



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 44)

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*.

**KIM WOODBURY, ACTING CHIEF EXECUTIVE OFFICER,
THE COUNCIL OF THE CITY OF SYDNEY**
As delegate for the Greater Sydney Commission

Sydney Local Environmental Plan 2012 (Amendment No 44)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 44)*.

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 at 7–15 Randle Street, Surry Hills:

- (a) Lot 1, DP 538913,
- (b) Lot 1, DP 74545,
- (c) Lots 5 and 6, DP 78903.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (cgf):

(cgg) clause 6.41 (7–15 Randle Street, Surry Hills),

[2] Clause 6.41

Insert in appropriate order in Division 5 of Part 6:

6.41 7–15 Randle Street, Surry Hills

- (1) This clause applies to land at 7–15 Randle Street, Surry Hills, being Lot 1, DP 538913, Lot 1, DP 74545 and Lots 5 and 6, DP 78903 (the *subject land*).
- (2) Despite clauses 4.3 and 4.4, development consent may be granted to the erection of a new building, or alterations or additions to an existing building, on the subject land that will result in a building:
 - (a) with a maximum height of RL 59.47 metres, and
 - (b) with a maximum floor space ratio of 5.9:1.

Note. Development consent must be subject to any conditions of a concurrence (if required) of Transport for NSW. See section 4.13 (10) of the Act.

- (3) Development consent must not be granted under this clause unless:
 - (a) the consent authority is satisfied that the development:
 - (i) is for the purposes only of hotel or motel accommodation, and ancillary commercial premises at the 2 lowest levels of the building, and
 - (ii) relates to all of the subject land, and
 - (b) the consent authority has obtained the concurrence of Transport for NSW if required to do so under this clause.
- (4) Despite any other provision of this Plan, a building erected in accordance with a development consent granted under this clause must not be used for the purpose of residential accommodation or serviced apartments.
- (5) **Design excellence**
Clause 6.21 (7) does not apply to development on the subject land under this clause.
- (6) However, a building demonstrating design excellence within the meaning of clause 6.21 is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of the amount permitted as a result of the floor space ratio specified for the land under subclause (2) (b).

(7) Concurrence of Transport for NSW

The consent authority must obtain the concurrence of Transport for NSW if the grant of development consent under this clause would permit the following on the subject land:

- (a) the erection of a new building,
- (b) development that increases the gross floor area of an existing building.

Note. The consent authority may determine the development application without the concurrence of Transport for NSW if Transport for NSW fails to inform the consent authority within the time allowed. See section 4.13 (11) of the Act.

- (8) In deciding whether to grant concurrence, Transport for NSW must take into consideration the potential effects of the development on the provision of rail infrastructure facilities on or near the subject land.
- (9) The consent authority must request the concurrence, by written notification, of Transport for NSW within 7 days of receiving a development application.
- (10) Transport for NSW has 21 days from receiving the consent authority's request to inform the consent authority of its decision.
Note. Transport for NSW may grant concurrence to the development, either unconditionally or subject to conditions, or refuse concurrence to the development. See section 4.13 (8) of the Act.
- (11) In this clause:
rail infrastructure facilities has the same meaning as in clause 78 (1) of the *State Environmental Planning Policy (Infrastructure) 2007*.
Transport for NSW has the same meaning as in the *Transport Administration Act 1988*.

[3] Schedule 5 Environmental heritage

Omit “; Lots 5 and 6, DP 78903” from the matter relating to item no I2270 in Part 1.