

Item 4.

Update to Sydney Local Environmental Plan 2012 and Development Control Plan 2012 - Working Group of Councillors and Central Sydney Planning Committee Members

File No: X039444

Summary

The City of Sydney's land use planning framework, including the local environmental plans and development control plans, guides good planning outcomes and helps us achieve the green, global and connected strategic vision set out in Sustainable Sydney 2030 and the Local Strategic Planning Statement. The planning framework guides the development of places where we live, work and play. It helps us strengthen the character and amenity of places; the wellbeing and resilience of the community; the quality of the environment; and the competitiveness of the economy.

City staff are preparing an update to the planning controls in Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, and are convening a joint working group drawn from Councillors and Central Sydney Planning Committee members to help finalise the update.

The City has an ongoing program of strategic planning work to ensure our planning controls remain consistent with the City's and NSW Government's adopted plans and strategies. In the last year City staff have set the local planning priorities for the next 15 years through the Local Strategic Planning Statement - City Plan 2036, adopted by Council in February 2020.

This next stage of work progresses Council's plans and strategies by implementing actions from the planning statement. It also looks to make changes to improve the operation of the controls within existing policy settings.

To strengthen and streamline the finalisation of this work, City officers are convening a joint working group drawn from Councillors and Central Sydney Planning Committee members. The working group is expected to meet fortnightly for about two hours on five occasions through March and April 2021.

This report asks Council to nominate a minimum of two representatives for the working group. Other Councillors and Central Sydney Planning Committee members may attend and participate in the meetings.

Recommendation

It is resolved that Council:

- (A) note the indicative program and Terms of Reference for the Planning Control Update Working Group;
- (B) nominate a minimum of two representatives to the Planning Control Update Working Group; and
- (C) note that agendas and minutes from meetings of the Planning Control Update Working Group will be provided to all Councillors by way of the CEO Update.

Attachments

Attachment A. Planning Control Update Working Group - Terms of Reference

Background

1. The City is preparing an update to its land use planning framework with the aim of reporting draft planning controls to Council and the Central Sydney Planning Committee (CSPC) by mid-2021 for approval to be placed on public exhibition. The update will affect the planning controls in Sydney Local Environmental Plan 2012 (the LEP) and Sydney Development Control Plan 2012 (the DCP). Statutory public exhibition of the draft planning controls is expected late in 2021.
2. The City of Sydney's land use planning framework, including the local environmental plans and development control plans, guides good planning outcomes. It helps us achieve the green, global and connected strategic vision set out in Sydney 2030 and City Plan 2036: City of Sydney Local Strategic Planning Statement. It guides the development of places where we live, work and play and helps us strengthen the character and amenity of places; the wellbeing and resilience of the community; the quality of the environment; and the competitiveness of the economy. The City regularly reviews the planning framework to ensure it contributes to Sydney 2030 and the planning statement.
3. The planning statement was adopted by Council in February 2020 and approved by the Greater Sydney Commission and published in March 2020. It establishes the vision for how the city will change and be managed through the planning framework to achieve a green, global and connected city. The planning statement builds on the vision and directions in Sustainable Sydney 2030, supports existing planning controls that provide strategic outcomes and also guides future changes to the controls. It sets the targets for employment and housing growth in the local area.
4. Priorities for the land use planning framework established through the planning statement include:
 - (a) Infrastructure - *movement for walkable neighbourhoods and a connected city* focuses on improving local neighbourhoods, ensuring land uses match transport investments and managing roads to reduce impacts and create great places.
 - (b) Liveability - *a creative and socially connected city* describes how the City will take a people-focussed approach to planning and place-making and improving planning to support cultural activity and spaces.
 - (c) Liveability - *creating, renewing and maintaining great places* includes improving heritage conservation and ensuring high amenity neighbourhoods.
 - (d) Productivity - *developing innovative business clusters in the Sydney Fringe* responds to the evolution of health, education, innovation and creative business clusters in the areas surrounding Central Sydney, prioritising these land uses and improving connections between businesses and institutions.
 - (e) Productivity - *protecting industrial and urban services lands and evolving businesses in the Green Square-Mascot strategic centre* addresses the City's enterprise areas and the need to retain these lands while allowing for their evolution to accommodate a new generation of businesses.
 - (f) Sustainability - *protecting and enhancing the natural environment for a resilient city* focusses on improving the city's waterways, biodiversity connections, green spaces and tree canopy to support the environment and a healthy community.

- (g) Sustainability - *creating better buildings and places to reduce emissions and waste and use water efficiently* supports our work to guide the development of buildings that will be net-zero by 2050, use water more efficiently and help us reduce our waste.
5. In February 2020 Council noted the intended program for implementation of the planning statement and update of the planning controls. This planning control update is the next stage in that implementation and has three broad streams of work. These will be reported to Council as a series of planning proposals to amend the LEP along with associated DCP amendments. The streams of work are:
- (a) **Strategic places, including the Botany Road Corridor, Oxford Street, and North Alexandria.** These places have been identified as strategic priorities in the planning statement. The projects implement actions from the planning statement to contribute to long term employment targets and other strategic priorities. They take a people-focussed approach to planning and place making, and investigate strategic opportunities to support cultural activity and spaces and innovative and diverse business clusters.
- (b) **Policy updates.** This includes improved controls to protect and conserve the City's heritage areas, while providing for housing and business diversity in highly liveable places. It also includes a net-zero energy pathway for development, establishing planning controls to improve the energy performance and increase the use of renewable energy in new buildings and major refurbishments. The City's Enterprise Area controls will be updated to reflect a revised evidence-based, long-term strategy for managing growth and change in the City's enterprise lands. Other planning control changes will support increased tree canopy, biodiversity connections, solar panels and water efficiency.
- (c) **Housekeeping and minor policy updates.** This stream of work improves the operation of the existing controls through minor wording and other small changes, or updates planning controls to maintain consistency with Council plans and strategies.
6. In addition, the City continues with other strategic planning work under the guidance of the planning statement. Major pieces of work include:
- (a) finalising and implementing the Central Sydney Planning Framework adopted by Council in December 2020 and assessing planning proposals lodged under the Strategy;
- (b) completing our Open and Creative City planning reforms to encourage more small-scale cultural and creative uses and provide a fair and balanced framework for the management of entertainment noise;
- (c) making strong representation to the NSW Government to deliver positive strategic outcomes on government-led development at Central Station, Pyrmont and Blackwattle Bay;
- (d) working with the NSW Land and Housing Corporation to ensure redevelopment of government-owned social housing estates delivers good places and strong communities; and
- (e) assessing other land-owner requests to change planning controls for their sites through planning proposals.

7. Council and the CSPC both have a statutory role in establishing planning controls in the City. This report recommends the establishment of a joint working group to provide input to City officers as they finalise the planning control update. This will allow any issues of particular interest or concern to be identified prior to reporting, streamlining the process and resulting in more robust outcomes and clearer alignment with Council's and State governments policies and strategies.
8. Terms of Reference for the working group are included at Attachment A. The main components of the Terms of Reference are:
 - (a) The role of the group is to provide comment and input within the scope of the update to the City's planning controls. It does not have authority to direct staff or make decisions. All members will be subject to their obligations under the City of Sydney Code of Conduct, including declarations of pecuniary and non-pecuniary conflicts of interest, as part of their participation.
 - (b) Comment should be made in the context of relevant state and local plans and strategies.
 - (c) Council and the CSPC should each nominate a minimum of two members to the working group. The group will nominate a chair from within that membership. All other members of Council and the CSPC may attend meetings of the working group and contribute to the discussion on an informal basis as facilitated by the Chairperson.
 - (d) The group will meet five times through March and April 2021, with each meeting around two weeks apart. Each meeting will be for about two hours.
 - (e) City officers will prepare materials for each meeting, take minutes including member comments, and circulate those minutes for confirmation as soon as practicable after each working group meeting. All minutes and agendas will be circulated to all Councillors via the CEO Update.
 - (f) City officers will provide written follow-up to the working group comments.
9. The City will report the updates to Council and the CSPC seeking permission to request Gateway determinations from the Minister for Planning and Public Spaces to allow public exhibition. Subject to that Gateway determination, public exhibition is expected late-2021.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

10. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 10 - Implementation through Effective Governance and Partnerships - convening a working group bringing together both bodies with authority to make planning decisions in the local area allows will streamline the process for amending the planning controls, and lead to more robust planning outcomes with clearer strategic alignment.

Relevant Legislation

11. Environmental Planning and Assessment Act 1979
12. City of Sydney Act 1988.

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