



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

MONICA BARONE, CHIEF EXECUTIVE OFFICER,
THE COUNCIL OF THE CITY OF SYDNEY
As delegate for the Greater Sydney Commission

Sydney Local Environmental Plan 2012 (Amendment No 21)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 21)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to the land to which *Sydney Local Environmental Plan 2012* applies.

4 Maps

The maps adopted by *Sydney Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

[1] Clause 4.5 Calculation of floor space ratio and site area

Insert after clause 4.5:

4.5A Balconies on certain residential flat buildings

- (1) The consent authority may exclude the gross floor area of any existing or proposed wind-affected balcony from the calculation of the total floor space for the purposes of applying a floor space ratio if the consent authority is satisfied of the following:
 - (a) the excluded balcony gross floor area does not exceed 15% of the gross floor area of the apartment to which the balcony is attached,
 - (b) the wind-affected balcony is used, or designed to be used, as external open space,
 - (c) the wind-affected balcony has sufficient natural ventilation,
 - (d) the partial enclosure of the wind-affected balcony does not increase the apparent bulk of the building.
- (2) For the purposes of this clause, *wind-affected balcony* means a balcony that is:
 - (a) part of a residential flat building that is over 30 metres high, and
 - (b) above the level of any podium that is, or is required to be, part of the construction of the residential flat building, and
 - (c) partially enclosed.

[2] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (ca):

- (cab) clause 4.5A (Balconies on certain residential flat buildings),

[3] Clause 6.4 Accommodation floor space

Insert “, community facilities or child care centres” after “accommodation” in clause 6.4 (1) (a).

[4] Clause 6.4 (1) (d), (f) and (g)

Omit “or hotel or motel accommodation” wherever occurring.

Insert instead “, hotel or motel accommodation, community facilities or child care centres”.

[5] Clause 6.8 Lanes development floor space

Omit clause 6.8 (1) (c). Insert instead:

- (c) adjoins a lane.

[6] Clause 6.8 (3)

Insert in alphabetical order:

lane means a public road that is identified on the Lanes Map as a lane.

[7] Clause 6.11 Utilisation of certain additional floor space requires allocation of heritage floor space

Omit clause 6.11 (2) (c).

[8] Clause 6.11 (3)

Insert after clause 6.11 (2):

- (3) In the case of development that is an alteration or addition to an existing building, the amount of heritage floor space required to be allocated to the building under subclause (1) is to be no more than the difference between:
 - (a) the amount of heritage floor space that would be required to be allocated to the building if the building (as altered or added to) were to be constructed as a new building, and
 - (b) the amount of heritage floor space that would be required to be allocated to the building if the building (without the alteration or addition) were to be constructed as a new building.

[9] Clause 6.14

Omit the clause. Insert instead:

6.14 Community infrastructure floor space at Green Square

- (1) The objectives of this clause are as follows:
 - (a) to allow greater densities where Green Square community infrastructure is also provided,
 - (b) to ensure that such greater densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on the amenity of those localities,
 - (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.
- (2) The consent authority may consent to development that results in additional floor space in accordance with subclause (4) if the development includes Green Square community infrastructure.
- (3) In deciding whether to grant development consent, the consent authority:
 - (a) must be satisfied that the development is consistent with the objectives of this clause, and
 - (b) must be satisfied that the Green Square community infrastructure is reasonably necessary at Green Square, and
 - (c) must take into account the nature of the Green Square community infrastructure and its value to the Green Square community.
- (4) Under subclause (2), a building on land in an Area specified in paragraph (a), (b), (c), (d), (e) or (f) is eligible for an amount of additional floor space determined by the consent authority but no more than that which may be achieved by applying the floor space ratio specified in the relevant paragraph to the building:
 - (a) Area 5—0.25:1,
 - (b) Area 6—0.5:1,
 - (c) Area 7—0.75:1,
 - (d) Area 8—1:1,
 - (e) Area 9—1.5:1,
 - (f) Area 10—2.2:1.
- (5) In this clause:
Area means an Area shown on the Floor Space Ratio Map.

Green Square community infrastructure means development at Green Square for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads, drainage or flood mitigation works.

[10] Clause 6.17 Sun access planes

Omit “Castlereagh Street” from the note to clause 6.17 (5) (a). Insert instead “Pitt Street”.

[11] Clause 6.17 (10) (a) and (b)

Omit “eastern” from the notes to subclauses (10) (a) and (b). Insert instead “western”.

[12] Clause 6.21 Design excellence

Insert “investment” after capital in clause 6.21 (5) (b).

[13] Clause 6.21 (9)

Insert in alphabetical order:

capital investment value has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

[14] Clause 7.2 Interpretation

Insert after paragraph (d) of the definition of ***car parking space*** in clause 7.2 (1):

- (e) a car parking space for the exclusive use of vehicles belonging to a car share scheme.

[15] Clause 7.2 (1)

Insert in alphabetical order:

car share scheme means a scheme in which a body corporate, an unincorporated body or a public authority owns or manages and maintains vehicles for shared or communal use and hires those vehicles exclusively to members of the scheme for occasional use for short periods of time, on demand and on a pay-as-you go basis.

[16] Clause 7.22 Use of existing non-residential buildings in Zone R1 General Residential

Insert after clause 7.22 (3):

- (4) Despite any other provision of this Plan, development consent may be granted for the purpose of business premises, office premises or light industry on land to which this clause applies if the consent authority is satisfied of the following:
 - (a) the development relates to a building that was designed and constructed for a purpose other than residential accommodation and the building was erected before the commencement of this Plan,
 - (b) the development will be used for a creative purpose that involves media, fine arts and craft, design (fashion, industrial or graphic), film and television, photography or publishing,
 - (c) the development will be compatible with, and will not detract from, the amenity of the surrounding locality,
 - (d) the building is suitable for adaptive reuse,
 - (e) no additional floor space will be created,
 - (f) any modification of the facade of the building will be minimal,

- (g) the proposed hours of operation of will not detract from residential amenity.

[17] Schedule 1 Additional permitted uses

Insert after clause 6 in Schedule 1:

7 Use of certain land at 83–93 Dalmeny Avenue, Rosebery

- (1) This clause applies to land at 83–93 Dalmeny Avenue, Rosebery, being Lot 110, DP 861950, Lots 1–128, SP 53194, Lots 133–286, SP 53997, Lots 287–469, SP 56729, Lots 470–571, SP 58586, Lots 572–689, SP 61596 and Lots 691–797, SP 62388, and known as “Kimberly Estate”.
- (2) Development for the purposes of business premises is permitted with development consent.

[18] Schedule 5 Environmental heritage

Omit “Lot 1” from the matter relating to Item no I988 in Part 1. Insert instead “Lot 5”.

[19] Schedule 5, Part 1

Omit “Terrace house including interior and front fence” from the matter relating to Item no I1172.

Insert instead “Houses including interiors and front fences”.

[20] Schedule 5, Part 1

Insert “Part” after “DP 177708;” in the matter relating to Item no I1369.

[21] Schedule 5, Part 1

Omit the matters relating to Item no I1612 and Item no I700.

[22] Schedule 5, Part 1

Omit “; Lot 1, DP 1006536” from the matter relating to Item no I1976*.

[23] Schedule 5, Part 1

Omit “Terrace house” and “168–174” from the matter relating to Item no I2132.

Insert instead “3 terrace houses” and “168, 170 and 172–174”, respectively.

[24] Schedule 5, Part 1

Omit “174–174A” and “168–174” from the matter relating to Item no I2133.

Insert instead “174” and “172–174”, respectively.

[25] Dictionary

Insert in alphabetical order:

Lanes Map means the Sydney Local Environmental Plan 2012 Lanes Map.