



New South Wales

Leichhardt Local Environmental Plan 2013 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

RICK HART, GENERAL MANAGER, INNER WEST COUNCIL
As delegate for the Greater Sydney Commission

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1 Name of Plan

This Plan is *Leichhardt Local Environmental Plan 2013 (Amendment No 9)*.

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 following land:

- (a) land in Zone RE1 Public Recreation under *Leichhardt Local Environmental Plan 2013*,
- (b) land referred to in clause 6.8 (2) (a) of that Plan,
- (c) open space at Taylor Street, Annandale (Lot 2, DP 1185598),
- (d) 37 Booth Street, Balmain (Lot 11, DP 1006912 and Lot 1, DP 1012848),
- (e) part of Leichhardt Park (Lot 6643, DP 1137663), being land adjacent to the western boundary of 9 Bayside Street, Lilyfield,
- (f) 44–46 Smith Street, Rozelle (Lots 1 and 2, DP 782330, Lot 1, DP 782348 and Lot 1, DP 228261).

4 Maps

The maps adopted by *Leichhardt Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

[1] Land Use Table

Insert “Restaurants or cafes;” in alphabetical order in item 3 of Zone RE1 Public Recreation.

[2] Clause 6.8 Development in areas subject to aircraft noise

Omit clause 6.8 (2)–(4). Insert instead:

- (2) This clause applies to development:
 - (a) that is on land that is near the Kingsford Smith Airport and in an ANEF contour of 20 or greater, and
 - (b) that the consent authority considers is likely to be adversely affected by aircraft noise, and
 - (c) that involves any one or more of the following:
 - (i) the erection of a new building,
 - (ii) a substantial alteration or addition to an existing building,
 - (iii) an alteration or addition to a building that is required by a development consent to be compliant with AS 2021—2015,
 - (iv) the change of use of any part of a building to a child care centre, educational establishment, entertainment facility, health services facility, place of public worship, public administration building or residential accommodation,
 - (v) the change of use of any part of a building on land that is in an ANEF contour of 25 or greater to business premises, a hostel, office premises, retail premises or tourist and visitor accommodation,
 - (vi) the change of use of any part of a building on land that is in an ANEF contour of 30 or greater to light industry.
- (3) Before determining a development application for development to which this clause applies, the consent authority:
 - (a) must consider whether the development will result in the creation of a new dwelling or an increase in the number of dwellings or people affected by aircraft noise, and
 - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and
 - (c) must consider whether the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.
- (4) In this clause:
 - ANEF contour*** means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Kingsford Smith Airport prepared by the Department of the Commonwealth responsible for airports.
 - AS 2021—2015*** means AS 2021—2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

[3] Schedule 1 Additional permitted uses

Insert at the end of the Schedule with appropriate clause numbering:

Use of certain land at Smith Street, Rozelle

- (1) This clause applies to land identified as “I” on the Additional Permitted Uses Map, being Lots 1 and 2, DP 782330, Lot 1, DP 782348 and Lot 1, DP 228261.
- (2) Development for the purposes of boarding houses, function centres, hospitals, markets, places of public worship, public administration facilities, residential care facilities, seniors housing and telecommunication facilities is permitted with development consent.