

ITEM 3. POST EXHIBITION - PLANNING PROPOSAL - SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - AMENDMENT TO CLAUSE 4.6 (EXCEPTIONS TO DEVELOPMENT STANDARDS)

FILE NO: X011948

SUMMARY

Sydney is one of the world's most liveable, welcoming and desirable cities. This is reinforced by the City of Sydney's parks and public places, which enhance Sydney's attractiveness to residents, workers and visitors. To be successful, the City's parks and public places must be distinctive, flexible, engaging, inclusive and accessible so everyone can enjoy and use them.

The current drafting of certain planning controls in Sydney Local Environmental Plan 2012 has resulted in an unintended situation where some minor structures require development consent but cannot be assessed and determined if located within or nearby some of our parks and public places. These structures include playground equipment, sculptures and artworks and illuminated wayfinding signage – all of which can enhance the functioning of the City of Sydney's parks and public places,

To resolve this issue, in late 2017 the Council and the Central Sydney Planning Committee approved the public exhibition of a planning proposal to amend Sydney Local Environmental Plan 2012 which allows the Council to assess and determine development applications for these activities.

Following receipt of a Gateway Determination from the Department of Planning and Environment in January 2018, the planning proposal was exhibited for a two week period. No submissions were received. This report seeks that the Council approves the planning proposal, as exhibited, and that the Council exercises its delegation to amend Sydney Local Environmental Plan 2012 in accordance with the planning proposal.

RECOMMENDATION

It is resolved that:

- (A) Council approve the Planning Proposal: *Sydney Local Environmental Plan 2012 – Amendment to Clause 4.6 (Exceptions to development standards)*, shown at **Attachment A** to the subject report, to be made as a local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979; and
- (B) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal: *Sydney Local Environmental Plan 2012 – Amendment to Clause 4.6 (Exceptions to development standards)* to correct drafting errors prior to finalisation of the local environmental plan.

ATTACHMENTS

Attachment A: Planning Proposal: Sydney Local Environmental Plan 2012 – Amendment to Clause 4.6 (Exceptions to development standards)

BACKGROUND

1. Sydney is Australia's leading finance and business centre, as well as one of the world's most liveable, welcoming and desirable cities. This role is reinforced by the City of Sydney's parks and public places, which enhance the City's attractiveness to residents, workers and visitors. To be successful, the City's parks and public places must be distinctive, flexible, engaging, inclusive and accessible so everyone can enjoy and use them. The City's planning controls aim to enhance our recreational areas and ensure that they meet the needs of residents, workers and visitors.
2. The current drafting of 'no additional overshadowing' provisions in *Sydney Local Environmental Plan 2012* (SLEP2012) has resulted in an unintended situation where development applications for some structures of minor impact, which can enhance the functioning of the City's parks and public places, cannot be assessed and determined if located within or nearby six public places that are identified in SLEP2012.
3. These structures include playground equipment, sculptures, artworks and illuminated wayfinding signage. The six public places are: Lang Park; Macquarie Place; Martin Place; Sydney Square; Pitt Street Mall; and Prince Alfred Park.
4. In most cases, the structures do not require development consent as they are exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. However, development applications cannot be assessed and determined for the structures. To resolve this issue, in late 2017 the Council and the Central Sydney Planning Committee approved the progression of a planning proposal to amend SLEP2012 which allows the Council to assess and determine development applications for the structures.
5. In January 2018, a Gateway Determination was received from the Department of Planning and Environment, as a delegate of the Greater Sydney Commission. The Gateway Determination required that the Council publicly exhibit the planning proposal for a 14 day period. Consultation with public authorities was not required.
6. The planning proposal was exhibited from 22 January 2018 to 5 February 2018 and no submissions were received.

KEY IMPLICATIONS

7. Because no submissions were received in response to the public exhibition, the planning proposal will be progressed unchanged. This report seeks that the Council approves the planning proposal at **Attachment A**, and that the City exercises its delegation to amend SLEP2012 in accordance with the planning proposal.
8. Specifically, this will result in a minor amendment to *clause 4.6 (Exceptions to development standards)* in SLEP2012 to allow development applications for playground equipment, sculptures and artworks or illuminated wayfinding signage to be assessed and determined if the activity is located within or nearby six of the 10 public places listed in SLEP2012 clause 6.19 (Overshadowing of certain public places). The Council would need to be satisfied that a development application for playground equipment, sculptures and artworks and wayfinding signage is acceptable on planning grounds and that it is in the public interest.

9. *Planning Proposal: Sydney Local Environmental Plan – Amendment to Clause 4.6 (Exceptions to development standards)* at **Attachment A** provides a detailed technical explanation of the planning mechanism required to effect this change.

Strategic Alignment

10. The *draft Greater Sydney Region Plan* is the State Government strategic document that outlines a vision for Greater Sydney over the next 40 years. The Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery, and is to be implemented at a local level by District Plans.
11. The *draft Greater Sydney Region Plan* identifies key challenges facing Greater Sydney, which is forecast to grow from 4.7 million people to 8 million people by 2056. Greater Sydney must provide for an additional 817,000 jobs by 2036 and will need to provide 725,000 more homes over the next 20 years.
12. The planning proposal is consistent with the Objective 12 of the *draft Greater Sydney Region Plan - Great places that bring people together*.
13. The *draft Eastern City District Plan* sets the local planning context for the City of Sydney local government area. It provides a 20-year plan to manage growth and achieve the 40-year vision of the draft Greater Sydney Region Plan.
14. The planning proposal is consistent with the following relevant planning priorities and actions of the *draft Eastern City District Plan*:
- (a) Planning Priority E4 - Fostering healthy, creative, culturally rich and socially connected communities.
 - (b) Planning Priority E16 - Protecting and enhancing scenic and cultural landscapes.
 - (c) Action 13: Facilitate opportunities for creative and artistic expression and participation, wherever feasible, with minimum regulatory burden.
15. *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. This planning proposal is aligned with the following SS2030 strategic directions:
- (a) Direction 5 - A Lively and Engaging City Centre - It will strengthen the City of Sydney's public domain identity.
 - (b) Direction 6 - Vibrant Local Communities and Economies – It will support and enhance vibrant places.
 - (c) Direction 7 – A Cultural and Creative City – It will facilitate creativity as a consistent and visible feature of the public domain.

RELEVANT LEGISLATION

16. *Environmental Planning and Assessment Act 1979, City of Sydney Act 1988.*

CRITICAL DATES / TIME FRAMES

17. The Gateway Determination authorises the Council to use its delegated authority to exercise the plan-making functions of the Greater Sydney Commission under section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the local environmental plan.
18. If Council and the Central Sydney Planning Committee approve the Planning Proposal, it will be submitted to NSW Parliamentary Counsel for drafting. The LEP 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.
19. The Gateway Determination sets the completion date for the Planning Proposal as July 2018.

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