

RELEVANT INFORMATION FOR COUNCIL

FILE: X006012 **DATE:** 15 August 2016
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport.
SUBJECT: Information Relevant To Item 9.5 - Public Exhibition – Planning Proposal – Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 – August 2016 - At Council - 15 August 2016

Alternative Recommendation

It is resolved that:

- (A) Council approve the **revised *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016***, as shown at **Attachment A to the Memo dated 15 August 2016 from the Director City Planning, Development and Transport, circulated prior to the meeting of Council**, for submission to the Greater Sydney Commission with a request for a Gateway determination;
- (B) Council approve the **revised *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016***, as shown at **Attachment A to the Memo dated 15 August 2016 from the Director City Planning, Development and Transport**, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (C) Council seek confirmation from the Minister or the Greater Sydney Commission whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* to make the amending local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, following receipt of the Gateway Determination and prior to public exhibition.

Purpose

To advise Council of the outcome of the Central Sydney Planning Committee's consideration of this planning proposal.

Background

Following discussion at its meeting on 11 August 2016, the Central Sydney Planning Committee deferred consideration of the relevant sections of the planning proposal relating to "serviced apartments" to their next meeting so that staff can provide further information and consult with stakeholders.

For clarity and consistency staff have prepared a revised *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, attached to this memorandum for Council to consider. The revised planning proposal has all relevant sections relating to serviced apartments removed. A serviced apartment amendment will be prepared for the next meeting of Council.

The City of Sydney Act 1988 states that Council must not prepare a planning proposal or submit a planning proposal to be made unless the Central Sydney Planning Committee has approved the planning proposal.

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TRIM Document Number: 2016/431230

Attachments

Attachment A *Revised Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*

Attachment B Draft Resolution of the Central Sydney Planning Committee of 11 August 2016

Approved



Graham Jahn, Director City Planning,
Development and Transport

ATTACHMENT A

**REVISED PLANNING PROPOSAL –
HOUSEKEEPING AND MINOR POLICY
AMENDMENTS TO SYDNEY
LOCAL ENVIRONMENTAL PLAN 2012 –
AUGUST 2016**

Planning Proposal

Housekeeping and Minor Policy Amendments to SLEP
2012 – August 2016

August 2016

Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment to *Sydney Local Environmental Plan 2012* (SLEP 2012) to:

- include public art as permissible with consent in the SP2 Infrastructure and RE1 Public Recreation zones;
- allow demolition consent to be granted if a site specific development control plan has been adopted or as part of a staged development application;
- ~~apply the requirements of State Environmental Planning Policy 65 Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide to serviced apartments;~~
- remove “use of footpath by food and drink premises” as exempt development as the provisions duplicate those in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- amend Clause 6.11 and Clause 6.11A to specify that Heritage Floor Space is to be allocated to the site, rather than to the building; and
- amend Clause 7.22 to specify that it applies to existing non-residential buildings rather than land in the R1 General Residential zone.

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*.

Background

Public Art

As part of consultation to inform Sustainable Sydney 2030, the community requested more public art in the City. This was incorporated in Sustainable Sydney 2030 as Strategic Direction 7 ‘A Cultural and Creative City’. In addition, the City’s Aboriginal and Torres Strait Islander communities and the broader community requested more representation and celebration of our First People’s culture in the public spaces of the City. This was included as a project idea in *Sustainable Sydney 2030* ‘Idea 4, The Eora Journey’.

In 2011, responding to community request and a key action of *Sustainable Sydney 2030*, Council endorsed the *City Art Public Art Strategy*. The strategy outlines the City’s commitment to a dynamic public art program.

Public art is currently permissible in all zones under SLEP 2012, except in the R2 Low Density Residential, SP1 Special Activities, SP2 Infrastructure, and RE1 Public Recreation zones.

It is proposed to allow public art as permissible development with consent in the SP2 Infrastructure and RE1 Public Recreation zones, as these zones include parks, plazas and roadways, where public art is suitable due to the public nature of the land. Public art in the R2 Low Density Residential zone or the SP1 Special Activities zone may be exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP).

Demolition

Existing Clause 7.19 of SLEP2012 allows demolition consent to be granted provided the Council and Central Sydney Planning Committee are satisfied that the land will be comprehensively redeveloped under the development consent or under an existing development consent.

This clause was introduced to minimise unsightly “holes in the ground”, common in the 1990s as unfavourable market conditions stalled construction activity.

Currently, a standard condition is imposed on demolition consents for site rectification to require the owner of the site to enter into a legal obligation with Council providing for a bank guarantee, rights for Council to carry out works to make the building safe, if necessary, and for the ground level to be landscaped (including for any hole to be covered and land above to be of acceptable appearance), as well as for the completion of the ground floor of a building if constructed to a tenable stage.

To streamline the development process and enable timely delivery of development, it is recommended to allow development consent to be granted if a site-specific development control plan has been approved for the site or it is part of a staged development application. Given the conditions of consent for demolition would require entry into a site rectification deed to mitigate against visual impacts, the proposal would help support timely delivery of urban renewal in line with *A Plan for Growing Sydney and Sustainable Sydney 2030*.

Serviced Apartments

~~In 2002, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) was made to improve the design quality of residential apartment development in NSW.~~

~~In June 2015, a review resulted in amendments to the SEPP 65 and a new Apartment Design Guide (ADG). Amended SEPP 65 includes clarification that unless a local environmental plan states otherwise, SEPP 65 does not apply to a boarding house or serviced apartment.~~

~~Under current planning controls, the City requires standards of design and construction for serviced apartments to be consistent with residential apartments. Changes made to SEPP 65 in 2015 specify that, unless a local environmental plan states otherwise, the SEPP does not apply to serviced apartments as they are permitted to be converted to residential apartments following simple Section 96 modification development application.~~

~~This planning proposal will ensure SEPP 65 and the ADG apply to serviced apartments. This means that serviced apartments will be designed and constructed to the same standard as residential flat buildings as intended in Council's existing policy. In the relatively high volume Sydney CBD apartment market, this provides two primary benefits: it provides property owners flexibility in the bringing their apartments to market; and provides another source of tourist and visitor accommodation supply.~~

~~SDCP 2012 already contains this objective at Section 4.4.8(b) which states: "Ensure serviced apartment developments provide a level of health and amenity for residents to ensure any future conversion to residential flats is not compromised by poor amenity." This planning proposal gives effect to SEPP 65 and the ADG for serviced apartments.~~

~~A serviced apartment is a building or part of a building providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.~~

~~Clause 4(4) of SEPP 65 specifies that, unless a local environmental plan states otherwise, SEPP 65 does not apply to serviced apartments.~~

~~The intent of the planning proposal is to ensure SEPP 65 and the ADG apply to serviced apartments. Consistent with Council's existing controls, this means that serviced apartments will continue to be designed and constructed to the same standard as residential flat buildings.~~

Use of footpath by food and drink premises

Schedule 2 Exempt Development in SLEP 2012, exempts the use of the footpath by food and drink premises. Development must be on public land or a public road, be associated with lawful food and drink premises, must not be associated with a pub, must not provide seating for more than 20 persons and must not be used before 7am or after 10pm.

The use recently has been identified as exempt development in the NSW Government's *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP) since the making of SLEP 2012 in December 2012.

In February 2014, the SEPP identified the use of a footway or public open space as an outdoor dining area associated with a lawful food and drink premises to be exempt development. For it to be exempt, development must not be associated with a pub or a small bar, be carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including in accordance with any hours of operation, and be carried out in accordance with any approval granted under section 68 of the Local Government Act 1993. These standards are generally broader than those in the SLEP 2012, other than in relation to small bars.

Clause 1.9(1) of the SEPP states that a local environmental plan does not apply to development that is specified in the SEPP as exempt development. Therefore SLEP 2012 would not apply to the use of the footpath by food and drink premises, as it is exempt development under the SEPP.

The provision is recommended to be removed to avoid duplication and confusion.

Heritage Floor Space

The City's Heritage Floor Space scheme is set out in SLEP 2012 and Sydney DCP 2012. SLEP 2012 controls set the framework under which owners of heritage buildings in Central Sydney may be awarded Heritage Floor Space after completing conservation works on the heritage item and may sell that Heritage Floor Space to developers who, as a condition of using additional floor space, are required to allocate Heritage Floor Space to their development site.

Clause 6.11 of SLEP 2012 specifies the amount of Heritage Floor Space that is required to be allocated based on the type of additional floor space utilised in a building and the location of the development. The clause currently requires Heritage Floor Space to be allocated "to the building". Clause 6.11A also refers to heritage floor space allocated to the building.

Where the building occupies the entire site, as is common in Central Sydney, there is no issue with using "building" and "site" interchangeably, as they are one and the same. Developments that involve an entire block with multiple separate buildings are now more common. Reference to "building" led to a lack of certainty in the calculation of Heritage Floor Space in particular circumstances.

The intent of the allocation is that if a development exceeds the base Floor Space Ratio (FSR) for the site, then Heritage Floor Space will need to be allocated for the additional floor space. Because FSR and additional floor space are calculated across the entire site, so too should Heritage Floor Space. It is proposed to amend the clause so that Heritage Floor Space is allocated for the whole site to avoid confusion and be consistent with the intent of the Heritage Floor Space scheme.

Use of existing non-residential buildings in R1 General Residential Zone

Clause 7.22 of SLEP 2012 specifies when food and drink premises, shops and business premises, office premises or light industry may be granted consent in the R1 General Residential zone.

Clause 7.22(1) clearly states the objective of the clause "to provide for the reuse of buildings for non-residential purposes" while Clause 7.22(2) specifies that it applies to "land in Zone R1 General Residential".

The proposal amends the clause to specify that it applies to "existing non-residential buildings", rather than "land" to avoid uncertainty and be consistent with the objective of the clause.

Part 1 – Objectives or Intended Outcomes

The objectives or intended outcome of the planning proposal is to:

- include public art as permissible with consent in the SP2 Infrastructure and RE1 Public Recreation zones;
- allow demolition consent to be granted if a site specific development control plan has been approved or as part of a staged development application;
- ~~apply the requirements of State Environmental Planning Policy 65 Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide to serviced apartments;~~
- remove “use of footpath by food and drink premises” as exempt development as the provisions duplicate those in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- amend Clause 6.11 and Clause 6.11A to specify that Heritage Floor Space is to be allocated to the site, rather than to the building; and
- amend Clause 7.22 to specify that it applies to existing non-residential buildings rather than land in the R1 General Residential zone.

Part 2 – Explanation of the Provisions

Public Art

It is proposed to amend the SLEP 2012, by inserting public art as a permissible use with consent in the SP2 Infrastructure and RE1 Public Recreation zone and a new clause to specify matters that need to be satisfied before public art is granted consent, for example:

Public Art

Despite any other provision of this Plan, development consent must only be granted for public art if the consent authority is satisfied that it:

- (a) comprises an artwork or element of design that is either temporarily or permanently located in a public space;
- (b) is designed by an artist;
- (c) is not an advertisement or an advertising structure;
- (d) does not involve the creation of floor space; and
- (e) will not adversely impact amenity of public domain including but not limited to, wind, overshadowing and noise impacts.

Demolition

The proposed outcome is to allow development consent to be granted for demolition provided a site specific development control plan has been adopted by Council for a site that has site specific provisions under Part 6, Division 5 of SLEP 2012 or as part of a staged development application.

It is proposed to amend Clause 7.19, for example:

7.19 Demolition must not result in long term adverse visual impact

Development consent must not be granted to development involving the demolition of a building unless the consent authority is satisfied that:

- (a) any land affected by the demolition;
 - (i) will be comprehensively redeveloped under the development consent (if granted) or under an existing development consent relating to the site, or
 - (ii) will result in a comprehensive redevelopment under a staged development application (if granted); or
 - (iii) has a recently approved site specific development control plan relating to the site that has site specific provisions under Part 6, Division 5 of the Plan or a staged development application under s 83C of the Act; and

- (b) adequate measures will be taken to assist in mitigating any adverse visual impacts that may arise as a result of the demolition with regard to the streetscape and any special character area.

Serviced Apartments

~~A new clause will require serviced apartments to comply with the requirements of SEPP 65 and the ADG.~~

~~It is proposed to amend the SLEP 2012, by inserting a new clause, for example:~~

~~*Serviced Apartments*~~

- ~~(1) The objectives of this clause is to:
 - ~~(a) ensure serviced apartments provide the same level of amenity as residential flat buildings; and~~
 - ~~(b) prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings;~~~~
- ~~(2) This clause applies if development includes serviced apartments.~~
- ~~(3) Development consent must not be granted for a building or part of a building to be used for the purpose of serviced apartments unless the consent authority has considered the following:
 - ~~(a) The design quality principles set out in Schedule 1 to State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; and~~
 - ~~(b) The design principles of Apartment Design Guide (within the meaning of that Policy)~~~~

Use of Footpath by food and drink premises

It is proposed to delete the following words from Schedule 2 of SLEP 2012:

Use of footpath by food and drink premises

Note. If on a footpath, the use must be approved under section 125 of the [Roads Act 1993](#).

If on community land, the use may need to be approved under Division 2 of Part 2 of Chapter 6 of the [Local Government Act 1993](#).

- (1) Must be on public land or a public road within the meaning of the Local Government Act 1993 or on land to which the Crown Lands Act 1989 applies.
- (2) Must be associated with lawful food and drink premises.
- (3) Must not be associated with a pub.
- (4) Must not provide seating for more than 20 persons.
- (5) Must not be used before 7.00am or after 10.00pm.

Heritage Floor Space

The proposed outcome is to ensure that Heritage Floor Space is allocated to the whole development site, not just to a building, so that the total additional floor space generated over the entire site is subject to Heritage Floor Space allocation.

It is proposed to amend Clause 6.11 and Clause 6.11A, for example:

6.11 Utilisation of certain additional floor space requires allocation of heritage floor space

- (1) Despite any other provision of this Part, development consent must not be granted to development in respect of a building on land in Central Sydney that utilises any amount of additional floor space specified in paragraph (a), (b) (c), (d) or (e) unless the consent authority is satisfied that an amount of heritage floor space will be allocated to the building

site (whether because of a condition of consent or otherwise) in accordance with the following relevant paragraphs:

- (a) accommodation floor space in respect of a building (the height of which will exceed 55 metres following the development) “ on land in Area 1, 2 or 3—unless an amount of heritage floor space is allocated to the **building site** that is equal to 50% of the accommodation floor space to be utilised,
 - (b) accommodation floor space in respect of a building (the height of which will exceed 55 metres following the development) on land in Area 4 (but only if the accommodation floor space causes the floor space ratio of the building to be greater than 8:1)—unless an amount of heritage floor space is allocated to the **building site** that is equal to 50% of any accommodation floor space to be utilised,
 - (c) opportunity site floor space—unless an amount of heritage floor space is allocated to the **building site** that is equal to 50% of the opportunity site floor space to be utilized,
 - (d) additional floor space granted by a consent authority under clause 6.21 (7) (b) or 6.26 (7) (b)—unless an amount of heritage floor space is allocated to the **building site** that is equal to 50% of the additional floor space to be utilised,
 - (e) additional floor space permitted under clause 4.6 in respect of a building that also utilises additional floor space referred to in paragraph (a), (b) (c) or (d)—unless an amount of heritage floor space is allocated to the **building site** that is equal to the additional floor space permitted under that clause.
- (2) The consent authority may reduce the amount of heritage floor space that is required to be allocated to a **building site** under subclause (1) as follows (and in such a case that reduced amount is the amount of heritage floor space that is required to be allocated):
- (a) if the proposed development is the winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy—the amount of heritage floor space may be reduced by up to 50% or 1,000 square metres, whichever is the lesser,
 - (b) if the development includes any covered or partially covered pedestrian route through the site at street level and the consent authority is satisfied that the pedestrian route provides a vital and publicly accessible link between 2 streets—the amount of heritage floor space may be reduced by up to 50% or 250 square metres, whichever is the lesser.
 - (c) (Repealed)
- (3) In the case of development that is an alteration or addition to an existing building, the amount of heritage floor space required to be allocated to the **building site** under subclause (1) is to be no more than the difference between:
- (a) the amount of heritage floor space that would be required to be allocated to the **building site** if the building (as altered or added to) were to be constructed as a new building, and
 - (b) the amount of heritage floor space that would be required to be allocated to the **building site** if the building (without the alteration or addition) were to be constructed as a new building.

6.11A Temporary alternative heritage arrangements in relation to allocation of heritage floor space

- (1) This clause applies to development in respect of a **building site** on land in Central Sydney that utilises additional floor space referred to in clause 6.11 and for which development consent cannot be granted unless heritage floor space will be allocated to the **building site** in accordance with that clause.
- (2) If the consent authority is satisfied that the requisite amount of heritage floor space cannot be acquired for allocation to the **building site** on reasonable terms and within a reasonable period, the consent authority may dispense with the requirement for the allocation of heritage floor space, or may reduce the amount of heritage floor space required to be allocated, if:
 - (a) the consent authority has adopted and published a policy that makes alternative heritage arrangements to the allocation of heritage floor space for the purposes of this Subdivision, and

- (b) the consent authority is satisfied that the relevant alternative heritage arrangements have been made in relation to the development (because of a condition of consent or otherwise).
- (3) The objective of the policy adopted by the consent authority is the conservation and on-going maintenance of heritage buildings within Central Sydney. The alternative heritage arrangements made by the policy may include the following:
 - (a) the carrying out of (or the provision of financial or other assistance for the carrying out of) conservation works on those heritage buildings,
 - (b) the preparation of (or the provision of financial or other assistance for the preparation of) heritage conservation management plans for those heritage buildings.
- (4) This clause applies only in relation to an application for development consent that is made before 1 January 2019.

Use of existing non-residential buildings in Zone R1 General Residential

The proposed outcome is to ensure that the clause applies to existing non-residential buildings in R1 General Residential zone.

It is proposed to amend Clause 7.22, for example:

7.22 Use of existing non-residential buildings in Zone R1 General Residential

- (1) The objective of this clause is to provide for the reuse of buildings for non-residential purposes.
- (2) This clause applies to ~~land~~ **existing non-residential buildings** in Zone R1 General Residential.
- (3) Development consent must not be granted to development for the purposes of food and drink premises or shops on land to which this clause applies unless:
 - (a) the development relates to a building that was designed and constructed for the purposes of a shop or a pub and was erected before the commencement of this Plan, and
 - (b) the consent authority has considered the following:
 - (i) the impact of the development on the amenity of the surrounding locality,
 - (ii) the suitability of the building for adaptive reuse,
 - (iii) the degree of modification of the footprint and facade of the building.
- (4) Despite any other provision of this Plan, development consent may be granted for the purpose of business premises, office premises or light industry on land to which this clause applies if the consent authority is satisfied of the following:
 - (a) the development relates to a building that was designed and constructed for a purpose other than residential accommodation and the building was erected before the commencement of this Plan,
 - (b) the development will be used for a creative purpose that involves media, fine arts and craft, design (fashion, industrial or graphic), film and television, photography or publishing,
 - (c) the development will be compatible with, and will not detract from, the amenity of the surrounding locality,
 - (d) the building is suitable for adaptive reuse,
 - (e) no additional floor space will be created,
 - (f) any modification of the facade of the building will be minimal,
 - (g) the proposed hours of operation of will not detract from residential amenity.

The Planning Proposal does not seek to amend any other controls in the *Sydney Local Environmental Plan 2012*.

Part 3 – Justification

This section of the planning proposal provides the rationale for the amendment to Sydney LEP 2012 and responds to questions set out in the document entitled *A guide to preparing planning proposals*, published by the Department of Planning and Infrastructure in October 2012.

Section A – Need for the planning proposal

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

Yes. The proposed public art amendment is a result of supporting the directions of *Sustainable Sydney 2030* and the *City Art Public Art Strategy*. The amendment will enable Public art to be permissible with consent on public land such as roadways, plazas and parks.

No. The proposed demolition, ~~serviced apartments~~, Use of Footpath and Heritage Floor Space amendments are a result of ongoing monitoring and review of planning controls and Council policy.

The proposed amendment relating to demolition provision enables timely delivery of development in line with future demand.

~~The proposed amendment to serviced apartment provision will formalise the application of Council policy to design Serviced Apartments to the same quality as residential flat buildings to give effect to SEPP 65 and the ADG.~~

The proposed removal of the use of footpath by food and drink premises will avoid duplication and possible confusion.

The proposed amendment relating to Heritage Floor Space clarifies the calculation of heritage floor space to be allocated, consistent with the intent and will remove confusion and disagreement.

The proposed amendment relating to use of existing non-residential buildings in R1 General Residential zone clarifies when the clause applies, consistent with the intent and removes confusion.

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

Yes.

The best means to support public art is to enable it to be permissible with consent in public areas such as parks, plazas and roadways.

To allow timely delivery of development but still minimize impacts is to enable demolition consent to be granted if a site specific development control plan has been approved or as part of a staged development application.

~~The best way to ensure serviced apartments provide the same level of amenity as residential flat buildings and prevent potential substandard accommodation occurring through conversion is to require the same standards as set out in SEPP 65 and the ADG that apply to residential flat buildings.~~

The best means to avoid duplication and possible confusion on the use of footpath by food and drink premises is to remove the clause in SLEP 2012 as SLEP 2012 does not apply to that type of development.

The best way to remove confusion and disagreement in relation to Heritage Floor Space allocation and use of existing non-residential buildings in Zone R1 General Residential clauses is to amend the relevant clauses.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?

In December 2014 the NSW Government published *A Plan for Growing Sydney*. Consistency with *A Plan for Growing Sydney* and the draft Sydney City Subregional Strategy is discussed below.

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, the Plan for 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.

The planning proposal is consistent with relevant goals, directions and actions of the plan. By creating and increasing opportunities for arts and cultural life, it will support the achievement of *Goal 3. A great place to live with communities that are strong, healthy and well connected* and *Direction 3.4: Promote Sydney's heritage, arts and culture*. In particular, it is consistent with the action *Target investment in local arts and culture in priority precincts* by increasing opportunity and access to public art.

No relevant priorities relating to public art, demolition, ~~serviced apartments~~, use of footpaths by food and drink premises, Heritage Floor Space allocation and use of existing non-residential buildings in Zone R1 General Residential are identified in the Central Subregion. The planning proposal is not inconsistent with the priorities for Global Sydney.

Draft Sydney City Subregional Strategy

The NSW Government's draft Sydney City Subregional Strategy sets directions and actions for the implementation of the metropolitan plan 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 Sydney City Subregion is identified in *A Plan for Growing Sydney* as being part of Global Sydney and the hub of the Australian Economy. The planning proposal supports the key direction *Enhance the subregion's prominence as a diverse global cultural centre* by enhancing the Sydney City's role as cultural centre and diverse cultural activities including emerging artists.

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

Sustainable Sydney 2030 is the vision for sustainable development of the City of Sydney to 2030 and beyond. It includes 10 strategic directions to guide the future of the City of Sydney. *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.

As such, the Planning Proposal is consistent with *Sustainable Sydney 2030*, particularly:

- Strategic Direction 7 – A Cultural and Creative City as it will remove barriers and capture opportunities for creative expression through public art. It is also consistent with the City's Draft Creative City Cultural Policy and Action Plan 2014-2024 and the City Art Public Art Strategy by increasing opportunities for public art.

- ~~Direction 8—Housing for a Diverse Population—By requiring the same development standards as residential apartments, conversions of serviced apartments will need to consider the design principles such as diversity and adaptability, consistent with Action 8.2.3 Ensure new residential development is well designed for people with a disability or limited mobility, the elderly and is adaptable for use by different household types.~~

Amendments relating to demolition, use of footpaths for food and drink premises, allocation of Heritage Floor Space and use of existing non-residential buildings in Zone R1 General Residential are not inconsistent with *Sustainable Sydney 2030* or other strategic plan.

Is the planning proposal consistent with applicable state environmental planning policies?

The consistency of the Planning Proposal with applicable State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (deemed SEPPs) is outlined in Table 2.

State Environmental Planning Policy (SEPP)	Comment
SEPP No 1—Development Standards	Consistent – The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 15 – Rural Land Sharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 26—Littoral Rainforests	Not applicable.
SEPP No 29—Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 33—Hazardous and Offensive Development	Not applicable.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39—Spit Island Bird Habitat	Not applicable.
SEPP No 44—Koala Habitat Protection	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 55—Remediation of Land	Consistent – The Planning Proposal does not propose to rezone land. The Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not applicable.
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP supports the application of this SEPP to service apartments.
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 71—Coastal Protection	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.

State Environmental Planning Policy (SEPP)	Comment
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (State Significant Precincts) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Infrastructure) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Affordable Rental Housing) 2009	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (State and Regional Development) 2011	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Three Ports) 2013	Not applicable.
Regional Environmental Plan (REP)	Comment
Sydney REP No 8 (Central Coast Plateau Areas)	Not applicable.
Sydney REP No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney REP No 16 – Walsh Bay	Not applicable.
Sydney REP 18 – Public Transport Corridors	Not applicable.
Sydney REP 19 – Rouse Hill Development Area	Not applicable.
Sydney REP No 20—Hawkesbury- Nepean River (No 2—1997)	Not applicable.
Sydney REP No 24—Homebush Bay Area	Not applicable.
Sydney REP No 26 – City West	Not applicable.
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.

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

The Planning Proposal has been assessed against each Section 117 Direction. The consistency of the Planning Proposal with these directions is shown in Table 3 below.

Table 3 - Consistency with applicable Ministerial Directions under Section 117

No.	Title	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent.
2.4	Recreation Vehicle Areas	Not applicable
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Not applicable
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Not applicable
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The Planning Proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.
4.4	Planning for Bushfire Protection	Not applicable
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. The Planning Proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. The Planning Proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent. The Planning Proposal does not contradict or hinder achievement of the vision, policies, outcomes or actions of the <i>Metropolitan Plan for Sydney 2036</i> .

Section C – Environmental, social and economic impact

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 is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No - it is unlikely that the proposed amendments to SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

How has the planning proposal adequately addressed any social and economic effects?

Allowing public art in public spaces such as parks, plazas and roadway offers social benefits by enabling creative expression for the local community.

Streamlining the development process to enable timely delivery of development in line with future demand provides efficient economic development to occur and reduces the risk of a project.

~~By applying SEPP 65 and the ADG requirements to service apartments, economic longevity of a building is increased as the amenity of future occupants are already considered.~~

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

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

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

Appropriate consultation will be conducted when the Gateway determination is issued. Formal consultation has not yet been undertaken.

Part 4 – Mapping

This Planning Proposal does not amend any maps in *Sydney Local Environmental Plan 2012*.

Part 5 – Community Consultation

Public Exhibition

This Planning Proposal is to be exhibited in accordance with the Gateway Determination once issued by the Greater Sydney Commission. It is anticipated the Gateway Determination will require a public exhibition for a period of not less than 28 days in accordance with section 4.5 of *A Guide to preparing Local Environmental Plans*.

Notification of the public exhibition will be via:

- the City of Sydney website; and
- in newspapers that circulate widely in the area

Information relating to the Planning Proposal will be on display at the following City of Sydney customer service centre:

- All customer service centres.

PART 6 – PROJECT TIMELINE

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

<i>Action</i>	<i>Anticipated Date</i>
Commencement / Gateway determination	19 September 2016
Pre-exhibition government agency consultation	4 October – 1 November 2016
Public Exhibition	4 October – 1 November 2016
Consideration of submissions	November
Post exhibition consideration of proposal	8 December (CSPC) 12 December (Council)
Draft and finalise LEP	December 2016 – January 2017
LEP made (if delegated)	30 January 2017
Plan forwarded to DoPI for notification	6 February 2017

ATTACHMENT B

**DRAFT RESOLUTION OF THE CENTRAL
SYDNEY PLANNING COMMITTEE OF
11 AUGUST 2016**

Resolution of Central Sydney Planning Committee

11 AUGUST 2016

ITEM 14 PUBLIC EXHIBITION - PLANNING PROPOSAL - HOUSEKEEPING AND MINOR POLICY AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - AUGUST 2016 (X006012)

Moved by Councillor Mant, seconded by Councillor Kok -

It is resolved that:

- (A) the Central Sydney Planning Committee approve the *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, shown as **Attachment A** to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that Council confirmation from the Minister or the Greater Sydney Commission whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* to make the amending local environmental plan; and
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that authority be delegated to the Chief Executive Officer to make any minor variations to *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, following receipt of the Gateway Determination and prior to public exhibition.

Amendment. Moved by the Chair (the Lord Mayor), seconded by Councillor Mant -

That the motion be amended, such that it read as follows -

It is resolved that -

- (A) the Central Sydney Planning Committee approve the *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, shown at Attachment A to the subject report, subject to the deletion of all relevant sections of the Planning Proposal relating to "serviced apartments", for submission to the Greater Sydney Commission with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, as amended in clause (A), for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that Council confirm from the Minister for the Greater Sydney Commission whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* to make the amending local environmental plan;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016, that authority be delegated to the Chief Executive Officer to make any minor variations to *Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 - August 2016*, following receipt of the Gateway Determination and prior to public exhibition;
- (E) further consideration of matters relating to "serviced apartments" be deferred to the next meeting of the Central Sydney Planning Committee.

Carried unanimously.