

14 February 2022

At the conclusion of the Cultural and Community Committee

Transport, Heritage and Planning Committee

Agenda

- 1. Disclosures of Interest**
- 2. Employment Zones Review**
- 3. Fire Safety Reports**
- 4. Approved Variations to Development Standards Reported to the Department of Planning, Industry and Environment**

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1. Register to speak by calling Secretariat on 9265 9310 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

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Item 1.

Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

Local Government and Planning Legislation Amendment (Political Donations) Act 2008

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 ("the Act") requires the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of \$1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or
- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than \$1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.

Item 2.

Employment Zones Review

File No: X081951

Summary

The Department of Planning, Industry and Environment (Department) is making significant changes to business and industrial zones in local environmental plans (LEPs). They have requested that changes be reported to councils prior to them being placed on public exhibition. The stated purpose of the changes is to better accommodate the changing needs of businesses, better support state and local strategic planning, increase investment, and boost jobs growth.

Local environmental plans (LEPs) provide the primary planning controls, including land use zoning and key development standards, such as height and floor space ratios, that apply to land. The NSW Government's Standard Instrument – Principle Local Environmental Plan (the Standard Instrument) is state government legislation that provides a mandated standard template for LEPs. The City has only limited flexibility within the template when preparing LEPs.

The Standard Instrument provides the various zones councils may select from when preparing planning controls for land. Each available zone includes objectives and lists of defined land uses as either permitted with consent; permitted without consent; or prohibited in the zone. The Standard Instrument mandates that some land uses be permitted in a zone, but also allows councils to decide how some land uses will be categorised.

In early 2021, the Department initiated a review of the business zones ("B zones") and industrial zones (the "IN zones") and sought early feedback from councils in a series of workshops. In May 2021 the Department publicly exhibited its proposed Employment Zones Position Paper. The City made a submission raising concerns about the proposal.

In November 2021, the Department made the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021. The Order:

- inserted new employment zones ("E zones") into the Standard Instrument, commencing December 2021;
- introduced new land use definitions and updates some exiting definitions; and
- repeals existing "B zones" and "IN1 zones" as at 1 December 2022.

The effect of the Standard Instrument Order is that all Standard Instrument LEPs in NSW must be amended before 1 December 2022 to replace the current zones with the new Standard Instrument zones (before the current zones are repealed from the Standard Instrument).

The Department is preparing a draft state environmental planning policy for public exhibition that will amend all Standard Instrument LEPs in NSW on behalf of councils. This means the usual local planning process required to amend an LEP will not be required for LEPs that are based on the Standard Instrument.

In November 2021, the Department issued preliminary translations of the current zones to new zones in the relevant LEPs that apply in the local area. Preliminary translations were provided for the following City of Sydney LEPs:

- Sydney Local Environmental Plan 2012 (Sydney LEP 2012);
- Sydney Local Environmental Plan (Harold Park) 2013;
- Sydney Local Environmental Plan (Green Square Town Centre) 2013; and
- Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013.

The Department requested the City undertake a technical review of the preliminary translations and provide advice about any required adjustment. Advice was submitted to the Department ahead of their deadline of 28 January 2022.

To guide the technical review, an impact analysis was undertaken by the City to understand the impact of the preliminary translations and identify mitigation measures. The impact analysis is provided at Attachment A.

The key issues identified in the City's technical review include:

- the removal of the B8 - Metropolitan Centre zone, that applies to Central Sydney is a unique zone in NSW;
- the consolidation of a number of current zones under a single new zone, resulting in a loss of nuance that drives the strategic intent of the planning controls;
- some significant changes to zoning objectives, that will impact on considerations in the development application process; and
- the impact on current local provisions and mapping in the LEPs, that require amendment to maintain their strategic intent.

The City's recommendations are currently being considered by the Department prior to finalising the draft state environmental planning policy for public exhibition. The Department expects public exhibition will take place around April 2022 at which time the City may make a further submission.

Recommendation

It is resolved that:

- (A) Council note the preliminary translation of current zones in relevant local environmental plans undertaken by the Department of Planning, Industry and Environment, summarised at Attachment A to the subject report; and
- (B) Council note the impact analysis and resulting technical review made by the City to the Department of Planning, Industry and Environment, summarised at Attachment A to the subject report.

Attachments

Attachment A. Employment Zone Review - Impact Analysis

Attachment B. Zoning Maps

Background

1. The Department of Planning, Industry and Environment (Department) is making significant changes to the land use zoning in local environmental plans (LEPs). They have requested that changes be reported to councils prior to the changes being placed on public exhibition for public comment. The stated purpose of the changes is to better accommodate the changing needs of businesses, better support state and local strategic planning, increase investment, and boost jobs growth.
2. Local environmental plans provide the primary planning controls, including land use zoning and key development standards, such as height and floor space ratios, that apply to land. The NSW Government's Standard Instrument – Principle Local Environmental Plan (the Standard Instrument) provides a mandated template for LEPs in NSW. The City has only limited flexibility within the template when preparing LEPs.
3. Not all of the City's LEPs are Standard Instrument and subject to automatic translation. Where they are, the Standard Instrument provides standardised land use definitions, provisions, as well as the various zones councils may select from when preparing planning controls for land. Each available zone includes objectives and lists defined land uses as either permitted with consent; permitted without consent; or prohibited in the zone. The Standard Instrument mandates that some land uses be permitted in a zone, but also allows councils to decide how some land uses will be categorised.
4. In early 2021 the Department initiated a review of the business zones ("B zones") and industrial zones (the "IN zones") and sought early feedback from councils in a series of workshops.
5. The Department publicly exhibited its proposed Employment Zones Position Paper in May 2021. The City made a submission raising several key concerns.
6. In November 2021, the Department made the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 (Standard Instrument Order) that:
 - (a) inserted new employment zones ("E zones") into the Standard Instrument, commencing December 2021;
 - (b) introduced new land use definitions and updates some exiting definitions; and
 - (c) repeals existing "B zones" and "IN zones" as at 1 December 2022.
7. The effect of the Standard Instrument Order is that all Standard Instrument LEPs in NSW must be amended before 1 December 2022 to replace the current zones with the new Standard Instrument zones (before the current zones are repealed from the Standard Instrument).
8. The Department will prepare a draft state environmental planning policy for public exhibition that will amend all LEPs in NSW on behalf of councils. This means the usual local planning process that are required to amend an LEP will not be required.

9. In November 2021, the Department issued preliminary translations of the current zones to new zones. For the City of Sydney, preliminary translations were provided for the following LEPs:
- (a) Sydney Local Environmental Plan 2012 (Sydney LEP 2012);
 - (b) Sydney Local Environmental Plan (Harold Park) 2013 (Harold Park LEP);
 - (c) Sydney Local Environmental Plan (Green Square Town Centre) 2013 (Green Square LEP - Stage 1); and
 - (d) Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (Green Square LEP - Stage 2).
10. The preliminary translations convert current zones in the City's LEPs to the most suitable new zone, in accordance with Figure 1.

Figure 1: Current zones in LEPs (left) to new zones (right)

Old Zones	New zone
B1 – Neighbourhood Centre B2 – Local Centre	E1 - Local Centre
B3 – Commercial Centre	E2 – Commercial Centre
B4 – Mixed Use	MU1 – Mixed Use
B5 – Business Development B6 – Enterprise Corridor B7 – Business Park	E3 – Productivity Support
B8 – Metropolitan Centre	SP4 – Special Enterprise
IN1 – General Industrial	E4 – General Industrial

11. Each of the existing zones (left) have their own objectives and land use tables that identify the land uses that are permitted with consent, permitted without consent, or prohibited in that zone. However, where zones are being translated and condensed to new zones (right), and objectives and land use tables do not match, an alignment process is required.
12. The Department's preliminary translations provided a 'first-pass' at aligning the current zones with the new zones, including suggested changes to affected LEP provisions. The Department requested council officers undertake a technical review and provide advice by 28 January 2022 with regard to the accuracy and suitability of the preliminary translations.
13. To guide the technical review, an impact analysis was undertaken by the City to identify how the preliminary translations would affect the City's LEPs. The impact analysis is provided at Attachment A.

14. The key issues identified in the City's technical review, discussed in more detail in this report, include:
 - (a) the removal of the B8 - Metropolitan Centre zone, that applies to Central Sydney and is a unique zone in NSW;
 - (b) the consolidation of a number of current zones under a single new zone, resulting in a loss of nuance that drives the strategic intent of the planning controls;
 - (c) some significant changes to zoning objectives, that will impact on considerations in the development application process; and
 - (d) the impact on current local provisions and mapping in the LEPs, that require amendment to maintain their strategic intent.
15. The City submitted its recommended changes to the preliminary translations on 14 January 2022. The Department are currently considering the City's response prior to finalising the draft state environmental planning policy for public exhibition. The Department expects public exhibition will take place around April 2022 at which time the City may make a further submission.

Zoning in the City of Sydney

16. Land use planning generally seeks to separate areas into zones and permit or prohibit various land uses to minimise environmental, social and economic conflicts. For example, noisier, dirtier industrial uses are typically separated from residential uses. Over time, however, this approach has been adapted to recognise the positive outcomes that can be achieved by locating a range of activities together. This can be successful so long as the externalities generated by one use do not have an unfavourable and/or unreasonable impact on another. Contemporary considerations when establishing zones and their various permitted uses include:
 - (a) operational considerations, for example, would a land use generate unreasonable traffic impacts on another land use;
 - (b) economic considerations, for example, would permitting private residential uses increase land values to the extent that employment generating uses become financially unviable;
 - (c) infrastructure considerations, for example, will a particular land use be appropriately supported by public domain, utilities, services, transport and social infrastructure;
 - (d) productivity considerations, for example, is there a sufficient amount of land zoned to fit land uses necessary to support an efficient and productive economy; and
 - (e) strategic consideration, for example, are land use zones conducive to the strategic directions established for the area by the NSW Government and the Council.
17. The zones, zone objectives, land use tables and local provisions in the City's various LEPs are carefully drafted to balance these considerations and achieve the strategic planning outcomes articulated in the City's Local Strategic Planning Statement.

18. The area most affected by the Department's zone review are the City's enterprise areas. These are some of the most strategically important employment lands in the Sydney metropolitan area. Mostly located between the Sydney Airport and the Central Business District in Alexandria, Rosebery and St Peters, as well as a small area of land along Parramatta Road, Glebe, they accommodate a wide variety of employment generating activities.
19. The enterprise area lands are generally zoned under the Sydney LEP as either IN1 - General Industrial; B5 - Business Development; B6 - Enterprise Corridor; or B7 - Business Park. These zones exclusively permit employment generating and population serving land uses, of varying intensity, and do not permit any residential uses, except for the B7 - Business Park zone that permits affordable housing as the only residential land use in the zone.
20. The Sydney LEP, and other LEPs that apply in the local area, also include other "B zones", including:
 - (a) B4 – Mixed Use zone, that is the predominant zone in the City's LEPs, permitting a broad range of land uses. It applies broadly across the local area;
 - (b) B1 – Neighbourhood Centre and the B2 – Local Centre zones, that signal general local commercial centres of activity. They also are located mostly along high streets elsewhere in the local government area;
 - (c) B3 – Commercial Core zone, that has limited application in the area, notably in parts of the Green Square Town Centre and a few locations in Pyrmont. The City's B3 - Commercial Core zone is focused on higher density commercial activity and does not permit residential land-uses; and
 - (d) B8 – Metropolitan Centre zone, which is uniquely applied in Central Sydney only, and nowhere else in NSW, and supports the primacy of the state's capital city.
21. The City's current zoning maps are shown at Attachment B.

Key Implications

Translation of current zones to new zones

22. The impact analysis, shown at Attachment A, provides comparison tables for each of the zone translations.
23. With regard to zone objectives, the wording of some objectives that now form part of the Standard Instrument Plan creates risks for the role and function of employment zones. It is essential that the wording of objectives is clear and do not allow for varied interpretation, particularly when it comes to land uses. Key objectives of concern include:
 - (a) E2 – Commercial Centre zone objective: *To enable residential development that is consistent with the Council's strategic planning for residential development in the area.* The existing B3 - Commercial Centre zone does not allow residential accommodation. The City does not propose to permit residential development in the new E2 zone, which is consistent with the current approach. The objective is therefore inconsistent.

- (b) E1 – Local Centre zone objective: *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.* This objective strengthens merit for standalone residential development within centres. This is not supported as it risks fragmenting and undermining retail centres.
 - (c) E3 – Productivity Support zone objective: *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.* This objective refers to 'other land uses' which is open to interpretation and 'sell goods of a large size, weight or quantity' which alludes to specialised retail premises. The objective contradicts the approach of the City to manage retail and specialised retail premises.
24. In addition, there are new objectives for zones which refer to concepts of investment, viable use of land and generating employment opportunities and economic growth. The City is concerned by the introduction of this language into the zone objectives. These concepts are open to interpretation given any proposed development might demonstrate some level of investment, supporting economic growth and employment opportunities.
25. The City has strongly encouraged the Department undertake further consideration of the objectives and refinements to the wording that will undermine the City's strategic approach to managing our employment zones.
26. It is noted that should the Department accept the advice of the City in relation to the need to amend the zone objectives, an amendment to the Standard Instrument is required.
27. The consolidation of zones does reduce the ability of planning authorities to respond to and craft a suitable planning framework that best suits the current circumstances or future aspirations of an area, that is, there are less available zones that could be applied to land.
28. The consolidation of zones also means that in many circumstances the range of land uses that are currently permitted on land in the City's zones have been expanded. The Standard Instrument has also expanded the range of land uses that are now mandated in certain zones. In many cases this is unlikely to have a significant impact on the City's zones, however there are some circumstances where the changes undermine the strategic intent of the City's planning controls.
29. A key example of this is the approach the City takes to managing retail, particularly in the south of the local government area. The City retail hierarchy in its planning controls generally seeks to locate large supermarkets in centres, such as the Green Square Town Centre or on main streets, where there is adequate public transport and other infrastructure, and where they can contribute to the creation of places of community and economic focus. 'Specialised retail premises', that generally include bulky goods retail, such as Harvey Norman and the like, are currently permitted in only limited locations, including the southern extent of O'Riordan Street and the Moore Park Supa Centre. The consolidation of the current B5 Business Development; B6 Enterprise Corridor; or B7 Business Park zones will result in a broad expansion of where these uses may be permitted.

30. The City has requested the Department makes changes to the local provisions within the Sydney LEP 2012, concurrently with changes to zoning, to ensure the strategic intent of the current zones and planning controls are maintained.
31. The City is also concerned that where 'specialised retail premises' are listed as permitted with consent it will enable large-scale premises to occur as a form of complying development under the Exempt and Complying Development Codes SEPP 2008 (Codes SEPP). To ensure the City's strategic approach is maintained, the City has requested the Department amend the Codes SEPP to introduce an exclusion for these areas.

Removal of the B8 - Metropolitan Centre zone

32. The employment zone review removes the B8 - Metropolitan Centre zone from the Standard Instrument. The B8 - Metropolitan Centre zone applies only to Central Sydney and nowhere else in NSW.
33. The current B8 - Metropolitan Centre zone is proposed to be translated to the new SP4 - Special Enterprise zone, which is a flexible zone that individual councils may apply to land within their local areas. It is the only new zone in the Standard Instrument where councils are given total flexibility to prepare their own objectives and land use tables.
34. While this means the objectives and land use tables of the current B8 - Metropolitan Centre zone can be maintained as they currently exist, it also means the new SP4 - Special Enterprise zone cannot be applied anywhere else in the local area. This removes any possibility that we might apply the zone elsewhere in the local area where it may be needed in the future.
35. The removal of the B8 – Metropolitan Centre zone is also inconsistent with the approach of all other capital cities in Australia (apart from Canberra), which have a special zone allocated to their central business/city core area. This includes Melbourne, which retains their equivalent capital city zone, even after undergoing a rationalisation of their business zones.
36. Removing the B8 - Metropolitan Centre zone provides negligible benefit towards a more consistent NSW planning framework as the zone is only used in one location and its purpose and objectives are effective and clear. Furthermore, refinements and additional objectives to the B8 - Metropolitan Centre zone were delivered through the Central Sydney amendments made on 26 November 2021.
37. The City has requested the Department reconsider the removal of the B8 - Metropolitan Centre zone in the Standard Instrument.

New and updated definitions

38. This section describes the updated and new definitions that are replaced or introduced in the Standard Instrument as at 1 December 2021. These definitions are now applied in all of the City's LEPs.
39. Key updated definitions include:
 - (a) Business premises – to introduce the new definition “Goods repair and reuse”;
 - (b) Light Industry – to introduce the new definition “Creative industries”;

- (c) Shop top housing – to allow a wider range of non-residential uses at the ground floor of a building, “where at least the ground floor is used for commercial premises or health services facilities”; and
- (d) Crematorium – to replace the current definition with the definition “crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.”

40. Key new definitions include:

- (a) Goods repair and reuse premises - means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note— Goods repair and reuse premises are a type of business premises—see the definition of that term in this Dictionary.

- (b) Creative industries - means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

Note— Creative industries are a type of light industry—see the definition of that term in this Dictionary.

- (c) Data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note— Data centres are a type of high technology industry—see the definition of that term in this Dictionary.

41. The new and updated definitions generally provide a clear categorisation of new and emerging land uses. The effect of the new and updated definitions is likely to be relatively minor.

Local provisions and Schedule 1 - Additional permitted uses

- 42. A number of provisions within the affected City's LEPs require amendment to accommodate the changes being made to the land use zones. This includes provisions in Schedule 1 - Addition permitted uses.
- 43. The City has provided the Department with updated provisions to ensure the strategic intent of the City's planning controls are maintained where strategically important.

Relevant Legislation

44. Environmental Planning and Assessment Act 1979.
45. Standard Instrument - Principal Local Environmental Plan and Standard Instrument (Local Environmental Plans) Order 2006.
46. Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021.

Critical Dates / Time Frames

47. The City made comment to the Department's preliminary translations on 14 January 2022, prior to the cut-off date of 28 January 2022. This report responds to the Department request that the preliminary translations be reported to Council by the end of March 2022.
48. Following assessment of submissions made by councils, the Department will prepare a draft state environmental planning policy to make changes to LEPs and place it on public exhibition. The Department's estimated timeframe for this is April 2022.
49. Following public exhibition, the Department will consider submissions and prepare a summary report of issues, which the City understands will be made publicly available. The Department have requested the matter be reported back to Councils following preparation of the report. The estimated timeframe for the post exhibition report is between June and October 2022.
50. The Department's estimated timeframes for the changes to LEPs to come into effect is November 2022.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Tamara Bruckshaw, Acting Executive Manager Strategic Planning and Urban Design

Attachment A

Employment Zone Review – Impact Analysis

Employment zone review - Impact analysis

Impact analysis

February 2022

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1. Overview of employment zone review

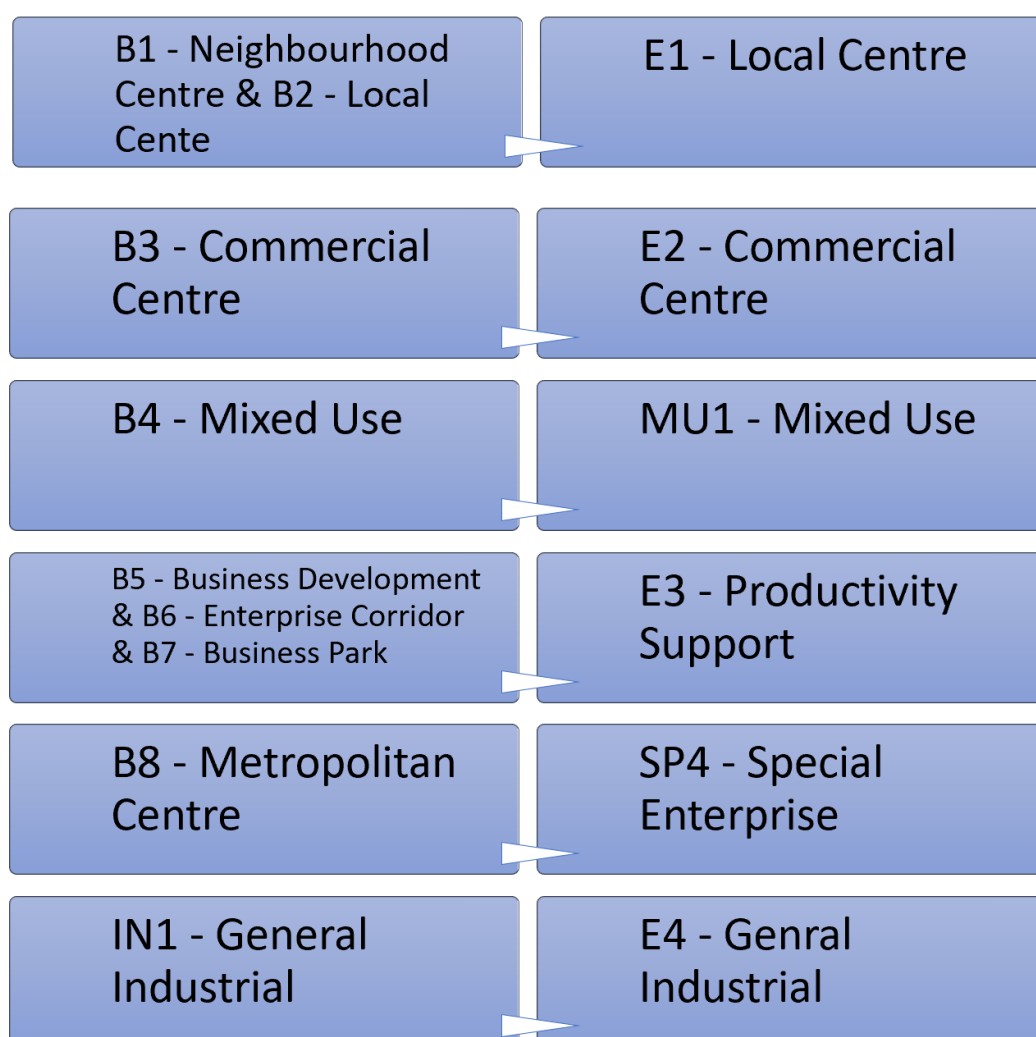
In 2020 the Department of Planning, Industry and Environment (Department) initiated a review of the business and industrial zones (the B and IN zones respectively). The Department's stated purpose for the review is to:

- provide greater certainty for the community, councils, and the development industry;
- support councils' long-term strategic planning objectives;
- support businesses, industry, and society to grow, respond and adapt as necessary; and
- facilitate innovation and changes in business processes now and into the future.

On November 2021 the Department issued its Employment Zone Review Package for the technical review of council officers. The effect of the Review is to update and consolidate existing zones within NSW local environmental plans (LEPs), with new zones that are now included in the Standard Instrument – Principle Local Environmental Plan (Standard Instrument).

The Department's proposed high-level translation of the current 'B' zones to the new 'E' zones are shown in the below Figure 1.

Figure 1: Zone translation



Each of the existing zones (left) have their own objectives and land use tables, which identify the land uses that are permitted with consent, permitted without consent, or prohibited in that zone. However, where zones are being condensed, and objectives and land use tables do not match, an alignment process is required.

The Department issued a 'preliminary translation' of affected LEPs that provides a 'first-pass' at aligning the current zones with the new zones, including suggested changes to affected local and Schedule 1 provisions, and requested council officers review and provide advice by 28 January 2022 with regards to its accuracy and suitability. The affected LEPs in the City of Sydney include:

- Sydney Local Environmental Plan 2012 (SLEP 2012);
- Sydney Local Environmental Plan (Harold Park) 2013 (HP_LEP 2011);
- Sydney Local Environmental Plan (Green Square Town Centre) 2013 (GSTC1_LEP 2013); and
- Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (GSTC2_LEP 2013).

This Impact Analysis has been prepared to explain the future effect of the proposed changes and those changes already in effect. It also provides a summary of advice issued to the Department on 14 January 2022.

2. Process and timeframes

The Department required review of the preliminary translation to be submitted by 28 January 2022. The City submitted its advice on 14 January 2022.

The Department is currently preparing a draft self-repealing State Environmental Planning Policy (SEPP) to make changes to all applicable LEPs in NSW. The draft SEPP is intended to be publicly exhibited in April 2022.

The Department will review public submissions before finalising the SEPP and putting it into effect. This is when changes will be made to the City's LEPs. The Department have indicated these changes are to be made by November 2022.

The above process means individual councils do not need to prepare a Planning Proposal to change their LEP's to reflect the new zones.

3. Changes to the City's LEPs

The Employment Zones Review will result in several significant changes to the City's LEPs, including:

- new and updated land-use definitions will be inserted in the City's LEPs. These have already come into effect;
- new and updated objectives for the new zones, that are already included in the Standard Instrument, and will come into effect when the SEPP inserts the new zones into the LEPs;
- removal of current zones in favour of new zones, to come into effect when the SEPP inserts the new zones into the LEPs;
- new land use tables for the new zones, to come into effect when the SEPP inserts the new zones into the LEPs;
- changes to local provisions and Schedule 1 – Additional Permitted Uses, to come into effect when the SEPP inserts the new zones into the LEPs.

3.1. Updated and new definitions

This section describes the updated and new definitions that are replaced/introduced in the Standard Instrument Order as at 1 December 2021.

These definitions are now applied in all of the City's LEPs.

Key updated definitions include:

- **Business premises** – to introduce the new definition “Goods repair and reuse”;
- **Light Industry** – to introduce the new definition “Creative industries”;
- **Industrial retail outlet** – minor amendment;
- **Kiosk** – minor amendment;
- **Neighbourhood shop** – minor amendment;
- **Shop top housing** – to allow a wider range of non-residential uses at the ground floor of a building, “where at least the ground floor is used for commercial premises or health services facilities”.
- **Crematorium** – to replace the current definition with the definition “crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.”

Key new definitions include:

- **Goods repair and reuse premises** - means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.
Note— Goods repair and reuse premises are a type of business premises—see the definition of that term in this Dictionary.
- **Creative industries** - means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.
Note— Creative industries are a type of light industry—see the definition of that term in this Dictionary.
- **Data centre** means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.
Note— Data centres are a type of high technology industry—see the definition of that term in this Dictionary.

Advice provided to the Department in the City's response

As these amendments have already been introduced to the Standard Instrument Order on 1 December 2021, we are not providing feedback. There are no concerns with the definitions as drafted.

Some of these terms were introduced to support the introduction of Industrial and Business Zone Complying Development Reforms “building business back better.” The City provided a submission in response to its explanation of intended effects in May 2021.

3.2. Zone objectives

Each land-use zone in the Standard Instrument includes mandated zone objectives that must be included in an LEP where the zone is used. The Department also allows Councils to add custom non-standard objectives in addition to the mandated zone objectives.

This section compares the current objectives for each land-use zone with the new objectives in the Standard Instrument. Where the City provided comment to the Department in its response it is noted in the last column of the following tables.

Proposed change to the current IN1 – General Industrial zone objectives

Only the Sydney LEP 2012 is affected by the change to the IN1 General Industrial zone.

The below table compares the objectives in the current IN1 – General Industrial zone with the new E3 – General Industrial zone proposed in the preliminary translation

Table 1. Objectives in the new E4 zone

Objectives in current IN1 – General Industrial zone	Objectives in new E4 – General Industrial zone	Advice provided to the Department in City's response
To minimise any adverse effect of industry on other land uses.	To minimise any adverse effect of industry on other land uses.	
To encourage employment opportunities.	To encourage employment opportunities.	
To ensure uses support the viability of nearby centres.	To ensure uses support the viability of nearby centres.	
To provide a wide range of industrial and warehouse land uses.		
To support and protect industrial land for industrial uses.		Retain. It is a critical objective to support the role and function of the industrial zone.
	To provide a range of industrial, warehouse, logistics and related land uses.	
	To ensure the efficient and viable use of land for industrial uses	Concerns raised with Department. Achieving 'efficient and viable use of land' does not contribute to supporting the role or function of a zone and this objective should be removed.

Objectives in current IN1 – General Industrial zone	Objectives in new E4 – General Industrial zone	Advice provided to the Department in City's response
	To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.	

Note: new, changed or removed objectives highlighted in grey

Note: where the preliminary translation has included a non-mandated Standard Instrument objective, it is highlighted in blue.

Change to the current B1 – Neighbourhood Centre and B2 - Local Centre zone objectives

Only the Sydney LEP 2012 is affected by the change to the B1 – Neighbourhood Centre and B2 - Local Centre zones.

The below table compares the objectives in the current B1 – Neighbourhood Centre and B2 - Local Centre zones in the Sydney LEP 2012 with the new E1 – Local Centre zone in the preliminary translation.

Table 2. Objectives in the new E1 zone

Objectives in current B1 – Neighbourhood Centre zone	Objectives in current B2 – Local Centre zone	Objectives in preliminary translation of new E1 – Local Centre zone	Advice provided to the Department in City's response
To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.			
	To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.		
		To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.	

Objectives in current B1 – Neighbourhood Centre zone	Objectives in current B2 – Local Centre zone	Objectives in preliminary translation of new E1 – Local Centre zone	Advice provided to the Department in City's response
To allow appropriate residential uses so as to support the vitality of neighbourhood centres.	To allow appropriate residential uses so as to support the vitality of local centres.		
		To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.	This E1 zone objective strengthens merit for standalone residential development within centres. This is not supported as it risks fragmenting and undermining retail centres.
	To encourage employment opportunities in accessible locations.		
		To encourage investment in local commercial development that generates employment opportunities and economic growth.	
	To maximise public transport patronage and encourage walking and cycling.		Retain objective in E1 zone Centres planning is underpinned by a greater focus on sustainable transport provision. The objective is to minimise car usage in line with City's parking policies.

Objectives in current B1 – Neighbourhood Centre zone	Objectives in current B2 – Local Centre zone	Objectives in preliminary translation of new E1 – Local Centre zone	Advice provided to the Department in City's response
		To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	

Note: new, changed or removed objectives highlighted in grey

Note: where the preliminary translation has included a non-mandated Standard Instrument objective, it is highlighted in blue.

Change to the current B3 – Commercial Core zone objectives

The Sydney LEP 2012 and the Green Square Town Centre _ Stage 2 LEP are affected by the change to the B3 – Commercial Core zone.

The below table compares the objectives in the current B3 – Commercial Core zone, with the new E2 – Commercial Centre zone proposed in the preliminary translation.

Table 3. Objectives in the new E2 zone

Objectives in current B3 – Commercial Core zone	Objectives in new E2 – Commercial Centre zone	Advice provided to the Department in City's response
To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.		Retain objective in E2 zone The range of land uses outlined in this objective is needed to support the performance of a centre and establish it as a base for the community.
To encourage appropriate employment opportunities in accessible locations.		
	To encourage investment in commercial development that generates employment opportunities and economic growth.	
To maximise public transport patronage and encourage walking and cycling.		Retain objective in E2 zone Centres planning is underpinned by a greater focus on sustainable transport provision. The objective is to

Objectives in current B3 – Commercial Core zone	Objectives in new E2 – Commercial Centre zone	Advice provided to the Department in City's response
		minimise car usage in line with City's parking policies.
To promote uses with active street frontages.		
	To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	
	To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.	
	To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.	
	To enable residential development that is consistent with the Council's strategic planning for residential development in the area.	This E2 zone objective is inconsistent to our approach to this zone, as we do not propose to allow any residential development.

Note: new, changed or removed objectives highlighted in grey

Change to the current B4 – Mixed Use zone objectives

The Sydney LEP 2012, Harold Park LEP 2011 and Green Square Town Centre LEPs are affected by the change to the B4 – Mixed Use zone.

The below table compares the objectives in the current B4 – Mixed Use zone with the new MU1 – Mixed Use zone proposed in the preliminary translation.

Table 4. Objectives in the new MU1 zone

Objectives in current B4 – Mixed Use zone	Objectives in new MU1 – Mixed Use zone	Advice provided to the Department in City's response
To provide a mixture of compatible land uses.	To encourage a diversity of business, retail, office and light industrial land uses that	

	generate employment opportunities.	
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.		Retain objective. This objective is the only direct reference to residential uses – which forms a substantial make up of the land use in the zone. It links the provision of substantial densities with the need to provide adequate sustainable transport options. The objective is to minimise car usage in line with City's parking policies
To ensure uses support the viability of centres.	To ensure uses support the viability of centres.	
	To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	
	To minimise conflict between land uses within this zone and land uses within adjoining zones.	
	To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	

Note: new, changed or removed objectives highlighted in grey

Note: Objectives are mandated in the Standard Instrument. Where the preliminary translation has included a non-Standard Instrument objective, it is highlighted in blue.

Change to the current to the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zone objectives

Only the Sydney LEP 2012 is affected by the change to the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones.

The below tables compares the objectives in the current B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones with the new E1 – Local Centre zone in the preliminary

translation. It also provides the City's commentary and recommendation with regards to the preliminary translation of the zone objectives.

Table 5. Objectives in the new E3 zone

Objectives in current B5 – Business development zone	Objectives in current B6 – Enterprise corridor zone	Objectives in current B7 – Business Park zone	Objectives in preliminary translation of new E3 – Productivity support zone	Advice provided to the Department in City's response
To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.		To ensure uses support the viability of nearby centres.	To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.	
		To provide a range of office and light industrial uses.	To provide a range of facilities and services, light industries, warehouses and offices.	
	To maintain the economic strength of centres by limiting retailing activity.		To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.	
To encourage employment opportunities.	To provide a range of employment uses (including business, office, retail and light industrial uses).	To encourage employment opportunities.	To encourage employment opportunities	
To enable other land uses that provide facilities or services to meet the day to day needs of the community.				

Objectives in current B5 – Business development zone	Objectives in current B6 – Enterprise corridor zone	Objectives in current B7 – Business Park zone	Objectives in preliminary translation of new E3 – Productivity support zone	Advice provided to the Department in City's response
To promote uses with active street frontages.			To promote uses with active street frontages	
	To promote businesses along main roads and to encourage a mix of compatible uses.			
	To ensure uses support the viability of any adjoining industrial zone for industrial uses.		To ensure uses support the viability of any adjoining industrial zone for industrial uses	Amend objective - <i>"To provide for uses that support the viability of any adjoining industrial zone for industrial uses."</i>
		To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.		
			To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.	
			To provide opportunities for new and emerging light industries.	

Objectives in current B5 – Business development zone	Objectives in current B6 – Enterprise corridor zone	Objectives in current B7 – Business Park zone	Objectives in preliminary translation of new E3 – Productivity support zone	Advice provided to the Department in City's response
			To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.	Concerns raised with Department regarding the promotion of 'other land uses' and uses that 'sell goods of a large size, weight or quantity' in a zone objective. It alludes to specialised retail premises. The objective contradicts the approach of the City to manage retail and specialised retail premises.

Note: new, changed or removed objectives highlighted in grey

Note: Objectives are mandated in the Standard Instrument. Where the preliminary translation has included a non-Standard Instrument objective, it is highlighted in blue.

Change to the current B8 – Metropolitan Centre objectives

The below table compares the objectives in the current B8 – Metropolitan Centre zone with the new SP4 – Enterprise zone proposed in the preliminary translation.

Only the Sydney LEP 2012 is affected by the change to the B1 – Neighbourhood Centre and B2 - Local Centre zones.

Table 6. Objectives in the new SP4 zone

Objectives in current B8 – Metropolitan centre zone	Objectives in new SP4 –	Advice provided to the Department in City's response
To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.	To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.	
To provide opportunities for an intensity of land uses commensurate with Sydney's global status.	To provide opportunities for an intensity of land uses commensurate with Sydney's global status.	
To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.	To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.	
To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.		Retain local objective DPIE did not make a recommendation on these objectives even though they currently form part of our LEP. This might have been an oversight.
To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.		Retain local objective DPIE did not make a recommendation on these objectives even though they currently form part of our LEP. This might have been an oversight.
To promote the efficient and orderly development of land in a compact urban centre.		Retain local objectives

Objectives in current B8 – Metropolitan centre zone	Objectives in new SP4 –	Advice provided to the Department in City's response
To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities.		DPIE did not make a recommendation on these objectives even though they were included in the amendments to the Sydney LEP 2021 for Central Sydney which came into effect on 26 November 2021, and currently form part of our LEP. The City has just been through the process of establishing updated objectives for this zone, which was a lengthy process including extensive engagement with stakeholders in Central Sydney.
To recognise the important role that Central Sydney's public spaces, streets and their amenity play in a global city.		
To promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses.		

Note: Objectives are mandated in the Standard Instrument. Where the preliminary translation has included a non-Standard Instrument objective, it is highlighted in blue.

Note: new, changed or removed objectives highlighted in grey

3.3. Land use tables, local provisions and Schedule 1 listings

This section compares the current land-use tables for each land-use zone with the Department's preliminary translation of the land use tables. It also details any local provisions and Schedule 1 listings that will be impacted by the change to the zone.

Where the City provided comment to the Department in its response it is noted in the last column of the following tables.

3.3.1 IN1 – General Industrial > E4 – General Industrial

The IN1 – General Industrial zone applies only in the City's Southern Enterprise Area and the southwest of the local government area. Mostly it is located in the suburb of St Peters on the western side of Alexandria canal. It is to be translated to the E4 – General Industrial zone.

The Department's preliminary translation proposes the IN1 – General Industrial become the E4 – General Industrial zone.

Only the Sydney LEP 2012 is affected by the change to the IN1 General Industrial zone.

Changes to the current IN1 – General Industrial zone land use table

In the Sydney LEP 2012, the IN1 – General Industrial zone permits all activities with consent, other than those explicitly prohibited or permitted without consent.

Permitted without consent

The below table compares the land uses that are permitted without consent in the IN1 – General Industrial zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 7. Permitted without consent uses in the new E4 zone

Permitted without consent in current IN1 – General Industrial	Permitted without consent in new E4 – General Industrial	Advice provided to the Department in City's response
NONE	NONE	NONE

Prohibited uses

The below table compares the land uses that are prohibited in the IN1 – General Industrial zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 8. Prohibited uses in the new E4 zone

Prohibited land uses in current IN1 – General Industrial	Proposed <u>prohibited</u> land uses in new E4 – General Industrial	Advice provided to the Department in City's response
Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism	Note the recommendation in Table 9 for 'places of public worship.'

Prohibited land uses in current IN1 – General Industrial	Proposed prohibited land uses in new E4 – General Industrial	Advice provided to the Department in City's response
care facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Self-storage units; Sex services premises; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wholesale supplies.	boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industries; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Self-storage units; Sex services premises; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wholesale supplies	

Note:

- uses that are proposed to be no longer prohibited are shown in green;
- non-mandated prohibited uses in amended SI shown in blue.

Permitted with consent

The below table compares the land uses that are permitted with consent in the IN1 – General Industrial zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Generally the translation aligns with the current land use table for the IN1 – General Industrial zone.

Table 9. Permitted with consent uses in the new E4 zone

Permitted with consent in IN1 – General Industrial zone	Proposed permitted with consent table in the E4 – General Industrial zone	Advice provided to the Department in City's response
Agricultural produce industries	Agricultural produce industries	
Boat building and repair facilities	Boat building and repair facilities	
<i>Not prohibited</i>	Business identification signs	
Depots	Depots;	
Food and drink premises	Food and drink premises	
Freight transport facilities	Freight transport facilities	
Garden centres	Garden centres	
General industries	General industries	
	Goods repair and reuse premises	
Hardware and building supplies	Hardware and building supplies	
Horticulture	Horticulture	
<i>Not prohibited</i>	Industrial retail outlets	
Industrial training facilities	Industrial training facilities	
Kiosks	Kiosks	
Light industries	Light industries	
<i>Nested under "Warehouse or distribution centres"</i>	Local distribution premises	
Neighbourhood shops	Neighbourhood shops	
Oyster aquaculture	Oyster aquaculture	
Places of public worship		Prohibit 'Places of public worship.' They are not appropriate for industrial zones, create traffic, have limited public transport, displace industrial uses from an already limited stock of land.
Roads	Roads	
Roadside stalls	Roadside stalls	
<i>Nested under "Food and drink premises"</i>	Take away food and drink premises	
Tank-based aquaculture	Tank-based aquaculture	
Timber yards	Timber yards	
Warehouse or distribution centres	Warehouse or distribution centres	
Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	

Note: non-mandated uses shown in blue

Note: uses newly permitted in the zone are highlighted grey

Note: A Direction in the Standard Instrument required the following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

- Building identification signs

- Business identification signs
- Roads

Local provisions and Schedule 1 – Additional Permissible Uses impacted by changes to the IN1 – General Industrial zone

The below table shows the local provisions and Schedule 1 – Additional permissible uses listings impacted by changes to IN1 – General Industrial zone.

Table 10. Impacted local provisions and Schedule 1 listing in the new E4 zone

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
Clause 7.20 Development requiring or authorising preparation of a development control plan	Clause 7.20 effectively excludes land in the IN1 – General industrial zone from requiring a DCP (Stage 1) unless it is for commercial development. Note this clause is also impacted by the change to the B6 and B7 zones.	Change reference to zone in clause to new E4 zone
Clause 7.13(6) Contribution for purpose of affordable housing	Clause excludes floorspace in IN1 from the definition of total floor area.	Change reference to zone in clause from IN1 to E4.

3.3.2 B1 – Neighbourhood Centre/B2 – Local Centre > E1 Local Centre

The B1 – Neighbourhood Centre and the B2 – Local Centre zones underpin the City's centres strategy in the south of local government area (together with the B3 zone). They also are located mostly along high streets elsewhere in the local government area. The zones are to be translated to the E1 – Local Centre zone.

Only the Sydney LEP 2012 is affected by the change to the B1 – Neighbourhood Centre and B2 - Local Centre zone.

Change to current B1 – Neighbourhood Centre and B2 - Local Centre zone land use tables

The B1 – Neighbourhood Centre and B2 - Local Centre zones permit all activities with consent, other than those explicitly prohibited or permitted without consent.

Permitted without consent

The below table compares the land uses that are permitted without consent in Sydney LEP 2012 in the B1 – Neighbourhood Centre and B2 - Local Centre zones, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 11. Permitted without consent uses in the new E1 zone

Permitted without consent in current B1 – Neighbourhood Centre	Permitted without consent in current B2 - Local Centre zones	Permitted without consent in new E1 – Local Centre zone	Advice provided to the Department in City's response

NONE	NONE	NONE	NONE
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Prohibited uses

The below table compares the land uses that are prohibited in the B1 – Neighbourhood Centre and B2 - Local Centre zones, with the uses proposed by the Department in their preliminary translation of the LEP.

The proposed prohibited land uses generally align with those in the City's current B2 zone , however, this results in a significant broadening of uses permitted in the current B1 – Neighbourhood Centre zone.

Table 12. Prohibited uses in the new E1 zone

Prohibited land uses in current B1 – Neighbourhood Centre	Prohibited land uses in current B2 - Local Centre zones	Prohibited land uses in new E1 – Local Centre zone	Advice provided to the Department in City's response
<p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental protection works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (indoors); Recreation facilities (major); Restricted premises; Rural industries; Rural supplies; Service stations; Sewerage systems; Sex services premises; Specialised retail</p>	<p>Depots; Extractive industries; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industries; Pond-based aquaculture; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres</p>	<p>Depots; Extractive industries; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industries; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Warehouse or distribution centres</p>	<p>Permit with consent the group term 'Tourist and visitor accommodation'</p>

Prohibited land uses in current B1 – Neighbourhood Centre	Prohibited land uses in current B2 - Local Centre zones	Prohibited land uses in new E1 – Local Centre zone	Advice provided to the Department in City's response
premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies			

Note:

- uses that will be no longer prohibited in current B1 zone are shown in green;
- uses that will be no longer prohibited in current B2 zone are shown in red;
- non-mandated prohibited uses in amended SI shown in blue.

Permitted with consent

The below table compares the land uses that are permitted with consent in Sydney LEP 2012 B1 – Neighbourhood Centre and B2 - Local Centre zones, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 13. Permitted with consent uses in the new E1 zone

Permitted with consent in current B1 – Neighbourhood Centre	Permitted with consent in current B2 - Local Centre zones	Proposed permitted with consent table in new E1 – Local Centre zone	Advice provided to the Department in City's response
	<i>Not prohibited</i>	Amusement centres	
Bed and breakfast accommodation	<i>Nested in "Tourist and visitor accommodation"</i>	Bed and breakfast accommodation	
Boarding houses	Boarding houses	Boarding houses	
<i>Not prohibited</i>	<i>Not prohibited</i>	Building identification signs	
<i>Not prohibited</i>	<i>Not prohibited</i>	Business identification signs	
Business premises	<i>Nested in "Commercial premises"</i>	<i>Nested in "Commercial premises"</i>	
Centre-based child-care facilities	Centre-based child care facilities	Centre-based child care facilities	
<i>Not prohibited</i>	Commercial premises, including: <ul style="list-style-type: none"> • retail; • business; • office. 	Commercial premises, including: <ul style="list-style-type: none"> • retail; • business; • office. 	
Community facilities	Community facilities	Community facilities	
<i>Not prohibited</i>	Educational establishments	Educational establishments	
	Entertainment facilities	Entertainment facilities	
	Function centres	Function centres	
Health consulting rooms	<i>Not prohibited</i>	Health consulting rooms	
<i>Not prohibited</i>	<i>Not prohibited</i>	Home businesses	
Home industries	Home industries	Home industries	
<i>Not prohibited</i>	<i>Not prohibited</i>	Home occupations	
Horticulture	<i>Not prohibited</i>	Horticulture	
	<i>Nested in "Tourist and Visitor accommodation"</i>	Hotel or motel accommodation	
<i>Not prohibited</i>	Information and education facilities	Information and education facilities	
		Local distribution premises	
Medical centres	Medical centres	Medical centres	
Neighbourhood shops	<i>Nested in "Commercial premises"</i>	<i>Nested in "Commercial premises"</i>	
Neighbourhood supermarkets	<i>Nested in "Commercial premises"</i>	<i>Nested in "Commercial premises"</i>	
Oyster aquaculture	Oyster aquaculture	Oyster aquaculture	

Permitted with consent in current B1 – Neighbourhood Centre	Permitted with consent in current B2 - Local Centre zones	Proposed permitted with consent table in new E1 – Local Centre zone	Advice provided to the Department in City's response
	Passenger transport facilities	Passenger transport facilities	
<i>Not prohibited</i>	<i>Not prohibited</i>	Places of public worship	
<i>Not prohibited</i>	<i>Not prohibited</i>	Public administration buildings	
<i>Not prohibited</i>	<i>Not prohibited</i>	Recreation areas	
	Recreation facilities (indoor)	Recreation facilities (indoor)	
<i>Not prohibited</i>	Registered clubs	Registered clubs	
Respite day care centres	Respite day care centres	Respite day care centres	
	Restricted premises	Restricted premises	
Roads	Roads	Roads	
	Service stations	Service stations	
Sewage reticulation systems		Sewage reticulation systems	
Shop top housing	Shop top housing	Shop top housing	
Tank-based aquaculture	Tank-based aquaculture	Tank-based aquaculture	
	Tourist and visitor accommodation, including: <ul style="list-style-type: none"> backpackers accommodation bed and breakfast accommodation farm stay accommodation hotel or motel accommodation serviced apartments. 		Permit with consent the group term 'Tourist and visitor accommodation'
	<i>Not prohibited</i>	Veterinary hospitals	
Waste or resource transfer stations		Waste or resource transfer stations	
Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	

Note: non-mandated uses shown in blue

Note: uses newly permitted in the:

- current B1 zone are highlighted grey
- current B2 zone are highlighted yellow.

Note: A Direction in the Standard Instrument required the following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

- Building identification signs
- Business identification signs
- Roads

Local provisions and Schedule 1 – Additional Permissible Uses impacted by changes to the B1 – Neighbourhood Centre and B2 - Local Centre zones

The below table shows the local provisions and Schedule 1 – Additional permissible uses listings impacted by changes to B1 – Neighbourhood Centre and B2 - Local Centre zone.

Table 14. Impacted local provisions and Schedule 1 listing in the new E1 zone

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
Schedule 1 – Clause 8 - Use of certain land at 51–55 Missenden Road, Camperdown	Allows serviced apartments on the site	Remove Schedule 1 listing (tourist and visitor accommodation to become permitted with consent in the E1 zone)

3.3.3 B3 – Commercial Core > E2 – Commercial Centre

The B3 – Commercial Core zone is applied sparingly in the local government area, notably in parts of the Green Square Town Centre and a few locations in Pyrmont. It is to be translated to the E2 – Commercial Centre zone.

The Sydney LEP 2012 and the Green Square Town Centre _ Stage 2 LEP are affected by the change to the B3 – Commercial Core zone.

Changes to the Sydney LEPs current B3 – Commercial Core zone land use table

The B3 – Commercial Core zone permits all activities with consent, other than those explicitly prohibited or permitted without consent.

Permitted without consent

The below table compares the land uses that are permitted without consent in the B3 – Commercial Core zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 15. Permitted without consent uses in the new E2 zone

Permitted without consent in B3 – Commercial Core zone	Permitted without consent in new E2 – Commercial Centre zone	Advice provided to the Department in City's response
NONE	NONE	NONE

Prohibited uses

The below table compares the land uses that are prohibited in the B3 – Commercial Core zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 16. Prohibited uses in the new E2 zone

Prohibited land uses in current B3 – Commercial Core zone	Proposed <u>prohibited</u> land uses in new E2 – Commercial Centre zone	Advice provided to the Department in City's response
Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service	

centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Jetties; Mortuaries; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies	centres; Home occupations (sex services); Home-based child care; Industrial retail outlets; Industries; Jetties; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies	
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Note:

- uses that will be no longer prohibited are shown in green;
- non-mandated prohibited uses in amended SI shown in blue.

Permitted with consent

The below table compares the land uses that are permitted with consent in the B3 – Commercial Core zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 17. Permitted with consent uses in the new E2 zone

Permitted with consent in B3 – Commercial Core zone	Permitted with consent in the E2 – Commercial Centre zone	Advice provided to the Department in City's response
<i>Not prohibited</i>	Amusement centres	
<i>Nested in "Light industry"</i>	Artisan food and drink industries	
Backpackers' accommodation	Backpackers' accommodation	
<i>Not prohibited</i>	Building identification signs	
<i>Not prohibited</i>	Business identification signs	
Centre-based child care facilities	Centre-based child care facilities	
Commercial premises	Commercial premises	
Community facilities	Community facilities	
Educational establishments	Educational establishments	
Entertainment facilities	Entertainment facilities	
Function centres	Function centres	
	Home businesses	
	Home industries	

Permitted with consent in B3 – Commercial Core zone	Permitted with consent in the E2 – Commercial Centre zone	Advice provided to the Department in City's response
	Home occupations	
Horticulture	Horticulture	
Hotel or motel accommodation	Hotel or motel accommodation	
Information and education facilities	Information and education facilities	
Light industries	Light industries	
	Local distribution premises	
Medical centres	Medical centres	
	Mortuaries	
Oyster aquaculture	Oyster aquaculture	
Passenger transport facilities	Passenger transport facilities	
Not prohibited	Places of public worship	
Not prohibited	Recreation area	
Recreation facilities (indoor)	Recreation facilities (indoor)	
	Recreation facilities (outdoor)	
Registered clubs	Registered clubs	
Respite day care centres	Respite day care centres	
Restricted premises	Restricted premises	
Roads	Roads	
Sewage reticulation systems	Sewage reticulation systems	
Tank-based aquaculture	Tank-based aquaculture	
	Vehicle repair stations	
	Veterinary hospitals	
Waste or resource transfer stations	Waste or resource transfer stations	
Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	

Note: non-mandated uses shown in blue

Note: uses newly permitted in the current B3 zone are highlighted grey

Note: A Direction in the Standard Instrument required the following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

- Building identification signs
- Business identification signs
- Home businesses
- Home Industries
- Home occupations
- Roads

Local provisions and Schedule 1 – Additional Permissible Uses impacted by changes to the B3 – Commercial Core

The below table shows the local provisions and Schedule 1 – Additional permissible uses listings impacted by changes to B3 – Commercial Core.

Table 18. Impacted local provisions and Schedule 1 listing in the new E2 zone

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
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NONE	NONE	
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3.3.4 B4 Mixed Use zone > MU1 Mixed Use zone

The B4 – Mixed use zone is the most commonly applied zone across the local government area. It is to be translated to the MU1 – Mixed Use zone.

The Sydney LEP 2012, Harold Park LEP 2011 and Green Square Town Centre LEPs are affected by the change to the B4 – Mixed Use zone.

Changes to the Sydney LEPs current B4 – Mixed Use zone current land use table

The B4 – Mixed Use zone permits all activities with consent, other than those explicitly prohibited or permitted without consent.

Permitted without consent

The below table compares the land uses that are permitted without consent in the B4 – Mixed Use zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 19. Permitted without consent uses in the new MU1 zone

Permitted without consent in current B4 – Mixed Use zone	Permitted without consent in new MU1 – Mixed Use	Advice provided to the Department in City's response
Home occupations	Home occupations	

Note non-mandated uses in amended SI shown in blue.

Prohibited uses

The below table compares the land uses that are prohibited in the B4 – Mixed Use zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 20. Prohibited uses in the new MU1 zone

Prohibited land uses in current B4 – Mixed Use	Prohibited land uses in new MU1 – Mixed Use	Advice provided to the Department in City's response
Extractive industries; Heavy industrial storage establishments; Heavy industries; Pond-based aquaculture	Extractive industries; Heavy industrial storage establishments; Heavy industries	

Note: Uses that will be no longer prohibited are shown in green.

Permitted with consent

The below table compares the land uses that are permitted with consent in the B4 – Mixed Use zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 21. Permitted with consent uses in the new MU1 zone

Permitted with consent in B4 – Mixed Use zone	Permitted with consent table in MU1 – Mixed Use zone	Advice provided to the Department in City's response
Not prohibited	Amusement centres;	
Boarding houses	Boarding houses;	
Not prohibited	Building identification signs;	
Not prohibited	Business identification signs;	
Not prohibited	Car parks;	

Permitted with consent in B4 – Mixed Use zone	Permitted with consent table in MU1 – Mixed Use zone	Advice provided to the Department in City's response
Centre-based child care facilities	Centre-based child care facilities;	
Commercial premises;	Commercial premises;	
Community facilities;	Community facilities;	
Educational establishments;	Educational establishments;	
Entertainment facilities;	Entertainment facilities;	
Function centres;	Function centres;	
Hotel or motel accommodation;	<i>Nested in "Tourist and Visitor Accommodation"</i>	
Information and education facilities;	Information and education facilities;	
<i>Not prohibited</i>	Light industries;	
<i>Not prohibited</i>	Local distribution premises;	
Medical centres;	Medical centres;	
Oyster aquaculture;	Oyster aquaculture;	
Passenger transport facilities;	Passenger transport facilities;	
<i>Not prohibited</i>	Places of public worship;	
<i>Not prohibited</i>	Recreation areas;	
Recreation facilities (indoor);	Recreation facilities (indoor);	
Registered clubs;	Registered clubs;	
Respite day care centres;	Respite day care centres;	
Restricted premises;	Restricted premises;	
Roads;	Roads;	
Seniors housing;	Seniors housing;	
Shop top housing;	Shop top housing;	
Tank-based aquaculture;	Tank-based aquaculture;	
<i>Not prohibited</i>	Tourist and visitor accommodation;	
<i>Not prohibited</i>	Vehicle repair stations;	
Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	Any other development not specified in item 2 [permitted without consent] or 4 [prohibited]	

Note: non-mandated uses shown in [blue](#)

Note: A Direction in the Standard Instrument required the following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

- Building identification signs
- Business identification signs
- Home industries
- Roads

Local provisions and Schedule 1 – Additional Permissible Uses impacted by changes to the B4 – Mixed Use

The below table shows the local provisions and Schedule 1 – Additional permissible uses listings impacted by changes to B4 – Mixed use zone.

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
NONE	NONE	

Table 22. Impacted local provisions and Schedule 1 listing in the new MU1 zone

3.3.5 B5 – Business Development / B6 – Enterprise Corridor / B7 – Business Park > E3 – Productivity Support

The City's current B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones are predominantly located in Southern Enterprise Area at the south of the LGA, with a pocket of B7 – Business Park on Parramatta Road.

The employment zones review proposes to amalgamate all three zones into one, being the new E3 – productivity support zone.

The B6 zone and the B7 zone are currently set up to facilitate a transition from the IN1 zone, with B6 being generally more industrially focused, and B7 closer to higher order commercial uses. Importantly both zones take a restrictive approach to retail that is under threat by the EZR.

The B5 zone is only located on the site of the Moore Park Supa Centre. The of permissibility of 'shops' is particularly problematic on this site.

Only the Sydney LEP 2012 is affected by the change to the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones.

Change to SLEP 2012 current to the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones land use tables

The B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones permit all activities with consent, other than those explicitly prohibited or permitted without consent.

Permitted without consent

The below table compares the land uses that are permitted without consent in the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 23. Permitted without consent uses in the new E3 zone

Permitted without consent in current B5 – Business development zone	Permitted without consent in current B6 – Enterprise corridor zone	Permitted without consent in current B7 – Business Park zones	Permitted without consent in new E3 – Productivity support zone	Advice provided to the Department in City's response
NONE	NONE	NONE	NONE	NONE

Prohibited uses

The below table compares the land uses that are prohibited in the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 24. Prohibited uses in the new E3 zone

Prohibited land uses in current B5 – Business development zone	Prohibited land uses in current B6 – Enterprise corridor zone	Prohibited land uses in current B7 – Business Park zones	Prohibited land uses in new E3 – Productivity support zone	Advice provided to the Department in City's response
Eco-tourist facilities; Heavy industrial storage establishments; Heavy industries; Pond-based aquaculture ; Residential accommodation; Retail premises; Tourist and visitor accommodation	Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Heavy industrial storage establishments; Helipads; Home occupations; Home occupations (sex services); Industries; Pond-based aquaculture; Recreation facilities (major) ; Residential accommodation; Retail premises; Rural industries; Tourist and visitor accommodation	Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Depots ; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Heavy industrial storage establishments; Helipads; Industries; Pond-based aquaculture; Recreation facilities (major) ; Residential accommodation; Retail premises; Rural industries; Tourist and visitor accommodation; Truck depots	Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Heavy industrial storage establishments; Heavy industries; Helipads; Home occupations; Home occupations (sex services); Industries; Residential accommodation; Retail premises; Rural industries; Tourist and visitor accommodation; Truck depots	Requested 'home occupations' and 'home occupations (sex services)' be listed as 'permitted with consent. Introduce a clause that permits 'truck depot' with development consent for land currently zoned B6 - Enterprise Corridor. This land would be identified via LEP maps.

Note:

- uses that will be no longer prohibited in current B5 zone are shown in **green**;
- uses that will be no longer prohibited in current B6 zone are shown in **red**;
- uses that will be no longer prohibited in current B6 zone are shown in **purple**;
- uses that will now be prohibited, but formerly were not in one of the zones, are highlighted grey;

Note: non-mandated prohibited uses in amended SI shown in **blue**.

Permitted with consent

The below table compares the land uses that are permitted with consent in the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones, with the uses proposed by the Department in their preliminary translation of the LEP. It also provides the City’s commentary and recommendation with regards to the preliminary translation of the land use tables.

Table 25. Permitted with consent uses in the new E3 zone

Permitted with consent in current B5 – Business development zone	Permitted with consent in current B6 – Enterprise corridor zone	Permitted with consent in current B7 – Business Park zones	Proposed permitted with consent table in new E3 – Productivity support zone	Advice provided to the Department in City's response
	Agricultural produce industries;	Agricultural produce industries;	Agricultural produce industries;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Animal boarding or training establishments;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Boat building and repair facilities;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Building identification signs;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Business identification signs;	
<i>Not prohibited</i>	Business premises;	<i>Not prohibited</i>	Business premises;	
Centre-based child care facilities;	<i>Not prohibited</i>	Centre-based child care facilities;	Centre-based child care facilities;	
<i>Not prohibited</i>	Community facilities;	<i>Not prohibited</i>	Community facilities;	
<i>Not prohibited</i>	<i>Not prohibited</i>		Depots;	
Food and drink premises;	Food and drink premises;	Food and drink premises;	Food and drink premises;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Function centres;	
Garden centres;	Garden centres;	Garden centres;	Garden centres;	
<i>Not prohibited</i>			General industries;	
Hardware and building supplies;	Hardware and building supplies;	Hardware and building supplies;	Hardware and building supplies;	
<i>Not prohibited</i>	Horticulture;	Horticulture;	Horticulture;	
Hotel and motel accommodation;	Hotel or motel accommodation;	Hotel or motel accommodation;	Hotel or motel accommodation;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Industrial retail outlets;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Industrial training facilities;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Information and education facilities;	

Permitted with consent in current B5 – Business development zone	Permitted with consent in current B6 – Enterprise corridor zone	Permitted with consent in current B7 – Business Park zones	Proposed permitted with consent table in new E3 – Productivity support zone	Advice provided to the Department in City's response
	Kiosks;	Kiosks;	Kiosks;	
Landscaping material supplies;	Landscaping material supplies;		Landscaping material supplies;	
<i>Not prohibited</i>	Light industries;	Light industries;	Light industries;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Local distribution premises;	
	Markets;	Markets;	Markets;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Mortuaries;	
Neighbourhood shops;	<i>Nested under "Shop"</i>	Neighbourhood shops;	Neighbourhood shops;	
<i>Not prohibited</i>	<i>Not prohibited</i>	Office premises;	Office premises;	
Oyster aquaculture;	Oyster aquaculture;	Oyster aquaculture;	Oyster aquaculture;	
Passenger transport facilities;	Passenger transport facilities;	Passenger transport facilities;	Passenger transport facilities;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Places of public worship;	
	Plant nurseries;	Plant nurseries;	Plant nurseries;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Recreation areas;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Recreation facilities (indoor);	
<i>Not prohibited</i>			Recreation facilities (major);	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Recreation facilities (outdoor);	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Research stations;	
Respite day care centres;	<i>Not prohibited</i>	Respite day care centres;	Respite day care centres;	
Roads;	Roads;	<i>Not prohibited</i>	Roads;	
Roadside stalls;			Roadside stalls;	
<i>Not prohibited</i>			Rural supplies;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Service stations;	
	Shops;	Shops;	Shops;	
Specialised retail premises;			Specialised retail premises;	

Permitted with consent in current B5 – Business development zone	Permitted with consent in current B6 – Enterprise corridor zone	Permitted with consent in current B7 – Business Park zones	Proposed permitted with consent table in new E3 – Productivity support zone	Advice provided to the Department in City's response
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Storage premises;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Take away food and drink premises;	
Tank-based aquaculture;	Tank-based aquaculture;	Tank-based aquaculture;	Tank-based aquaculture;	
			Timber yards;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Vehicle body repair workshops;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Vehicle repair stations;	
			Vehicle sales or hire premises;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Veterinary hospitals;	
Warehouse or distribution centres;	Warehouse or distribution centres;	Warehouse or distribution centres;	Warehouse or distribution centres;	
<i>Not prohibited</i>	<i>Not prohibited</i>	<i>Not prohibited</i>	Wholesale supplies;	
Any other development not specified in item 2 or 4	Any other development not specified in item 2 or 4	Any other development not specified in item 2 or 4	Any other development not specified in item 2 or 4	

Note: non-mandated uses shown in blue

Note: uses newly permitted in the:

- current B5 zone are highlighted pink
- current B6 zone are highlighted yellow
- current B7 zone are highlighted green
- multiple zones are highlighted purple

Note: A Direction in the Standard Instrument required the following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

- Building identification signs
- Business identification signs
- Home industries
- Roads

Local provisions and Schedule 1 – Additional Permissible Uses impacted by changes to the B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones

The table below shows the local provisions and Schedule 1 – Additional permissible use listings impacted by changes to B5 – Business development, B6 – Enterprise corridor and B7 – Business Park zones. It also provides the City’s commentary and recommendation with regards to the preliminary translation of the Local provisions and Schedule 1 – Additional Permissible Uses.

Table 26. Impacted local provisions and Schedule 1 listing in the new E3 zone

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
Clause 6.28 - Development on certain land in Zone B6 Enterprise Corridor	Clause 6.28 allows additional height of building or floor space ratio to be applied to a site that we may need to dedicate public domain.	Replace reference to B6 - Enterprise Corridor zone with 'enterprise area.' Amend LEP maps to identify the 'Enterprise area' on the 'Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map', which includes all land currently zoned B6 – Enterprise Area.
Clause 7.13 - Contribution for purpose of affordable housing	Clause 7.13 is for the collection of affordable housing contributions where land is developed. It refers to the City of Sydney Affordable Housing Program, which in turn refers to the B7 Business Park in some of its references.	Replace reference to IN1 - General Industrial zone with reference to E4 - General industrial.
Clause 7.13A - Affordable housing in Zone B7	Clause 7.13A allows affordable housing to be built in the B7 – Business Park zone given certain circumstances	Replace reference to B7 - Business Park zone with 'business area.' Amend LEP maps to identify the 'business area' on the 'Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map', which includes all land currently zoned B7 - Business Park.
Clause 7.20(2) Development requiring or authorising preparation of a development control plan	<p>Clause 7.20 allows:</p> <ul style="list-style-type: none"> that land over 5000sqm in the B6 zone does not require a DCP (Stage 1) unless it is for commercial development that land over 5000sqm in the B7 if it includes residential uses that may impact on the non-resi uses in the zone. <p>Note this clause is also impacted by the change to the IN1 zone.</p>	Replace references to the B6 - Enterprise Corridor, B7 - Business Park and IN1 - General Industrial zones with 'enterprise area,' 'business area' and E4 - General Industrial zone respectively.

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
Clause 7.20(3A) Development requiring or authorising preparation of a development control plan	Clause is to allow for a DCP to be prepared for a site in the B7 that may be proposed for affordable housing. The purpose of the clause was to allow a Stage 1 to approve the use before going to a Stage 2. This was considered necessary to allow for a level of certainty given the unusual use in a business zone.	Replace references to the B6 - Enterprise Corridor, B7 - Business Park and IN1 - General Industrial zones with 'enterprise area,' 'business area' and E4 - General Industrial zone respectively.
Clause 7.23 Large retail development outside of Green Square Town Centre and other planned centres	Clause 7.23 restricts shops and markets in the mapped areas to 1000sqm.	A new provision has been drafted to replace the existing clause. This is to enable specialised retail premises to continue operating in the Moore Park Supa Centre and the specific location along O'Riordan Street, while limiting the scale of specialised retail premises in other parts of the future E3 zone.
Schedule 1 – Clause 1AB - Use of certain land at 70 Bourke Road and 15 O'Riordan Street, Alexandria	Provides that site (in B7 zone) can be used as a depot given specific performance measures being achieved.	The new E3 zone permit depots on this land. Delete from Schedule 1 and replace with site-specific clause to preserve the application of performance measures.
Schedule 1 – Clause 3 - Use of certain land at O'Riordan Street, Alexandria	Provides an area in the B6 zone where specialised retail premises are permitted	Remove clause, subject to the introduction of a replacement clause for 7.23. Refer to response to Clause 7.23 (above).
Schedule 1 – Clause 4A - Use of certain land at South	Permits shops on the Supa Centa site (that are otherwise prohibited in the current B5 zone, but will be	Removal required. Existing clause permits shops on the Supa Centa site (that are otherwise prohibited in the current B5 zone) but limits their size to 1000sqm. While this

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
Dowling Street, Moore Park	permitted in the new E3 - Productivity Support zone), but limits their size to 1000sqm	<p>Remove provision. To be supported by the expansion of the restricted retail map to include this site.</p> <p>Amend the 'Special Character Areas Map, Retail Premises Map' to identify the land at 2A South Dowling Street, Moore Park, being Lots 100 and 101, DP 808835, as currently shown edged heavy red and marked "(v)" on the Locality and Site Identification Map, as restricted retail.</p>

3.3.6 B8 Metropolitan Centre zone > SP4 Enterprise zone

The current B8 – Metropolitan Zone, which only applies in Central Sydney, is to be translated to a SP4 – Enterprise zone.

Only the Sydney LEP 2012 is affected by the change to the B8 – Metropolitan Zone.

Changes to the current B8 – Metropolitan Centre zone current land use table

The B8 Metropolitan Centre zone permits all activities with consent, other than those explicitly prohibited or permitted without consent.

Permitted without consent

The table below compares the land uses that are permitted without consent in the B8 Metropolitan Centre zone with the uses proposed by the Department in their preliminary translation of the LEP.

Table 27. Permitted without consent uses in the new SP4 zone

Permitted without consent in current B8 Metropolitan Centre zone	Permitted without consent in new SP4 – Enterprise zone	Advice provided to the Department in City's response
NONE	Roads	Request for this to change to 'permitted to consent'

Note non-mandated uses in amended SI shown in blue.

Note: new, changed or removed objectives highlighted in grey

Prohibited uses

The table below compares the land uses that are prohibited in the B8 Metropolitan Centre, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 28. Prohibited uses in the new SP4 zone

Prohibited land uses in current B8 Metropolitan Centre zone	Prohibited land uses in new SP4 – Enterprise zone	Advice provided to the Department in City's response
Pond-based aquaculture	NONE	Retain status quo.

Note: Uses that will be no longer prohibited are shown in green.

Permitted with consent

The table below compares the land uses that are permitted with consent in the B8 Metropolitan Centre zone, with the uses proposed by the Department in their preliminary translation of the LEP.

Table 29. Permitted with consent uses in the new SP4 zone

Permitted with consent in the current B8 – Metropolitan Centre zone	Proposed permitted with consent table in the SP4 – Enterprise Use zone	Advice provided to the Department in City's response
Not prohibited	Building identification signs	
Not prohibited	Business identification signs	
Centre-based child care facilities	Centre-based child care facilities	
Commercial premises	Commercial premises	
Community facilities	Community facilities	
Educational establishments	Educational establishments	
Entertainment facilities	Entertainment facilities	

Permitted with consent in the current B8 – Metropolitan Centre zone	Proposed permitted with consent table in the SP4 – Enterprise Use zone	Advice provided to the Department in City's response
<i>Not prohibited</i>	Food and drink premises	
Function centres	Function centres	
Information and education facilities	Information and education facilities	
Oyster aquaculture	Oyster aquaculture	
Passenger transport facilities	Passenger transport facilities	
Recreation facilities (indoor);	Recreation facilities (indoor)	
Registered clubs;	Registered clubs	
Respite day care centres	Respite day care centres	
Restricted premises	Restricted premises	
Roads	Roads	
Tank-based aquaculture;	Tank-based aquaculture	
Tourist and visitor accommodation;	Tourist and visitor accommodation	
Any other development not specified in item 2 or 4	Any other development not specified in item 2 or 4	

Note: new, changed or removed objectives highlighted in pink

Note: A Direction in the Standard Instrument required the following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

- Building identification signs
- Business identification signs
- Roads

Local provisions and Schedule 1 – Additional Permissible Uses impacted by changes to the B8 Metropolitan zone

The table below shows the local provisions and Schedule 1 – Additional permissible uses listings impacted by changes to B8 Metropolitan zone.

Table 30. Impacted local provisions and Schedule 1 listing in the new SP4 zone

Impacted clause	Effect / purpose of clause	Advice provided to the Department in City's response
Clause 6.10 Heritage floor space	Refers directly to B8 zoned land	Update zone referencing from B8 to SP4

4. Other impacts

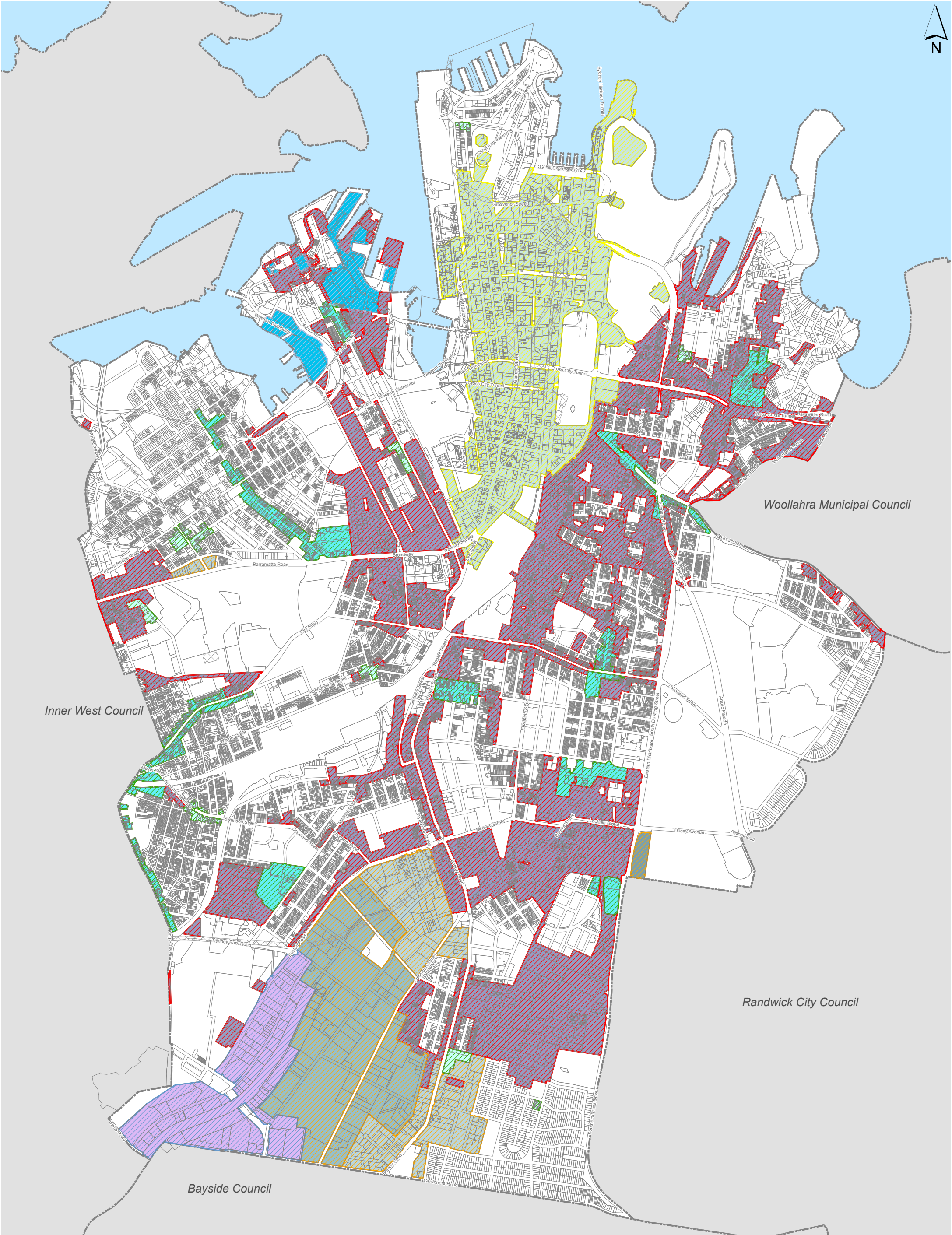
There will be substantial flow on impacts arising from the introduction of new zones and local provisions, that will require internal review and potential amendment to the following:

- publications referred to directly in the LEP, including, but not limited to:
 - design competition policy;
 - affordable housing program;
 - Green Square Community Infrastructure;
- development control plans, contribution plans and design guides;
- the Local Strategic Planning Statement and Local Housing Strategy; and
- any other City of Sydney policy that relies on or makes reference to zoning.

In addition, a number of development applications may be impacted once the self-repealing SEPP is placed on public exhibition.

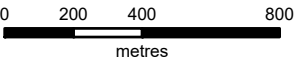
Attachment B

<h2>Zoning Maps</h2>



Employment Zones Review

- | | | |
|---------------------------|---------------------------|--------------------------|
| E1 - Local Centre | B1 - Neighbourhood Centre | B6 - Enterprise Corridor |
| E2 - Commercial Centre | B2 - Local Centre | B7 - Business Park |
| E3 - Productivity Support | B3 - Commercial Centre | B8 - Metropolitan Centre |
| E4 - General Industrial | B4 - Mixed Use | IN1 - General Industrial |
| MU1 - Mixed Use | B5 - Business Development | |
| SP4 - Special Enterprise | | |



Projection: MGA Zone 56
Datum: GDA94
Paper Size: A3
Prepared By: jpasaretti
Printing Date: January 19, 2022
File: EZR.mxd
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Item 3.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council.

Attached are details of the report received by the City from Fire and Rescue NSW. The attachments deal with 1 property and includes the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

Recommendations are made in the attachment setting out the most appropriate action in the circumstances.

Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection report by Fire and Rescue NSW, as shown at Attachment B of the subject report; and
- (C) note the content of Attachment B to the subject report and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 12-20 Argyle Street, The Rocks.

Attachments

Attachment A. Fire Safety Report Summary Sheet

Attachment B. Inspection Report - 12-20 Argyle Street, The Rocks

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.
4. The inspection was undertaken to ensure fire safety measures were in full operation and that building exits were clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
7. Attached are the details of the report received from Fire and Rescue NSW, including a recommendation for further action. The property has also been reviewed by a City Officer.
8. Personal information has been redacted from the reports in accordance with the Privacy and Personal Information Protection Act 1998.

Relevant Legislation

9. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development

Attachment A

Fire Safety Report Summary Sheet

Fire Safety Report Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 1

Report – February 2022

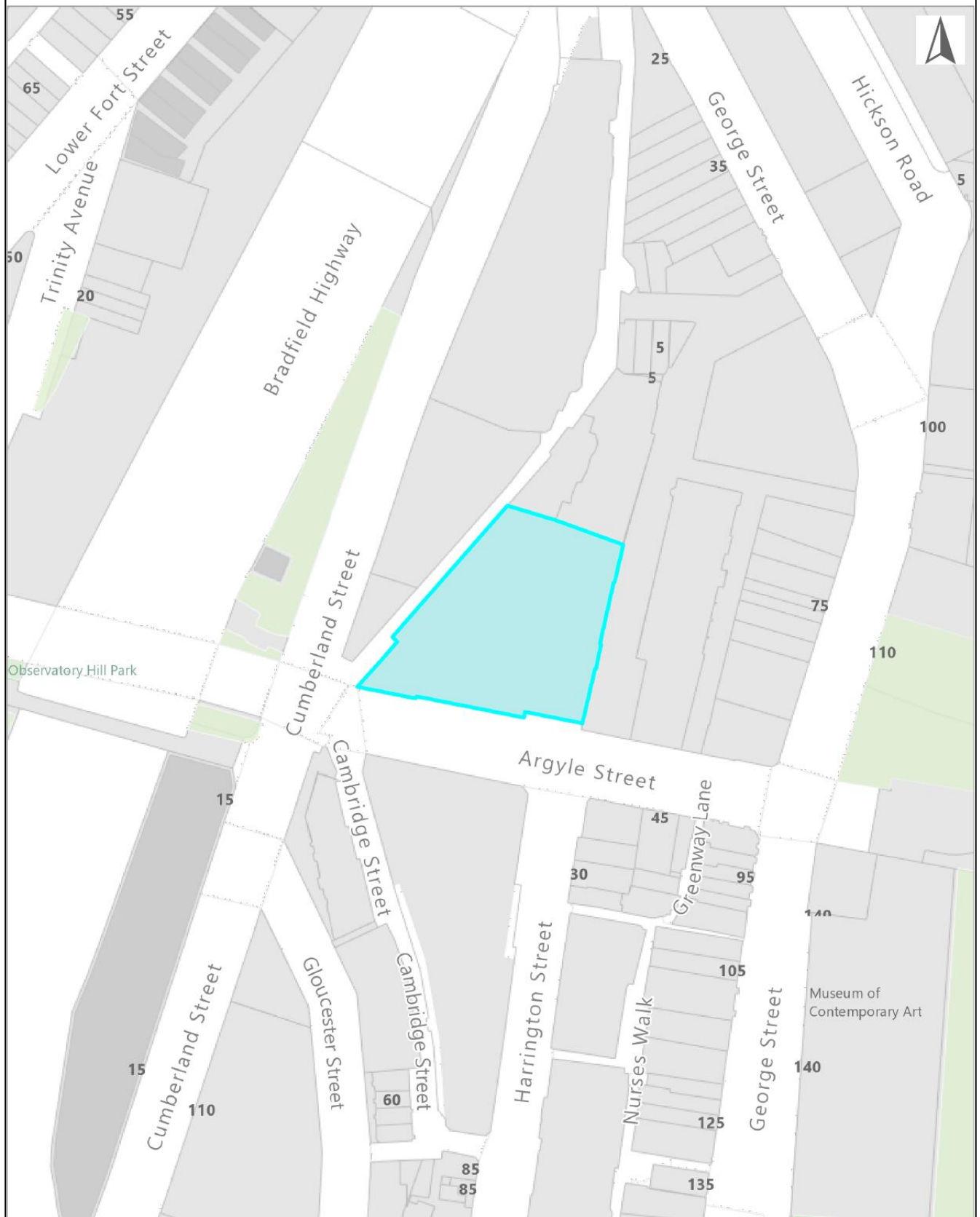
Summary table

Att. (A-B)	Premises Specifics (<i>predominate building use</i>)	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	12-20 Argyle Street, The Rocks (aka ‘The Argyle’ and ‘The Argyle Stores’)	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

**Inspection Report
12-20 Argyle Street, The Rocks**

12-20 Argyle Street, The Rocks ('The Argyle')



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Notes

23/11/2021

**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5 of the Environmental Planning and Assessment Act 1979
(the Act)**

File: CSM 2646981

Officer: Ashley Host

Date: 29 December 2021

Premises: 12-20 Argyle Street, The Rocks (aka 'The Argyle' and 'The Argyle Stores')

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises (specifically "The Argyle") with respect to matters of fire safety.

The site contains the heritage listed former Customs House and Bond Store situated in The Rocks known as the 'Argyle Stores'. The building has four storeys including a single basement level and contains several licensed premises spread throughout including 'The Lowenbrau Keller' restaurant, 'The Argyle Conference & Function Centre', "Sake" restaurant and 'The Argyle' which contains 6 bars located over two levels.

An inspection of the premises was undertaken by a Council investigation officer in the presence of a Senior Manager with Place Management NSW, which revealed that there were no significant fire safety issues occurring within the building and the majority of issues reported from FRNSW were resolved.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

Council investigations have identified one issue where a handrail leading to the attic space does not meet the requirements under the National Construction Code (Building Code of Australia) however, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Previously, on 19 December 2013, FRNSW wrote to Council identifying a list of fire safety deficiencies at the premises, as included in the FRNSW correspondence dated 19 October 2021. These deficiencies were addressed by a Council fire order, and fire safety upgrade works were then completed as part of works carried out under a DA, D/2015/89 ('Change of use from Restaurant to Commercial Office associated Fire Safety upgrade works - Sydney Harbour Foreshore Authority').

Observation of the external features of the building did not identify the existence of potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
19.10.2021	FRNSW correspondence received regarding premises 18 Argyle Street, The Rocks
10.11.2021	An inspection of the subject premises was undertaken by Council investigation officer, which revealed a handrail leading to the attic space does not meet the requirements under the BCA and that other issues raised within the FRNSW report had been rectified.

FIRE AND RESCUE NSW REPORT:

References: BFS18/3680 (5790), D21/114676, 2021/454803

Fire and Rescue NSW conducted an inspection of the premises on 8 December 2018 pursuant to the provisions of S9.32 of the Environmental Planning & Assessment Act 1979.

Issues

The report from FRNSW detailed several issues, in particular noting:

1. Some fire hose reels located throughout the premises were installed incorrectly
2. The existing fire sprinkler system isolating valves located within the attic were difficult to reach without a ladder - making isolating parts of the system difficult for firefighters
3. Some portable fire extinguishers could not be accessed as they were restricted by various items
4. The timber handrail leading to the attic is not compliant to building standards
5. The fire door leading to the attic was propped open
6. The building is of timber construction with sprinklers used to address separation and compartmentation issues
7. A current copy of the building annual certification could not be found prominently displayed
8. Whether a plan of management exists to prevent items being stored in the fire isolated stairs
9. The approved population number to the open courtyard as it appeared to be excessive

FRNSW Recommendations

FRNSW recommended that Council:

Inspect and address any other deficiencies identified on 'The premises' and require the items identified in this report be addressed appropriately.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of site inspection undertaken by Council's investigation officer, a compliance letter of instruction to rectify the handrail and ensure compliance with the BCA was issued.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Council Officer Report	2021/524272

Trim Reference: 2021/524272

CSM reference No#: 2646981

Unclassified



File Ref. No: BFS18/3680 (5790)
TRIM Ref. No: D21/114676
Contact: [REDACTED]

19 October 2021

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'THE ARGYLE'
18 ARGYLE STREET, THE ROCKS ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

Fire and Rescue NSW

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COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

It is also noted that a Notice of Intention to Serve an Order was issued on the owners of 'the premises' dated 20 May 2014 (file: S108452/LJ; Ref: License 40/2014/FIRE), as a result of an inspection conducted by FRNSW (appendix 1). It is understood that the observations observed at the time of the recent inspection may have been addressed as part of the notice and order requirements by City of Sydney.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measure
 - 1A. Fire Hose Reel (FHR) – Clause 11(b) of AS 2441-2005 requires fire hose reel assemblies to be suitably mounted, at the time of the inspection a number of FHR assemblies installed at heights that appeared difficult to access, as the following heights appeared to be exceeded:
 - A. Spindle height between 1400 mm and 2400 mm above floor level. The recommended mounting height of the centre of the fire hose reel is 1500 mm above floor level.
 - B. The stop valve be mounted at 1000 ±100 mm above floor level.
 - 1B. Isolating Valve – The sprinkler isolating valve assemblies within the attic area were out of reach (without the use of a ladder). Such a configuration makes isolating part of the system difficult for firefighters.
 - 1C. Portable Fire Extinguishers (PFE) – Table 10.4.1 requires PFE to remain conspicuous, readily accessible and in its assigned location. At the time of the inspection various items restricting access to PFEs were removed (once management was made aware of the obstructions).
2. Access and Egress
 - 2A. Handrails – Clause D2.17 of the NCC, specifies the requirements for the installation of handrails. The handrails within the area identified as the attic, used primarily for the staff and service people, the timber handrail appeared below the required height and contrary to the required construction.

3. Compartmentation

- 3A. Compartmentation – Performance Requirement CP2, CP4 and CP8 of the NCC, specifies the requirements to prevent the spread of fire to exits, SOUs, public corridors, openings and penetrations, hence the following observations were noted:
- A. The fire door to the area identified as the attic was propped open by a PFE.
 - B. The superstructure consists of timber framed construction in and around various parts of the Argyle, it appears that sprinklers are used to address separation and compartmentation issues (e.g. the glass panels to office area etc.)

4. Generally

- 4A. Items for Further Investigation – An investigation may be required by council, to confirm:
- A. Whether the Annual Fire Safety Statement (AFSS) is updated as an AFSS could not be located at the time of the inspection.
 - B. Whether a plan of management exists to prevent items being stored in the fire isolated stairs. It was noted that upon being advised of this issue management removed the table and chairs within fire isolated.
 - C. The approved population number for the Open Courtyard, as it appeared excessive.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) [REDACTED]. Please ensure that you refer to file reference BFS18/3680 (5790) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]
Fire Safety Compliance Unit

Unclassified



File Ref. No: NFB/11710 (5128)
TRIM Ref. No: D13/96856
Contact: [REDACTED]

19 December 2013

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: Joint Inspection – The Argyle
18 Argyle Street, The Rocks**

I refer to the joint inspection of the abovementioned premises conducted by Fire & Rescue NSW (FRNSW) Officers, the NSW Police Force and an Officer of Council in accordance with the provisions of Section 118L (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 25 October 2013.

The following details are provided for your information under Section 118L (4) and Section 121ZD (1) of the EP&A Act.

COMMENT

The inspection was conducted by [REDACTED] The following items of concern were noted during FRNSW inspection:

1. Some exit signage was not illuminated, there were places on the floor where exit signage confusing and places where exit signage was not visible. Exit signage must be provided throughout the building in accordance with the requirements of Clause E4.5, NSW Clause E4.6 and Clause E4.8 of the Building Code of Australia (BCA)

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and Australian Standard (AS) 2293.1 – 2005 and in contravention of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

2. The method of interaction between the building occupant warning system, smoke detection system and the audio system installed within the ground and first level indoor floor areas should be verified and tested in order to ensure that the audio shutdown facility functions correctly, allowing the alert and evacuation tones of the building occupant warning system to be heard as visual indicators were not provided to the dance floor area in accordance with the requirements of AS 1670.1 – 2004.
3. There were items stored at the base of the fire-isolated stairway at the time of the inspection in contravention of Clause 184 and Clause 186 of the EP&A Regulation.
4. Within the east-western fire-isolated stairway, there was a direct connection between the flight rising from a storey below the lowest level of access and the flight descending from a storey above that level in breach of the requirements of Clause D2.4 of the BCA.
5. There are penetrations in the fire-isolated exits that are not permitted in accordance with the requirements of Clause D2.7 of the BCA. The installations include electrical wiring not associated with fire services or lighting or intercommunication systems.
6. There are penetrations in the electrical switchboard room that were not protected in accordance with the requirements of Clause C3.15 of the BCA.
7. The fire doors to the electrical switchboard room do not return to the fully closed position after opening in accordance with the requirements of Clause C2.13 of the BCA.
8. Not all fire extinguishers were hanging in accordance with the requirements of AS2444 – 2001 and in contravention of Clause 184 and 186 of the EP&A Regulation.
9. Goings and risers of the fire-isolated stairways are irregular and not all stairs had a non-slip finish near the edge of the nosings in accordance with the requirements of Clause D2.13 of the BCA.
10. The panic bar associated with the glass smoke doors of the lower ground floor leading to Playfair St was broken and not functioning in accordance with the requirements of Clause D2.21 of the BCA.
11. The glass smoke doors of the lower ground floor leading to Playfair St were not appropriately sealed so that smoke will not pass from one side of the doorway to the other and the door did not return to the fully closed position after opening in accordance with C3.4 of the BCA.
12. The fire indicator panel (FIP) and all exits were not shown on the block plan or evacuation plans.

Fire & Rescue NSW

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13. The FIP was displaying a fault and zones in isolation. Cease isolating the automatic smoke detection system throughout the building and fix all faults shown on the FIP to ensure that adequate fire safety is maintained.
14. The annual fire safety statement and the fire safety schedule were not being displayed in the building in accordance with the requirements of Clause 177 of the EP&A Regulation. The annual fire safety statement was dated 31 August 2012.
15. The fire hydrant booster assembly was within an enclosure that was fixed shut and inaccessible with no signage or block plan displayed. This does not meet the requirements of AS 2419.1 – 2005.
16. Access could not be gained to the Pump Room.

RECOMMENDATIONS

FRNSW recommends that Council take the following action in relation to the abovementioned items:

1. That Council inspect the premises and require item no. 1 through to item no. 16 of this report, and any other identified by Council, to be appropriately addressed.

This matter has been referred to Council as it is considered Council is the Regulatory Authority in relation to this matter.

FRNSW awaits Council's advice regarding its determination in relation to this matter in accordance with the provisions of Section 121ZD (4) of the EP&A Act.

Should you have any further enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of the Policy and Technical Services Unit. Please ensure in any future correspondence that you use FRNSW file reference NFB/11710.

Yours faithfully



Policy and Technical Services Unit

Fire & Rescue NSW

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Item 4.

Approved Variations to Development Standards Reported to the Department of Planning, Industry and Environment

File No: S040864

Summary

This report is to inform Council of development applications determined where there has been a variation in standards under Clause 4.6 of the Sydney Local Environmental Plan 2012 in the last quarter.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

Attachment A. Variations Approved and Reported to the Department of Planning, Industry and Environment for the Period 1 July 2021 to 30 September 2021.

Background

1. On 24 June 2004 the Central Sydney Planning Committee (CSPC) delegated authority to the City of Sydney for the determination of development applications involving a variation to a development standard and costing less than \$50 million.
2. In accordance with planning circular PS 08-014 the City of Sydney is required to submit to the department a quarterly report of variations approved. A copy of this submission has been provided to the Central Sydney Planning Committee on a quarterly basis since October 2008.
3. The City also maintains a publicly available register of all variations to development in accordance with above circular.
4. Planning Circular PS 20-002 requires that a quarterly report of variations approved under delegation from Council is also to be provided to a meeting of Council.
5. Twenty-seven applications were approved where there has been a variation to development standards during the period of 1 July 2021 to 30 September 2021. Details of the applications are provided in Attachment A.

Relevant Legislation

6. Environmental Planning and Assessment Act 1979
7. City of Sydney Act 1988

GRAHAM JAHN AM

Director City Planning, Development and Transport

James Farrar, Information and Systems Officer

Attachment A

**Variations Approved and Reported to the
Department of Planning, Industry and
Environment for the Period 1 July 2021 to
30 September 2021**

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Date Determined
D/2021/127	210	Wilson Street	NEWTOWN	R1 General Residential	Height	14.6%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	23/07/2021
D/2021/336	133	Baptist Street	REDFERN	R1 General Residential	Height FSR	19.6%, 12.98%	1: Residential - Alterations & additions	Existing dwelling exceeds controls, proposal does not include works outside of existing envelope, no adverse amenity impacts.	14/07/2021
D/2021/362	55	Ferry Road	GLEBE	R1 General Residential	FSR	2.9%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	22/07/2021
D/2021/436	93	Stanley Street	DARLINGHURST	R1 General Residential	Height	3.9%	1: Residential - Alterations & additions	Minor variation to control and is consistent with existing height of dwelling.	22/07/2021
D/2021/446	160	Barcom Avenue	DARLINGHURST	R1 General Residential	Height	8%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	01/07/2021
D/2021/504	15	Arcadia Road	GLEBE	R1 General Residential	Height	10.25%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	15/09/2021
D/2021/548	112	Surrey Street	DARLINGHURST	R1 General Residential	Height	37.8%	1: Residential - Alterations & additions	Existing building in breach of control. Proposal will not increase the height of the building or add substantial bulk or massing when viewed from the public domain.	17/08/2021
D/2021/562	402	Abercrombie Street	DARLINGTON	R1 General Residential	Height	10.42%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape	12/07/2021
D/2021/591	28	Napier Street	PADDINGTON	R1 General Residential	FSR	9%	1: Residential - Alterations & additions	Proposal will not give rise to any additional or adverse environmental or amenity impacts.	15/07/2021
D/2021/598	101	Womerah Avenue	DARLINGHURST	R1 General Residential	Height	10%	1: Residential - Alterations & additions	Rear dormer contained within existing building envelope. Addition will not increase the existing height of the building.	16/07/2021
D/2021/684	241	Crown Street	DARLINGHURST	B4 Mixed Use	FSR Height	26.76%, 10%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	01/09/2021
D/2021/784	69	Stewart Street	PADDINGTON	R1 General Residential	Height	1.04%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	16/08/2021
D/2021/848	51	Boyce Street	GLEBE	R1 General Residential	Height	9.7%	1: Residential - Alterations & additions	Complies with the building height and zoning objectives and does not result in adverse amenity impacts.	27/09/2021

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Date Determined
D/2021/905	586	Bourke Street	SURRY HILLS	R1 General Residential	Height	3.77%	1: Residential - Alterations & additions	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	13/09/2021
D/2021/694	78	Quarry Street	ULTIMO	R1 General Residential	Height	5%	3: Residential - New second occupancy	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	20/09/2021
D/2021/746	14	Cook Road	CENTENNIAL PARK	R1 General Residential	FSR	23%	3: Residential - New second occupancy	The proposed variation is consistent with the controls and streetscape character.	27/09/2021
D/2021/545	32	Bulwara Road	PYRMONT	R1 General Residential	FSR	48%	3: Residential - New second occupancy	No amenity impact, no increase in intensity of use of site, maintaining setbacks consistent with neighbours.	04/08/2021
D/2021/703	25	Arundel Street	GLEBE	R1 General Residential	Motorcycle parking	100%	6: Residential - Other	No motorcycle parking spaces are proposed, which is acceptable as the site is in a highly accessible location.	02/09/2021
D/2021/397	288	Wilson Street	DARLINGTON	R1 General Residential	Motorcycle parking	100%	6: Residential - Other	No motorcycle parking spaces are proposed, which is acceptable as the site is in a highly accessible location.	08/07/2021
D/2021/802	142	Carillon Avenue	NEWTOWN	B4 Mixed Use	Motorcycle parking	100%	6: Residential - Other	Proposal aligns with the City's Transport and Access policies, which encourages the use of sustainable transport options	01/09/2021
D/2020/1288	38	Mountain Street	ULTIMO	B4 Mixed Use	FSR Height	78% 18%	8: Commercial / retail / office	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	22/09/2021
D/2021/570	101	York Street	SYDNEY	B8 Metropolitan Centre	Height	104.48%	8: Commercial / retail / office	The existing building exceeds the height control by 103.3%. The application sought a very small increase in height of 0.7m. Compliance with the height development standard is unreasonable and unnecessary in the circumstances of the subject application.	20/07/2021
D/2021/600	309	Kent Street	SYDNEY	B8 Metropolitan Centre	FSR	0.89%	8: Commercial / retail / office	Proposed development maintains the approved FSR of 10.1:1 and GFA of 56,394sqm (variation of 0.89%) under previous Modification Application D/2017/528/D. The proposed additional FSR of 7.57sqm was already included in the GFA calculation of the entire building under D/2017/528/D. Notwithstanding, a Clause 4.6 variation request was submitted as the	26/07/2021

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Date Determined
								development exceeds the FSR development standard.	
D/2021/876	14	Buckland Street	CHIPPENDALE	B4 Mixed Use	Height FSR	40.8%, 22%	8: Commercial / retail / office	The height is same as existing non-compliance. FSR is reduced.	15/09/2021
D/2020/1386	413	Sussex Street	HAYMARKET	B8 Metropolitan Centre	Motorcycle parking, Height	100%, 19.75%	9: Mixed	Absorbs permissible FSR from adjoining heritage items/height above 55m roof feature. Motorcycle parking is not required as in accessible metropolitan centre zone.	22/07/2021
D/2020/1426	20	Allen Street	WATERLOO	B4 Mixed Use	Height	27.40%	9: Mixed	Development consistent with the objectives of the zone and the development standard. No unreasonable amenity / streetscape impacts.	01/09/2021
D/2020/916	18	Darlinghurst Road	POTTS POINT	B2 Local Centre	Height	28.90%	9: Mixed	Proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	22/07/2021