



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 62)

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*.

**PATRICIA MONICA BARONE, CHIEF EXECUTIVE OFFICER
SYDNEY CITY COUNCIL**
As delegate for the local plan-making authority

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1 Name of Plan

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 62)*.

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 within the area bounded by Alfred Street, Pitt Street, Dalley Street and George Street, Sydney, known as the “APDG block”.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

[1] Clause 6.11 Utilisation of certain additional floor space requires allocation of heritage floor space

Insert “, 6.25(4)(b)” after “6.21(7)(b)” in clause 6.11(1)(d).

[2] Clause 6.25

Omit the clause. Insert instead—

6.25 APDG block

- (1) The objective of this clause is to provide for additional building height and floor space on parts of certain sites within the area bounded by Alfred Street, Pitt Street, Dalley Street and George Street, known as the “APDG block”, if the development of the site provides for publicly accessible open space, lanes and other links through the site.
- (2) This clause applies to land within Area 4 on the Height of Buildings Map.
- (3) Despite clause 4.3, development consent may be granted to the erection of a building with a maximum height of—
 - (a) 200 metres on up to 33% of the area of block 1, or
 - (b) 155 metres on up to 42% of the area of block 2, or
 - (c) 185 metres on up to 24% of the area of block 3, or
 - (d) 248 metres on up to 25% of the area of block 4 and 238 metres on up to 12% of the area of that block, or
 - (e) 232 metres on up to 44% of the area of block 5.
- (4) Despite clauses 4.4 and 6.21, the consent authority may grant consent to development that results in the gross floor area of a building in block 5 exceeding the maximum permissible floor space by an amount no greater than 1, or the sum of 2 or all, of the following—
 - (a) an amount of additional floor space that results in a floor space ratio of up to 2.52:1,
 - (b) if the building demonstrates design excellence within the meaning of clause 6.21(9)—an amount of floor space, determined by the consent authority, that is up to 10% of the sum of the following—
 - (i) the maximum permissible floor space,
 - (ii) the additional floor space referred to in paragraph (a),
 - (iii) the accommodation floor space to which a building on the land may be eligible,
 - (c) the accommodation floor space, car parking reduction floor space, end of journey floor space, entertainment and club floor space or lanes development floor space for which the building may be eligible under clause 6.3(a) or (c).
- (5) Development consent must not be granted under this clause unless the consent authority is satisfied that the development will—
 - (a) include recreation areas and lanes and roads through the site, and
 - (b) include business premises and retail premises that have frontages at ground level (finished) to those recreation areas, lanes and roads, and

- (c) provide a satisfactory distribution of built form and floor space development.
- (6) Development consent must not be granted under this clause for development on land in block 1, 2, 3, 4 or 5 unless the consent authority is satisfied that the development relates to the whole of the block and, except as otherwise provided by this clause, no other land.
- (7) Development consent must not be granted under this clause for development on land in block 5 unless the consent authority is satisfied that the development will deliver improvement works to the utility buildings.
- (8) Development on land in block 1 may also relate to the whole, or any 1 or more, of the following—
 - (a) Lot 1, DP 787946,
 - (b) Lot 180, DP 606866,
 - (c) Lot 1, DP 537286.
- (9) Development on land in block 3 may also relate to the whole, or 1, of the following—
 - (a) Lot 180, DP 606866,
 - (b) Lot 1, DP 537286.
- (10) For the purposes of calculating a floor space ratio in respect of any building in block 4—
 - (a) the site area is taken to be the whole of block 4, other than Lots 2 and 3, DP 1213767, and
 - (b) the gross floor area of all buildings on the site area is to be taken into account in the calculation, other than—
 - (i) floor area dedicated to the Council, and
 - (ii) up to 3,900 square metres of floor area leased to the Council for a period of not less than 20 years for the purposes of office premises that are to be used to promote business innovation or economic development.

Note. Similar adjustments also apply to calculations for additional floor space under Division 1 including for the utilisation of heritage floor space.
- (11) For the purposes of calculating a floor space ratio for a building in block 5—
 - (a) despite clause 4.5(6), the site area is taken to be the whole of block 5, and
 - (b) the gross floor area of all buildings on the site area is to be taken into account in the calculation, other than a floor area of up to 100 square metres that is used or set aside for the operational purposes of a utility building.
- (12) Despite any other provision of this Plan, a building erected in block 4 or 5 must not be used for the purposes of residential accommodation or serviced apartments.
- (13) Lanes development floor space may be used by a new building in block 4 or 5 as if the building were an existing building and for that purpose, land, whether or not a public road, may be identified on the Lanes Map as a lane to which clause 6.8 applies.

- (14) The land for which lanes development floor space is used under subclause (13), whether or not a public road, may be identified on the Lanes Map as a lane to which clause 6.8 applies.
- (15) Clause 6.21(7) does not apply to development on land in block 5.
- (16) In this clause—
- block 1** means—
- (a) Lot 7, DP 629694, and
 - (b) Lot 501, DP 714847, and
 - (c) Lots 2 and 3, DP 1092, and
 - (d) Lots 1 and 2, DP 1112308, and
 - (e) Lots A and B, DP 104160, and
 - (f) Lot 7, DP110046, and
 - (g) Lot 6, DP 75338, and
 - (h) Lot 4, DP 524306, and
 - (i) Lot 1, DP 513109, and
 - (j) the whole of the road known as “Queens Court”.
- block 2** means—
- (a) Lot 4, DP 57434, and
 - (b) Lot 1, DP 69466, and
 - (c) Lot 1, DP 110607, and
 - (d) Lot 1, DP 188061, and
 - (e) Lots A–D, DP 435746, and
 - (f) Lot 20, DP 1063401, and
 - (g) Lot 1, DP 913005, and
 - (h) Lot 1, DP 107759.
- block 3** means Lot 1, DP 220830 and Lot 1, DP 217877.
- block 4** means—
- (a) Lot 7, DP 629694, and
 - (b) Lots 181 and 182, DP 606865, and
 - (c) Lots 1 and 2, DP 880891, and
 - (d) Lots 2 and 3, DP 1213767.
- block 5** means—
- (a) Lot 501, DP 714847, and
 - (b) Lots 2 and 3, DP 1092, and
 - (c) Lots 1 and 2, DP 1112308, and
 - (d) Lot 7, DP110046, and
 - (e) Lot 6, DP 75338, and
 - (f) Lot 4, DP 524306, and
 - (g) Lot 1, DP 513109, and
 - (h) Lots A and B, DP 104160, and
 - (i) Lot 1, DP 787946.
- improvement works** means—

- (a) for land on Lot 1, DP 787946—the following works—
 - (i) works to the roof and colonnade of the building located on the land,
 - (ii) relocation of the existing driveway on the land,
 - (iii) the development of retail spaces on the area currently occupied by the existing driveway, and
- (b) for land on Lots A and B, DP 104160—works to the roof and facade of the building located on the land.

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.

utility buildings means—

- (a) the Telstra exchange building located on Lot 1, DP 787946, known as 6 Dalley Street, and
- (b) the Ausgrid substation building located on Lots A and B, DP 104160, known as 8–14 Dalley Street.