Attachment C

Draft Sydney Development Control Plan 2012
Heritage Floor Space Amendment

CITY OF SYDNEY

Sydney Development Control Plan 2012 – Heritage Floor Space amendment

Sydney DCP 2012 – Heritage Floor Space amendment
September 2022

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend the Sydney Development Control Plan 2012, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment seeks to:

- change the formula for calculating the Heritage Floor Space obtainable by non-rateable buildings
- cap the maximum heritage floor space available for an award at 30,000 square metres
- allow an additional 5 percent of gross floor area, or up to 200sqm, whichever is the lesser value, above the total gross floor area of the building
- clarify that retrospective awards of heritage floor space can be considered where heritage buildings have been conserved
- other minor changes to clarify the operation of the heritage floor space scheme.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – Heritage Floor Space amendment*

Land covered by this plan

This plan applies to Central Sydney.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

Amendment to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 as shown below with existing text ~~strikethrough~~ and new text <u>underlined</u>:

5.1.6 Heritage Floor Space

Value statement

The Sydney LEP 2012 includes an incentive to conserve and maintain whole buildings in Central Sydney which are heritage items within Schedule 5 Environmental heritage of Sydney LEP 2012. The award and allocation procedures include:

- the ability for the owner of a heritage building, subject to meeting certain criteria, to be

awarded ~~development potential known as~~ Heritage Floor Space after completing conservation works to that building;

- a requirement that a building in Central Sydney may only exceed the floor space ratio shown on the floor space ratio map in Sydney LEP 2012 if an amount of Heritage Floor Space has been allocated or transferred to the development from the register of available Heritage Floor Space; and

- a register held by Council that details awards and allocations of Heritage Floor Space.

Heritage Floor Space (HFS) is created when it is awarded to the owner of a heritage item for undertaking conservation works. It may be used by the owner of the heritage item or on-sold. Allocation of HFS to a development site extinguishes that HFS, removing it from the stock of HFS available for use and sale.

The City regularly publishes a summary of HFS awards and allocations, known as the Heritage Floor Space Update, so that applicants can identify the owners of HFS to negotiate the purchase of HFS. The update can be viewed on the City's website www.cityofsydney.nsw.gov.au.

The award of HFS is restricted to buildings that are listed in their entirety as heritage items in Schedule 5 of the Sydney LEP 2012. It does not apply to heritage items that are only listed as parts of buildings such as 'facade' or 'building element'.

Objective

(a) Provide the formulae and other procedures for the efficient, transparent and equitable operation of the Heritage Floor Space scheme established in the LEP.

Definitions

Award means the entry of an amount of Heritage Floor Space on Council's Heritage Floor Space Register in accordance with a resolution by the consent authority and the completion of relevant requirements.

Allocate means the transfer of an amount of Heritage Floor Space from Council's Heritage Floor Space Register for use within a development site.

Heritage building means a heritage item that is a whole building and shown marked with an asterisk in Schedule 5 Environmental Heritage of the Sydney LEP 2012. A heritage building is not a building that has only a part of its fabric listed in Schedule 5 such as the listing of only a 'facade' or 'building element'.

Heritage floor Space (HFS) means transferable floor space awarded to heritage listed buildings under the *Sydney LEP 2012*.

Owner means a person awarded Heritage Floor Space or another person who has acquired the Heritage Floor Space.

Provisions

5.1.6.1. Eligibility of heritage buildings to be awarded heritage floor space

(1) To be eligible for an award of HFS, a heritage building is to be:

(a) located in the Central Sydney area;

(b) subject to conservation works in accordance with an approved Conservation Management Plan; and

(c) not subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate the adaptive re-use of the heritage building.

5.1.6.2 Pre-requisites for the award of Heritage Floor Space

(1) Prior to registration of the HFS, the applicant must complete the conservation works in accordance with the Conservation Management Plan and enter into legal agreements and grant covenants on the land which:

(a) limit any future redevelopment of the site to the total gross floor area, and height of the conserved heritage building; and

(b) ensure the ongoing conservation of the building by regular maintenance, including the provision of adequate insurance and a maintenance fund.

(2) A Conservation Management Plan for the heritage item is to be approved by the consent authority and is to generally include:

(a) works to conserve the existing significant fabric of the building;

(b) removal of elements that detract from the significance of the building;

(c) the schedule of maintenance works;

(d) reinstatement of original fabric based on documentary evidence where appropriate; and

(e) other works compatible with significance of the building.

5.1.6.3 Calculating the heritage floor space to be awarded

(1) The maximum amount of HFS, measured in sqm that may be awarded to a heritage building is to be calculated using ~~either~~ the Formula below ~~1 or Formula 2~~.

~~**Formula 1 applies to**~~	~~**Rateable buildings in private ownership and Government buildings**~~
The formula is	HFSH = 0.5AS X FSRH
Where	HFSH is the maximum amount of Heritage Floor Space which may be awarded in sqm;
	AS is the site area in sqm occupied by the heritage building; and
	FSRH is the maximum FSR for the site of the heritage building as shown on the LEP FSR Map.

~~**Formula 2 applies to**~~	~~**to non-rateable buildings in private ownership**~~
~~The formula is~~	~~HFSH = 0.5 x GFAH~~
~~Where~~	~~HFSH is the maximum amount of Heritage Floor Space which may be awarded in sqm; and~~
	~~GFAH is the gross floor area in sqm of the heritage buildings.~~

(2) Despite clause (1) above, the maximum Heritage Floor Space that can be awarded in relation to a heritage building is 30,000 square metres.

(3) The consent authority may reduce the maximum amount of HFS which may be awarded by an amount equivalent to:

(a) any existing additions or alterations to the heritage building which the consent authority does not consider feasible to be demolished or altered even though those alterations and additions are:

(i) of little or no significance to the heritage significance of the building; or
(ii) intrusive to the building;

(b) any proposed addition which increases the gross floor area of the existing heritage building; and

(c) any areas where elements of heritage significance are proposed to be demolished, in order to facilitate the adaptive re-use of the heritage building.

5.1.6.4 Staged Awards

(1) The consent authority may approve a staged award of HFS to facilitate the carrying out of the full extent of work necessary for the conservation of the heritage building.

5.1.6.5 Retrospective Awards

(1) Retrospective awards of heritage floor space can be considered by the consent authority where it is demonstrated that the heritage building has been conserved in accordance with an endorsed CMP.

THE REMAINDER OF THE EXISTING DCP APPLIES UNCHANGED