



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

MONICA BARONE, CHIEF EXECUTIVE OFFICER,
THE COUNCIL OF THE CITY OF SYDNEY
As delegate for the Minister for Planning

Sydney Local Environmental Plan 2012 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 17)*.

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 certain land at Alexandria, Forest Lodge, Moore Park and St Peters identified on the replacement maps (referred to in clause 4) for the Land Zoning Map as Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone SP2 Infrastructure.

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 Minister on the making of this Plan.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

[1] Clause 1.9 Application of SEPPs

Omit clause 1.9 (2A). Insert instead:

- (2A) *State Environmental Planning Policy (Affordable Rental Housing) 2009* does not apply to:
- (a) land at Green Square or at Ultimo-Pyrmont, or
 - (b) southern employment land.

[2] Clause 2.1 Land use zones

Omit “IN2 Light Industrial” from the matter relating to Industrial Zones.

[3] Land Use Table

Omit the last objective from item 1 in the matter relating to Zone B6 Enterprise Corridor.
Insert instead:

- To ensure uses support the viability of any adjoining industrial zone for industrial uses.

[4] Land Use Table, Zone B6 Enterprise Corridor

Omit the following from item 3:

- Seniors housing;
- Sewage reticulation systems;
- Shop top housing;
- Waste or resource transfer stations;

[5] Land Use Table, Zone B6 Enterprise Corridor

Insert in alphabetical order in item 3:

- Food and drink premises;
- General industries;
- Kiosks;
- Markets;
- Shops;

[6] Land Use Table, Zone B6 Enterprise Corridor

Omit the following from item 4:

- Airstrips;
- Boat building and repair facilities;
- Boat launching ramps;
- Boat sheds;
- Charter and tourism boating facilities;
- Depots;
- Entertainment facilities;
- Environmental protection works;
- Farm buildings;

Forestry;
Highway service centres;
Jetties;
Marinas;
Mooring pens;
Moorings;
Port facilities;
Recreation facilities (indoor);
Recreation facilities (outdoor);
Registered clubs;
Sewerage systems;
Transport depots;
Truck depots;
Waste disposal facilities;
Water recreation structures;
Water supply systems

[7] Land Use Table, Zone B6 Enterprise Corridor

Insert in alphabetical order in item 4:

Home occupations;
Home occupations (sex services);
Retail premises;

[8] Land Use Table, Zone B7 Business Park

Omit the following from item 3:

General industries;

[9] Land Use Table, Zone B7 Business Park

Insert in alphabetical order in item 3:

Agricultural produce industries;
Horticulture;
Hotel or motel accommodation;
Markets;
Plant nurseries;
Shops;

[10] Land Use Table, Zone B7 Business Park

Omit the following from item 4:

Heavy industries;
Home-based child care;
Home businesses;
Home occupations;
Home occupations (sex services);

[11] Land Use Table, Zone B7 Business Park

Insert in alphabetical order in item 4:

- Agriculture;
- Air transport facilities;
- Amusement centres;
- Cemeteries;
- Correctional centres;
- Depots;
- Helipads;
- Industries;
- Recreation facilities (major);
- Rural industries;
- Truck depots

[12] Land Use Table, Zone IN1 General Industrial

Omit the following from item 3:

- Garden centres;
- Markets;
- Medical centres;
- Water storage facilities;
- Water treatment facilities;

[13] Land Use Table, Zone IN1 General Industrial

Omit the following from item 4:

- Environmental protection works;
- Water supply systems;

[14] Land Use Table, Zone IN1 General Industrial

Insert in alphabetical order in item 4:

- Animal boarding or training establishments;
- Child care centres;
- Community facilities;
- Information and education facilities;
- Passenger transport facilities;
- Recreation facilities (indoor);
- Respite day care centres;
- Self-storage units;

[15] Land Use Table, Zone IN2 Light Industrial

Omit the matter relating to Zone IN2 Light Industrial.

[16] Part 6, Division 5

Insert at the end of Division 5 of Part 6 with appropriate clause numbering:

Development on certain land in Zone B6 Enterprise Corridor

- (1) This clause applies to the following development on land in Zone B6 Enterprise Corridor (other than land at Green Square):
 - (a) the erection of a new building,
 - (b) alterations to an existing building that will result in an amount of additional floor space equivalent to at least 20% of the existing floor space.
- (2) Despite clauses 4.3, 4.4 and 6.21, development consent may be granted to development to which this clause applies if the new building, or the existing building as altered:
 - (a) exceeds the maximum permissible height by an amount (to be determined by the consent authority) of up to 15% of the maximum permissible height, less any amount by which the consent authority has determined the building may exceed the maximum permissible height in accordance with clause 6.21 (7) (a), or
 - (b) exceeds the maximum permissible floor space by an amount (to be determined by the consent authority) of up to 15% of the maximum permissible floor space, less any amount of additional floor space for which the consent authority has determined the building is eligible in accordance with clause 6.21 (7) (b).
- (3) Development consent must not be granted under subclause (2) to any development unless the consent authority is satisfied that there is a need for public domain in the area of land on which the development is to be carried out.
- (4) In this clause:

maximum permissible floor space, in relation to a building proposed to be erected or altered on land, means the amount of floor space permitted for the building as a result of the floor space ratio shown for the land on the Floor Space Ratio Map.

maximum permissible height, in relation to a building proposed to be erected or altered on land, means the maximum height shown for the land on the Height of Buildings Map.

public domain means land that is made available for publicly accessible roads, open space, through site links and pedestrian and bicycle paths.

[17] Clause 7.13 Contribution for purpose of affordable housing

Insert “or on southern employment land,” after “Ultimo-Pyrmont,” in clause 7.13 (1).

[18] Clause 7.13 (1) (a)

Insert “or on southern employment land” after “Green Square”.

[19] Clause 7.13 (4) (aa)

Insert after paragraph (a):

- (aa) for development on southern employment land, the Employment Lands Affordable Housing Program adopted by the Council on 30 March 2015, or

Note. The Program is made available by the Council on its website (www.cityofsydney.nsw.gov.au).

[20] Clause 7.13 (6)

Insert after paragraph (d) of the definition of *excluded development*:

- (e) development on land in Zone IN1 General Industrial.

[21] Clause 7.13A

Insert after clause 7.13:

7.13A Affordable housing in Zone B7

- (1) Despite any other provision of this Plan, development for the purposes of a residential flat building or a mixed use development that contains shop top housing may be carried out with development consent on land in Zone B7 Business Park if the consent authority is satisfied that:
- (a) the residential flat building or shop top housing to which the development application relates will be used for the purposes of affordable housing, and
 - (b) the affordable housing will be provided by or on behalf of a public authority or social housing provider, within the meaning of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, and
 - (c) the affordable housing will be provided in accordance with the Employment Lands Affordable Housing Program adopted by the Council on 30 March 2015, and
 - (d) the development is compatible with the existing uses and approved uses of land in the vicinity of the development having regard to the following matters:
 - (i) the impact that the development (including its bulk, scale and traffic generation) is likely to have on the existing uses and approved uses of that land, and
 - (ii) the services and infrastructure that are or will be available to meet the demands arising from the development, and
 - (iii) the impact that those uses are likely to have on the health, wellbeing and amenity of residents of the development by reason of noise, dust, lighting, truck movements, operating hours or otherwise, and
 - (e) no part of the ground floor of the residential flat building or mixed use development that fronts a street will be used for residential purposes, and
 - (f) the development is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land concerned.

- (2) In this clause:
street includes an area of land that is identified in a development control plan made by the Council as land that is proposed to be used for the purposes of a street.

[22] Clause 7.20 Development requiring or authorising preparation of a development control plan

Insert “, in Zone B6 Enterprise Corridor” after “Sydney” in clause 7.20 (2) (b).

[23] Clause 7.20 (2) (c) and (d)

Insert after subclause (2) (b):

- (c) land in Zone B6 Enterprise Corridor, if the site area for the development is more than 5,000 square metres and the development is primarily for the purposes of commercial premises,
- (d) land in Zone B7 Business Park, if the development is for the purposes of a residential flat building or a mixed use development that contains shop top housing (proposed to be used for the purposes of affordable housing in accordance with clause 7.13A) and the consent authority considers that the development may have a significant adverse impact on non-residential uses in, or in the vicinity of, that zone.

[24] Clause 7.20 (3A)

Insert after subclause (3):

- (3A) A development control plan may be prepared for land in Zone B7 Business Park that is proposed to be developed for the purposes of a residential flat building or a mixed use development that contains shop top housing (proposed to be used for the purposes of affordable housing in accordance with clause 7.13A), whether or not such a plan is required under this clause to be prepared for the land.

[25] Clause 7.25

Insert after clause 7.24:

7.25 Sustainable transport on southern employment land

- (1) This clause applies to development on southern employment land that involves:
 - (a) the erection of a new building, or
 - (b) alterations to an existing building that will result in an amount of additional floor space equivalent to at least 20% of the existing floor space, or
 - (c) a change of use of a building that will result in an increase in the permissible number of car parking spaces for the use of the building, being an increase of at least 20% or 100 car parking spaces (whichever is the greater).
- (2) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development will promote sustainable transport modes and minimise traffic congestion.

- (3) In considering whether development promotes sustainable transport modes and minimises traffic congestion, the consent authority must have regard to the following matters:
- (a) the extent to which the land on which the development is proposed to be carried out is currently accessible by sustainable transport modes,
 - (b) the capacity of the transport network to accommodate the development,
 - (c) the extent to which the development will contribute to achieving any mode share targets identified in a development control plan made by the Council in respect of the land,
 - (d) the extent to which the development will promote sustainable transport and reduce private vehicle use.
- (4) In this clause:
- permissible number of car parking spaces* means the maximum number of car parking spaces that may be provided for the use of a building pursuant to Division 1 of Part 7.
- sustainable transport modes* includes, but is not limited to, walking, cycling, public transport and bus shuttle services.
- transport network* includes roads, public transport, pedestrian and bicycle paths and any other transport infrastructure that contributes to the accessibility of land.

[26] Schedule 1 Additional permitted uses

Insert before clause 1:

1AA Use of certain land at Birmingham Street and Botany Road, Alexandria

- (1) This clause applies to land at Birmingham Street and Botany Road, Alexandria (between Gardeners Road and Morley Avenue), as shown edged heavy red and marked “(iv)” on the Locality and Site Identification Map.
- (2) Development for the purposes of shop top housing and seniors housing is permitted with consent.

1AB Use of certain land at 70 Bourke Road and 15 O’Riordan Street, Alexandria

- (1) This clause applies to land at 70 Bourke Road and 15 O’Riordan Street, Alexandria, being Lot 1, DP 387290 and Lot 7, DP 818246.
- (2) Development for the purpose of a depot is permitted with development consent if the consent authority is satisfied that vehicular access to and from the depot will not unreasonably impact on pedestrian, cycle or vehicular traffic movements on O’Riordan Street, Alexandria.

[27] Schedule 1, clause 4A

Insert after clause 4:

4A Use of certain land at South Dowling Street, Moore Park

- (1) This clause applies to land at 2A South Dowling Street, Moore Park, being Lots 100 and 101, DP 808835, as shown edged heavy red and marked “(v)” on the Locality and Site Identification Map.
- (2) Development for the purposes of shops is permitted with consent if the total gross floor area of all shops on the site area for the development is not greater than 1,000m².

[28] Dictionary

Insert in alphabetical order:

southern employment land means the land identified as “Southern Employment Lands” on the Locality and Site Identification Map.