

Attachment A1

**Local Environmental Plan Amendments
(Appendix A to the Planning Proposal)**

Appendix A – Local Environmental Plan Amendments



Contents

Amendment 1 – Build-to-rent housing and co-living housing in Central Sydney	4
Amendment 2 – Deep soil	11
Amendment 3 – Structures associated with green roofs	14
Amendment 4 – Parking in new developments	17
Amendment 5 – Protection of sun access to Gunyama Park and Cook and Phillip Park	58
Amendment 6 – Exempt Development: Solar Energy Systems	68
Amendment 7 – Basement Intensive Plant Agriculture	70
Amendment 8 – Superseded sustainability targets for some residential development	72
Amendment 9 – Design excellence processes & site-specific development control plans	75
Amendment 10 – Change to Metropolitan Centre zone & Central Sydney boundary	82
Amendment 11 – Additional uses for accommodation floor space in Central Sydney	86
Amendment 12 – Superseded opportunity sites in Central Sydney	88
Amendment 13 – Heritage Floor Space Scheme	90
Amendment 14 – Rezoning part of 9-13 & 22 O’Riordan Street, Alexandria	92
Amendment 15 – Development near zone boundaries	95
Amendment 16 – Use of existing non-residential buildings that were shops or pubs	97
Amendment 17 – 257 Sussex Street, Sydney: Building Height and Floor Space Ratio	99
Amendment 18 – Affordable housing contributions	102
Amendment 19 – Cross City Tunnel ventilation stack	104
Amendment 20 – Integration of planning controls	106

Table of figures

Figure 1. Land use and transport integration map for Pyrmont	20
Figure 2. Public transport accessibility level map for Pyrmont	21
Figure 3. Land use and transport integration map for Kings Cross	23
Figure 4. Public transport accessibility level map for Kings Cross	24
Figure 5. Land use and transport integration map for King Street Wharf	26
Figure 6. Public transport accessibility level map for King Street Wharf	27
Figure 7. Land use and transport integration map for Surry Hills	29
Figure 8. Public transport accessibility level map for Surry Hills	30
Figure 9. Land use and transport integration map for Redfern	32
Figure 10. Public transport accessibility level map for Redfern	33
Figure 11. Land use and transport integration map for Waterloo	35
Figure 12. Public transport accessibility map for Waterloo	36
Figure 13. Land use and transport integration map for Harold Park	38
Figure 14. Public transport accessibility map for Harold Park	39

Appendix A – Local Environmental Plan Amendments

Figure 15. Land use and transport integration map for Central Park	40
Figure 16. Public transport accessibility map for Central Park	41
Figure 17. Land use and transport integration map for Gardeners Road	43
Figure 18. Public transport accessibility map for Gardeners Road	44
Figure 19. Land use & transport integration map for Glebe Affordable Housing Project	45
Figure 20. Public transport accessibility map for Glebe Affordable Housing Project	46
Figure 21. Land use and transport integration map for 257 Sussex Street, Sydney	47
Figure 22. Public transport accessibility map for 257 Sussex Street, Sydney	48
Figure 23. Gunyama Park location and area to be protected	58
Figure 24. Cook and Phillip Park location and area to be protected	59
Figure 25. Gunyama Park – land protected by sun access planes	60
Figure 26. Indicative sun access plane height limits protecting Gunyama Park	61
Figure 27. Intersection of height of building controls and proposed sun access plane	62
Figure 28. Cook and Phillip Park No Additional Overshadowing height control line	63
Figure 29. Cook and Phillip Park - Land protected by clause 6.18 of LEP	63
Figure 30. Cook and Phillip Park - Indicative overshadowing control height limits	64
Figure 31. Powerhouse Museum site	82
Figure 32. Proposed expanded Central Sydney area (in blue)	84
Figure 33. Land identification of 9-13 and 22 O’Riordan Street, Alexandria	92
Figure 34. Road alignment of Green Square to Ashmore Corridor	94
Figure 35. Land Zoning and Reservation Maps showing SP2 Infrastructure zones	96
Figure 36. 257 Sussex Street (subject site)	99
Figure 37. Location of subject site indicated by arrow and northern portion	100
Figure 38. FSR & Height of Building LEP controls for 257 Sussex Street	100
Figure 39. Proposed Height and FSR controls for 257 Sussex Street	101
Figure 40. Land affected by Cross City Tunnel ventilation stack	105
Figure 41. Integration Areas to be incorporated into Sydney LEP 2012	107
Figure 42. Redfern Waterloo Authority Sites	115

List of tables

Table 1. LUTI and PTAL categories and their accessibility level	18
Table 2. Proposed maximum parking rates for residential flat buildings	49
Table 3. Proposed maximum private vehicle parking rates for office premises or business premises	51
Table 4. Proposed maximum parking rates for retail development	52
Table 5. Parking rates for hotels and serviced apartments	52
Table 6. Proposed rezoning of 9-13 and 22 O’Riordan Street, Alexandria	94
Table 7. Integration areas and controls to be incorporated into Sydney LEP 2012	108

Amendment 1 – Build-to-rent housing and co-living housing in Central Sydney

Objectives & intended outcomes

To support the delivery of build-to-rent housing and co-living housing in Central Sydney through changes to Sydney LEP 2012, to address the post pandemic rental housing shortage.

To establish the intended floor space ratio for build-to-rent housing in Central Sydney, without compromising the City's Central Sydney Planning Strategy's long-term vision to provide for capacity for productive employment in a mixed-use global city.

Site identification

This amendment applies to land zoned SP5 Metropolitan Centre in Sydney LEP 2012, also known as Central Sydney.

Explanation

The proposed changes to the Sydney LEP 2012 provide a floor space incentive to encourage build-to-rent housing and co-living housing in Central Sydney and provide more certainty for developers and the community on the maximum floor space for build-to-rent housing.

The proposed changes are to:

- introduce an accommodation floor space incentive in Central Sydney for build-to-rent housing (all Areas), and for co-living in Haymarket (Area 4 of the FSR map) for applications lodged within five years from the changes being made.
- require all build-to-rent housing and co-living housing to locate active uses on the ground floor, consistent with the Housing SEPP, and restrict dwellings on levels 1 and 2 above the ground floor to protect residential amenity, but allow for non-residential uses or communal spaces associated with the build-to-rent development
- insert a definition of build-to-rent housing
- exclude the application of parts of the Housing SEPP in Central Sydney to provide certainty about the floor space ratio for build-to-rent housing
- include a maximum rate of parking provision for build-to-rent housing in Central Sydney
- confirm that affordable housing can be provided on-site when associated with a build-to-rent housing development.

Justification

In 2021, the Housing SEPP introduced new provisions for build-to-rent housing. This type of purpose-built rental housing is held in single ownership and professionally managed, and in some commercial only zones, the residential tenanted components are restricted from subdivision after 15 years. As of November 2023, exhibited changes are expected to the Housing SEPP following announcements by the Minister that it would be amended. A provision is expected that will include Central Sydney (the SP5 zone) in the areas where build-to-rent is unable to be subdivided after 15 years.

The Housing SEPP controls include compliance with the maximum height and floor space ratio (FSR) standards in LEPs, providing active uses at street level in business zones, and a flexible application of the Apartment Design Guide as shared facilities and communal spaces are an increased feature of these developments.

The Housing SEPP also provides controls for co-living housing, which is a type of residential accommodation featuring communal spaces for residents and requires a manager of the property to be contactable at all times. Rooms can be smaller than build-to-rent housing and can be rented or leased for shorter periods of time, but can't be used for short term visitor or tourist accommodation.

The build-to-rent housing and co-living housing provisions in the Housing SEPP seek to encourage the delivery of these types of housing across Sydney, to contribute to a greater diversity of housing and address the current housing supply shortage.

This amendment will insert a floor space incentive for build-to-rent and co-living housing in areas of Central Sydney to help address the rental housing shortage while continuing to meet the strategic direction endorsed for Central Sydney. These proposed changes rely on recently exhibited amendments to the Housing SEPP.

Consistency with the Central Sydney Planning Strategy

One of the Central Sydney Planning Strategy's key strategic directions is to maintain and strengthen Central Sydney's status as a globally competitive city by continuing to attract business investment and be a preferred location for workers, residents and visitors. Challenges for Central Sydney to meet this strategic direction include a constrained geography for office expansion (unlike many other cities), and pre-Covid market conditions which meant that residential development tends to deliver more attractive one-off financial gain for developers than income-earning commercial development.

Prioritising employment capacity, especially in the commercial core, is to ensure employment floor space will be able to accommodate projected jobs growth (as a correlation of population growth) and maintain Sydney's competitive advantage well into the future. Residential development is still important in Central Sydney, with around 5,000 dwellings in the development pipeline as of 30 June 2023.

The Central Sydney office market is naturally cyclical, but the pandemic and post pandemic impacts are anticipated to contract the previously expected demand in workspace by around 25 per cent. This reduction below trend will fade over time as the population continues to grow. Due to recent changes, build-to-rent housing and co-living housing is considered a compatible use to help meet the post pandemic rental housing shortage while not compromising the long-term viability of other forms of commercial development. This is on the basis that build-to-rent housing and co-living housing in Central Sydney cannot be subdivided, as exhibited. When market cycles again see high demand for income-producing space, potential reuse or conversion of these sites to other uses is not constrained by individual strata owners. Therefore, the proposed changes are compatible with the strategy, though they rely on not allowing BTR subdivision in order to make it easier to refresh and redevelop Central Sydney as market conditions change.

Consistency with Eastern District Plan

In line with obligations imposed on the City of Sydney for the delivery of housing under the State's Eastern District Plan, these targets are set out in the City's Local Strategic Planning Statement, City Plan 2036, as required by legislation. These targets are informed by, amongst other things, Future Transport 2056 which identifies city-shaping transport projects that will improve accessibility to jobs and services, and act as a catalyst for certain types of development.

Strategic alignment of the Eastern District Plan and City Plan 2036, the City's local strategic planning statement is imperative. With City Plan 2036 reinforcing the link between the NSW Governments strategic plans and the City's community strategic plan, the City is able to deliver on the targets for additional jobs capacity and housing.

These targets include the capacity for up to 200,000 jobs noting the Eastern District Plan baseline jobs requirements is 166,500, but in line with productivity desires this was increased to up to 200,000. The LSPS also noted that Central Sydney Planning Strategy identified capacity for 158,000 jobs. It also notes that achieving the higher 200,000 could rely on a decrease in work-space ratios or other management tools.

In addition, the City's Local Housing Strategy 2016-2036, includes the NSW target of 56,000 additional dwellings within that timeframe. As of June 2022, the City is on track to achieve this target with nearly 40,000 dwellings delivered, approved or under construction.

As part of this planning proposal the City is taking the initiative and anticipating a strong desire to see build-to-rent housing in Central Sydney following a number of enabling changes. If taken up, this will naturally adjust the balance of future housing and work place capacity against state agreed targets. The changes contained in this planning proposal anticipate a careful approach to safeguard the productivity driver of Central Sydney as well as addressing the current shortage of rental housing.

Use of accommodation floor space bonuses for build-to-rent housing and co-living housing

Although all forms of housing development are permitted in Central Sydney, Sydney LEP 2012 incentive accommodation floor space provisions under Clause 6.4 currently do not apply to residential development. It is proposed that the controls be amended to introduce incentive accommodation floor space for build-to-rent housing in areas 1 to 4 on the Floor Space Ratio Map.

The incentive accommodation floor space for residential uses were switched off to support the delivery of the approved employment targets for Central Sydney. However due to the current rental housing supply situation and the forthcoming amendment to the Housing SEPP, it is considered opportune to switch on incentive provisions for built-to-rent housing as a way of encouraging more diverse housing options in Central Sydney.

Incentive accommodation floor space provisions for co-living housing in Area 4 are also proposed, as this Area is in the southern part of Central Sydney close to universities, Ultimo TAFE and Royal Prince Alfred Hospital. Students and essential workers such as teachers and nurses in particular could make use of these types of rental accommodation due to their convenient locations including proximity to other services such as full-line supermarkets and recreation facilities.

These proposed changes will set out the incentive floor space provisions for build-to-rent housing and co-living housing, being the accommodation floor space incentive and design excellence bonus of up to 10%. The provisions will clarify that while the new incentives apply to Central Sydney, the unique opportunity in the mapped tower cluster areas of an additional 50% design excellence bonus, will continue to be available for non-residential uses only.

As the supply of rental housing is an urgent issue, it is recommended that the incentive accommodation floor space provisions apply to build-to-rent and co-living housing developments for a period of 5 years to accelerate the delivery of housing. It is recommended that it apply where a development consent for a Stage 2 development application is lodged no later than 5 years from the commencement of these controls.

Ground and lower level uses of build-to-rent housing

Due to high levels of activity in Central Sydney, including very high foot traffic levels, entertainment uses and frequent special events, specific amenity and acoustic privacy protections should be provided for future residents of build-to-rent housing and co-living housing. In addition to the ground floor activation required by the Housing SEPP, it is proposed to require non-residential uses, or ancillary residential uses (including common spaces and shared facilities provided for the use of residents of the dwellings) to be located on the first and second floors.

This will provide an amenity buffer area for residents, while still providing significant floor space above for build-to-rent or co-living dwellings. This is consistent with the approach used for the Pitt Street South over-station development, which is the first build-to-rent housing development in Central Sydney, with residences starting at level 7 of the building (above the Metro station entrance).

Definition of build-to-rent housing

To provide clarity as to what constitutes build-to-rent housing, it is proposed to add a definition for build-to-rent housing in the Dictionary of the Sydney LEP 2012. The wording is the same as that in Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023. Co-living housing is already defined in the Sydney LEP 2012.

Maximum parking rate

Rates of parking spaces per dwelling for build-to-rent housing are established in clause 74 (2) (d) of the Housing SEPP. The rate of 0.2 parking spaces per dwelling is applicable to Central Sydney.

The SEPP does not specify whether this rate is a maximum cap or a minimum requirement. The City's parking rates set a maximum and no private parking can be provided if a developer chooses. To ensure that build-to-rent housing developments are able to deliver less parking than the SEPP's rate if desired, it is proposed to set a maximum cap of 0.2 parking spaces per dwelling.

Amendments to remove the application of parts of the Housing SEPP

The Housing SEPP has affected the application of unique FSR controls for Tower Cluster areas and sites that have received uplift through the Central Sydney Planning Strategy.

At best it is unclear what FSR applies and at most impactful an entire project could use the uplift intended for strategic business purposes for build-to-rent.

CI74(2) of the Housing SEPP sets FSR for build-to-rent as either matching the maximum for residential accommodation or the maximum for other uses if residential is prohibited.

Neither of these standards apply for the site-specific provisions (Division 5) or the Tower Cluster Areas (cl 6.21E) in Central Sydney. Residential accommodation is permitted in the SP5 Zone Metropolitan Centre, meaning the maximum FSR for other uses does not apply. There is no maximum residential accommodation FSR in the site-specific clauses or for Tower Clusters which could be relied upon.

To provide certainty for proponents and the community about the FSR of build-to-rent development in Central Sydney, it is proposed to exclude the operation of Cl. 74(2)(b) and (c) in Central Sydney.

This will set the FSR control as the maximum FSR in Sydney LEP 2012, inclusive of proposed incentives.

The proposed changes will also ensure that proposed controls will be consistent with the Central Sydney Planning Strategy, whilst still being consistent with the intent of the Housing SEPP.

The car parking requirements in Cl 74 (2) (d) are proposed to be excluded for Central Sydney to ensure the proposed maximum rate of parking provision applies.

Drafting instructions and map changes

1. Amend clause 6.4 of Sydney LEP 2012 as follows with new as suggested in **bold red**:

6.4 Accommodation floor space

(1) A building that is an Area, and is used for a purpose specified in relation to the Area in paragraph (a), (b), (c), (d), (e), (f) or (g), is eligible for an amount of additional floor space (accommodation floor space) equivalent to that which may be achieved by applying to the building the floor space ratio specified in the relevant paragraph—

(a) Area 1, hotel or motel accommodation, community facilities or centre-based child care facilities—6:1,

(b) Area 1, business premises, educational establishments, entertainment facilities, function centres, health services facilities, information and education facilities, light industries, office premises or retail premises, **build-to-rent housing**,—4.5:1,

(c) Area 2, business premises, educational establishments, entertainment facilities, function centres, health services facilities, information and education facilities, light industries, office premises or retail premises—4.5:1,

(d) Area 2, centre-based child care facilities, community facilities or hotel or motel accommodation, **build-to-rent housing** —6:1,

(e) Area 3, business premises, educational establishments, entertainment facilities, function centres, health services facilities, information and education facilities, light industries, office premises or retail premises—2.5:1,

(f) Area 3, centre-based child care facilities, community facilities or hotel or motel accommodation, **build-to-rent-housing**—3.5:1,

(h) Area 4, business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, function centres, health services facilities, hotel or motel accommodation, information and education facilities, light industries, office premises or retail premises, **build-to-rent housing, co-living housing** —1.5:1.

(1A) A building in Area 2, 3 or 4 that is used for the purposes of residential accommodation or serviced apartments (**excluding build-to-rent housing and co-living housing**) is eligible for the amount of accommodation floor space calculated by applying the relevant floor space ratio available on the date the development application is made to the building, as follows—

Area	Additional floor space available until 30 June 2022	Additional floor space available from 1 July 2022 to 30 June 2023	Additional floor space available from 1 July 2023
Area 2	6:1	3:1	Nil
Area 3	3:1	1.5:1	Nil
Area 4	1.5:1	0.75:1	Nil

(2) The amount of additional floor space that can be achieved under subclause (1) or (1A) is to be reduced proportionally if only part of a building is used for a purpose specified in subclause (1) or (1A).

(3) More than one amount under subclause (1) and (1A) may apply in respect of a building that is used for more than one purpose

(4) Build-to-rent housing or co-living housing is eligible for an amount of additional floor space (accommodation floor space) identified in subclause (1) only in relation to an application for development consent for a detailed development application (Stage 2) which is determined no later than [5 years from the commencement of the LEP amendment]

2. Insert clause (X) of Sydney LEP 2012 as follows with new text shown in **bold red**:

(X) Active uses on lower levels of built-to-rent housing or co-living housing in the SP5 Metropolitan Centre zone

(1) The objective of build-to-rent housing in the SP5 Metropolitan Centre zone is for active uses and ancillary residential uses to be provided at lower levels to encourage the presence and movement of people while protecting the amenity of residents.

(2) Development consent must not be granted for build-to-rent housing unless the consent authority is satisfied that a building:

(a) all ground floor street frontages are to have active street frontages, with the remainder of the ground floor used for non-residential uses, and

(b) will not contain dwellings on the first and second floors.

(3) An active street frontage is not required for a part of a building used for 1 or more of the following-

(a) Entrances and lobbies

(b) Access for fire services

(c) Vehicular access

3. Amend the Dictionary of Sydney LEP 2012 as follows with new text shown in **bold red**:

***Build-to-rent housing* means development to which Part 4 of Chapter 3 of State Environmental Planning Policy (Housing) 2021 applies and for which development consent is granted in accordance with that Part to enable certain residential accommodation to be used for build-to-rent housing.**

1. Amend clause 1.9 of Sydney LEP 2012 as follows with deletion shown as ~~strikethrough~~ and new as suggested in **bold red**:

1.9 Application of SEPPs

(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.

(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

(2A) State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Divisions 1, 2, 3 and 5 and Chapter 3, Part 3 do not apply to—

- (a) land at Green Square Urban Renewal Area or at Ultimo-Pyrmont, or
 - (b) southern employment land, or
 - (c) land at the Waterloo Metro Quarter, or
 - (d) land in Central Sydney, or
 - (e) land at 17–31 Cowper Street or 2A–2D Wentworth Park Road, Glebe, or
 - (f) Botany Road Precinct Opportunity Land, or
 - (g) Waterloo Estate (South)—Area 1, or
 - (h) Waterloo Estate (South)—Area 2.
- (2B) State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4 does not apply to—
- (a) land at Green Square Urban Renewal Area or at Ultimo-Pyrmont, or
 - (b) southern employment land, or
 - (c) land at the Waterloo Metro Quarter, or
 - (d) land at 17–31 Cowper Street or 2A–2D Wentworth Park Road, Glebe, or
 - (e) Waterloo Estate (South)—Area 1, or
 - (f) Waterloo Estate (South)—Area 2.
- (2C) State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 does not apply to land at 600–660 Elizabeth Street, Redfern.
- (2D) State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4, Clauses 74(b), (c) and (d) and 76 do not apply to—**
- (d) land in Central Sydney**

4. Amend Part 7, Division 1 of Sydney LEP 2012 to introduce a provision specifying the maximum number of car parking spaces for build-to-rent housing development in Central Sydney to be 0.2 car parking spaces per dwelling.

Amendment 2 – Deep soil

Objectives and intended outcomes

To ensure development provides sufficient deep soil for tree growth to promote canopy cover.

Site identification

Changes to 7.20 Development requiring or authorising preparation of a development control plan of Sydney LEP 2012 will apply to all land covered by Sydney LEP 2012.

A new clause for Deep Soil will apply to all land covered by Sydney LEP 2012 and Green Square Town Centre LEPs Land Application maps with the exception of Central Sydney.

Explanation

This amendment introduces deep soil provision as a consideration in Sydney LEP 2012 and the Green Square Town Centre LEPs.

A new provision in Sydney LEP 2012 and Green Square Town Centre LEPs will require the consent authority to consider if development provides a deep soil zone sufficient for tree planting.

It is also proposed to expand the matters that a development control plan must provide for in clause 7.20 in Sydney LEP 2012 - Development requiring or authorising preparation of a development control plan. This will require that the items in clause 7.20(4)(xiii) are expanded to include the provision of deep soil and tree plantings as part of landscape design. A similar provision will require consideration as part of design excellence assessments.

Supporting amendments to Sydney DCP 2012

Supporting provisions in Sydney DCP 2012 are also proposed in new Section 3.5 Urban ecology, tree planting, deep soil and tree management.

Proposed section 3.5 includes guidance to ensure trees in new development are healthy, sustainable and contribute to the urban canopy. The objectives and provisions of this section relate to retention of existing habitat and healthy trees, and the planting of new trees and provision of deep soil to ensure canopy cover and water infiltration is provided as part of new development.

The proposed DCP provisions prescribe deep soil zones and tree planting requirements for a range of site sizes, land uses and site conditions. This simplifies and shifts away from the current approach in Sydney DCP 2012 which relies on canopy measurement.

Justification

Strategic merit

The City of Sydney's environment is highly developed and urban with almost all original vegetation and other natural features removed or modified. Over time, this has greatly reduced urban bushland, biodiversity and tree canopy cover.

The City of Sydney Urban Forest Strategy identifies a minimum target of 27 per cent tree canopy cover by 2050. This target is based on detailed land use analysis, noting that overall canopy cover in the City of Sydney increased from 15.5 per cent in 2008 to 19.8 per cent in 2022.

Biodiversity and canopy cover are important to climate change adaptation and provide liveability benefits. Vegetation and canopy cover reduces the urban heat island effect, cleans air and water and assists with effective water management.

Deep soil zones are essential for the retention of existing trees and sufficient space for the planting and healthy growth of new trees that provide canopy cover.

Deep soil zones are often given lesser weight in the determination of development applications than matters such as floor space and parking requirements which are given weight through Sydney LEP. These matters are often prioritised at the expense of achieving sufficient deep soil zones for tree canopy growth where possible. To allow the provision of deep soil zones to have equal consideration as other Sydney LEP matters it also needs to be a consideration in Sydney LEP.

The option of including development standards for deep soil zones, similar to those in the State Environmental Planning Policy (Housing) 2021, was also considered. This option was not pursued as it would not allow sufficient flexibility to account for circumstances where deep soil delivery is constrained by existing site characteristics. In those circumstances, placing development standards in Sydney LEP would require a formal variation to the development standard which is not a desirable outcome.

City Plan 2036 – Local Strategic Planning Statement

City Plan 2036 – Local Strategic Planning Statement seeks to support resilient urban ecosystems by improving biodiversity, habitat and tree canopy across the City and adjoining council areas. The proposed amendments will give effect to “Priority S1: Protecting and enhancing the natural environment for a resilient city” as outcomes achieved will:

- protect and enhance biodiversity;
- protect and enhance canopy cover;
- protect and enhance locally indigenous vegetation; and
- improve habitat connectivity.

A Metropolis of Three Cities and the Eastern City District Plan

The proposed amendments will also contribute to and enhance the Greater Sydney Green Grid. Incorporated within both the Region and District Plans, the Greater Sydney Green Grid is a mapped network of high-quality green space that connects town centres, public transport hubs, and major residential areas. The objectives of the green grid are to protect and enhance an interlinked network of open spaces to keep the city cool, encourage healthy living, enhance biodiversity and ecological resilience.

This amendment will give effect to the following Planning Priority in the Eastern City District Plan:

- E17 – Increasing urban tree canopy cover and delivering Green Grid connections

City of Sydney Urban Forest Strategy (2023) and Greening Sydney Strategy (2021)

The proposed amendments, combined with proposed DCP amendments, will give effect to Action 4 – Achieve canopy cover targets in the City of Sydney’s Draft Urban Forest Strategy. This strategy was released in October 2022 and expands on the targets for canopy cover within streets, parks and properties introduced in the Greening Sydney Strategy, and builds upon its actions towards a cooler, calmer, and more resilient city.

Action 4 – Achieve canopy cover targets states that:

“We will achieve a minimum of 23 per cent canopy cover by 2030 and 27 per cent canopy cover by 2050. We will identify streets where tree planting and the provision of canopy cover should be prioritised over other uses and continue to identify opportunities for new and replacement tree planting in streets and parks. We will encourage tree planting within private property and ensure minimum tree planting requirements are met during development.”

Drafting instructions

1. Insert a new clause in Part 5 Miscellaneous provisions of Sydney Local Environmental Plan 2012, Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013
2. The objective of the clause is to ensure deep soil to support tree planting
3. The operation of the clause is to exclude the area of ‘Central Sydney’
4. Require the consent authority to consider if the area and volume of deep soil is sufficient to support tree growth
5. Define ‘deep soil zones’ as ‘a part of a site area that is not occupied by a building, whether below or above the surface of the ground’
6. Amend Clause 7.20(4)(xiii) to add provision of deep soil and tree plantings as a particular matter to be considered
7. Amend Clause 6.21(C) (2)(d) to add provision of deep soil and tree plantings as a particular matter to be considered

Amendment 3 – Structures associated with green roofs

Objectives and intended outcomes

To encourage the use of building roofs for communal greening and for social spaces.

Site identification

This change applies to the land identified as “land included” on the Land Application Map in Sydney LEP 2012 but not to land:

- on which a heritage item is located
 - that is within a heritage conservation area unless it has a numeric mapped height control
 - within Central Sydney
-

Explanation

The proposed LEP clause will allow a rooftop structure (or structures) to exceed the maximum building heights in areas outside Central Sydney if the following criteria are met:

1. The structure must:
 - a. provide access to rooftop gardens and rooftop communal open space. Examples include stairs, lifts, and associated lift mechanisms; and/or
 - b. support the social use of the roof space. Examples include open shade and shelter structures for comfortable communal open space, communal gardens and accessible toilets.
8. The structure is not part of a building that is a heritage item, or is a small-scale building within a heritage conservation area (unless it has a numeric mapped height control) or within Central Sydney
9. The structure(s) must be located on or provide access to a building roof with at least 30% of its area covered by permanent planting, and an additional 15% of its area covered by a mix of communal open space and/or planting. Areas of the roof that are not planted, may be used for communal open space or covered by solar panels or other plant and equipment. To help reduce impacts from the urban heat effect, must have a Solar Reflectivity Index of:
 - a. for non-glazed surfaces at roof level up to an angle of 45 degrees or less: 82 or more.
 - b. for non-glazed surfaces at roof level with an angle of more than 45 degrees: 39 or more.
10. Structures cannot be used for signage
11. Council must be satisfied that roof structures are integrated into the design of the roofscape, will not cause more than minor overshadowing of neighbouring properties (such as being setback from the parapet) and the scale of the development remains compatible with that of the precinct.
12. Structures must not include gross floor area, except where it is for accessible toilets.

Justification

Green roofs can provide environmental and social benefits to buildings and the wider City community. The City's Greening Sydney Strategy includes Action 12 – Increase green roofs and walls. This action requires the City to amend the planning controls over time to:

- increase the adoption of green roofs in new developments
- allow retrofitting of green roofs to existing development
- remove any unnecessary barriers to the provision of green roofs.

To maximise the benefits of green roofs they should be capable of being maintained and should support social activities for building occupants including office workers and residents well-being. This requires structures such as stairs and lift-overruns for access, along with shade structures, toilets and other facilities for communal and social use. These structures are included when calculating the height of buildings and are not permissible if they are higher than the maximum building height as mapped in Sydney LEP 2012.

This is a barrier to the adoption of green communal roofs, as it requires any structures that allow access to the roof to fit under the maximum height of building control, effectively replacing a potential floor in the building. This is a strong disincentive for the provision of green roofs.

Current practice is to allow the use of a Clause 4.6 Exceptions to development standards application where it can be demonstrated that allowing a green roof to break the maximum height of building control has limited additional impacts. However, while often supported, this can impose additional costs on applicants, create delays in the determination of development applications and does not promote the beneficial use of rooftops. This again is a barrier to the provision of green roofs.

The proposed LEP clause will permit the consent authority to approve structures required to access and promote rooftop gardens and rooftop open space, and ancillary structures to these, that are higher than the LEP height of building controls as long as certain criteria are met to limit the extent, use and impact of the structure. This provision cannot be used to exempt an occupied floor or part occupied floor exceeding the height control.

This clause will not apply to Central Sydney due to the sun access planes and the limited utility of open green roofs on very tall buildings.

The clause will not apply to small-scale buildings in Heritage Conservation Areas. The definition of a small-scale building will be established by the Conservation Area Review Planning Proposal which has been prepared by the City and proposes to remove numeric height of building controls for small-scale buildings in Heritage Conservation Areas to allow future development to respond to its individual context. Larger buildings will retain a numeric mapped height control to manage potential heritage impacts.

Drafting instructions

1. Insert a new clause in Part 5 Miscellaneous Provisions of Sydney LEP 2012.
2. The objective of the clause is to encourage the use of building roofs as communal green roofs and communal open space with minimal impacts.
3. This clause is to apply to all land except land:
 - a. in Central Sydney or
 - b. in a heritage conservation area on which there is a small-scale building.
4. Require the consent authority to be satisfied that development:

Appendix A – Local Environmental Plan Amendments

- a. includes minimum 30% of the roof area is planted communal garden and an additional 15% of the roof area is a mix of communal open space and planted garden and has open and minimal structures;
- b. to reduce urban height effect, roof areas that are not covered by development described in subclause (b) or by solar panels and other plant and equipment, must have a minimum Solar Reflectivity Index (SRI) of:
 - i. for non-glazed surfaces at roof level with an angle of 45 degrees or less: SRI value 78 or more
 - ii. for non-glazed surfaces at roof level with an angle of more than 45 degrees: SRI value of 39 or more
- c. development must not include signage;
- d. development is fully integrated into the design of the green roof; and
- e. development will not cause more than minimal overshadowing to adjoining land (such as being setback from parapets)
- f. development under this clause does not include gross floor area, except where it is for an accessible toilet
- g. development is compatible with the scale of the future character of the precinct.

Amendment 4 – Parking in new developments

Objectives and intended outcomes

1. Ensure parking provision in new residential developments is in line with current levels of car ownership for similar dwelling types and accessibility levels.
 2. Ensure parking provision in new developments with retail and employment uses is in line with current private car use for journeys to work and for shopping and accessing services.
 3. Prevent overprovision of off-street parking in certain developments and associated impacts on traffic congestion, on-street parking demand and other social and environmental impacts.
 4. Ensure accessibility maps reflect current levels of public transport and walkable accessibility, and hence relevant levels of parking in new developments, across the local area.
 5. Reflect changes to accessibility from new public transport infrastructure.
 6. Ensure new areas incorporated into the LEP are reflected in the accessibility maps.
 7. Support delivery of bicycle parking and electric vehicle chargers in existing developments.
 8. Support the delivery of electric vehicle chargers for public use in private development.
-

Site identification

This amendment applies to land identified as ‘LEP Included’ in the Sydney LEP 2012 Land Application Map.

Explanation

This planning proposal includes amendments to planning controls relating to public transport and land use accessibility maps, maximum rates of car parking for a range of land uses and introducing exempt development for bicycle parking devices.

The following changes are proposed to Sydney LEP 2012:

1. Amend the Land Use and Transport Integration (LUTI) Map as shown in Appendix B Local Environmental Plan Map Book to reflect changes in public transport and walking accessibility levels across the local area.
2. Amend the Public Transport Accessibility Level (PTAL) Map as shown in Appendix B Local Environmental Plan Map Book to reflect changes in public transport accessibility levels across the local area.
3. Amend clause 7.2 Interpretation to insert a new exception into the list of spaces that are not included in the definition of a car parking space for community electric vehicle charging areas.
4. Amend clause 7.2 Interpretation to Insert a new definition for “community electric vehicle charging space”.
5. Amend clause 7.4 with amended maximum parking rates for dwelling houses, attached dwellings and semi-detached dwellings.

6. Amend clause 7.5 with amended maximum parking rates for residential flat buildings, dual occupancies, multi-dwelling housing, boarding houses and co-living housing.
7. Amend clause 7.5 with a new provision for visitor parking spaces in proportion with residential parking spaces.
8. Amend clause 7.6 with amended maximum parking rates, introduce an additional location category for Central Sydney, and an amended formula to be used for Central Sydney and category D.
9. Amend clause 7.7 to amend the formula to be used for category D.
10. Amend clause 7.9 (1) with amended maximum parking rates for serviced apartments and hotel or motel accommodation.
11. Delete clause 7.9 (5) to remove maximum parking rates for places of public worship and entertainment facilities.
12. Insert a new clause into Schedule 2 'Exempt development' to make bicycle parking devices exempt development.
13. Insert a new clause into Schedule 2 'Exempt development' to make electric vehicle chargers exempt development.

Justification

Parking rates and accessibility

The City's planning controls include maximum rates of on-site parking provision for most new development types. These maximum rates are connected to accessibility levels, which are mapped across the local area.

The accessibility maps recognise that accessibility is not evenly distributed across the local area. The maps are divided into three levels, with areas of lower accessibility provided with higher maximum parking rates.

There are two sets of accessibility maps, PTAL (public transport accessibility levels) for non-residential uses, and LUTI (land use and transport integration) maps for residential uses. As PTAL is for mostly destination land uses such as workplaces and retail, it recognises public transport access only. LUTI captures accessibility for residents who live on the site, so both public transport access and walking access to jobs, services and retail are considered.

Table 1. LUTI and PTAL categories and their accessibility level

Category	Land use	Accessibility level
LUTI A	Residential	Highest
LUTI B	Residential	Medium
LUTI C	Residential	Lowest
PTAL D	Non-Residential	Highest
PTAL E	Non-Residential	Medium
PTAL F	Non-Residential	Lowest

The current maps were developed in 2009, and there is a need to update these accessibility maps to reflect new public transport infrastructure, urban change and new areas coming into the City's planning controls.

The areas with changes to the LUTI and PTAL maps are described below. The changes only affect new development. There is no effect on parking within existing buildings.

Pymont

Pymont is served by the L1 light rail line. Service frequency significantly increased with the extension of the line to Dulwich Hill in 2014 and subsequent upgrades, however the additional stations has meant increased congestion on the portion of the line between Pymont and Central Sydney. The City does not consider the increased service frequencies on the L1 line to have resulted in improved accessibility for the area.

Although subject to reconfirmation by the current NSW Government, the anticipated Pymont Metro station is due to open in 2030 as part of the Sydney Metro West project. As new infrastructure, the City does consider this to be a significant improvement in accessibility to Pymont. Accordingly, sites within a five minute walk of the proposed new Pymont Metro station entrances are proposed to be upgraded to LUTI A and PTAL D. Additionally, sites that are currently PTAL F and are more than five minutes' walk but less than seven minutes' walk are proposed to be upgraded to PTAL E.

Pymont Metro station is also the catalyst for the Pymont Place Strategy, which envisages an increase in both employment and residential floor space in the area. The Pymont Metro station will strengthen the local centre at Union Street, Pymont Street and Harris Street. Together this will contribute to a diverse local economy with easy walking access to jobs, services and retail, which further supports the LUTI A categorisation.

Figure 1. Land use and transport integration map for Pyrmont

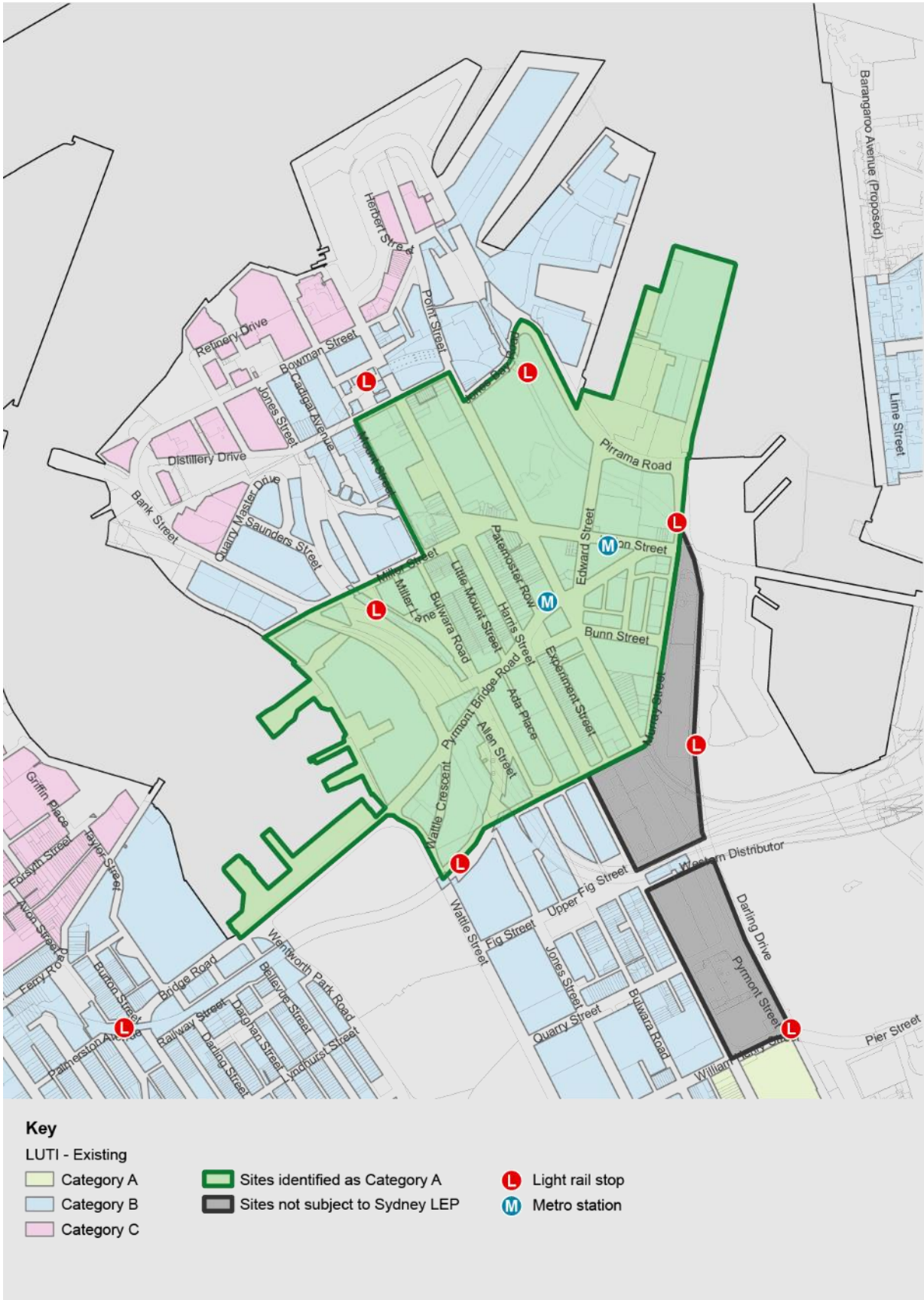
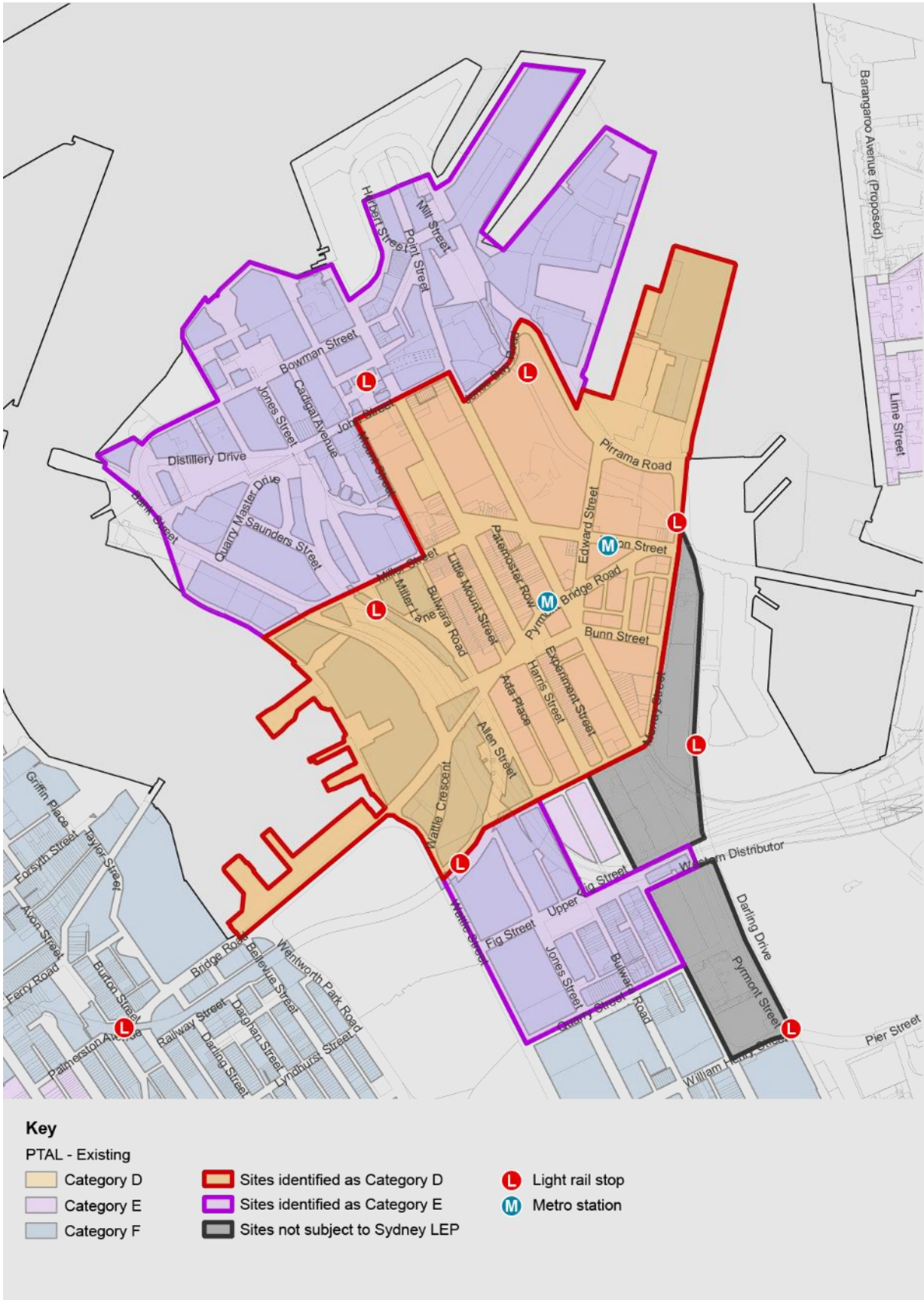


Figure 2. Public transport accessibility level map for Pyrmont



Kings Cross

Kings Cross Station is served by the Eastern Suburbs Line, which has had significant improvements to frequency and capacity as a result of the More Trains More Services program, and trains now operate every 3 minutes in peak hour. Due to the additional capacity and frequency, the City is proposing to upgrade the accessibility categories of sites within a 5 minute walk of any of the station's three entrances.

Upgrading up by one level results in the area changing from PTAL F to PTAL E, and LUTI B to LUTI A.

Additional service frequency on existing infrastructure has not supported upgrading accessibility levels in other areas, such as Green Square station, Erskineville station and Pyrmont light rail stops on the L1 line. This is because the additional frequencies have been matched with growth in demand, and has not resulted in a real improvement in service for these areas. However, in Kings Cross the additional capacity does represent a significant improvement in service, as demand on the side of the line between Central Sydney and Bondi Junction has not grown at a rate that has resulted in a degradation of service.

As LUTI also incorporates walking access to local shops, jobs and services, LUTI A categorisation is also in more line with the area's changing role as a diverse local centre.

Figure 3. Land use and transport integration map for Kings Cross

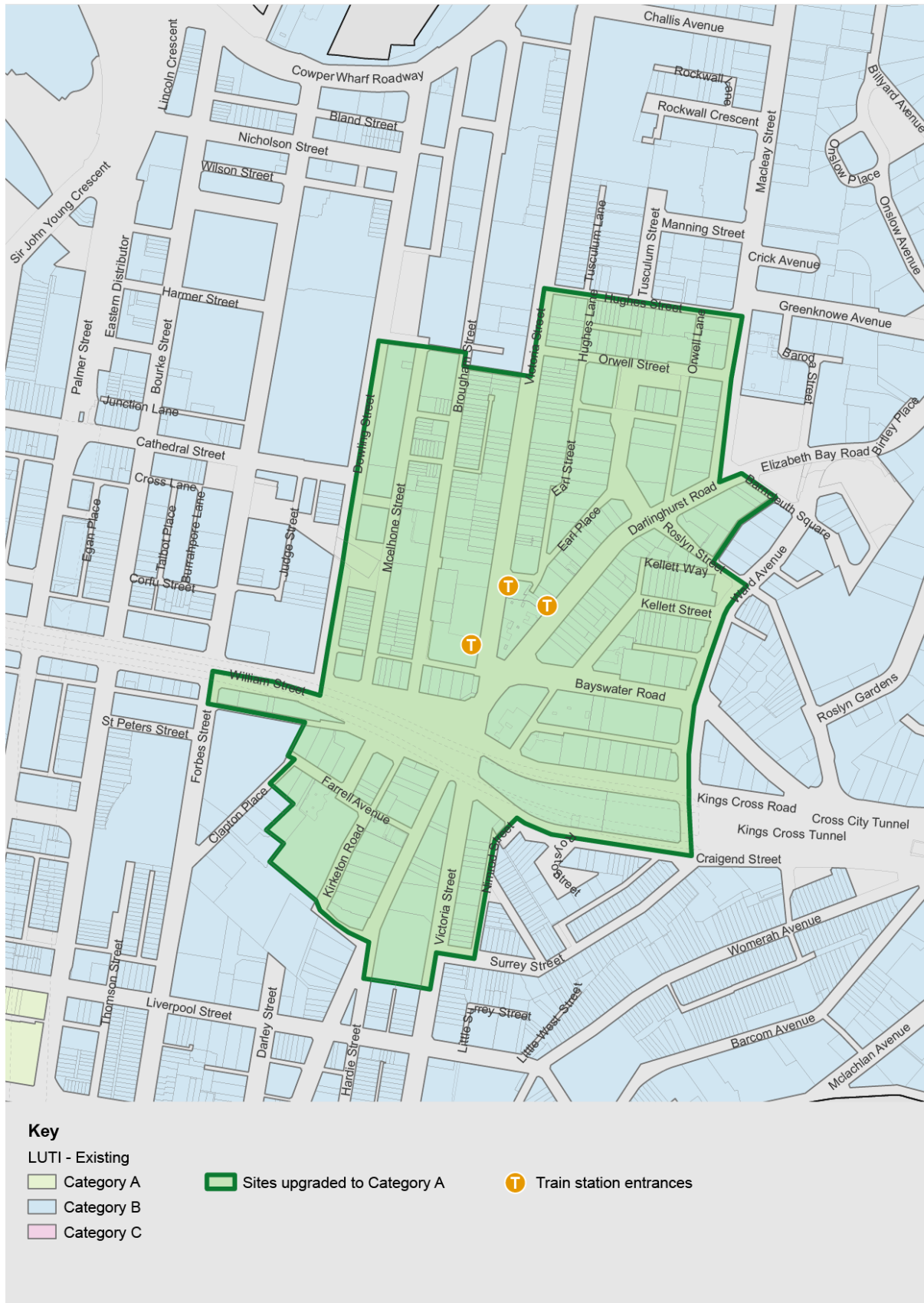
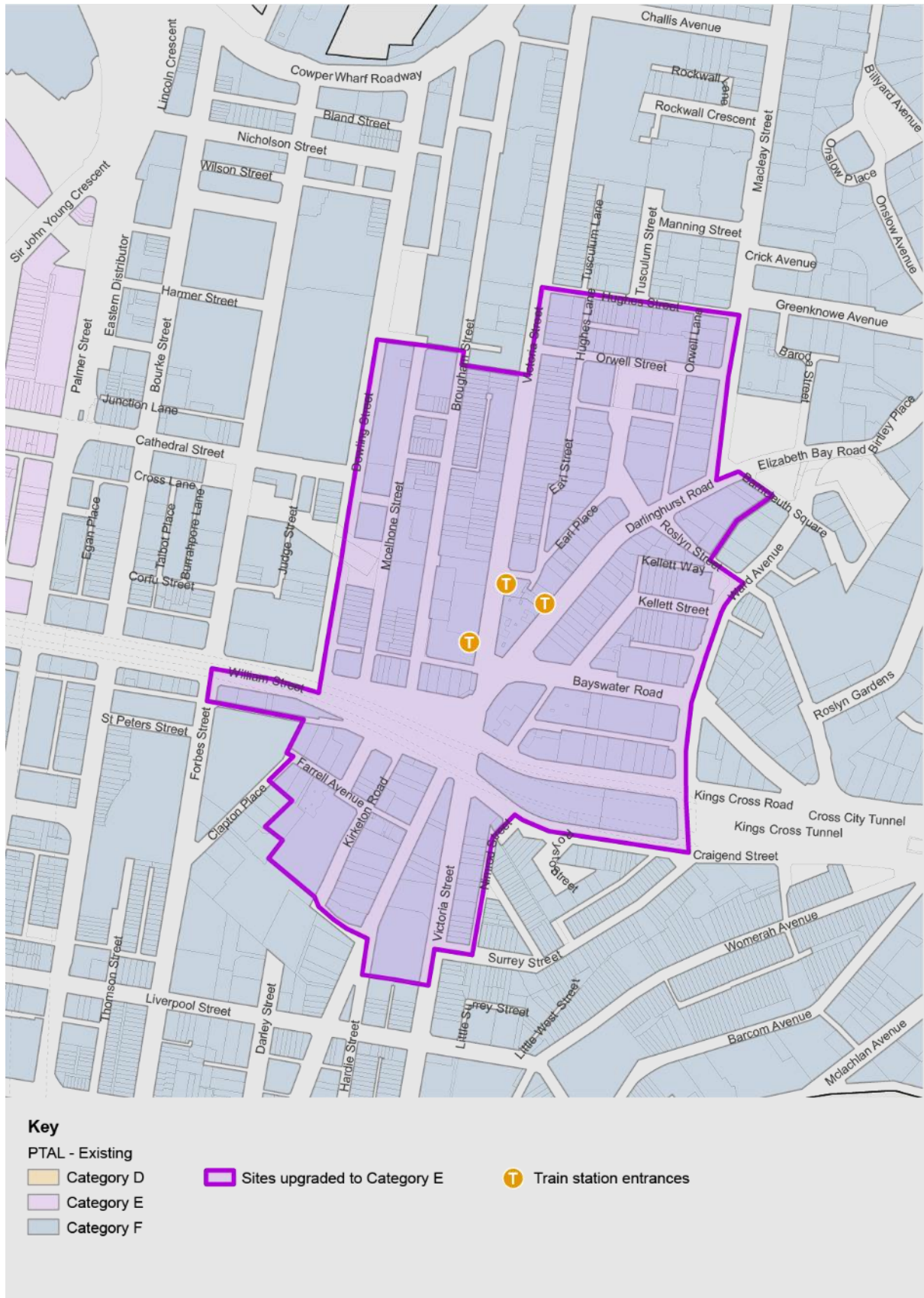


Figure 4. Public transport accessibility level map for Kings Cross



King Street Wharf

King Street Wharf is anomalous in Central Sydney as being LUTI B and PTAL E. This was due to its inaccessibility, with no direct connection to public transport. However, with the completion of Barangaroo South and the Wynyard Walk, the area is much better integrated with Central Sydney, public transport via Wynyard station and the light rail, and in 2024 the Barangaroo Metro Station. Given this improved walking access to the site, the City is proposing to upgrade its accessibility categories to LUTI A and PTAL D.

The improved LUTI grade also reflects the role of Barangaroo in providing a diverse range of jobs, services and retail that were not previously easily accessible to King Street Wharf.

The orange dot shows the location of the entry to Wynyard Walk, which is connected to King Street Wharf via a new pedestrian bridge (not shown). Sites that are not subject to Sydney LEP are shown in black/grey.

Figure 5. Land use and transport integration map for King Street Wharf



Figure 6. Public transport accessibility level map for King Street Wharf



Surry Hills

The delivery of the CBD and South East Light Rail has increased public transport accessibility and capacity to Surry Hills. As new infrastructure, the light rail provides additional capacity and time saving for travel to all parts of Central Sydney. In addition to the light rail, construction of Central Walk at Central Station will provide three new access points directly to platforms on the Surry Hills side of the station at Chalmers Street and Randle Lane, reducing walking times from this part of Surry Hills to train platforms.

These two improvements warrant upgrading accessibility levels on sites within five minutes' walk of the Ward Park and Chalmers Street light rail stops. The City is proposing upgrading these sites by one level, resulting in changes from LUTI B to LUTI A and from PTAL E to PTAL D.

Planned commercial and retail development at Central Station, and the growing role of Crown Street as a local centre, also support upgrading the area to LUTI A as Surry Hills becomes a more centrally located area for a diverse range of jobs, retail and services.

The locations of the new and existing entrances to Central Station on Chalmers Street and Randle Lane are shown as orange dots. Sites that are not subject to Sydney LEP are shown in black/grey.

Figure 7. Land use and transport integration map for Surry Hills

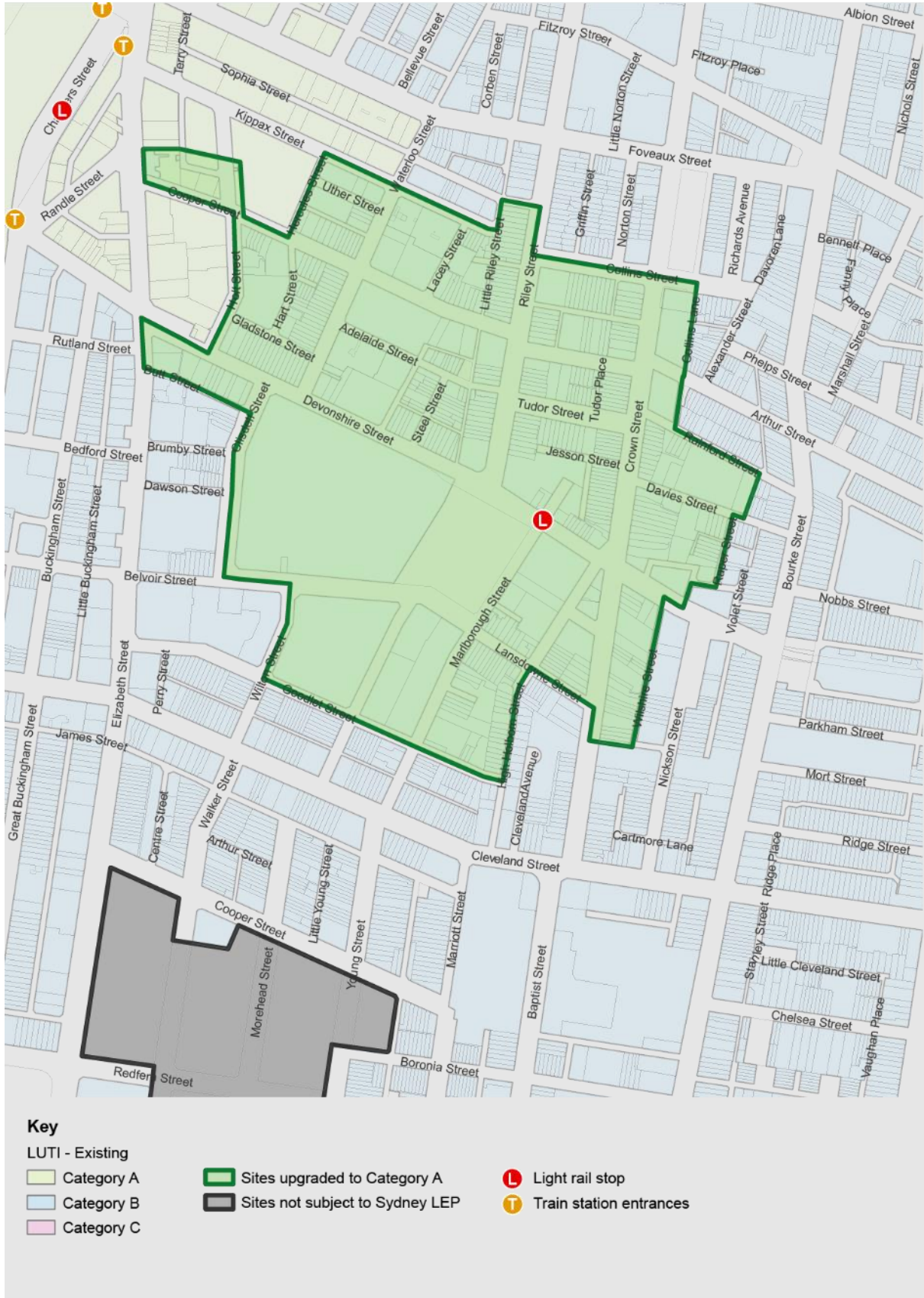
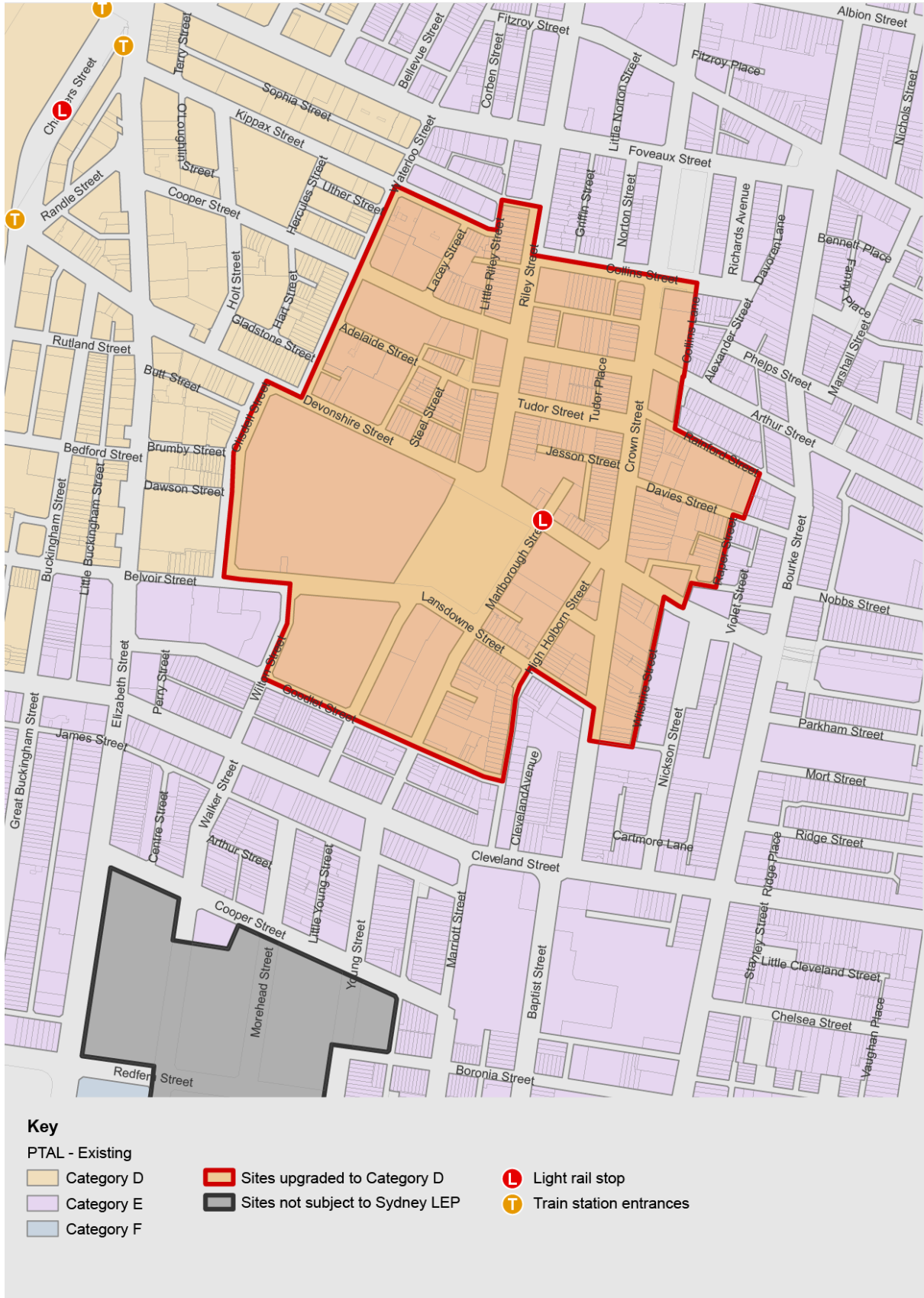


Figure 8. Public transport accessibility level map for Surry Hills



Redfern

The sites that make up the Redfern-Waterloo Authority Area are covered by a state planning instrument and are proposed to be brought into Sydney LEP. Therefore, PTAL and LUTI maps are required to cover these areas. The categories match the surrounding context, including proposed upgrades associated with Redfern station and Waterloo Metro.

The area surrounding Redfern station is currently graded as LUTI B and PTAL E. Although frequencies of trains servicing Redfern station have increased, a corresponding increase in demand has resulted in Redfern being congested and the City does not consider additional capacity has been added to improve accessibility to the surrounding area.

Redfern station has received a new station entrance on the corner of Lawson Square, and a southern concourse that will provide station entrances at Rosehill Street and Little Eveleigh street is near completion. To account for the improved access provided by these new entrances, the sites adjacent to these new entrances are proposed to be upgraded to LUTI A and PTAL D. The former RWA sites immediately adjacent to the existing entrance on Lawson Street are also proposed to match these gradings, while RWA sites further away are proposed to match their surrounding existing context of LUTI B and PTAL E.

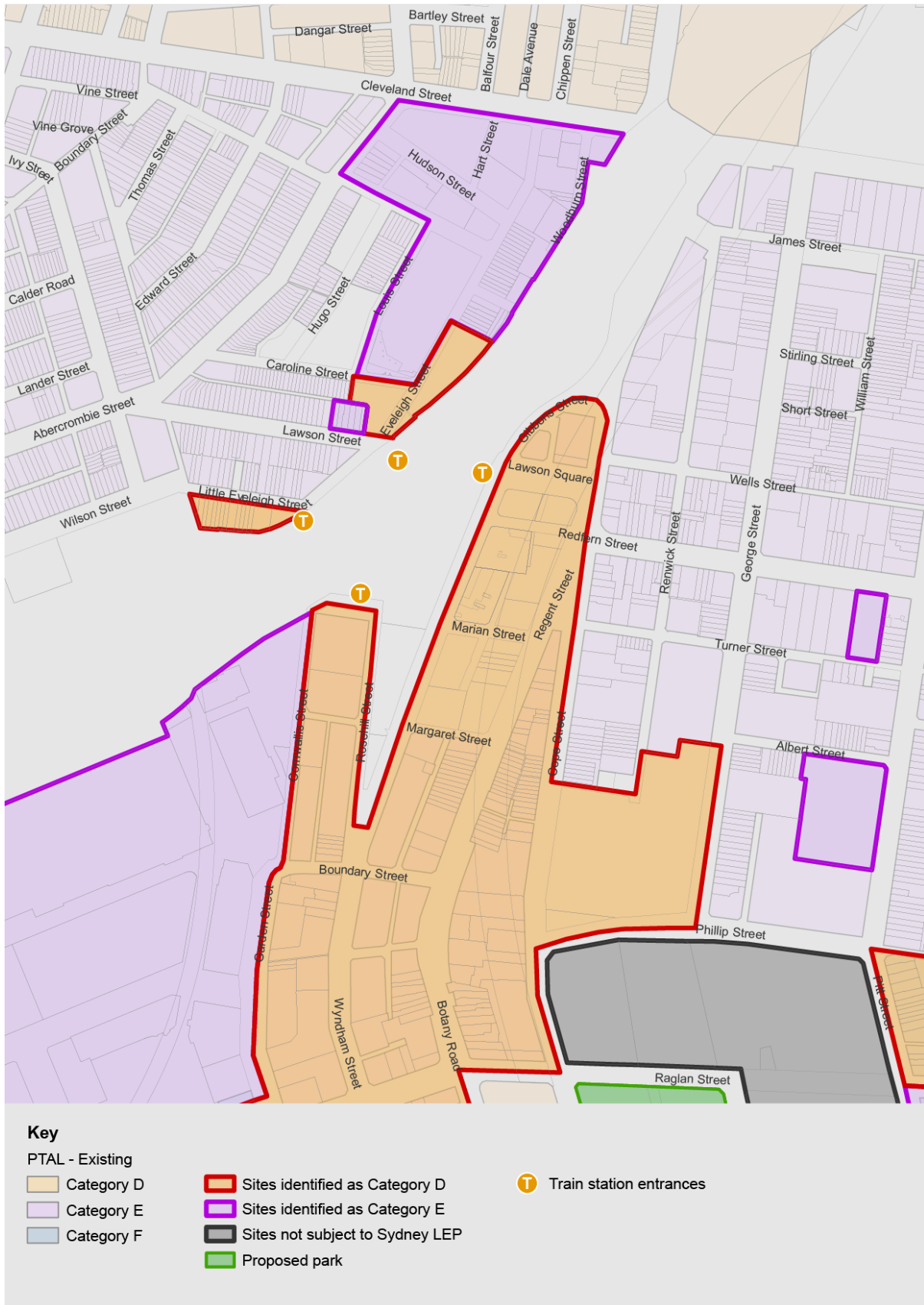
Waterloo Metro station is due to be opened in 2024. As new infrastructure, it provides additional capacity and improved service to the local area. Due to this increased capacity and accessibility the City is proposing to upgrade the sites along Botany Road and Gibbons Street/Wyndham Street to LUTI A and PTAL D and grade any RWA sites accordingly.

The locations of the entrances to Redfern Station are shown as orange dots in Figure 9.

Figure 9. Land use and transport integration map for Redfern



Figure 10. Public transport accessibility level map for Redfern



Waterloo

Waterloo Metro station is due to be opened in 2024. As new infrastructure, it provides additional capacity and improved service to the local area.

Waterloo Estate (South) and Waterloo Metro Quarter have already had updated accessibility maps applied as part of state significant precinct planning. The Department of Planning and Environment has graded these sites as LUTI A and PTAL D. The City is also proposing to upgrade sites within five minutes' walk of the new Waterloo Metro station to LUTI A and PTAL D. In addition, sites that currently have the lowest accessibility (LUTI C and PTAL F) and are beyond five minutes' walk but within seven minutes' walk are proposed to be upgraded one level to LUTI B and PTAL E.

The high LUTI grading also reflects the new local centre that is proposed to be delivered as part of Waterloo Estate (South), and the employment floor space that will be provided under the recent change of planning controls for Botany Road Precinct. These changes improve accessibility to local jobs, services and retail.

In the map, sites shown in a black and grey shadow are not in the LEP and are not proposed to be introduced at this stage, and the solid green site is the new park to be delivered as part of Waterloo Estate (South) and does not have a grading for PTAL and LUTI .

Figure 11. Land use and transport integration map for Waterloo

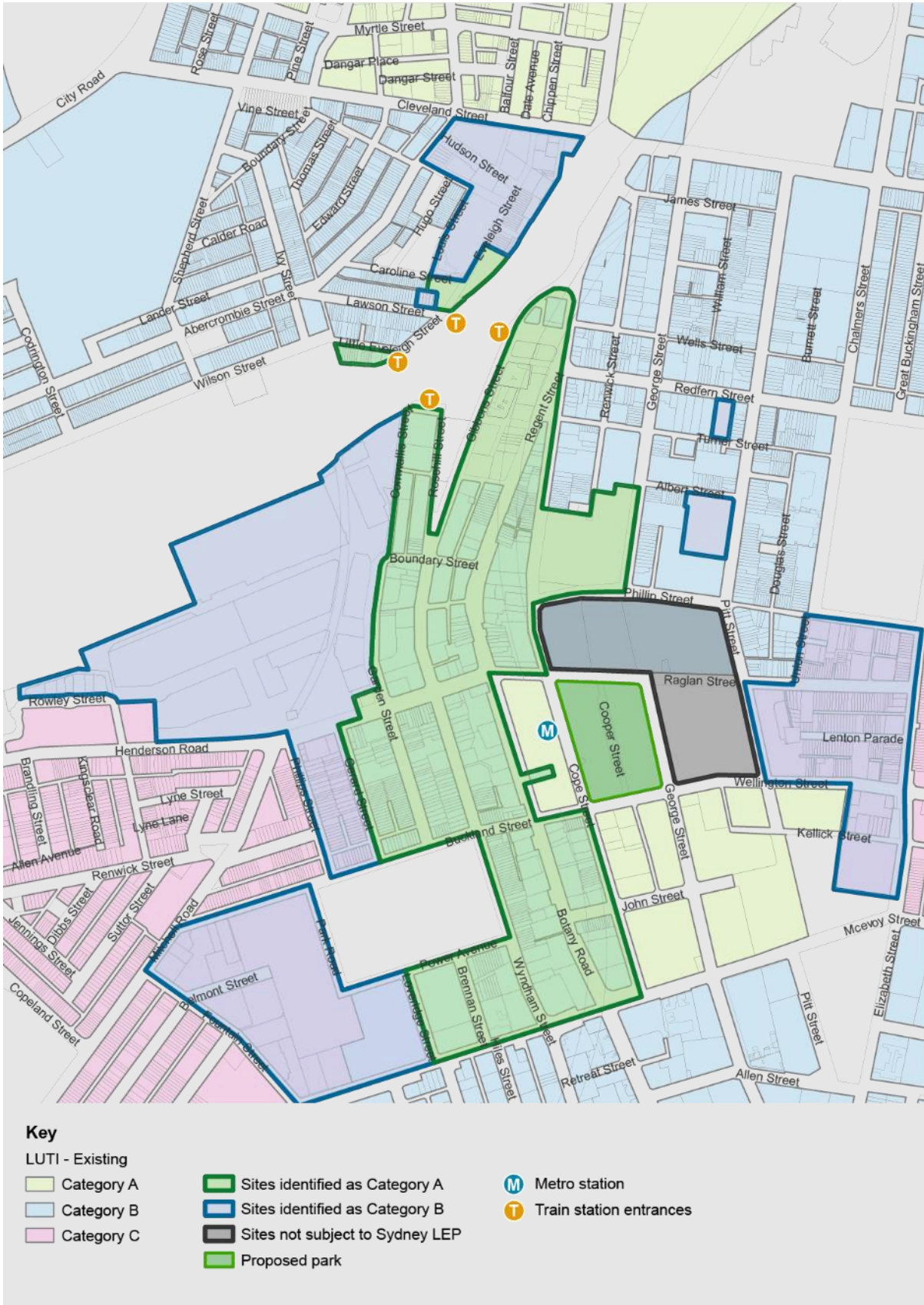
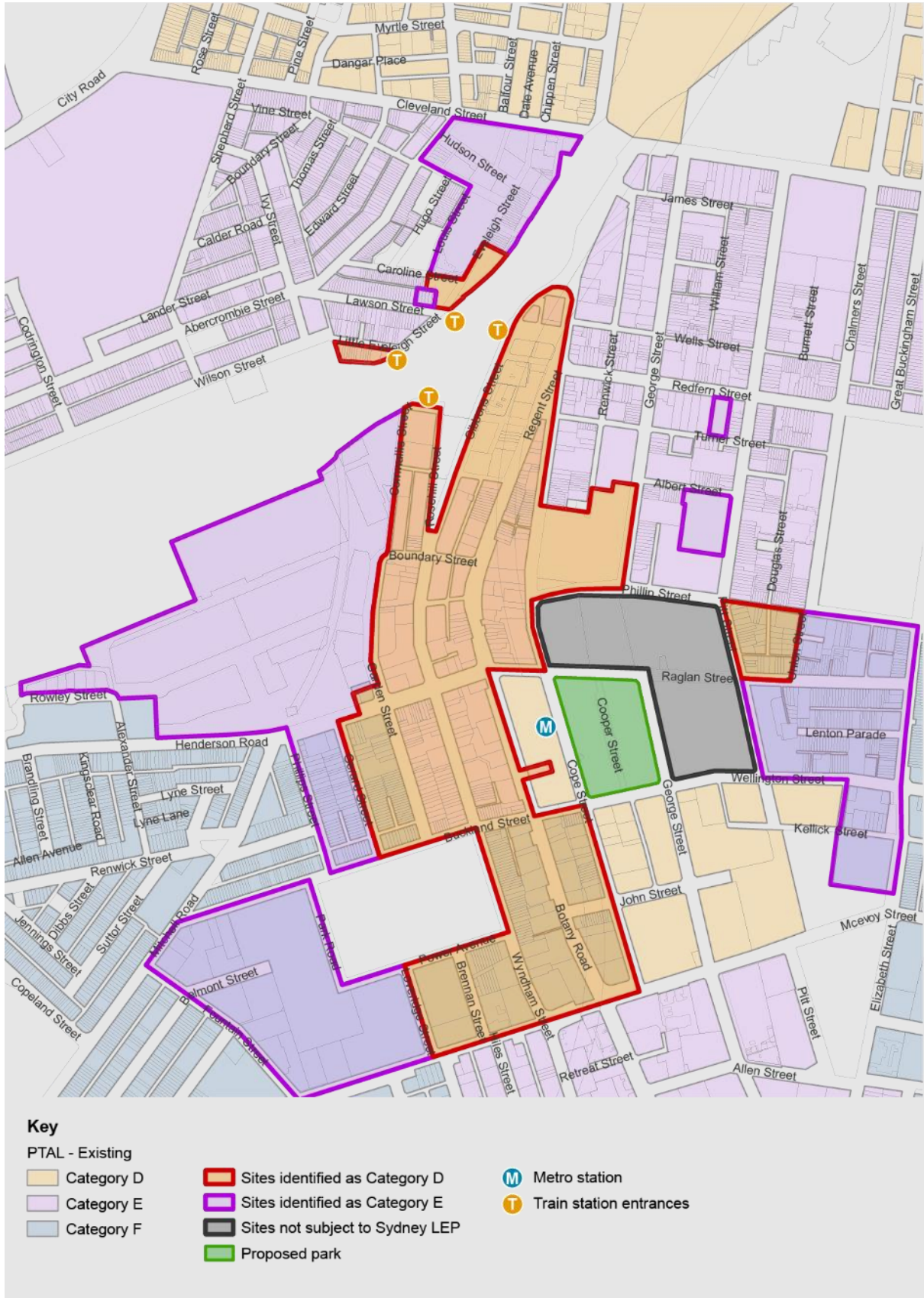


Figure 12. Public transport accessibility map for Waterloo

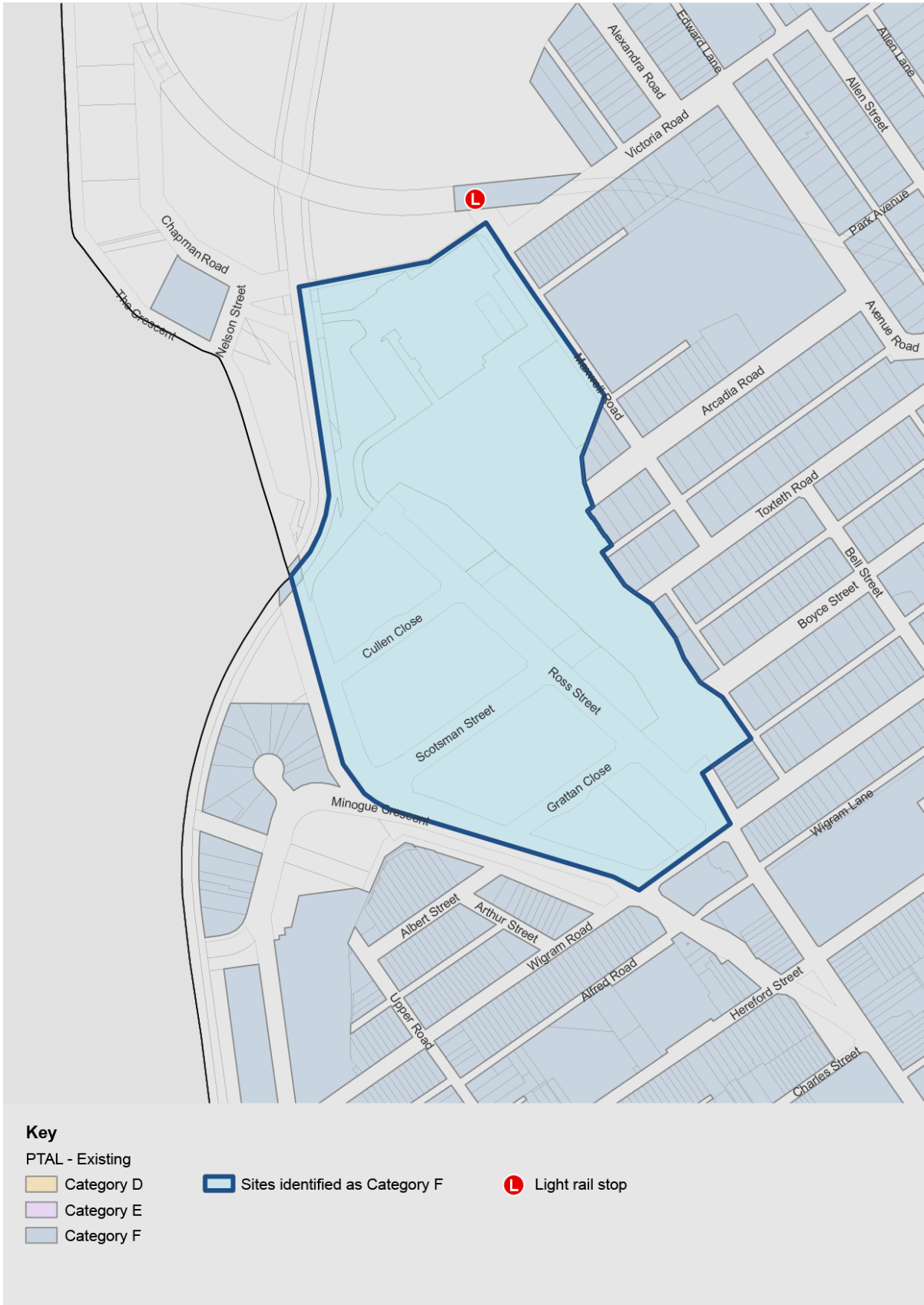


Harold Park

Harold Park is being introduced to Sydney LEP and so requires LUTI and PTAL maps to cover the area. The existing parking rates for the Harold Park LEP are equivalent to the existing Category C and F parking rates in Sydney LEP. The proposed gradings match the surrounding area, being LUTI C and PTAL F.

While Harold Park is on a light rail line, and the L1 Dulwich Hill line has been extended and had service frequencies increase since the last PTAL and LUTI map updates, no change is proposed to the existing grading in the area. The City is aware that the extension of the light rail line has increased patronage and congestion on the line, so the increase in frequencies has not resulted in a real improved service outcome for residents living on the original part of the light rail line in Forest Lodge, Glebe and Pyrmont.

Figure 14. Public transport accessibility map for Harold Park



Central Park

The Central Park development site will be brought into Sydney LEP, and so requires PTAL and LUTI mapping to cover the area. The PTAL and LUTI gradings are proposed to match the surrounding area, which is LUTI A and PTAL D.

Figure 15. Land use and transport integration map for Central Park



Figure 16. Public transport accessibility map for Central Park



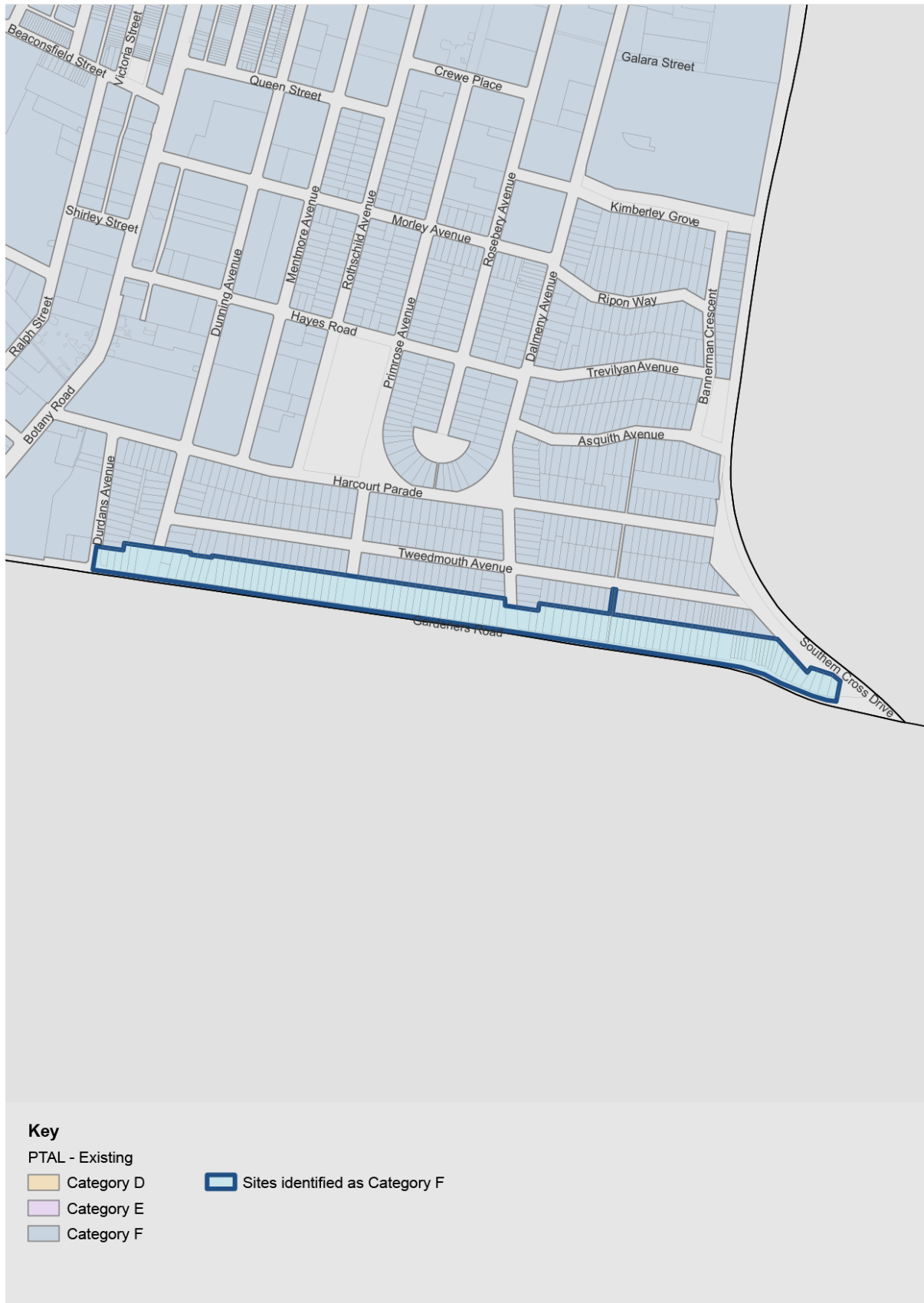
216 – 412 Gardeners Road, Rosebery

The sites fronting Gardeners Road in Rosebery that are currently under South Sydney LEP 1997, being 216 – 412 Gardeners Road, are proposed to be brought into Sydney LEP. The proposed PTAL and LUTI gradings match the surrounding area, which is LUTI C and PTAL F.

Figure 17. Land use and transport integration map for Gardeners Road



Figure 18. Public transport accessibility map for Gardeners Road



Glebe Affordable Housing Project

The sites that make up the Glebe Affordable Housing Project is currently under their own LEP and are proposed to be brought into Sydney LEP. The proposed PTAL and LUTI gradings match the surrounding area, which is LUTI B and PTAL F.

Figure 19. Land use & transport integration map for Glebe Affordable Housing Project



Figure 20. Public transport accessibility map for Glebe Affordable Housing Project



257 Sussex Street

To correct an omission in SLEP 2012, PTAL and LUTI gradings are proposed to be applied to 257 Sussex Street, Sydney. The proposed PTAL and LUTI gradings match the surrounding area, which is LUTI A and PTAL D.

Figure 21. Land use and transport integration map for 257 Sussex Street, Sydney

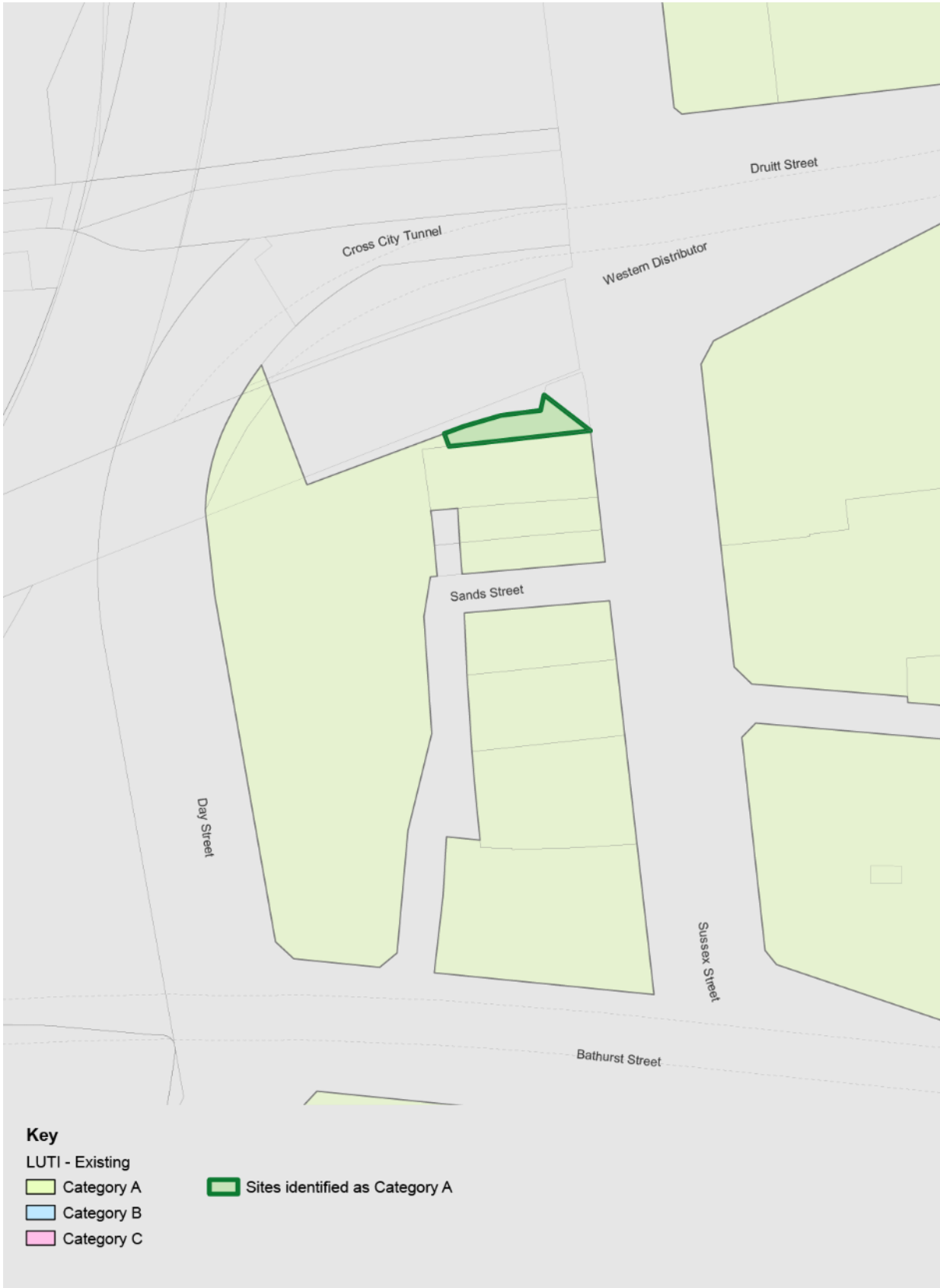
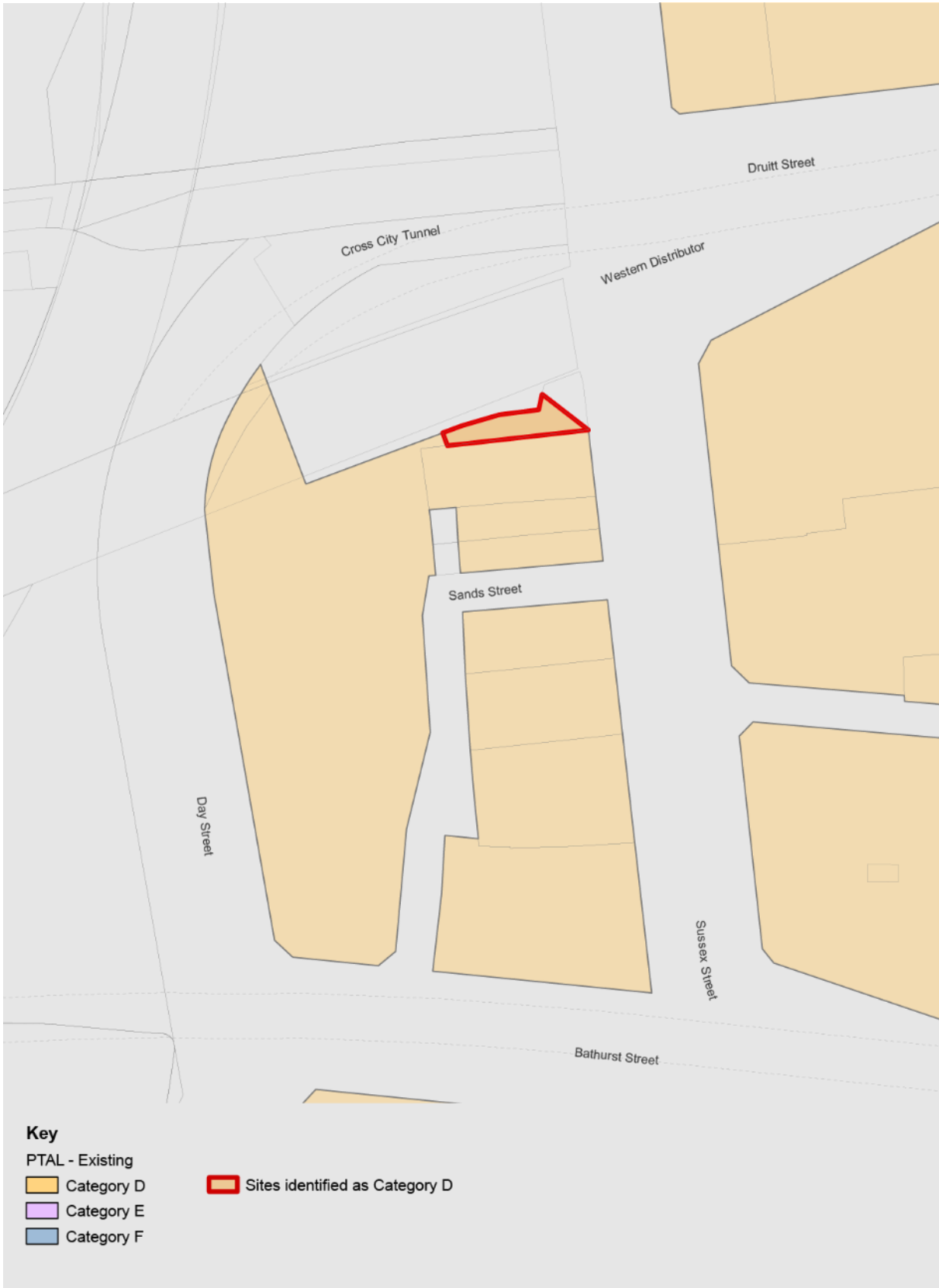


Figure 22. Public transport accessibility map for 257 Sussex Street, Sydney



Parking rates for multi-unit residential development

The City's current parking rates were originally developed as part of Sydney LEP 2012 in line with the broad approach of reducing the impacts of parking by ensuring provision is closely aligned with actual need. As there is a financial incentive to sell or lease parking with dwellings, the market will tend to oversupply residential parking spaces compared to demand.

Potential oversupply of parking in new residential developments has many detrimental effects. Basement car parking adds to construction and purchase costs, and lighting and air circulation adds to the energy demands and operational expenses of buildings. It reduces the supply of lower cost, parking-free housing for people who do not need to own a car.

Potential oversupply can also result in increased car ownership and associated traffic impacts in excess of those caused by genuine need. This contributes to avoidable congestion and impacts those who need the road for economic uses, social needs, family or disability-related requirements.

The City's research has found that car ownership is currently lower than the parking rates set in Sydney LEP 2012 for some apartment types and accessibility levels, particularly smaller apartments in high accessibility areas. This means there is room for adjustment of maximum parking rates to ensure there is no overprovision.

Parking rates for larger apartments with three or more bedrooms in the LUTI A area, which covers Central Sydney and other high accessibility areas, are proposed to be kept at 1 per dwelling even though current car ownership rates in that area are less. This is part of a broader strategy to accommodate families living in apartments in the inner city and reflects the expansion of the LUTI A areas to suburbs outside Central Sydney.

The parking rates for boarding houses are proposed to apply to co-living housing, which is a new land use introduced by the NSW Government, equivalent to boarding houses.

Table 2 shows the proposed new parking rates for residential flat buildings, dual occupancies and multi-unit dwelling housing, with changed rates shown in strikethrough.

Table 2. Proposed maximum parking rates for residential flat buildings

	LUTI A	LUTI B	LUTI C
Studio	0.1	0.2 0.15	0.4 0.3
1 BD	0.3 0.25	0.4	0.5
2 BD	0.7 0.5	0.8 0.7	1 0.9
3+ BD	1	1.1 1	1.2

Savings provisions

The proposed rates will apply to any development application lodged after the making of this Local Environmental Plan. For site-specific planning proposals which have included comprehensive parking and traffic assessments, a savings provision may be requested so that the parking rates as of December 2023 will apply when an application is lodged.

Development at 118-130 Epsom Road, Zetland will be subject to such a savings provision. This will cap parking on this site to approximately 830 parking spaces, which is 40 more than the 790 cap under the proposed controls. The difference is minor, approximately 5 per cent of the total.

Additional sites may be identified during the public exhibition process.

Parking rates for dwelling houses

The majority of single dwellings have a currently have a maximum cap of 2 car spaces.

The proposed change to the accessibility maps will result in some existing dwelling houses changing from having a cap of two on-site spaces to a cap of one on-site space. While the planning controls do not change anything for existing development, dwellings undergoing a development application for a major renovation or a rebuild may be subject to the reduced cap. Under the City's neighbourhood parking policy, any actual reduction in on-site parking would have a direct impact for on-street parking permits.

To avoid this unintended outcome and simplify the parking controls across the LGA for houses, it is proposed to apply the cap rate of two parking spaces per dwelling regardless of accessibility area.

While the proposed rate results in an increase in potential parking rates for houses in the LUTI A category and small houses in the LUTI B category, the City does not expect growth of new housing stock to be in the form of new detached, semi-detached or attached dwellings in conservation areas, so the wider traffic implications from the increased maximum parking rate are negligible. Because the rate is a maximum, for practical reasons of site size and lot layout, renovations and rebuilds of properties in LUTI A and B with one or zero existing parking spaces are very unlikely to increase the amount of parking.

Parking rates for commercial development

Private vehicle parking rates for office premises and business premises are currently set according to the three PTAL accessibility levels. The rate is calculated in two ways depending on the size of the development. For small developments the amount is calculated on a per square metre of gross floor area rate, and for large developments the amount is calculated on the site area of the development using a formula.

Central Sydney and high accessibility areas

Currently Central Sydney is included in the PTAL D area grading along with other high accessibility areas across the local area.

Since the current parking rates were developed for Sydney LEP 2012, there has been an approximate halving of the mode share of trips to work in Central Sydney by private vehicle. In addition, there is a significantly changed transport context in the area as a result of the recent George Street light rail and future Sydney Metro projects.

This changed context means that Central Sydney requires a bespoke approach compared to other high accessibility areas graded as PTAL D. Accordingly, a new accessibility area is proposed to apply for commercial development in the Central Sydney area. PTAL D will remain but will apply to other high accessibility areas outside the Central Sydney boundaries, including proposed new areas such as Pymont and Waterloo.

The proposed rates for Central Sydney, when applied to a range of example developments, will result in approximately half the current maximum parking rate.

The proposed rates for PTAL D are also proposed to be reduced, to result in approximately a 1/3 reduction compared to the current rate.

Medium and low accessibility areas

The City has a broad objective of encouraging growth of employment floor space in strategic locations outside Central Sydney, including Green Square Town Centre and the Southern Enterprise Area.

In addition, these areas do not benefit from being the centre of Greater Sydney's radial transport network, making public transport access for workers from diverse parts of Sydney, including within the local area, far from guaranteed.

Therefore, there is no proposed change to the rates that apply within the low and medium accessibility categories.

The rates for PTAL E and F are not proposed to change, the rates for PTAL D are proposed to be reduced, and a new rate area is proposed for Central Sydney.

Table 3 below shows the new rates for office premises or business premises with changes shown in strikethrough.

Table 3. Proposed maximum private vehicle parking rates for office premises or business premises

Central Sydney	PTAL D	PTAL E	PTAL F
Under 3:1 FSR: 1 per 300 sqm GFA	Under 3.5:1 3:1 FSR: 1 per 175 225 sqm GFA	Under 2.5:1 FSR: 1 per 125 sqm GFA	Under 1.5:1 FSR: 1 per 75 sqm GFA
for buildings over 3:1 FSR: Formula denominator: 100	for buildings over 3.5:1 3:1 FSR: Formula denominator: 50 75	for buildings over 2.5:1 FSR: Formula denominator: 50	for buildings over 1.5:1 FSR: Formula denominator: 50

Formula change

The formula used for larger development subject to a site area based parking rate calculation is proposed to be updated, without changing its functionality.

The formula serves two functions, first to establish the proportion of total floor space that is relevant to the calculation (being for office of business premises), and then to apply the site area division. However, it is structured in away that confuses the two purposes, so it is not immediately clear that the rate is a relatively simple site area based calculation.

The proposed change shown below separates the part of the formula that deals with the proportion of relevant floor space in a mixed-use development, and the part that applies a site area based calculation. The first part can be dismissed in a development that is not mixed use.

Sydney LEP 2012	Proposed change
$M = (G \times A) \div (50 \times T)$	$M = \frac{G}{T} \times \frac{A}{x}$

Where—

- M is the maximum number of parking spaces, and
- G is the gross floor area of all office premises and business premises in the building in square metres, and
- T is the total gross floor area of all buildings on the site in square metres,
- A is the site area in square metres, and
- x is the relevant denominator for the parking rate.

Parking rates for retail development

As with commercial rates, the parking rates for retail land uses are not proposed to change in PTAL E and F location areas. In PTAL D the site area-based rate is proposed to align with commercial, with the FSR limit changing to 3:1 and the formula denominator changing to 75. The proposed rates are shown at Table 4 with changes shown in strikethrough.

There is no Central Sydney rate proposed, so the PTAL D rate will apply in Central Sydney.

Table 4. Proposed maximum parking rates for retail development

PTAL D	PTAL E	PTAL F
for buildings under 3.5:1 3:1 FSR: 1 per 90 sqm	1 per 60 sqm	1 per 50 sqm
for buildings over 3.5:1 3:1 Formula denominator: 50 75		

Hotels and serviced apartments

In Sydney LEP 2012, hotels and serviced apartments have the same maximum parking rate across the local area, regardless of accessibility grading. The rate is one per four bedrooms for the first 100 bedrooms and decreases to one per five bedrooms for the remainder.

Rates based on accessibility grading are necessary to recognise the different roles of hotels in different parts of the local area. The City's research shows that hotels and serviced apartments in Central Sydney rarely provide parking, but if they were to provide the existing rate it would represent a large provision compared to the needs of guests. However, guests of hotels and serviced apartments outside Central Sydney and in less accessible areas may have greater need for the use of a private car.

The current LEP uses the term bedrooms rather than rooms, which has caused misunderstandings in development applications. This is particularly an issue with serviced apartments that tend to have more bedrooms per unit than hotels.

To address these, the proposed new rates are different for Central Sydney and the three accessibility gradings and are by self-contained room or dwelling instead of bedroom. The rates are shown at Table 5.

Table 5. Parking rates for hotels and serviced apartments

Central Sydney	PTAL D	PTAL E	PTAL F
1 per 10 rooms	1 per 5 rooms	1 per 5 rooms	1 per 4 rooms

Bicycle parking devices as exempt development

The City recognises that insufficient bike parking facilities in existing development can reduce the convenience of bike ownership and cycling as a transport mode. While Sydney DCP 2012 includes minimum requirements for bicycle parking in new development, older buildings may not have sufficient bike parking to meet contemporary ownership rates.

Bicycle parking devices, as defined in Australian Standard 2890.3-2015, are structures that are made of high security material designed to provide stability to bicycles placed in or against the device and allow the bicycle to be securely attached with a chain. The schedule 2 clause has been drafted to include descriptions of the types of bicycle parking that are included in this definition, being a rack, a rail and a locker. In the Australian Standard terminology these are broadly Class A (bike locker) and Class C (bike rail or rack) bike parking facilities.

The definition does not include bicycle parking facilities or bike cages, which are more impactful development types suitable of holding many bicycles within a secure lockable area. These are referred to as Class B facilities in the Australian Standard. Retrofitting a development with a Class B facility has a higher potential impact and therefore is appropriate to be subject to development assessment.

Class A and Class C bicycle parking devices are small and low impact. They are not included in State Environmental Planning Policy (Exempt and Complying Development) 2008 along with other similar low impact development, so it is necessary to include them in Schedule 2 Exempt Development of this LEP.

Including the installation of these devices as exempt development will allow existing developments, including residential buildings, retail premises, commercial offices, and all other types of development, to install simple bike racks or rails. It will also allow the conversion of existing car parking spaces to up to three bike parking spaces by following Australian Standard 2890.3-2015.

Changes to the development control plan have replaced the previous requirement for development to provide the required number of bike parking spaces for residential dwellings in the form of secure bike lockers or general purpose storage units, with a requirement to use Class B lockable areas. If residents require higher security Class A storage, for example for high value bikes, then ensuring bike lockers are exempt development will enable them to install these without development consent.

While there may be other approvals required in order to install a bicycle parking device, including strata approval in residential buildings, by making the development exempt in the LEP approvals can be as straightforward as possible.

The exempt provision will only apply to bicycle parking devices installed within existing development. The provision will not affect delivery in public spaces.

Places of public worship and entertainment facilities

Two land uses – places of public worship and entertainment facilities – currently have the same maximum parking control in the LEP. This control is 1 space per 10 seats, or 1 space per 30 square metres, whichever is higher.

In practice, these land uses are relatively rare in new development applications, especially those subject to local planning controls. This means there is little basis for a maximum parking rate to exist in the LEP to control inappropriate parking provision or excessive trip generation.

Being a maximum parking rate in the LEP it is possible to be interpreted as an automatic entitlement of parking spaces. This can result in mixed-use development with a component of these land uses proposing high amounts of parking without sufficient justification.

By removing the land uses from the maximum parking rates, development applications will be required to provide a Parking and Access Report in accordance with section 3.11.4 of the DCP. This ensures the amount of parking proposed is justified with reference to the requirements in Schedule 7.5 of the DCP such as estimated demand and the accessibility of the site by non-car modes and determined by Council through development assessment.

EV chargers as exempt development

Electric vehicle charging units are exempt development in a range of contexts by way of State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2, Part 2.3, Division 17, Subdivision 3. Clause 2.124D makes installation of a charger in a car park exempt development.

However, the land use term “car park” typically refers to a public car park. It is not clear whether the exempt provision applies to car parking ancillary to other development, such as on-site parking for residents in an apartment building.

Including electric vehicle chargers in Schedule 2 of the LEP ensures the exempt provision applies for car parking ancillary to other development. This will help support the retrofitting of electric vehicle chargers in existing development, ensuring there are no planning barriers in place.

Making EV chargers exempt development does not override other regulatory and compliance measures that may be in place. For example, EV chargers in residential buildings will require strata approval and by-laws in place (at such time, questions about power supply and load management can be dealt with), and conditions of consent will ensure parking spaces cannot be reappropriated

from their intended use (visitor bays cannot be used for residents' private use to charge their car, for instance).

Community EV charging areas excluded from car parking space interpretation

Clause 7.2 (1) of Sydney LEP provides clarification for the types of parking bays that are considered on-site "car parking spaces" for the purposes of setting maximum amounts of parking.

Community electric charging areas are publicly accessible parking spaces equipped with rapid charging stations for the use of local residents, workers and visitors. Their purpose is to service electric vehicle owners who do not have charging facilities at their place of residence, workplace or accommodation.

The DCP includes provisions to define them as being at least Level 3 50kW direct current chargers, and publicly accessible 24 hours a day, and requires they be individually metered, have payment systems built in, and be powered by 100% renewable energy. The DCP also sets maximum rates of provision, based on a proportion of maximum parking spaces under Sydney LEP.

To ensure these requirements are applied even when the DCP may not apply, a community electric vehicle charger is defined in the LEP as having some of the above requirements.

Because community electric vehicle chargers provide a public benefit to the community, and they are not strictly ancillary to the development they are contained in, it is appropriate that they are excluded from calculating the maximum permissible number of parking spaces in a development.

By including community electric vehicle charging spaces in Clause 7.2 (1), the spaces will not be counted towards the maximum number of permissible parking spaces in development that includes them.

The existing types of parking bays that are not considered car parking spaces for the purposes of the division include car share bays, spaces in public car parks, loading bays and bicycle parking.

There is no requirement to provide community electric vehicle charging spaces in any development. Their provision would be at the discretion of the proponent.

Existing developments may install any type of electric vehicle charger, including community electric vehicle chargers, under the exempt development provision outlined above and the existing exempt provision in the SEPP. The provisions of the DCP and the LEP definition would not apply as it is the charger that is exempt development not its type or use. The additional requirements for community electric vehicle chargers are only intended to apply where they are not contributing to the maximum permissible number of parking spaces.

Drafting instructions

1. Insert a new definition for "community electric vehicle charging space" in clause 7.2 Interpretation to the effect of:

Community electric vehicle charging space means a car parking space in a building, that:

- i. is publicly accessible to any person 24 hours a day for the purposes of charging electric vehicles
- ii. is used exclusively to charge the batteries of electric vehicles using a direct current (DC) electric vehicle charging standard of at least 50 kilowatts
- iii. Is not to be used by non-electric vehicles at any time
- iv. includes a payment system to charge users for their usage
- v. has net zero emissions from energy used, including by using renewable energy generated on-site and off-site.

2. Insert a new exception (f) “a community electric vehicle charging space” into the list of spaces that are not included in the definition of a car parking space.
3. Amend clause 7.4 Dwelling houses, attached dwellings and semi-detached dwellings, so that the maximum number of parking spaces is 2 spaces for each dwelling in all land category areas.
4. Amend clause 7.5 to amend the provision for the maximum number of parking spaces for development for the purposes of residential flat buildings, dual occupancies, multi dwelling housing, boarding houses and co-living housing with the following:
 - a. on land in category A—
 - i. for each studio dwelling—0.1 spaces, and
 - ii. for each 1 bedroom dwelling—0.25 spaces, and
 - iii. for each 2 bedroom dwelling—0.5 spaces, and
 - iv. for each 3 or more bedroom dwelling— 1 space
 - b. on land in category B—
 - i. for each studio dwelling—0.15 spaces, and
 - ii. for each 1 bedroom dwelling—0.4 spaces, and
 - iii. for each 2 bedroom dwelling—0.7 spaces, and
 - iv. for each 3 or more bedroom dwelling—1 spaces, and
 - v. for each dwelling up to 30 dwellings—0.167 spaces, and
 - vi. for each dwelling more than 30 and up to 70 dwellings—0.1 spaces, and
 - vii. for each dwelling more than 70 dwellings—0.05 spaces,
 - c. on land in category C—
 - i. for each studio dwelling—0.3 spaces, and
 - ii. for each 1 bedroom dwelling—0.5 spaces, and
 - iii. for each 2 bedroom dwelling—0.9 spaces, and
 - iv. for each 3 or more bedroom dwelling—1.2 spaces,
 - v. for each dwelling up to 30 dwellings—0.2 spaces, and
 - vi. for each dwelling more than 30 and up to 70 dwellings—0.125 spaces, and
 - vii. for each dwelling more than 70 dwellings—0.067 spaces.
5. Insert the following provision in clause 7.5 in order to ensure that the amount of visitor parking spaces is proportionate to the amount of total car parking spaces being provided:
 - a. Where development provides less than the maximum number of car parking spaces referred to in (b)(i)-(iii) or (c)(i)-(iii), it must provide a minimum number of visitor parking spaces referred to in (1)(b)(v)-(vii) or (c)(v)-(vii) in accordance with the following formula—

$$M = V \times \frac{T}{R}$$

where—

1. M is the minimum number of visitor parking spaces required, and
2. V is the maximum number of visitor parking spaces permissible, and
3. T is the total number of resident parking spaces provided, and
4. R is the maximum number of resident parking spaces permissible.

6. Insert a savings provision for land at 118-130 Epsom Road, Zetland so that the maximum number of car parking spaces is the number permissible under Sydney LEP 2012 as at December 2023.
7. Amend clause 7.6 to amend the provision for the maximum number of parking spaces for development for the purposes of office premises and business premises on land in category D with the following:

if the building has a floor space ratio of no more than 3:1—1 space for each 225 square metres of gross floor area of the building used for those purposes,

if the building is on land in category D and has a floor space ratio of more than 3:1 the following formula is to be used—

$$M = \frac{G}{T} \times \frac{A}{75}$$

where—

5. M is the maximum number of parking spaces, and
 6. G is the gross floor area of all office premises and business premises in the building in square metres, and
 7. T is the total gross floor area of all buildings on the site in square metres, and
 8. A is the site area in square metres.
8. Insert a provision in clause 7.6 for the maximum number of parking spaces for development for the purposes of office premises and business premises on land identified as Central Sydney in the Locality and Site Identification Map, notwithstanding any other land category:

if the building has a floor space ratio of no more than 3:1—1 space for each 300 square metres of gross floor area of the building used for those purposes

if the building has a floor space ratio of more than 3:1 the following formula is to be used—

$$M = \frac{G}{T} \times \frac{A}{100}$$

where—

9. M is the maximum number of parking spaces, and
 10. G is the gross floor area of all office premises and business premises in the building in square metres, and
 11. T is the total gross floor area of all buildings on the site in square metres, and
 12. A is the site area in square metres.
9. Amend the formula shown in clause 7.6 (d) to apply only to development for the purposes of office premises and business premises on land in category E or F and has a floor space ratio greater than that specified in the respective provision to the following:

$$M = \frac{G}{T} \times \frac{A}{50}$$

where—

13. M is the maximum number of parking spaces, and
14. G is the gross floor area of all office premises and business premises in the building in square metres, and
15. T is the total gross floor area of all buildings on the site in square metres, and
16. A is the site area in square metres.

10. Amend clause 7.7 to amend the provision for the maximum number of parking spaces for development for the purposes of retail premises on land in category D with the following:
- if the building has a floor space ratio of no more than 3:1—1 space per 90 square metres of gross floor area of the building used for those purposes,
 - if the building has a floor space ratio greater than 3:1, the following formula is to be used—

$$M = \frac{G}{T} \times \frac{A}{75}$$

where—

- 17. M is the maximum number of parking spaces, and
 - 18. G is the gross floor area of all office premises and business premises in the building in square metres, and
 - 19. T is the total gross floor area of all buildings on the site in square metres, and
 - 20. A is the site area in square metres.
11. Amend clause 7.9 to amend the provision for the maximum number of parking spaces for development for the purposes of serviced apartments and hotel or motel accommodation with the following:
- if the building is on land identified as Central Sydney in the Locality and Site Identification Map—1 space per 10 rooms,
 - if the building is on land in category D or E and not on land identified as Central Sydney in the Locality and Site Identification Map—1 space per 5 rooms,
 - if the building is on land in category F—1 space per 4 rooms.
12. Include a note to clarify that room refers to a self-contained hotel or motel room or serviced apartment premises.
13. Amend clause 7.9 to remove the provision for the maximum number of parking spaces for development for the purposes of places of public worship and entertainment facilities.
14. Amend Sydney LEP 2012 and the Green Square Town Centre LEPs to include exempt development provisions for bicycle parking devices within existing developments.
15. Insert the following definition to support the exempt development provisions for bicycle parking devices:
- bicycle parking device** means a fixture constructed of high security material designed to provide stability to bicycles placed in or against the device, including racks and rails, or a high security, enclosed lockable space designed to park one bicycle within it, including a bicycle locker
16. Include criteria to require bicycle parking devices installed under the exempt provisions be in accordance with Australian Standard AS 2890.3-2015.
17. Include a note that on strata titled land, the bicycle parking devices may need to be approved by the Owner's Corporation.
18. Amend Sydney LEP 2012 and the Green Square Town Centre LEPs to include exempt development provisions for electric vehicle charging units within an approved car parking area in an existing development.
19. Include criteria to ensure the exempt development provisions do not apply to advertising-enabled electric vehicle charging units, as defined in State Environmental Planning Policy (Transport and Infrastructure) 2021.
20. Include a note that on strata titled land, electric vehicle charging units may need to be approved by the Owner's Corporation.

Amendment 5 – Protection of sun access to Gunyama Park and Cook and Phillip Park

Objectives and intended outcomes

1. To protect the amenity of Gunyama Park, Zetland by introducing new sun access plane controls to maintain sunlight access to the park.
2. To protect the amenity of the western part of Cook & Phillip Park, Sydney, by introducing new sun access plane controls to maintain sunlight access to the park.

Site identification

This amendment proposes to introduce new controls in Sydney LEP to ensure future sunlight access to the following parks:

Gunyama Park, Zetland

Gunyama Park provides the main public open space for active and passive recreation for the Green Square community and those living further afield. The park is located at street address 17 Zetland Avenue, immediately south-east of the intersection of Zetland Avenue and Joynton Avenue. It has an area of approximately 3 hectares.

Stage 1 of the park, which comprises 75% of the park's area, has been completed and opened to the public. Stage 1 land includes a pool and gym complex, synthetic sports field and landscaping. Stage 2 covers the remainder of the site and is under construction. This area will include a skate bowl, playground, sports field amenities recreation space and natural landscaping. Figure 23 below shows the park's location and identifies the area to be protected by proposed sun access controls.

Figure 23. Gunyama Park location and area to be protected



Cook and Phillip Park, Sydney

Cook and Phillip Park is one of the City of Sydney’s earliest public parks. The park is located adjacent to and on the east side of Hyde Park, and is bound by College, Cathedral and William Streets.

Yurong Parkway divides the park into two areas. It is further split into distinct land use areas: the Aquatic and Fitness Centre; the park, green space and mature trees; and the outdoor sports courts and community facilities to the east of Yurong Parkway. Figure 24 below shows the park’s location and shading identifies the area that will be protected by proposed sun access controls, noting that proposed controls will only apply to land to the west of Yurong Parkway.

Figure 24. Cook and Phillip Park location and area to be protected



Explanation

This amendment proposes the following changes to Sydney LEP 2012:

1. New controls in Clause 6.17 Sun access planes to protect sunlight access to Gunyama Park between 9:00am and 3:00pm all year.
2. New controls in Clause 6.18 Overshadowing of certain public places to protect sunlight access to the western park of Cook and Phillip Park between 9:00am to 2:00pm all year.
3. New provisions in Schedule 6A – sun access planes to include technical descriptions of proposed sun access planes
4. An amendment to Sun Access Protection maps to identify the parks that will be protected by this amendment
5. Some minor technical ‘housekeeping’ changes.

These new controls are described in detail below. Technical details including map coordinates are included in the drafting instructions section of this amendment.

Sun access plane controls to Gunyama Park

Clause 6.17 Sun access planes of Sydney LEP 2012 will be amended by adding Gunyama Park to the list of identified protected places in subclause 6.17(4) to protect sunlight all year from 9:00am to 3:00pm.

The sun access planes that protect sun access to Gunyama Park will be described in Schedule 6A – sun access planes. Each plane is described using one or two points - identified by mapping grid coordinates and Reduced Level (RL) to AHD, and a specified horizontal bearing and a vertical angle.

Gunyama Park is also to be identified on the Sun Access Protection map as “Land Protected by Sun Access Planes”. This map is included at Appendix B Local Environmental Plan Map Book of this planning proposal. Figure 25 below shows the area to be protected as an extract from the proposed amended Sun Access Protection Map in Sydney LEP 2012.

Figure 25. Gunyama Park – land protected by sun access planes



Development proposed on land affected by sun access planes will need to consider Clause 6.17 of Sydney LEP 2012. Under the clause, development consent will not be granted if a building projects higher than any part of a sun access plane. Minor exceptions may be allowed for maintenance or refurbishment if a building already projects higher than a sun access plane.

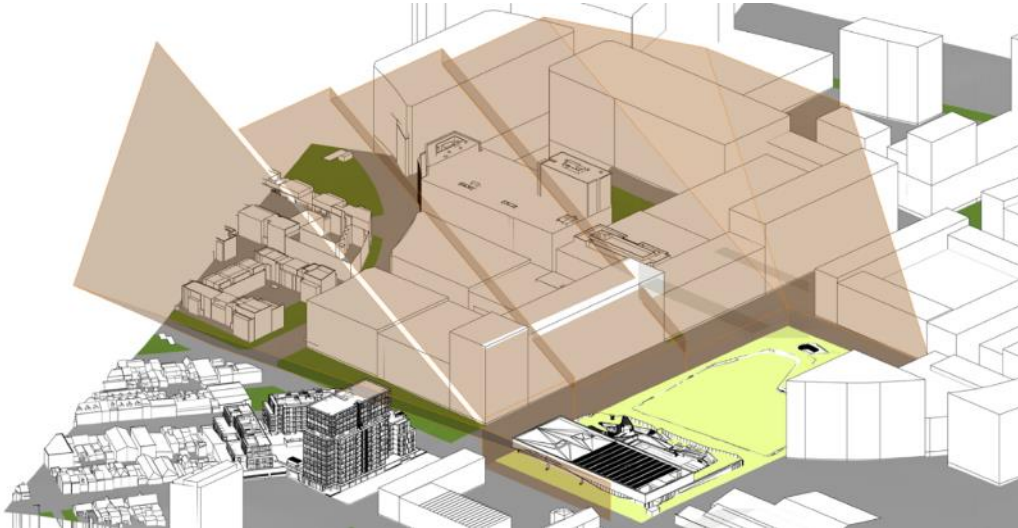
Indicative maximum building height limits under the proposed sun access planes are shown in the contour diagram in Figure 26 below, which is to be incorporated in Sydney DCP 2012.

Part of the sun access plane to the northern edge of the park along Zetland Avenue is up to 3 metres lower than the maximum building height permitted on 130 Joynton Avenue, Zetland if built to the boundary edge and not setback at the upper level. This difference is indicated by the white protruding volume in the axonometric diagram in Figure 27. Despite this, height in storeys and upper setback controls in Sydney DCP 2012 will restrict building height below the proposed sun access plane.

Figure 26. Indicative sun access plane height limits protecting Gunyama Park



Figure 27. Intersection of height of building controls and proposed sun access plane



Overshadowing of certain public places – Cook and Phillip Park (West)

Clause 6.18 - Overshadowing of certain public places will be amended by adding Cook and Phillip Park (West) to the list of protected places in Subclause 6.18(2).

Additional overshadowing is not to exceed “theoretical” overshadowing from a shadow that would be cast by a wall constructed to RL 37.6m along the southern alignment of St Mary’s Cathedral plus any other existing overshadowing that already occurs. This approach allows for future alterations and additions to buildings immediately east of St Mary’s Cathedral which includes Cathedral House and St Mary’s Cathedral College.

A vertical plane will be described at RL 37.6m, similar to clauses 6.18(3) and 6.18(4) in Sydney LEP 2012, which describe existing overshadowing and limit additional overshadowing to Pitt Street Mall and Macquarie Place respectively.

No additional overshadowing is to occur throughout the year from 9:00am to 2:00pm.

A new subclause in Sydney LEP 2012 will include coordinates to define the wall at RL 37.6m. This wall would align with the southern façade of the St Mary’s Cathedral main building as indicated by the Cook & Phillip Park control line drawn in Figure 28 below.

Proposals for development on surrounding and nearby land will need to consider the provisions of Clause 6.18 of Sydney LEP 2012 to ensure that the development will not result in any additional overshadowing during the specified times and dates.

Cook and Phillip Park (West of Yurong Parkway) will be identified on the Sun Access Protection map as “Land Protected by Clause 6.18”. This map is included at Appendix B Local Environmental Plan Map Book of this planning proposal. Figure 29 below shows the area to be protected as an extract from the Sun Access Protection Map. Figure 30 shows the height contours for buildings to the east of Cook and Phillip Park to ensure no additional overshadowing. The height limits start at approximately 50m RL immediately east along the park boundary, rapidly rising to 150 metres RL within two blocks east of the park. These height limits are substantially higher than existing residential towers adjacent to the park and along William Street.

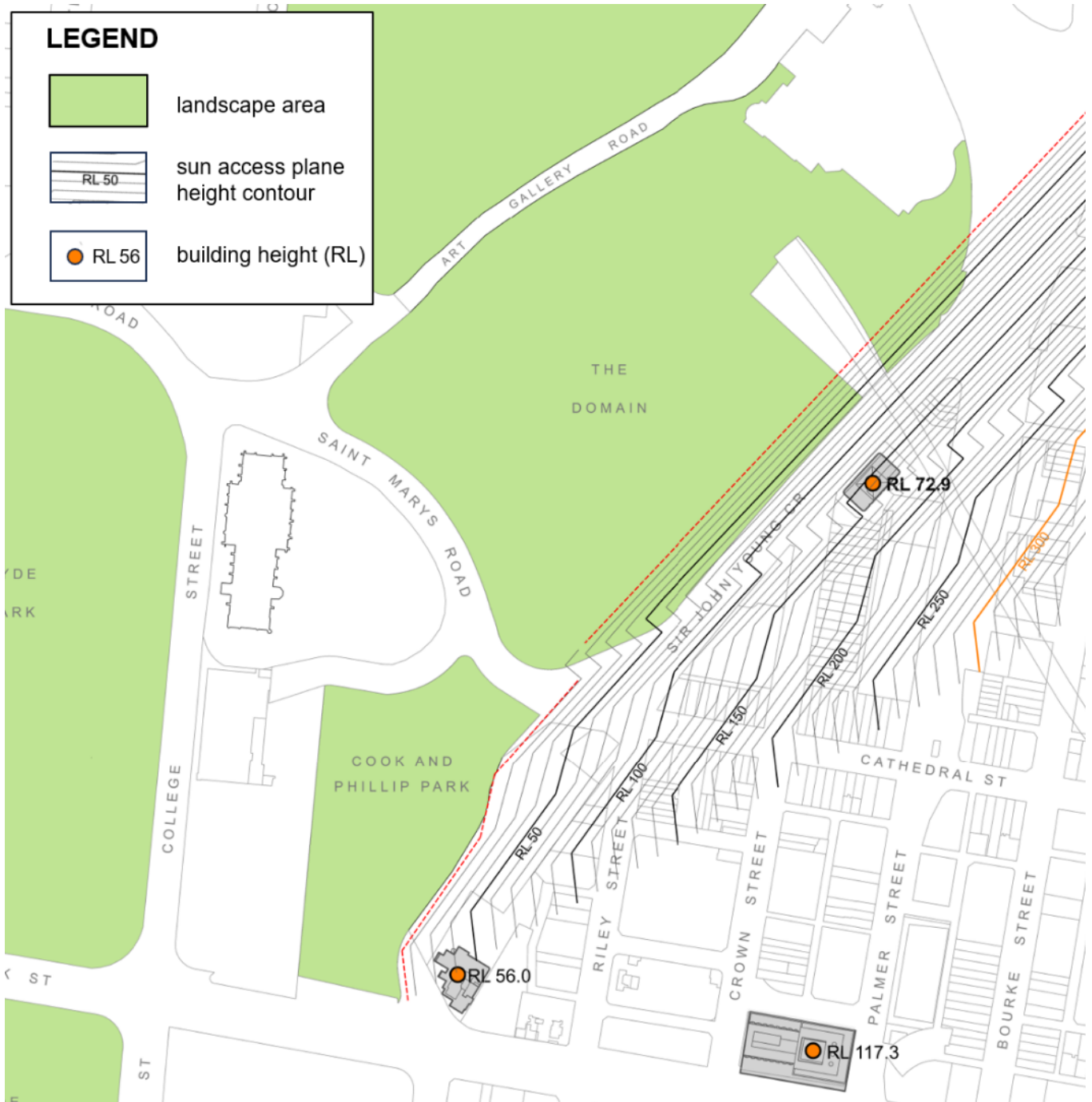
Figure 28. Cook and Phillip Park No Additional Overshadowing height control line



Figure 29. Cook and Phillip Park - Land protected by clause 6.18 of LEP



Figure 30. Cook and Phillip Park - Indicative overshadowing control height limits



Miscellaneous housekeeping changes

All Sun Access Protection Maps will be amended to remove land currently identified as “Land Affected by Sun Protection Controls”. This land is identified for guidance purposes only to show land where development height may be restricted by a sun access plane. As it does not illustrate a control in Sydney LEP 2012, the information is better included as a DCP control, noting that contour diagrams in Section 5.1.7 Sun protection of public parks and places in Sydney DCP 2012 already provides this guidance.

Justification

Background

Two sun protection controls in Sydney LEP 2012 limit heights to protect sunlight to important public parks and places. Those controls Clause 6.17 Sun Access Plane (SAP) and Clause 6.18 Overshadowing to Certain Public Places (often described as No Additional Overshadowing (NAO) controls). All places protected by SAPs and NAO controls establish dates and times for their protection.

Protecting sun access to public places to maximise amenity

Maintaining sunlight to important public parks and places maximises the community's amenity and enjoyment and allows for the growth of plants and trees. People's use and enjoyment of parks and places is directly affected by the amount of sunlight. People typically seek out the sun throughout most of the year, only seeking out shade in public places for a short period within summer.

Protecting sun access to parks and places within the City of Sydney is aligns with the following sustainability priority in City Plan 2036: Local Strategic Planning Statement:

S1 - Protecting and enhancing the natural environment for a resilient city

To improve the city's waterways, biodiversity corridors, green spaces and tree canopy to support the environment and a healthy community.

Drafting instructions

1. Add the following places with the specified periods and times of protection as described, to Clause 6.17(4) in Sydney LEP 2012

Place	Period of protection	Times of protection
Gunyama Park	All year	9:00am to 3:00pm

2. Amend Schedule 6A Sun access planes in Sydney LEP 2012 to include a description of sun access planes for Gunyama Park in accordance with the information in the following table*:

PLANE	POINT	EASTING	NORTHING	RL	bearing (deg.)	angle
Gunyama Park sun access planes						
1	A	X=334207.6951	Y=6246480.6922	Z=42.9812	328.63	25.65
	B1	X=334249.5755	Y=6246575.8140	Z=42.9812	332.57	24.56
2	B1	X=334249.5755	Y=6246575.8140	Z=42.9812	332.57	24.56
	B1	X=334249.5755	Y=6246575.8140	Z=42.9812	29.98	26.30

Appendix A – Local Environmental Plan Amendments

PLANE	POINT	EASTING	NORTHING	RL	bearing (deg.)	angle
3	B2	X=334249.5755	Y=6246575.8140	Z=48.8812	29.98	26.30
	C1	X=334319.7741	Y=6246544.1388	Z=49.2450	29.98	26.30
4	C2	X=334319.7741	Y=6246544.1388	Z=41.1855	29.98	26.30
	D1	X=334404.9577	Y=6246505.7020	Z=41.6270	29.98	26.30
5	D2	X=334404.9577	Y=6246505.7020	Z=31.8406	29.98	26.30
	E	X=334482.5453	Y=6246470.6926	Z=32.2427	29.98	26.30
6	E	X=334482.5453	Y=6246470.6926	Z=32.2427	29.98	26.30
		X=334482.5453	Y=6246470.6926	Z=32.2427	46.41	45.35
7	E	X=334482.5453	Y=6246470.6926	Z=32.2427	46.41	45.35
	F	X=334435.7790	Y=6246364.2839	Z=34.1739	46.41	45.35

**Note:* In this table, co-ordinates are defined as Map Grid Australia “GDA94 Zone 56” co-ordinates; horizontal bearings are measured from true north; vertical angles are measured above the horizontal; and heights (RLs) are on the Australian Height Datum (AHD) in metres

- Amend clause 6.18 Overshadowing of certain public places in Sydney LEP 2012 to include the park or place as described in the table below during the specified dates and times.

Park or Place	Period of protection	Times of protection
Cook and Phillip Park (west of Yurong Parkway)	All year	9:00am to 2:00pm

- Add sub-clause (7) to Clause 6.18 Overshadowing of certain public places with the following wording shown (or similar) and technical information included in the table below:

(7) Subclause (2) applies to Cook & Phillip Park only beyond the overshadowing cast by wall that is aligned with southern main façade of St. Mary’s Cathedral, which runs through the two points (L) and (M) and is set at the maximum height as described in the table below.

Appendix A – Local Environmental Plan Amendments

POINT	EASTING	NORTHING	RL
L	X=334714.77	Y=6250635.06	Z=37.60
M	X=334851.49	Y=6250624.88	Z=37.60

Note: Co-ordinates are mapped according to Map Grid Australia GDA94, Zone 56 convention.

Amendment 6 – Exempt Development: Solar Energy Systems

Objectives and intended outcomes

To make solar energy systems with minor impacts exempt from development consent in a wider range of circumstances in heritage conservation areas.

Site identification

This change applies to the land identified as “land included” on the Land Application Map in Sydney LEP 2012; Sydney LEP (Green Square Town Centre) 2013; and Sydney LEP (Green Square Town Centre – Stage 2) 2013.

Explanation

The proposed change will expand exempt development for solar energy systems (which include photovoltaic solar panels and ancillary equipment) so that it can apply more widely within heritage conservation areas, and not be constrained to buildings that do not face a primary road.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) allows the installation of solar energy systems as exempt development, but *not* in certain circumstances including:

2.41(4)(f)

- (iv) if the land contains a State or local heritage item or is in a heritage conservation area—
 - (A) the system is not attached to any wall or roof of a building facing a primary road.

The underlined wording of this part of the SEPP means that if the building faces a primary road, then the exempt development provision is not applicable to the whole building. This means development consent is required even if the solar panels are on the rear pitch of the roof and are not visible.

The proposed change will make it clear that exempt development for solar panels is only restricted on a roof or wall that faces the primary road.

It will apply to all buildings.

Justification

Clause 2.41(4)(f) in Transport and Infrastructure SEPP includes provisions for solar energy systems, including photovoltaic solar panels, but has limited application in heritage conservation areas. To be exempt development in a heritage conservation area, the system must not be placed

on a wall or roof of any building facing a primary road. This has the effect of excluding solar energy systems from exempt development wherever the building faces the primary road even if the panels are not able to be seen.

It is our preference that solar systems in heritage conservation areas should not need a development application as long as they do not have undue impacts on heritage qualities, building structure and neighbourhood character. The proposed change is intended to ensure that solar energy systems will not substantially disrupt the form and character of roofs that are visible from the street and where they are installed at the rear, do not create significant impacts on neighbouring properties.

Exempt development will not be available where the solar energy system is on a roof or wall facing a primary road in a heritage conservation area. A development application will be needed in these situations.

Drafting instructions

1. Amend Sydney LEP 2012 and the Green Square Town Centre LEPs to include exempt development provisions permitting solar panels that are not on a roof or wall facing a primary road.
2. The new exempt development provisions shall include the requirements for solar energy systems based on clauses 2.41(4) (a) – (d) and (f) of Transport and Infrastructure SEPP.
3. The proposed exempt development provision based on clause 2.41(4)(f)(iv) shall be amended, as shown in strikethrough below.

(iv) if the land contains a State or local heritage item or is in a heritage conservation area—

(A) the system is not attached to any wall or roof of a building facing a primary road, and

(B) the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment).

Amendment 7 – Basement Intensive Plant Agriculture

Objectives and intended outcomes

To promote the use of building basements for intensive plant agriculture.

Site identification

This amendment applies to all land covered by the Sydney LEP 2012. Intensive plant agriculture is permitted with consent in the R2 Low Density Residential, E1 Local Centre, MU1 Mixed Use, SP1 Special Activities and SP5 Metropolitan Centre zones.

Explanation

The proposed new LEP clause will promote intensive plant agriculture in new and existing buildings through a floor space incentive. The incentive is that the floor space taken by the use does not count towards the gross floor area of the building when located in a basement.

Justification

This amendment seeks to promote intensive plant agriculture in basements and unused areas within existing buildings.

Intensive plant farming is the cultivation of irrigated crops for commercial purposes. In an urban context, intensive plant agriculture is usually in the form of vertical farming, which incorporates controlled-environment agriculture by growing crops in vertically stacked layers which optimises plant growth through hydroponics. The benefit of vertical farming includes regular and reliable year round crop cultivation through efficient use of resources and unused space. Vertical farming also provides food security opportunities in urban centres by providing the consumer fresh local produce grown with a low carbon footprint and low food miles.

It is envisaged this clause would primarily apply to parts of a building that would not generally be counted as gross floor area, such as storage space and parking areas. Converting these spaces to a productive use means the gross floor area must counted and the reuse of the space would not be possible if the building is already at its maximum FSR.

This amendment is consistent with the City's key strategic directions in Sustainable Sydney 2030-2050 and City Plan 2036 in that it will encourage sustainability innovation through efficient land use, better buildings that reduce emissions and use water efficiently and improve resilience through locally grown food.

Drafting instructions

1. The objective of the new clause is to encourage the provision of intensive plant agriculture.

Appendix A – Local Environmental Plan Amendments

2. Insert a new clause into Part 5 Miscellaneous Provisions of Sydney LEP 2012 to allow the consent authority to exclude from gross floor area the space used for intensive plant agriculture when it is located in the basement of an existing building.

Amendment 8 – Superseded sustainability targets for some residential development

Objectives and intended outcomes

Ensure that superseded sustainability targets for development in Sydney LEP 2012 take account of recent State Environmental Planning Policy (Sustainable Buildings) 2022 changes.

Site identification

This amendment applies to land identified in Sydney LEP 2012 that is subject to higher BASIX targets, namely:

- Central Sydney
- 2-32 Junction Street, Forest Lodge
- 600-660 Elizabeth Street, Redfern
- Botany Road Precinct Opportunity Land

Note – other clauses in Sydney LEP 2012 include higher BASIX targets, however these sites already hold development consent and therefore are excluded from this amendment.

Explanation

This clause will remove the now unintended higher BASIX Energy targets set for residential development contained in the following clauses of Sydney LEP:

- Clause 6.3 – Additional floor space in Central Sydney
 - Clause 6.40 – 2-32 Junction Street, Forest Lodge
 - Clause 6.59 – 600-660 Elizabeth Street, Redfern
 - Clause 6.60B – Botany Road Precinct Opportunity Land
-

Justification

The Sustainable Buildings SEPP came into effect 1 October 2023. It encourages the design and delivery of more sustainable buildings across NSW and aims to reduce the environmental impact of new development through new increased BASIX standards for residential buildings and new development standards for non-residential development, superseding some previous requirements.

The new BASIX standards are based on the local climate zone and include increased thermal performance and more stringent energy standards, with increased minimum requirements for new residential development, particularly for those greater than five storeys in height.

Sustainability targets in Sydney LEP

One of the City’s key strategic directions is to be “A leading environmental performer”. Both Sustainable Sydney 2030-2050 Continuing the Vision and City Plan 2036 – Local Strategic Planning Statement, seek to create better performing buildings to reduce emissions and deliver the net-zero emissions target.

Sydney LEP has higher BASIX Energy targets in some site-specific provisions that provided a planning uplift for residential development. On these sites the full FSR is dependent on achieving the higher BASIX target. They were imposed at a time when BASIX targets were lower and higher performance was technically achievable.

These site-specific targets in Sydney LEP 2012 are now superseded by the Sustainable Buildings SEPP and the intended sustainability outcomes for those sites is achieved through the SEPP.

To ensure development can proceed as planned it is proposed to remove the higher BASIX Energy targets.

Drafting instructions

1. Amend clause 6.3 of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text shown in bold:

6.3 Additional floor space in Central Sydney

(2) Development consent must not be granted for BASIX affected development in Central Sydney that includes additional floor space calculated in accordance with subclause (1), unless the consent authority is satisfied the BASIX affected part of the building—

(a) exceeds the BASIX commitment for water by at least 5 points, ~~and~~

~~(b) exceeds the BASIX commitment for energy by at least 10 points, and will not use on-site fossil fuels.~~

2. Amend clause 6.40(2)(c)(i) and (ii) of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text shown in bold:

6.40 2-32 Junction Street, Forest Lodge

(c) in the case of development that is BASIX affected development—the development—will

(i) exceeds the BASIX commitment for water for the development by not less than 25% of the water target score, ~~and~~

~~(ii) exceeds the BASIX commitment for energy for the development by not less than 25% of the energy target score.~~

3. Amend clause 6.59(3)(b) of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text shown in bold:

6.59 600-660 Elizabeth Street, Redfern

(3) (b) if all BASIX affected development on the land exceeds the BASIX commitments for ~~energy and~~ water for the development by at least 5 points — up to 0.15:1

4. Amend clause 6.60B of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text shown in bold:

6.60B Botany Road Precinct Opportunity Land

Appendix A – Local Environmental Plan Amendments

(6) (b) if the development is BASIX affected development—the building **exceeds the commitment:** ~~capable of exceeding the BASIX commitments by at least~~

~~(i) for energy—10 points, and~~

(ii) for water—5 points

Amendment 9 – Design excellence processes & site-specific development control plans

Objectives & intended outcomes

1. To update definitions and terminology in Sydney LEP 2012 and the Green Square Town Centre LEPs to maintain consistency with an updated Competitive Design Policy.
2. To amend Sydney LEP and the Green Square Town Centre LEPs to streamline the development approval process by reducing the number of competitive design processes and development control plans (concept development applications)
3. To update the design excellence provisions in Sydney LEP 2012 and the Green Square Town Centre LEPs to clarify that the provision applies to substantial internal and/or external alterations of existing buildings; and that internal layout and amenity are one of the aspects which the consent authority must consider.

Site identification

Changes will apply to all land covered by Sydney LEP 2012 and Green Square Town Centre LEPs.

Explanation

The City is updating its Competitive Design Policy. To maintain consistency with the revised Policy and to streamline the development application process, changes are required to the following LEP definitions and clauses:

1. **competitive design process** in clause 6.21A of Sydney LEP 2012, clause 6.9(7) Sydney LEP (Green Square Town Centre) 2013, and clause 6.9(8) Sydney LEP (Green Square Town Centre – Stage 2) 2013:
 - a. Remove “the preparation of design alternatives on a competitive basis” and replace with “or an alternative design review process”.
2. **City of Sydney Competitive Design Policy** in the Dictionary of Sydney LEP 2012:
 - a. Include the date that the revised policy comes into effect.
1. Clause 6.21E(1) and (5) of Sydney LEP 2012 are to be amended to refer to a ‘building demonstrating design excellence’
2. Clause 6.21B of Sydney LEP 2012 and clause 6.9(2) of the Green Square Town Centre LEPs are to be amended to apply to the significant redevelopment or refurbishment of existing buildings .

3. Clause 6.21C(2)(d) of Sydney LEP 2012 and clause 6.9(4)(d) of the Green Square Town Centre LEPs are to be amended to include 'internal layout and amenity' as a consideration.
4. Clause 6.21D of Sydney LEP 2012 is to be amended to:
 - a. Raise the threshold for requiring a competitive design process on land outside of Central Sydney from 25 metres to 35 metres
 - b. Remove the opportunity for a proponent to choose to undertake a competitive design process where it is not required by the LEP [remove 6.21D (d)]
 - c. Permit Council to certify in writing that a competitive design process for a development is unreasonable or unnecessary in the circumstances
 - d. Permit the consent authority to award a bonus of up to 10 per cent additional building height and up to 10 percent additional floor space to a building demonstrating design excellence when considering a development application resulting from a competitive process, or in the case of social and affordable housing by a CHP, resulting from the optional design review process
5. Clause 7.20 of Sydney LEP 2012 is to be amended to:
 - e. Clarify the instances where a site-specific development control plan is not required to be prepared. The change will permit the Council to certify in writing that such a plan would be unreasonable or unnecessary in the circumstances of the development.
 - f. Allow the Council to certify in writing if a development control plan should be required for some types of housing in non-residential zones where there may be impacts on employment uses.

Justification

Sydney LEP 2012 and the Green Square Town Centre LEPs contain clauses to support design excellence and to implement the City of Sydney Competitive Design Policy.

The amendments to the Sydney LEP 2012, Green Square Town Centre LEP and the Competitive Design Policy have been informed by twenty five years' experience of administering competitive design processes in the City of Sydney. If implemented, the amendments will maintain the focus on preparing a site-specific development control plan for more complex large developments, while streamlining the approval process for other developments. Overall, there would be a reduction in the number of competitive design processes and site-specific development control plans (concept development applications).

Amendments to the Competitive Design Policy include:

- Establishing a pathway for Council approval of a Design Excellence Strategy where one has not already been approved through a site-specific development control plan (concept development application) or its equivalent.
- Adopting one type of competitive design process, where currently there is two
- Adding ESD target benchmarks as a matter to be defined in the design excellence strategy consistent with design excellence provisions in Sydney Development Control Plan 2012.
- Set out when a minimum of five competitors should be invited to participate in an 'invited' competition, and when the jury must consider a minimum of five submissions

- Set out the circumstances in which the jury should consist of six members and the target gender mix of the jury
- Set out the professional requirements for competitors
- Establish a new optional design review process for social and affordable housing projects by a community housing provider

There have also been minor edits to correct errors or omissions and to improve the clarity of the policy.

A revised City of Sydney Competitive Design Policy, shows the proposed changes and will be placed on public exhibition at the same time as this planning proposal.

If the amendments to the Policy are approved, then the related definitions and clauses in the LEPs will need to be amended.

LEP amendment - Tower Cluster area provisions

Clause 6.21E(1) and (5) of Sydney LEP 2012 should be amended to refer to a 'building demonstrating design excellence'. This will bring consistency with other parts of the LEP and the Competitive Design Policy. Currently this clause requires the consent authority to be satisfied that the 'building demonstrates design excellence as the winner of an architectural design competition in accordance with the City of Sydney Design Excellence Policy'.

This longer description was used in the LEP to distinguish buildings in a Tower Cluster area, where architectural design competitions are required, from other areas where an invited design alternatives process could be undertaken. Changes to the Competitive Design Policy to focus on one competitive design process means that this distinction in the LEP is no longer required. The proposed amendment delivers a clause that is simpler, clearer and remains accurate.

LEP Amendment – Design Excellence requirements

When a competitive design process is required

Clause 6.21D (1) sets out the circumstances where a competitive design process is required. This amendment seeks to streamline the development process by reducing the number of circumstances where a competitive design process is required. To do this it will lift the threshold from 25 metres height to 35 metres height or above for land outside Central Sydney. In Central Sydney the trigger will remain at 55 metres. Other changes will allow the Council to certify in writing that it considers a competitive design process unreasonable or unnecessary in the circumstances; and will remove the opportunity for a proponent to voluntarily undertake a competitive design process.

Taken together, these changes will focus the requirement for a competitive design process on larger developments where in the opinion of the Council, the process will result in a materially improved development outcome.

Flexibility for design excellence developments

This amendment will provide the flexibility to optimise design outcomes from development. It will allow a building demonstrating design excellence to receive both a bonus of up to 10 per cent floor space and a 10 per cent height. Currently, the proponent must choose whether to pursue 10 per cent floor space or 10 percent height, with the majority of developments choosing 10 per cent floor space. Allowing a 10 per cent height bonus at the same time as a potential 10 per cent floor space bonus will give more design flexibility and allow a greater range of design solutions on a site.

This amendment would not apply to competitive design processes under the Green Square Town Centre LEPs where maximum building heights have been calculated to include the 10 per cent design excellence floor space.

Building refurbishments

Sydney LEP 2012 and the Green Square Town Centre LEPs identify design excellence as applying to ‘the erection of a new building or external alterations to an existing building.’ As drafted the clause can be applied to the external design of both a new building and a building undergoing refurbishment. It can also be applied to the internal design of a new building, but not to the internal design of an existing building undergoing refurbishment.

Including ‘the significant redevelopment or refurbishment of an existing building’ within the scope of the Division will allow new buildings and significant refurbishments to be treated equally.

Internal layout and amenity

Sydney LEP 2012 and the Green Square Town Centre LEPs set out the matters which the consent authority must consider when determining if a development exhibits design excellence. In general, this guidance is comprehensive focussing on the external elements of the building. The guidance can be improved by indicating those matters relating to internal design which the consent authority should consider. Including the “internal layout and amenity” in the clause reflects the current case law and provides certainty that these elements are a required consideration in any assessment of design excellence.

The consent authority already considers matters of internal layout and amenity through the provisions of the City’s development control plans and through application of the NSW Apartment Design Guide. Providing this additional guidance in the LEPs allows for consistent and rigorous assessment of design excellence.

Preparation of a development control plan

Clause 7.20 of Sydney LEP 2012 requires that a site-specific development control plan (concept development application) be prepared to support certain development. This amendment seeks to streamline the development process by reducing the number of circumstances where a site-specific development control plan is required. To do this it will lift the threshold from 25 metres height to 35 metres height or above for land outside Central Sydney. In Central Sydney the threshold will remain at 55 metres.

This amendment will permit the Council to waive the requirement for an applicant to prepare a development control plan or lodge a concept development application if it considers it would unreasonable or unnecessary in the circumstances. As an example, this could apply where there are limited options for built form massing, modulation, or for tower placement on a site due to site characteristics or constraints.

Waiving this requirement in these circumstances would avoid requiring an additional layer of approval for proposals where it does not significantly benefit the development process.

Drafting instructions

Drafting instructions

1. Amend the definition of ‘competitive design process’ in Clause 6.21A of Sydney LEP 2012 as follows with deletions shown as strikethrough:

competitive design process means an architectural design competition, ~~or the preparation of design alternatives on a competitive basis,~~ **or an alternative design review process** carried out in accordance with the City of Sydney Competitive Design Policy.

2. Amend the definition of ‘City of Sydney Competitive Design Policy’ in the Dictionary of Sydney LEP 2012 to replace the date ‘14 December 2020’ with the date that the revised policy comes into effect.

3. Amend the definition of ‘competitive design process’ in clause 6.9(7) of Sydney LEP (Green Square Town Centre) 2013 as follows with deletions shown as strikethrough:

competitive design process means an architectural design competition, ~~or the preparation of design alternatives on a competitive basis,~~ **or an alternative design review process** carried out in accordance with the City of Sydney Competitive Design Policy (within the meaning of Sydney Local Environmental Plan 2012).

4. Amend the definition of ‘competitive design process’ in clause 6.9(8) of Sydney LEP (Green Square Town Centre – Stage 2) 2013 as follows with deletion shown as strikethrough:

competitive design process means an architectural design competition, **or an alternative design review process** ~~or the preparation of design alternatives on a competitive basis,~~ carried out in accordance with the City of Sydney Competitive Design Policy.

5. Amend clause 6.21E of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text shown in bold red:

6.21E Tower cluster areas

(1) A building located in a tower cluster area may be eligible for additional floor space under this clause if the consent authority is satisfied that ~~the~~ **it is a building demonstrating** ~~demonstrates design excellence as the winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy.~~

(5) A building located in a tower cluster area may exceed the maximum height shown for the land on the Height of Buildings Map if –

(a) the consent authority is satisfied that ~~the~~ **it is a building demonstrating** ~~demonstrates design excellence as the winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy,~~ and

(b) the building height does not exceed the following –

(i) sun access planes controls in clause 6.17,

(ii) overshadowing controls in clause 6.18,

(iii) view plane controls in clause 6.19,

(iv) view of Sydney Harbour controls in clause 6.19A.

6. Amend clause 6.21B of Sydney LEP 2012 and clause 6.9(2) of the Green Square Town Centre LEPs as follows with deletion shown as strikethrough:

This Division applies to development involving the erection of a new building, or ~~external~~ **significant** alterations to an existing building on land to which this Plan applies.

7. Amend clause 6.21C(2)(d) of Sydney LEP 2012, clause 6.9(4)(d) of Sydney LEP (Green Square Town Centre) 2013, and clause 6.9(4)(d) of Sydney LEP (Green Square Town Centre – Stage 2) 2013 as follows with new text in bold red:

(xiv) internal layout and amenity

8. Amend clause 6.21D(1)(a) of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text in bold red:

(1) Development consent must not be granted to the following development to which this Division applies unless a competitive design process has been held in relation to the proposed development—

(a) development in respect of a building that has, or will have, a height above ground level (existing) greater than—

(i) 55 metres on land in Central Sydney, or

(ii) ~~25~~ **35** metres on any other land

9. Amend clause 6.21D of Sydney LEP 2012 and clause 6.9 of the Green Square Town Centre LEPs as follows with deletion shown as strikethrough:

~~(d) development for which the applicant has chosen such a process.~~

10. Amend clause 6.21D (2) of Sydney LEP 2012 and clause 6.9 (6) of the Green Square LEPs as follows with deletion shown as strikethrough and new text in bold red:

(2) A competitive design process is not required under subclause (1) if ~~the consent authority is satisfied~~ **Council certifies in writing** that such a process would be unreasonable or unnecessary in the circumstances or that the development—

(a) involves only alterations or additions to an existing building, and

(b) does not significantly increase the height or gross floor area of the building, and

(c) does not have significant adverse impacts on adjoining buildings and the public domain, and

(d) does not significantly alter any aspect of the building when viewed from public places.

11. Amend clause 6.21D (3) of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text in bold red:

(3) A building demonstrating design excellence—

(a) may have a building height that exceeds the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on the map, ~~or~~ **and**

(b) is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of—

(i) the amount permitted as a result of the floor space ratio shown for the land on—

(A) for a building for which development consent is granted under clause 6.60B—the Alternative Floor Space Ratio Map—Employment Sites or the Alternative Floor Space Ratio Map—Affordable Housing Sites, or

(B) otherwise—the Floor Space Ratio Map, and

(ii) any accommodation floor space or community infrastructure floor space for which the building is eligible under Division 1 or 2.

12. Amend clause 7.20 (2)(b) of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text in bold red:

(b) land (other than land in Central Sydney, land identified as “Enterprise Area” on the Locality and Site Identification Map or land in Zone E4 General Industrial), if the site area for

the development is more than 5,000 square metres or if the development will result in a building with a height greater than ~~25~~ **35** metres above ground level (existing),

13. Amend clause 7.20 (2)(d) of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text in bold red:

(d) land identified as “Business Area” on the Locality and Site Identification Map, if the development is for the purposes of a residential flat building or a mixed use development that contains shop top housing (proposed to be used for the purposes of affordable housing in accordance with clause 7.13A) and the ~~consent authority~~ **Council** considers that the development may have a significant adverse impact on non-residential uses in, or in the vicinity of, that zone.

14. Amend clause 7.20 (2)(d) of Sydney LEP 2012 as follows with deletion shown as strikethrough and new text in bold red:

(3) **Notwithstanding (2), a** A development control plan is not required to be prepared if the ~~consent authority~~ **Council certifies in writing** ~~is satisfied~~ that such a plan would be unreasonable or unnecessary in the circumstances.

~~(a) involves only alterations or additions to an existing building, and~~

~~(b) does not significantly increase the height or gross floor area of the building, and~~

~~(c) does not have significant adverse impacts on adjoining buildings or the public domain, and~~

~~(d) does not significantly alter any aspect of the building when viewed from public places.~~

Amendment 10 – Change to Metropolitan Centre zone & Central Sydney boundary

Objectives and intended outcomes

Integrate the Powerhouse Museum site into Central Sydney to meet the strategic objectives of the Central Sydney Planning Strategy to expand the boundaries of Central Sydney and the Zone SP5 Metropolitan Centre.

Site identification

500 Harris Street, Ultimo - the Powerhouse Museum The land is currently zoned MU1 Mixed Use and has a land area of approximately 2,400 square metres. The applicable Floor Space Ratio is 4:1, and it has a maximum building height of 28 metres. The site is shown in Figure 31 below.

Figure 31. Powerhouse Museum site



Explanation

This amendment proposes to amend Sydney LEP 2012 to:

1. Rezone the Powerhouse Museum site from MU1 Mixed Use to SP5 Metropolitan Centre,
2. Identify the Powerhouse Museum site as part of an expanded Central Sydney, and
3. Amend the listing 'Schedule 5 Environmental heritage' to mark the Powerhouse Museum site with an asterisk (*) to indicate that it is eligible for an award of heritage floor space.

Justification

An action in the Central Sydney Planning Strategy is to transfer the following land to Sydney LEP and the B8 Metropolitan Centre Zone:

- Ultimo south,
- Central Park,
- University of Technology, Sydney,
- Chippendale north-west,
- Surry Hills west,
- Centennial Plaza, and
- The Central Railway Station Group.

The Powerhouse Museum, indicated by the blue dashed polygon in Figure 32 below, is located within Ultimo south and falls within the area identified as an expanded Central Sydney and SP5 Metropolitan Centre Zone in the Central Sydney Planning Strategy.

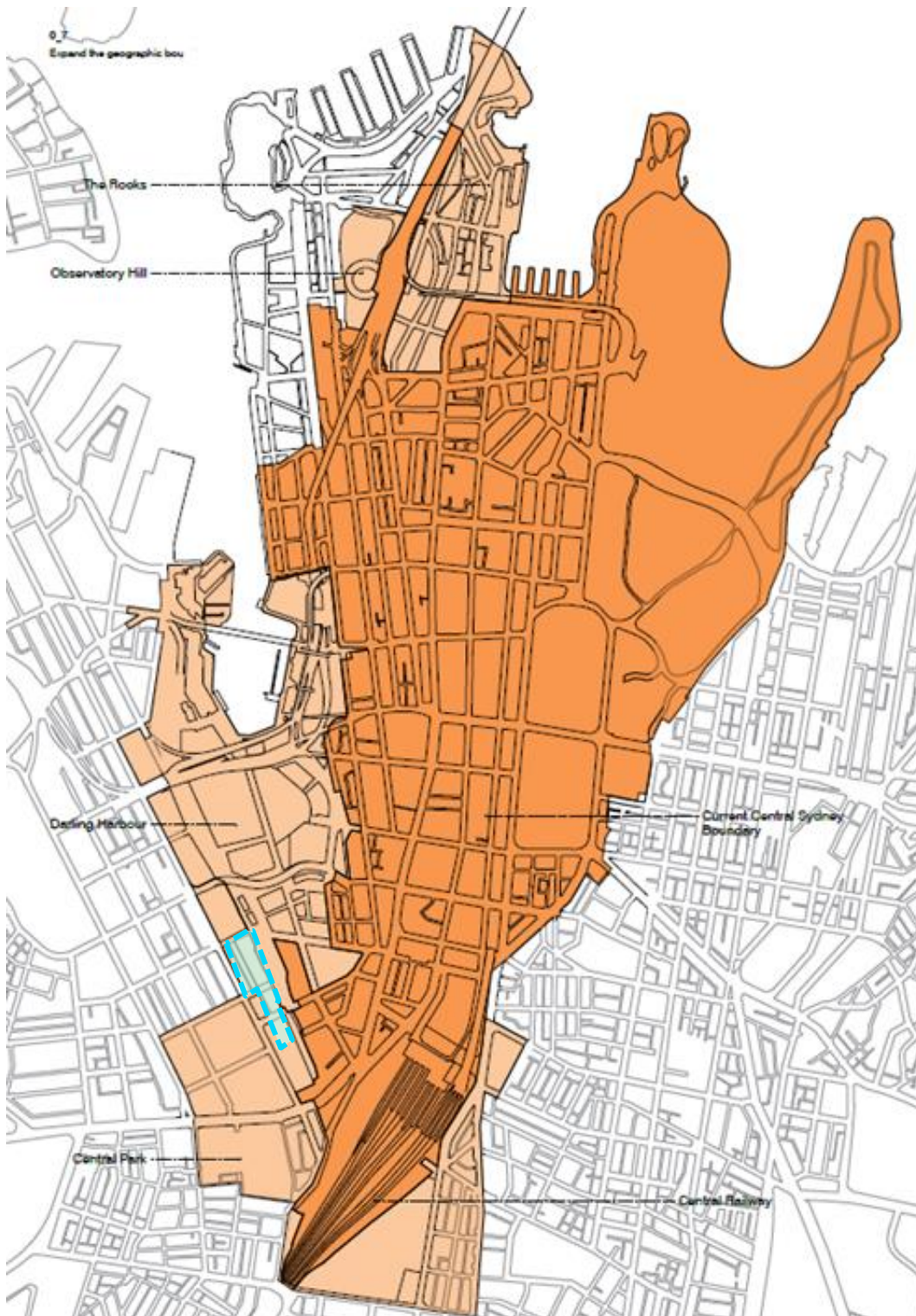
Central Sydney refers to the land that has been designated as SP5 Metropolitan Centre Zone under Sydney LEP 2012. Land within Central Sydney permits a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community. Central Sydney is the only piece of land attributed this level of zoning in NSW. The NSW Government has prescribed three mandatory objectives for the zone:

- 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 permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.

The transfer of the areas that are identified in the Central Sydney Planning Strategy into the SP5 zone may be achieved incrementally over time as a range of strategic planning work is undertaken. The City of Sydney is currently working with the NSW Government to progress the second stage of the Pyrmont Place Strategy. The Central Station Group is subject to a state significant precinct rezoning. Transferring these areas into Central Sydney and the SP5 zone will be considered as part of that work based on final study findings and recommendations.

Rezoning the Powerhouse Museum site to SP5 Metropolitan Centre will not result in an increase in the maximum height of buildings and floor space ratio development standards on the site and will better align with the role that the Powerhouse Museum has as a cultural and tourist facility critical to maintaining the diversity of Global Sydney.

Figure 32. Proposed expanded Central Sydney area (in blue)



Drafting instructions and map changes

1. Amend the Land Zoning Map in Sydney LEP 2012 to identify the Powerhouse Museum site as SP5 Metropolitan Centre, as shown in Appendix B Local Environmental Plan Map Book.
2. Amend the Locality and Site Identification Map in Sydney LEP 2012 to identify the Powerhouse Museum site as within 'Central Sydney' as shown in Appendix B Local Environmental Plan Map Book.

Appendix A – Local Environmental Plan Amendments

3. Amend Schedule 5 Environmental heritage in Sydney LEP 2012 to mark the Powerhouse Museum site listing with an asterisk as shown below:

Locality	Item Name	Address	Property	Sig	Item no.
Ultimo	Powerhouse Museum former warehouse buildings, including interiors	500 Harris Street	Lot 1, DP 631345	Local	I2031*

Amendment 11 – Additional uses for accommodation floor space in Central Sydney

Objectives and intended outcomes

To encourage a greater diversity of non-residential land uses in Central Sydney.

Site identification

This amendment applies to the area identified as 'Central Sydney' in the Sydney LEP 2012 Locality and Site Identification Map, Foreshore Building Line Map.

Explanation

This amendment will create an incentive for additional non-residential uses in Central Sydney. This will be done by adding specific non-residential uses in the list of uses that may be eligible for accommodation floor space in Central Sydney, including:

- Public administration building
 - Indoor recreation facilities
 - Registered clubs
 - Place of public worship
 - Local distribution premises
-

Justification

Sydney continues to be Australia's leading global and most economically productive city. It attracts global talent and plays a significant role in the national, regional and district economy. To preserve Sydney's economic status, Council's Local Strategic Planning Statement - City Plan 2036 highlights the need to continue fostering economic diversity in Central Sydney to support innovation, collaboration and economic resilience.

Accommodation floor space in Sydney LEP 2012 allows for additional floor space to accommodate strategically important uses. As part of the Central Sydney Planning Framework, Sydney LEP 2012 was amended to include additional enterprise, activity and employment uses eligible for an accommodation floor space bonus. Uses that can currently be awarded the bonus include:

- Business premises
- Educational establishments
- Entertainment facilities
- Function centres

- Health services facilities
- Information and education facilities
- Light industries
- Office premises
- Retail premises
- Hotel or motel accommodation
- Community facilities
- Centre-based child care facilities

These were added to incentivise more and diverse business, employment, social and culture uses to support Central Sydney’s metropolitan centre role. As part of its post-exhibition consideration of the Central Sydney Planning Framework, the Council resolved to investigate the inclusion of further non-residential uses that may be eligible for accommodation floor space.

The amendment proposes to allow additional specific non-residential uses to be eligible for accommodation floor space, including:

- Public administration building
- Indoor recreation facilities
- Registered clubs
- Place of public worship
- Local distribution premises

The above uses will positively contribute to the economic vitality and support the global functions of Central Sydney.

Drafting instructions

1. Amend clause 6.4(1)(b), (c), (e) and (g) in Sydney LEP 2012 to include the following land uses:
 - a. Public administration building
 - b. Indoor recreation facilities
 - c. Registered clubs
 - d. Place of public worship
 - e. Local distribution premises

Amendment 12 – Superseded opportunity sites in Central Sydney

Objectives & intended outcomes

To repeal the opportunity site floor space provisions in Sydney LEP 2012.

Site identification

Opportunity sites identified on the Opportunity Sites Map in Sydney LEP 2012. These sites are all located within Central Sydney.

Explanation

This amendment repeals the following from Sydney LEP 2012:

1. clause 6.9 'Opportunity site floor space'
2. clause 6.11(1)(c)
3. the definitions of 'opportunity site' and 'opportunity site floor space' from section 6.2 'Definitions' of Sydney LEP 2012
4. the entry of 'opportunity sites map' from the Dictionary of Sydney LEP 2012
5. the opportunity sites map sheets (OPS_014; OPS_015)

Buildings on opportunity sites

Clause 6.9 Opportunity site floor space of Sydney LEP 2012 provides for an additional amount of floor space for buildings on nominated 'opportunity sites' within Central Sydney. The sites are identified on the Opportunity Sites Map.

Buildings on these sites are eligible for 'opportunity site floor space' if development results in an improved interface between the building and the street. Often this involves the infilling of setback areas such as colonnades and the like between the building and the street.

Clause 6.9 is to be repealed, including all other related controls, definitions and maps in Sydney LEP 2012 that are no longer necessary based on its repeal.

Justification

As Central Sydney footpaths become busier they are less comfortable for pedestrians and there are fewer opportunities for activities such as outdoor dining. It is no longer desirable to infill these street level spaces that can be used. We should retain publicly accessible spaces in front of setback buildings to provide more space for pedestrians and activities which contribute to street life

and vibrancy of Central Sydney. This has become more important as outdoor space is increasingly valued.

Background

The opportunity sites clause was originally introduced almost 30 years ago (in Sydney LEP 1996) to incentivise filling in publicly accessible open space at ground level to create a more consistent building alignment and activity within the building. The control provides a floor space ratio incentive of no more than 0.8:1 to encourage development of 33 nominated “opportunity sites” within Central Sydney to improve this interface. The types of development encouraged include:

- infilling colonnades and other ground level setbacks;
- reconfiguring pedestrian and disabled access;
- reconfiguration of public space between the street and the building; and
- relocation of driveways and ramps.

City Plan 2036, the City’s planning statement, identifies that as the City grows there is a need for more space on streets for people. It contains Priorities and Actions to make the City streets ‘people-first’ places, including Priority I1.2 which calls for greater footpath capacity throughout the City. The Central Sydney Planning Strategy recognises the important role the interface between buildings and streets makes to activation of the public domain.

Clause 6.9 Opportunity site floor space in Sydney LEP does not align with the walkability priority in City Plan 2036. It incentivises the enclosure of setback spaces such as colonnades that are currently publicly accessible which undermines the priority need to maintain and enhance existing publicly accessible space in Central Sydney. The continued implementation of this control is no longer desirable because it results in a loss of an existing significant public benefit. In addition to their role of improving city walkability, these spaces can offer opportunities for outdoor dining, night-time economy activities and small-scale greening.

Out of the original identified 33 sites, nine have been refurbished or redeveloped and the opportunity site incentive has either been used or can no longer be applied. Remaining identified opportunities provide clear public benefits such as outdoor dining and pedestrian space and contribute to Central Sydney’s street life by responding to the contemporary needs of city workers and visitors.

Sydney LEP and DCP 2012 contain urban design, built form and design excellence controls which apply to Central Sydney and ensure that the benefits promoted by Clause 6.9, such as improved interface between buildings and the street, universal access and driveway relocation are achieved. Floor space incentives are no longer necessary to drive these improvements.

Drafting instructions and map changes

1. Amend Sydney LEP 2012 to remove clause 6.9 Opportunity site floor space and clause 6.11(1)(c).
2. Amend clause 6.3(c) to remove the reference to ‘opportunity site’
3. Remove the definitions of ‘opportunity site’ and ‘opportunity site floor space’ from clause 6.2 of Sydney LEP 2012.
4. Remove the definition of ‘opportunity sites map’ from the Dictionary of Sydney LEP 2012.
5. Delete Opportunity Sites Maps - Sheet OPS_014 and Sheet OPS_015.

Amendment 13 – Heritage Floor Space Scheme

Objectives and intended outcomes

To permit a degree of flexibility in gross floor area of buildings with registered heritage floor space.

Site identification

Land within the SP5 Metropolitan Centre zone in Sydney LEP 2012.

Explanation

Under cl 6.10(d) of Sydney LEP 2012 heritage floor space (HFS) may be recorded for an owner of a nominated heritage building if certain conditions are met. One of those conditions is that a covenant is registered on title preventing development that increases the total gross floor area of all buildings on the site or that increases the height of the heritage building.

It is proposed to amend this clause to permit a minor increase in the total gross floor area of all buildings on the site on which the heritage building is located, being an additional 5% of the gross floor area, or 200sqm, whichever is the lesser. The restriction on the height of the building will remain.

Justification

The amendment provides flexibility to allow essential and minor works, such as those needed to achieve accessibility or meet fire safety requirements. Other minor works that can be demonstrated to not adversely affect the heritage significance of the building, and not increase the height of the building, could also be considered.

This amendment addresses concerns of those who have completed the process for an HFS award but are hesitant to enter into a covenant on title arrangement due to the restriction on Gross Floor Area (GFA). This would support the ongoing success of the scheme by removing barriers to increased supply of heritage floor space.

The amendment could be applied to a building that already has an award of HFS registered, subject to approval of the works by Council. Any existing HFS Deed and covenants on title relating to GFA restrictions would also need to be amended.

The base GFA from which the proposed additional GFA is to be calculated from is:

- the GFA of the building when the most recent HFS award was registered,
- if the building was listed at the commencement of Sydney LEP 2012 (14 December 2012) but it had not registered an HFS award—the GFA of the building at the time of the commencement of Sydney LEP 2012 (14 December 2012), or
- If the heritage building was listed as a heritage item on Sydney LEP 2012 after 14 December 2012—the GFA of the building on the date of the listing in Schedule 5.

Any proposed increase in gross floor area under this clause would still be subject to Clause 5.10 of LEP 2012 which requires consideration of impacts on the significance of a heritage item and a conservation management plan. Any works to increase the GFA would still need to be consistent with a conservation management plan approved for the building by the consent authority and be approved by Council.

The proposal is consistent with the Central Sydney Planning Strategy's key move to protect, enhance and expand heritage and public places. The Strategy aims to continue the protection of Sydney's heritage and seek innovative conservation methods, including the consideration of appropriate adaptation of heritage buildings for contemporary, economically productive and sustainable use.

The proposal aligns with City Plan 2036 which seeks to ensure that places of heritage significance are conserved by monitoring and reviewing the heritage floor space scheme as need to deliver conservation of Central Sydney's heritage buildings and places. The proposal is intended to remove some barriers to supply of HFS while ensuring ongoing protection of heritage buildings and support the ongoing success of the heritage floor space scheme.

Drafting instructions

1. Amend Clause 6.10(2)(d) in Sydney LEP 2012 to allow for an additional 5% gross floor area, or maximum 200sqm, whichever is the lesser, above the existing gross floor area of all buildings on the site on which the heritage building is located.
2. For the purposes of this clause, the 'existing gross floor area' is the total gross floor area of all buildings on the site which the heritage building is located:
 - a. on the date that the most recent heritage floor space award was registered, or
 - b. for buildings without registered heritage floor space awards:
 21. on 14 December 2012, or
 22. on the date that the building was included in Schedule 5 if this occurred after 14 December 2012

Amendment 14 – Rezoning part of 9-13 & 22 O’Riordan Street, Alexandria

Objectives and intended outcomes

1. To facilitate construction of a road that is essential infrastructure needed to support development of the Green Square Town Centre.
2. To improve connectivity between the Green Square Town Centre, the Ashmore urban renewal precinct and the Inner West.

Site identification

The land to which this amendment applies is:

- a 519.5 square metre portion of the site at 9-13 O’Riordan Street (shown in red in Figure 33)
- a 38.53 square metre portion of 22 O’Riordan Street (shown in green in Figure 33)

Figure 33. Land identification of 9-13 and 22 O’Riordan Street, Alexandria



Explanation

This amendment proposes to rezone a portion of 9-13 O’Riordan Street and a portion of 22 O’Riordan Street, Alexandria from E3 – Productivity Support to SP2 Infrastructure (Local Road).

It also proposes to identify these sites for acquisition by a public authority, being the City of Sydney. This requires amendments to Part 5 Miscellaneous provisions in Sydney LEP 2012 as follows:

1. Clause 5.1(2) – adding ‘Zone SP2 Infrastructure’ and marked ‘local road’ under ‘Type of land shown on Map’, and ‘Council’ under ‘Authority of the State’
2. Clause 5.1A(3) – adding ‘Zone SP2 Infrastructure’ and marked ‘local road’ under ‘Column 1 Land’, and ‘Earthworks: Public utility undertakings; Roads’ under ‘Column 2 Development’.
3. The Zoning Map and Land Reservation Acquisition Maps in Sydney LEP 2012 are to be amended accordingly.

The permissible use on this land is to be limited to the purpose shown on the Land Zoning Map, being for local road, any development that is ordinarily incidental or ancillary to development for that purpose, and any development that may be approved under Clause 5.3 Development near zone boundaries after the consent authority considers whether the development is compatible with the future use.

Justification

Background on the Green Square to Ashmore Connector

Since the late 1990s the Green Square to Ashmore Connector (Connector) road in Alexandria has been identified as a transport solution to improve access to the Green Square Town Centre. It was originally investigated in the ‘Green Square Structural Masterplan 1997’ and is included in the current Sydney Development Control Plan 2012.

The Connector is a 380 m long new local public access road that will connect Bourke Road in the west to Botany Road in the east. The road will initially operate as an active and public transport corridor (bus route with pedestrian and cycle access). A second stage allows for full private vehicle access.

The road is being delivered by the City of Sydney in two sections – the western section between Bourke Road/Bowden Street and O’Riordan Street (224 m), and the eastern section between O’Riordan Street and Botany Road (156 m). The City of Sydney has been acquiring the land required to deliver the Connector with individual sites requiring subdivision to create the road reservation.

The proposed rezoning of these two sites from E3 – Productivity Support to SP2 - Infrastructure secures the last two parcels of privately owned land, to enable full completion of the connector road. These two parcels are shown in Figure 34 below which identifies all sections of road alignment.

The proposed rezoning will ensure delivery of the Connector and:

- support redevelopment of the Green Square town centre, improve connectivity between the town centre, the Ashmore urban renewal precinct and the Inner West, and enable delivery of the Green Square trunk drain;
- support a process that is well advanced, with planning approval under Part 5 of the Environmental Planning and Assessment Act 1979 and detailed design for construction complete. Early works on the western section are underway and main works on the eastern section have commenced;
- ensure that all of the Connector land is secured to build the entire road to the approved design details.

Figure 34. Road alignment of Green Square to Ashmore Corridor

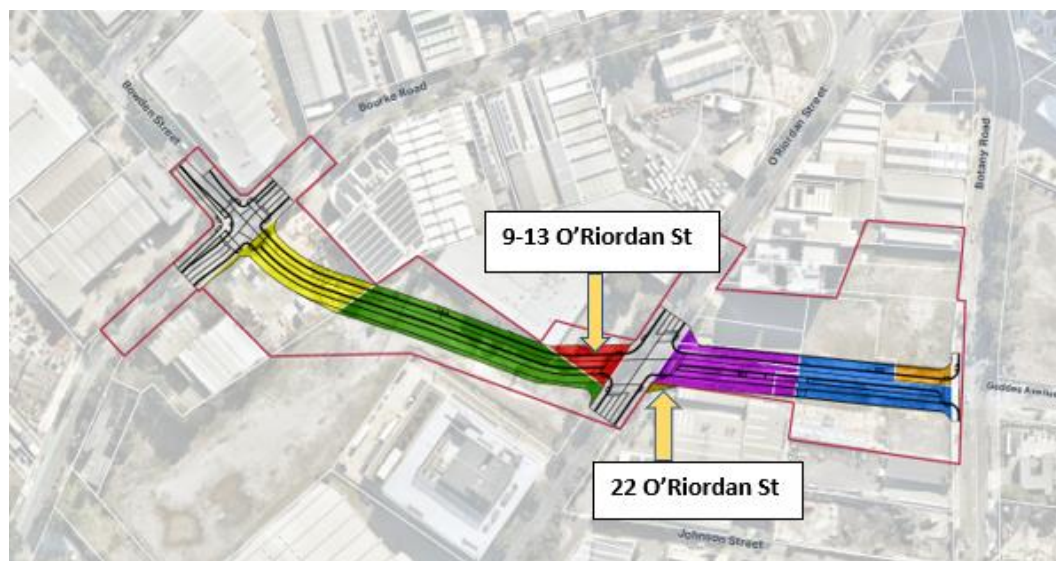


Table 6. Proposed rezoning of 9-13 and 22 O'Riordan Street, Alexandria

Property	Current zoning	Proposed zoning	Description
9-13 O'Riordan Street, Alexandria (portion)	E3 Productivity Support	SP2 Infrastructure (Local Road)	South-eastern corner of the Taxis Combined site, currently consisting of carpark and a small portion of the front of the depot building
22 O'Riordan Street, Alexandria (portion)	E3 Productivity Support	SP2 Infrastructure (Local Road)	North-western corner of a carpark and landscaping which forms part of a car dealership

Drafting instructions and map changes

1. Amend the Zoning Map (as shown in Appendix B Local Environmental Plan Map Book) to show the subject land on the Zoning Map as SP2 – Infrastructure with a notation as “SP2 Local Road”
2. Amend the Land Reservation Acquisition Map to reflect the above change and identify the subject land with a notation as “SP2 Local Road”.
3. Amend Part 5 Miscellaneous provisions to insert the following wording (or similar):
15. Clause 5.1(2) – adding “Zone SP2 Infrastructure and marked “Local road” under ‘Type of land shown on Map’, and “Council” under ‘Authority of the State’
16. Clause 5.1A(3) – adding “Zone SP2 Infrastructure and marked “Local road” under ‘Column 1 Land’, and “Earthworks; Public utility undertakings; Roads” under ‘Column 2 Development’

Amendment 15 – Development near zone boundaries

Objectives & intended outcomes

To allow land use flexibility adjacent to the SP2 Infrastructure zone boundaries.

Site identification

This amendment applies to land identified as ‘LEP Included’ on the Sydney LEP 2012 Land Application Map.

Explanation

The objective of Clause 5.3 Development near zone boundaries is to provide land use flexibility on either side of a zone boundary. It should allow land within an identified zone to access the range of permissible uses in the adjoining zone. Subclause 5.3(2) should identify the distance from the zone boundary where that flexibility can be applied.

However, Subclause 5.3(2) as drafted identifies the distance as being from land within the SP1 or SP2 zone, not from the boundary of the zone. The effect of this is to preclude the clause from applying within the SP2 zones.

To resolve problems with the application of Clause 5.3, subclause 5.3(2) is to be replaced with the following (or similar):

This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 12 metres within the Zone SP2 Infrastructure land from any boundary to adjacent land which has a different zoning.

Justification

Clause 5.3 is intended to allow some flexibility for land uses on either side of a zone boundary. The intention in Sydney LEP 2012 is to apply this flexibility on either side of a boundary with the SP1 or SP2 Infrastructure zones. However as drafted the clause does not function in this way. This amendment will allow the clause to function as intended.

Land use flexibility is important on streets where private properties facing the street are partially zoned SP2 Infrastructure for possible future road widening. This includes significant parts of Cleveland Street, McEvoy Street and Botany Road, where the affected area of the private property is up to 12 metres deep as shown in Figure 35. The effect of the partial SP2 zoning for these properties is to place unreasonable restrictions on the use of the land while waiting for the future road-widening to be confirmed. The relevant distance from the zone boundary is proposed to be 12 metres. Allowing land use flexibility within a 12 metre distance from the SP2 boundaries will allow for the appropriate use of the land. For flexibility to be applied, the consent authority must be satisfied the use will not be inconsistent with the objectives for the SP2 zone.

As this predominantly impacts land that is zoned SP2 Infrastructure, the amended clause will remove reference to SP1 Special Activities.

Figure 35. Land Zoning and Reservation Maps showing SP2 Infrastructure zones



Drafting instructions

1. Amend Clause 5.3(2) in Sydney Local Environmental Plan 2012 to:
 - a. Allow the reuse of existing buildings that are affected by the SP2 zone and identified for future road widening
 - b. specify that the relevant distance is located within land in a Zone SP2 Infrastructure and measured from the boundary of the adjacent land having a different zoning.
2. Identify the relevant distance as 12 metres within the SP2 Infrastructure land.
3. Amend Clause 5.3 to remove reference to the SP1 Special Activities zone.

Amendment 16 – Use of existing non-residential buildings that were shops or pubs

Objectives & intended outcomes

To restrict the approval of food and drinks premises in the R1 General Residential zone to buildings historically built as shops and pubs.

Site identification

This amendment applies to land identified as ‘LEP Included’ on the Sydney LEP 2012 Land Application Map.

Explanation

Clause 7.22 was originally intended to restrict the approval of food and drink premises and shops in the R1 General Residential zone to buildings which were originally built as shops or pubs.

However, as drafted the clause applies development restrictions to those buildings built as shops or pubs, and not to any other buildings. Instead of enabling the use of historic shops and pubs for a suitable purpose and restricting food and drink premises in the zone more widely, this clause permits food and drink premises and shops in all building types without consideration of amenity impacts and suitability criteria. The amenity impacts and suitability criteria then apply only to historic shops and pubs. This is counter to the intent of the clause.

For the clause to operate correctly it needs to apply to all land and to all building types in the R1 General Residential zone.

It is proposed to amend Clause 7.22 by reinstating the original wording of the clause from its initial drafting in 2012 shown below. Existing approved uses will not be prohibited by any change to this clause and may be subject to amendments as per Division 4.11 of the Environmental Planning and Assessment Act.

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

(1) The objective of this clause is to provide for the reuse of buildings for non-residential purposes.

(2) This clause applies to land in Zone R1 General Residential.

(3) Development consent must not be granted to development for the purposes of food and drink premises or shops on land to which this clause applies unless:

(a) the development relates to a building that was designed and constructed for the purposes of a shop or a pub and was erected before the commencement of this Plan, and

(b) the consent authority has considered the following:

(i) the impact of the development on the amenity of the surrounding locality,

(ii) the suitability of the building for adaptive reuse,

(iii) the degree of modification of the footprint and façade of the building.

Justification

Clause 7.22 as originally drafted was intended to promote the re-use of historic shops and pubs that are found in many of the City's heritage areas. It restricted the approval of food and drink premises or shops in the General Residential zone to these types of buildings.

Housekeeping amendments to Sydney LEP 2012 in 2017 amended the drafting of the clause. Due to the re-drafting, new food and drink premises and shops may be approved in all building types without consideration of amenity, impact and suitability criteria. These additional amenity, impact and suitability criteria only apply to historic shops and pubs, thus constraining their use as food and drink premises. The intent of the amendment is to reinstate the intended functioning of the clause.

Drafting instructions

1. Amend clause 7.22 Use of existing non-residential buildings in Zone R1 General Residential to restrict food and drink premises or shops to buildings originally constructed to that purpose prior to the LEP, as per the example below, reinstating the previous wording or similar:

[Original clause 7.22 wording from Sydney 2012 LEP]

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

(1) The objective of this clause is to provide for the reuse of buildings for non-residential purposes.

(2) This clause applies to land in Zone R1 General Residential.

(3) Development consent must not be granted to development for the purposes of food and drink premises or shops on land to which this clause applies unless:

(a) the development relates to a building that was designed and constructed for the purposes of a shop or a pub and was erected before the commencement of this Plan, and

(b) the consent authority has considered the following:

- (i) the impact of the development on the amenity of the surrounding locality,
- (ii) the suitability of the building for adaptive reuse,
- (iii) the degree of modification of the footprint and façade of the building.

Amendment 17 – 257 Sussex Street, Sydney: Building Height and Floor Space Ratio

Objectives & intended outcomes

To correct an omission in SLEP 2012 by allocating maximum height of buildings and floor space ratio controls to 257 Sussex Street, Sydney.

Site identification

The site is located on the southern side of the intersection between Sussex Street and Druiitt Street and is legally described as Lot 2 in DP 1031912. The site is shown in Figure 36 below.

This amendment applies only to the southern portion of Lot 2 in DP 1031912 as shown in Figure 37. The Lot is severed by the on-ramp to the Western Distributor at Sussex Street, Sydney. The southern portion is not required for future road purposes while the northern portion of the Lot is required and utilised for road purposes.

The site is owned by Transport for NSW and has an approximate area of 80 square metres. It currently contains a three-storey commercial building with a convenience store on the ground level and Essential Energy substations on the upper levels. The northern portion of the subject site has an approximate area of 360 square metres and is currently used for motorcycle parking.

Figure 36. 257 Sussex Street (subject site)

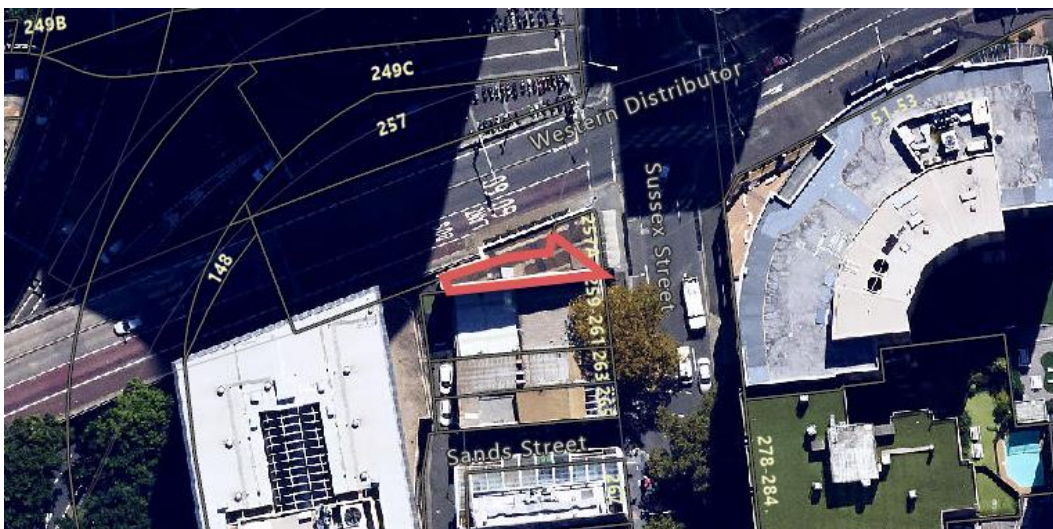
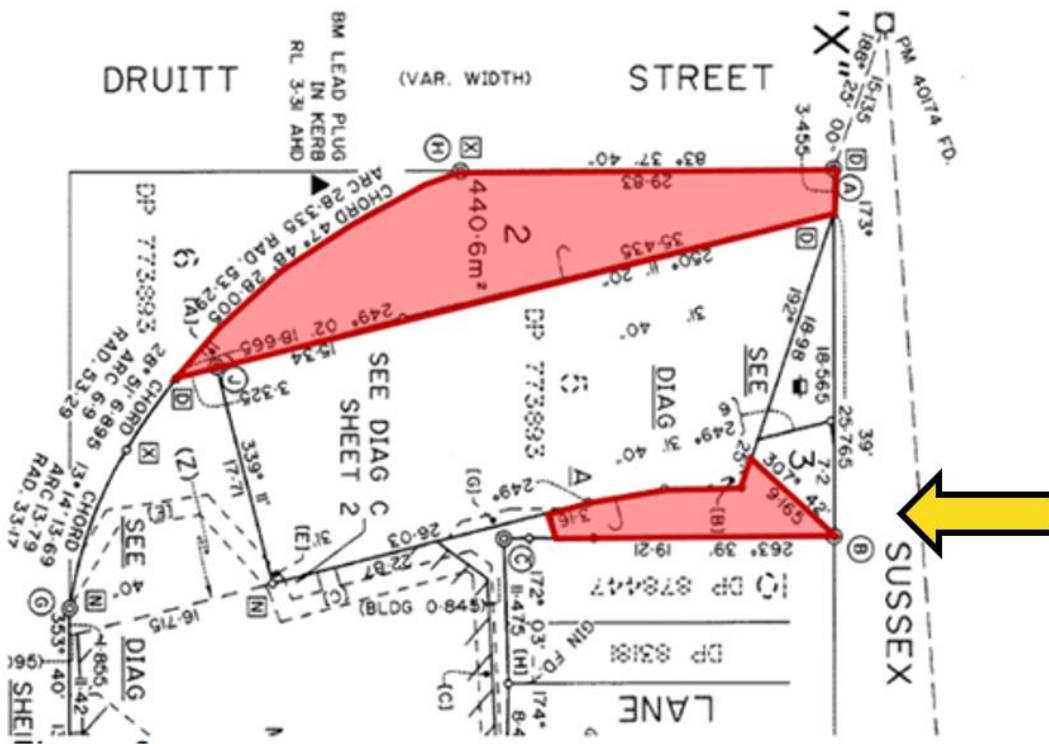


Figure 37. Location of subject site indicated by arrow and northern portion



Explanation

The site has no applicable maximum Height of Building or Floor Space Ratio development standards under Sydney LEP 2012. This is shown in Figure 38 below.

It is proposed to amend Sydney LEP 2012 Maps to apply a 45m height of building control and 7.5:1 Floor Space Ratio control to the site to match neighbouring sites.

Figure 38. FSR & Height of Building LEP controls for 257 Sussex Street



Justification

Transport for NSW has requested that errors in height and FSR maps Sydney LEP 2012 affecting 257 Sussex Street are corrected. Sydney LEP 2012 currently does not map a height of building or

floor space ratio control for this land, despite being zoned SP5 – Metropolitan Centre and being subject to other provisions in Sydney LEP 2012.

Adjoining properties and other properties within the site's immediate street block have a mapped floor space ratio control of 7.5:1 and height of buildings control of 45m.

It is reasonable for height and FSR development standards for 257 Sussex Street match these. This change will promote the orderly and economic use and development of land in accordance with objective (c) of the EP&A Act and provide certainty for any future development of the site.

The Height of Buildings and Floor Space Ratio Maps are to be amended as shown in Appendix B Local Environmental Plan Map Book and indicated in Figure 39 below.

Figure 39. Proposed Height and FSR controls for 257 Sussex Street



Drafting instructions and map changes

1. Amend Height of Building and Floor Space Ratio Maps in accordance with the maps in Appendix B Local Environmental Plan Map Book.

Amendment 18 – Affordable housing contributions

Objectives and intended outcomes

To clarify the types of applications that may be subject to an affordable housing contribution in Central Sydney and on residual land.

Site identification

This amendment applies to land subject to the provisions of Clause 7.13 Contribution for purpose of affordable housing in Sydney LEP 2012.

Explanation

It is proposed to amend Clause 7.13 to clarify that an affordable housing contribution may apply to a development application or an application for modification of a development consent for development on land in Central Sydney or on residual land.

Justification

Subclauses 7.13(2A) and (2B), which apply to Green Square, employment lands and Ultimo-Pymont, allow for an affordable housing contribution to apply to a development, including a development application or an associated application for modification of a development consent.

However, for subclause 7.13(2C), which applies to Central Sydney or land identified as residual land, it is not clear that an affordable housing contribution should apply to a modification of a development consent associated with a development application lodged after 1 July 2021.

Affordable housing contribution requirements in Central Sydney or on residual land were introduced when the City's Affordable Housing Program came into effect on 1 July 2021. The affordable housing contribution was phased-in to allow the market to adjust. This means an affordable housing contribution in Central Sydney or on residual land commenced at half rate for development applications lodged from 1 July 2021 up until 1 July 2022 when the full rate then came into effect.

It is proposed to amend the clause to make clear an affordable housing contribution applies to both a development application and any associated modification of a development consent where it is in relation to a development application lodged after 1 July 2021. This will ensure that where a modification application is lodged after 2 July 2022 the full contribution rate will be applied to newly approved gross floor area in any consent, even if the reduced rate applied to the original development application. This will ensure consistency with how affordable housing contributions are applied across the council area.

Drafting instructions

1. Amend clause 7.13(2C)(b) of Sydney Local Environmental Plan 2012 to include the following wording or similar after 'development application': 'or an associated application for modification of a development consent'

Amendment 19 – Cross City Tunnel ventilation stack

Objectives and intended outcomes

To repeal the provision in Sydney LEP 2012 that requires development near the Cross City Tunnel ventilation stack to consider impacts on emissions dispersal.

Site identification

Land identified as “Land Affected by Cross City Tunnel Ventilation Stack” on the Locality and Site Identification Map in Sydney LEP 2012. This land is located in Sydney, Haymarket, Ultimo and Pyrmont as shown in Figure 40 below.

Explanation

This amendment repeals the following from Sydney LEP 2012:

1. clause 7.24 Development near Cross City Tunnel ventilation stack
2. The “Land Affected by Cross City Tunnel Ventilation Stack” layer in the Locality and Site Identification Map, (CL1_007; CL1_008; CL1_014; CL1_015).

Related provisions in the Sydney DCP 2012 will also be repealed. Proponents will no longer be required to submit an air quality assessment with a development application.

Justification

Clause 7.24 Development near Cross City Tunnel ventilation stack of Sydney LEP 2012 requires the consent authority to be satisfied that development will not adversely affect the dispersal of emissions from the ventilation stack and to ensure that persons using the future development are not unduly affected by those emissions. Sites affected by this provision are identified on the Locality and Site Identification Map in Sydney LEP 2012 with a 500 metre radius from the ventilation stack that captures sites in Sydney, Haymarket, Ultimo and Pyrmont. To support this clause, Sydney DCP 2012 requires an air quality report by a suitably qualified expert be submitted detailing the impact of future development on and from the dispersal of emissions from the ventilation stack.

Background

The Cross City Tunnel links the Eastern Distributor to the Western Distributor and connects Kings Cross to Darling Harbour. Vehicle emissions are removed via a ventilation stack at the western end of the tunnel adjacent to the Western Distributor viaducts in Darling Harbour. During the initial project stages, concern was raised regarding the impact of new buildings on the dispersal of emissions. Wind tunnel and computer-based dispersion modelling that accompanied the project's Environmental Impact Statement found potential impacts to be acceptable. Notwithstanding, a condition of consent was imposed on the tunnel approval requiring new buildings near to the

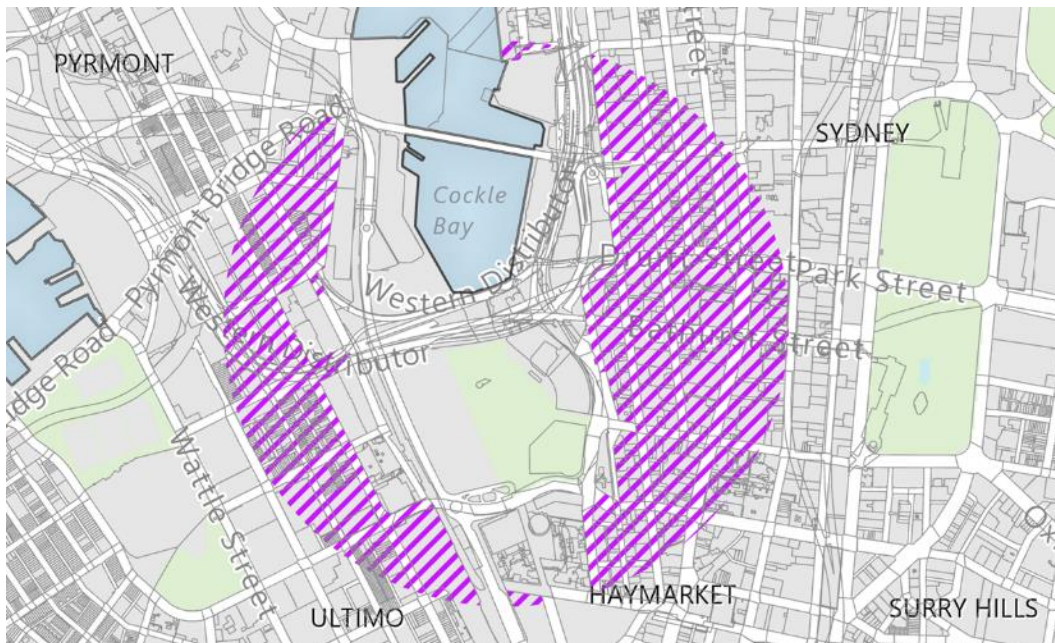
ventilation stack to be subject to air quality considerations as part of the assessment process, resulting in the subject clause.

City staff have reviewed air quality assessment reports that accompanied affected development applications. The review found that no air quality assessment reports identified a material impact on the dispersal of emissions from the ventilation stack, nor was any development adversely impacted by the ventilation stack. Submitted air quality reports found that measured concentrations of emissions both prior to and following commissioning of the tunnel were relatively similar, and that the ventilation stack is unlikely to be a major contributor to pollutant concentrations.

Recent vehicle ownership trends towards fuel efficient, hybrid and electric vehicles suggest overall emissions will continue to reduce. Local air quality, including emissions from the ventilation stack will continue to be monitored by the NSW Environmental Protection Agency (EPA).

This amendment is consistent with the relevant directions of City Plan 2036, the City’s local strategic planning statement in that it helps streamline the development application assessment process. Where directed by the consent authority, an air quality report may still be required to be submitted with a development application, particularly when in close proximity to a ventilation stack as has been the case with other ventilation stacks in the LGA.

Figure 40. Land affected by Cross City Tunnel ventilation stack



Drafting instructions and map changes

Remove the following from Sydney LEP 2012:

1. Clause 7.24 Development near Cross City Tunnel ventilation stack
2. The “Land Affected by Cross City Tunnel Ventilation Stack” layer in the Locality and Site Identification Map – sheets CL1_007; CL1_008; CL1_014 and; CL1_015.

Amendment 20 – Integration of planning controls

Objectives and intended outcomes

1. To simplify the City of Sydney’s planning framework by reducing the number of other planning instruments that apply.
 2. To integrate the planning controls for Harold Park, the Glebe Affordable Housing Project, Central Park, 216 – 412 Gardeners Road, Rosebery and parts of Redfern, Waterloo and Eveleigh into the Sydney Local Environmental Plan 2012.
 3. To ensure that the new controls in the LEP do not grant any additional development potential beyond which already exists in the relevant planning instruments, development approvals and existing built form.
 4. To ensure affordable housing contributions are captured for development that occurs on land to be integrated.
-

Site identification

This amendment applies to areas identified as ‘Integration Area’, which are currently not subject to Sydney LEP 2012, and is shown in Figure 41 below, and in the Land Application Map in the Map Book.

Explanation

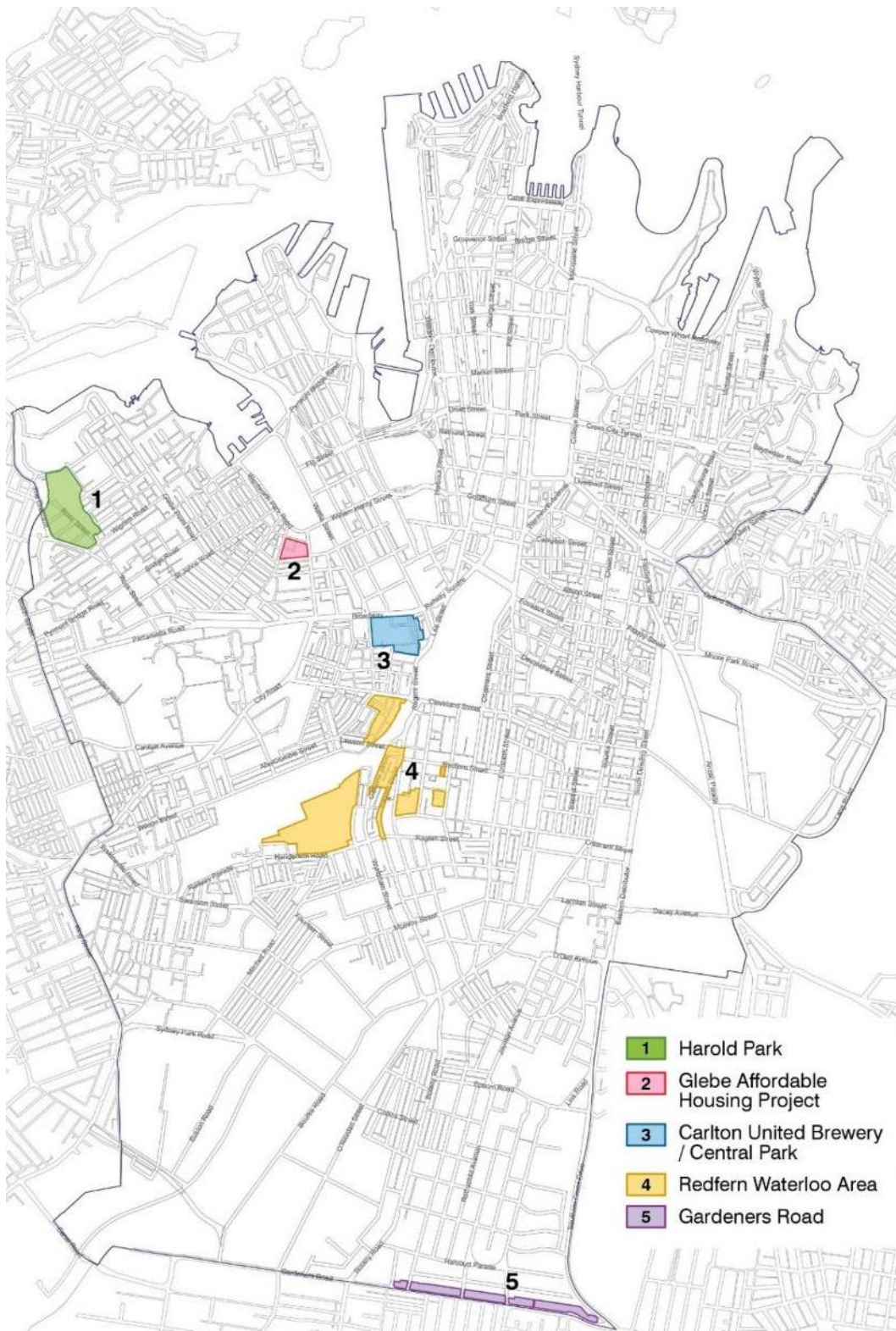
Some areas within the City of Sydney local government area are not covered by the provisions of Sydney LEP 2012. Development on these sites are subject to ‘legacy’ planning control frameworks, such as the now revoked Part 3A Concept Plans, state significant development approvals, or separate site-specific planning instruments. This has resulted in a fragmented and complex set of planning controls that apply to the City of Sydney.

In most instances the purpose of the planning controls for these areas has been to shape their redevelopment. The redevelopment of these areas is now largely complete, and it is now appropriate that the planning controls are integrated into the Sydney LEP 2012.

This amendment translates the existing building control or approved built form for the integration area sites into the Sydney LEP 2012 maps. A new map, “Special Provisions Map” and accompanying schedule in the LEP will be introduced to clearly detail the approved gross floor area for sites in the Integration Areas.

The affected areas, respective planning frameworks and planning controls proposed to be integrated into the Sydney LEP 2012 are shown in Figure 41, outlined below and summarised in Table 7. The proposed changes to maps are shown at Appendix B Local Environmental Plan Map Book.

Figure 41. Integration Areas to be incorporated into Sydney LEP 2012



Different approaches have been used to integrate these precincts into Sydney LEP. The new planning controls for completed renewal areas aim to match development outcomes to avoid allocating additional development potential to sites. For 216 – 412 Gardeners Road, Rosebery the approach has been to match the planning controls for the surrounding area. The approaches are summarised in Table 7 and in further detail below.

Table 7. Integration areas and controls to be incorporated into Sydney LEP 2012

Integration area / precinct	Central Park / Broadway (CUB)	Harold Park	Glebe Affordable Housing Project	Redfern Waterloo Authority Areas			216 – 412 Gardeners Road, Rosebery
				NCIE, Rachel Forster, South Eveleigh, Pemulwuy Regent & Gibbons St	Rowley Street	Eveleigh Street Precinct	
Planning instrument	Sydney LEP 2005 State Environmental Planning Policy (Planning Systems) 2021	Sydney LEP (Harold Park) 2011	Sydney LEP (Glebe Affordable Housing Project) 2011	State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021			South Sydney Local Environmental Plan 1996
Reason for inclusion	Renewal complete. Reflects approved and delivered development.	Renewal complete. Reflects approved and delivered development.	Renewal complete. Reflects approved and delivered development.	Renewal has largely been completed. Reflects approved and delivered development or current controls where renewal has not been carried.			Previously deferred. Controls to match surrounding built form character.
Land zoning	Matches use and approval	Matches use and approval	Matches use	Matches use and approval	Matches use	Matches use and approval	Matches surrounding area
Building height	Approved building height (RL) mapped	Approved building height (RL) mapped	Approved building height (RL) mapped	Approved building height (RL) mapped	Mapped	Mapped	Mapped
Floor space	Approved GFA in LEP	Approved GFA in LEP	Approved GFA in LEP	Approved GFA in LEP	Mapped FSR	FSR mapped & schedule in LEP	Mapped
Heritage	Approved GFA in LEP	Approved GFA in LEP	Approved GFA in LEP	Approved GFA in LEP	Mapped	Mapped	N/A
Acid sulfate soils	Mapped	Mapped	Mapped	Mapped	Mapped	Mapped	Mapped
Affordable housing	Mapped	Mapped	Mapped	Mapped	Mapped	Mapped	Mapped
LUTI	Matches surrounding area	Matches surrounding area	Matches surrounding area	Matches surrounding area Updates reflect recent projects (Waterloo Metro, Redfern south)		Matches surrounding area	Matches surrounding area
PTAL	Matches surrounding area	Matches surrounding area	Matches surrounding area	Matches surrounding area Updates reflect recent projects (Waterloo Metro, Redfern south)		Matches surrounding area	Matches surrounding area

Planning instruments

Harold Park / Glebe Affordable Housing Project / 216 – 412 Gardeners Road, Rosebery

It is proposed the planning instruments for these integration areas; Sydney LEP (Harold Park) 2011, Sydney LEP (Glebe Affordable Housing Project) 2011, and South Sydney Local Environmental Plan 1996 will be revoked as part of this planning proposal and integrated in Sydney LEP 2012.

These Integration Areas will be identified on the Sydney LEP 2012 Land Application Map, which will enable proposed Sydney LEP 2012 development controls and maps to come into effect.

Central Park / Redfern-Waterloo Authority Areas

Central Park (formerly known as the CUB site) is identified as a State Significant Development (SSD) site in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). A Concept Approval came into force in 2007 and details gross floor area and mix, parking, open space and public domain, heritage and developer contributions. As all buildings are now approved or built, it is proposed to insert planning controls that align with Concept Plan approvals into Sydney LEP 2012, and request the Concept Plan be revoked.

It is noted that the City has no power to rescind an approved SSD Concept Plan, which can only be surrendered voluntarily with owners consent. The City has received preliminary support from the Department of Planning and Environment regarding the intent to revoke the Concept Plan, subject to approval from landowners.

Following approval of this planning proposal, the City will formally write to landowners and the Department to gain consent and begin the process of having the Concept Plan revoked.

The sites that comprise the former Redfern Waterloo Authority area sit under State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (Eastern Harbour SEPP) and land at South Eveleigh is subject to an SSD Concept Plan.

The City intends to formally seek owners consent to revoke the SSD Concept Plan and request the Department amend the Eastern Harbour SEPP to delete the subject Redfern Waterloo land and facilitate its inclusion in Sydney LEP 2012.

Following the revocation of the planning instruments, the integration areas shall be identified on the Sydney LEP 2012 Land Application Map and the planning controls for these integrated areas under Sydney LEP 2012 will come into effect.

Floor Space

Central Park / Harold Park / Glebe Affordable Housing Project

In their respective planning instruments, each precinct was attributed a base floor space ratio, i.e. Harold Park - 1.15:1 and Glebe – 1.3:1, which included incentives for social housing delivery and sustainability improvements. Now that each precinct has largely been completed, this figure does not best reflect the distribution of development across the sites.

The floor space is expressed as a gross floor area quantum for each block. Due to the detail required to clearly illustrate the GFA that applies within each development block, a new “Special Provisions Map” is to be introduced to identify the Integration Areas and the development blocks.

The Sydney LEP 2012 will be updated to include a new schedule which prescribes the maximum gross floor area for each development block identified on the Special Provisions Map. The proposed schedule can be found in the drafting section of this amendment.

Redfern-Waterloo Authority Areas

National Centre for Indigenous Excellence (NCIE), Pemulwuy Project, Rachel Foster Hospital, Regent & Gibbons Street, and South Eveleigh

Floor space controls are based on State Significant Development and Major Project approvals for these sites, which have now largely been completed or have had substantial construction work commenced. The approved floor area is proposed to be expressed as maximum gross floor area detailed in a new schedule in Sydney LEP 2012. The subject sites will be identified in the new “Special Provisions Map” proposed to be included in this amendment.

Rowley Street

A mapped FSR of 1.5:1 will be assigned to the subject sites on Rowley Street in the Sydney LEP 2012 Floor Space Ratio Map, based on floor plans of the buildings. This will reflect the as built development, its character and density.

Eveleigh Street precinct

The mapped FSRs assigned to properties for this precinct in the SEPP will be directly transferred to the Sydney LEP 2012 Floor Space Ratio Map. The GFA Schedule for the Redfern-Waterloo Authority Areas in Sydney LEP 2012 includes these sites and details the “Total Maximum FSR” and “FSR for Residential Component” in accordance with the existing SEPP requirements.

216 – 412 Gardeners Road, Rosebery

An FSR of 0.6:1 currently applies to this land under South Sydney DCP 1997, consistent with that adjoining development in Rosebery to the north. It is proposed to transfer this 0.6:1 FSR control into the Sydney LEP 2012 Floor Space Ratio Map. This will ensure the existing low density character of the land is retained and that it matches the surrounding area.

Height of Buildings

Central Park / Harold Park / Glebe Affordable Housing Project

It is proposed that the Height of Buildings development control will be expressed as RL heights rather than above ground heights. These controls will more accurately reflect the development approval and will minimise errors in interpretation.

The heritage listed retail terraces fronting Kensington Street in the Central Park precinct are proposed to be assigned an “existing height” control to ensure their heritage context is protected.

No height of building control will apply for public domain areas to protect streets, parks and public open space.

Redfern-Waterloo Authority Areas

Former Redfern Courthouse, NCIE, Pemulwuy Project, Rachel Foster Hospital, Regent & Gibbons Street, and South Eveleigh

The Height of Buildings development control has been determined based on a review of SSD and Major Project approvals and examination of existing built form. The control will be expressed as an RL height. No height control will apply to any public open space in these Areas.

It is proposed the heritage listed former Redfern Courthouse, NCIE (former Redfern Public School building) and former Locomotive Workshop in South Eveleigh are assigned an “existing height” control on the Sydney LEP Height of Buildings Map. This reflects the general approach taken across the Integration Areas and will help protect the heritage values of the buildings.

Rowley Street

A mapped building height of 18 metres will be included for the sites on Rowley Street in the Sydney LEP 2012 Height of Buildings Map, and accommodates the tallest building in the project, reflecting the existing height.

Eveleigh Street precinct

It is proposed that the height of building development control for the residential and warehouse sites in this precinct are directly transferred from the SEPP and translated from a height in storeys into a height in metres control.

216 – 412 Gardeners Road, Rosebery

The height control for the Gardeners Road sites is set by the accompanying South Sydney DCP 1997 at 5.2 metres. Much of the adjoining development in Rosebery already exceeds this height, as does some buildings on Gardeners Road.

To ensure that this land is subject to the same control as the rest of Rosebery, a 7.5m mapped Height of Building control is proposed in the Sydney LEP 2012 Height of Building Map

Land Zoning

Central Park / Glebe Affordable Housing Project

It is proposed to repeal the current Sydney LEP 2005 'City Edge' zoning that applies to the Central Park site and zone the land MU1 Mixed Use. Consistent with the existing zoning and that of the surrounding area and allows for a wide range of uses that supports the approved uses.

The Glebe Affordable Housing Project site is proposed to be zoned as M1 Mixed Use in the Sydney LEP 2012 Land Zoning Map. This is consistent with adjoining zoning to the north and best reflects development and its intended use.

Existing public open spaces will be zoned RE1 Public Recreation, consistent with the approach for parks owned by the City.

Harold Park

This amendment will zone land within Harold Park precinct to align with the existing approved uses. It is proposed to zone in the Sydney LEP 2012 Land Zoning Map as follows:

- Public open space – existing parkland will be rezoned RE1 Public Recreation, this will retain and protect 3.8 hectares of public open space.
- Tram Sheds – will be rezoned E2 Commercial Centre which supports for retail, business, entertainment and community uses. Residential development is prohibited in this zone.
- Residential development – land primarily approved for residential purposes and originally zoned for mixed uses is to remain as MU1 Mixed Use, consistent with the existing uses.
- Footpath widening – land along the western boundary of the precinct on Crescent and Minogue Crescent will be rezoned to SP2 Infrastructure to match the zoning on the adjacent road.

Redfern-Waterloo Authority Areas

Former Redfern Courthouse, NCIE, Pemulwuy Project, Rachel Foster Hospital, Regent & Gibbons Street, and South Eveleigh

Regent & Gibbons Street, Pemulwuy and South Eveleigh Street precincts are to be zoned MU1 Mixed Use as it best matches the existing and approved uses, being a mix of retail, business, residential and student accommodation uses.

National Centre for Indigenous Excellence site is to be zoned SP1 Special Activities Community to best match its existing and approved use and current zoning in the SEPP. A schedule of permitted additional uses will be included under Schedule 1 of Sydney LEP 2012 detailing the existing uses available for the site and adjoining recreation space.

The former Redfern Courthouse is to be zoned E1 Local Centre. This is consistent with its current Business Zone – Local Centre zoning, existing approval as a medical facility and matches zoning of the adjacent area on Redfern Street.

Rachel Foster Hospital is to be zoned R1 General Residential consistent with surrounding zoning. South Eveleigh will be zoned E3 Productivity Support as it is closest to its existing and approved uses and the current zoning in the Eastern Harbour City SEPP, a schedule of permitted uses will be included under Schedule 1 of Sydney LEP 2012 detailing the existing uses available for the site.

Public open space in South Eveleigh is subject to a planning agreement between Council and the landowner that secured its construction, maintenance and future dedication to Council at no cost. It is proposed that the recreation space will be zoned RE1 Public Recreation by this planning proposal. This zoning is consistent with its existing use as recreation space and the approach taken for other Integration Areas. This zoning is supported by the planning agreement for the public open space in South Eveleigh and its eventual transfer to Council ownership.

Rowley Street

It is proposed to zone the sites on Rowley Street as R1 General Residential, consistent with its existing and approved use as multi-dwelling residential and that of the adjoining sites.

Eveleigh Street precinct

It is proposed to zone land in this precinct as MU1 Mixed Use in Sydney LEP 2012 as it best matches the zone that applies in the SEPP and provides for a mix of uses compatible to the existing approved uses.

216 – 412 Gardeners Road, Rosebery

Due to its deferral from Sydney LEP 2012, the land is currently zoned 2(b) Residential under South Sydney LEP 1998. The zone does not allow for dense forms of housing. Development that fronts Gardeners Road primarily consists of single storey single dwelling houses.

It is proposed to zone this land R2 Low Density Residential consistent with existing uses and zoning of adjoining residential areas of Rosebery.

Heritage

Central Park / CUB

The heritage items identified in the approved Concept Plan and previous LEP for the precinct are to be integrated and mapped in Sydney LEP 2012.

This amendment reconciles two anomalies, namely the gates and entrance on Carlton Street, which were listed in Sydney LEP 2005 but not detailed in the Concept Plan, and the Castle Connell Hotel, which was identified as heritage in the Concept Plan but was not listed in the 2005 LEP. To correct this, all items are to be listed in Sydney LEP 2012.

Harold Park

Existing heritage items will be transferred and mapped in the Sydney LEP 2012 Heritage Map and listed in Schedule 5 Environmental Heritage.

Redfern-Waterloo Authority Areas

NCIE, Rachel Foster Hospital, South Eveleigh, and Eveleigh Street Precinct

Existing heritage items from the SEPP will be listed in Sydney LEP 2012, with updates to addresses. A new listing, the Former Eveleigh Rail Yard comprises a group of buildings, used as part of a system of locomotive manufacture and repair, and the spaces in between which form part of that system.

The former Rachel Forster Hospital on Pitt Street will not be transferred as a heritage item as it has experienced a detrimental loss in heritage fabric following its redevelopment. This site will however be included in the surrounding Redfern Estate heritage conservation area.

Acid Sulfate Soils

Integration Areas

Each of the Integration Areas - Glebe Affordable Housing Project, Central Park/CUB, Redfern Waterloo Authority Areas and 216-412 Gardeners Road, Rosebery, will be included into the Sydney LEP 2012 Acid Sulfate Soils Map. With the exception of Harold Park, each area is identified as being affected by Class 5 Acid Sulfate Soils, consistent with soil risk data derived from the NSW Planning Portal.

Harold Park

Acid sulfate soil categories will be directly transferred from the Harold Park LEP 2011 Acid Sulfate Soils Map. No changes are proposed.

Residual Lands

Integration Areas

It is proposed to identify all of the Integration Areas as Residual Lands in the Sydney LEP 2012 Site Identification Map. This will ensure affordable housing contributions are captured for future development in accordance with the City's affordable housing program.

Restricted Retail Development

Redfern-Waterloo Authority Areas

NCIE and Rachel Foster Hospital

It is proposed that these sites are identified as Restricted Retail Development in the Sydney LEP 2012 Special Character Map as they will be subject to the provisions of Clause 7.23 Large retail development outside of Green Square Town Centre and other planned centres.

Development control plan

Integration Areas

To complement the integrated LEP controls, relevant provisions in the Sydney DCP 2012 will be applied to each of the precincts. The DCP controls have been derived from existing approvals and built form in the same manner as the LEP controls.

Justification

This amendment will integrate several sites within the City of Sydney local government area that are currently excluded from Sydney LEP 2012. The planning frameworks for these areas were primarily devised to encourage renewal, with their development largely complete, the planning controls can now be integrated. Notwithstanding this, the planning controls for Gardeners Road, Rosebery were deferred from inclusion in Sydney LEP 2012.

The controls for the Integration Areas are better placed within Sydney LEP 2012 to simplify the City's planning control framework and to make it more user friendly.

This amendment aligns with Planning Priority G1 – Open, accountable and collaborative planning in City Plan 2035: Local Strategic Planning Statement and responds to Action G1.4 to “Work with the NSW Government to reintegrate selected precincts and sites into the City's planning framework.”

The rationale to integrate planning control for each Area into Sydney LEP 2012 is outlined in detail below.

Central Park / CUB

Central Park is a listed SSD site in the Planning Systems SEPP informed by the 2007 Concept Plan approval and prescribes the maximum gross floor area and mix, vehicle parking, open space and public domain, heritage and developer contributions.

As all buildings are now approved or built, it is proposed to insert planning controls that align with Concept Plan approvals into Sydney LEP 2012. The integration of these controls into Sydney LEP 2012 results in a simpler and streamlined approval process. The City intends to obtain owners consent to revoke the SSD Concept Plan and request the Department facilitate this process.

Eliminating minor amendments needing approval from NSW Department of Planning and Environment and consultation with the Concept Plan original architects, Foster and Partners.

The integrated controls will ensure no additional floor space or building height will apply than what can currently be achieved under the existing approval. Existing public domain and open space will be protected and land zoning will align with existing land use and development.

Harold Park

In 2009, the City commenced the process to rezone the former Harold Park Paceway and former Rozelle Tram Depot to facilitate its redevelopment. Sydney Local Environmental Plan (Harold Park) 2011 (Harold LEP 2011) came into effect as a site-specific local environmental plan prior to Sydney LEP 2012.

With redevelopment of Harold Park now complete, this amendment proposes to integrate the planning controls into Sydney LEP 2012. The proposed controls are a direct translation of the final development outcome on the Harold Park site. No additional floor space or building height will be available beyond the “as built” development. Existing public domain and open space will be protected and zoning will align with existing land uses.

Glebe Affordable Housing Project

In 2010, the City commenced the process to rezone the land comprising the Glebe Affordable Housing Project, parallel to that of Sydney LEP 2012. Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011 (GAHP LEP 2011) came into effect as a site-specific local environmental plan prior to Sydney LEP 2012 to enable the timely redevelopment of the site. The GAHP LEP 2011 incentivised social housing and enabled the development of residential buildings with ground floor retail.

As redevelopment of the site is now complete, this amendment integrates the planning controls into Sydney LEP 2012, existing development will be included and mapped in Sydney LEP 2012. No additional floor space or building height will be available beyond the “as built” development. Existing public domain and open space will be protected and zoning will align with existing land use and development.

216-412 Gardeners Road, Rosebery

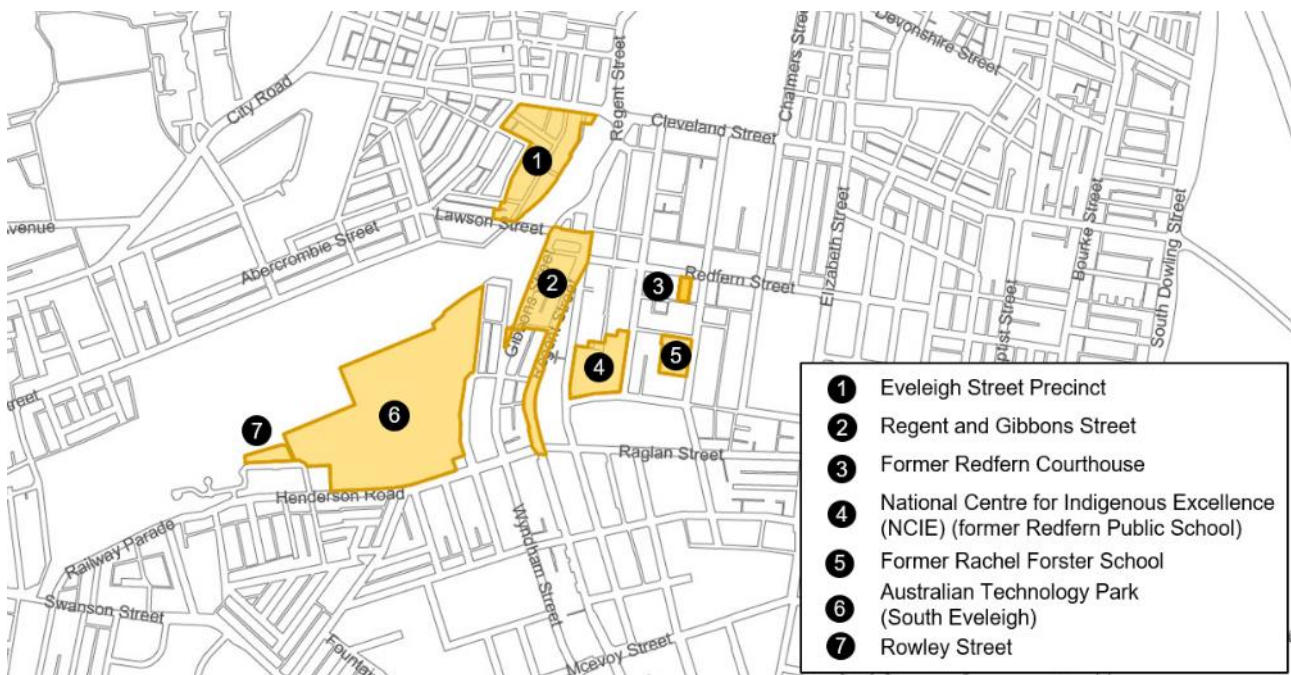
South Sydney Local Environmental Plan 1998 (South Sydney LEP 1998) currently applies to 216 – 412 Gardeners Road, Rosebery between Durdans Avenue and Southern Cross Drive. This land was deferred from Sydney LEP 2012 as the Council resolved not to proceed with increases to height and FSR at the time. It is proposed to match the controls to those apply to the rest of the Rosebery Estate.

Redfern Waterloo Authority

This amendment seeks to incorporate planning controls for sites that comprise the former Redfern Waterloo Authority area and are currently within Eastern Harbour SEPP. The sites are detailed below and identified in Figure 42:

- Eveleigh Street precinct
- Former Rachel Forster Hospital
- Former Redfern Court House
- National Centre for Indigenous Excellence (NCIE)
- Pemulwuy Precinct
- South Eveleigh / Australian Technology Park
- Regent and Gibbons Street precinct
- Rowley Street

Figure 42. Redfern Waterloo Authority Sites



Development on these sites are subject to the requirements of the SEPP and a number of SSD approvals and Concept Plans. These controls and approvals have formed the basis of the proposed controls to be integrated into Sydney LEP 2012, as well as an analysis of the approved built form, noting that development across the sites is largely complete. The City intends to formally seek owners consent to revoke the SSD Concept Plan and request the Department amend the SEPP to allow for the Redfern Waterloo land to be included in Sydney LEP 2012.

The integrated controls ensure no additional floor space or building height will be available beyond the approved development, these controls will ensure existing public domain and public open space are protected and zoning will be consistent with the approvals and existing land use.

Rowley Street

The Rowley Street sites are existing social housing will be integrated as part of this amendment as they are not planned for urban renewal. The translated development controls reflect the built form as approved and constructed, consistent with the current controls.

Drafting instructions and/or map changes

1. Amend the following maps in Sydney Local Environmental Plan 2012 in accordance with the maps in Appendix B Local Environmental Plan Map Book:
 - a. Acid Sulfate Soils Map (sheets 001, 008, 009, 010, 012, 016, 017, 019)
 - b. Floor Space Ratio Map (sheets 009, 010, 012, 016, 017, 019)
 - c. Height of Buildings Map (sheets 001, 008, 009, 010, 012, 016, 017, 019)
 - d. Heritage Map (sheets 001, 009, 010, 016, 017)
 - e. Locality and Site Identification Map, Key Sites Map, Foreshore Building Map (sheets 010, 008, 009, 010, 012, 016, 017, 019)
 - f. Special Character Areas Map Retail Premises Map (sheets 009, 010, 017)
 - g. Land Zoning Map (sheets 001, 008, 009, 010, 012, 016, 017, 019)
2. Introduce a new ‘Special Provisions Area Map’ in Sydney Local Environmental Plan 2012 in accordance with maps in the Map Book. This map will identify development blocks within the Integration Areas identified as ‘Central Park / CUB’, ‘Harold Park’, ‘Glebe Affordable Housing Project’ and ‘Redfern-Waterloo sites’ and is to make reference to provisions in Sydney LEP that prescribe the maximum gross floor area for each development block in these areas.
3. Introduce new clause in Division 5 Site Specific Provisions in Sydney LEP 2012 that specifies the gross floor area that applies to each development block that are identified on the Special Provisions Area Map as follows:

6.XX Floor area on identified sites

(1) This clause applies to sites located within areas identified as “Central Park/CUB”, “Harold Park”, “Glebe Affordable Housing” and “Redfern-Waterloo sites” shown on the Special Provisions Map.

(2) Despite clause 4.4, the gross floor area or floor space ratio must not exceed the about specified in Schedule XX – Floor area on identified sites.

(3) This provision is not subject to clause 4.6.

4. Insert a new clause in Schedule 1 Additional permitted uses of Sydney LEP 2012 for the following land permitting development for the purposes listed below:
 - a. South Eveleigh at 2-4, 6 and 6A Cornwallis Street, 13, 13A, 25 and 27 Garden Street, 1-3, 2 Locomotive Street, 1, 5-7, 6-8 Central Avenue, 2 Davy Road,

The additional permitted uses include development for the purposes of food and drink premises, retail premises,
 - b. National Centre for Indigenous Excellence at 160-202 George Street, Redfern, being Lot 1 DP 817283, Lot 2 DP 817283, Lot 100 DP 1155453, Lot 1 DP 1154860.

The additional permitted uses include development for the purposes of advertisements; advertising structures; boarding houses; car parks; centre-based child care facilities; community facilities; educational establishments; entertainment facilities; environmental facilities; environmental protection works; function centres; hostels; information and educational facilities; kiosks; medical centres; office premises; passenger transport facilities; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); registered clubs; restaurants; telecommunications facilities; temporary structures; tourist and visitor accommodation related or ancillary to community facilities, recreation facilities (indoor) or recreation facilities, kiosks; passenger transport facilities.

5. Insert a new schedule in Sydney LEP 2012 which includes the maximum GFA for development blocks in the following tables:

Harold Park

Development Block	Maximum gross floor area (sqm)
A1	28,712
A2	8,932
A3	9,673
A4	30,200
A5	4,854
A6	10,595
A7	20,381
A8	5,519
A9	7,518
A10	14,625
A11	0
A12	0

Glebe Affordable Housing

Development Block	Maximum gross floor area (sqm)
B1	11,345
B2	8,140
B3	3,370
B4	7,615
B5	7,750
B6	0

Central Park / CUB

Development Block	Maximum non-residential gross floor area (sqm)	Maximum residential gross floor area (sqm)
C1	22,831	3,473
C2	1,289	22,913
C3	19,288	48,497
C4	867	21,658
C5	6,266	0
C6	0	0
C7	1,260	10,284
C8	341	16,458
C9	5,121	6,043
C10	117	14,479
C11	0	0
C12	0	26,598
C13	1,515	23,842
C14	2,000	0
C15	969	0
C16	303	1,541
C17	0	0

Redfern Waterloo Sites

Development Block	Maximum gross floor area (sqm)	Total maximum FSR	FSR for residential component
D1	42,055	N/A	N/A

Appendix A – Local Environmental Plan Amendments

D2	1,300	N/A	N/A
D3	6,955	N/A	N/A
D4	12,805	N/A	N/A
D5	3,976	N/A	N/A
D6	2,840	N/A	N/A
D7	8,305	N/A	N/A
D8	46,830	N/A	N/A
D9	56,686	N/A	N/A
D10	44,000	N/A	N/A
D11	4,317	N/A	N/A
D12	16,530	N/A	N/A
D13	0	N/A	N/A
D14	12,993	N/A	N/A
D15	11,531	N/A	N/A
D16	11,326	N/A	N/A
D17	13,216	N/A	N/A
D18	10,601	N/A	N/A
D19	9,885	N/A	N/A
D20	7,377	N/A	N/A
D21	9,001	N/A	N/A
D22	9,557	N/A	N/A
D23	15,592	N/A	N/A
D24	1,843	N/A	N/A
D25	N/A	3:1	1:1
D26	N/A	2:1	1:1
D27	N/A	1.5:1	0.75:1

5. Amend Part 1 Heritage item in Schedule 5 Environmental heritage to include the following heritage items including interiors:

Locality	Item Name	Address	Significance	Item no
Forest Lodge	Former Rozelle Tramway Depot	1 Dalgal Way	Local	I641
Forest Lodge	Tram Numbered 1995 (movable item)		Local	I2301
Forest Lodge	Tram Numbered 1753 (movable item)		Local	I2302
Forest Lodge	Tram Numbered 1923 (movable item)		Local	I2303
Forest Lodge	Tram Number 2050 (movable item)		Local	I2304
Forest Lodge	Paceway cutting	74 Ross Street	Local	I2305
Chippendale	Australian Hotel	102 Broadway	Local	I2306
Chippendale	Terrace (Part of former Carlton United Brewery site)	8-12 Abercrombie Street	Local	I2307
Chippendale	Chimney stack, former filtration building, former malt silo building, former gas receiving station, former old boiler house.	3-5 Central Park Avenue	Local	I2308

Appendix A – Local Environmental Plan Amendments

Chippendale	Administration Building (part of former Carlton United Brewery site)	3 Kensington Street	Local	I2309
Chippendale	The Clare Hotel	3 Kensington Street	Local	I2310
Chippendale	Gates and part of former main avenue (Kent Road)	Carlton Street	Local	I2311
Chippendale	Kensington Street Store (2- 14 Kensington Street).	8 Kensington Street	Local	I2312
Chippendale	Terraces (16-16A Kensington Street).	12 Kensington Street	Local	I2313
Chippendale	Terraces (20-28, 30-32, 34- 36, 38 Kensington Street).	20A Kensington Street	Local	I2314
Chippendale	Terraces (40, 46-48 Kensington Street).	40 Kensington Street	Local	I2315
Chippendale	Castle Connell Hotel (Builder's store).	63 Kensington Street	Local	I2316
Redfern	Former Redfern Public School	160-202 George Street	Local	I2317
Redfern	Former Redfern Courthouse	103-105 Redfern Street	Local	I2318
Eveleigh	Former Eveleigh Rail Yard	13A Garden Street, 2 Locomotive Street, 2-4 Cornwallis Street, 6 Cornwallis Street, 6A Cornwallis Street.	State	I2319

