

1993—No. 189

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1993**

NEW SOUTH WALES



[Published in Gazette No. 49 of 21 May 1993]

I, the Minister for Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (S9 1-06649)

ROBERT WEBSTER
Minister for Planning.

Sydney, 11 May, 1993.

Title

1. This plan may be referred to as Central Sydney Local Environmental Plan 1993.

Purpose of this Plan

2. This Plan is intended to control development within central Sydney for up to two years.

It is intended to exhibit by the end of 1993 a draft local environmental plan containing further detail to be inserted in this Plan.

General objectives of this Plan

3. The general objectives of this Plan are to:

- (a) create a city centre which, in its form, functions and efficiency, befits Sydney's important local, state, national and international roles and, in its appearance and urban design, is worthy of the city's outstanding harbour setting

- (b) ensure that proper provision is made to enable a diversity of functions and so to contribute to the social, physical and economic well-being of those who live and work in Sydney
- (c) serve the needs of tourists and visitors to the city
- (d) encourage and regulate commercial, financial, retail, tourist, cultural, educational, entertainment and residential uses
- (e) encourage the city's continuing role as a centre of government
- (f) encourage the provision and maintenance of public facilities and amenities, parks and public open spaces and the conservation of the city's heritage
- (g) provide for the needs of pedestrians, to complement public transport and create a safe and convenient pedestrian environment.

Specific objectives of this Plan

4. The specific objectives of this Plan are:

- (a) in relation to the form of the city, to:
 - reinforce the distinctive functional and physical characteristics of areas of special significance, streetscapes and street patterns
 - ensure that development achieves a high standard of urban design and is consistent with the objectives of any areas of special significance
 - promote and encourage the design and construction of energy efficient buildings
- (b) in relation to commerce, finance and government, to:
 - ensure that in the future development of the city centre its role as a centre of local and State government is maintained and strengthened
 - ensure that the development of the city centre provides for its emerging role as a principal financial and commercial centre in the South Pacific region
- (c) in relation to tourism, to:
 - encourage the development of tourism and tourist accommodation
 - ensure that the city centre is equipped with the range and quality of accommodation and infrastructure necessary to cater for the needs of international and domestic tourists

- realise the benefits of tourism and recreational facilities by ensuring that the city centre's special qualities are protected, enhanced and promoted in an environmentally sensitive way
 - encourage greater tourist activity within the city centre by identifying and promoting designated tourist routes and by improving linkages between places of tourist interest
- (d) in relation to retailing, to:
- encourage and support retail activity in the city centre to further its role as a major retailing centre of the State
 - encourage retail uses along major pedestrian routes and in locations of high pedestrian activity
 - encourage the provision of appropriate supermarket and convenience shopping facilities within the city centre
- (e) in relation to culture and entertainment, to:
- support the provision of a wide range of cultural, recreational and entertainment facilities throughout the city centre
 - encourage the use of the city centre on occasions of significance to the public
- (f) in relation to residential uses, to:
- encourage the provision of residential development in the city centre
 - maintain the function and character of existing residential areas
 - identify areas where the provision of residential uses may be encouraged
 - facilitate the conservation of low-cost rental accommodation
- (g) in relation to public facilities, amenities and services, to provide public facilities and amenities at suitable locations
- (h) in relation to pedestrian amenity, to:
- extend the pedestrian network and improve links between places of public interest and public transport facilities
 - create a convenient, healthy and safe pedestrian environment within the city centre
 - provide for a system of pedestrian movement; the primary pedestrian network being along the streets, the secondary network being through-site links, underpasses and overpasses where appropriate

- provide for continuous weather protection along the primary pedestrian network
- (i) in relation to the harbour, to:
- maximise public access to the harbour foreshores
 - recognise the importance of the mercantile port functions as a significant element in the life of the city centre
 - ensure that future development respects and enhances the important role the harbour plays in the formulation of the character of the city centre
- (j) in relation to public open spaces and parks, to:
- improve the quality and amenity of existing public parks and open spaces
 - minimise the overshadowing of public parks and open spaces, especially during the lunch-time period
 - encourage the creation of additional public parks and open spaces in conjunction with new development
- (k) in relation to public transport, traffic management and parking, to:
- make provision for the parking and servicing needs of the city centre
 - ensure that the car parking permitted and the manner in which traffic is managed does not detract from, but seeks to improve, the environmental quality of the city centre
 - encourage the increased use of public transport
- (l) in relation to people with disabilities, to require the provision of access and facilities which will enable people with disabilities to take advantage of the employment, recreational and other opportunities which the city centre offers
- (m) in relation to items of environmental heritage, to:
- respect the integrity and content of buildings of heritage significance by retaining the whole or majority of their original form
 - ensure that development affecting or adjacent to buildings, places and precincts of heritage significance responds to and does not compromise the significance of those items
 - allow the continued operation of Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items
- (n) in relation to heights of existing and future development in the city, to:
- determine heights so as to improve the amenity of parks and open spaces and maximise sunlight penetration

- conserve heritage streetscapes on the western side of the city centre and in Millers Point by managing the height of new development
- encourage the penetration of sea breezes into the city centre by avoiding the creation of “walls” of high buildings around the edges of the city centre.

Land to which this Plan applies

5. This Plan applies to the land shown edged heavy black on the Map, except that shown as “deferred matter” on the Map.

Relationship of this Plan to other planning instruments

6. While this Plan is in force, none of the environmental planning instruments (including deemed environmental planning instruments) in existence before this Plan commenced apply to the land to which this Plan applies.

However, the environmental planning instruments listed in Schedule 1 continue to apply to the land to which this Plan applies while this Plan is in force.

Application of State Environmental Planning Policy No. 4

7. Clauses 7 (1), (2) and (3) and 8 of State Environmental Planning Policy No. 4—Development Without Consent do not apply to land in the residential zone, despite clause 6.

Sunset

8. This Plan is repealed two years after the date on which it is published in the Gazette.

Definitions

9. Some of the terms used in this Plan are defined in Schedule 2.

Adoption of Model Provisions

10. The Environmental Planning and Assessment Model Provisions 1980 are adopted for the purposes of this plan except for the definitions of “gross floor area” and “Map” in clause 4 (1).

Suspension of section 33 of the Sydney Harbour Trust Act 1900

11. For the purpose of enabling development to be carried out in accordance with this Plan, (as in force at the time the development is carried out) or in accordance with a consent granted under the Act in relation to development carried out in accordance with this Plan (as so in force) section 33 of the Sydney Harbour Trust Act 1900, to the extent necessary to serve that purpose, shall not apply to the development.

Nothing in this clause excludes the application of section 33 of the Sydney Harbour Trust Act 1900 otherwise than in relation to the obtaining of development consent in accordance with this Plan.

Before this Plan was made, the Governor approved of the making of this clause on the recommendation of the Minister made with the concurrence of the Minister administering the Sydney Harbour Trust Act 1900.

Land use zones

12. The land is zoned as shown by the “Land Use Zones” on the Map. The **zones** are:

residential
city centre
special use
open space

Effect of zoning and of Plan and zone objectives

13. In relation to land within a zone specified in the Table, the purposes (if any) for which:

- (a) development may be carried out **without development consent**;
- (b) development may be carried out **only with development consent**;
- and

(c) development is **prohibited**,
are specified under the headings:

without development consent

only with development consent

prohibited

appearing in the matter relating to the zone.

The objectives of each zone are set out in the following Table.

Before granting consent to a development application relating to land within a zone, the consent authority must take into consideration that an aim of this Plan is that development within a zone should be consistent with the general and specific objectives of this Plan and the objectives of the zone.

TABLE

Residential

- (1) **objectives** of the zone are to:
 - maintain a predominantly residential character and use
 - provide for a limited range and scale of non-residential uses which are compatible with residential amenity and heritage values, the principal purpose of these uses being to serve the local population's needs
- (2) **without development consent**
nil
- (3) **only with development consent**
advertisements, advertising structures (including temporary advertising structures), boarding houses, child care centres, dwellings, educational establishments, home occupations, hotels, open space, places of public worship, residential flat buildings, roads, shops and utility installations
- (4) **prohibited**
any purpose other than those indicated in (2) or (3) above

City centre

- (1) **objectives** of the zone are to:
 - maintain, encourage and provide for the city centre's growth as the State's principal centre for finance, commerce, retailing, tourism, culture, entertainment and government, and as a location for residential development
- (2) **without development consent**
nil
- (3) **only with development consent**
any purpose
- (4) **prohibited**
nil

Special use

- (1) **objective** of the zone is to provide for the continuation and expansion of the special use being carried out at the commencement of this Plan
- (2) **without development consent**
any of the following purposes within the Port:
aids to navigation, commercial port facilities, dredging, jetties, pontoons, reclamation, sea walls, wharves
- (3) **only with development consent**
special uses, any purpose incidental or subsidiary to these, roads and utility installations
- (4) **prohibited**
any purpose other than those indicated in (2) or (3) above

Open space

- (1) **objective** of the zone is to provide landscaped open space and other facilities for the recreation, enjoyment and amenity of those who live, visit or work in the city centre
- (2) **without development consent**
gardening and landscaping works
- (3) **only with development consent**
buildings for the purpose of landscaping and gardening, car parking, drainage, recreation facilities, roads, underground shops (and underground commercial premises and refreshment rooms) associated with railway stations, utility installations and any purpose consistent with the objectives of the zone
- (4) **prohibited**
any purpose other than those indicated in (2) or (3) above

Development consent authority

14. The Council is the consent authority for this Plan, subject to the provisions of the City of Sydney Act 1988 (which makes the Central Sydney Planning Committee the consent authority for major development, within the meaning of that Act).

Council and Committee policies

15. The consent authority must not consent to any development unless it takes into consideration any planning and design principles or policies adopted by the Council or the Central Sydney Planning Committee from time to time relevant to the particular development.

Copies of those principles and policies may be obtained from the office of the Council.

Heritage conservation policies

16. Without affecting the generality of clause 15, the consent authority must, before granting consent for development on the site of a heritage item or on any other site to which the policy may relate, take into consideration:

- (a) the policy entitled “Policy in Relation to the Award and Transfer of Heritage Floor Space” obtainable from the office of the Council; and
- (b) any policy adopted by the Council or the Central Sydney Planning Committee from time to time for the purpose of promoting the conservation of heritage items.

Development in open space zone

17. Consent must not be granted to development on land owned or controlled by the Council or a public authority, within the open space zone, unless the consent authority has considered each of the following:

- (a) the need for the development on the land;
- (b) the impact of the proposed development on the existing or likely future use of the land;
- (c) the need to retain the land for its existing or likely future use.

Community use of school facilities and sites

18. Where land is used for an educational establishment, the site and facilities of the establishment may, with development consent, be used for meeting rooms, public halls, public libraries, entertainment, sport or recreation, or for any other community purpose, whether or not such use is a commercial use of the land.

Nothing in this clause requires consent for development which could otherwise be carried out without the need for consent.

Advertising of development to owners of adjoining land

19. Where an application is made for consent to carry out development, the consent authority must give written notice of the application to such persons as appear to it to own adjoining land.

“adjoining land” means any land which abuts the land the subject of the application or which would abut that land if it were not separated from it by a public road.

The written notice must be given as soon as practicable after the development application is made to the consent authority and at least 21 days before the consent authority determines the application.

If the adjoining land is common property or a lot within the meaning of the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986, a written notice to the body corporate is sufficient notice to the owner of each lot within the scheme.

If the adjoining land is owned by more than one person, a written notice given to one owner is sufficient.

Each notice is to contain the following:

- (a) the address of the land to which the development application relates
- (b) a description of the proposed development
- (c) the name of the applicant
- (d) a statement to the effect that the development application referred to in the notice and the documents accompanying the application may be inspected at the office of the Council at any time during ordinary office hours within a period of 14 days from the date shown on the written notice
- (e) a statement to the effect that any person may, during the period of 14 days from the date shown on the written notice, make a submission in writing to the consent authority in relation to the development application.

This clause does not require the Council to give notice of an application for consent to carry out development the Council considers to be of a minor nature.

Advertising of development affecting other land

20. Where the carrying out of the development which is the subject of a development application may, in the consent authority's opinion, detrimentally affect the use and enjoyment of land which is not adjoining land, the consent authority must cause notice of the development application to be published in a newspaper circulating in the area.

The notice is to:

- (a) be published at least 21 days before the consent authority determines an application for consent for major development (within the meaning of Part 4 of the City of Sydney Act 1988) and at least 14 days before for all other development; and
- (b) contain the same matters as are required for a notice given under clause 19.

Exceptions to advertising requirements

21. Despite clauses 19 and 20, where:

- (a) a development application which has not been determined by the consent authority is amended, or substituted by a subsequent development application, or such a development application is withdrawn and a subsequent development application is made with respect to substantially the same development; and
- (b) the consent authority has with respect to the development complied in all respects with clauses 19 and 20,

the consent authority may, if it resolves that, in its opinion, there is no necessity, because the amended or subsequent development application differs only in minor respects from the former development application, to comply with clauses 19 and 20 with respect to the amended or subsequent development application, dispense with further compliance with clauses 19 and 20 in relation to that application.

Clauses 19 and 20 do not apply to designated development as defined in section 4 (1) of the Act.

Subdivision

22. Subdivision of land, excluding subdivision by lease or sub-lease of commercial buildings, requires the consent of the consent authority.

However, consent is not required for subdivision under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986, unless it relates to a building that is a heritage item.

The separate occupation of proposed lots illustrated by a proposed strata plan relating to a building that is a heritage item is prohibited unless consent has been granted for a subdivision creating those lots.

Demolition

23. Demolition of a building or structure requires the consent of the consent authority.

The consent authority may attach conditions to a consent, but must not refuse consent for the demolition of a building or structure except in relation to an application required by the Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items.

However, consent is not required (except in relation to a building or work that is a heritage item) for demolition of the following or for demolition ordered or undertaken by the Council in accordance with the Local Government Act 1919:

- (a) temporary structures, advertisements
- (b) sheds, kiosks and garages
- (c) roof structures such as plant rooms, cooling towers, ducts
- (d) shop fronts
- (e) internal walls and ceilings, partitions, stairs
- (f) awnings not required by a development control plan or not required as a condition of a development consent.

Restricted premises

24. The consent authority may consent to the carrying out of development for the purpose of restricted premises only if the following conditions, in addition to any other conditions which may be imposed by the consent authority, are imposed:

- (a) no part of the restricted premises (other than an access corridor to the premises) shall be located on a level within 1,500 millimetres, measured at the entrance, of the level of a public road, arcade or other thoroughfare generally open to the public or used by the public;
- (b) no part of the restricted premises or building in which the premises are situated shall be used as a dwelling unless separate access is available to the dwelling;
- (c) no advertisements or signs relating to the restricted premises or business carried out at them (other than a sign allowed below) shall be erected, displayed or exhibited to public view in the window or entrance of the premises, or in, outside or directly above an access corridor to the premises.

Despite any other provision of this Plan, a person may, with the consent of the consent authority, erect, display or exhibit a sign relating to restricted premises where:

- (a) the consent authority is satisfied that the sign is not likely to interfere with the amenity of the locality; and

- (b) the sign does not exceed 3,000 millimetres by 300 millimetres in size and sets out only:
 - the words “RESTRICTED PREMISES” in capital letters not less than 50 millimetres in height; and
 - the name of the person who conducts the business at those restricted premises or the registered name of the business carried on at the restricted premises; and
- (c) not more than one such sign is erected, displayed, or exhibited to public view in the window or entrance of the restricted premises or in, outside or directly above an access corridor to the premises.

Development in the open space zone at Woolloomooloo Bay

25. Despite clause 13, development consistent with recreational facilities including, but without limiting the generality of that expression, the following:

- public transport facilities
- water recreational facilities
- charter boat facilities
- refreshment rooms

is permitted with the consent of the consent authority on land within the open space zone and shown edged red on the Map.

Development in the vicinity of Hyde Park: retail frontage and environment protection

26. The requirements in Schedule 3 apply to development on the land specified in that Schedule.

SCHEDULE 1—PLANNING INSTRUMENTS APPLICABLE TO CENTRAL SYDNEY

(Cl. 6)

Sydney Regional Environmental Plan No. 16—Walsh Bay

Sydney Regional Environmental Plan No. 23—Sydney and Middle Harbours

Sydney Regional Environmental Plan No. 26—City West

State Environmental Planning Policy No. 1—Development Standards

1993—No. 189

State Environmental Planning Policy No. 4—Development Without Consent
 State Environmental Planning Policy No. 5—Housing for Aged or Disabled Persons
 State Environmental Planning Policy No. 8—Surplus Public Land
 State Environmental Planning Policy No. 9—Group Homes
 State Environmental Planning Policy No. 10—Retention of Low-Cost Rental Accommodation
 State Environmental Planning Policy No. 11—Traffic Generating Developments
 State Environmental Planning Policy No. 16—Tertiary Institutions
 State Environmental Planning Policy No. 22—Shops and Commercial Premises
 State Environmental Planning Policy No. 27—Prison Sites
 State Environmental Planning Policy No. 28—Town Houses and Villa Houses
 State Environmental Planning Policy No. 32—Urban Consolidation (Redevelopment of Urban Land)
 Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items
 Sydney Local Environmental Plan No. 19
 Sydney Local Environmental Plan No. 30
 Sydney Local Environmental Plan No. 61

SCHEDULE 2—DEFINITIONS

(Cl. 9)

aids to navigation:

buoys, signs, lights or other structures, located on the waterway or on land, which are designed to assist the safe and efficient movement of vessels on the waterway

commercial port facilities:

any structure used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes and which has a direct structural connection between the shore and the waterway

dredging:

removal of material from the harbour bed, where the activity is for the purpose of maintaining the previously established harbour or river depth, or construction of a new or deeper navigational area or channel or re-opening of a discontinued navigational area or channel

gross floor area:

the sum of the gross horizontal areas of each and every floor of a building contained within the inner faces of the outer walls measured at a height of 1372 mm above the floor, including the space occupied by internal walls, staircases, lobbies, corridors, and toilets, but excluding the horizontal cross sectional area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct and excluding any space permanently set aside within the building for the parking, unloading or loading of vehicles, including ramps or other means of access thereto, or for the accommodation of mechanical or electrical plant or equipment servicing the building

heritage item:

a building, part of a building, work, relic, place, archaeological site, streetscape, tree or landscape or townscape item which is of heritage significance to the City of Sydney and which is described in a Schedule to Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items

restricted premises:

a building or place:

- (a) used or intended for use as a shop or place of assembly in which or on which restricted publications, within the meaning of the Indecent Articles and Classified Publications Act 1975 and direct sale publications, within the meaning of the Act, are exposed, exhibited, displayed or sold or otherwise rendered accessible or available to the public; or
- (b) in or on which a business, to which section 10 of the Indecent Articles and Classified Publications Act 1975 applies, is conducted; or
- (c) in or on which a business is conducted, an object of which is the display or exhibition of any article, within the meaning of the Indecent Articles and Classified Publications Act 1975 that is primarily concerned with or is used or intended to be used in connection with sexual behaviour, but which is not printed matter,

but does not include a newsagency or pharmacy

sea wall:

a structure placed partially or wholly along the land/water interface to protect the land from the sea or to stop accelerated erosion of the shoreline

special use:

use of a building or place for the purpose of any of the following:

- (a) child care centres
- (b) civic activities
- (c) community facilities
- (d) defence activities
- (e) education establishments
- (f) government activities
- (g) heliports
- (h) helicopter landing sites
- (i) hospitals
- (j) meteorological activities
- (k) places of worship
- (l) a port
- (m) public buildings
- (n) railways
- (o) sub-stations

the Act:

the Environmental Planning and Assessment Act 1979

the Council:

the Council of the City of Sydney

the Map:

the map marked “**Central Sydney Local Environmental Plan 1993 Land Use Zones**” deposited in the office of the Council

the Port:

has the same meaning as in the Sydney Harbour Trust Act 1900.

**SCHEDULE 3—REQUIREMENTS FOR CERTAIN
DEVELOPMENT**

(Cl. 26)

PART 1

Land situated on the western side of Elizabeth Street, Sydney, between Liverpool Street and Bathurst Street, being land that has frontage to Elizabeth Street.

(1) A person must not erect a building on the land unless at least one-half of such part of the ground floor level of the building as has frontage to Elizabeth Street, and as is situated within 5 metres of the western boundary of Elizabeth Street, consists of one or more shops.

(2) Where any part of the ground floor level of a building on the land is used for the purpose of a shop or is designed or constructed to be so used, a person must not use that part of the ground floor level of the building for any other purpose.

PART 2

Land generally bounded by Elizabeth Street, Liverpool Street, Castlereagh Street, King Street and St James Road, Sydney.

- (1) A person must not erect a building:
- (a) in the case of land that has frontage to Elizabeth Street—unless such part of the Elizabeth Street facade of the building as is less than 45 metres in height above ground level is situated in the vertical plane of the western boundary of Elizabeth Street; and
 - (b) in any case—if the height above ground level of any point on the proposed building exceeds the height calculated in accordance with the following formula:

$$H = 45 \text{ metres} + (D \times 0.84)$$

Where:

H represents the height to be calculated;

D represents the distance, in metres, measured horizontally between that point and the closest part of the vertical plane of the western boundary of Elizabeth Street.

(2) In this Part, “**ground level**” means the level of Elizabeth Street on the western boundary of that street at the midpoint between the intersections of that street formed by projections at right angles to that street from the most northerly and the most southerly points of that portion of the land to which this Schedule applies upon which a building is proposed to be erected.

NOTE**TABLE OF PROVISIONS**

1. Title
2. Purpose of this Plan
3. General objectives of this Plan
4. Specific objectives of this Plan
5. Land to which this Plan applies
6. Relationship of this Plan to other planning instruments
7. Application of State Environmental Planning Policy No. 4
8. Sunset
9. Definitions
10. Adoption of Model Provisions
11. Suspension of section 33 of the Sydney Harbour Trust Act 1900
12. Land use zones
13. Effect of zoning and of Plan and zone objectives
14. Development consent authority
15. Council and Committee policies
16. Heritage conservation policies
17. Development in open space zone
18. Community use of school facilities and sites
19. Advertising of development to owners of adjoining land
20. Advertising of development affecting other land
21. Exceptions to advertising requirements
22. Subdivision
23. Demolition
24. Restricted premises
25. Development in the open space zone at Woolloomooloo Bay
26. Development in the vicinity of Hyde Park retail frontage and environmental protection

SCHEDULE 1—PLANNING INSTRUMENTS APPLICABLE TO CENTRAL SYDNEY

SCHEDULE 2—DEFINITIONS

SCHEDULE 3—REQUIREMENTS FOR CERTAIN DEVELOPMENT
