



New South Wales

# **Sydney Local Environmental Plan 2012 (Amendment No 83)**

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*.

**TIM RAIMOND**

As delegate for the Minister for Planning

## **Sydney Local Environmental Plan 2012 (Amendment No 83)**

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### **1 Name of Plan**

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 83)*.

### **2 Commencement**

This Plan commences on 28 February 2023.

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

This Plan applies to land to which *South Sydney Local Environmental Plan 1998* and *Sydney Local Environmental Plan 2012* apply, including certain land in Waterloo.

### **4 Maps**

The maps adopted by *South Sydney Local Environmental Plan 1998* and *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

- (g) Waterloo Estate (South)—Area 1, or
- (h) Waterloo Estate (South)—Area 2.

### **[2]    Clause 1.9(2B)(e) and (f)**

Insert at the end of clause 1.9(2B)(d)—

, or

- (e) Waterloo Estate (South)—Area 1, or
- (f) Waterloo Estate (South)—Area 2.

### **[3]    Clause 7.13B Additional affordable housing contribution for certain development on Planning Proposal Land**

Insert at the end of the clause—

- (7) A word or expression used in Schedule 6C has the same meaning as in clause 7.13.

### **[4]    Clause 7.27 Active street frontages**

Omit clause 7.27(3). Insert instead—

- (3) Development consent must not be granted to the erection or change of use of a building on land to which this clause applies unless the consent authority is satisfied all premises facing the street on the ground floor will—
  - (a) have active street frontages, and
  - (b) be used for the purposes of—
    - (i) for a building in Waterloo Estate (South)—Area 1—one or more of the following—
      - (A) business premises,
      - (B) centre-based child care facilities,
      - (C) community facilities,
      - (D) health services facilities,
      - (E) retail premises, or
    - (ii) otherwise—either or both of the following—
      - (A) business premises,
      - (B) retail premises.

### **[5]    Part 7 Local provisions—general**

Insert at the end of Division 4, with appropriate clause numbering—

#### **Waterloo Estate (South)—Area 1**

- (1) The objectives of this clause are as follows—
  - (a) to ensure development in Waterloo Estate (South)—Area 1 is orderly and achieves a high level of environmental performance,

- (b) to ensure a balanced mix of social and affordable housing and other housing,
  - (c) to provide a local centre to service the local community,
  - (d) to ensure community facilities are provided to support the growing resident population.
- (2) This clause applies to Waterloo Estate (South)—Area 1.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied of the following—
- (a) at least 17,000m<sup>2</sup> of the gross floor area of all buildings on the land will be used for purposes other than residential accommodation,
  - (b) at least 5,000m<sup>2</sup> of the gross floor area of all buildings on the land will be used for the purposes of one or more of the following—
    - (i) centre-based child care facilities,
    - (ii) community facilities,
    - (iii) health services facilities,
  - (c) at least 26.5% of residential floor space will be used for the purposes of social housing premises,
  - (d) at least 7% of residential floor space will be used for the purposes of affordable housing that is owned and managed by a registered community housing provider.
- (4) In calculating gross floor area under subclause (3)(c) and (d), an amount of additional floor space permitted under clause 6.21D(3)(b) must be included.
- (5) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the *Design Guide—Waterloo Estate (South)* published by the Department in November 2022.
- (6) In determining the height of a building on land to which this clause applies, solar panels and associated structures must be excluded if the consent authority is satisfied the solar panels and associated structures will not—
- (a) have a significant adverse visual impact, or
  - (b) adversely impact the amenity of neighbouring properties.
- (7) Clause 6.21D(3)(a) does not apply to a building on land to which this clause applies.
- (8) In this clause—
- residential floor space** means the combined gross floor area of the parts of the buildings on land to which this clause applies that are used for the purposes of residential accommodation.
- social housing premises** has the same meaning as in the *Residential Tenancies Act 2010*.

#### **Waterloo Estate (South)—Area 2**

- (1) This clause applies to Waterloo Estate (South)—Area 2.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the *Design Guide—Waterloo Estate (South)* published by the Department in November 2022.

- (3) Clause 6.21D(3)(a) does not apply to a building on land to which this clause applies.

**[6] Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1—

Waterloo	2-storey Victorian terrace houses (circa 1880)	229–231 Cope Street	Lot 3, DP 10721	Local	I2078
Waterloo	Single-storey Interwar building, Electricity Substation No 174	336 George Street	Lot 3, DP 10686	Local	I2086

**[7] Schedule 6C Contribution requirement for certain development on Planning Proposal Land**

Insert at the end of the Schedule—

Lot 15, DP 10721, 111 Cooper Street, Waterloo	The total amount of— (a) for 87.5% of the total floor area of all buildings—the contribution applying to the development under clause 7.13, and (b) for 12.5% of the total floor area of all buildings—9% of that total floor area.
Lots 6, 7 and 9, DP 10721 and Lot 8, DP 1147179, 221–223 Cope Street, Waterloo	The total amount of— (a) for 67% of the total floor area of all buildings—the contribution applying to the development under clause 7.13, and (b) for 33% of the total floor area of all buildings—9% of that total floor area.
Lots 1–41, SP 79210, 233 Cope Street, Waterloo	The total amount of— (a) for 73% of the total floor area of all buildings—the contribution applying to the development under clause 7.13, and (b) for 27% of the total floor area of all buildings—9% of that total floor area.
Lots 1–58, SP 69476, 110 Wellington Street, Waterloo	The total amount of— (a) for 68% of the total floor area of all buildings—the contribution applying to the development under clause 7.13, and (b) for 32% of the total floor area of all buildings—9% of that total floor area.
Lots 10 and 11, DP 10721, 116 Wellington Street, Waterloo	The total amount of— (a) for 66% of the total floor area of all buildings—the contribution applying to the development under clause 7.13, and (b) for 34% of the total floor area of all buildings—9% of that total floor area.

**[8] Dictionary**

Insert in alphabetical order—

***Waterloo Estate (South)—Area 1*** means land identified as “Waterloo Estate (South)—Area 1” on the Locality and Site Identification Map.

***Waterloo Estate (South)—Area 2*** means the following land in Waterloo—

- (a) Lot 15, DP 10721, 111 Cooper Street,
- (b) Lots 6, 7 and 9, DP 10721 and Lot 8, DP 1147179, 221–223 Cope Street,
- (c) Lots 4 and 5, DP 10721, 225–227 Cope Street,
- (d) Lots 1–41, SP 79210, 233 Cope Street,
- (e) Lots 1–20, SP 96906, 291 George Street,
- (f) Lots 1–58, SP 69476, 110 Wellington Street,
- (g) Lots 10 and 11, DP 10721, 116 Wellington Street.

## **Schedule 2      Amendment of South Sydney Local Environmental Plan 1998**

### **Schedule 2 Heritage items**

Omit items 272 and 530.