



New South Wales

# **Sydney Local Environmental Plan 2012 (Amendment No 77)**

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*.

AMANDA HARVEY

As delegate for the Minister for Planning

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### **1 Name of Plan**

This Plan is *Sydney Local Environmental Plan 2012 (Amendment No 77)*.

### **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 to which *Sydney Local Environmental Plan 2012* applies, including certain land in Darlinghurst and Paddington.

### **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 local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Sydney Local Environmental Plan 2012**

### **[1]    Clause 4.6 Exceptions to development standards**

Insert after clause 4.6(8)(ck)—

- (cl)    clause 6.60D—Oxford Street Cultural and Creative Precinct,
- (cm)    clause 6.60E—Flinders Street and Oxford Street.

### **[2]    Clauses 6.60D and 6.60E**

Insert after clause 6.60C—

#### **6.60D    Oxford Street Cultural and Creative Precinct**

- (1)    The objectives of this clause are as follows—
  - (a)    to encourage development for cultural or creative purposes by providing a greater maximum height and floor space ratio for certain buildings,
  - (b)    to ensure the additional height and floor space reflects the desired character of the area,
  - (c)    to minimise adverse impacts on the amenity of the surrounding area,
  - (d)    to promote Oxford Street as a local centre for commercial, education, health and tourism opportunities,
  - (e)    to reinforce the status of the Oxford Street Cultural and Creative Precinct as a strategic centre encouraging development for cultural or creative purposes.
- (2)    This clause applies to the Oxford Street Cultural and Creative Precinct.
- (3)    A building on land to which this clause applies may have either or both of the following—
  - (a)    a height not exceeding the maximum height shown for the land on the Alternative Height of Buildings Map,
  - (b)    a floor space ratio not exceeding the maximum floor space ratio shown for the land on the Alternative Floor Space Ratio Map.
- (4)    Subclause (3) applies only if—
  - (a)    the building will be used for the purposes of one or more of the following—
    - (i)    commercial premises,
    - (ii)    community facilities,
    - (iii)    entertainment facilities,
    - (iv)    health services facilities,
    - (v)    hotel or motel accommodation,
    - (vi)    information and education facilities,
    - (vii)    light industries, and
  - (b)    for the erection of a new building or the rebuilding or alteration of an existing building that is not used for cultural or creative purposes—at least 10% of the gross floor area of the building resulting from the development will be used for cultural or creative purposes, and

- (c) for the rebuilding or alteration of an existing building used for cultural or creative purposes—the amount of floor space used for cultural or creative purposes will be at least the sum of the following—
    - (i) the amount of floor space used for cultural or creative purposes immediately before the development is carried out,
    - (ii) 10% of the gross floor area of the building resulting from the development.
- (5) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development promotes land uses that will attract pedestrian traffic along ground floor street frontages in the Oxford Street Cultural and Creative Precinct.
- (6) Development consent must not be granted to the erection or change of use of a building with a standard height and floor space ratio on land to which this clause applies unless the consent authority has considered the impact of the development on—
  - (a) the status of the Oxford Street Cultural and Creative Precinct as a strategic centre encouraging development for cultural or creative purposes, and
  - (b) the availability of floor space to be used for cultural or creative purposes.
- (7) A building must not be erected on the following land in Darlinghurst unless erected on a site with a site area of at least 1,000m<sup>2</sup>—
  - (a) Lot 2, DP 51864, 379–379A Bourke Street,
  - (b) Lot 1, DP 57383, 381 Bourke Street,
  - (c) Lots 1 and 2, DP 193949, 383–387 Bourke Street,
  - (d) Lot 1, DP 33381, 189 Oxford Street.
- (8) A building must not be erected on the following land in Paddington unless erected on a site with a site area of at least 1,142.5m<sup>2</sup>—
  - (a) Lot 1, DP 84976, 21–25 Oxford Street,
  - (b) Lot 1, DP 1045284, 27–33 Oxford Street.
- (9) If the following land in Darlinghurst is amalgamated into a single lot, the maximum floor space ratio for all buildings on the lot is 3.3:1—
  - (a) Lot 100, DP 746537, 4–6 Flinders Street,
  - (b) Lots 1–4, DP 9347, 10–24 Flinders Street and 4–6 and 8–10 Taylor Street,
  - (c) Lot 1, DP 819569 and Lot 5, DP 9347, 2 Sturt Street.
- (10) Clause 6.21D(3) does not apply to a building on land to which this clause applies.
- (11) In this clause—

***cultural or creative purpose*** means a purpose involving live entertainment, music, performing arts, film or television, media, advertising, fine arts and craft, photography, publishing, fashion, industrial or graphic design, and includes museums or archives related to a cultural or creative purpose.

***standard height and floor space ratio*** means—

  - (a) a height not exceeding the maximum height shown for the land on the Height of Buildings Map, and

- (b) a floor space ratio not exceeding the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

**6.60E Flinders Street and Oxford Street**

- (1) This clause applies to land in Darlinghurst and Paddington with a street frontage to Flinders Street or Oxford Street.
- (2) A building on land to which this clause applies may have a floor space ratio exceeding the maximum permissible FSR by up to 0.8:1 if the additional GFA is—
  - (a) located in a basement, and
  - (b) used for the purposes of entertainment facilities.
- (3) Clause 6.21D(3) does not apply to a building on land to which this clause applies.
- (4) In this clause—

*additional GFA* means the gross floor area equal to the amount by which the floor space ratio of the building exceeds the maximum permissible FSR.

*maximum permissible FSR* means the maximum floor space ratio shown for the land on the—

  - (a) Floor Space Ratio Map, or
  - (b) Alternative Floor Space Ratio Map.

**[3] Schedule 1 Additional permitted uses**

Insert at the end of the Schedule, with appropriate clause numbering—

**Use of certain land at 156 Forbes Street, Darlinghurst**

- (1) This clause applies to Lot 1, DP 568755, 156 Forbes Street, Darlinghurst.
- (2) Development for one or more of the following purposes is permitted with development consent—
  - (a) community facilities,
  - (b) entertainment facilities,
  - (c) function centres,
  - (d) food and drink premises,
  - (e) information and education facilities,
  - (f) markets,
  - (g) office premises,
  - (h) recreation areas,
  - (i) recreation facilities (indoor),
  - (j) recreation facilities (outdoor),
  - (k) shops.
- (3) Development consent must not be granted to the development unless the consent authority is satisfied the use of the land will—
  - (a) support ongoing education at the National Art School, and
  - (b) not adversely impact existing buildings on the land, and
  - (c) promote the use of land in the Oxford Street Cultural and Creative Precinct for a cultural or creative purpose.

- (4) In this clause—  
*cultural or creative purpose* has the same meaning as in clause 6.60D.

**[4] Dictionary**

Insert in alphabetical order—

*Alternative Floor Space Ratio Map* means the Sydney Local Environmental Plan 2012 Alternative Floor Space Ratio Map.

*Oxford Street Cultural and Creative Precinct* means the land identified as “Oxford Street Cultural and Creative Precinct” on the Locality and Site Identification Map.