

ITEM 17. POST EXHIBITION – MINOR POLICY AND HOUSEKEEPING AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012**FILE NO: X009252****SUMMARY**

From time to time, the City undertakes minor amendments to the *Sydney Local Environmental Plan 2012* to ensure provisions remain clear and appropriate.

This report presents the outcomes of the public exhibition of *Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017*. This report recommends Council and the Central Sydney Planning Committee approve the planning proposal for finalisation and making as a local environmental plan.

The planning proposal makes minor amendments to Sydney LEP 2012 to improve the clarity of current controls by:

- (a) introducing a new exemption in *Schedule 2 Exempt development* to allow, with some restrictions, the repainting of already painted buildings within heritage conservation areas, excluding heritage items, without development consent;
- (b) amending the Floor Space Ratio Map to reflect the redistribution of floor space to the individual development parcels to be created upon the subdivision of Council owned sites:
 - (i) 94-104 Epsom Road (Epsom Road Depot) and 132-140 Joynton Avenue (Gunyama Park and Aquatic Centre), Zetland; and
 - (ii) 330-338 Botany Road and 20 O’Riordan Street, Alexandria located along the Green Square to Ashmore Connector;
- (c) improving the clarity of two current controls by:
 - (i) correcting an omission of the suburb of Rosebery in the description of the lands in *Schedule 1 (1AA) Additional permitted uses which applies to land at Birmingham Street and Botany Road, Alexandria*; and
 - (ii) clarifying that on certain B7 zoned land identified on the Locality and Site Identification Map marked “(iv)”, shop top housing and seniors housing is permitted with consent and the provisions of Schedule 1 prevail over the restrictive provisions in *Clause 7.13A Affordable housing in Zone B7*; and
- (d) correcting the name details of five heritage items listed in *Schedule 5 Environmental heritage*.

In May 2017, Council and the Central Sydney Planning Committee approved the planning proposal for public exhibition. The Greater Sydney Commission issued a gateway determination in June 2017 and the planning proposal was exhibited from 25 July to 21 August 2017. The gateway determination is shown at Attachment C to this report.

One submission was received from the Office of Environment and Heritage and requested a "General Guideline" document be prepared in response to the introduction of the new exemption in *Schedule 2 Exempt development*. No objections were raised by the submission. No other submissions were received.

The planning proposal shown at Attachment A has been updated to reflect the outcomes of the public consultation, specifically Part 5 Community consultation. Post exhibition updates are shown with deletions in ~~strike through~~ and additions in *italics*.

It is recommended the planning proposal is approved and made into a local environmental plan (LEP). If approved, the City will request Parliamentary Counsel commence the preparation of the LEP amendment. The LEP will come into effect when it is published on the NSW Legislation website.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note matters raised in response to the public exhibition of *Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017*, as shown at Attachment D to the subject report;
- (B) the Central Sydney Planning Committee approve *Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017*, 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) authority be delegated to the Chief Executive Officer to make minor changes to *Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017*, to correct drafting errors prior to finalisation of the local environmental plan;
- (D) the Central Sydney Planning Committee note that staff will develop a guideline document which provides principles and examples of good practice in relation to the repainting clause to be incorporated in *Schedule 2* of *Sydney Local Environmental Plan 2012*. This guideline document will be made publicly available on Council's website prior to the commencement of the local environmental plan; and
- (E) the Central Sydney Planning Committee note the amendment, to the extent that the local environmental plan amends the maps for the sites 94-104 Epsom Road (Epsom Road Depot), 132-140 Joynton Avenue (Gunyama Park and Aquatic and Recreation Centre), Zetland, 330-338 Botany Road and 20 O'Riordan Street, Alexandria, cannot commence until subdivision of these sites occurs.

ATTACHMENTS

- Attachment A:** Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017 (post exhibition deletions shown with ~~strike through~~ and additions in *italics*)
- Attachment B:** Resolution of Council of 15 May 2017 and Resolution of the Central Sydney Planning Committee of 11 May 2017
- Attachment C:** Gateway determination, dated 20 June 2017
- Attachment D:** Summary of Submission

BACKGROUND

1. This report presents the outcomes of the public exhibition of the planning proposal (Attachment A) to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) and recommends approval of the finalised controls.
2. In May 2017, Council and the Central Sydney Planning Committee (CSPC) resolved to approve *Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017* for submission to the Greater Sydney Commission with a request for a gateway determination.
3. The Greater Sydney Commission's delegate, the Department of Planning and Environment, issued a gateway determination for the *Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017* on 20 June 2017, allowing community and public authority consultation.
4. The planning proposal was placed on public exhibition from 24 July to 21 August 2017. Documents were made available for viewing at all of the City's neighbourhood service centres, as well as on the City's website. A public notice was placed in The Sydney Morning Herald, Inner West Courier and Southern Courier on 25 July 2017 and Central and Wentworth Courier on 26 July 2017.
5. The plan making functions of the Greater Sydney Commission have been delegated to the Council for this planning proposal. If the Council and CSPC approve the changes to the City's planning controls recommended in this report, it will be submitted to NSW Parliamentary Counsel for drafting. The local environmental plan can be made by the Chief Executive Officer, under delegation. Once finalised, the plan will be submitted to the Department of Planning and Environment for notification on the New South Wales legislation website.

The planning proposal

6. The planning proposal shown at Attachment A makes minor amendments to Sydney LEP 2012 to improve the application of current controls and provide the community and proponents with a clearer and more robust set of planning controls. The amendments are detailed below.

LEP amendments – minor policy

7. The minor policy amendment proposed to Sydney LEP 2012 includes introducing a new exemption in *Schedule 2 Exempt development*, to allow without development consent the repainting of already painted buildings within heritage conservation areas. The exemption excludes heritage items.

LEP amendments – housekeeping

8. The housekeeping amendments to Sydney LEP 2012 include:
 - (a) amend the Floor Space Ratio (FSR) Map to reflect the redistribution of floor space to the individual development parcels to be created with subdivision of Council's sites:
 - (i) 94-104 Epsom Road (Epsom Road Depot) and 132-140 Joynton Avenue (Gunyama Park and Aquatic and Recreation Centre), Zetland; and

- (ii) 330-338 Botany Road and 20 O’Riordan Street, Alexandria, located along the future Green Square to Ashmore Connector;
- (b) clarify the lands affected by *Schedule 1 (1AA) Additional permitted uses which applies to land at Birmingham Street and Botany Road, Alexandria* by correcting an omission of the suburb of Rosebery in the description of the lands;
- (c) clarify that on certain B7 zoned land identified on the Locality and Site Identification Map marked “(iv)”, shop top housing and seniors housing is permitted with consent and the provisions of Schedule 1 prevail over the restrictive provisions in *Clause 7.13A Affordable housing in Zone B7*; and
- (d) correct the name details of five heritage items listed in *Schedule 5 Environmental heritage*. These five heritage items are:
 - (i) 106-112 Burton Street, Darlinghurst;
 - (ii) 181 Lawson Street, Darlington;
 - (iii) 39-43 Chelsea Street, Redfern;
 - (iv) 121 Macquarie Street, Sydney; and
 - (v) 4 Phillip Street, Sydney.

PUBLIC CONSULTATION

9. In May 2017, Council and the Central Sydney Planning Committee resolved to seek a gateway determination from the Greater Sydney Commission to allow exhibition of the planning proposal. The resolutions are shown at Attachment B.
10. The gateway determination was issued in June 2017 and required the planning proposal be exhibited for 28 days. The gateway determination is shown at Attachment C. The planning proposal was exhibited from 25 July to 21 August 2017.
11. Relevant documents were made available for viewing at the One Stop Shop in Town Hall House and all neighbourhood service centres (Glebe, Green Square, Kings Cross, and Redfern). The City sent 460 letters to notify the public exhibition to landowners and occupiers of the subject sites.
12. The exhibition was also advertised in The Sydney Morning Herald, the Central Sydney magazine, Southern Courier, Inner West Courier, Wentworth Courier, the City’s website and the ‘Sydney Your Say’ website.
13. The ‘Sydney Your Say’ website had a total of 164 visits.
14. The City also consulted the Office of Environment and Heritage, as required by the gateway determination.
15. The City received one submission from the Office of Environment and Heritage. This submission is outlined in the submission table shown at Attachment D to this report. No objections were raised by the submission. No other submissions were received.

Post-exhibition changes

16. Recommended changes to the planning proposal include:
 - (a) outcomes of the public exhibition; and
 - (b) amend minor typographical errors.
17. The changes to the planning proposal are shown at Attachment A, with deleted wording shown with ~~strikethrough~~ and additional wording shown in *italics*.

KEY IMPLICATIONS**Strategic Alignment – A Plan for Growing Sydney**

18. In October 2017, the Greater Sydney Commission released for public exhibition the draft *Greater Sydney Region Plan*. The plan supports the vision for a metropolis of three cities that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.
19. The draft *Greater Sydney Region Plan* is the State Government's new, draft strategic document for Greater Sydney.
20. During exhibition, *A Plan for Growing Sydney* was the relevant State Government strategic document. *A Plan for Growing Sydney* outlines a vision for Sydney over the next 20 years. Under amendments to the *Environmental Planning and Assessment Act 1979* that took effect on 27 January 2016, it is the regional plan for the Greater Sydney Region and must be given effect in any planning proposal applying to land within the region.
21. *A Plan for Growing Sydney* 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. *A Plan for Growing Sydney* sets out the following four goals for Sydney, which are supported by 22 directions and numerous associated actions:
 - (a) a competitive economy with world-class services and transport;
 - (b) a city of housing choice with homes that meet our needs and lifestyles;
 - (c) a great place to live with communities that are strong, healthy and well connected; and
 - (d) a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.
22. The planning proposal is consistent with relevant goals, directions and actions of *A Plan for Growing Sydney*. By enabling timely delivery of development and clarifying planning provisions, the proposal will support *Goal 2: A city of housing choice, with homes that meet our needs* and *Goal 3: A great place to live with communities that are strong, healthy and well connected*.

Strategic Alignment – Revised Draft Eastern City District Plan (previously Central District Plan)

23. In October 2017, the Greater Sydney Commission released for public exhibition the draft District Plans for the Greater Sydney Metropolitan Region. The District Plans set out how the draft *Greater Sydney Region Plan* applies to local areas.
24. The City of Sydney is in the Eastern City District, previously the Central District. The revised draft *Eastern City District Plan* sets priorities and actions for “Liveability”, “Productivity” and “Sustainability”, which will directly inform the planning, growth and development of Sydney over the next 20 years.
25. During exhibition, the draft *Central District Plan* was the relevant, strategic document. The planning proposal is consistent with the following draft *Central District Plan* priorities:
 - (a) Liveability Priority 1: Deliver Central District’s five-year housing target – by enabling timely delivery of development and clarifying planning provisions;
 - (b) Liveability Priority 2: Deliver housing diversity – by clarifying planning provisions around development of land for affordable and seniors housing; and
 - (c) Liveability Priority 7: Conserve heritage and unique local characteristics – by correcting descriptions of Schedule 5 of Sydney LEP 2012 heritage items.

Strategic Alignment - Sustainable Sydney 2030 Vision

26. *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.
27. *Sustainable Sydney 2030* seeks to ensure the City’s planning framework and implementation strategy achieve sustainable long-term growth (Direction 9, objective 9.4). The strategies to achieve this include regularly reviewing planning instruments.
28. The proposed amendments are aligned with strategic objectives under *Direction 10 Implementation through Effective Governance and Partnerships* – the draft controls allow for a more user-friendly document for the community, proponents and Council.

BUDGET IMPLICATIONS

29. There are no budget implications resulting from *Planning Proposal: Sydney Local Environmental Plan 2012 – Minor policy and housekeeping amendment – May 2017*.

RELEVANT LEGISLATION

30. *Environmental Planning and Assessment Act 1979* (the Act) and *Environmental Planning and Assessment Regulation 2000*.

CRITICAL DATES / TIME FRAMES

31. If Council and the Central Sydney Planning Committee approve the planning proposal, it will be submitted to NSW Parliamentary Counsel for drafting. The local environmental plan can be made by the Chief Executive Officer, under delegation. Once finalised, the plan will be submitted to the Department of Planning and Environment for notification on the New South Wales legislation website.
32. It is noted that some of the amendments require some further action prior to finalisation. In particular, in relation to the repainting amendment to *Schedule 2* a guideline document will be prepared by staff and published on Council's website at the time of the commencement of the amendment. In relation to the amendments to the FSR controls at 94-104 Epsom Road (Epsom Road Depot), 132-140 Joynton Avenue (Gunyama Park and Aquatic and Recreation Centre), Zetland, 330-338 Botany Road and 20 O'Riordan Street, Alexandria, the amendments to the maps will not be made until the subdivision of the relevant land has occurred.
33. The Gateway determination set the completion date for the planning proposal as 25 June 2018 ("12 months from the week following the date of the Gateway determination").

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Dustin Moore, Planner - Strategic)