



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/00714-1)

FRANK SARTOR, M.P.,
Minister for Planning

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)*.

2 Definition

In this Policy, *the principal Policy* means *State Environmental Planning Policy (Major Projects) 2005*.

3 Aims of Policy

The aims of this Policy are:

- (a) to identify certain land to which this Policy applies as a State significant site under the principal Policy, and
- (b) to establish appropriate zoning and other development controls for that land, and
- (c) to promote development on that land that is appropriate and satisfies the principles of ecologically sustainable development, and
- (d) to encourage the revitalisation of that land, and
- (e) to identify and protect the heritage significance of buildings on that land, and
- (f) to correct an incorrect reference in Schedule 5 to the principal Policy.

4 Land to which Policy applies

- (1) Schedule 1 [1] to this Policy applies to the land shown edged heavy black on Map 9 to Schedule 3 to the principal Policy (to be inserted by Schedule 1 [2]).
- (2) Schedule 1 [3] to this Policy applies to the Liverpool Hospital redevelopment site (as defined in clause 3 of Schedule 5 to the principal Policy).

**5 Amendment of State Environmental Planning Policy (Major Projects)
2005**

State Environmental Planning Policy (Major Projects) 2005 is
amended as set out in Schedule 1.

2007 No 345

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

(Clause 5)

[1] Schedule 3 State significant sites

Insert in appropriate order in the Schedule (before the maps):

Part 11 Caritas site

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land identified on Map 9 to this Schedule, referred to in this Schedule as the *Caritas site*.

2 Interpretation

A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

3 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

Division 2 Provisions relating to development within Caritas site

4 Application of Division

This Division applies with respect to development on land within the Caritas site.

5 Land use zone

- (1) Land within the Caritas site is within Zone B4 Mixed Use.
- (2) The consent authority must have regard to the objectives of Zone B4 Mixed Use when determining a development application in respect of land within that zone.

6 Zone B4 Mixed Use

- (1) The objectives of Zone B4 Mixed Use are as follows:
 - (a) to provide a mixture of compatible land uses,
 - (b) to maximise public transport patronage and encourage walking and cycling,
 - (c) to incorporate contemporary urban design principles in the design of new buildings and the interpretation of their relationship with the public domain and heritage buildings,
 - (d) to facilitate the conservation and adaptive reuse of items and areas of heritage significance,
 - (e) to promote mixed use planning by locating mutually supportive and compatible uses such as residential uses, places of employment and retail uses in close proximity to each other so as to minimise the need for travel by car.
- (2) Except as otherwise provided by this Division, development may be carried out with consent on land within Zone B4 Mixed Use.

7 Exempt and complying development

Development on land within the Caritas site that satisfies the requirements for exempt development or complying development specified in *South Sydney Development Control Plan 1999—Exempt and Complying Development* (as in force on 1 August 2000) is exempt development or complying development, as appropriate.

2007 No 345

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

8 Public utility undertakings excepted

Development for the purpose of a public utility undertaking that is carried out on land within the Caritas site does not require consent.

Note. As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act.

9 Subdivision—consent requirements

- (1) Land within the Caritas site may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

10 Height of buildings

- (1) Except as provided by subclause (2), the height of a building on any land within the Caritas site is not to exceed the maximum number of storeys shown for the land on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)—Caritas Site Building Height Map” (the *Caritas Site Building Height Map*).
- (2) If the Caritas Site Building Height Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified RL.

11 Floor space ratio

The floor space ratio of a building on the Caritas site is not to exceed 2.75:1.

12 Gross floor area restrictions

- (1) The maximum gross floor area of all buildings on the Caritas site is not to exceed 12,315 square metres.
- (2) Consent must not be granted for:
 - (a) the erection of a new building, or
 - (b) a change of use of an existing building,if it would result in the total gross floor area of business premises and retail premises on the Caritas site being less than 10% of the maximum gross floor area permitted by subclause (1).

13 Calculation of floor space ratio and site area**(1) Objectives**

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) Definition of "floor space ratio"

The *floor space ratio* of buildings on a site is the ratio of the total floor space area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or

2007 No 345

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Policy or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the *restricted lot*) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the Caritas site by this Part is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

14 Heritage conservation

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
- (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
 - (b) damage or remove the relic, or
 - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
 - (d) damage or despoil the tree or place, or
 - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree or land on which the building, work or relic is situated or that comprises the place, or
 - (g) make structural changes to the interior of the building or work,
- except with the consent of the consent authority.

2007 No 345

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

- (2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (a) is of a minor nature, or is for the maintenance of the heritage item, and
 - (b) would not adversely affect the significance of the heritage item.
- (3) In this clause, *heritage item* means a building, work, relic, tree or place that is indicated as a heritage item on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)—Caritas Site Heritage Conservation Map”.

Division 3 Miscellaneous

15 Consent authority

The consent authority for development on land within the Caritas site is, subject to the Act, the Council of the City of Sydney.

16 Relationship with other environmental planning instruments

- (1) This Policy and all other State environmental planning policies (except *State Environmental Planning Policy No 1—Development Standards*) apply, according to their terms, to the Caritas site.
- (2) *South Sydney Local Environmental Plan 1998* does not apply to the Caritas site.

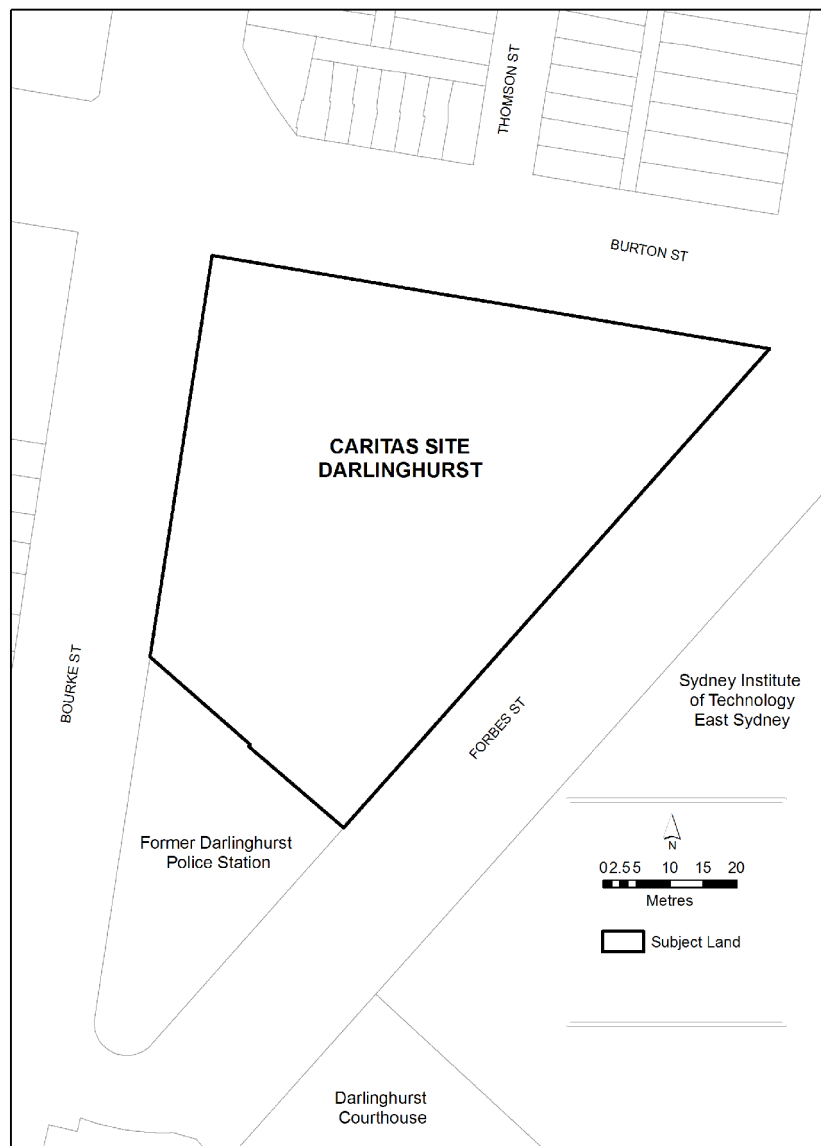
17 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within the Caritas site to be carried out in accordance with this Part or with a consent granted under the Act, any agreement, covenant or similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1) and (2).

[2] Schedule 3

Insert in appropriate order in the Schedule:

Map 9—Schedule 3—Caritas site



2007 No 345

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

[3] Schedule 5 Critical infrastructure projects

Omit “DP 758628” from clause 3 (1) (i). Insert instead “DP 758620”.

BY AUTHORITY
