



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 35)

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 35)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 35)*.

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.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

- [1] **Clause 6.10 Heritage floor space**
Omit “building” wherever occurring in clause 6.10 (4). Insert instead “site”.
- [2] **Clause 6.10 (6)**
Omit “the heritage building”. Insert instead “that site”.
- [3] **Clause 6.11 Utilisation of certain additional floor space requires allocation of heritage floor space**
Omit “land” wherever occurring in clause 6.11 (1). Insert instead “a site”.
- [4] **Clauses 6.11 (1) and (3) (a) and (b) and 6.11A (1) and (2)**
Omit “to the building” wherever occurring. Insert instead “to the site”.
- [5] **Clause 6.11 (1) (e)**
Insert “on a site” after “a building”.
- [6] **Clause 6.11 (2)**
Omit “building”. Insert instead “site”.
- [7] **Clause 6.11 (3)**
Insert “the site of” before “the building under subclause (1)”.
- [8] **Clause 6.11A Temporary alternative heritage arrangements in relation to allocation of heritage floor space**
Omit “land” from clause 6.11A (1). Insert instead “a site”.
- [9] **Clause 7.19 Demolition must not result in long term adverse visual impact**
Omit clause 7.19 (a). Insert instead:
 - (a) any land affected by the demolition:
 - (i) in the case of land to which any provision of Division 5 (Site specific provisions) of Part 6 applies—is subject to a site-specific development control plan, or
 - (ii) in any other case—will be comprehensively redeveloped under the development consent (if granted) or under an existing development consent relating to the site, and
- [10] **Clauses 7.22 and 7.22A**
Omit clause 7.22. Insert instead:
7.22 Use of existing non-residential buildings that were shops or pubs in Zone R1
 - (1) The objective of this clause is to provide for the reuse of buildings for non-residential purposes.
 - (2) Development consent must not be granted to development in respect of a relevant existing building for the purpose of food and drink premises or shops unless the consent authority has considered the following:
 - (a) the impact of the development on the amenity of the surrounding locality,

- (b) the suitability of the relevant existing building for adaptive reuse,
 - (c) the degree of modification of the footprint and facade of the relevant existing building.
- (3) In this clause:
- relevant existing building** means a building on land in Zone R1 General Residential that:
- (a) was designed and constructed for the purpose of a shop or a pub, and
 - (b) was erected before the commencement of this Plan.

7.22A Use of other existing non-residential buildings in Zone R1

- (1) The objective of this clause is to provide for the reuse of buildings for non-residential purposes.
- (2) Despite any other provision of this Plan, development consent may be granted to development in respect of a relevant existing building for the purpose of business premises, office premises or light industry if the consent authority is satisfied of the following:
- (a) the relevant existing building 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,
 - (b) the development will be compatible with, and will not detract from, the amenity of the surrounding locality,
 - (c) the relevant existing building is suitable for adaptive reuse,
 - (d) no additional floor space will be created,
 - (e) any modification of the facade of the relevant existing building will be minimal,
 - (f) the proposed hours of operation will not detract from residential amenity.
- (3) In this clause:
- relevant existing building** means a building on land in Zone R1 General Residential that:
- (a) was designed and constructed for a purpose other than residential accommodation, and
 - (b) was erected before the commencement of this Plan.

[11] Clause 7.26

Insert after clause 7.25:

7.26 Public art

- (1) Development for the purpose of public art is permitted with development consent on land in the following zones:
- (a) Zone SP2 Infrastructure,
 - (b) Zone RE1 Public Recreation.

Note. Development for the purpose of public art is permitted with development consent on land in other zones if the Land Use Table specifies that any development that is not permitted without consent, or prohibited, is permitted with consent (that is, if item 3 of the zone includes "Any other development not specified in item 2 or 4").

- (2) Development consent must not be granted to development for the purpose of public art in any zone in which public art is permitted with development consent unless the consent authority is satisfied that the development:
- (a) will not involve the display of an advertisement, and
 - (b) will not increase the gross floor area of any building, and
 - (c) will not have a significant adverse impact on any heritage conservation area, heritage item or other object or place of heritage significance, and
 - (d) will not have a significant adverse impact on the amenity of the public domain, including by overshadowing, wind or noise impacts, and
 - (e) if it is to be carried out on land to which a plan of management (within the meaning of the *Local Government Act 1993*) applies, will be in accordance with the plan of management.
- (3) In this clause, **public art** means an artwork located in a public space.
- Note.** The installation and display of an outdoor sculpture or other form of freestanding artwork is, in some circumstances, exempt development: see *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 2, Division 1, Subdivision 39 (Sculptures and artworks).

[12] Schedule 2 Exempt development

Omit the matter relating to **Use of footpath by food and drink premises**.