



New South Wales

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Maps

The maps adopted by *Rockdale Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

4 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of Rockdale Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (cb):

(cc) clause 7.1 or 7.2.

[2] Clause 5.1 Relevant acquisition authority

Insert in appropriate order in the table to clause 5.1 (2):

Zone RE1 Public Recreation and marked "Local Open Space (Arncliffe)" Planning Ministerial Corporation

[3] Clauses 6.14 and 6.15

Omit clause 6.14. Insert instead:

6.14 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to the following development:
 - (a) development involving the erection of a new building or external alterations to an existing building within the Arncliffe Precinct or the Banksia Precinct,
 - (b) development that is the erection of a new building on land bounded by a heavy black line on the Design Excellence Map,
 - (c) development that is the subject of a development application that relies on clause 4.3 (2A) (a), (f), (g), (h), (i) or (k).

Note. In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 4.55 (3) of the Act).

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,
 - (e) how the development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,

- (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain,
 - (xi) achieving appropriate interfaces at ground level between the building and the public domain,
 - (xii) excellence and integration of landscape design.
- (5) In addition, development consent must not be granted to development to which this clause applies unless:
- (a) if the development is in respect of a building that is, or will be, higher than 12 metres or 3 storeys (or both) but not higher than 40 metres or 12 storeys (or both):
 - (i) a design review panel reviews the development, and
 - (ii) the consent authority takes into account the findings of the design review panel, or
 - (b) if the development is in respect of a building that is, or will be, higher than 40 metres or 12 storeys (or both):
 - (i) an architectural design competition is held in relation to the development, and
 - (ii) the consent authority takes into account the results of the architectural design competition.
- (6) Subclause (5) (b) does not apply if:
- (a) the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the findings of the design review panel.
- (7) An architectural design competition conducted in accordance with Design Excellence Guidelines that were in force when the competition was conducted is taken to have been conducted in accordance with the Design Excellence Guidelines.
- (8) In this clause:
- architectural design competition*** means a competitive process conducted in accordance with the Design Excellence Guidelines.
- Design Excellence Guidelines*** means the Design Excellence Guidelines adopted by the Council and in force at the commencement of *State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts)*

2018, or, if none have been adopted, the Design Excellence Guidelines issued by the Secretary.

design review panel means a panel of 3 or more persons established by the consent authority for the purposes of this clause and approved by the NSW Government Architect.

6.15 Site area of proposed development in Arncliffe and Banksia Precincts includes dedicated land

The site area of proposed development on land within the Arncliffe Precinct or the Banksia Precinct is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that:

- (a) is dedicated to the Council or a public authority for a public purpose (including roads, drainage or open space), and
- (b) would have been part of the site area if it had not been so dedicated.

[4] Part 7

Insert after Part 6:

Part 7 Intensive urban development areas

7.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land for the purposes of residential accommodation to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation in an intensive urban development area unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.
- (3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if:
 - (a) all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act), or
 - (b) the development will not result in an increase in residential accommodation within the intensive urban development area.
- (4) In this Part:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

 - (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) regional open space,
 - (d) social infrastructure and facilities (such as schools, hospitals, emergency services and facilities for justice purposes).

intensive urban development area means the Arncliffe Precinct or the Banksia Precinct.

7.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (3) In this clause:
public utility infrastructure, in relation to an intensive urban development area, includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

7.3 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

[5] Dictionary

Insert in alphabetical order:

Arncliffe Precinct means the land identified as “Arncliffe Precinct” on the Design Excellence Map.

Banksia Precinct means the land identified as “Banksia Precinct” on the Design Excellence Map.

Design Excellence Map means the Rockdale Local Environmental Plan 2011 Design Excellence Map.