



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 40)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MONICA BARONE, CHIEF EXECUTIVE OFFICER, CITY OF SYDNEY COUNCIL
As delegate for the local plan-making authority

Sydney Local Environmental Plan 2012 (Amendment No 40)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 40)*.

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 following land at Redfern:

- (a) 2–38 Baptist Street (Lot 1, DP 1107252),
- (b) 397–399 Cleveland Street (Lot 1, DP 72567 and Lot 2, DP 112938),
- (c) 399A Cleveland Street (Lot 31, DP 1223099).

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 local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

Part 6, Division 5

Insert at the end of the Division, with appropriate clause numbering:

Surry Hills Shopping Village

- (1) The objectives of this clause are as follows:
 - (a) to provide that a BASIX affected building demonstrating design excellence on the subject land is only eligible for additional building height if it exceeds certain BASIX commitments,
 - (b) to provide that a building demonstrating design excellence on the subject land is not eligible for additional floor space,
 - (c) to require a lane through the subject land that:
 - (i) provides visual and physical access between Marriott Street and Baptist Street, and
 - (ii) is open to the sky.
- (2) This clause applies to the following land at Redfern (the *subject land*):
 - (a) 2–38 Baptist Street (Lot 1, DP 1107252),
 - (b) 397–399 Cleveland Street (Lot 1, DP 72567 and Lot 2, DP 112938),
 - (c) 399A Cleveland Street (Lot 31, DP 1223099).
- (3) A BASIX affected building (within the meaning of the *Environmental Planning and Assessment Regulation 2000*) on the subject land cannot have a building height that exceeds the maximum height shown for the subject land on the Height of Buildings Map under clause 6.21 (7) (a) unless the building exceeds the BASIX commitments for water and energy by not less than 5 points.
- (4) Clauses 6.12 (b) and 6.21 (7) (b) do not apply to a building on the subject land.
- (5) Development consent must not be granted to development that results in a building on the land identified as “Area 9” on the Height of Buildings Map being higher than an incline plane extending from RL 34.5 along the land’s western boundary to RL 35.65 along the land’s eastern boundary.