

Attachment A

<p>Planning Proposal Conservation Areas Review</p>

Conservation areas review planning proposal



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Executive Summary

The City's heritage conservation areas (conservation areas) are rich and diverse in history and character. Conservation areas are more than a collection of individual heritage items. They are areas in which the urban origins and relationships between the various elements create a sense of place that is worth keeping and reveal part of our cultural history.

As per the City's 2022 Housing Audit and adjustments to the 2017 Floor Space and Employment Survey, conservation areas are the home for approximately 102,320 people and provide workplaces for almost 54,000 people. The small lot sizes, variety of building types and over two centuries of accumulated growth have produced successful urban environments that can accommodate change and warrant protection.

The City's planning controls enable genuine adaptation and sympathetic change to buildings in conservation areas to meet contemporary housing and workspace needs while also conserving the highly valued character of the area.

The City has carried out a review of the planning controls applying to conservation areas to ensure they continue to conserve the valued heritage character and meet contemporary spatial and household needs. The review was initiated to address concerns that:

- there are tensions between the heritage and built form standards within Sydney Local Environmental Plan 2012 (Sydney LEP). Instances of inappropriate maximum height controls are placing pressure on heritage conservation outcomes on small sites in conservation areas; and
- the existing planning controls are not consistently achieving optimal development outcomes in the conservation areas. The tension between maximum height controls in the Sydney LEP and heritage provisions in the LEP and DCP necessitates a weighing up of appropriate development outcomes on a site-by-site basis.

The proposed planning controls for conservation areas aim to:

- support the retention and adaptation of buildings that contribute to the heritage significance of an area;
- provide for equitable approaches for reasonable alterations and additions that meet contemporary amenity expectations;
- contribute to the range of housing types and business places for a diverse community and economy;
- reduce complexity and increase certainty in the planning controls;
- allow for appropriate infill development; and
- update heritage policy to reflect changes that have occurred within conservation areas.

As a result of the review, a new approach for our small scale buildings in conservation areas is proposed. The term 'small scale buildings' refers to buildings in conservation areas that have been identified and will be mapped. 'Small scale buildings' are defined as dwelling, terrace or traditional shop-type buildings in a residential, mixed-use or local centre zone.

The following amendments to the Sydney LEP are proposed:

1. for small scale buildings in conservation areas, replacing the mapped height of building control with a written provision that limits building height to the existing height of the building on the site, or 7.5 metres, whichever is greater. This will ensure that all buildings, even single

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storey buildings, can accommodate a two-storey rear addition, in line with Sydney DCP. This will also ensure that additions to buildings in a heritage context will not be significantly higher than the existing building;

2. include a site specific provision for land in the Toxteth Estate (see map in Section 3); and
3. minor amendments to conservation area boundaries to strengthen the integrity of the conservation areas by removing sites which do not contribute to their significance.

Savings provisions should be included to protect the rights of those sites with existing approvals.

The draft DCP will strengthen controls relating to the conservation of significant fabric of heritage items and in conservation areas in line with best practice.

This approach is considered to provide the clearest direction for the community in regard to how a small-scale building in a conservation area can be appropriately altered and added to. It provides certainty and is a better fit for our small-scale buildings which historically were developed and considered consistently as groups or rows.

1. Background

1.1. Conservation area review

This planning proposal arises from a strategic review into planning controls for heritage conservation areas (conservation areas) in the Sydney Local Government Area (Sydney LGA).

Sydney's environmental heritage is conserved and managed through clause 5.10 Heritage conservation of the Sydney Local Environmental Plan 2012 (Sydney LEP), the mapping of listed heritage items and Heritage Conservation Areas (conservation areas) and through more detailed planning controls within Sydney Development Control Plan 2012 (Sydney DCP). These controls do not preclude change but aim to manage the heritage to ensure significance is conserved and respected by new development.

There are currently 75 conservation areas within the Sydney. There are more than 22,000 buildings in the conservation areas, including the majority of around 15,000 (70%) terrace houses, 1,500 freestanding houses, 1,200 apartment buildings, 1,200 shops, 700 warehouses and 200 church, community and public buildings.

The buildings within the conservation areas range in age from some early European structures to those of the 21st century. There are almost one hundred buildings dating from the colonial period (1788 – c. 1840), of which 83 are heritage items. The predominant period of development is the Victorian period (c. 1840 – c. 1890) with almost 13,000 buildings, followed by the Federation period (c. 1890 – 1915) with 5000 buildings. Together, the buildings from the Victorian and Federation periods account for nearly 90% of buildings within the conservation areas.

Amendments to the Sydney LEP and Sydney DCP are proposed by the City of Sydney (City) based on a review of the controls that apply in conservation areas.

The review was initiated to address concerns that the existing planning controls are not achieving appropriate development outcomes in some conservation areas and to update heritage policy to reflect changes that have occurred within the conservation areas. Key issues identified were:

- a) Sydney LEP height controls regularly not matching the existing buildings in conservation areas, resulting in some development having poor fit with the heritage significance of conservation areas;
- b) LEP conservation area map boundaries not reflecting the heritage significance or having logical groupings;
- c) DCP heritage controls needing to be amended to better conserve heritage significance, give clearer development guidance for the different contributory grading in conservation areas, and reflect heritage best practice; and
- d) heritage contributory grading not reflecting the building fabric due to new development and other changes to properties (positive and negative to the conservation area heritage significance), property errors and changes to heritage values since the conservation areas were created or last reviewed.

1.2. The site

Site identification

The planning proposal relates to the conservation areas within the Sydney Local Government Area (the City).

Site location and context

The City has 75 heritage conservation areas. Conservation areas are rich and diverse in history and character. As per the City's 2022 Housing Audit and adjustments to the 2017 Floor Space and Employment Survey, they are the home for approximately 102,320 people and provide workplaces for around 54,000 people.

Conservation areas are more than a collection of individual heritage items. They are areas in which the urban origins and relationships between the various elements create a sense of place that is worth keeping and reveal part of our cultural history.

The City's conservation areas provide housing at some of the highest population densities in Australia. The small lot sizes, variety of accommodation types and over two centuries of accumulated growth have produced successful urban environments that accommodate change and warrant protection.

Area	Population density Persons per square kilometre
Haymarket	18,123
Melbourne CBD (Vic)	17,653
Wolli Creek	15,330
Southbank (Vic)	14,102
Pymont and Ultimo	13,379
Surry Hills	12,175
Potts Point and Woolloomooloo	12,125
Darlinghurst	11,794
South Yarra (Victoria)	11,022
Redfern and Chippendale	9,760
Carlton (Vic)	9,253
Glebe and Forest Lodge	8,810
Bondi Beach and North Bondi	8,627
Waterloo and Beaconsfield	7,964
Neutral Bay and Kirribilli	7,810
Bondi, Tamarama and Bronte	7,622
Lakemba and Wiley Park	7,563

Area	Population density Persons per square kilometre
Fitzroy (Vic)	7,451
Bondi Junction and Waverly	7,088
Newtown, Camperdown and Darlington	6,969

Table 1: Population density comparison by area, ABS 2021

Note: Conservation areas in the City of Sydney identified in bold text

Genuine adaptation and sympathetic change to contributory buildings allows conservation areas to evolve for contemporary needs but conserve the highly valued character of the area.

Appropriate changes to existing buildings in conservation areas provide for diversity of housing choices and workplaces that are not provided in new developments (see Table 1 - Percentage of private residential unit mix in the City at 30 June 2022 by development status). This ensures space for families and larger households that are not accommodated in the one or two-bedroom apartments expected to be developed across the City over the next 20 years.

Development Status	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Lodged	3%	33%	43%	19%	2%
Approved	4%	32%	53%	10%	1%
Construction Commenced	4%	32%	43%	19%	2%
Completed (last five years)	6%	35%	46%	12%	1%

Table 2: Private residential unit mix by pipeline stage, City of Sydney, Residential Monitor, June 2022

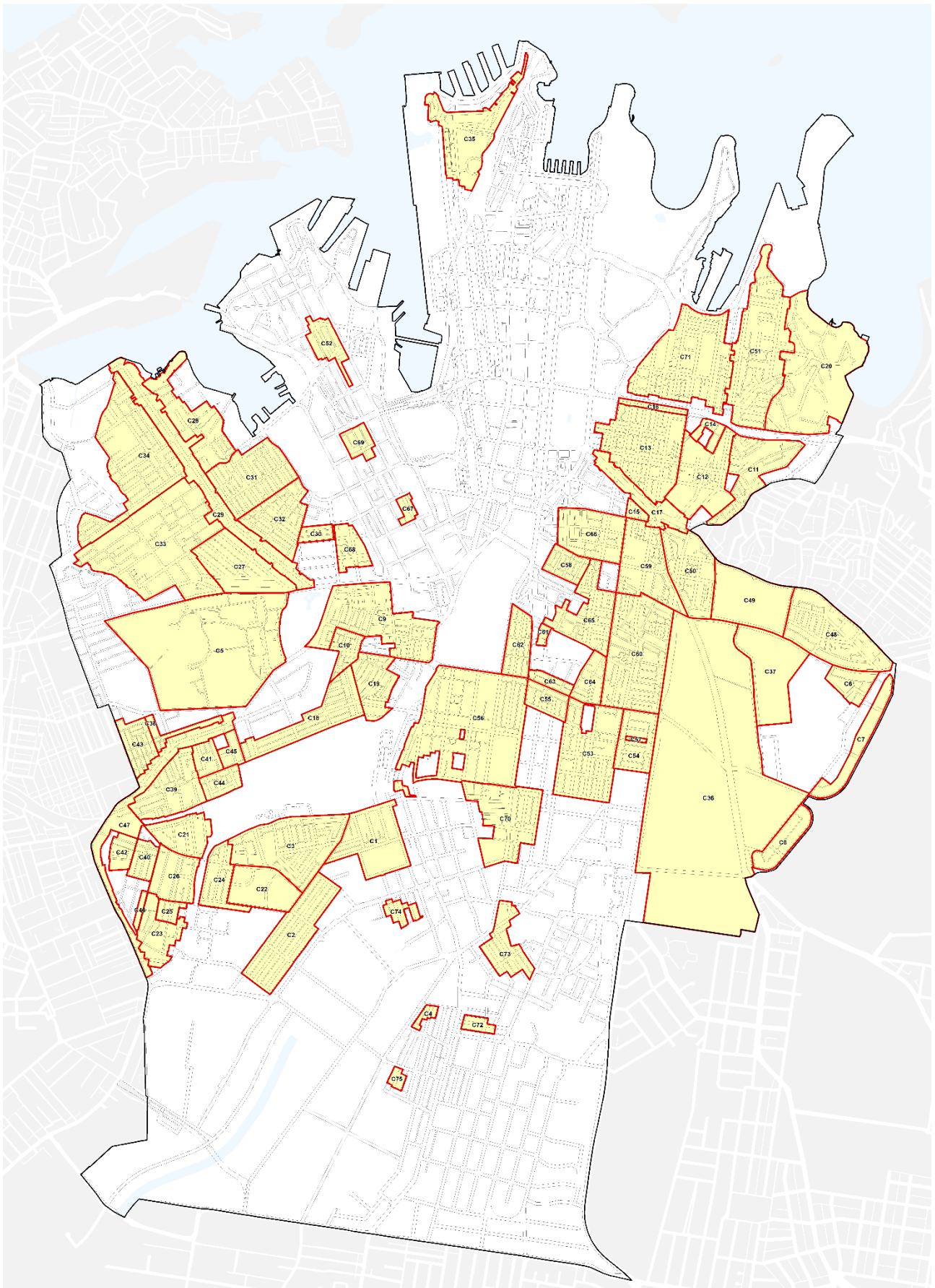


Figure 1: Map of existing conservation areas within the City

Note: Millers Point is included in this statistical analysis of conservation areas but is not subject to the planning proposal

2. Objectives and intended outcomes

2.1. Objective

To amend the Sydney LEP 2012 to conserve the significance of conservation areas, provide for reasonable alterations and additions to buildings to meet contemporary amenity expectations and increase certainty.

2.2. Intended outcomes

- support the retention and adaptation of buildings that contribute to the significance of an area
- provide for equitable access to reasonable alterations and additions that meet contemporary amenity expectations
- contribute to the range of housing types and business places for a diverse community and economy
- reduce complexity and increase certainty in the planning controls
- allow for appropriate infill development, and
- update heritage policy to reflect changes that have occurred within conservation areas.

3. Explanation of provisions

3.1. Proposed amendment to Sydney LEP 2012

This planning proposal is to amend the planning controls that currently apply to conservation areas. The drafting instructions to amend the Sydney LEP are provided below. An example of how these provisions may be drafted subject to agreement with the NSW Department of Planning and Environment and Parliamentary Counsel is included in Appendix A1. A more detailed justification for the proposed planning controls and further explanation of the intended outcome is provided at Part 5 – Justification of this planning proposal.

Drafting instructions

To achieve the intended outcomes this planning proposal seeks to amend the Sydney LEP 2012 as follows:

1. Amend the Heritage Map sheets to revise the boundaries of conservation areas shown at Appendix A1 of this planning proposal.
2. Amend the Height of Building Map Sheets as shown at Appendix A1 of this planning proposal to:
 - a. Remove the mapped height of building control for “small scale buildings” being attached houses (terrace houses), detached and semi-detached houses and traditional shops within the R1 General Residential zone, R2 Low Density Residential zone, E1 Local Centre zone and MU1 Mixed Use zone; and
 - b. Add a hatch to all properties identified in 2(a) which refers to a new site-specific clause outlined in (3) and (4) below.
3. Insert a new clause which applies to land identified in (2) which sets the maximum height of building control for the lot as the maximum height of the existing building on the land or 7.5m, whichever is greater. If there is no existing building on the site or if the height of the existing building is less than 3.6m, then the maximum height of building control is to be the height of the existing building on any adjoining site facing the same primary street, or 7.5m whichever is the highest.
4. Despite 3, insert a new clause which applies to small scale buildings within the land identified in blue hatch in Figure 2 below which sets the maximum height of building control for lots within that area as the maximum height of the existing building on the land or 6m, whichever is greater.

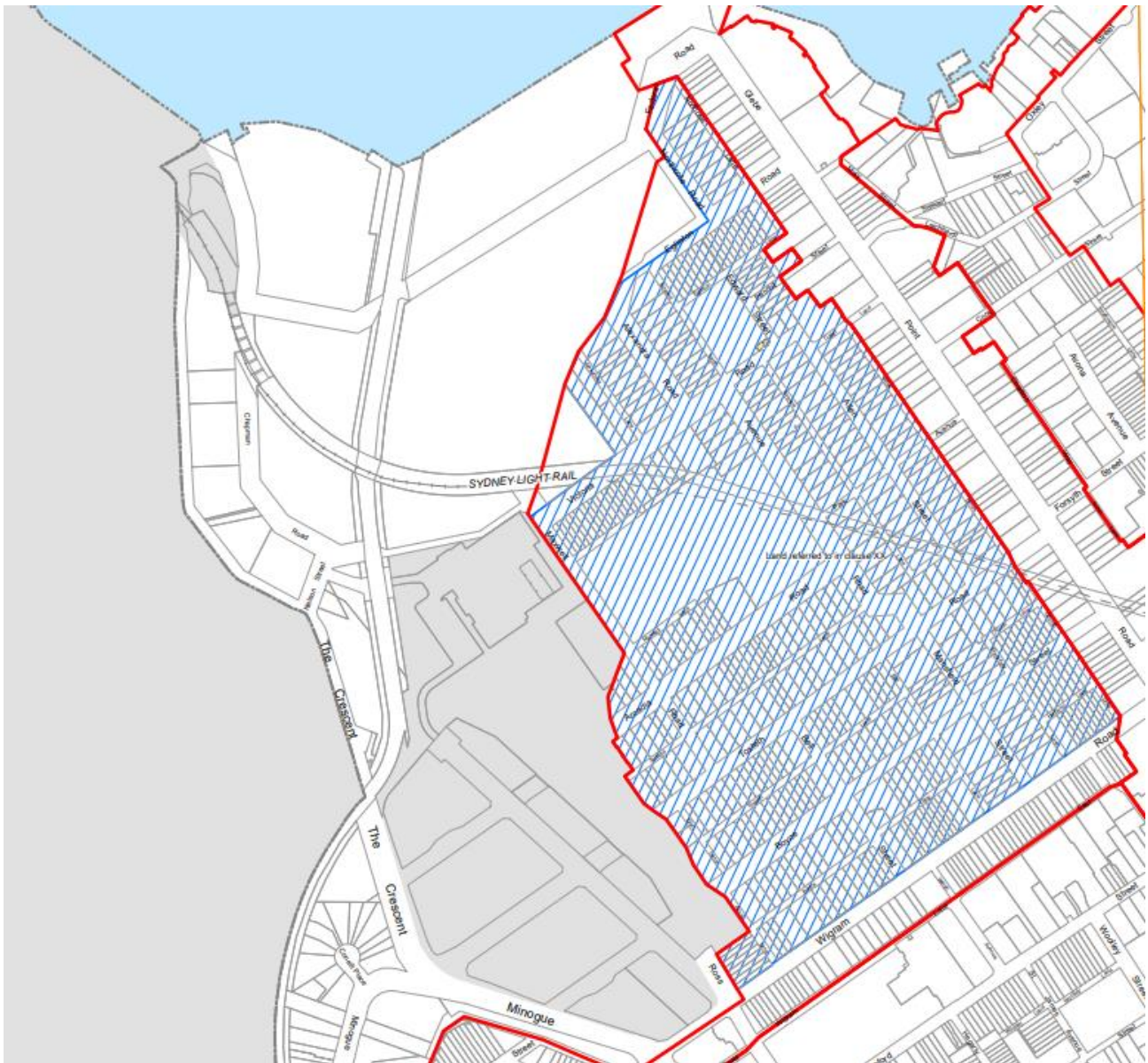


Figure 2: Area of land identified in blue hatch (Toxteth Estate) where small scale building maximum height of building is to be limited to existing or 6 metres, whichever is greater

A savings provision should be included that protect the rights of sites with existing approvals.

3.2. Draft DCP

The City has prepared a draft DCP to amend Sydney DCP 2012.

The draft DCP is to be publicly exhibited with this planning proposal.

4. Justification

The review identified various issues with the current planning controls

Research revealed that where development controls are in contradiction or not aligned, applications that meet some but not all controls, results in a more complex assessment task. Greater complexity and consultation require more time to resolve issues and complete assessments and results in greater variation in approval outcomes.

The main issues include:

- applicants misunderstanding the relationship between maximum height and heritage provisions in the Sydney LEP and the number of storeys control of the Sydney DCP;
- differences between the height standard and the conservation of contributory buildings as in some cases the height appears to allow excessive alterations and additions and in some cases the height standard does not permit reasonable two storey rear additions; and
- difficulty in understanding the definitions and actions of the various contributory status of buildings, particularly, in relation to neutral buildings in conservation areas.

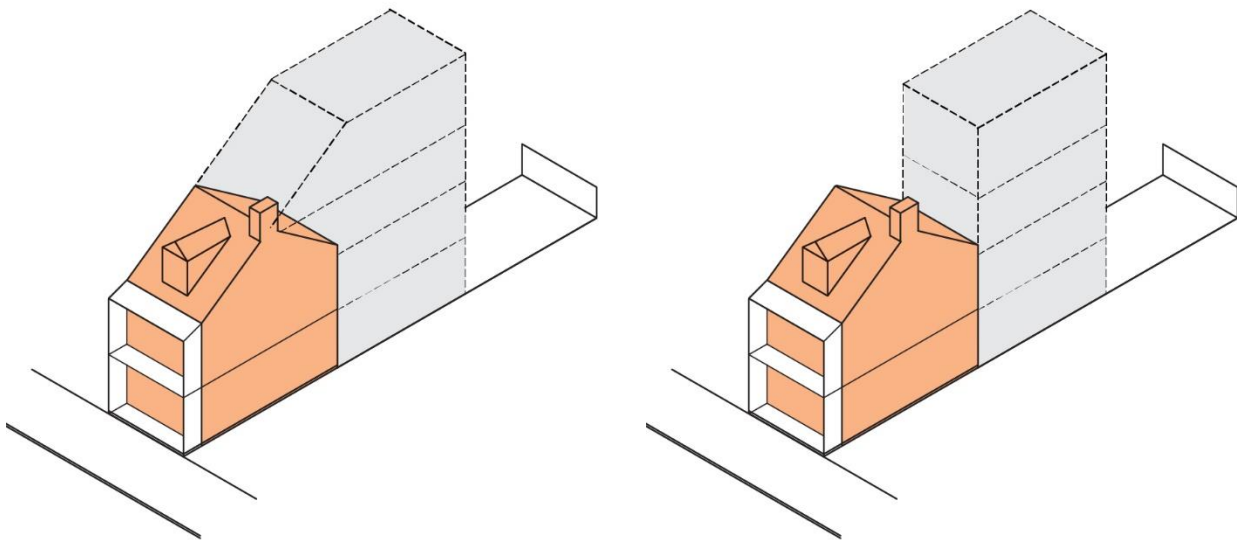


Figure 3: Example forms with inappropriate excessive rear additions

Aims of the review

The current controls can be too restrictive or too permissive depending on the site. The proposed changes intend to reduce the instances of that and create greater certainty for heritage and housing outcomes. The review aims to address the issues outlined above by:

- strengthening provisions on retaining buildings and those parts of buildings that contribute to the heritage significance of conservation areas;
- ensuring more equitable opportunity for alterations and additions based on the existing height of buildings;
- promoting housing diversity by allowing for appropriate additions to historic building forms which will allow families, larger households to grow and stay in the area;
- meeting modern amenity expectations of dwellings and ensuring historic buildings can be adapted to provide high amenity spaces;

- reducing the reliance on exceptions to height through Clause 4.6 variation submissions to height development standards, as requested by the Department of Planning and Environment;
- improving community understanding of what can be done on their land and neighbouring sites;
- ensuring conservation area map boundaries reflect the heritage significance of the area to ensure conservation areas are robust and defensible.

These aims will be achieved through the proposed planning controls outlined in this planning proposal and through proposed amendments to the Sydney DCP.

The review has been informed by a field survey

A field survey was conducted by heritage specialists who inspected every property externally from public places (streets, lanes and parks) in the conservation areas and selected properties bordering these areas.

The survey focused on establishing a comprehensive knowledge base to enable an understanding of the complexity and diversity of the building stock in the conservation areas.

The data collected includes: the type of buildings, their number of storeys, their original period of construction and the period of subsequent major change, the distribution of attics, basements, rear extensions, car parking, the number of frontages and a comprehensive photographic survey.

The field survey found that, in general, buildings are capable of maintaining a significant contribution to the conservation areas and accommodate appropriate alterations and additions to support contemporary and diverse housing needs.

Proposed approach to managing development in conservation areas

The review seeks to reconcile Council and the community's support for both conservation and suitable homes and workplaces with a more effective set of planning controls.

Within conservation areas, there is a high level of consistency of building typologies but variability in site size and additions.

To better align development standards with desirable heritage and housing outcomes and improve clarity, certainty and confidence for landowners and neighbours, it is proposed to amend the Sydney LEP, as outlined in this planning proposal, and the Sydney DCP Amendment – Conservation Area Review (draft DCP).

The proposed planning controls introduce a new approach for buildings in conservation areas that are dwellings, terraces or shop-type buildings in residential, mixed use or local centre zones.

LEP Amendments

The proposed amendments to the Sydney LEP apply to small scale buildings in conservation areas. The term 'small scale buildings' refers to buildings in a conservation area that are dwellings, terraces or shop-type buildings in the R1 General Residential zone, R2 Low Density Residential zone, E1 Local Centre zone or MU1 Mixed Use zone.

The proposed amendments to the Sydney LEP do not apply to other larger building typologies such as warehouses, industrial and institutional buildings, commercial or residential flat buildings in the R1 General Residential zone, R2 Low Density Residential, E1 Local Centre zone and MU1 Mixed Use zone.

Amendments to the Sydney LEP building height controls

There has been some confusion as to how to apply the Sydney LEP height control

Currently, each site in a conservation area has a maximum height of building identified on the Height of Building map in the Sydney LEP. Each site in the conservation areas also has a maximum height in storeys control in the Sydney DCP which provides additional detail on the

intended built form for that site. In most cases, the height in storeys control is aligned to the number of storeys of the existing building on the site.

The review identified that in some conservation areas, the Sydney LEP height of buildings control has been found to significantly exceed the height of contributory buildings, with the height control being inconsistent with the Sydney DCP height in storeys control. This is resulting in development proposals which comply with current height controls in the Sydney LEP, but with a built form which is inappropriate in the conservation area context (see Figure 3) and have impact on the significance of the conservation area.

The proposed LEP control in heritage conservation areas will facilitate an appropriate built form

It is proposed to replace the mapped height of building control in the Sydney LEP for 'small scale buildings' only in heritage conservation areas with a written provision in the Sydney LEP. This planning proposal introduces the following amendments to the Sydney LEP for small scale buildings in conservation areas:

- replacing the numerical height of building control for small scale buildings in conservation areas with a 'hatch' which refers to a new provision of the Sydney LEP; and
- introducing a new provision to clause 4.3 of the Sydney LEP which identifies the maximum height of building control as the height of the existing building, or 7.5 metres, whichever is highest. For vacant sites, the maximum height of building control will be the height of a building on one of the neighbouring sites facing the same primary street, or 7.5 metres, whichever is highest. For some sites in Glebe, the maximum height limit will be set at 6 metres which better reflects a unique single storey typology in this location (see Figure 2).

Generally, the new provision will limit building height to the existing height of the building on the site, or 7.5 metres, whichever is the highest. This will ensure that the characteristic scale of heritage areas is generally maintained while also allowing all buildings, even single storey buildings, to accommodate a 2-storey addition in line with Sydney DCP. This will also ensure that additions to buildings in a heritage context will not be significantly higher than the existing building.

For contributory buildings, the draft DCP will ensure retention of the main building form, which contributes to the conservation area, and provides guidance on acceptable alterations and additions.

For neutral buildings not from a significant period and for detracting buildings, those buildings can be demolished and replaced with a new building no higher than the existing building on the site.

If a site is vacant or has a building lower than 3.6 metres in height on the site, which is often the case for vacant sites which have only a garage or shed on the site, then the height of building control will be determined by the height of the existing building on any directly adjoining site facing the same primary street as the subject site, or 7.5 metres, whichever is highest. This will allow vacant sites to develop to a height that is appropriate to the heritage context.

Amended controls in the draft DCP for new infill buildings will ensure any new or replacement building improves the relationship between the site and the conservation area.

Amendments to heritage conservation area boundaries

It is proposed to amend conservation area boundaries to reflect the current state of conservation areas and strengthen the conservation areas.

Under existing controls, each property in the conservation areas is identified as either contributory, neutral or detracting on the DCP 2012 Building Contributions map to indicate their overall contribution to the significance of the area.

Amendments to conservation area boundaries are proposed to ensure that sites are contained within the most suitable conservation area based on statement of significance, to correct errors in conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. The

amendments result in two properties shifting from one conservation area to another, 12 properties being added to conservation areas and 23 removed from conservation areas.

The full list of proposed adjustments to conservation area boundaries is contained at Attachment B.

Amendments to the Sydney DCP support this planning proposal

The draft DCP introduces a range of amendments to strengthen heritage conservation.

4.1. Matters for consideration

This section provides a response to the 'matters for consideration' described in Table 3 of the Local Environmental Plan Making Guideline, published by the Department of Planning, Industry and Environment in August 2023, that are to be taken into account when describing, evaluating and justifying a planning proposal.

Section A- Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. This planning proposal is based on LSPS *Action L2.9 Conserve places of heritage significance*, as outlined below. The planning proposal is also based on a strategic review of the planning controls applying in the City's conservation areas which identified a range of issues with the current planning controls, as outlined above.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This planning proposal is the best means of achieving the planning objectives and intended outcomes for conservation areas.

This approach is considered to provide the clearest direction for the community in regard to how a 'small scale building' in a conservation area can be appropriately altered and added to. It provides certainty and is a better fit for our small scale buildings, which historically developed as consistent groups or rows.

It is proposed to amend the Sydney LEP to support conservation of environmental heritage within conservation areas, to provide increased certainty about acceptable development outcomes and provide for reasonable alterations and additions to buildings to meet contemporary amenity expectations.

Several alternative options were considered during the preparation of this planning proposal.

An intended outcome of this planning proposal is to resolve the inconsistency between the mapped height of building control in the Sydney LEP and heritage conservation aims of ensuring additions to buildings in conservation areas are sympathetic to their heritage context. Where the mapped height is set too high for a site it becomes very difficult to maintain the heritage objectives of Sydney LEP under Clause 5.10 as the development standard, despite it being only a maximum, usually takes precedence in practice. The review found that most fine grain buildings such as terrace houses and small shops with pitched roofs are not suited to vertical additions or additions which are taller than the original building. Where the mapped height is too low, and exception utilizing cl. 4.6 is often relied upon. Over the past 5 years, cl 4.6 has been supported by Council for height twice as often as for floor space.

As an alternative to replacing the mapped height of building control with a written provision, aligning the mapped height of building control with the existing building on the site was considered. Using photogrammetry, the existing heights of all buildings in conservation areas were measured and mapped. However, the margin of error of this method was greater than considered acceptable.

It is the view of the City that a written provision, as outlined in Section 3 of this planning proposal, is a more accurate method.

Section B - Relationship to the strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan

A Metropolis of Three Cities, Plan for Growing Sydney is the strategic plan for Greater Sydney region. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct but connected cities: the Eastern Harbour City, the Central River City and the Western Parkland City. The directions and objectives of the strategic regional plan relate to:

- Liveability;
- Productivity;
- Sustainability; and
- Infrastructure and collaboration.

This planning proposal is consistent with the following planning objectives of the Greater Sydney Region Plan:

Objective 13 Environmental heritage is identified, conserved and enhanced

- by updating planning controls to enable genuine adaptation and sympathetic change to buildings in conservation areas to meet contemporary housing and workspace needs while also conserving the highly valued character of the area.

Eastern City District Plan

The Eastern City District Plan is a statutory consideration under the provisions of Environmental Planning and Assessment Act 1979, which requires this planning proposal to give effect to the directions and priorities set out in the district plan, of which the City of Sydney is a part.

This planning proposal is consistent with the following planning priorities and actions of the Eastern City District Plan:

Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

- by identifying, conserving and enhancing environmental heritage through the planning process, reflecting the heritage values and character of local places and how they contribute to the significance of heritage conservation areas; and
- by supporting sympathetic built form controls to manage the conservation of heritage significance, combining the local heritage with modern design that achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Sustainable Sydney 2030-2050

Sustainable Sydney 2030-50 is the vision for sustainable development of the City of Sydney to 2030 and beyond. The strategic plan builds on three key themes of Green, Global and Connected and includes 6 guiding principles for a sustainable city, 10 specific targets to measure progress, and 10 strategic directions to guide its future development.

This planning proposal gives effect to the following directions of Sustainable Sydney 2030-50:

Direction 4 Design excellence and sustainable development

City Plan 2036 - Local Strategic Planning Statement

The *City of Sydney Local Strategic Planning Statement* (LSPS) sets out the City's 20-year vision for strategic land use and the planning priorities to guide development towards a green, global and connected city. The Sydney LSPS provides directions for infrastructure, liveability, productivity and sustainability to manage the change and growth.

This planning proposal gives effect to the Sydney LSPS by supporting the following priorities and actions:

Priority L2 Creating great places:

- to protect the character of distinctive heritage neighbourhoods and delivering design excellence and high amenity in the built environment.

Action L2.9 Conserve places of heritage significance:

- by reviewing LEP development standards to address inconsistencies with the conservation of heritage items and conservation areas; and
- by ensuring development of heritage items, contributory buildings in conservation areas, and new development in conservation areas conserve the heritage values of the place and is sympathetic to the built form, scale and fabric.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other State and regional studies or strategies have been identified as being applicable for this planning proposal.

Q6. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in [Table 3](#).

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Housing) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.

State Environmental Planning Policy	Comment
SEPP (Industry and Employment) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Apartment Development	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Planning Systems) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Precincts—Central River City) 2021	Not applicable
SEPP (Precincts—Eastern Harbour City) 2021	Not applicable
SEPP (Precincts—Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Resources and Energy) 2021	Not applicable.
SEPP (Sustainable Buildings) 2022	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.

Table 3: Consistency with SEPPs

Q7. Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in [Table 4](#).

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. This planning proposal supports the Region Plan, as discussed in detail under Question 3 (above).
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent.

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Ministerial Direction	Comment
	This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development
1.4 Site Specific Provisions	Consistent. This planning proposal does not include site specific provisions for a particular development, but general provisions for land in conservation areas.
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable

Ministerial Direction	Comment
1.17 Implementation of the Bays West Place Strategy	Not applicable
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19 Implementation of the Westmead Place Strategy	Not applicable
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable
Focus area 2: Design and Place	
This Focus Area was blank when the Directions were made.	Not applicable
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	<p>Consistent.</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This planning proposal applies to land within existing conservation areas. It includes provisions that support conservation of the heritage significance of conservation areas, as discussed in detail above.</p>
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	Not applicable
3.7 Public Bushland	Not applicable
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10 Water Catchment Protection	Not applicable
Focus area 4: Resilience and Hazards	

Ministerial Direction	Comment
4.1 Flooding	<p>Consistent.</p> <p>This planning proposal does not include provisions for flood planning. Future development applications will continue to be required to address the potential flood risk of sites in accordance with the LEP.</p>
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	Not applicable as there is no proposed change to permitted land uses.
4.5 Acid Sulfate Soils	<p>Consistent.</p> <p>This planning proposal does not include provisions for managing acid sulfate soils. Future development applications will continue to be required to address the potential acid sulfate soils on sites in accordance with the LEP.</p>
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent
5.2 Reserving Land for Public Purposes	Consistent
5.3 Development Near Regulated Airports and Defence Airfields	Consistent
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	<p>Consistent.</p> <p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> <p>This planning proposal applies to certain land zoned R1 General Residential and R2 Low Density Residential within conservation areas. It makes minor adjustments to the boundaries of conservation areas, removing sites that are not significant to the conservation area. Removing the sites from the conservation area will provide those sites greater</p>

Ministerial Direction	Comment
	opportunity to achieve the permissible residential density. This proposal retains FSR controls and as such does not reduce permissible residential density.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Consistent.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Table 4 Consistency with Section 9.1 Ministerial Directions

Section C - Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The conservation areas are part of an urban environment and do not contain critical habitat or threatened species, populations or ecological communities.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects of this planning proposal. The relevant management and mitigation measures are identified where appropriate in the draft DCP, and any development in conservation areas will be subject to further assessment at the detailed DA stage.

Q9. Has the planning proposal adequately addressed any social and economic effects?

A detailed discussion of the social and economic effects of this planning proposal is provided in Section 5 of this planning proposal. The density and zoning controls within the conservation areas effectively remain unchanged. The proposed changes to the building height controls enable development that is feasible, to meet housing and employment needs whilst conserving the heritage values of these areas.

Section D - Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

The conservation areas are already supported by adequate public infrastructure, including utilities, transport and a variety of services and facilities.

This planning proposal does not increase the development density within the conservation areas and therefore does not increase the demand for additional State or Commonwealth infrastructure. Demand for local infrastructure as result of the redevelopment of the site will be satisfied through development contributions under the City of Sydney Development Contributions Plan 2015.

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

To be determined in further consultation with public authorities following Gateway determination.

5. Mapping

This planning proposal seeks to amend the following maps contained in Sydney LEP 2012:

- Heritage Map Sheets in regards to Heritage Conservation Area boundaries as shown at Appendix A1; and
- Height of Buildings Map Sheets as shown at Appendix A1.

6. Community consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination.

Additional maps will be prepared and submitted to the Department together with this Planning Proposal to facilitate community understanding through the community consultation process.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this planning proposal on the City of Sydney website and in writing to the owners and occupiers of properties in conservation areas.

Due to the broad scope of application of this planning proposal, it is recommended by the City that this planning proposal be publicly exhibited for at least 42 days.

It is proposed that exhibition material will be made available on the City of Sydney website.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination.

7. Project timeline

The anticipated timeline for completion of this planning proposal is as follows:

Stage	Timeline
Gateway determination	April 2024
Public exhibition and government agency consultation	May – June 2024
Consideration of submissions	July – September 2024
Post exhibition consideration of proposal by Council / CSPC	October 2024
Drafting of LEP provisions	November 2024
Finalisation of LEP and DCP and forwarding to Department of Planning, Industry and Environment for notification	December 2024

Appendix A1

Proposed mapping amendments to Heritage and Height Maps in the Sydney LEP 2012

