broader built form principles for the North Rosebery precinct, including providing a diversity of building heights and a general reduction in building height from north to south.
17. The indicative scheme was developed so as to comply with key amenity provisions contained in the Apartment Design Guide relating to solar access, overshadowing of surrounding properties, building separations and natural ventilation.

18. The indicative scheme is shown at Figure 4. The layout of building footprints is similar to that in Sydney DCP 2012 as shown at Figure 3. It includes three additional east-west oriented buildings of three storeys each and an additional one or two storeys on each of the north-south oriented buildings fronting both Rosebery Avenue and Dalmeny Avenue.
19. Bates Smart amended the original urban design study, submitted with the planning proposal request, to reflect the work undertaken in collaboration with the City and the resultant indicative scheme. The amended study is at Appendix A to Attachment A of this report.



Figure 4: Building footprints and height in storeys of the indicative scheme

Exhibited controls

20. The City developed draft amendments to both Sydney LEP 2012 and Sydney DCP 2012 to allow the indicative scheme to be realised.

The planning proposal

21. The proposed changes to Sydney LEP 2012, as sought by the planning proposal at Attachment A, include:
 - (a) amending height map sheet 18 to increase the maximum height of buildings from between 18 metres and 22 metres to up to 29 metres;
 - (b) amending FSR map sheet 18 to increase the FSR achievable subject to provision of community infrastructure from 0.5:1 to 1:1, effectively increasing the maximum FSR from 1.5:1 to 2:1; and

- (c) adding a new clause in Part 6, Division 5 to limit the amount of floor area potentially achievable subject to design excellence under clause 6.21 from 10% to 8%. This is explained further below.
- 22. Under clause 6.21 of Sydney LEP 2012, certain development may be eligible for up to an additional 10% FSR or building height in addition to the mapped FSR or height, subject to achieving design excellence through a competitive design process. The additional FSR is known as 'design excellence floorspace'.
- 23. Under this clause, and on the basis of the draft mapped 2:1 FSR, development on the site may be permitted up to an FSR of 2.2:1.
- 24. Bates Smart and the City modelled and tested development options at 2.2:1 and determined that the additional bulk and scale were excessive and not in keeping with the built form principles of the North Rosebery precinct. Testing showed that an acceptable outcome could be achieved at an FSR of 2.16:1.
- 25. On this basis, the planning proposal includes a draft clause to limit the potential 'design excellence floorspace' to a maximum of 8%, or 0.16:1 FSR. The preferred location of potential design excellence floorspace (contained in one additional storey) is indicated in brackets in Figure 4 and in the height in storeys map in the draft DCP amendment.

The draft DCP Amendment

- 26. The proposed changes to Sydney DCP 2012, as sought by the draft DCP amendment, are at Attachment B and include:
 - (a) changes to maps and provisions in Section 5.7 – Green Square, North Rosebery, within Sydney DCP 2012 to reflect the indicative scheme. These changes include:
 - (i) amending the height in storeys map to reflect a maximum height of up to seven storeys (up to eight storeys where design excellence is demonstrated);
 - (ii) amending the setbacks maps to include some areas of four metre upper level setback and some areas of four metre landscaped setback;
 - (iii) amending the public domain map to include an additional through site link; and
 - (iv) adding new provisions to encourage the provision of public benefits on site, including childcare and the exploration of environmental sustainability initiatives through a future competitive design process; and
 - (b) amendments to maps within the Sydney DCP 2012 Map Book to reflect the indicative scheme.

Public exhibition

- 27. The planning proposal and draft DCP amendment were exhibited from 16 May 2016 to 14 June 2016.

28. Relevant documents were made available for viewing at the One Stop Shop, the Green Square Neighbourhood Service Centre and on the Sydney Your Say website. The City sent approximately 1,300 letters to landowners and residents to notify them of the public exhibition.
29. The exhibition was also advertised in the Central Sydney magazine, The Sydney Morning Herald, and through the City's website and the Sydney Your Say e-newsletter.
30. The City also consulted Ausgrid, Roads and Maritime Services (RMS), Sydney Airport, Sydney Water and Transport for NSW, as required by the Gateway Determination.
31. A total of 10 submissions and two petitions were received during the exhibition period. This comprised five submissions from public authorities, five individual resident submissions, one petition from a group of property owners in a neighbouring apartment building and one petition from the Rosebery Residents Action Group.
32. All of the issues raised in submissions and the City's response are summarised at Attachment E, with detailed discussion of key issues below.

Public authority submissions

33. Submissions from all five public authorities consulted provide recommendations for matters to be addressed at the development application stage. None of these submissions raises objections to the planning proposal and draft DCP amendment.

Local resident submissions

34. The main issues raised in the five individual resident submissions and the two resident petitions are detailed and discussed below. A full summary of the issues raised and the City's detailed response are provided at Attachment E.

Impact on local street network

35. Five resident submissions and one of the petitions object to the proposed controls on the grounds that they will result in additional traffic on already congested local streets.
36. The proponent engaged Parking and Traffic Consultants to prepare a traffic and parking assessment in support of the planning proposal request. A copy of the assessment is at Appendix B of Attachment A. The study assesses the impact of additional vehicle movements created by the proposed additional residential density on the operation of the local street network. The study assumes an increase in the number of dwellings from approximately 290 to 380.
37. The assessment found that the proposed increase in FSR from 1.5:1 to 2:1 will result in a combined additional 26 vehicle trips during the AM and PM peaks. The assessment concludes that these additional movements would have no significant impact on the overall street network operation. The City's Traffic and Transport units reviewed the assessment and found the methodology and assumptions to be sound.
38. One submission and one of the petitions question the accuracy of the traffic assessment and argued it should consider the cumulative impact of adjacent developments recently completed or nearing completion.

39. The traffic assessment considers the existing traffic on the local network, as well as estimating the additional traffic that may be generated by redevelopment under the proposed controls. The assessment makes use of the most recent data available at the time it was submitted, May 2015.
40. This type of assessment does not make assumptions about the timing and staging of development on adjacent sites, nor estimate the traffic that may result from such developments and the cumulative impact.
41. A broader strategic traffic study was commissioned by the City in 2014 to assess the cumulative impact of development across the North Rosebery precinct. It made assumptions on the timing, staging and intensity of development in the North Rosebery precinct and in neighbouring precincts and sites, including the 'Dolina' site (at the corner of Epsom Road and Link Road), the 'Overland Gardens' site (adjacent to the 'Dolina' site) and the Epsom Park precinct.
42. The 2014 study estimated future traffic generated by these developments and assessed the impact on the local street network. It provided recommendations to mitigate impacts on the street network and ensure satisfactory operation of key intersections. These recommendations relate to future changes to traffic signal phasing, lane configuration at new intersections and proposed local traffic calming measures.
43. In assessing the proposed increased density, the City analysed the Parking and Traffic Consultants assessment in conjunction with the 2014 report. The City supports the findings that the additional trips from the site will have a negligible impact on the overall operation of the local street network.
44. The findings of the 2014 study will continue to guide the City's decisions on the operation and configuration of the local street network in and around the North Rosebery precinct. Specifically, the recommendations for configuration of the proposed intersections with future streets in the Epsom Park precinct will be used in discussions with Roads and Maritime Services when these intersections are designed and constructed.

Location of driveways

45. Three submissions and one of the petitions object to vehicle access being provided off Dalmeny Avenue. Preferred vehicle access locations are identified in Figure 5.172 of the draft DCP amendment at Attachment B. The submitters argue that this will increase existing congestion on Dalmeny Avenue and that access should be provided from Rosebery Avenue.
46. The City's position on the desired future function of Rosebery Avenue as a public transport corridor for rapid bus transit or light rail is clearly identified in Sydney DCP 2012. While there has been no commitment from the State Government to date, the City continues to future proof the corridor by ensuring development responds appropriately.
47. For the subject site, vehicle access from Dalmeny Avenue is preferred so that private vehicles do not interfere with and compromise this preferred future function of Rosebery Avenue. The same approach has been taken on the Meriton development at 42-60 Rosebery Avenue.

48. Dalmeny Avenue is currently a no-through road, however, the draft DCP amendment provides for a new street connecting Dalmeny Avenue and Rosebery Avenue. One half of the street is being delivered as part of the redevelopment of the site to the south. It will function as a pedestrian-only lane in the short term. The remaining half will be delivered as part of the redevelopment of the subject site. Configuration of the intersections and access arrangements for vehicles will be finalised in consultation with Roads and Maritime Services. When delivered, it will provide an alternative route for vehicles to exit Dalmeny Avenue, other than onto Epsom Road.

Building heights

49. Two submissions and one petition object to the proposed increase in maximum building heights from between 18 and 22 metres to up to 29 metres (up to eight storeys).
50. The proposed heights were established with reference to the built form principles of the North Rosebery Precinct, as discussed earlier in this report, and the provisions and objectives of the Apartment Design Guide.
51. The increased building heights are appropriate in the context of surrounding developments. The proposed controls allow for a variety of building heights from three to eight storeys and breaks between buildings to reduce the sense of bulk and increase daylight and the sense of openness. The proposed heights respond to the surrounding eight and 10 storey height controls on adjacent sites to the north, east and west and the lower heights to the south.
52. The proposed controls also require the upper storeys of buildings to be set back from the street frontage, further reducing the sense of building bulk. This results in greater solar access to the public domain and surrounding development. Figure 5 shows the indicative scheme within the surrounding context.

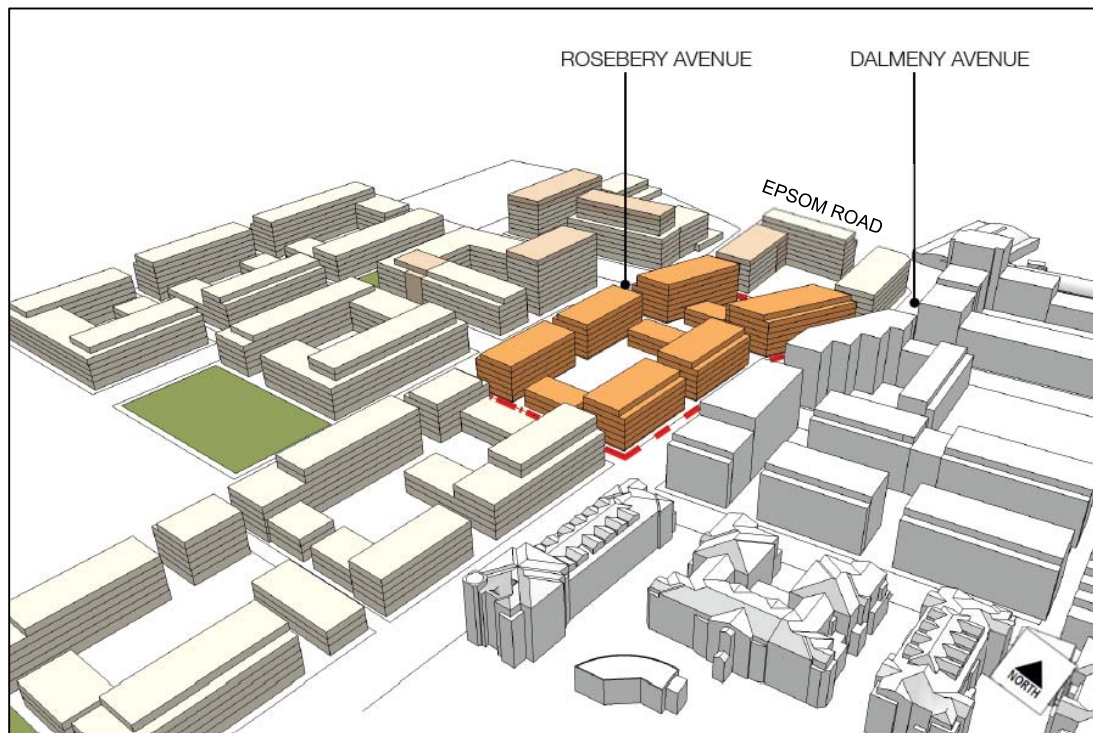


Figure 5: Indicative scheme facing north-west, subject site coloured orange

Overshadowing of 95-97 Dalmeny Avenue

53. Two submissions object to the proposed building heights on the basis they will result in overshadowing of the residential apartment building at 95-97 Dalmeny Avenue. It is directly to the east of the subject site on the opposite side of Dalmeny Avenue.
54. The Apartment Design Guide sets out minimum requirements for solar access to residential apartments. Objective 4A-1 specifies that living rooms and private open spaces of at least 70% of apartments in a building in Metropolitan Sydney are required to receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter.
55. Bates Smart has prepared diagrams illustrating the overshadowing impact of the proposed controls. The full analysis is at Appendix A to Attachment A and selected diagrams are shown at Figure 6. 95-97 Dalmeny Avenue is circled in dashed red on the 10am diagram. The diagrams are based on solar access on 21 June, which represents the greatest extent of overshadowing within the calendar year.
56. The diagrams illustrate that the western elevation of 95-97 Dalmeny Avenue will receive direct solar access from shortly before 11am until shortly before 2pm. The eastern elevation receives less solar access, however, receives good direct morning sunlight between 9am and shortly before noon.
57. The shadow diagrams illustrate that compliance with Objective 4A-1 is achievable. Further detailed overshadowing analysis will be required at the development application stage when the detailed building design is defined.





Figure 6: Overshadowing as a result of the proposed controls between 10am and 3pm on 21 June. Shadow cast shown in green. 95-97 Dalmeny Avenue circled in dashed red on 10am diagram.

Development density

58. Three submissions and one petition object to the proposed increased density and the cumulative impact of residential redevelopment on the amenity and infrastructure in Rosebery.
59. The proposed controls include an increase in FSR from 1.5:1 to 2:1 (excluding design excellence). The current controls allow for approximately 290 dwellings, while the proposed controls allow for approximately 380 dwellings.
60. The 90 additional dwellings will be supported by additional community infrastructure contributions and a new childcare centre.
61. The City acknowledges and shares concerns that investment by NSW Government agencies towards key infrastructure, such as public transport and schools, has not kept pace with rapid redevelopment across the Green Square Urban Renewal Area. The Green Square Infrastructure Strategy and Plan 2015 was prepared by the City in response to these concerns.
62. The plan details the strategies, plans and studies that support and guide the growth of Green Square and seeks to ensure that the necessary social and physical infrastructure required to support development is clearly identified and understood so that it can be delivered as development occurs. Importantly, the plan recognises that some services, such as public transport, education and health provision, are not the responsibility of the City and provides a framework to work with relevant agencies to ensure infrastructure is provided in an efficient, integrated and timely manner

Post exhibition changes

63. There are no proposed changes to the planning proposal or draft DCP amendment arising from the issues raised in submissions.

64. The draft DCP amendment has been revised to include detailed provisions to direct a future competitive design process or processes. These provisions are based on a Design Excellence Strategy submitted by the proponent in accordance with the City's *Competitive Design Policy*. The changes are shown in Attachment B in red text.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

65. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The planning proposal and draft DCP amendment are aligned with the following strategic directions and objectives:
- (a) Direction 4 - A City for Walking and Cycling – Redevelopment of the site will result in better connectivity between Rosebery Avenue and Dalmeny Avenue for pedestrians and cyclists. The planning controls require a new public street along the southern boundary of the site and two new pedestrian links through the site. These new links will encourage greater trips by walking and cycling.
 - (b) Direction 8 - Housing for a Diverse Population – Redevelopment of the site provides an opportunity to deliver a range of dwelling types close to employment opportunities, public transport and goods and services. The draft DCP controls specify different dwelling types which will contribute to diverse housing. The Green Square Affordable Housing Program will continue to apply to the site.
 - (c) Direction 9 - Sustainable Development, Renewal and Design – The proposed planning controls are based on principles for sustainable development. These include provision of a 'fine grain' urban structure to maximise accessibility and legibility, built form that responds to the surrounding context and high quality public domain. The draft DCP amendment includes provisions to ensure best practice environmental sustainability outcomes are explored and realised through the competitive design process.

Social / Cultural / Community

66. The planning proposal and DCP amendment will provide greater certainty to the local community and the landowner by clearly establishing the City's intended outcome for the site.
67. The Green Square Affordable Housing levy applies under Sydney LEP 2012. Assuming full redevelopment in accordance with the draft controls, a monetary contribution of approximately \$5 million (at current rates) towards the provision of affordable housing will be secured at the construction stage. This contribution will be given to City West Housing to be used to deliver affordable housing. The monetary contribution is equivalent to approximately 10 affordable housing units.
68. As discussed earlier in this report, the draft planning controls require provision of a childcare centre on site which represents a significant social benefit and addresses an identified social need in the local area.

RELEVANT LEGISLATION

69. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.
70. On 27 January 2016, the *Greater Sydney Commission Act 2015* commenced. It makes several amendments to the *Environmental Planning and Assessment Act 1979*, including removing the ability of the Minister for Planning to make an LEP and giving this responsibility to the Greater Sydney Commission. Under the new legislation, the Greater Sydney Commission will be responsible for making the LEP amendment sought by the planning proposal.

CRITICAL DATES / TIME FRAMES

71. The Gateway Determination requires that the amendment to Sydney LEP 2012 is completed by April 2017.
72. To improve the plan-making timeframe, the then Minister for Planning delegated his plan making powers under section 59 of the *Environmental Planning and Assessment Act 1979* to Council in December 2012.
73. The Gateway Determination authorises Council to exercise this delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by Council and the CSPC, the City will commence this process. Once this process is complete and the plan is made, the amendment to Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
74. If approved by Council, the amendment to Sydney DCP 2012 will come into effect on the same day as the amendment to Sydney LEP 2012.

GRAHAM JAHN, AM

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