



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 82)

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 82)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 82)*.

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.

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 1.9 Application of SEPPs

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

, or

- (f) Botany Road Precinct Opportunity Land.

[2] Clause 6.17 Sun access planes

Insert in appropriate order clause 6.17(4), table—

Alexandria Park	All year	10am–2pm
Daniel Dawson Reserve	All year	10am–2pm

[3] Clause 6.21D Competitive design process

Omit section 6.21D(3)(b)(i). Insert instead—

- (i) the amount permitted as a result of the floor space ratio shown for the land on—
- (A) for a building for which development consent is granted under clause 6.60B—the Alternative Floor Space Ratio Map—Employment Sites or the Alternative Floor Space Ratio Map—Affordable Housing Sites, or
- (B) otherwise—the Floor Space Ratio Map, and

[4] Clause 6.60B

Insert after clause 6.60A—

6.60B Botany Road Precinct Opportunity Land

- (1) The objective of this clause is to create incentives for carrying out development—
- (a) for employment generating uses, and
- (b) if compatible with existing non-residential land uses—to provide affordable housing, and
- (c) to provide community infrastructure, and
- (d) resulting in buildings with high environmental performance.
- (2) This clause applies to Botany Road Precinct Opportunity Land.
- (3) A building on land to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map if—
- (a) the building is used only for—
- (i) non-residential purposes, or
- (ii) non-residential purposes and to provide affordable housing, and
- (b) the height of the building does not exceed the height shown for the land on the Alternative Height of Buildings Map.
- (4) A building on land to which this clause applies may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if the floor space ratio of the building does not exceed the floor space ratio shown for the land on—

- (a) for a building used only for non-residential purposes—the Alternative Floor Space Ratio Map—Employment Sites, or
 - (b) for a building used only for non-residential purposes and to provide affordable housing—the Alternative Floor Space Ratio Map—Affordable Housing Sites.
- (5) In calculating the floor space ratio for the building under subclause (4), land identified as “Classified Road (SP2)” on the Land Reservation Acquisition Map must not be included in the site area.
- (6) Subclauses (3) and (4) do not apply unless the consent authority is satisfied—
 - (a) the development provides, or will provide, appropriate public access and laneways, and
 - (b) if the development is BASIX affected development—the building is capable of exceeding the BASIX commitments by at least—
 - (i) for energy—10 points, and
 - (ii) for water—5 points.
- (7) Subclauses (3) and (4) do not apply to development involving the provision of affordable housing unless the consent authority is satisfied—
 - (a) the affordable housing will be owned and managed by a registered community housing provider, and
 - (b) the affordable housing will be provided in accordance with the *City of Sydney Affordable Housing Program*, adopted by the Council on 24 August 2020, and
 - (c) the development will not reduce the capacity of adjoining sites used or intended to be used for non-residential purposes, and
 - (d) the development is compatible with the existing and approved uses of land near the development, having regard to the following—
 - (i) the impact the development, including its bulk, scale and traffic generation, is likely to have on the existing and approved uses,
 - (ii) the services and infrastructure that are or will be available to meet the demands resulting from the development,
 - (iii) the impact the uses are likely to have on the health, well-being and amenity of residents of buildings resulting from the development, and
 - (e) the following part of the building will be used only for non-residential purposes—
 - (i) for a building on Lot 11, DP 219505 and Lot 2, DP 136012, 74–88 Botany Road, Alexandria—the ground floor,
 - (ii) for a building on other land—the ground floor and the first floor.
- (8) Clause 6.21D(3)(a) does not apply to a building for which development consent is granted under this clause.
- (9) In this clause—

non-residential purpose means development for a purpose other than the following—

 - (a) residential accommodation,
 - (b) serviced apartments.

[5] Clause 7.13B

Insert after clause 7.13A—

7.13B Additional affordable housing contribution for certain development on Planning Proposal Land

- (1) This clause applies to development on Planning Proposal Land involving one or more of the following—
 - (a) the erection of a new building with a gross floor area of more than 200m²,
 - (b) alterations to an existing building resulting in the creation of more than 200m² of gross floor area intended to be used for residential accommodation,
 - (c) alterations to an existing building resulting in the creation of more than 60m² of gross floor area intended to be used for a purpose other than residential accommodation,
 - (d) a change of use of an existing building to residential accommodation.
- (2) Subclause (1) applies—
 - (a) whether the floor area was in existence before, or is created after, the commencement of this clause, and
 - (b) whether or not the floor area replaces an existing area.
- (3) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing levy contribution equivalent to the contribution specified for the land in Schedule 6C (the *contribution*).
- (4) A condition imposed under this clause must permit a person to satisfy the contribution by way of one or both of the following—
 - (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 35m² but no more than 90m²,
 - (b) a monetary contribution paid to the Council.
- (5) A monetary contribution must be calculated in accordance with the *City of Sydney Affordable Housing Program* adopted by the Council on 24 August 2020.
- (6) The demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of a contribution.

[6] Schedule 5 Environmental heritage

Insert in Part 1 in appropriate order—

Redfern	Former Aboriginal Legal Service	142 Regent Street	Lot 22, DP 1094178 (SP 76851)	Local I2294
Redfern	Former Aboriginal Medical Service	171 Regent Street	Lot 2, DP 438236	Local I2295
Waterloo	Terrace Group	122–136 Wellington Street	Lots 1–7, DP 33293; Lot 12, DP 1186738	Local I2296

[7] Schedule 6A Sun access planes

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Daniel Dawson Reserve sun access planes

Note— This Part describes points approximately 11m above the eastern side of Spencer Lane from Chapel Lane to Boundary Street, approximately 14m above the northern side of Boundary Street from Spencer Lane to Wyndham Street, and approximately 14m above the western side of Wyndham Street from Boundary Street to Chapel Lane.

Daniel Dawson Reserve 11A sun access plane

- (1) X is a point at 333431.9E, 6247959.2N, RL32.8.
- (2) Y is a point at 333442.0E, 6248027.0N, RL32.8.
- (3) B is 29.98 degrees.
- (4) V is 26.34 degrees.

Daniel Dawson Reserve 11B sun access plane

- (1) X is a point at 333442.0E, 6248027.0N, RL38.3.
- (2) B1 is 29.98 degrees.
- (3) V1 is 26.34 degrees.
- (4) B2 is 328.63 degrees.
- (5) V2 is 25.69 degrees.

Daniel Dawson Reserve 11C sun access plane

- (1) X is a point at 333442.0E, 6248027.0N, RL38.3.
- (2) Y is a point at 333338.9E, 6248035.4N, RL38.3.
- (3) B is 328.63 degrees.
- (4) V is 25.69 degrees.

Daniel Dawson Reserve 11D sun access plane

- (1) X is a point at 333388.1E, 6248031.5N, RL38.9.
- (2) Y is a point at 333374.7E, 6247952.6N, RL38.9.
- (3) B is 328.63 degrees.
- (4) V is 25.69 degrees.

Part Alexandria Park sun access planes

Note— This Part describes points approximately 16m above the eastern side of Wyndham Street from Power Avenue to Buckland Street, approximately 22m above the northern side of Buckland Street from Wyndham Street to Park Road, and approximately 21m above the western side of Park Road from Buckland Street to Power Avenue.

Alexandria Park 12A sun access plane

- (1) X is a point at 333539.6E, 6247417.1N, RL31.30.
- (2) Y is a point at 333480.9E, 6247605.4N, RL32.1.
- (3) B is 29.98 degrees.
- (4) V is 26.34 degrees.

Alexandria Park 12B sun access plane

- (1) X is a point at 333480.9E, 6247605.4N, RL35.4.

- (2) B1 is 29.98 degrees.
- (3) V1 is 26.34 degrees.
- (4) B2 is 328.63 degrees.
- (5) V2 is 25.69 degrees.

Alexandria Park 12C sun access plane

- (1) X is a point at 333480.9E, 6247605.4N, RL35.4.
- (2) Y is a point at 333195.5E, 6247513.7N, RL34.4.
- (3) B is 328.63 degrees.
- (4) V is 25.69 degrees.

Alexandria Park 12D sun access plane

- (1) X is a point at 333195.5E, 6247513.7N, RL34.4.
- (2) Y is a point at 333254.1E, 6247326.3N, RL34.4.
- (3) B is 328.63 degrees.
- (4) V is 25.69 degrees.

[8] Schedule 6C

Insert after Schedule 6B—

Schedule 6C Contribution requirement for certain development on Planning Proposal Land

clause 7.13B

Planning Proposal Land	Contribution requirement
Land identified as “Area 1” on the Affordable Housing Map	The total amount of— <ol style="list-style-type: none">(a) the contribution applying to the development under clause 7.13, and(b) if the part of a building intended to be used for a purpose other than residential accommodation has a floor space ratio of less than 1.5:1—9% of the gross floor area equivalent to the amount by which the floor space ratio of the building exceeds 1.5:1

[9] Dictionary

Insert the following in alphabetical order—

Affordable Housing Map means the Sydney Local Environmental Plan 2012 Affordable Housing Map.

Alternative Floor Space Ratio Map—Affordable Housing Sites means the Sydney Local Environmental Plan 2012 Alternative Floor Space Ratio Map—Affordable Housing Sites.

Alternative Floor Space Ratio Map—Employment Sites means the Sydney Local Environmental Plan 2012 Alternative Floor Space Ratio Map—Employment Sites.

Alternative Height of Buildings Map means the Sydney Local Environmental Plan 2012 Alternative Height of Buildings Map.

Botany Road Precinct Opportunity Land means land identified as “Botany Road Precinct Opportunity Land” on the Locality and Site Identification Map.

Planning Proposal Land means land specified in Schedule 6C.