



New South Wales

Sydney Local Environmental Plan 2012 (Amendment No 106)

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*.

KELLY McKELLAR

As delegate for the Minister for Planning and Public Spaces

Sydney Local Environmental Plan 2012 (Amendment No 106)

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Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Sydney Local Environmental Plan 2012 (Amendment No 106)*.

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 identified as “Central Sydney” on the Locality and Site Identification Map under *Sydney Local Environmental Plan 2012*.

Schedule 1 Amendment of Sydney Local Environmental Plan 2012

[1] Clause 1.9 Application of SEPPs

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

State Environmental Planning Policy (Housing) 2021, sections 74(2)(b)–(d) and 76 do not apply to Central Sydney.

[2] Clause 6.4 Accommodation floor space

Omit clause 6.4(2) and (3). Insert instead—

- (2) Subclause (1A) does not apply to build-to-rent housing or a building used for the purposes of co-living housing.
- (3) Build-to-rent housing in Area 1, 2 or 3 is eligible for an amount of accommodation floor space equivalent to the amount calculated by applying the relevant floor space ratio to the building, as follows—
 - (a) for Area 1—4.5:1,
 - (b) for Area 2—6:1,
 - (c) for Area 3—3.5:1.
- (4) Build-to-rent housing, or a building used for the purposes of co-living housing, in Area 4 is eligible for an amount of accommodation floor space equivalent to the amount calculated by applying a floor space ratio of 1.5:1 to the building.
- (5) If only part of a building is used for a relevant purpose specified in subclause (1), (1A), (3) or (4), the accommodation floor space for which the building is eligible because of that use is reduced proportionally.
- (6) A building is eligible for separate amounts of accommodation floor space, proportionally reduced, for each relevant purpose for which the building is used.
- (7) Subclauses (2)–(4) do not apply in relation to a development application made on or after the day that is 5 years after the commencement of *Sydney Local Environmental Plan 2012 (Amendment No 106)*, unless the application is made in reliance on, and in relation to the same development as, a development application or concept development application to which subclause (3) or (4) applied.

[3] Clause 7.5 Residential flat buildings, dual occupancies and multi dwelling housing

Insert after clause 7.5(2)—

- (3) This clause does not apply to build-to-rent housing.

[4] Clause 7.9 Other land uses

Insert after clause 7.9(5)—

(6) Build-to-rent housing

The maximum number of car parking spaces for a building used for the purposes of build-to-rent housing in Central Sydney is 0.2 spaces for each dwelling.

[5] Clause 7.27A

Insert after clause 7.27—

7.27A Active street frontages—build-to-rent housing and co-living housing in Zone SP5

- (1) The objectives of this clause are as follows—
 - (a) to ensure active uses are provided at the street level in metropolitan centres to encourage the presence and movement of people,
 - (b) to minimise adverse impacts on the amenity of dwellings in build-to-rent housing and co-living housing.
- (2) This clause applies to land in Zone SP5 Metropolitan Centre.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, that is build-to-rent housing or that is used for the purposes of co-living housing unless the consent authority is satisfied—
 - (a) the resulting building will have an active street frontage, and
 - (b) there will be no dwellings on the first floor and second floor of the resulting building.
- (4) An active street frontage is not required for a part of a building used for one or more of the following—
 - (a) entrances and lobbies,
 - (b) access for fire services,
 - (c) vehicular access.

[6] Dictionary

Insert in alphabetical order—

build-to-rent housing means a building resulting from development permitted under *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 4.