



New South Wales

# **Sydney Local Environmental Plan 2012 (Amendment No 52)**

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*.

**MALCOLM McDONALD**

As delegate for the Minister for Planning and Public Spaces

## **Sydney Local Environmental Plan 2012 (Amendment No 52)**

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### **1 Name of Plan**

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 52)*.

### **2 Commencement**

This Plan commences on 1 July 2021 and is required to be published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to 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 local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Sydney Local Environmental Plan 2012**

### **[1] Clause 1.8A Savings provisions relating to development applications**

Insert after clause 1.8A(3)—

- (4) A development application that has not been finally determined before the commencement of *Sydney Local Environmental Plan 2012 (Amendment No 52)* must be determined as if that Plan had not commenced if the application is in relation to development—
  - (a) on land in Central Sydney, or
  - (b) on residual land within the meaning of clause 7.13.

### **[2] Clause 1.9 Application of SEPPs**

Insert at the end of clause 1.9(2A)(c)—

- , or
- (d) land in Central Sydney.

### **[3] Clause 7.13 Contribution for purpose of affordable housing**

Omit clause 7.13(1) and (2). Insert instead—

- (1) This clause applies to the following development—
  - (a) development on land at Green Square or Ultimo-Pyrmont, or on southern employment land or residual land that involves—
    - (i) the erection of a new building the gross floor area of which is more than 200 square metres, or
    - (ii) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area that is intended to be used for the purpose of residential accommodation, or
    - (iii) alterations to an existing building that will result in the creation of more than 60 square metres of gross floor area that is intended to be used for a purpose other than residential accommodation, or
    - (iv) the demolition of existing floor area and the subsequent creation, whether for the same or a different purpose, of more than 200 square metres of gross floor area,
  - (b) development on land at Green Square or Ultimo-Pyrmont, or on southern employment land, that involves a change of use of more than 60 square metres of existing floor area of a building,
  - (c) development on residual land that involves a change of use of existing floor area from other than residential accommodation to residential accommodation or tourist and visitor accommodation,
  - (d) development on land at Central Sydney that involves—
    - (i) the creation of more than 100 square metres of gross floor area, or
    - (ii) the demolition of existing floor area and the subsequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area, or
    - (iii) a change of use of existing floor area from other than residential accommodation to residential accommodation or tourist and visitor accommodation.

- (2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring a contribution equivalent to the applicable **affordable housing levy contribution** for the development provided for in subclause (2A), (2B) or (2C).
- (2A) The affordable housing levy contribution for development on land at Green Square or on southern employment land is—
  - (a) 3% of the total floor area of the development that is intended to be used for residential purposes, and
  - (b) 1% of the total floor area of the development that is not intended to be used for residential purposes.
- (2B) The affordable housing levy contribution for development on land at Ultimo-Pyrmont is—
  - (a) 0.8% of the total floor area of the development that is intended to be used for residential purposes, and
  - (b) 1.1% of the total floor area of the development that is not intended to be used for residential purposes.
- (2C) The affordable housing levy contribution for development on land at Central Sydney or on residual land is as follows—
  - (a) for development applications lodged before 1 July 2022—
    - (i) 1.5% of the total floor area of the development that is intended to be used for residential purposes, and
    - (ii) 0.5% of the total floor area of the development that is not intended to be used for residential purposes,
  - (b) for development applications lodged on or after 1 July 2022—
    - (i) 3% of the total floor area of the development that is intended to be used for residential purposes, and
    - (ii) 1% of the total floor area of the development that is not intended to be used for residential purposes.

**[4] Clause 7.13(3)**

Omit “section”. Insert instead “clause”.

**[5] Clause 7.13(3)(a)**

Omit “of not less than 50 square metres”.

Insert instead “of not less than 35 square metres and not more than 90 square metres”.

**[6] Clause 7.13(4)(a) and (b)**

Omit clause 7.13(4)(a)–(b). Insert instead—

- (a) for development on land at Ultimo-Pyrmont—the *Revised City West Affordable Housing Program* published by the Department in June 2010, or  
**Note—** The Program is made available by the Department on the Department’s website.
- (b) for development on land at Green Square or Central Sydney, or on southern employment land or residual land—the *City of Sydney Affordable Housing Program* adopted by the Council on 24 August 2020.

**Note**— The Program is made available by the Council on its website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).

**[7] Clause 7.13(6)**

Omit the subclause. Insert instead—

(6) In this clause—

**residual land** means the land identified as “Residual Land” on the Locality and Site Identification Map.

**total floor area** means the total of the areas of each floor of a building within the outer face of the external enclosing walls and including balconies, but excluding the following—

- (a) columns, fins, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls,
- (b) that part of a balcony that exceeds the minimum area required by the consent authority in respect of the balcony,
- (c) ancillary car parking permitted by the consent authority and associated internal vehicular and pedestrian access to that car parking,
- (d) space for the loading and unloading of goods,
- (e) the floor area of a building, including balconies, that is—
  - (i) on land in Zone IN1 General Industrial, or
  - (ii) used to provide affordable housing or public housing, or
  - (iii) used for the purpose of community facilities.