



New South Wales

State Environmental Planning Policy Amendment (Western Gateway Sub-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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Western Gateway Sub-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 *Sydney Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

4 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

Part 6 Local provisions—height and floor space

Insert at the end of Division 5, with appropriate clause numbering—

Western Gateway Sub-precinct

- (1) This clause applies to the land identified as the “Western Gateway Sub-precinct” on the Locality and Site Identification Map (the *Western Gateway Sub-precinct*).
- (2) Clause 2.8 extends to development in the Western Gateway Sub-precinct for a temporary use for a maximum period of 100 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted to development that results in any part of a building in the Western Gateway Sub-precinct causing additional overshadowing (within the meaning of clause 6.19(2)), at any time of year, of Prince Alfred Park between 10.00–14.00.
- (4) Development consent must not be granted to development in the Western Gateway Sub-precinct unless the consent authority has taken into consideration any guidelines made by the Planning Secretary relating to the design and amenity of the Western Gateway Sub-precinct.
- (5) The following do not apply in relation to a building in the Western Gateway Sub-precinct—
 - (a) clause 6.3 and Subdivision 2 of Division 1,
 - (b) clause 7.20.
- (6) Despite clause 4.3, development consent may be granted to development that results in either or both of the following—
 - (a) the height of a building in Block A exceeding the maximum height shown for Block A on the Height of Buildings Map, but only if the height of the building will not exceed RL 200.2 metres,
 - (b) the height of a building in Block B exceeding the maximum height shown for Block B on the Height of Buildings Map, but only if the height of the building will not exceed RL 205.8 metres.
- (7) Despite clause 4.4, development consent may be granted to development that results in either or both of the following—
 - (a) the floor space ratio for a building in Block A exceeding the maximum floor space ratio shown for Block A on the Floor Space Ratio Map, but only if the gross floor area of all buildings in Block A will not exceed 77,000 square metres,
 - (b) the floor space ratio for a building in Block B exceeding the maximum floor space ratio shown for Block B on the Floor Space Ratio Map, but only if the gross floor area of all buildings in Block B will not exceed 155,000 square metres.
- (8) Development consent must not be granted under subclause (6) or (7) unless the consent authority is satisfied that the resulting building will not be used for the purposes of residential accommodation.
- (9) Clause 6.21(5)–(7) do not apply to development in Block A or Block B.
- (10) In this clause—

Block A means that part of the Western Gateway Sub-precinct identified as “Block A” on the Locality and Site Identification Map.

Block B means that part of the Western Gateway Sub-precinct identified as “Block B” on the Locality and Site Identification Map.

Prince Alfred Park means the location identified as “Prince Alfred Park” (as shown with blue hatching) on the Sun Access Protection Map.