



New South Wales

Sydney Local Environmental Plan Amendment (Sustainable Buildings) 2023

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 Amendment (Sustainable Buildings) 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Sydney Local Environmental Plan Amendment (Sustainable Buildings) 2023*.

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 to which the following local environmental plans apply—

- (a) *Sydney Local Environmental Plan 2012*,
- (b) *Sydney Local Environmental Plan (Green Square Town Centre) 2013*,
- (c) *Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013*.

Schedule 1 Amendment of State Environmental Planning Policy (Sustainable Buildings) 2022

Section 3.3 Other considerations for large commercial development

Insert after section 3.3(3)—

- (4) Subsection (2), to the extent it relates to energy use, does not apply to large commercial development on land to which the following local environmental plans apply—
 - (a) *Sydney Local Environmental Plan 2012*,
 - (b) *Sydney Local Environmental Plan (Green Square Town Centre) 2013*,
 - (c) *Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013*.
- (5) Despite subsection (4), subsection (2) applies to large commercial development to the extent that the development relates to prescribed serviced apartments.

Schedule 2 Amendment of Sydney Local Environmental Plan 2012

Part 7 Local provisions—general

Insert at the end of the part, with appropriate clause numbering—

Sustainability requirements for certain large commercial development

- (1) This clause applies to the following development—
 - (a) large commercial development, other than to the extent to which the development relates to prescribed serviced apartments,
 - (b) the erection of a new prescribed shopping centre,
 - (c) alterations, enlargement or extension of an existing prescribed shopping centre, if the development will increase the gross lettable area of shops and food and drink premises in the prescribed shopping centre by at least 50%.
- (2) In deciding whether to grant development consent, the consent authority must consider whether the development—
 - (a) is designed to optimise energy efficiency and the use of renewable energy generated on-site, and
 - (b) for a development application made on or after 1 January 2026—will also achieve net zero emissions from energy used on-site, including by using renewable energy generated on-site and off-site.
- (3) This clause applies to a development application made on or after 1 October 2023.
- (4) In this clause—

large commercial development has the same meaning as in *State Environmental Planning Policy (Sustainable Buildings) 2022*.

prescribed serviced apartments has the same meaning as in *State Environmental Planning Policy (Sustainable Buildings) 2022*.

prescribed shopping centre means a building consisting of at least 2 shops or food and drink premises if—

 - (a) the total gross lettable area of shops and food and drink premises is at least 5,000m², and
 - (b) the shops and food and drink premises have shared plant and services.

Schedule 3 Amendment of Sydney Local Environmental Plan (Green Square Town Centre) 2013

Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Sustainability requirements for certain large commercial development

- (1) This clause applies to the following development—
 - (a) large commercial development, other than to the extent to which the development relates to prescribed serviced apartments,
 - (b) the erection of a new prescribed shopping centre,
 - (c) alterations, enlargement or extension of an existing prescribed shopping centre, if the development will increase the gross lettable area of shops and food and drink premises in the prescribed shopping centre by at least 50%.
- (2) In deciding whether to grant development consent, the consent authority must consider whether the development—
 - (a) is designed to optimise energy efficiency and the use of renewable energy generated on-site, and
 - (b) for a development application made on or after 1 January 2026—will also achieve net zero emissions from energy used on-site, including by using renewable energy generated on-site and off-site.
- (3) This clause applies to a development application made on or after 1 October 2023.
- (4) In this clause—

large commercial development has the same meaning as in *State Environmental Planning Policy (Sustainable Buildings) 2022*.

prescribed serviced apartments has the same meaning as in *State Environmental Planning Policy (Sustainable Buildings) 2022*.

prescribed shopping centre means a building consisting of at least 2 shops or food and drink premises if—

 - (a) the total gross lettable area of shops and food and drink premises is at least 5,000m², and
 - (b) the shops and food and drink premises have shared plant and services.

Schedule 4 Amendment of Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Sustainability requirements for certain large commercial development

- (1) This clause applies to the following development—
 - (a) large commercial development, other than to the extent to which the development relates to prescribed serviced apartments,
 - (b) the erection of a new prescribed shopping centre,
 - (c) alterations, enlargement or extension of an existing prescribed shopping centre, if the development will increase the gross lettable area of shops and food and drink premises in the prescribed shopping centre by at least 50%.
- (2) In deciding whether to grant development consent, the consent authority must consider whether the development—
 - (a) is designed to optimise energy efficiency and the use of renewable energy generated on-site, and
 - (b) for a development application made on or after 1 January 2026—will also achieve net zero emissions from energy used on-site, including by using renewable energy generated on-site and off-site.
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large commercial development has the same meaning as in *State Environmental Planning Policy (Sustainable Buildings) 2022*.

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 - (a) the total gross lettable area of shops and food and drink premises is at least 5,000m², and
 - (b) the shops and food and drink premises have shared plant and services.