

# **Attachment B**

**Planning Proposal – Sydney  
Environmental Plans – Policy and  
Housekeeping Amendments**

# Planning Proposal – Sydney Local Environmental Plans – Policy and Housekeeping Amendments 2023



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## Executive Summary

Planning Proposal – Sydney Local Environmental Plans – Policy and Housekeeping Amendments 2023 (planning proposal) has been prepared by the City of Sydney (the City) to update its land use planning framework: Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Local Environmental Plan 2013 (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (Green Square Town Centre LEPs).

Since 2020, the City has been implementing changes to its planning controls in line with the priorities and action of its local strategic planning statement, City Plan 2036, a 20-year vision to balance the need for additional housing and productive activities while protecting and enhancing local character, heritage and public space and improving the sustainability of our area.

This planning proposal brings together a series of smaller planning changes to implement priorities and actions from the planning statement related to housing, parking, greening, amenity, sustainability and design excellence as well as housekeeping changes to improve the operation of controls. This planning proposal comprises 20 policy and housekeeping amendments to Sydney LEP 2012 and some amendments also apply to the two Green Square Town Centre LEPs, aligning with key strategic priorities for infrastructure, liveability, productivity, sustainability and governance detailed in the City's planning statement.

Amendments in this planning proposal address housing supply challenges by further clarifying affordable housing contribution provisions ensure consistency with how they are applied are applied across the council area. Trees play a vital role in protecting our health and wellbeing, and new controls establish deep soil and landscape requirements to increase tree canopy cover and incentives will encourage more green roofs.

The City's parking rates for new development have been reviewed and approvals for bicycle parking and electric vehicle charging streamlined to encourage more active and sustainable transport use. Sunlight protection will be extended to additional named parks and new sustainability provisions will support and streamline initiatives, including broader exempt development requirements for residential solar panel systems.

Updates to the City's Competitive Design Policy will be reflected in the planning framework, streamlining the process for design competitions and clarifying where site-specific development control plans will be required. Changes to Central Sydney planning controls expand floor space incentive bonuses to more uses, maintain setback usable outdoor space in front of buildings and further incentivise the take-up of the City's Heritage Floor Space scheme.

Minor housekeeping amendments will ~~facilitate essential east-west road connections~~, clarify and improve the application of a number of existing provisions and remove an outdated provision. Some legacy planning controls, Concept Plans and past state significant development approvals will be integrated into Sydney LEP 2012 as a part of this planning proposal.

This planning proposal seeks a Gateway Determination from the Department of Planning and Environment to update the City's planning framework and place the amendments on public exhibition. Updates to the Sydney Development Control Plan 2012 and other development guidelines will be exhibited concurrently.

Following feedback from the Department of Planning, Housing and Infrastructure, Amendment 1 – Build-to-rent and Co-living Housing now comprises a separate planning proposal. Amendment 15 – Use of existing non-residential buildings that were shops or pubs has been removed from the planning proposal. All other amendments have been renumbered. This planning proposal can be viewed at the NSW Planning Portal:

<https://www.planningportal.nsw.gov.au/ppr/post-exhibition/planning-proposal-sydney-local-environmental-plans-policy-and-housekeeping-amendments-2023>

Post-exhibition amendments are shown in red, with deletions in ~~strikethrough~~ and additions and edits in underline.

# 1. Background

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## 1.1 History

The Sydney Local Environmental Plan 2012 (Sydney LEP 2012) came into effect on 14 December 2012, consolidating the Sydney, Leichhardt and South Sydney plans into one comprehensive plan in the new NSW Government's Standard Instrument format. Notwithstanding, due to a range of historical and technical reasons, several other planning instruments and frameworks also apply to sites and precincts in the City of Sydney local government area (LGA) separately to Sydney LEP 2012.

Continuous review is necessary to ensure Sydney LEP 2012 continues to deliver positive outcomes for the local economy, residents and visitors and remains consistent with the vision set out in the City of Sydney's *City Plan Local Strategic Planning Statement and Sustainable Sydney 2030-2050 Continuing the Vision*.

Since Sydney LEP 2012 has been in force, the City of Sydney (the City) has made policy, housekeeping and heritage-related amendments to improve its operation and accuracy, including several amendments to the local environmental plans that apply to the Green Square Town Centre.

The City has made changes to these controls to address the changing urban context, to meet strategic objectives and to support growth, primarily through site-specific and discrete planning proposals responding to landowner requests or through strategic work such as the Central Sydney Planning Strategy.

The amendments in this planning proposal will ensure the City's planning control framework is up to date and reflects current planning strategies.

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## 1.2 Affected area

This planning proposal relates to the Sydney local government area, inclusive of area currently covered by the following planning instruments:

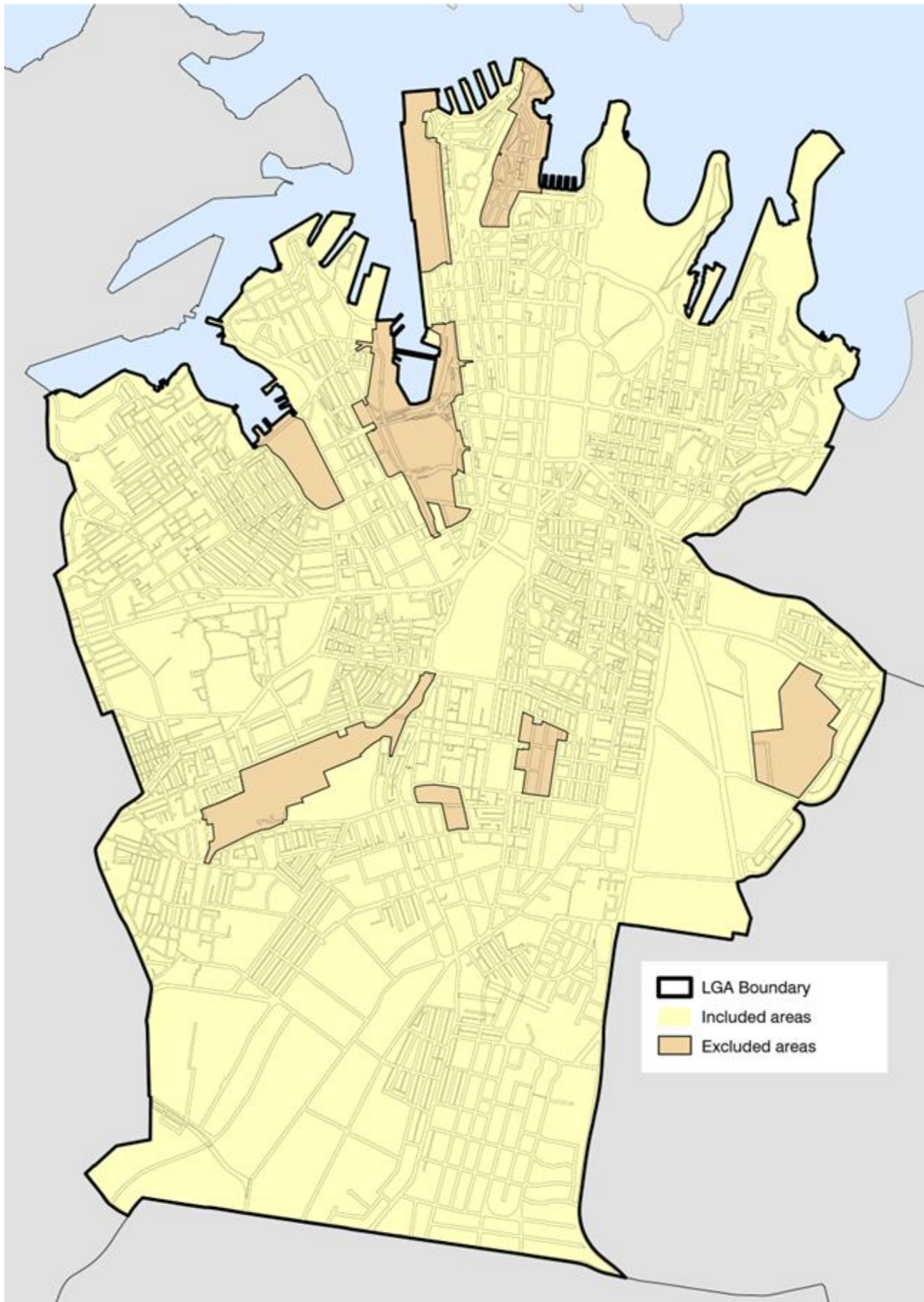
- Sydney LEP 2012
- Sydney LEP (Green Square Town Centre) 2013
- Sydney LEP (Green Square Town Centre – Stage 2) 2013
- Sydney LEP 2005
- Sydney LEP 2011 (Harold Park)
- Sydney LEP 2011 (Glebe Affordable Housing Project)
- South Sydney Local Environmental Plan 1998
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021.

The land affected by the planning proposal is shown in Figure 1 below.

This planning proposal does not apply to certain areas not covered by Sydney LEP 2012, including The Rocks; Barangaroo; parts of Darling Harbour; Moore Park; Wentworth Park and the Fish Markets; and parts of Redfern and Waterloo. These areas are shown in Figure 1.



Figure 1. Land affected by this Planning Proposal with excluded areas identified



## 1.3 Introduction

This Planning Proposal – Sydney Local Environmental Plans – Policy and Housekeeping Amendments 2023 (planning proposal) details the intent and justification for the proposed amendments to Sydney LEP 2012 and Sydney Local Environmental Plan 2013 (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 (Green Square Town Centre LEPs).

This planning proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and Local Environmental Plan Making Guideline published by the Department of Planning and Environment (the Department) in August 2023.

This planning proposal will deliver policy and housekeeping amendments to the Sydney LEP 2012 and some amendments also apply to the two Green Square Town Centre LEPs. This planning proposal includes 18 amendments as listed in Table 1 below.

**Table 1. Proposed amendments**

Amendment 1 – Deep soil

Amendment 2 – Structures associated with green roofs

Amendment 3 – Parking in new developments

Amendment 4 – Protection of sun access to Gunyama Park and Cook and Phillip Park

Amendment 5 – Exempt Development – Solar energy systems

Amendment 6 – Basement intensive plant agriculture

Amendment 7 – Superseded sustainability targets for some residential development

Amendment 8 – Design excellence processes and site-specific development control plans

Amendment 9 – Change to Metropolitan Centre zone and Central Sydney boundary

Amendment 10 – Additional uses for accommodation floor space

Amendment 11 – Superseded ‘opportunity sites’ in Central Sydney

Amendment 12 – Heritage Floor Space scheme

~~Amendment 13 – Rezoning of the land in Alexandria~~

Amendment 14 – Development near zone boundaries

Amendment 15 – 257 Sussex Street

Amendment 16 – Affordable housing contributions

~~Amendment 17 – Cross City Tunnel ventilation stack~~

Amendment 18 – Integration of planning controls

A summary of the proposed amendments to the LEP is provided below and grouped into categories outlined under the following headings. An asterisk (\*) indicates if the provision also applies to Green Square Town Centre LEPs. Further information each amendment is included in Appendix A: Local Environmental Plan Amendments to this planning proposal.

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## 1.4 Greening Sydney

### Amendment 1 – Deep soil

- Expands on matters to be addressed for design excellence and development that required the preparation of a site-specific development control plan (i.e. to include deep soil and tree planting)\*

### Amendment 2 – Structures associated with green roofs

- Introduces a new clause to allow structures associated with green roofs to exceed building height limits when certain requirements are met

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## 1.5 Parking

### Amendment 3 – Parking in new developments

- Amends the Land Use and Transport Integration (LUTI) and Public Transport Accessibility Level Map (PTAL) maps to show changes in public transport accessibility across the LGA
- Amends the maximum parking rates for a range of multi-unit residential and non-residential uses
- Exempts Community Electric Vehicle (EV) charging spaces from maximum parking rates
- Introduces a new clause to make bicycle parking devices on ground floor or in basements exempt development

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## 1.6 Protecting amenity

### Amendment 4 – Protection of sun access to Gunyama Park and Cook and Phillip Park

- Introduces a new sun access plane to protect sun access to Gunyama Park
- Adds Cook and Phillip Park, Sydney as a place where overshadowing from new development is restricted

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## 1.7 Sustainability

### Amendment 5 – Exempt Development – Solar energy systems

- Introduces new exempt development provisions for solar energy systems.

### Amendment 6 – Basement intensive plant agriculture

- Adds a new provision to permit intensive plant agriculture in the basement of existing buildings that will not attract gross floor area

### Amendment 7 – Superseded sustainability targets for some residential development

- Removes BASIX Energy stretch targets as a response to recent State Environmental Planning Policy (Sustainable Buildings) 2022 changes



## 1.8 Design excellence

### Amendment 8 – Design excellence processes and site-specific development control plans

- Updates design excellence provisions to apply to significant alterations of existing buildings and removes the design alternatives process\*
- Additional flexibility in the operation of a design competition for applications determined by Council, the Local Planning Panel or the Central Sydney Planning Committee by enabling a design excellence strategy to be approved where a concept DA (site-specific development control plan) is not required\*
- Minor LEP amendments adding ESD benchmarks, target competitor and juror requirements and new alternative process for affordable housing and social housing projects to align with updates to the Competitive Design Policy\*
- Update reference to new version of the Competitive Design Policy\*

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## 1.9 Central Sydney

### Amendment 9 – Change to Metropolitan Centre zone and Central Sydney boundary

- Makes a minor change to the mapped boundaries of Central Sydney and SP5 Metropolitan Centre zone to incorporate the Powerhouse Museum site

### Amendment 10 – Additional uses for accommodation floor space

- Adds five non-residential uses that may be eligible for accommodation floor space

### Amendment 11 – Superseded ‘opportunity sites’ in Central Sydney

- Removes superseded ‘opportunity site’ Floor Space provisions

### Amendment 12 – Heritage Floor Space scheme

- Permits minor increases in gross floor area of buildings with registered (awarded) heritage floor space

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## 1.10 Housekeeping

### ~~Amendment 13 – Rezoning of land in Alexandria~~

- ~~– Facilitates the delivery of essential road infrastructure to support the development of the Green Square Town Centre and improve east-west connectivity~~

### Amendment 14 – Development near zone boundaries

- Clarifies the intent of provisions which provide development flexibility on land on either side of the SP1 Special Activities or SP2 Infrastructure zone boundaries

### Amendment 15 – 257 Sussex Street

- Corrects an omission in Sydney LEP 2012 by allocating height of buildings and floor space ratio controls to 257 Sussex Street, Sydney

### Amendment 16 – Affordable housing contributions

- Ensures affordable housing contributions in Central Sydney and on residual land applies to both a development application and any associated modification

### ~~Amendment 17 – Cross City Tunnel ventilation stack~~

- ~~– Removes the outdated Development near Cross City Tunnel ventilation stack provisions that apply in Sydney, Haymarket, Ultimo and Pyrmont~~

## 1.11 Planning control integration

### Amendment 18 – Integration of planning controls

Integrates ‘legacy’ planning controls for major project development precincts into Sydney LEP 2012. Areas include former Carlton United Brewery site on Broadway (Central Park), Harold Park, Glebe Affordable Housing Project, certain Redfern Waterloo Authority Area sites, and 216-412 Gardeners Road, Rosebery.

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## 1.12 Maps

This planning proposal is supported by mapping changes and updates to Sydney LEP 2012 and State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 maps as a result of the proposed amendments. The following amendments include map changes:

Amendment 3 – Parking in new developments

Amendment 4 – Protection of sun access to Gunyama Park and Cook and Phillip Park

Amendment 9 – Change to Metropolitan Centre zone and Central Sydney boundary

~~Amendment 13 – Rezoning of land in Alexandria~~

Amendment 15 – 257 Sussex Street

Amendment 18 – Integration of planning controls

All new and amended maps affected by this planning proposal are included in Appendix B: Local Environmental Plan Map Book.

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## 1.13 Development control plan

The planning proposals relates to the proposed amendments to Sydney LEP 2012 and Green Square Town Centre LEPs. Some amendments are supported by proposed provisions in Sydney Development Control Plan 2012 (Sydney DCP 2012). These provisions are included in the following DCP amendments and are discussed in Sydney Development Control Plan 2012 – Policy and Housekeeping – Overview and Explanation.

- Amendment 3 – Urban ecology
  - Amendment 4 – Parking
  - Amendment 9 – Sun protection of Parks and Public Places
  - Amendment 12 – Competitive design processes
  - Amendment 13 – Central Sydney
  - Amendment 16 – Integration of planning controls
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## 1.14 City of Sydney Competitive Design Policy

The City of Sydney Competitive Design Policy is proposed to be updated to:

- provide additional flexibility in its operation and extend design excellence provisions to significant alterations of existing buildings
- provide a pathway for design excellence strategy approval where a concept plan or site-specific DCP is not required;
- remove the option for a design alternatives competitive design process;

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- a new optional process for social housing and affordable housing projects by a community housing provider; and
- make minor edits to correct errors or omissions.

The proposed updates to the Policy require the relevant clauses and definitions in Sydney LEP 2012 and Green Square Town Centre LEPs to be amended and are included in this planning proposal and is detailed in Appendix A: Local Environmental Plan Amendments.

## 2. Objectives and intended outcomes

The objectives of this planning proposal are as follows:

- a. facilitate development that aligns with the outcomes sought under *City Plan 2036 Local Strategic Planning Statement* and *Sustainable Sydney 2030-2050 Continuing the Vision*;
- b. update planning controls to respond to a changing City;
- c. integrate stand-alone planning controls for several precincts in the local government area into Sydney Local Environmental Plan 2012; and
- d. improved clarity and useability of the local environmental plans that apply to the local government area.

More detailed objectives and intended outcomes for each amendment are included in Appendix A: Local Environmental Plan Amendments to this planning proposal.

## 3. Explanation of provisions

To achieve the proposed outcomes, this planning proposal includes a number of amendments to Sydney LEP 2012 and the Green Square Town Centre LEPs, a brief explanation of the proposed provisions are summarised under the following headings.

Further detail for each amendment including objectives, an expanded explanation and justification and suggested drafting for the intended provisions is included in Appendix A: Local Environmental Plan Amendments to this planning proposal.

This Planning Proposal details the City's intent for each amendment, with final wording subject to drafting and agreement with the Parliamentary Counsel's Office.

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### 3.1 Greening Sydney

#### Amendment 1 – Deep soil

This amendment expands Clause 6.21C and 7.20 to include the consideration of deep soil and tree planting as part of landscape design.

New provisions in Sydney DCP 2012 support this amendment, more information is included in Sydney Development Control Plan 2012 – Policy and Housekeeping.

#### Amendment 2 – Structures associated with green roofs

This amendment will allow rooftop structures to exceed the maximum building height limit in areas outside of Central Sydney, and not within heritage conservation areas, and where it provides access to rooftop gardens or communal open space and supports social use of the roof area. Currently, the LEP requires these structures fit under the maximum height of building control, or an exception to the development standard be applied for, a strong disincentive for accessible and useable green roofs.

The proposed clause will permit the consent authority to approve height exceedances associated with rooftop gardens and rooftop open space, and ancillary structures that are higher than the height of building controls as long as certain criteria are met to limit the extent and impact of the structure, including compatibility with the surrounding built form, result in minimal overshadowing and not include gross floor area (except for accessible toilets).

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### 3.3 Parking

#### Amendment 3 – Parking in new developments

This amendment proposes changes to on-site car parking controls, including changes to maximum rates of parking provision to reflect new public transport infrastructure, urban changes and new areas coming into the City's planning framework.

To achieve this, the amendment proposes changes to the LUTI and PTAL maps which relate to maximum car parking rates and reflect areas with lower accessibility are provided with higher maximum parking rates. New public transport infrastructure, major development and new areas integrated into the City's planning controls has precipitated the need to update these maps. The changes only affect new development. There is no effect on parking within existing buildings.

Maximum parking rates will be amended for new multi-unit residential, retail and employment generating development consistent with current levels of ownership and to reduce overprovision.



Some planning barriers will be removed for the provision of Community electric vehicle charging units. Bicycle parking devices on ground floor or in basements will also be listed as exempt development to help streamline the provision of bicycle parking and increase usage.

This amendment includes changes to supporting provisions and schedules in Sydney DCP 2012. More information including the proposed changes, is in Sydney Development Control Plan 2012 – Policy and Housekeeping.

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## 3.4 Protecting amenity

### Amendment 4 – Protection of sun access to Gunyama Park and Cook and Phillip Park

This amendment proposes to introduce new controls to ensure future sunlight access to Gunyama Park, Zetland and Cook and Phillip Park, Sydney is protected.

Clause 6.17 Sun access planes will be updated to protect sunlight access to Gunyama Park between 9.00am and 3.00pm all year.

Clause 6.18 Overshadowing of certain public places will be updated to protect sunlight access to the western section of Cook and Phillip Park between 9.00am and 2.00pm all year.

Development on surrounding land affected by these clauses will need to ensure that it will not result in any additional overshadowing during the specified times.

Supporting provisions, including indicative sun access plane heights and contour diagram are to be incorporated into Sydney DCP 2012, included in Sydney Development Control Plan 2012 – Policy and Housekeeping.

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## 3.5 Sustainability

### Amendment 5 – Exempt Development – Solar energy systems

The Transport and Infrastructure SEPP classifies the installation of solar energy systems as exempt development, however it has limited application in heritage conservation areas.

This change will classify certain solar systems in heritage conservation areas as exempt development – as long as they are not visible, on rear elevations and have minimal impacts on the building structure and heritage and neighbourhood character.

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.

### Amendment 6 – Basement intensive plant agriculture

This amendment encourages intensive plant agriculture in the basement of existing buildings through a new LEP provision making it a land use that is not counted gross floor area.

This change seeks to encourage the use of underutilised basement space for intensive vertical farming, improving the viability of these projects and environmental benefits through more energy and water efficient buildings and resilient food production, for a local market with a low carbon footprint.

### Amendment 7 – Superseded sustainability targets for some residential development

This amendment will remove the earlier higher BASIX Energy targets set for some residential development listed in Sydney LEP 2012 as they have been superseded by recent State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) changes.

## 3.6 Design excellence

### Amendment 8 – Design excellence processes and site-specific development control plans

Sydney LEP and the Green Square Town Centre LEPs contain clauses to support design excellence and to implement the City of Sydney Competitive Design Policy. Updates to the City's Competitive Design Policy require amendments to LEP clauses and definitions to maintain consistency.

Amendments to the Competitive Design Policy include: removing the option of a competitive design alternatives process; allowing Council to approve a design excellence strategy where a concept DA (site-specific development control plan) is not required; ~~adding target ESD benchmarks in the design excellence strategy~~; set out revised requirements for competitors and jurors; and establish a new optional design review process for social housing and affordable housing projects by a community housing provider.

To maintain consistency with the revised Policy changes, the clause 6.21 of Sydney LEP 2012 and 6.9 of Green Square Town Centre LEPs will be updated to amend relevant definitions for competitive design process, amend tower cluster provisions and include significant internal alterations and delete development control plan requirements.

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## 3.7 Central Sydney

### Amendment 9 – Change to boundaries of SP5 Metropolitan Centre zone

This amendment will move the Powerhouse Museum site from MU1 Mixed Use zone to SP5 Metropolitan Centre zone and include it as part of an expanded Central Sydney. Schedule 5 Environmental heritage of Sydney LEP 2012 will be updated to mark the Powerhouse Museum site with an asterisk (\*) to indicate that it is eligible for an award of heritage floor space if heritage listed buildings have agreed heritage conservation works undertaken.

There will be no increase in the maximum height of buildings and floor space ratio development standards for the site.

### Amendment 10 – Additional uses for accommodation floor space

This amendment will create an incentive for certain additional non-residential, strategically important uses in Central Sydney by supporting additional diverse business, employment, social and cultural uses. This will be done by adding specific LEP uses that may be eligible for accommodation floor space including: public administration building; indoor recreation facilities; registered clubs; place of public worship; and local distribution premises.

### Amendment 11 – Superseded 'opportunity sites' in Central Sydney

This amendment repeals clause 6.9 Opportunity site floor space from Sydney LEP 2012, associated definitions and map references. Since its introduction in 1996, this clause incentivised the infill of identified setback spaces and colonnades, however this is no longer considered desirable with limited setback and open space remaining at street level.

Other LEP and DCP urban design, built form and design excellence controls will ensure that improved interface between buildings and the street and universal access are achieved.

### Amendment 12 – Heritage Floor Space scheme

This amendment introduces some flexibility and provides for a minor increase in gross floor area (GFA) of buildings with registered heritage floor space (HFS). It is proposed to amend clause 6.10(d) to allow a maximum 5 per cent additional gross floor area, or ~~200~~ 300 sqm, whichever is the lesser. The restriction on increasing the height of the building will remain.

## 3.8 Housekeeping

### ~~Amendment 13 – Rezoning of land in Alexandria~~

~~This amendment rezones a portion of two sites on O’Riordan Street, Alexandria from E3 Productivity support to SP2 Infrastructure (Local Road). The rezoning secures the last two parcels of privately owned land to enable the full completion of the Green Square to Ashmore Connector road, a long identified east-west infrastructure project.~~

### Amendment 14 – Development near zone boundaries

The objective of this clause is to provide land use flexibility on either side of a zone boundary, however as drafted, the clause currently prevents this. This amendment proposes to change clause 5.3 to increase the distance where land use flexibility is allowed from 6 to 12 metres and better clarify that this distance is from the boundary between the two zones.

### Amendment 15 – 257 Sussex Street

This amendment will correct an error in Sydney LEP 2012 by allocating maximum height of buildings and floor space ratio controls to the site at 257 Sussex Street, Sydney. The new controls will be appropriate to site location and context and match neighbouring sites, with a mapped floor space ratio control of 7.5:1 and height of buildings control of 45m.

### Amendment 16 – Affordable housing contributions

This amendment clarifies the type of applications that may be subject to an affordable housing contribution in Central Sydney and on residual land. It is proposed to amend the clause 7.13 to make clear an affordable housing contribution applies to both a development application and any associated modification of a development consent, consistent with how affordable housing contributions are applied across rest of the LGA.

### ~~Amendment 17 – Cross City Tunnel ventilation stack~~

~~This amendment repeals clause 7.24 Development near Cross City Tunnel ventilation stack in Sydney LEP 2012.~~

~~Proponents will no longer be required to submit an air quality assessment with a development application on land previously affected by this clause. Since its introduction, submitted reports have not resulted in any changes to development and the requirement is now considered to lack utility and be unnecessary. Related provisions in Sydney DCP 2012 will also be repealed.~~

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## 3.9 Planning control integration

### Amendment 18 – Integration of planning controls

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

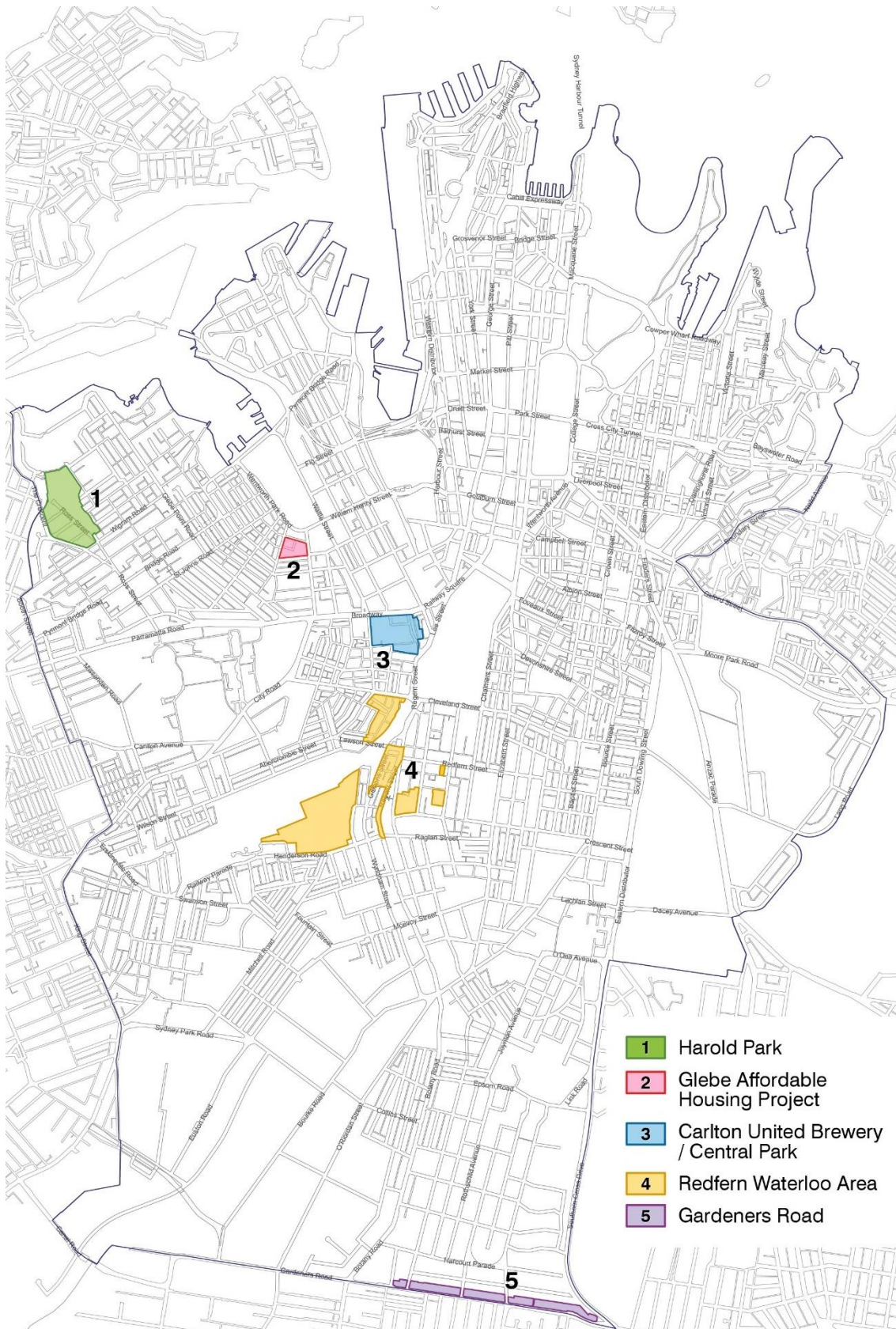
In most instances the purpose of the planning controls for these areas has been to shape their redevelopment, which is now largely completed. It is appropriate that these areas and planning controls are reintegrated into the Sydney LEP 2012.

This amendment translates the existing or as built controls into Sydney LEP 2012 whilst maintaining consistency with the approach established by the NSW Standard Instrument LEP. The integration areas include the former Carlton United Brewery site on Broadway (Central Park), Harold Park, Glebe Affordable Housing Project, certain Redfern Waterloo Authority Area sites, and sites fronting Gardeners Road, Rosebery.

The affected areas, respective planning frameworks and planning controls proposed to be integrated into Sydney LEP 2012 are shown in Figure 2 and outlined in detail in Appendix A: Local Environmental Plan Amendments. 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 former Carlton United Brewery precinct on Broadway. There are proposed changes to other maps in Sydney LEP 2012 and in the Eastern Harbour City (Precincts) SEPP 2021 to give effect to the transition. All new and amended maps affected by this amendment are included in Appendix B: Local Environmental Plan Map Book to this planning proposal.



Figure 2. Integration Areas to be included in Sydney LEP 2012





## 4. Justification

This planning proposal includes policy and housekeeping amendments to Sydney LEP 2012 and Green Square Town Centre LEPs to ensure they continue to give effect to the strategic planning framework.

This section provides a justification of the strategic merit of the planning proposal and has been prepared in accordance with the Department's Local Environmental Plan Making Guideline. It assesses the proposed amendments as a whole and its alignment with the region and district plans as well as the City's local strategic planning statement and strategic plan.

The justification specific to each amendment is discussed in detail under the relevant sections contained in Appendix A: Local Environmental Plan Amendments to this planning proposal.

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### 4.1 Need for the planning proposal

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

This planning proposal has been prepared following the completion of *City Plan 2036* – the City of Sydney's local strategic planning statement connecting the City's recently updated community strategic plan *Sustainable Sydney 2030 – 2050 Continuing the Vision* with NSW Government strategic plans. In *City Plan 2036*, the City outlines how the planning framework will plan for and manage change and deliver the City's vision for a green, global and connected city.

Key priorities identified in *City Plan 2036* that are being delivered by this planning proposal include: new deep soil provisions, which will support the City and local communities in mitigating against heat island effect and climate change impacts; provisions to encourage the delivery of diverse types of rental housing; affordable housing contribution requirements will be clarified, facilitating the delivery of more affordable housing; and integrating the planning controls for several major projects into Sydney LEP 2012.

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

This planning proposal seeks policy and housekeeping amendments to Sydney LEP 2012 and Green Square Town Centre LEPs which will update and clarify existing controls and introduce new controls that respond to matters since the instruments were implemented through the City's local strategic planning actions.

There is no other means of achieving the objective or intended outcomes as they specifically related to matters that are best addressed by local environmental plan controls.

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### 4.2 Relationship to the strategic planning framework

#### 4.2.1 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)?

Yes. This planning proposal is consistent with the relevant objectives and actions of the applicable regional and district plans, as summarised below.

### *Greater Sydney Region Plan*

A Metropolis of Three Cities – The Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney. It provides a vision to transform Greater Sydney into a metropolis of three cities, being the Western Parkland City; the Central River City; and the Eastern Harbour City.

The Plan outlines how Greater Sydney will manage and deliver growth and guide infrastructure delivery. The Plan is implemented by District Plans. This planning proposal is consistent with several relevant directions and objectives of the Plan, as follows:

- **Infrastructure and collaboration** – the proposed amendments are consistent with the objectives of this direction in that it will ensure existing infrastructure is optimised through more effective car parking controls and new exempt provisions to further encourage bicycle and electric vehicle use.
- **Liveability** – the planning proposal will deliver deep soil requirements to promote greater vegetation and tree canopy coverage, as well as protecting sun access to more public spaces, helping deliver healthy and resilient open spaces for the local community.
- **Productivity** – this planning proposal makes no change to any existing employment lands and zones. This retains and protects industrial and urban services land as well as existing economic centres, contributing towards a stronger and more competitive Harbour CBD.
- **Sustainability** – proposed amendments will deliver increased urban tree canopy through new deep soil provisions that will support greater vegetation and deliver environmental benefits. This planning proposal also includes a number of amendments that will contribute towards a low-carbon city and promote water efficiency in development.
- **Implementation** – this planning proposal is the result of regular ongoing monitoring of the City's planning controls and includes amendments to ensure their continued application remains effective. This proposal has been informed by the application region and local planning strategies demonstrating alignment down to the local area.

### *Eastern City District Plan*

The Eastern City District Plan sets out the vision, priorities and actions for the eastern district of Greater Sydney, which includes the City of Sydney. It establishes a plan to manage growth and achieve the vision while maintaining and enhancing liveability, productivity and attractiveness. The planning priorities and associated actions detailed in the plan seek to deliver on this vision. This planning proposal is consistent with the following priorities from the Plan:

#### **Infrastructure and collaboration**

- **E1 – Planning for a city supported by infrastructure**
- **E2 – Working through collaboration**

~~Land for new transport infrastructure will be secured by this planning proposal to form vital new east-west connections between strategic growth centres.~~ This planning proposal maximises benefit of existing infrastructure and will ensure infrastructure can be optimised and will meet future needs. None of the proposed amendments adversely impact on identified Place Strategies for the Camperdown-Ultimo precinct and Pyrmont.

#### **Liveability**

- **E3 – Providing services and social infrastructure to meet peoples changing needs**
- **E4 – Fostering healthy, creative, culturally rich and socially connected communities**
- **E5 – Providing housing supply, choice and affordability, access to jobs, services and transport**
- **E6 – Creating and renewing great places and local centres, respecting the District's heritage**

This proposal includes provisions that will further support the City's heritage floor space scheme by introducing some flexibility, will extend existing incentives for the protection of heritage listed buildings in Central Sydney.

### Productivity

- E7 – Growing a stronger and more competitive Harbour CBD
- E8 – Growing and investing in health and education precincts and the innovation corridor
- E10 – Delivering integrated land use and transport planning for a 30 minute city
- E11 – Growing investment, business opportunities and jobs in strategic centres
- E13 – Supporting growth of targeted industry sectors

The provisions in this planning proposal includes no change to any industrial or employment generating zones, ensuring the City's jobs capacity target outside Central Sydney will not be impacted. Nor will this proposal adversely impact upon the existing policies aimed towards business opportunities, jobs and investment growth of targeted industry sectors in the innovation corridor or in strategic centres, in particular Green Square and the southern employment lands. This proposal will facilitate integrated land use and new infrastructure helping reduce vehicle movements and creating for walking and cycling.

### Sustainability

- E15 – Protecting and enhancing bushland and biodiversity
- E16 – Protecting and enhancing scenic and cultural landscapes
- E17 – Increasing urban tree canopy cover and delivering Green Grid connections
- E18 – Delivering high quality open space
- E19 – Reducing carbon emissions and managing energy, water and waste efficiently
- E20 – Adapting to the impacts of urban and natural hazards and climate change

This planning proposal includes provisions designed to increase vegetation and tree canopy coverage to help local environments to mitigate against heat island effect and climate change effects. This includes elevated deep soil requirements and new provisions to increase the delivery of new green roofs. Revised controls will protect sun access to two key public parks ensuring they remain comfortable and desirable for the community and revised incentives for the protection heritage buildings in Central Sydney.

### Implementation

- E21 – Preparing Local Strategic Planning Statements informed by local strategic planning
- E22 – Monitoring and reporting on the delivery of the Plan

This planning proposal has been informed by City Plan 2036 - Local Strategic Planning Statement and ongoing strategic planning undertaken by the City which has monitored the application of the LEP and seeks to make refinements to improve its operation and efficacy.

## **5.2.2 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

### *Sustainable Sydney 2030-2050 Continuing the Vision*

Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the Sydney Local Government Area to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 target against which to measure progress. This planning proposal is aligned with the following relevant strategic directions.

- **Responsible governance and stewardship**

The proposed amendments in this planning proposal will ensure that the City of Sydney's planning control framework is up to date and reflects current policies and strategies.

- **A leading environmental performer**

Provisions in this planning proposal will help the City deliver on its sustainability goals of reducing carbon emissions and increasing tree canopy and vegetation cover.

- **Public places for all**

This planning proposal will extend solar access protections to two public places (parks) ensuring they remain inviting, comfortable and usable spaces year-round.

- **Design excellence and sustainable development**

This planning proposal includes amendments to design excellence and sustainability provisions ensuring they continue to deliver new buildings and alterations centred around good design and sustainability.

- **A city for walking, cycling and public transport**

New and amended provisions will reduce car parking rates and to increase the supply of EV chargers and bicycle parking racks to help reduce private vehicle use and provide for a city designed for walking, cycling and public and zero-carbon transport.

- **An equitable and inclusive city**

Provisions contained in this proposal help the City deliver on this direction by increasing tree canopy coverage, protecting and enhancing new parks and encouraging less vehicle use.

- **Resilient and diverse communities**

This planning proposal includes provisions that will support and strengthen our community through greener, more resilient suburbs and greener less carbon intensive development.

- **A transformed and innovative economy**

All existing employment generating land uses remain unaffected by this planning proposal and will continue to drive the local, metropolitan and state economies delivering opportunities for new jobs and investment.

- **Housing for all**

Provisions relating to affordable housing contributions will be further clarified ensuring greater consistency with how contributions are applied leading to the delivery of new and diverse rental housing.

### *City Plan 2036 – Local Strategic Planning Statement*

City of Sydney's endorsed local strategic planning statement, City Plan 2036 sets the land use planning context, vision and planning priorities to positively guide development. The planning statement outlines how the City will plan for and manage change, while delivering on the City's vision for a green, global and connected city. This planning proposal gives effect to the following priorities of the Statement:

#### **Infrastructure**

- **I1. Movement for walkable neighbourhoods and a connected city**
- **I2. Align development and growth with supporting infrastructure**
- **I3. Supporting community wellbeing with social infrastructure**

Provisions in this planning proposal will help optimise existing **social** infrastructure by **securing land for a new east-west transport connection that will connect strategic centres in the LGA as identified by this Direction ensuring affordable housing contributions are correctly captured**.

Other controls will help free up street space by encouraging less vehicle use and moving freight deliveries off the road leaving more space for walking and cycling.

#### **Liveability**

- **L1. A creative and socially connected city**
- **L2. Creating great places**
- **L3. New homes for a diverse community**

The proposed amendments in this planning proposal provide for a creative and socially connected city by protecting existing public space and helping facilitate the delivery of new and diverse affordable housing for a diverse community.

#### Productivity

- P1. Growing a stronger, more competitive Central Sydney
- P2. Developing innovative and diverse business clusters in City Fringe
- P3. Protecting industrial and urban services in the Southern Enterprise Area and evolving businesses in the Green Square-Mascot Strategic Centre

This proposal will help the City accommodate and plan for growth in jobs and investment by preserving existing employment land and consolidating other planning controls into Sydney LEP 2012 consistent with those of nearby strategic centres, in particular the southern employment lands.

#### Sustainability

- S1. Protecting and enhancing the natural environment for a resilient city
- S2. Creating better buildings and places to reduce emissions and use water efficiently
- S3. Increasing resilience of people and infrastructure against natural and urban hazards

This planning proposal includes specific provisions designed to support the City and local communities in mitigating against heat island effect and other climate change hazards. Changes to BASIX controls in the LEP will streamline requirements for new development while helping the City will remain at the forefront of driving sustainability measures.

#### Governance

- G1. Open, accountable and collaborative planning

This proposal will update the City of Sydney's primary planning controls to respond to current council and state strategic directions. In particular, it integrates the planning controls for several major projects into Sydney LEP 2012 delivering on a key priority of City Plan 2036.

#### 4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in Table 2

Table 2. Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent – this planning proposal will strengthen the deep soil provision supporting increased vegetation and tree canopy cover.
SEPP (Exempt and Complying Development Codes) 2008	Consistent – this proposal classifies EV chargers in ancillary car parks and bicycle parking devices as exempt development, clarifying ambiguity.
SEPP (Housing) 2021	Consistent – amendments in this planning proposal will continue to support the delivery of diverse housing types, consistent with the principles of this SEPP.



State Environmental Planning Policy	Comment
SEPP (Industry and Employment) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy (Housing) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
SEPP (Planning Systems) 2021	Consistent – this planning proposal seeks to work with the Department of Planning and Environment to integrate the planning controls from an SSD concept plan into Sydney LEP 2012. The transferred controls will closely match what has been approved and delivered.
SEPP (Precincts–Central River City) 2021	Not applicable
SEPP (Precincts–Eastern Harbour City) 2021	Consistent – the City will work with the Department of Planning and Environment to integrate the Redfern Waterloo Authority sites planning controls into Sydney LEP 2012 to closely match what has been approved and delivered.
SEPP (Precincts–Regional) 2021	Not applicable
SEPP (Precincts–Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Sustainable Buildings) 2022	Consistent – this planning proposal includes amendments that respond to the introduction of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent – no amendment in this proposal hinders the application of this SEPP.

#### **4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

This planning proposal is consistent with all Local Planning/Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 3.

**Table 3. Consistency with Local Planning / Ministerial Directions**

Ministerial Direction	Comment
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	Consistent. This proposal supports the Region Plan.
1.2 Development of Aboriginal Land Council land	Not applicable.
1.3 Approval and Referral Requirements	Consistent. No amendment includes concurrence, consultation or referral provisions or identify any designated development.
1.4 Site Specific Provisions	Consistent – see discussion below.
1.4A Exclusion of Development Standards from Variation	Consistent – This planning proposal does not propose to exclude a development standard from variation under clause 4.6
<b>Focus area 1: Planning Systems – Place-based</b>	
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.

Ministerial Direction	Comment
1.15 Implementation of the Pymont Peninsula Place Strategy	Consistent. This Planning proposal does not hinder the application of the Pymont Peninsula Place Strategy.
1.16 North West Rail Link Corridor Strategy	Not applicable.
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 Camelia-Rosehill Place Strategy	Not applicable.
1.21 Implementation of the South West Growth Structure Plan	Not applicable.
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable.
<b>Focus area 2: Design and Place</b>	No directions in place.
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not applicable.
3.2 Heritage Conservation	Consistent – see discussion below.
3.3 Sydney Drinking Water Catchments	Not applicable.
3.4 Application of C2 & C3 Zones & 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	Consistent. No amendment in this proposal hinders the application of this Direction
3.10 Water Catchment Protection	Not applicable.
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	Consistent. The proposed amendments do not hinder the flood prone land provisions in Sydney LEP 2012 and Green Square Town Centre LEPs – see discussion below.

Ministerial Direction	Comment
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable.
4.4 Remediation of Contaminated Land	Consistent. This Planning proposal includes no change to the City's current policy and LEP provisions relating to contaminated land and remediation.
4.5 Acid Sulfate Soils	Consistent. The proposed amendments do not hinder the acid sulfate soil provisions in Sydney LEP 2012 and Green Square Town Centre LEPs.
4.6 Mine Subsidence and Unstable Land	Not applicable
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	Consistent – see discussion below.
5.2 Reserving Land for Public Purposes	Consistent. <del>Proposed amendments will secure land for new transport infrastructure that will improve east-west public transport connections—</del> See discussion below.
5.3 Development Near Regulated Airports and Defence Airfields	Consistent. The amendments will not adversely impact the safe and effective operation of nearby airports or constitute an obstruction and potential hazard to aircraft flying in the vicinity – see discussion below.
5.4 Shooting Ranges	Not applicable
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Consistent – see discussion below.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable.
<b>Focus area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	Consistent – see discussion below.
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.
<b>Focus area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable.

Ministerial Direction	Comment
<b>Focus area 9: Primary Production</b>	
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.

#### 1.4 Site Specific Provisions

The objective of this Direction aims to discourage unnecessarily restrictive site-specific planning controls. This planning proposal includes policy and housekeeping amendments to Sydney LEP 2012 and Green Square Town Centre LEPs that streamline and improve the City of Sydney's planning control framework.

The proposed amendments include updates to a number of discrete sites which seek to rectify particular issues and ensure development controls match that of the surrounding area. These changes do not include any onerous site-specific provisions, consistent with the requirements of this Direction.

An omission will be corrected by allocating a context-appropriate height of buildings and floor space ratio development controls to a site at 257 Sussex Street, Sydney. This change will not restrict the range of permissible land uses in the zone. It will apply development standards to match those of surrounding sites.

The proposal will also transfer several legacy planning controls into Sydney LEP 2012. This transfer will not impose any new development restrictive development standards or requirements. No change will be made to the zoning or approved land uses on any relevant land. This planning proposal is consistent with the requirements of this Direction.

#### 3.2 Heritage Conservation

This Direction seeks to conserve items, area, objects and places of environmental heritage significance and indigenous heritage significance. This planning proposal is consistent with this direction as it contains provisions that ensure the ongoing conservation of heritage items.

Specifically, the proposed amendments to clause 6.10 will further support the heritage floor space scheme and allow for its ongoing successful operation, incentivising the protection of heritage listed buildings in Central Sydney.

Legacy planning controls for major project development precincts will be integrated into Sydney LEP 2012. The integration areas include the former Carlton United Brewery, Harold Park and certain Redfern Waterloo Authority Area sites, which include heritage items. Once integrated, these sites will be subject to the heritage provisions of Sydney LEP 2012 as such is consistent with the requirements of this Direction.

#### 4.1 Flooding

The objective of this Direction is to ensure LEP provisions for flood prone land will not result in significant impacts to other properties.

This planning proposal corrects an omission and gives the site at 257 Sussex Street, Sydney height of building and floor space ratio development controls. While the site is identified as flood prone land, the proposed controls match that of the directly adjoining sites and does not constitute an intensification in potential or anticipated development. Future development on the subject site,



similar to all adjacent sites, is able to comply with the City's Interim Floodplain Management Policy meeting the requirements of this Direction.

Some areas to be integrated into Sydney LEP 2012 detailed in Amendment 18 – Integration of planning controls may be flood affected, including Harold Park and parts of the Glebe Affordable Housing Project land. Development on these sites is completed and there is no material changes proposed to the planning controls.

The LEP amendments will not inhibit future development from complying with flood planning requirements, nor result in adverse impacts to other properties.

#### 5.1 Integrating Land Use and Transport

The objective of this Direction is to ensure that urban structures improve choice and access to active and public transport infrastructure, reducing private vehicle demand and supports the efficient movement of freight.

This planning proposal includes changes to maximum parking rates for new residential, retail and employment developments to minimise any overprovision and effects from induced demand. This amendment includes changes to streamline the installation of new electric vehicle charging units and bicycle parking devices, which will now be classified as exempt development to help increase usage, minimising adverse environmental impacts, consistent with the aims of this Direction.

~~Further, this planning proposal safeguards land for new transport infrastructure in the Green Square to Ashmore connector that will improve east-west public transport connections.~~

#### 5.2 Reserving Land for Public Purposes

This Direction states planning proposals must not create, alter or reduce existing zonings or reservations of land for public purposes without appropriate approval.

Amendment 18 of this planning proposal integrates legacy planning controls into Sydney LEP 2012, including land already zoned and used for public purposes and privately owned land with public access arrangements. This includes internal streets and open space at South Eveleigh, which are subject to a planning agreement between the City of Sydney and the landowner where the ownership will be transferred to the City after a minimum period of fifteen years. The City does not need to purchase the land given the planning agreement is in place. The land can continue to be used for its existing zoned purpose in the meantime. Other land identified within Amendment 18 as being for a public purpose is already owned by the City of Sydney.

~~Two parcels of land in Alexandria will be rezoned to SP2 Infrastructure (Local Road) for the Green Square to Ashmore Connector Road to improve east-west connectivity. The subject land will be identified in the Land Reservation Acquisition Map and in Part 5 Miscellaneous provisions of Sydney LEP 2012 to ensure the planning proposal is consistent with the requirements of this Direction. Notwithstanding, there are arrangements to transfer these land parcels to City ownership with each landowner. In particular, 22 O'Riordan Street is subject to a land transfer agreement linked to the future redevelopment of the site.~~

Amendment 14 will permit greater land use flexibility for sites adjoining SP2 Infrastructure zone, however it does not propose any change in ownership or acquisition arrangements.

The planning proposal is consistent with this direction.

#### 5.3 Development Near Regulated Airport and Defence Airfields

This planning proposal facilitates changes to land use zoning and development standards near a regulated airport and as such, this Direction applies. This includes changes to the permissibility of structures associated with green roofs, minor changes to the building height control to correct an error, and bring development standards into Sydney LEP 2012 as part of the integration of legacy planning controls.

The proposed amendments do not permit development to obstruct the Obstacle Limitation Surface (OLS) airspace level or otherwise impact the current and future safe operation of a regulated airport.

The Direction requires consultation with relevant agencies responsible for Sydney Airport as well as the operator. As detailed in this planning proposal, consultation will be undertaken with the necessary government agencies at the public exhibition stage of this planning proposal process.

### 6.1 Residential Zones

This Direction seeks to encourage housing diversity to provide for existing and future housing needs that minimises adverse environmental impacts and makes efficient use of infrastructure.

This planning proposal achieves the objective and provisions of this Direction by clarifying previous ambiguity regarding affordable housing contribution requirements, which will help improve the delivery of new affordable housing dwellings and will support a broader choice of housing.

The proposal also does not contain any provisions that would materially reduce the permissible residential density of land, or affect the delivery of new housing projects or associated infrastructure. The integration of legacy planning controls for major project precincts into Sydney LEP 2012 is a direct translation of the existing controls and will not reduce development potential, nor impact or alter the delivery of housing in residential zones or any existing approvals.

Other amendments contained in this planning proposal will not materially impact on the total potential floor space of affected sites. The proposed new sun access planes in Amendment 4 are both consistent with the existing controls for the adjacent sites and will not reduce their development potential.

Amendment 11 to remove the Opportunity Floor Space on a limited number of sites in Central Sydney has in practice no impact on residential development potential. The 'bonus' floor space conferred through the clause is minor compared to overall available floor space, and can only be used within 5 metres of ground level. Ground floor residential development in Central Sydney is entirely impractical due to requirements for vehicle access and active frontages, and the noisy street environment. The maximum floor space for the affected sites remains as mapped in Sydney LEP 2012.

This planning proposal is consistent with the objectives and requirements of this Direction as existing provisions for housing supply will not be impacted and the amended provisions will encourage housing variety.

### 7.1 Employment Zones

This Direction encourages growth to support the viability and protection of employment land in identified centres by ensuring areas and locations of employment are retained and the potential floor space for employment uses are not reduced by the planning proposal.

This planning proposal gives effect to the requirements of this Direction in that it does not propose the rezoning of any employment land and all existing employment zones will be retained and protected. No amendment in this planning proposal seeks to reduce employment floor space potential of the LEP.

Amendment 11 to remove the Opportunity Floor Space on a limited number of sites in Central Sydney will not materially affect the potential employment floor space in Central Sydney as it applies to a small number of buildings and is limited to the ground floor only. Other floor space incentives will continue to apply, including the Tower cluster design excellence provisions which provides up to 50% additional floor space for employment uses. Any reduction in potential floorspace is of a very minor nature.

This is consistent with the approved State and district plans for the area, ensuring the City's jobs capacity will not be impacted and existing economic centres can continue to contribute towards a stronger Harbour CBD area.

## 4.3 Environmental, social and economic impact

### 4.3.1 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 planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats. Land affected by this planning proposal is in an inner city, highly urbanised environment and does not contain any significant critical habitats or threatened species, populations or ecological communities.

Notwithstanding, amendments proposed by this planning proposal and other associated policy changes will promote biodiversity through measures to improve tree canopy coverage across the City of Sydney local government area. This includes removing impediments and making the delivery of new green roofs easier and ensuring new development includes sufficient deep soil to support tree planting and growth.

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

It is unlikely that the proposed amendments will result in development with significant adverse environmental impacts that cannot be readily managed. The proposed amendments promote overall positive environmental outcomes, particularly in relation to city greening, improving uptake of electric vehicle and bicycle use and protecting sunlight access to more public places.

### 4.3.3 Has the planning proposal adequately addressed any social and economic effects?

This planning proposal will deliver policy and housekeeping amendments to Sydney LEP 2012 and the Green Square Town Centre LEPs which rationalise and improve the City of Sydney's planning control framework to be more user-friendly and responsive to the needs of people that live, work and visit the local government area.

The proposed amendments and updates will result in positive social and economic effects through improved planning controls and a streamlined assessment process. Specific amendments include:

- new provisions to encourage the delivery of new and diverse forms of rental housing to address the current housing challenges;
- greater clarity regarding affordable housing contribution requirements to improve the delivery of new affordable housing dwellings;
- protection of sun access to two more public places; and
- support the continued operation of the successful heritage floor space scheme, continuing to protect heritage buildings in Central Sydney.

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## 4.4 State and Commonwealth interests

### 4.4.1 Is there adequate public infrastructure for the planning proposal?

Yes, land affected by this planning proposal is well served by the full range of public utilities and infrastructure, including electricity, telecommunications, water, sewer and stormwater. It is expected that these services will be upgraded as required. Nothing contained in this planning proposal will adversely impact any planned public infrastructure upgrades.

Further, this planning proposal secures the delivery of new public domain infrastructure in the Ashmore to Green Square Connector and provides clarity on the instances when an affordable housing contribution is required in Central Sydney and on residual lands, helping improve the delivery of new affordable housing dwellings.

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

Formal consultation has not yet been undertaken on the proposed policy and housekeeping amendments contained in this planning proposal. Appropriate consultation with the relevant state and federal public authorities and government agencies will be conducted as per advice from the Department of Planning in gateway determination once issued. Consultation will take place at the public exhibition stage of this planning proposal process.

## 5. Mapping

A map book detailing the mapping changes and updates to Sydney LEP 2012 maps resulting from the following proposed amendments accompanies this planning proposal.

- Amendment 4 – Parking in new developments
- Amendment 5 – Protection of sun access to Gunyama Park and Cook and Phillip Park
- Amendment 10 – Change to boundaries of SP5 Metropolitan Centre zone
- Amendment 12 – Opportunity sites in Central Sydney
- ~~Amendment 13 – Rezoning of the land in Alexandria~~
- Amendment 15 – 257 Sussex Street
- ~~Amendment 18 – Cross City Tunnel ventilation stack~~

Several LEP maps have been updated to reflect the change to the development standard, as follows: the Land Use and Transport Integration and Public Transport Accessibility maps are amended to reflect changes in public transport supporting the revised maximum parking rates; the Sun Access Protection map is updated to include Gunyama and Cook and Phillip parks to ensure sun access is protected; the Building Height and Floor Space Ratio maps will be updated to include 257 Sussex Street, ~~and; the Land Zoning map will be updated to include the rezoned land in Alexandria.~~

The Locality and Site Identification, Key Sites Map has been updated to show the adjusted Central Sydney boundary ~~and Land Affected by the Cross City Tunnel Ventilation Stack layer will be removed.~~

The integration of the planning framework and controls proposed in Amendment 18 – Integration of Planning Controls will be reflected with existing development controls translated into updated Sydney LEP 2012 maps. A new map, “Special Provisions Map” will be introduced to clearly detail the approved gross floor area for the key sites in the Central Park precinct. The relevant maps in the State Environmental Planning Policy (Eastern Harbour City) 2021 will be updated to transfer the Redfern-Waterloo Authority sites to Sydney LEP 2012.

All new and amended maps are included in Appendix B: Local Environmental Plan Map Book to this planning proposal.

## 6. Community consultation

This planning proposal shall be exhibited in accordance with the requirements of the gateway determination once issued by the Department of Planning and Environment.

It is anticipated that public exhibition of the planning proposal will be for a period of at least 30 days, which is consistent with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline dated August 2023.

It is proposed that, at a minimum, the local community, residents, rate payers and relevant community interest groups shall be notified of the public exhibition by mail, email and social media, with all public exhibition documentation available on the City of Sydney website, in accordance with the City's Community Engagement Strategy and Participation Plan 2023. If necessary, exhibition material shall be made available at Town Hall House at 456 Kent Street, Sydney.

Consultation with the necessary state and federal agencies, authorities and other relevant organisations will be undertaken in accordance with the conditions contained in the gateway determination.



## 7. Project timeline

This planning proposal is categorised as a Principal planning proposal as per the Local Environmental Plan Making Guidelines dated August 2023, the anticipated timeframe for the completion of the planning proposal is as follows:

Table 4. Project timeline

Stage	Timeframe
Gateway request	January 2024
Gateway determination	October 2024
Government agency consultation	December–February 2025
Public exhibition	December–February 2025
Review of issues raised in submissions	February – March 2025
Post-exhibition reporting	<del>May</del> June 2025
LEP drafting	June–October 2025
LEP made	December 2025
LEP notification	December 2025