



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, 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 and Infrastructure

Sydney Local Environmental Plan 2012 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 3)*.

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 87 Bay Street (also known as 2–8 Wentworth Street), Glebe, being Lot 1, DP 874988.

4 Maps

Each map adopted by *Sydney Local Environmental Plan 2012* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Sydney Local Environmental Plan 2012 Floor Space Ratio Map (7200_COM_FSR_008_005_20121002)	Sydney Local Environmental Plan 2012 Floor Space Ratio Map (7200_COM_FSR_008_005_20130905)
Sydney Local Environmental Plan 2012 Height of Buildings Map (7200_COM_HOB_008_005_20121002)	Sydney Local Environmental Plan 2012 Height of Buildings Map (7200_COM_HOB_008_005_20130905)

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

[1] Clause 6.15A

Insert after clause 6.15:

6.15A 87 Bay Street, Glebe

- (1) The objective of this clause is to provide for additional floor space on certain land if any development of the site provides for:
 - (a) on-site affordable housing, and
 - (b) the achievement of certain environmentally sustainable development targets.
- (2) This clause applies to 87 Bay Street (also known as 2–8 Wentworth Street), Glebe, being Lot 1, DP 874988.
- (3) Despite clause 4.4, the floor space ratio for 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 by an amount no greater than 2.2:1 plus any other additional floor space that is otherwise permitted by this Plan.
- (4) Development consent must not be granted under subclause (3) unless:
 - (a) at least 0.75:1 of the maximum floor space ratio shown for the land on the Floor Space Ratio Map is used for a purpose other than residential accommodation, and
 - (b) in the case of development that is BASIX affected development—the development:
 - (i) exceeds the BASIX commitment for water for the development by not less than 25% of the water target score, and
 - (ii) exceeds the BASIX commitment for energy for the development by not less than 25% of the energy target score.
- (5) Development consent must not be granted under this clause unless the consent authority is satisfied that:
 - (a) the development will provide dwellings on that site for the purposes of affordable housing having a floor space equivalent to 7.5% of:
 - (i) the amount of floor space that exceeds the amount of floor space that would result in a floor space ratio of 1.5:1 (including any additional floor space under this clause and under clause 6.21), or
 - (ii) the total floor space used for the purpose of residential accommodation (including any additional floor space under this clause and under clause 6.21),whichever is the higher, and
 - (b) those dwellings will be used for the purposes of affordable housing, and
 - (c) all accommodation in those dwellings will be managed by a registered community housing provider (within the meaning of the *Housing Act 2001*).

[2] Clause 6.20 Alternative building heights at APDG block

Insert “(known as the “APDG block”)” after “George Street” in clause 6.20 (1).

[3] Clause 6.20A

Insert after clause 6.20:

6.20A Alternative building height at 87 Bay Street, Glebe

- (1) The objective of this clause is to provide for additional building height on certain land if any development of the site provides for:
 - (a) on-site affordable housing, and
 - (b) the achievement of certain environmentally sustainable development targets.
- (2) This clause applies to 87 Bay Street (also known as 2–8 Wentworth Street), Glebe, being Lot 1, DP 874988, identified as “Area 5” on the Height of Buildings Map.
- (3) Despite clause 4.3, development consent may be granted to the erection or use of a building with a maximum height of 33 metres on land to which this clause applies.
- (4) Development consent must not be granted under subclause (3) unless:
 - (a) at least 0.75:1 of the maximum floor space ratio shown for the land on the Floor Space Ratio Map is used for a purpose other than residential accommodation, and
 - (b) in the case of development that is BASIX affected development—the development:
 - (i) exceeds the BASIX commitment for water for the development by not less than 25% of the water target score, and
 - (ii) exceeds the BASIX commitment for energy for the development by not less than 25% of the energy target score.
- (5) Development consent must not be granted under this clause unless the consent authority is satisfied that:
 - (a) the development will provide dwellings on that site for the purposes of affordable housing having a floor space equivalent to 7.5% of:
 - (i) the amount of floor space that exceeds the amount of floor space that would result in a floor space ratio of 1.5:1 (including any additional floor space under clause 6.15A and under clause 6.21), or
 - (ii) the total floor space used for the purpose of residential accommodation (including any additional floor space under clause 6.15A and under clause 6.21),whichever is the higher, and
 - (b) those dwellings will be used for the purposes of affordable housing, and
 - (c) all accommodation in those dwellings will be managed by a registered community housing provider (within the meaning of the *Housing Act 2001*).

[4] Dictionary

Insert in alphabetical order:

BASIX affected development has the same meaning as it has in the *Environmental Planning and Assessment Regulation 2000*.

BASIX commitment means a commitment set out in a BASIX certificate (within the meaning of the *Environmental Planning and Assessment Regulation 2000*).