



New South Wales

# **State Environmental Planning Policy Amendment (Carter Street Precinct) 2020**

under the

Environmental Planning and Assessment Act 1979

Her 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*.

ROB STOKES, MP  
Minister for Planning and Public Spaces

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Carter Street Precinct) 2020*.

### **2 Commencement**

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

### **3 Maps**

The maps adopted by *Auburn Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved on the making of this Policy.

### **4 Repeal of Policy**

This Policy is repealed on the day following the day on which this Policy commences.

## Schedule 1 Amendment of Auburn Local Environmental Plan 2010

### [1] Clause 1.8A Savings provision relating to development applications

Insert after clause 1.8A(2)—

- (3) If a development application has been made but not finally determined before the commencement of *State Environmental Planning Policy Amendment (Carter Street Precinct) 2020*, the application must be determined as if clause 7.3 had not commenced.

### [2] Clause 6.8, heading

Omit “Priority”.

### [3] Clause 6.8(1)

Omit “the land identified as “Carter Street Priority Precinct” on the Priority Precinct Map (*Carter Street Priority Precinct land*)”.

Insert instead “land in the Carter Street Precinct”.

### [4] Clause 6.8(2) and (4)

Omit “Carter Street Priority Precinct land” wherever occurring.

Insert instead “land in the Carter Street Precinct”.

### [5] Clause 6.8

Renumber the clause as clause 7.11 and insert in Part 7 after clause 7.10, as inserted by item [6].

### [6] Part 7

Insert after Part 6—

## Part 7 Carter Street Precinct

### 7.1 Carter Street Precinct development framework

- (1) Development consent must not be granted for development on land in the Carter Street Precinct unless the consent authority has considered the Carter Street Precinct development framework.

- (2) In this clause—

*Carter Street Precinct development framework* means the *Carter Street Precinct Development Framework* published by the Department, as in force at the commencement of *State Environmental Planning Policy Amendment (Carter Street Precinct) 2020*.

### 7.2 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 development involving the erection of a new building or external alterations to an existing building on land in the Carter Street Precinct that will result in a building with a height of more than 10 metres.

- (3) Development consent must not be granted for 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 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) 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 or opportunities,
    - (iv) the relationship of the development with other existing or proposed development 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 and solar access, visual and acoustic privacy, noise, 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 proposed improvements to, the public domain,
    - (xi) the impact on any special character area,
    - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
    - (xiii) excellence and integration of landscape design.
- (5) In addition, development consent must not be granted for development to which this clause applies unless—
  - (a) a design review panel reviews the development, and
  - (b) the consent authority takes into account the findings of the design review panel.
- (6) In this clause—

*design review panel* means a panel of 3 or more persons established by the consent authority for the purposes of this clause.

### **7.3 Development of land in or adjacent to public transport corridor**

- (1) Development consent must not be granted to development on land in the Transport Investigation Area without the concurrence of Transport for NSW.
- (2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—
  - (a) the practicability and cost of carrying out public transport projects on the land in the future, and

- (b) without limiting paragraph (a), the structural integrity and safety of, and the ability to operate, public transport projects on the land in the future, and
  - (c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation and maintenance of public transport projects on the land in the future.
- (3) In this clause—  
*Transport Investigation Area* means the land identified as the “Transport Investigation Area” on the Carter Street Precinct Map.

#### **7.4 Active street frontages in Zone B2 Local Centre**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.
- (2) This clause applies to land that is identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for a part of a building that is used for any of the following—
  - (a) entrances and lobbies, including as part of mixed use development,
  - (b) access for fire services,
  - (c) vehicular access.

#### **7.5 Height and floor space incentives for reduced car parking**

- (1) The objective of this clause is to provide an incentive to reduce the amount of car parking spaces provided for the purposes of residential accommodation.
- (2) This clause applies to land identified as “B”, “C” or “D” on the Clause Application Map.
- (3) Despite clause 4.3, the height of a building on land to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map if—
  - (a) the height of the building does not exceed the incentive height shown for the land on the Height of Buildings Map, and
  - (b) the consent authority is satisfied that the amount of car parking provided for residential accommodation in the building does not exceed the maximum number of car parking spaces prescribed by this clause.
- (4) Despite clause 4.4, the floor space ratio for a building on land to which this clause applies may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map if—
  - (a) the floor space ratio for the building does not exceed the incentive floor space ratio shown for the land on the Floor Space Ratio Map, and
  - (b) the consent authority is satisfied that the amount of car parking provided for residential accommodation in the building does not exceed the maximum number of car parking spaces prescribed by this clause.

- (5) The maximum number of car parking spaces to be provided for residential accommodation in a building on land identified as “B” or “D” on the Clause Application Map is as follows—
  - (a) for each studio dwelling in the building—0.1 space,
  - (b) for each 1 bedroom dwelling in the building—0.3 space,
  - (c) for each 2 bedroom dwelling in the building—0.7 space,
  - (d) for each 3 or more bedroom dwelling in the building—1 space.
- (6) The maximum number of car parking spaces provided for residential accommodation in a building on land identified as “C” on the Clause Application Map is as follows—
  - (a) for each 1 bedroom dwelling in the building—0.6 space,
  - (b) for each 2 bedroom dwelling in the building—0.9 space,
  - (c) for each 3 or more bedroom dwelling in the building—1.4 spaces.
- (7) In this clause, a car parking space is provided for residential accommodation if it is provided for residents of, or visitors to, the residential accommodation.

#### **7.6 Additional exception to height of buildings**

- (1) Despite clause 4.3, the height of a building on land identified as “C” on the Clause Application Map may exceed the relevant maximum height if—
  - (a) the height of the building does not exceed the relevant maximum height by more than 4.5 metres, and
  - (b) the part of the building that exceeds the relevant maximum height comprises either—
    - (i) roof-top plant or equipment, lift overruns and associated structures, or
    - (ii) an architectural roof feature that complies with subclause (2).
- (2) An architectural roof feature complies with this subclause if it—
  - (a) comprises a decorative element on the uppermost portion of a building, and
  - (b) is not an advertising structure, and
  - (c) does not include floor space area and is not reasonably capable of modification to include floor space area, and
  - (d) will cause minimal overshadowing, and
  - (e) has fully integrated into its design any building identification signage or equipment for servicing the building, including plant, lift motor rooms or fire stairs, that are contained in or supported by the roof feature.
- (3) Clause 5.6 does not apply to a building on land to which this clause applies.
- (4) In this clause—

***relevant maximum height*** means the maximum height shown for the land on the Height of Buildings Map and includes any additional height permitted under clause 7.5.

#### **7.7 Maximum number of car parking spaces on certain land**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that development on certain land does not cause an increase in the number of car parking spaces,

- (b) to ensure that the number of car parking spaces is reduced following the opening of Sydney Metro West's Sydney Olympic Park station.
- (2) This clause applies to land identified as "A" on the Clause Application Map.
- (3) The maximum number of car parking spaces to be provided for residential accommodation in a building on land to which this clause applies is—
  - (a) for resident parking as follows—
    - (i) for each studio dwelling in the building—0.5 space,
    - (ii) for each 1 bedroom dwelling in the building—1 space,
    - (iii) for each 2 bedroom dwelling in the building—1 space,
    - (iv) for each 3 or more bedroom dwelling in the building—2 spaces, and
  - (b) for visitor parking for every 5 dwellings—1 space.
- (4) Development consent must not be granted on or after 1 July 2030 to development on land to which this clause applies that would result in more than 3,426 off-street car parking spaces on the land.

#### **7.8 Site area for floor space ratio purposes**

- (1) This clause applies to land identified as "A", "B", "C" or "D" on the Carter Street Precinct Map.
- (2) The site area of proposed development on land to which this clause applies is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that—
  - (a) is dedicated to or acquired by a public authority for the purpose of a public road or the provision of public transport, and
  - (b) would have been part of the site area if it had not been so dedicated or acquired.

#### **7.9 Total gross floor area for certain land**

- (1) This clause applies to land identified as "A" on the Clause Application Map.
- (2) Despite clause 4.4, development consent may be granted to development on land to which this clause applies if the total gross floor area of the development does not exceed 348,500 square metres.

#### **7.10 Additional floor space for community centres on certain land**

- (1) This clause applies to land identified as "C" on the Clause Application Map.
- (2) A part of the floor area of a building on land to which this clause applies that is used for the purposes of a community centre is taken not to be part of the gross floor area of the building for the purposes of calculating the floor space ratio of the building.
- (3) No more than 1,000 square metres may be taken not to be part of the gross floor area of a building under subclause (2).

### **[7] Schedule 1 Additional permitted uses**

Insert after clause 5—

#### **6 Use of certain land in Zone R4 at 2B Hill Road, Lidcombe**

- (1) This clause applies to land in Lot 5, DP 1081374, 2B Hill Road, Lidcombe, that is in Zone R4 High Density Residential.

- (2) Development for the purpose of food and drink premises is permitted with development consent.

**7 Use of certain land at 4–6 and 8–12 Hill Road, Lidcombe**

- (1) This clause applies to the following land at Lidcombe—
- (a) Lot 522, DP 732027, 4–6 Hill Road,
  - (b) Lot 11, DP 1119080, 8–12 Hill Road.
- (2) Development for the purpose of neighbourhood supermarkets or food and drink premises is permitted with development consent.

**8 Use of certain land at Carter Street, Lidcombe**

- (1) This clause applies to the following land at Lidcombe—
- (a) Lot 1, DP 1243168, 1 Carter Street,
  - (b) SP 98202, 3 Carter Street,
  - (c) Lot 12, DP 1217641, 15 Carter Street,
  - (d) Lots 26, 27 and 28, DP 225350, 29 Carter Street,
  - (e) Lot 301, DP 541070, 35 Carter Street,
  - (f) Lots 1, 3, 4, 6, 7 and 8, DP 1260687, Carter Street.
- (2) Development for the purpose of food and drink premises is permitted with development consent.

**9 Use of certain land in Carter Street Precinct in Zone R4**

- (1) This clause applies to land in the Carter Street Precinct that is in Zone R4 High Density Residential.
- (2) Development for the purpose of exhibition homes is permitted with development consent.

**[8] Dictionary**

Omit the definition of *Priority Precinct Map*. Insert in alphabetical order—

*Active Street Frontages Map* means the Auburn Local Environmental Plan 2010 Active Street Frontages Map.

*Carter Street Precinct* means the land identified as “Carter Street Precinct” on the Carter Street Precinct Map.

*Carter Street Precinct Map* means the Auburn Local Environmental Plan 2010 Carter Street Precinct Map.

*Clause Application Map* means the Auburn Local Environmental Plan 2010 Clause Application Map.