



New South Wales

Central Sydney Local Environmental Plan 1996

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the Environmental Planning and Assessment Act 1979.

CRAIG KNOWLES

Minister for Urban Affairs and Planning

Sydney, 20 December 1996

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Clause 1 Central Sydney Local Environmental Plan 1996

Part 1 Preliminary

Central Sydney Local Environmental Plan 1996

Part 1 Preliminary

1 Name of this Plan

This Plan is *Central Sydney Local Environmental Plan 1996*.

2 Land covered by this Plan

This Plan applies to Central Sydney, being the land shown edged heavy black on the Zoning Map.

3 The consent authority

The Council is the consent authority for development applications relating to Central Sydney, subject to the provisions of the *City of Sydney Act 1988*, which make the Central Sydney Planning Committee the consent authority for major development within the meaning of that Act.

4 Effect of aims, objectives and policies

The consent authority, in considering any development, must have regard to the aims and objectives contained in this Plan and may have regard to any published planning and design provisions and policies adopted by the Central Sydney Planning Committee or the Council.

5 Review of this Plan and floor space incentives

- (1) The Council is to prepare an annual report on the operation of this Plan, having regard to the trends in diversity of uses in Central Sydney and the influence of economic cycles.
- (2) The Council must complete a comprehensive review of this Plan on a 5-yearly basis with the first review completed not later than 5 years after the commencement of this Plan. The review of clauses 38 and 39 relating to floor space incentives for hotels and serviced apartments is to be completed before 30 June 2000.

- (3) This clause does not affect any requirement for regular and periodic review made by section 73 of the *Environmental Planning and Assessment Act 1979*.

6 Dictionary

Expressions used in this Plan that are defined in the Dictionary in Schedule 1 have the meanings set out in the Dictionary.

7 Adoption of Model Provisions

This Plan adopts the *Environmental Planning and Assessment Model Provisions 1980*, except for Part 2 (Definitions) of those provisions.

8 Relationship of this Plan to other environmental planning instruments

- (1) *Central Sydney Local Environmental Plan 1993* is repealed.
- (2) All other local environmental plans (including deemed environmental planning instruments) that applied to the land to which this Plan applies immediately before the commencement of this Plan are also repealed, but only to the extent that they so applied to that land, except as provided by subclause (3).
- (3) *Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items* is amended as set out in Schedule 2, but otherwise is not affected by this Plan.

9 Determination of certain pending development applications

Local environmental plans and deemed environmental planning instruments apply to development applications lodged but not finally determined before the commencement of this Plan as if this Plan had been exhibited but had not commenced.

10 Conditions of development consent

- (1) A development consent may be granted subject to a condition that requires the creation of a restrictive or positive covenant on land.
- (2) This clause does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

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Clause 11 Central Sydney Local Environmental Plan 1996

Part 2 Aims, objectives and principles of this Plan

Part 2 Aims, objectives and principles of this Plan

11 The aims of this Plan

The aims of this Plan are:

- (a) to protect and enhance the diversity, special qualities and world standing of Central Sydney,
- (b) to reinforce the major functions of Central Sydney, especially its commercial role,
- (c) to establish Central Sydney as the best place to live in, work in and visit,
- (d) to foster environmental, economic, social and physical well-being so that Central Sydney continues to develop as an integrated, balanced, sustainable and prosperous living city of world standing,
- (e) to encourage the orderly development of land and resources within Central Sydney,
- (f) to reinforce the status of Central Sydney as the primary centre in the Sydney Metropolitan region.

12 The objectives of this Plan

The objectives for Central Sydney of this Plan are:

- (a) the development of Central Sydney as a **vibrant, culturally diverse, multi-use city centre**,
- (b) the provision of **sufficient development potential**,
- (c) the continued growth of a **permanent residential population** in Central Sydney and the provision of a full range of housing, including affordable housing,
- (d) the provision of **tourist and visitor accommodation**,
- (e) the enhancement of Central Sydney as **Australia's pre-eminent retail centre**,
- (f) the protection and enhancement of the **quality of the public areas of Central Sydney**—the parks, places, streets and lanes,
- (g) the protection of **Special Areas** of Central Sydney,

- (h) the protection of the **intricate urban fabric** of Central Sydney,
- (i) the achievement of a **high level of design quality** in buildings and in the relationship of buildings with neighbouring development and the public domain,
- (j) the development of Central Sydney with regard to the principles of **ecologically sustainable development**,
- (k) the **protection and enhancement of the natural environment**, including Central Sydney's parks and Sydney Harbour,
- (l) the **maximisation of use of public transport, walking and cycling** for trips to, from and within Central Sydney,
- (m) the provision of a **high quality pedestrian environment**,
- (n) the conservation of **heritage items and areas**,
- (o) the **efficient and orderly management of all phases of the development process**, including the construction phase.

13 The principles of this Plan

The principles that the consent authority will follow in the achievement of the aims of this Plan are:

- (a) the recognition of the responsibilities of this generation to future generations in relation to environmental quality and resource usage by respecting the limits of natural and physical resources,
- (b) the acknowledgment of the diversity of Sydney's cultural heritage from pre-European occupation to the current time,
- (c) the involvement of the community in the planning process by ensuring openness, accountability and transparency in the decision-making process,
- (d) the consistent application of the provisions of this Plan so that the aims and objectives of this Plan can be achieved in practice, and provide certainty for applicants for development consents, investors, residents and the public,
- (e) a consistent and proper regard for the aims, objectives and principles of this Plan, in particular, when considering development applications.

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Clause 14 Central Sydney Local Environmental Plan 1996

Part 3 Zoning
Division 1

Part 3 Zoning

Division 1 General

14 Land use zones

The land use zones within Central Sydney are shown on the Zoning Map. The zones are:

- (a) City Centre zone
- (b) City Edge zone
- (c) Residential zone
- (d) Maritime and Transport zone
- (e) Parks and Community Places zone.

15 Effect of zone objectives

The consent authority, in considering a development application, must have regard to the objectives of the zone in which the development is proposed to be carried out.

16 Development near zone boundaries

- (1) This clause applies to land that is within 5 metres of the boundary between two zones.
- (2) Land to which this clause applies may, with the consent of the consent authority, be developed for any purpose for which land in the adjoining zone may be developed if the development would be prohibited in the absence of this clause.

17 Master plans for certain sites

- (1) Development consent may be granted for the following land only if there is a master plan for the land and the consent authority has taken the master plan into consideration:
 - (a) Berths 9 and 10, Darling Harbour,
 - (b) Carlton and United Brewery site, Chippendale, as outlined in red and annotated (iv) on the Height Map,
 - (c) Central Railway—Western Precinct, as outlined in red and annotated (ii) on the Zoning Map.

- (2) Subclause (1) does not apply if, in the opinion of the consent authority, the development concerned is of a minor nature and other guidelines that apply to the proposed development (such as those in a development control plan) are adequate.
- (3) A master plan required by this clause is to describe and illustrate, where appropriate, proposals for the following:
 - (a) phasing of development,
 - (b) distribution of land uses,
 - (c) pedestrian, cycle and vehicular access, and circulation networks,
 - (d) parking provision,
 - (e) building envelopes and heights and built form provisions,
 - (f) heritage conservation and protection of archaeological relics,
 - (g) assessment of the likely environmental effects of the proposed development,
 - (h) any other matters stipulated by the consent authority.

Division 2 City Centre zone

18 Objectives of the City Centre zone

The objectives of the City Centre zone are:

- (a) to encourage Central Sydney's role and growth as one of the Asia-Pacific region's principal centres for finance, commerce, retailing, tourism, cultural activities, entertainment and government,
- (b) to permit a diversity of uses which reinforce the multi-use character of Central Sydney,
- (c) to facilitate the development of buildings and works that are of a scale and character consistent with achieving the other objectives of this zone,
- (d) to provide for increased residential development with appropriate amenity and to ensure the maintenance of a range of housing choice,

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Clause 18 Central Sydney Local Environmental Plan 1996

Part 3 Zoning
Division 2

- (e) to enhance the amenity of parks and community places by protecting sun access,
- (f) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain,
- (g) to ensure adequate levels of daylight to streets,
- (h) to recognise and enhance the character of Special Areas,
- (i) to facilitate the conservation of items and areas of heritage significance,
- (j) to protect the fine-grained urban fabric of Central Sydney, especially the existing network of streets and lanes,
- (k) to extend retail uses on frontages to retail streets,
- (l) to provide active frontages to streets.

19 Development within the City Centre zone

- (1) Within the City Centre zone, development (including use of land for the purpose of advertisements, advertising structures and temporary advertising structures) may be carried out, but only with development consent.
- (2) In the area bounded by King, Elizabeth, Market and George Streets:
 - (a) development at ground floor level may be carried out only for the purpose of shops, refreshment rooms and access to other uses on other levels, and
 - (b) the provisions of clause 7 (1), (2) and (3) of *State Environmental Planning Policy No 4—Development Without Consent* do not apply to the ground floor of any building, and
 - (c) development for the purpose of brothels is prohibited.

Division 3 City Edge zone

20 Objectives of the City Edge zone

The objectives of the City Edge zone are:

- (a) to encourage a mixed use, medium density area which will provide a physical transition between the City Centre zone and nearby lower density, mixed use and residential areas,

- (b) to encourage an increase in the permanent residential population through new residential development or the conversion of existing buildings and to ensure the maintenance of a range of housing choice,
- (c) to recognise the development potential of certain major sites within the zone and to encourage development of them which is consistent with other zone objectives,
- (d) to enhance the amenity of parks and community places by protection of sun access,
- (e) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain,
- (f) to ensure adequate levels of daylight to streets,
- (g) to recognise and enhance the character of Special Areas,
- (h) to facilitate the conservation of items and areas of heritage significance,
- (i) to ensure that the number and location of clinics, refuges, crisis centres and other welfare uses within parts of this zone are compatible with the achievement of other objectives for this zone.

21 Development within the City Edge zone

- (1) Within the City Edge zone, development (including use of land for the purpose of advertisements, advertising structures and temporary advertising structures) may be carried out, but only with development consent.
- (2) Development for the purpose of amusement centres is prohibited on land in the Oxford Street area shown stippled in Schedule 3.
- (3) Development for the purpose of brothels is prohibited within the City Edge zone.

Division 4 Residential zone

22 Objectives of the Residential zone

The objectives of the Residential zone are:

- (a) to maintain a predominantly residential character and land use at Millers Point and for certain land fronting Wylde Street, Potts Point,

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Clause 22 Central Sydney Local Environmental Plan 1996

Part 3 Zoning
Division 4

- (b) to facilitate additional residential development that is consistent with the existing residential character and use of those locations,
- (c) to ensure the maintenance of a range of housing choice,
- (d) to facilitate the conservation of items and areas of heritage significance,
- (e) to provide for a limited range and scale of non-residential land uses to serve the local population's needs, being uses which are compatible with residential amenity and heritage values.

23 Development within the Residential zone

- (1) Within the Residential zone, development for the purpose of the following may be carried out without development consent:
 - dwelling houses,
 - home occupations.
- (2) Within the Residential zone, development for the purpose of the following may be carried out, but only with development consent:
 - advertisements,
 - advertising structures (including temporary advertising structures),
 - boarding houses,
 - child care centres,
 - educational establishments,
 - hotels,
 - medical and dental surgeries (up to a maximum floor space area of 150 square metres),
 - open space,
 - places of public worship,
 - private hotels,
 - public utility installations,
 - pubs,
 - refreshment rooms,

residential buildings (other than dwelling houses),
serviced apartments,
shops (including supermarkets),
streets.

- (3) Any other development is prohibited within the Residential zone.

Division 5 Maritime and Transport zone

24 Objectives of the Maritime and Transport zone

The objectives of the Maritime and Transport zone are:

- (a) to facilitate the continued operation of port activities, water-based transport services, rail and related transport services, and naval and other maritime activities,
- (b) to provide for the efficient operation of the primary land uses for this zone, namely:
 - (i) port (cargo and passenger) and related landside activities at North Darling Harbour berths 3–10,
 - (ii) ferry and charter boat services at Circular Quay, in a manner consistent with the identification of Circular Quay as a Special Area,
 - (iii) the Royal Australian Navy's Fleet Base at Woolloomooloo and Garden Island, and the Department of Defence's dockyard and facilities at Garden Island, and
 - (iv) rail and related services at Central Railway yards and near the approaches to the Sydney Harbour Bridge,
- (c) to facilitate the conservation of items and areas of heritage significance.

25 Development within the Maritime and Transport zone

- (1) Within the Maritime and Transport zone, development for the purpose of the following may be carried out without development consent:
- aids to navigation,
 - commercial port operations,

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Part 3 Zoning
Division 5

dredging,
jetties,
naval activities,
pontoons,
reclamation,
sea walls,
streets,
wharves.

- (2) Within the Maritime and Transport zone, development for the purpose of the following may be carried out, but only with development consent:

public utility undertakings,
workshops.

- (3) Within the part of the Maritime and Transport zone outlined in red and annotated (i) on the Zoning Map, development for the purpose of the following may be carried out, but only with development consent:

advertisements,
advertising structures (including temporary advertising structures),
conventions, exhibitions, functions and like uses in the Wharf No. 10 Darling Harbour Passenger Terminal,
tourist coach parking or layover.

- (4) Within the part of the Maritime and Transport zone outlined in red and annotated (ii) on the Zoning Map, development for the purpose of the following may be carried out, but only with development consent:

advertisements,
advertising structures (including temporary advertising structures),
commercial premises,
hotels,
serviced apartments,
shops.

- (5) Within the part of the Maritime and Transport zone at Circular Quay and Central Railway Terminal building, development for the purpose of the following may be carried out, but only with development consent:
- advertisements,
 - advertising structures (including temporary advertising structures),
 - refreshment rooms,
 - shops.
- (6) Any other development is prohibited within the Maritime and Transport zone.

Division 6 Parks and Community Places zone

26 Objectives of the Parks and Community Places zone

The objectives of the Parks and Community Places zone are:

- (a) to facilitate continued provision and enhancement of parks and community places, including places in private ownership utilised by the community, as the primary use within this zone,
- (b) to identify existing publicly and privately owned elements of importance for community use, including significant buildings and their parkland or freestanding settings,
- (c) to facilitate the conservation of items and areas of heritage significance,
- (d) to provide for the expansion or redevelopment of existing uses and buildings (including existing underground uses and underground buildings) associated with railway stations, if the expansion or redevelopment is consistent with their primary purposes and the other objectives of this zone,
- (e) to nominate certain roads which, in the longer term, could be better integrated with surrounding or adjoining parks and community places,
- (f) to facilitate continued public access to land and buildings within this zone.

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Clause 27 Central Sydney Local Environmental Plan 1996

Part 3 Zoning
Division 6

27 Development within the Parks and Community Places zone

- (1) Within the Parks and Community Places zone, the following development may be carried out without development consent: development in accordance with a plan of management adopted under the *Local Government Act 1993*, development for the purpose of the following:
 - artworks,
 - gardening,
 - landscaping (including tree planting, repaving and replacement of street furniture),
 - maintenance works,temporary cultural and educational activities associated with cultural institutions, which involve no permanent physical changes to the fabric of the place at which they are conducted, and being for less than 90 days for each event, within the part of the zone, being the building known as Sydney Town Hall and forming Part of Lot 1, DP 600413, any development (including development for the purpose of advertisements, advertising structures and temporary advertising structures).
- (2) Within the Parks and Community Places zone, development (other than development in accordance with a plan of management) for the purpose of the following may be carried out, but only with development consent:
 - buildings used for cultural activities, landscaping and gardening, or recreational facilities,
 - car parking,
 - kiosks,
 - refreshment rooms,
 - shops and commercial premises associated with underground railway stations,
 - signs incidental or ancillary to another permitted use,
 - other land uses which the consent authority is satisfied are incidental or ancillary to the land uses lawfully carried out within the zone at the commencement of this Plan.

-
- (3) Within the curtilage of the building within the part of the Parks and Community Places zone outlined in red and annotated (iii) on the Zoning Map, development for the purpose of the following may also be carried out, but only with development consent:
- coach and bus parking or layover and associated facilities, including shops, information facilities, refreshment rooms and ancillary uses.
- (4) Within the Parks and Community Places zone, below the plaza ground surface as at the commencement of this Plan, on Lot 2, DP 225060, (being part of the land bounded by George Street, Curtin Place, Pitt Street and Bond Street, Sydney, and known as Australia Square), any development (including development for the purpose of advertisements, advertising structures and temporary advertising structures) may be carried out, but only with development consent.
- (5) Any other development is prohibited within the Parks and Community Places zone.
- (6) The consent authority, in considering a development application for land within the Parks and Community Places zone owned or controlled by the Council or another public authority, must have regard to 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.

28 Residential development on Wharf 11, Woolloomooloo

- (1) Despite clause 27, development for any residential purpose may be carried out, but only with development consent, on land within the Parks and Community Places zone that is outlined in red and annotated (iv) on the Zoning Map.
- (2) Consent for any such development on the land may be granted only if the consent authority is satisfied that:
- (a) the proposed development will have little or no adverse effect on the amenity of land in the vicinity of the proposed development, and

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Part 3 Zoning

Division 6

- (b) conservation of the Finger Wharf would be assisted were the proposed development to be carried out, and
 - (c) no portion of buildings, including plant, will exceed a height of RL 10 metres exclusive of any public viewing platforms.
- (3) The floor space area of all buildings on the land must not result in a floor space ratio that exceeds 0.913:1, of which the floor space area used otherwise than for car parking must not account for more than 0.65:1 and the floor space area used only for car parking must not account for more than 0.263:1.

Part 4 Height of buildings

29 Objectives for the control of height of buildings

- (1) The objectives for the control of the height of buildings in Central Sydney are:
 - (a) to allow sunlight access to key areas of the public domain by ensuring that:
 - (i) further overshadowing of certain parks and community places is avoided or limited during nominated times, and
 - (ii) existing overshadowing of certain parks and community places is reduced in the long term,
 - (b) to provide a transition of building heights between localities and street blocks,
 - (c) to maintain and enhance the physical amenity of the streets of Central Sydney by providing adequate daylight levels,
 - (d) to confine ground level wind speeds to velocities which ensure pedestrian comfort and amenity of the public domain,
 - (e) to allow for and promote the ventilation of the city by the free movement of air around and between tower structures,
 - (f) to provide sun access to significant sandstone buildings in Special Areas in order to improve the ground level environmental quality of public spaces,
 - (g) to nominate heights which integrate with existing building heights in Special Areas,
 - (h) to nominate heights which will provide a transition in built form and land use intensity between the City Centre zone and adjoining lower scale localities within and adjacent to Central Sydney,
 - (i) to provide for view sharing along the edges of Central Sydney,
 - (j) to ensure an appropriate height relationship between new development and heritage items or heritage streetscapes.

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Clause 30 Central Sydney Local Environmental Plan 1996

Part 4 Height of buildings

30 Sun access planes

- (1) Development that results in any part of a building projecting above a sun access plane for a park or community place identified in the Table to Schedule 4 is prohibited if the building is situated on land shown on the Height Map as affected by the sun access plane.
- (2) Any part of a sun access plane identified as plane B2, F2 or I2 in the Table to Schedule 4 that is directly beneath part of another sun access plane identified as plane B1, F1 or I1 in that Table is to be disregarded for the purposes of this clause.
- (3) This clause does not apply to development resulting only in refurbishment of a building.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to any requirement made by this clause, except the requirement imposed by this clause relating to the sun access planes for Pitt Street Mall identified as planes F1 and F2 in the Table to Schedule 4.

31 No additional overshadowing

- (1) Development is prohibited (unless it is limited to architectural roof features) if it results in a building that causes overshadowing, in addition to that existing at the commencement of this Plan, in any of the following parks or community places between 14 April and 31 August in any year during the nominated times:

Australia Square	12 noon to 2 pm
Chifley Square	12 noon to 2 pm
First Government Mouse Place	12 noon to 2 pm
Lang Park	12 noon to 2 pm
Macquarie Place (beyond the shadow that would be cast by a wall with a 35 metre street frontage height on the eastern alignment of Loftus Street)	10 am to 2 pm
Martin Place (between Pitt and George Streets)	12 noon to 2 pm

Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 metre street frontage height on the eastern and western alignments of the Mall)	10 am to 2 pm
Prince Alfred Park	12 noon to 2 pm
Sydney Town Hall steps	10.30 am to 4 pm
Sydney Square	11 am to 4 pm

- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to any requirement made by this clause, except in relation to overshadowing of Australia Square, Chifley Square, First Government House Place and Sydney Town Hall steps.
- (3) This clause is subject to clause 33.

32 Height of buildings

- (1) The height of a building on any land is not to exceed the height for the land shown on the Height Map. The achievement of any height is subject to compliance with floor space ratio controls and other provisions of this Plan as well as the provisions of *Central Sydney Local Environmental Plan 1992—Conservation of Heritage Item*.
- (2) The height of a building resulting from the replacement or alteration of a building on land identified by the notation 'Existing Height' on the Height Map is not to exceed the existing height of the building that is replaced or altered.
- (3) The height of any building on land in the Parks and Community Places zone or the Maritime and Transport zone is not to exceed a height determined by the consent authority as being consistent with the height of existing buildings on the subject site and on adjoining land. This subclause is subject to clause 28 (2) (c) and does not apply to equipment and structures used for the physical handling of cargo in carrying out commercial port operations, or used for naval activities at Woolloomooloo or Garden Island.
- (4) The height of any building on land outlined in solid red and annotated (ii) on the Height Map is not to exceed:
- RL 45 metres north of the Moore Stairs, or
 - RL 46.7 metres south of the Moore Stairs.

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Clause 32 Central Sydney Local Environmental Plan 1996

Part 4 Height of buildings

- (5) The height of any building on land outlined in solid red and annotated (iii) on the Height Map is not to exceed RL 28.6 metres.
- (6) The height of any building on land outlined in solid red and annotated (iv) on the Height Map must, in the opinion of the consent authority, complement the height of buildings on adjacent land.

33 Height of buildings on a Category A or B site

- (1) The consent authority may consent to development that will result in a building projecting above a sun access plane for a park or community place if:
 - (a) the site of the building is a site nominated as Category A in Schedule 5, and
 - (b) the building would reduce the excess overshadowing of the park or community place by at least 50 per cent.

Excess overshadowing of a park or community place is the area of shadow cast by so much of a building as projects above the sun access plane for the park or place.

- (2) A building on a site nominated as Category B in Schedule 5 may project above a sun access plane that affects the Category B site, but only if the height of the building does not exceed the height of any building situated on the corresponding site nominated as a Category A site in that Schedule.

Part 5 Floor space ratios

34 Objectives for floor space ratio controls

The objectives for the control of floor space ratios in Central Sydney are:

- (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of Central Sydney,
- (b) to ensure that proposals for new buildings are assessed with due regard to urban design and built form provisions,
- (c) to provide a framework for the award and allocation of heritage floor space,
- (d) to encourage the provision of:
 - (i) theatres and cinemas, and
 - (ii) residential buildings,
- (e) to encourage additional hotels and serviced apartments, in the period before the 2000 Olympic Games,
- (f) to encourage retention of clubs with a long and historical association with their sites in Central Sydney,
- (g) to provide sufficient floor space for development for the foreseeable future,
- (h) to regulate the density of development and generation of vehicular and pedestrian traffic.

35 Maximum floor space ratios—generally

- (1) The floor space ratio of a building on land in Central Sydney is not to exceed the maximum floor space ratio shown for the building on the Floor Space Ratio Map. The achievement of any floor space ratio is subject to compliance with the height controls and other provisions of this Plan as well as the provisions of *Central Sydney Local Environment Plan 1992—Conservation of Heritage Items*.
- (2) The floor space ratio of a building in the Parks and Community Places zone or the Maritime and Transport zone is not to exceed that, if any, determined for the building by the consent authority.

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Clause 35 Central Sydney Local Environmental Plan 1996

Part 5 Floor space ratios

- (3) If part of a building within the City Centre zone was being used at the commencement of this Plan for the purpose of underground car parking, the part of the building may, with development consent, be used for any other purpose even though:
- (a) the building would then have a floor space ratio greater than the maximum floor space ratio without the allocation of heritage floor space that would otherwise be allowed for the building by this clause or clause 36, and
 - (b) no heritage floor space is allocated to the site.

36 Maximum floor space ratios—mixed use buildings

The floor space ratio of a mixed use building on land in Central Sydney is not to exceed that determined for the building in accordance with Schedule 6, despite clause 35 (1) and (2).

37 Floor space ratios for development which includes cinemas, theatres or recital halls

- (1) The consent authority may consent to development that will result in a building within the City Centre zone on a site in Area A shown on the Floor Space Ratio Map having a floor space ratio of more than 10:1, but not more than 11:1, without heritage floor space being allocated to the site, if one or more cinemas, theatres or recital halls are included in the building.
- (2) This clause does not affect the maximum floor space ratio for the building if heritage floor space is allocated to the site.
- (3) This clause does not apply to the site of a heritage item.

38 Floor space ratios for hotels for a specified period

- (1) This clause applies to land within Area A shown on the Floor Space Ratio Map.
- (2) The maximum floor space ratio for a hotel for which consent is granted and construction is commenced before 1 January 1998 is:
 - (a) 14:1 without the allocation of heritage floor space to the site, if construction is completed and approval under Part 1 of Chapter 7 of the *Local Government Act 1993* to occupy the building is granted before 30 June 2000, or

- (b) 10:1 without the allocation of heritage floor space to the site or 14:1 with the allocation of heritage floor space to the site, if approval under Part 1 of Chapter 7 of the *Local Government Act 1993* to occupy the building is not granted before 30 June 2000.
- (3) Consent must not be granted for the erection of a hotel with a floor space ratio of more than 12.5:1 unless a condition of the consent limits the period during which development may be carried out in accordance with the consent by requiring the construction of the hotel to be commenced before 1 January 1998.

39 Floor space ratios for serviced apartments for a specified period

- (1) This clause applies to land within Area A shown on the Floor Space Ratio Map.
- (2) The maximum floor space ratio for serviced apartments for which consent is granted and construction is commenced before 1 January 1998 is:
 - (a) 14:1 without the allocation of heritage floor space to the site or 15.5:1 with the allocation of heritage floor space to the site, if construction is completed and approval under Part 1 of Chapter 7 of the *Local Government Act 1993* to occupy the building is granted before 30 June 2000, or
 - (b) 12.5:1 without the allocation of heritage floor space to the site or 15.5:1 with the allocation of heritage floor space to the site, if approval under Part 1 of Chapter 7 of the *Local Government Act 1993* to occupy the building is not granted before 30 June 2000.
- (3) If consent is granted for development for the purpose of serviced apartments and the floor space ratio of the building to which the development relates is more than 12.5:1, non-residential uses (other than serviced apartments) must not occupy more than 10% of the total floor space area of the building, unless all the floor space area occupied by those non-residential uses is located on the ground floor.

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Clause 40 Central Sydney Local Environmental Plan 1996

Part 5 Floor space ratios

40 Floor space ratios for residential buildings

- (1) In a residential building which has a floor space ratio in excess of 12.5:1, non-residential uses (other than serviced apartments) must not occupy more than 10% of the total floor space area of the building, unless all the floor space area occupied by those non-residential uses is located on the ground floor.
- (2) Serviced apartments may occupy up to 30% of the total floor space area of a residential building, but only if
 - (a) the serviced apartments have separate lift access in the building, and
 - (b) no access is available from the serviced apartments to the other residential floors in the building.

41 Floor space ratios for clubs

- (1) This clause applies to a building owned and occupied by a club which, in the opinion of the consent authority, has a long and historic association with its site.
- (2) When calculating the floor space ratio of any such building in applying clauses 35 to 40 to development proposed by a development application, the consent authority may exclude from the floor space area of the building the floor space area occupied by the club at the commencement of this Plan, if the consent authority is satisfied that the club will continue to operate within the building after the development has been carried out.
- (3) The consent authority may not exclude floor space area so as to reduce the floor space ratio by more than 2:1.
- (4) This clause does not apply to the site of a heritage item.

42 Higher floor space ratios for Opportunity Sites and certain colonnades

- (1) The consent authority may consent to:
 - (a) additions to the lower levels of existing buildings on an Opportunity Site listed in Schedule 7 and illustrated on the map in that Schedule, or

- (b) the infilling of a colonnade,
which would result in the creation of floor space additional to that allowed by the maximum floor space ratio set by clause 35 if the additional floor space would, in the opinion of the consent authority, improve the public amenity.
- (2) The amount of additional floor space to be permitted must be determined having regard to the extent to which the development proposed is, in the opinion of the consent authority, consistent with the provision of
 - (a) improved pedestrian and disabled access between the street and the existing buildings, and
 - (b) increased opportunities for active pedestrian use and enjoyment of the space between the street and the existing buildings, and
 - (c) improved amenity, including personal security, traffic safety and weather protection, and
 - (d) improved scale relationship between the buildings and pedestrians using the buildings and places in the vicinity, and
 - (e) increased continuity and visual consistency of the street wall.
- (3) Such a consent may be granted only if the consent authority is satisfied that:
 - (a) an amount of heritage floor space equal to the amount of the additional floor space permitted will be allocated to the Opportunity Site or site of the colonnade, and
 - (b) the development proposed is not an extensive redevelopment of the Opportunity Site or site of the colonnade.

43 Calculation of floor space for buildings adjacent to certain land within the Parks and Community Places zone

- (1) This clause applies to the following parcels of land:
 - (a) Lots 1 and 2, DP 225060, being land bounded by George Street, Curtin Place, Pitt Street and Bond Street, Sydney,

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Clause 43 Central Sydney Local Environmental Plan 1996

Part 5 Floor space ratios

- (b) Lot 1, DP 108385, being land bounded by Goulburn Street, Riley Street, Campbell Street, Hunt Street and Brisbane Street, Surry Hills,
 - (c) Brickfield Place, being land on the northern side of Liverpool Street, Sydney.
- (2) In calculating the floor space ratio of a building within a parcel to which this clause applies, all land within the Parks and Community Places zone that is within the parcel and is in the same ownership as the site of the building is taken to be within the site area of the proposed development.

44 Objectives for the award and allocation of heritage floor space

The objectives of this Plan in relation to the award and allocation of heritage floor space are:

- (a) to assist and encourage the conservation of heritage buildings within Central Sydney through the award of heritage floor space, and
- (b) to complement the aims and objectives of *Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items*.

45 Award and allocation of heritage floor space

- (1) When an application is made for consent to development that the consent authority is satisfied includes the conservation of a heritage building on a site within Central Sydney, the consent authority may award the owner of the heritage building or a person nominated by the owner an amount of heritage floor space.
- (2) The consent authority may grant consent for development on a site to which this Plan applies (whether or not it is the site of a heritage building) which will result in a building with a floor space ratio that exceeds the maximum floor space ratio allowed by this Plan without the allocation of heritage floor space to the site but that does not exceed the maximum floor space ratio allowed by this Plan with the allocation of heritage floor space to the site.

- (3) Such a consent may be granted only if the consent authority is satisfied that the allocation to the site of an amount of heritage floor space equal to the difference between the maximum floor space area allowed without the allocation of heritage floor space to the site and the floor space area of the building that will result from carrying out the development in accordance with the consent will be required by a condition of the consent.
- (4) Heritage floor space may be allocated to a site only with the agreement of the person awarded the heritage floor space or another person whose entitlement to agree has been notified in writing to the Council by the person last entitled to agree.
- (5) This clause does not allow heritage floor space to be awarded in relation to a heritage building:
 - (a) if the area occupied by the heritage building has previously been or is included as part of a site area for the purpose of calculating the floor space ratio of another building or of a proposed building for which a development consent is current, or
 - (b) if an amount of floor space available for use in a building on another site has already been awarded in relation to the heritage building either under this clause or before the commencement of this Plan pursuant to any other incentive scheme administered by the Central Sydney Planning Committee or the Council to encourage conservation of the heritage building.
- (6) Any floor space awarded pursuant to such an incentive scheme is taken to be heritage floor space for the purposes of this Plan whether or not it was allocated for use in a building before the commencement of this Plan.
- (7) After heritage floor space has been awarded in relation to a heritage building, the part of the site occupied by the building is to be excluded from the site area for the purpose of calculating the floor space ratio of buildings on a site that includes the heritage building.

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Clause 46 Central Sydney Local Environmental Plan 1996

Part 5 Floor space ratios

46 Floor space provisions for tower buildings with nominated street frontage heights above 20 metres

- (1) The objective of this clause is to provide an incentive for buildings to be erected with street frontage heights at or in excess of those nominated for the purposes of this clause by the consent authority by reference to urban design considerations and, in particular, to the streetscape in the vicinity and heritage considerations.
- (2) This clause applies to a building within Area A shown on the Floor Space Ratio Map if
 - (a) part of the building is in the form of a tower set back from the principal street frontage for the building nominated by the consent authority for the purposes of this clause, and
 - (b) the tower has a height, when measured to the horizontal plane at the topmost point of the building, that is greater than 45 metres and is at least twice the height of the street frontage height for the building nominated by the consent authority for the purposes of this clause.
- (3) When calculating the floor space ratio of any such building for the purposes of clauses 35 to 41, the consent authority is to exclude from the floor space area of the building the amount of the building's floor space area located between:
 - (a) the horizontal plane at an assumed street frontage height of 20 metres and the horizontal plane at the nominated street frontage height for the building, and
 - (b) the vertical plane at the nominated principal street frontage and the vertical plane in which is situated the facade of the tower part of the building nearest that frontage.

Floor space area may not be excluded so as to reduce the floor space ratio by more than 1:1.
- (4) The consent authority is not to make such an exclusion unless:
 - (a) the actual street frontage height of the building is at or above the nominated street frontage height for the building, and

- (b) the urban design requirements applicable to the site, including those relating to street frontage height and building setback above street frontage height, have been met, and
- (c) the maximum car parking requirements made for the site by provisions of this Plan will not be exceeded and there is no above ground car parking provided on the site, and
- (d) it is satisfied that any heritage conservation policies of the consent authority that are applicable to the site will be met, and
- (e) the design of the building will not create any excessive void behind the street frontage or street frontages of the building, and
- (f) active uses, such as retailing, restaurants or commercial offices, will be situated on the ground floor of the building on all street frontages, and
- (g) the building design and finishes used on the building are of very high quality.

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Clause 47 Central Sydney Local Environmental Plan 1996

Part 6 Car parking

Part 6 Car parking

47 Objectives for car parking controls

The objectives of the car parking controls of this Plan are:

- (a) to acknowledge that public transport is the most important and efficient means of moving people to and within Central Sydney, and
- (b) to encourage commuting by public transport to Central Sydney in order to reduce the number of motor vehicles travelling through and to Central Sydney, and to improve overall environmental quality and pedestrian amenity, and
- (c) to improve the attractiveness and competitiveness of Central Sydney for retail and commercial activities, and
- (d) to favour short-stay parking over commuter parking, and
- (e) to encourage residential development in Central Sydney.

48 Car parking provisions

- (1) The number of car parking spaces provided for use for the purpose of a building of a kind described in the Table to this clause is not to exceed that calculated in accordance with that Table.
- (2) On-site car parking in existence at the commencement of this Plan in excess of that allowed by subclause (1) may be retained when a site is redeveloped if the parking is used only for tenant and service car parking, and it is supported by a traffic and parking assessment to the satisfaction of the consent authority.
- (3) Consent for car parking spaces for a theatre or recital hall is to be granted by the consent authority only after it has considered the location and availability of existing public car parking in the vicinity of the proposed theatre or recital hall. Any car parking allowed specifically for a theatre or recital hall is to be available only for short-stay parking during the hours of 9.30 am to 6 pm and only for patrons of the theatre or recital hall.
- (4) Car parking spaces provided for use in connection with the use of function areas in hotels are to be available only to patrons while using the function facilities and must not be used for public car parking.

Table Maximum car parking

Type of proposed building	Parking spaces permitted on-site
All buildings other than residential, hotels, theatres and serviced apartments	1 space per 50 square metres of site area
Dwelling houses	2 spaces per dwelling house
Residential buildings (including housing for aged persons):	
Studio apartments/bedsitters	1 space per 4 studioapartments/bedsitters
1 bedroom apartments	1 space per 2 apartments
2 bedroom apartments	1 space per apartment plus 1 space per each 5 apartments
Apartments with 3 or more bedrooms	2 spaces per apartment
Hotels, private hotels and motels	1 space per 5 bedrooms 4 spaces per 100 square metres of function room area
Theatres and recital halls	1 space per 7 seats
Serviced apartments	1 space per 2 one-bedroom apartments 1.2 spaces per two or more bedroom apartments

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Clause 49 Central Sydney Local Environmental Plan 1996

Part 7 Special Areas

Part 7 Special Areas

49 Objectives of the controls for Special Areas

The objectives of the controls for Special Areas are:

- (a) to protect Special Areas from development incompatible with the particular character and significance of each Special Area, and
- (b) to reinforce the specific attributes and qualities of the built form of the Special Areas.

50 Identification of Special Areas

Special Areas are considered to be of special significance in terms of the planning management of Central Sydney and are shown on the Special Areas Map.

51 Objectives for each Special Area

The consent authority, in considering a development application for land in or adjoining a Special Area, must have regard to the following objectives for the Special Area:

- (a) **Millers Point**
 - (i) to retain and reinforce the residential character and scale of this Special Area,
 - (ii) to conserve and reinforce the heritage significance of this Special Area,
 - (iii) to limit the amount and type of non-residential uses within this Special Area that are not required to meet residents' needs.
- (b) **York Street**
 - (i) to conserve and reinforce the heritage significance of this Special Area,
 - (ii) to retain and reinforce the built form of this Special Area,
 - (iii) to maintain a high level of daylight access to the street by restricting overall building height,

- (iv) to integrate new buildings with the heritage significance of this Special Area by requiring new buildings to be built to the street alignment,
- (v) to encourage residential and related ground level retail and other active street frontage uses which will contribute to the distinctive character of this Special Area.

(c) **Institutional/College Street East**

- (i) to recognise the institutional area east of Macquarie Street and College Street as one of Sydney's pre-eminent public areas characterised by a concentration of, heritage buildings which house activities of State and national significance,
- (ii) to require new buildings and land uses to complement the existing mix of uses and to make a positive contribution to the quality of the public domain in this Special Area,
- (iii) to reinforce the urban character and scale of Macquarie Street and College Street by requiring new buildings to be integrated with the form of existing buildings and by limiting the height of new buildings to the prevailing height of existing buildings.

(d) **Haymarket**

- (i) to conserve and reinforce the heritage significance of this Special Area,
- (ii) to recognise the unique character, uses and scale of the Haymarket locality,
- (iii) to maintain a high level of daylight access to the street by restricting building height and building bulk,
- (iv) to retain and enhance the urban character and scale of the Haymarket locality by requiring new buildings to be built to the street alignment, to have street frontage heights consistent with the prevailing form of heritage buildings in this Special Area, and to have building setbacks above those street frontage heights.

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Clause 51 Central Sydney Local Environmental Plan 1996

Part 7 Special Areas

(e) **Wentworth Avenue East**

- (i) to conserve and reinforce the heritage significance of this Special Area,
- (ii) to retain and reinforce the built form of this Special Area,
- (iii) to encourage residential and related ground level retail and other active street frontage uses which will contribute to the distinctive character of this Special Area.

(f) **Circular Quay**

- (i) to recognise Circular Quay as a Special Area with a unique character in Central Sydney where Sydney Harbour meets the city by a series of significant public spaces,
- (ii) to protect and extend sun access to the public spaces at Circular Quay,
- (iii) to reinforce the urban character and scale of Circular Quay by requiring new buildings to be built to the street alignment, and to have a transition of building heights from Circular Quay to the maximum building height of the northern area of Central Sydney,
- (iv) to ensure that any development associated with the important transport interchange provided at Circular Quay is consistent with enhancement of the public domain of Circular Quay.

(g) **Bridge Street/Macquarie Place**

- (i) to recognise and enhance Bridge Street as one of Sydney's pre-eminent urban spaces as well as being the locality of heritage buildings which have housed activities of State and national significance,
- (ii) to protect and extend morning sun access to Macquarie Place and sun access to Bridge Street and First Government House Place,

- (iii) to reinforce the quality of the existing built form and streetscape of Bridge Street and Macquarie Place by requiring new buildings to be built to the street alignment, and to have overall building heights which reinforce the existing predominant street frontage height and do not exceed the maximum heights nominated on the Height Map.

(h) **Macquarie Street**

- (i) to recognise Macquarie Street as one of Sydney's pre-eminent public spaces flanked by heritage buildings which house activities of State and national significance,
- (ii) to protect and extend mid-winter lunchtime sun access to Hyde Park, the Royal Botanic Gardens and The Domain,
- (iii) to reinforce the urban character and scale of Macquarie Street by requiring new buildings to be built to the street alignment, to have street frontage heights and building setbacks above street frontage heights consistent with the prevailing form of existing buildings nearby, and to have building setbacks above those street frontage heights.

(i) **Martin Place**

- (i) to recognise and enhance Martin Place as one of Central Sydney's great public and commemorative spaces, and as a valued business location,
- (ii) to protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August,
- (iii) to conserve and reinforce the heritage significance of this Special Area,
- (iv) to retain and enhance the urban character and scale of Martin Place by requiring new buildings to be built to the street alignment, to have street frontage heights consistent with the prevailing form of buildings adjacent to this Special Area, and to have building setbacks above those street frontage heights.

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Clause 51 Central Sydney Local Environmental Plan 1996

Part 7 Special Areas

(i) **Pitt Street Mall**

- (i) to recognise and enhance Pitt Street Mall as a key element of Central Sydney's retail core,
- (ii) to protect and extend lunchtime and late morning sun access to the Pitt Street Mall from mid-April to the end of August,
- (iii) to retain and enhance the urban character and scale of the Pitt Street Mall by requiring new buildings to be built to the street alignment, to have street frontage heights consistent with the prevailing form of existing buildings adjacent to this Special Area, and to have building setbacks above those street frontage heights.

(k) **Wynyard Park/Lang Park**

- (i) to recognise Wynyard Park and Lang Park as important elements of the public domain in the northern part of Central Sydney as well as the role of Lang Park as a northern 'gateway' to Central Sydney,
- (ii) to protect and extend mid-winter lunchtime sun access to Wynyard Park and Lang Park,
- (iii) to retain the sense of urban enclosure provided to Wynyard Park by the existing buildings by requiring new buildings to be built to the street alignment, and by requiring street frontage heights and setbacks above them to be compatible with the prevailing form of existing buildings surrounding Wynyard Park,
- (iv) to ensure that any development associated with the important public transport interchange provided at Wynyard is consistent with enhancement of the public domain of Wynyard Park.

(l) **Sydney Square, Sydney Town Hall and St Andrew's Cathedral**

- (i) to recognise Sydney Square as the pre-eminent public space for civic events and as a community meeting place,

- (ii) to protect and extend morning sun access to the steps of the Town Hall and lunchtime sun access to Sydney Square,
 - (iii) to reinforce the urban character and scale of Sydney Square by requiring new buildings surrounding the Square to be built to the street alignment, to have street frontage heights consistent with the prevailing form of buildings adjacent to this Special Area, and to have building setbacks above those street frontage heights,
 - (iv) to ensure that any development associated with the important public transport interchange provided at Town Hall is consistent with enhancement of the public domain of Sydney Square.
- (m) **Railway Square**
- (i) to recognise the role of Railway Square as the western and southern gateway to Central Sydney,
 - (ii) to maintain a high level of daylight access to the street by restricting building height,
 - (iii) to reinforce the urban character and scale of Railway Square by requiring new buildings surrounding the Square to be built to the street alignment, to have street frontage heights consistent with the prevailing form of buildings adjacent to this Special Area, and to have building setbacks above those street frontage heights,
 - (iv) to ensure that any development associated with the important public transport interchange provided at Railway Square is consistent with enhancement of the public domain of Railway Square.

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Clause 52 Central Sydney Local Environmental Plan 1996

Part 8 Control of demolition

Part 8 Control of demolition

52 Consent for demolition

- (1) The demolition of a building within Central Sydney may be carried out only with development consent.
- (2) Consent is not required (except in relation to a building or work that is a heritage item) for demolition ordered or undertaken by the Council in accordance with the *Local Government Act 1993* or for demolition of the following:

temporary structures or advertisements,
sheds, kiosks or garages,
roof structures, such as plant rooms, cooling towers or ducts,
shop fronts,
internal walls or ceilings, partitions or stairs.

Part 9 Subdivision

53 Consent for subdivision

- (1) Subdivision of land, including subdivision under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*, may be carried out only with development consent.
- (2) Subdivision under either of those Acts of a building by a strata plan or strata plan of subdivision or consolidation that illustrates lots designated for separate occupation in the plans that accompanied the application for approval of the building does not require development consent.
- (3) A subdivision, of commercial floor space by a lease or sub-lease does not require development consent.
- (4) A subdivision which creates a lot for a car parking space that is separable from the lot for a related residential unit is prohibited except where the lot for the car parking space is only for the use of a resident or occupant of the subject building.

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Clause 54 Central Sydney Local Environmental Plan 1996

Part 10 Minor council works

Part 10 Minor council works

54 Consent for minor council works

Development by or on behalf of the Council for the purpose of the following may be carried out on any land without development consent:

- (a) provision of street furniture, such as benches, bollards, Council information signs, public artwork installations, street lights and the like, but not fixed outdoor vending facilities, bus and light rail stop shelters, telephone kiosks and the like,
- (b) minor improvements to footpaths and other public pedestrian areas, such as tree planting and repaving,
- (c) street resurfacing, reconstruction of kerbs, footpaths, gutters and the like.

Part 11 Temporary uses

55 Consent for temporary uses of land

- (1) Regardless of any other provision of this Plan, the consent authority may grant consent for any particular development, other than designated development, to be carried out for a period of not more than 28 days, whether consecutive or non-consecutive, in any one year.
- (2) Regardless of any other provision of this Plan, the consent authority may grant consent for cultural activities (excluding development for the purpose of advertising or advertising structures) which are part of the Sydney Olympic Cultural Program approved by the Sydney Organising Committee for the Olympic Games to be carried out for a period of more than 28 days, whether consecutive or non-consecutive, in any one year.
- (3) Temporary uses may be carried out on all streets and public parks without development consent.

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Clause 56 Central Sydney Local Environmental Plan 1996

Part 12 Notification requirements

Part 12 Notification requirements

56 Notification of development to owners of adjoining land

- (1) Where an application is made for consent to carry out development on any land, the consent authority must give written notice of the application to such persons as appear to it to own adjoining land.
- (2) 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 of the strata scheme concerned is sufficient notice to the owner of each lot within the scheme.
- (3) Each notice is to contain the following information:
 - (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, during the period of 14 days from the date shown on the written notice, may make a submission in writing to the consent authority in relation to the development application,
 - (f) a plan showing the proposed development.
- (4) This clause does not require the consent authority to give notice of an application for consent to carry out development that the consent authority considers to be of a minor nature and which, in the consent authority's opinion, will not detrimentally affect the use and enjoyment of adjoining land.

57 Advertising of notice of development affecting other land

- (1) Where an application is made for consent to carry out development on any land which, in the consent authority's opinion, may 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 Central Sydney.
- (2) The notice is to 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.

58 Exceptions to advertising requirements

- (1) Clauses 56 and 57 do not apply if:
 - (a) a development application which has not been determined by the consent authority is amended in minor respects so that the proposed development is substantially the same or such a development application is withdrawn and a subsequent application is made with respect to substantially the same development, and
 - (b) the consent authority has already complied with clauses 56 and 57 (if applicable) with respect to the proposed development.
- (2) Clauses 56 and 57 do not apply to designated development as defined by the Act.

59 Development within the Metrowest Investigation Area

The consent authority may consent to the carrying out of development below ground level on land identified as the MetroWest Investigation Area in Schedule 8, or determined by the consent authority to be within the Metrowest Investigation Area, only after referral of the application to the State Rail Authority and consideration of any comments received from the State Rail Authority within 28 days of the date of referral.

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Clause 60 Central Sydney Local Environmental Plan 1996

Part 13 Special provisions for certain uses

Part 13 Special provisions for certain uses

60 Restricted premises and brothels

- (1) The consent authority may consent to the carrying out of development for the purpose of restricted premises or a brothel only if, in addition to any other conditions which may be imposed by the consent authority, conditions are imposed on the consent providing as follows:
- (a) no part of the restricted premises or brothel (other than an access corridor to the premises) is to be located:
 - (i) at the ground floor or street level of a building or within 15 metres, measured vertically, above or below the ground floor or street level of the building, or
 - (ii) in arcades, or
 - (iii) in other thoroughfares open to the public or used by the public,
 - (b) no part of the restricted premises or brothel, other than an access corridor to the restricted premises or brothel, is to be visible from a public place or shopping arcade,
 - (c) no part of the restricted premises or brothel, or of the building in which the restricted premises or brothel is situated, is to be used as a dwelling unless separate access is available to the dwelling,
 - (d) no advertisement or sign relating to the restricted premises or brothel, or the business carried out there (other than a sign allowed by subclause (2)) is to 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 or brothel,
 - (e) no merchandising display relating to the restricted premises or brothel, or the business carried out there, is to be erected, displayed or exhibited in an access corridor (including any stairwell to the restricted premises or brothel) so as to be open to the public or used by the public.

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- (2) Despite any other provision of this Plan, a person may, with development consent, erect, display, or exhibit a sign relating to restricted premises or a brothel if
- (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 600 millimetres in height or width, does not contain neon illumination and does not flash, and sets out only:
 - (i) the name of the person who conducts the business at the restricted premises or brothel or the registered name of the business carried on at the restricted premises or brothel, and
 - (ii) in the case of development for the purpose of restricted premises, the words, 'RESTRICTED PREMISES' in capital letters not more than 50 millimetres in height, and
 - (c) not more than one such sign is erected, displayed or exhibited to public view in the window or on a building including the restricted premises or brothel or in, outside or directly above an access way to the premises or brothel.
- (3) The consent authority, in considering a development application for the purpose of restricted premises or a brothel, is to consider each of the following:
- (a) the proximity of the site to schools, places of worship, aged persons' hostels, community facilities, major transport interchanges, residential buildings and places frequented by children,
 - (b) the proximity, number and nature of other restricted premises or brothels in the vicinity of the site and the likelihood of concentrations of such uses to the detriment of other uses,
 - (c) the public safety aspects of the proposal,
 - (d) the number of people who will work in the restricted premises or brothel,
 - (e) the likely impact on the amenity of the neighbourhood,
 - (f) the proposed hours of operation,
 - (g) the proximity of any Special Areas as defined in this Plan.
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Clause 61 Central Sydney Local Environmental Plan 1996

Part 13 Special provisions for certain uses

61 Access for mixed use buildings

The consent authority must not consent to a mixed use building which includes two or more dwellings unless it is satisfied that separate lift access and a separate entrance will be provided for use exclusively for the purpose of the dwellings.

62 Amusement centres

The consent authority, in considering a development application for the purpose of an amusement centre, is to consider each of the following:

- (a) the proximity of the site to schools, places of worship and residential development,
- (b) the proximity, number and nature of other amusement centres and entertainment facilities in the vicinity of the site,
- (c) the public safety aspects of the proposal,
- (d) the proximity of any Special Areas as defined in this Plan.

63 Advertisements

The placement, painting, application, projection or affixing of an advertisement on the exterior of a building may be carried out only with development consent.

Part 14 Reclassification of land

64 Reclassification of land known as Martin Place Shopping Circle

- (1) Pursuant to section 27 of the *Local Government Act 1993*, the land known as Martin Place Shopping Circle and described as Lot 1, DP 260232, at Martin Place in the City of Sydney, Parish of St James, County of Cumberland, is reclassified from community land to operational land.
- (2) Pursuant to section 30 (2) of the *Local Government Act 1993*, the reclassification of the land described in subclause (1) does not extinguish or in any way affect any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting that land or any part of that land.

Schedule 1 Dictionary

(Clause 6)

Adjoining land means any land which abuts the land the subject of the development application concerned or which would abut the land if it were not separated from it by a public road.

Advertisement means a sign, notice, device or representation in the nature of an outdoor advertisement visible from any public place or public reserve or from any navigable water.

Advertising structure means a structure used or to be used principally for the display of an advertisement.

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

Amusement centre means a building or place (not being a hotel or pub) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electrically or mechanically operated amusement devices, such as pinball machines, video games and the like.

Architectural roof features means minor decorative features such as finials, flag poles and the like.

Boarding house means a building or part of a building let in lodgings or a hostel, but does not include a hotel.

Brothel means premises used for prostitution, whether or not used by only one prostitute.

Central Sydney means the land shown edged heavy black on the Zoning Map.

Child care centre means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a non-government school, within the meaning of the *Education Reform Act 1990*, and

-
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

Club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or a part of the building is the premises of a club registered under the *Registered Clubs Act 1976*.

Commercial port operations means any port-related activity or other operation connected with the carrying of goods or people for business or commercial purposes.

Commercial premises means a building or place used as an office or for other business or commercial purposes, such as a bank, building society or any other building or place in which other customer-oriented financial services are provided.

Communication device means a satellite communication dish or similar structure, or a television antenna or radio transmission mast or aerial, with a maximum dimension of no more than 5 metres.

Community land has the same meaning as in the *Local Government Act 1993*.

Council means the Council of the City of Sydney.

Demolish a heritage item or any other building or structure, means to damage, deface, destroy, pull down or remove it in whole or in part.

Dredge means remove material from a harbour or river bed for the purpose of maintaining the previously established harbour or river depth, constructing a new or deeper navigational area or channel or re-opening a discontinued navigational area or channel.

Dwelling means a room or a suite of rooms occupied or so constructed or adapted as to be capable of being occupied or used as a separate dwelling.

Dwelling house means a building capable of containing 1 but not more than 1 dwelling.

Educational establishment means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

Existing height of a building means the height of the building at the commencement of this Plan.

Flag pole means a vertical support of not more than 1 metre in diameter the primary purpose of which is to enable a flag to be flown.

Floor means that space within a building which is situated between one floor level and the floor level above or, if there is no floor above, the ceiling or roof above.

Floor space area of a building means the sum of the gross horizontal areas of each floor of the building contained within the inner faces of the outer walls measured at a height of 1.5 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors and toilets, but excluding:

- (a) the horizontal cross section area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct,
- (b) any space permanently set aside within the building for underground parking (other than spaces used for public car parking), and for the unloading or loading of vehicles, including ramps or other means of access to it,
- (c) any space for the accommodation of mechanical or electrical plant or equipment servicing the building,
- (d) any terraces and balconies with walls less than 1.5 metres high,
- (e) enclosed balconies for residential development (not exceeding 5% of the floor space area of the building, calculated on the basis that they had not been excluded),
- (f) floor area set aside for communal recreational use within a residential building (not exceeding 5% of the floor space area of the building, calculated on the basis that this area had not been excluded),

-
- (g) grocery or convenience retailing located on one floor below ground level,
 - (h) ground level midblock connections with public access from 6 am to 10pm daily that are required by the consent authority.

Floor space ratio means the ratio of the floor space area of all buildings on a site to the site area.

Floor Space Ratio Map means the map marked ‘Central Sydney Local Environmental Plan 1996—Floor Space Ratio Map’.

Function room area means the floor area in hotels and like venues used for the seating of patrons at functions, excluding kitchens, amenities, corridors and vestibules.

Grocery or convenience retailing means the sale or provision of goods or services through outlets such as beauty salons, chemists, delicatessens, dry cleaners, electrical repairers, fruiterers, hairdressers, hardware shops, health food shops, newsagents, shoe repairers, supermarkets, video shops and the like, but not take-away food establishments.

Height of a building means the vertical distance measured in metres to the topmost point of the building (including plant and lift overruns, but excluding architectural roof features and communication devices) from the horizontal plane at the average of the heights of ground level at each end of the street frontage of the building, but:

- (a) if the building has frontages to more than one street, the vertical distance is to be measured from the horizontal plane at the average of the heights of ground level at each end of the highest and lowest street frontages of the building, unless paragraph (b) or (c) applies, or
- (b) if the building has frontages to two streets forming a street corner, the vertical distance is to be measured from the horizontal plane at the average of the heights of ground level at each end of the higher or highest street frontage of the building, unless paragraph (c) applies, or

- (c) if the building does not have a frontage to a street 10 or more metres wide, the vertical distance is to be measured from the horizontal plane at the average of the heights of ground level at each end of the street frontage of the building to the widest street to which the building has a frontage, unless paragraph (d) applies, or
- (d) if the building does not have a frontage to any street, the vertical distance is to be measured from the natural ground level, as it was at the commencement of this Plan, directly below the topmost point of the building or from the floor level of the building that is nearest to the former natural ground level directly below that point.

Height Map means the map marked 'Central Sydney Local Environmental Plan 1996—Height Map'.

Heritage building means a building with floor space area that is listed in Schedule 1 to *Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items*.

Heritage floor space means any heritage floor space awarded under this Plan.

Home occupation means an occupation carried on in a dwelling house or in a dwelling in a residential building by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*, or
- (b) the employment of persons other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident),

-
- (f) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, or
 - (g) prostitution.

Hotel means premises, licensed under the *Liquor Act 1982* to sell liquor, which provide accommodation consisting of more than 20 rooms or self-contained suites for guests that are rented or hired on a short-term basis without a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1987*.

Map means a map deposited in the office of the Council.

Master plan means a plan adopted by the Central Sydney Planning Committee as a Master Plan.

Motel means a building (other than a boarding house, residential building or serviced apartments) primarily used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building is also used for the provision of meals to those travellers or the general public.

Operational land has the same meaning as in the *Local Government Act 1993*.

Opportunity Site means a site listed in Schedule 7.

Place of public worship means a church, chapel, synagogue, temple or other place of public worship or religious instruction or a place used for religious training.

Private hotel means a building used primarily for short-term residential purposes or for shared accommodation which is not licensed under the *Liquor Act 1982*, but does not include a boarding house, dwelling house or serviced apartments.

Prostitution means sexual acts or sexual services engaged in in return for payment or other reward.

Pub means premises specified in a hotelier's licence granted under the *Liquor Act 1982* that do not comprise a hotel.

Public car parking means any land or space in a building used for accommodating parked vehicles on payment of a fee, but does not include a metered space (within the meaning of Part 3B of the *Traffic Act 1909*).

Public utility undertaking means any undertaking carried on by, or under the authority of, any Government department or agency, or pursuant to any Commonwealth or State Act, for the purpose of

- (a) railway, light railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

Reduced Level (RL) means height above the Australian Height Datum.

Refreshment rooms means premises in which meals or light refreshments are served to the public for profit or reward, whether or not they are also used for live entertainment or dancing.

Residential building means a building which contains one or more dwellings, and in which the residential component is owner-occupied or occupied by a tenant with a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1987*.

Restricted premises means a building or place at which:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
- (b) a business to which section 578E of the *Crimes Act 1900* applies is conducted,

but does not include a newsagency or pharmacy.

Sea wall means a structure placed partially or wholly along the landwater interface to protect the land from the sea or to stop accelerated erosion of the shoreline.

Serviced apartments means a building containing two or more self-contained dwellings:

- (a) which are used to provide short-term accommodation, but not subject to residential tenancy agreements within the meaning of the *Residential Tenancies Act 1987*, and
- (b) which are serviced or cleaned by the owner or manager of the apartments or the owner's or manager's agents.

Shop means a building or place used for selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Dictionary.

Site area, for the purpose of calculating a floor space ratio, means contiguous land to which an application for consent under the Act relates, but does not include either any land on which the development to which the application relates is not permitted by or under this Plan or any land excluded from the site area by clause 45 (7).

Special Area means land designated as a special area on the Special Areas Map.

Special Areas Map means the map marked 'Central Sydney Local Environmental Plan 1996—Special Areas Map'.

Street frontage height of a building, in relation to a street to which the building has a frontage, means the vertical distance measured in metres at the centre of the frontage from the average of the street levels at each end of the frontage to the parapet level of the building. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade of the building adjacent to the street is situated.

Sun access plane means a plane established and located in accordance with Schedule 4.

The Act means the *Environmental Planning and Assessment Act 1979*.

Zoning Map means the map marked 'Central Sydney Local Environmental Plan 1996—Zoning Map', as amended by the maps (or the specified sheets of the maps) marked as follows:

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Central Sydney Local Environmental Plan 1996

Schedule 2 Amendment of Central Sydney Local Environmental Plan 1992—
Conservation of Heritage Items

Schedule 2 Amendment of Central Sydney Local Environmental Plan 1992— Conservation of Heritage Items

(Clause 8 (3))

Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items is amended:

- (a) by omitting from clause 3 (1) the words ‘, except as provided by subclause (2)’,
- (b) by omitting clause 3 (2) and by inserting instead the following subclause:
 - (2) This plan also applies to:
 - (a) land at Haymarket shown edged heavy black on the map marked ‘The Council of the City of Sydney, Ultimo, Pyrmont, Haymarket Districts, Local Environmental Plan No. 30’, and
 - (b) land at Potts Point within the City of Sydney shown edged heavy black on the map marked ‘The Council of the City of Sydney, Local Environmental Plan No. 61’, and
 - (c) land at Chippendale within the City of Sydney shown edged heavy black on the map marked ‘The Council of the City of Sydney, Western District, Local Environmental Plan No. 66’.
- (c) by inserting at the end of clause 5 the following subclause:
 - (2) Maps referred to in this Plan are held at the office of the Council.

Central Sydney Local Environmental Plan 1996

Amendment of Central Sydney Local Environmental Plan 1992— Schedule 2
Conservation of Heritage Items

- (d) by inserting at the end of Schedule 1 (Buildings and Works), under the headings 'Name' and 'Location' the following matter:

BUILDINGS AND WORKS IN OTHER LOCALITIES

Buildings	16–40 Kensington Street Chippendale
Buildings	46–48 Kensington Street Chippendale
Jenner (Fleet Club)	2 Macleay Street, Potts Point
Buildings	1 Wylde Street, Potts Point
Wyldfel Gardens	8a Wylde Street, Potts Point
Field House	175–179 Thomas Street, Ultimo
Terraces	84–104 Cathedral Street, Woolloomooloo
Sydney Eye Hospital	1 Crown Street, Woolloomooloo

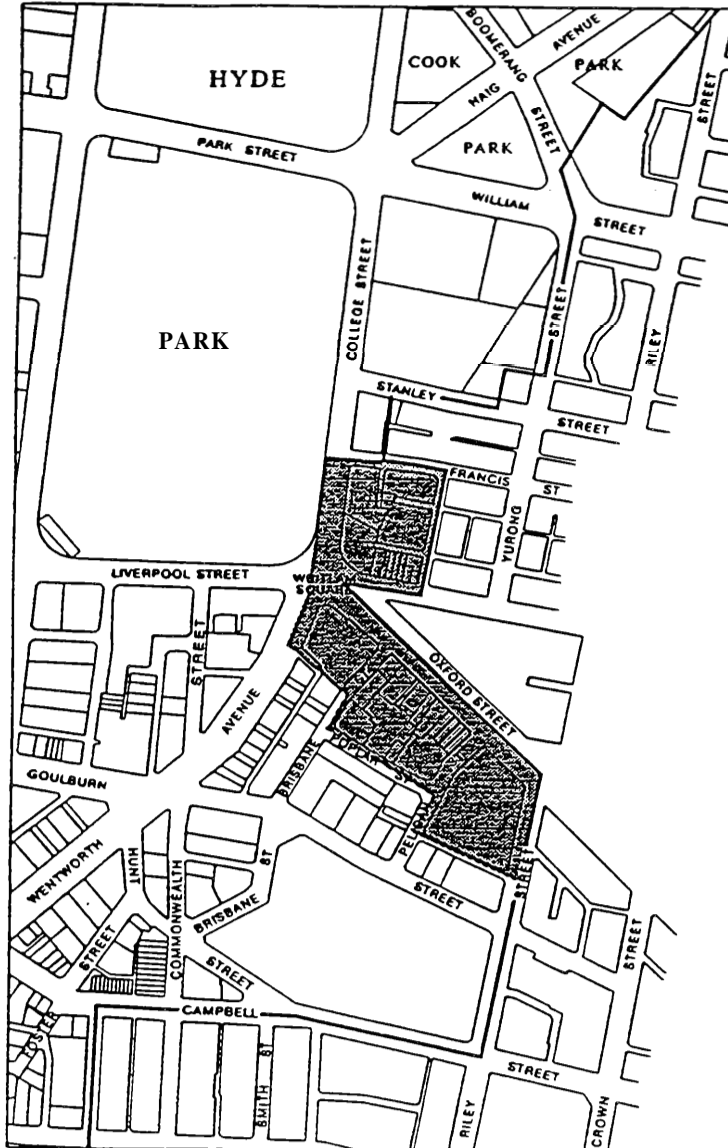
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Schedule 3 Oxford Street Area

Schedule 3 Oxford Street Area

(Clause 21 (2))



 Oxford Street area
 Plan Area boundary

0 100m



Schedule 4 Sun Access Planes

(Clause 30 (1), Schedule 1)

Sun access plane formula

Sun access planes are established for the parks and community places described in the Table to this Schedule. A sun access plane projects above land shown as affected by the plane on the Height Map and is located by applying the following formula:

$$H = V + (D \times \tan a)$$

where:

- H is the height, measured in metres, of a point in a sun access plane.
- V is the height, specified for this factor in the Table and measured in metres above ground level, at the part of the street alignment specified in the Table for the relevant sun access plane.
- D is the horizontal distance, from that part of the street alignment to the point in the sun access plane, measured in metres away from the relevant park or community place along the horizontal bearing (measured from true north) specified in the Table for the relevant sun access plane.
- a is the vertical angle in degrees, specified for this factor in the Table, corresponding to the horizontal bearing for the relevant sun access plane.

Sun access planes Table

Plane (see Height Map)	Park or community place	Horizontal bearing (degrees)	Vertical angle (degrees) (a)	Vertical height above ground level at part of street alignment (metres) (V)
A1	Belmore Park	359.05	32.67	25 m on the northern alignment of Hay Street between a point 95 m west of the western alignment of Pitt Street and the western alignment of Castlereagh Street.

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Schedule 4 Sun Access Planes

Sun access planes Table—continued

Plane (see Height Map)	Park or community place	Horizontal bearing (degrees)	Vertical angle (degrees) (a)	Vertical height above ground level at part of street alignment (metres) (V)
A2		328.53	25.59	35 m on the western alignment of Pitt Street between the northern alignment of Barlow Street and a point 25 m north of the northern alignment of Hay Street.
B1 B2	Hyde Park North	359.05 328.53	32.67 25.59	23.5m on the northern alignment of St James Road between the eastern alignment of Elizabeth Street and the western alignment of Macquarie Street.
C	Hyde Park West	328.53	25.59	45 m on the western alignment of Elizabeth Street between the northern alignment of Liverpool Street and the southern alignment of King Street.
D	Macquarie Place	37.90	38.99	35 m on the eastern alignment of Loftus Street between the northern alignment of Loftus Lane and the southern alignment of Custom Mouse Lane.
E	Martin Place	358.44	47.00	45 m on the northern alignment of Martin Place between the eastern alignment of George Street and the western alignment of Macquarie Street.

Sun access planes Table—continued

Plane (see Height Map)	Park or community place	Horizontal bearing (degrees)	Vertical angle (degrees) (a)	Vertical height above ground level at part of street alignment (metres) (V)
F1 F2	Pitt Street Mall	358.44 337.50	47.00 44.38	45 m on the northern alignment of King Street between the eastern alignment of Pitt Street and a point 25 m west of the western alignment of Pitt Street.
G	The Domain	328.53	25.59	25m on the western alignment of Hospital Road and the northern alignment of Prince Albert Road between the southern alignment of Shakespeare Place and the eastern alignment of Macquarie Street.
H	Royal Botanic Gardens	328.53	25.59	45 m on the western alignment of Macquarie Street from a point 94 m north of the northern alignment of Bent Street to the southern alignment of the Cahill Expressway.
II	Wynyard Park	359.05	32.67	30 m on the northern alignment of Margaret Street between the eastern alignment of York Street and a point directly north of the eastern alignment of Wynyard Park.

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Schedule 4 Sun Access Planes

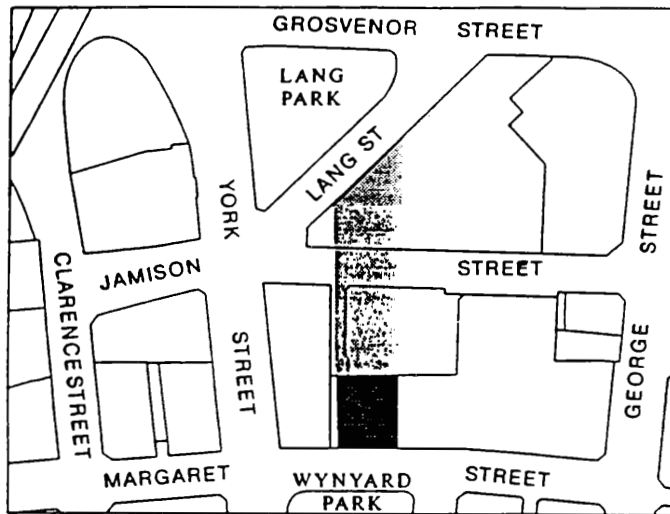
Sun access planes Table—continued

Plane (see Height Map)	Park or community place	Horizontal bearing (degrees)	Vertical angle (degrees) (e)	Vertical height above ground level at part of street alignment (metres) (V)
12		328.53	25.59	45 m on the western alignment of York Street between the northern alignment of Erskine Street and a point 32 m north of the northern alignment of Margaret Street.

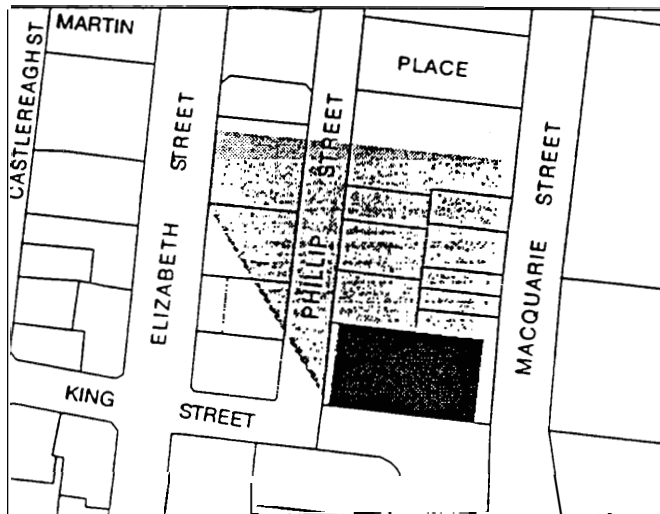
Schedule 5 Specified Sites

(Clause 33 (1))

SITES 1 and 2



Site 1



Site 2

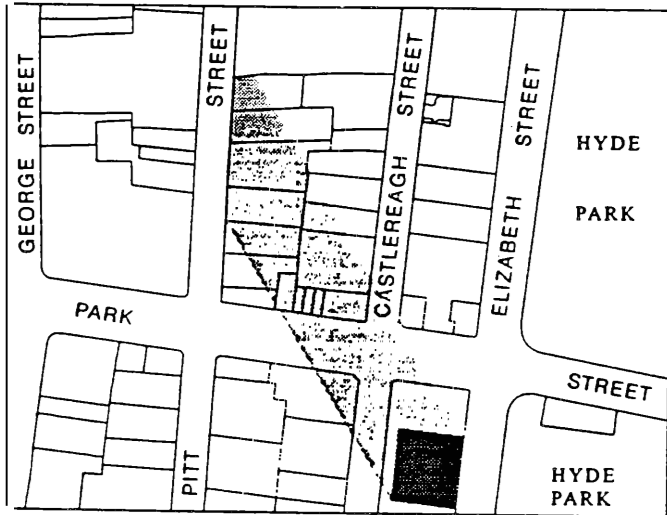
■ Category A
▨ Category B

0 20m

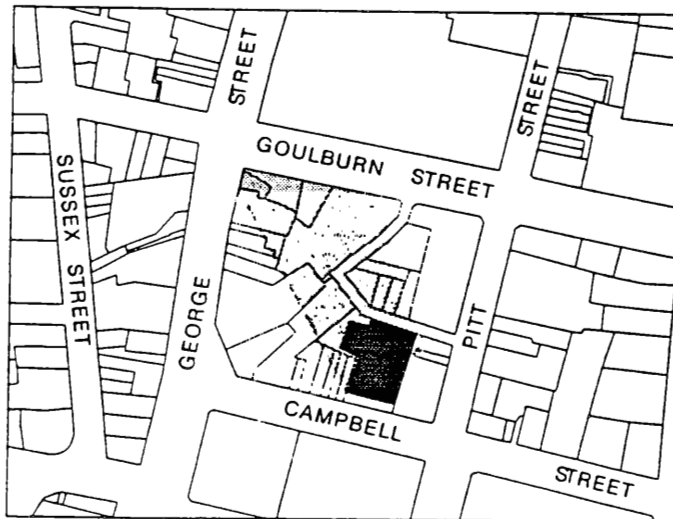


SPECIFIED SITES CATEGORIES A AND B

SITES 3 and 4



Site 3



Site 4

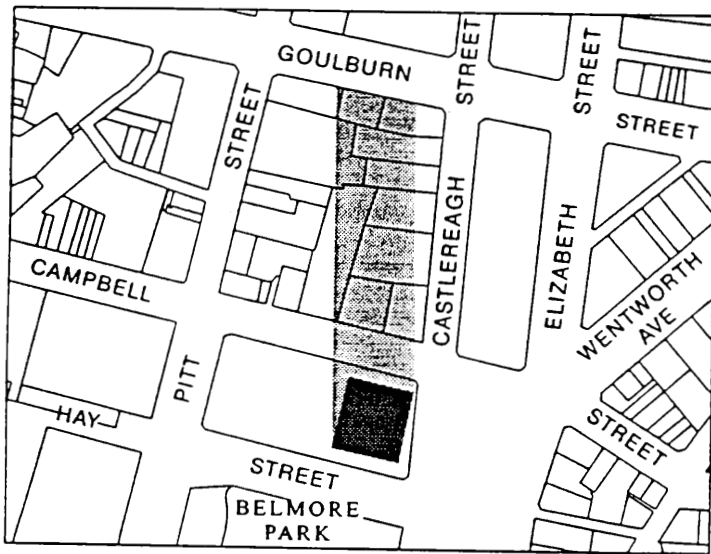
■ Category A
▨ Category B

0 20m





SPECIFIED SITES CATEGORIES A AND B

SITE 5



Site 5

-  Category A
-  Category B

0 20m



Schedule 6 Maximum Floor Space Ratios for Mixed Use Buildings

(Clause 36)

1. The maximum floor space ratio for a mixed use building with the allocation of heritage floor space to the site is:

$$FSR_M = (A \times FSR_{COMM}) + (B \times FSR_{HOTEL}) + (C \times FSR_{SA}) + (D \times FSR_{RES})$$

where:

- FSR_M is the maximum floor space ratio that can be achieved for the mixed use building with the allocation of heritage floor space to the site.
- A is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed use building.
- B is the proportion of hotel floor space area within the proposed mixed use building.
- C is the proportion of serviced apartment floor space area within the proposed mixed use building.
- D is the proportion of other residential floor space area within the proposed mixed use building.
- FSR_{COMM} is the maximum floor space ratio (with the allocation of heritage floor space to the site of the proposed building, if it is within Area A or B on the Floor Space Ratio Map) for commercial development and development not separately specified, being:
- 12.5:1 for Area A on the Floor Space Ratio Map, and
 - 7.5:1 for Area B on that map.
- FSR_{HOTEL} is the maximum floor space ratio (with the allocation of heritage floor space to the site of the proposed building, if it is within Area A or B on the Floor Space Ratio Map) for hotels, being:
- 12.5:1 for Area A on the Floor Space Ratio Map, and
 - 8:1 for Area B on that map.
- FSR_{SA} is the maximum floor space ratio (with the allocation of heritage floor space to the site of the proposed building, if it is within Area A on the Floor Space Ratio Map) for serviced apartments, being 15.5:1.
- FSR_{RES} is the maximum floor space ratio for residential buildings, being:
- 15.5:1 for Area A on the Floor Space Ratio Map,

- 9:1 for Area B on that map,
 8:1 for Area D on that map,
 6:1 for Area E on that map, and
 5:1 for Area F on that map.

2. The maximum floor space ratio for a mixed use building without the allocation of heritage floor space to the site is:

$$\mathbf{FSR_{N,M}} = (\mathbf{A} \times \mathbf{FSR_{N,COMM}}) + (\mathbf{B} \times \mathbf{FSR_{N,HOTEL}}) + (\mathbf{C} \times \mathbf{FSR_{N,SA}}) + (\mathbf{D} \times \mathbf{FSR_{N,RES}})$$

where:

- $\mathbf{FSR_{N,M}}$ is the maximum floor space ratio that can be achieved for the mixed use building without the allocation of heritage floor space to the site.
- A** is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed use building.
- B** is the proportion of hotel floor space area within the proposed mixed use building.
- C** is the proportion of serviced apartment floor space area within the proposed mixed use building.
- D** is the proportion of residential building floor space area within the proposed mixed use building.
- $\mathbf{FSR_{N,COMM}}$ is the maximum floor space ratio for a commercial building without the allocation of heritage floor space to the site, being:
- 10:1 for Area A on the Floor Space Ratio Map,
 6:1 for Area B on that map, and
 3:1 for Areas D, E, F and G on that map.
- $\mathbf{FSR_{N,HOTEL}}$ is the maximum floor space ratio for a hotel building without the allocation of heritage floor space to the site, being:
- 14:1 for Area A on the Floor Space Ratio Map, if development consent is granted before 1 January 1998,
 10:1 for Area A on that map, if development consent is granted on or after 1 January 1998,
 7:1 for Area B on that map,
 6:1 for Area D on that map,

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Schedule 6 Maximum Floor Space Ratios for Mixed Use Buildings

- 5:1 for Area E on that map,
- 4:1 for Area F on that map, and
- 3:1 for Area G on that map.

$FSR_{N,SA}$ is the maximum floor space ratio for a serviced apartment building without the allocation of heritage floor space to the site, being:

- 14:1 for Area A on the Floor Space Ratio Map, if development consent is granted before 1 January 1998,
- 12.5:1 for Area A on that map, if development consent is granted on or after 1 January 1998,
- 9:1 for Area B on that map,
- 8:1 for Area B on that map,
- 6:1 for Area E on that map,
- 5:1 for Area F on that map, and
- 3:1 for Area G on that map.

$FSR_{N,RES}$ is the maximum floor space ratio for residential development, being:

- 15.5:1 for Area A on the Floor Space Ratio Map,
- 9:1 for Area B on that map,
- 8:1 for Area B on that map,
- 6:1 for area E on that map, and
- 5:1 for Area F on that map.

Schedule 7 Opportunity Sites

(Clause 42 (1), Schedule 1)

SITE NUMBERS	NAME	ADDRESS	PROPERTY DETAILS	DESCRIPTION
1	Endeavour House	46-54 Pitt Street, Sydney	Lot 1 in D.P. 62581 and Lot 1 in D.P. 62940	Being land bounded by Pitt Street, Bridge Street and Macquarie Place, Sydney
2	Royal Exchange Building	21 Bridge Street, Sydney	Lot 1 in D.P. 222751	Being land bounded by Gresham Street, Bridge Street and Pitt Street, Sydney
3	National Australia Bank House	243-259 George Street, Sydney	Lot 2 in D.P. 630217	Being land bounded by Jamison Street, George Street and Grosvenor Street, Sydney
4	AAP Centre	16-32 Jamison Street, Sydney	Lot 1 in D.P. 630217	Being land bounded by Grosvenor Street, Lang Street, Jamison Street and George Street, Sydney
5	Westpac Plaza	265-273 George Street, Sydney	Lot 100 in D.P. 597228	Being land fronting Jamison Street on the north, George Street on the east and Margaret Street on the south, Sydney

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Schedule 7 Opportunity Sites

SITE NUMBERS	NAME	ADDRESS	PROPERTY DETAILS	DESCRIPTION
6	Citibank Centre	1 Margaret Street, Sydney	Lot 100 in D.P. 623192	Being land bounded by Clarence Street, Margaret Street and Kent Street, Sydney
7	State Authorities Superannuation Board	83-95 Clarence Street, Sydney	Lot 101 in D.P. 703679	Being land fronting Clarence Street on the east and Kent Street on the west, Sydney
8	Kent Telephone Exchange	97-105 Clarence Street, Sydney	Lot 1 in D.P. 721401, Lots A, B & C in D.P. 370818, Lot 1 in D.P. 700955 and Lot 3 in D.P. 653821	Being land fronting Clarence Street on the east and Kent Street on the west, Sydney
9	The Westpac Building	58 Martin Place, Sydney	Lot 1 in D.P. 221322 and Lot 1 in D.P. 589866	Being land bounded by Phillip Street, Martin Place and Macquarie Street, Sydney
10	The Prudential Building	37-51 Martin Place, Sydney	Lot 1 in D.P. 55093 and Lot 1 in D.P. 110109	Being land bounded by Elizabeth Street, Martin Place and Castlereagh Street, Sydney

SITE NUMBERS	NAME	ADDRESS	PROPERTY DETAILS	DESCRIPTION
11	MLC Centre	41-47 Castlereagh Street, Sydney	Lot 3 in D.P. 565938, Lot 5 in D.P. 588399 and Lot 1 in D.P. 598704	Being land bounded by King Street, Castlereagh Street and Martin Place, Sydney
12	Hooker House	173-179 Pitt Street, Sydney	Lot 1 in D.P. 597691	Being land fronting King Street on the south and Pitt Street on the east, Sydney
13	American Express Tower	378 George Street, Sydney	Lot 2 in D.P. 597691	Being land fronting King Street on the south and George Street on the west, Sydney
14	Westpac Bank	367-373 George Street, Sydney	Lot 1 in D.P. 226337	Being land fronting George Street on the east and King Street on the north, Sydney
15	National Mutual Centre	101-109 York Street, Sydney	Lot 1 in D.P. 600888	Being land bounded by Clarence Street, Market Street and York Street, Sydney
16	MMI Centre	397-411 Kent Street, Sydney	Sect 29, Lot 3 in D.P. 789753	Being land fronting Sussex Street, Market Street, and Kent Street, Sydney

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Schedule 7 Opportunity Sites

SITE NUMBERS	NAME	ADDRESS	PROPERTY DETAILS	DESCRIPTION
17	St Martins Tower	31 Market Street, Sydney	Lots A & B in D.P. 442132 and land in D.P. 60128, D.P. 61064, D.P. 62125 and D.P. 74978	Being land bounded by York Street, Market Street and Clarence Street, Sydney
18	Pacific Power Building	201–217 Elizabeth Street, Sydney	Lot 1 in D.P. 552399	Being land bounded by Elizabeth Street, Park Street and Castlereagh Street, Sydney
19	227 on Elizabeth	219–227 Elizabeth Street, Sydney	Lot 2 in D.P. 552399	Being land bounded by Castlereagh Street, Bathurst Street and Elizabeth Street, Sydney
20	Sydney Water Corporation Limited	115–123 Bathurst Street, Sydney	Lot 1 in D.P. 621404	Being land fronting Pitt Street on the east and Bathurst Street on the north, Sydney
21	Telstra House	231–249 Elizabeth Street, Sydney	Sect 15, Lot 231 in D.P. 749873	Being land fronting Castlereagh Street, Bathurst Street, and Elizabeth Street, Sydney

Central Sydney Local Environmental Plan 1996

Opportunity Sites

Schedule 7

SITE NUMBERS	NAME	ADDRESS	PROPERTY DETAILS	DESCRIPTION
22	Telecom House	324–330 Pitt Street, Sydney	Lot 1 in D.P. 953879, Lot 1 in D.P. 183752, Lot 1 in D.P. 88835, Lot 1 in D.P. 57216, and Lot 1 in D.P. 68120	Being land fronting Pitt Street on the west and Castlereagh Street on the east, Sydney
23	Masonic Centre	279–285 Castlereagh Street, Sydney	Lot 1 in D.P. 188822, Lot 1 in D.P. 779992 and Lot 1 in D.P. 577055	Being land fronting Goulburn Street on the south and Castlereagh Street on the east, Sydney
24	State Bank Building	1 Oxford Street, Sydney	Pt. Lots 1 & 2 in D.P. 505585, Pt. Lot 1 in D.P. 232288, Pt. Lot 1 in D.P. 76229 and land in D.P. 64799	Being land bounded by Brisbane Street, Oxford Street and Wentworth Avenue, Sydney
25	Sydney Plaza	59–69 Goulburn Street, Sydney	Pt. Lot 1 in D.P. 55636, Pt. Lot 1 in D.P. 56400, Pt. Lot 6 in D.P. 71414, Pt. Lot 6 in D.P. 76562, Lot 1 in D.P. 173220, Lot 1 in D.P. 34060 and D.P. 175078	Being land fronting Goulburn Street on the north and Cunningham Street on the south east, Sydney

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Schedule 7 Opportunity Sites

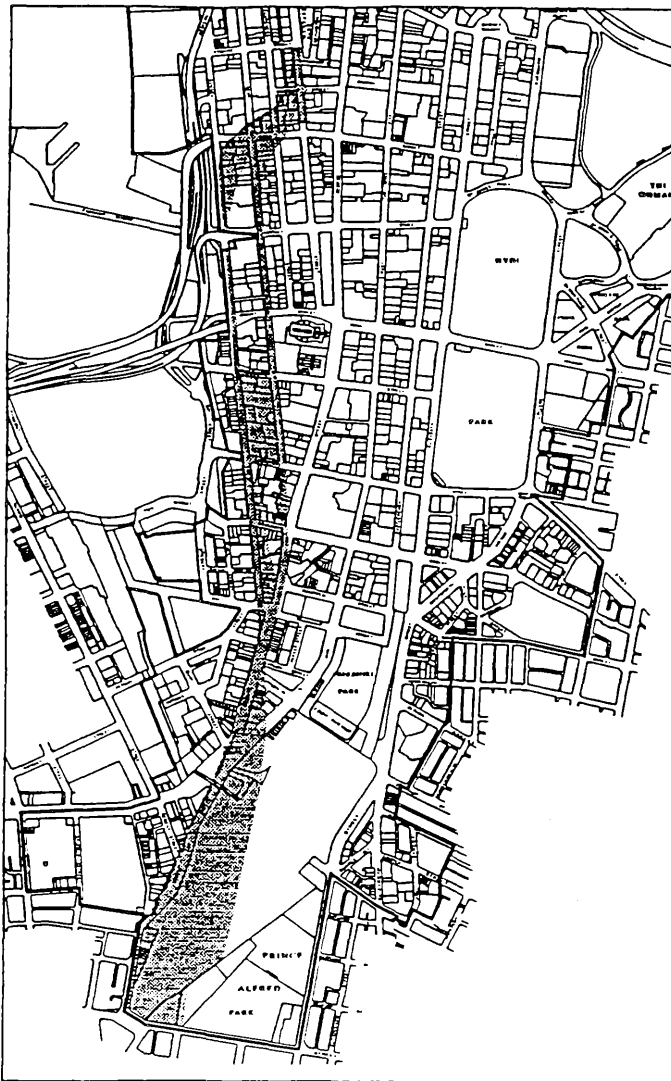
SITE NUMBERS	NAME	ADDRESS	PROPERTY DETAILS	DESCRIPTION
26	Oxford Koala Hotel	Oxford Street, Sydney	Lot 19 in D.P. 59434. Lots 22-23 in D.P. 61748	Being land bounded by Oxford Street, Riley Street, Goulburn Street and Pelican Street, Sydney
27	McKell Building	2 Rawson Place, Sydney	Lot 6 in D.P. 820360	Being land bounded by Pitt Street, Barlow Street, George Street and Rawson Place, Sydney
28	Centennial Plaza	256 Elizabeth Street, Sydney	Lots 1, 2 & 3 in D.P. 778411	Being land bounded by Foveaux Street, Mary Street, Albion Street and Elizabeth Street, Sydney



Opportunity Sites



Schedule 8 Metrowest Investigation Area

(Clause 59)



 MetroWest investigation area
 Plan Area boundary

0 200m



Note

Table of Provisions

Part 1 Preliminary

- 1 Name of this Plan
- 2 Land covered by this Plan
- 3 The consent authority
- 4 Effect of aims, objectives and policies
- 5 Review of this Plan and floor space incentives
- 6 Dictionary
- 7 Adoption of Model Provisions
- 8 Relationship of this Plan to other environmental planning instruments
- 9 Determination of certain pending development applications
- 10 Conditions of development consent

Part 2 Aims, objectives and principles of this Plan

- 11 The aims of this Plan
- 12 The objectives of this Plan
- 13 The principles of this Plan

Part 3 Zoning

Division 1 General

- 14 Land use zones
- 15 Effect of zone Objectives
- 16 Development near zone boundaries
- 17 Master plans for certain sites

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Division 2 City Centre zone

- 18 Objectives of the City Centre zone
- 19 Development within the City Centre zone

Division 3 City Edge zone

- 20 Objectives of the City Edge zone
- 21 Development within the City Edge zone

Division 4 Residential zone

- 22 Objectives of the Residential zone
- 23 Development within the Residential zone

Division 5 Maritime and Transport zone

- 24 Objectives of the Maritime and Transport zone
- 25 Development within the Maritime and Transport zone

Division 6 Parks and Community Places zone

- 26 Objectives of the Parks and Community Places zone
- 27 Development within the Parks and Community Places zone
- 28 Residential development on Wharf 11, Woolloomooloo

Part 4 Height of buildings

- 29 Objectives for the control of height of buildings
- 30 Sun access planes
- 31 No additional overshadowing
- 32 Height of buildings
- 33 Height of buildings on a Category A or B site

Part 5 Floor space ratios

- 34 Objectives for floor space ratio controls
- 35 Maximum floor space ratios—generally
- 36 Maximum floor space ratios—mixed use buildings

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- 37 Floor space ratios for development which includes cinemas, theatres or recital halls
- 38 Floor space ratios for hotels for a specified period
- 39 Floor space ratios for serviced apartments for a specified period
- 40 Floor space ratios for residential buildings
- 41 Floor space ratios for clubs
- 42 Higher floor space ratios for Opportunity Sites and certain colonnades
- 43 Calculation of floor space for buildings adjacent to certain land within the Parks and Community Places zone
- 44 Objectives for the award and allocation of heritage floor space
- 45 Award and allocation of heritage floor space
- 46 Floor space provisions for tower buildings with nominated street frontage heights above 20 metres

Part 6 Car parking

- 47 Objectives for car parking controls
- 48 Car parking provisions

Part 7 Special Areas

- 49 Objectives of the controls for Special Areas
- 50 Identification of Special Areas
- 51 Objectives for each Special Area

Part 8 Control of demolition

- 52 Consent for demolition

Part 9 Subdivision

- 53 Consent for subdivision

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Note

Part 10 Minor council works

- 54 Consent for minor council works

Part 11 Temporary uses

- 55 Consent for temporary uses of land

Part 12 Notification requirements

- 56 Notification of development to owners of adjoining land
- 57 Advertising of notice of development affecting other land
- 58 Exceptions to advertising requirements
- 59 Development within the MetroWest Investigation Area

Part 13 Special provisions for certain uses

- 60 Restricted premises and brothels
- 61 Access for mixed use buildings
- 62 Amusement centres
- 63 Advertisements

Part 14 Reclassification of land

- 64 Reclassification of land known as Martin Place Shopping Circle

Schedules

- 1 Dictionary
- 2 Amendment of Central Sydney Local Environmental Plan 1992—Conservation of Heritage Items
- 3 Oxford Street Area
- 4 Sun Access Planes

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Note

- 5 Specified Sites
- 6 Maximum Floor Space Ratios for Mixed Use Buildings
- 7 Opportunity Sites
- 8 MetroWest Investigation Area