



New South Wales

# **Sydney Local Environmental Plan 2012 (Amendment No 43)**

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*.

**AMANDA HARVEY**

As delegate for the Minister for Planning and Public Spaces

## **Sydney Local Environmental Plan 2012 (Amendment No 43)**

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### **1 Name of Plan**

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 43)*.

### **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 land within the Millers Point heritage conservation area.

### **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—

#### **Millers Point heritage conservation area**

- (1) The objectives of this clause are—
  - (a) to conserve the heritage items and built form of the Millers Point heritage conservation area, and
  - (b) to ensure that conservation management plans endorsed by the Heritage Council are considered in the assessment of development that impacts a heritage item in the Millers Point heritage conservation area.
- (2) This clause applies to land identified as “Area 10” on the Height of Buildings Map.
- (3) Development consent must not be granted to development that affects a heritage item unless the consent authority considers the following—
  - (a) the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of the heritage item,
  - (b) a heritage conservation management plan for the item endorsed by the Heritage Council under section 38A of the *Heritage Act 1977*,
  - (c) if there is no plan endorsed by the Heritage Council, a heritage conservation management plan for the item prepared to the satisfaction of the consent authority.
- (4) Development consent must not be granted to development affecting a building that is not a heritage item unless—
  - (a) the consent authority considers the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of any heritage item in the vicinity of the building, and
  - (b) the development will not result in either or both of the following—
    - (i) the height of the building exceeding 9 metres,
    - (ii) the floor space ratio for the building exceeding 2:1.
- (5) Despite any other provision of this Plan, the maximum height of a building on land to which this clause applies is the height of the building on the land as at the commencement of this clause.