

# South Sydney Local Environmental Plan 1998

[1998-225]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
*State Environmental Planning Policy (Affordable Rental Housing) 2009 (364)* (LW 31.7.2009), Sch 3.2 [2]-[4] (not commenced — to commence on the commencement of Sch 3.1 [6] to the *Environmental Planning and Assessment Amendment Act 2008 No 36*)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 12 September 2013

# South Sydney Local Environmental Plan 1998



New South Wales

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# South Sydney Local Environmental Plan 1998



New South Wales

## Part 1 Introduction

### 1 Name of plan

This plan is *South Sydney Local Environmental Plan 1998*.

### 2 Area covered by this plan

- (1) This plan applies to the whole of the City of South Sydney, except:
  - (a) land to which *Sydney Regional Environmental Plan No 26—City West* applies, and
  - (b) land to which *State Environmental Planning Policy No 47—Moore Park Showground* applies, and
  - (b1) land to which *Sydney Local Environmental Plan 2012* applies, and
  - (c) land shown coloured grey and marked “excluded” on the map.
- (2) The land to which this plan applies is shown by distinctive edging on the map.
- (3) To the extent that clauses 22–27, definitions in Schedule 1 of terms used in those clauses and entries in Schedule 2, 2A or 2B relate to land subject to the *City of Sydney Planning Scheme Ordinance* or *South Sydney Local Environmental Plan No 114 (Southern Industrial and Rosebery/Zetland Planning Districts)*, this plan also applies to that land, despite subclauses (1) and (2).

### 3 Relationship to other environmental planning instruments

This plan repeals:

- (a) the *City of Sydney Planning Scheme Ordinance*,
- (b) *Sydney Local Environmental Plan No 30*, *Sydney Local Environmental Plan No 66*, *South Sydney Local Environmental Plan No 101*, *South Sydney Local Environmental Plan No 107 (Erskineville/Alexandria and Surry Hills)*, *South Sydney Local Environmental Plan No 109—Rental Accommodation*, *South Sydney Local Environmental Plan No 110—Child Care Centres* and *South Sydney Local Environmental Plan No 114*

*(Southern Industrial and Rosebery/Zetland Planning Districts)*, and

(c) all other local environmental plans and deemed environmental planning instruments, but only to the extent that they applied, immediately before the appointed day, to land to which this plan applies within the City of South Sydney.

#### **4 Consent authority**

The Council is the consent authority for the purposes of this plan.

#### **5 Definitions**

(1) Definitions used in this plan are set out in Schedule 1.

(2) In this plan:

(a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and

(b) a reference to a map is a reference to a map deposited in the office of the Council.

(3) Notes in this plan and the list of its contents do not form part of this plan.

## **Part 2 Planning principles**

#### **6 Aim**

The aim of this plan is to establish the framework for future development within the City of South Sydney.

#### **7 Principal objectives**

The principal objectives of this plan are:

(a) to ensure a sustainable City of South Sydney through the efficient and equitable management and allocation of resources, and

(b) to enhance the quality of life and well-being of the local community, and

(c) to implement the goals and objectives contained in the *Strategy for a Sustainable City of South Sydney* published in June 1995 by the Council, and

(d) to repeal all the existing local environmental planning instruments applying to the land to which this plan applies to the extent to which they apply to that land, and to replace those controls with a single local environmental plan, and

(e) to rationalise the former land use restrictions by creating a small number of zones, and

(f) to create an integrated planning framework of land use controls which allow detailed

provisions to be made in development control plans.

## **8 Consideration of Council's strategy**

In assessing any development application, the Council must take into consideration the goals and objectives contained in the *Strategy for a Sustainable City of South Sydney* to the extent that they relate to the proposed development.

## **Part 3 General restrictions on development**

### **9 Zones indicated on the map**

For the purposes of this plan, the following zones apply to land as shown on the map:

Zone No 2 (a) Residential (Low Density) Zone

Zone No 2 (b) Residential (Medium Density) Zone

Zone No 3 Business Zone

Zone No 4 Industrial Zone

Zone No 5 Special Uses Zone

Zone No 6 (a) Local Recreation Zone

Zone No 6 (b) Regional Recreation Zone

Zone No 9 (a) Arterial Road Reservation Zone

Zone No 9 (b) Local Road Reservation Zone

Zone No 9 (c) Local Recreation Reservation Zone

Zone No 10 Mixed Uses Zone

Zone No 10 (a) Mixed Uses "A" Zone

Zone No 10 (b) Mixed Uses "B" Zone

Zone No 10 (c) Mixed Uses "C" Zone

Zone No 10 (d) Mixed Uses "D" Zone

Zone No 10 (e) Mixed Uses "E" Zone

Zone No 11 (a) Green Square Town Centre Zone

Zone No 11 (b) Green Square Town Centre Public Domain Zone



## **10 Zone objectives and general development controls**

Except as otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the proposal is consistent with the objectives of the zone within which the land is located.

### **10A (Repealed)**

## **11 Zoning controls for Zone No 2 (a)—the Residential (Low Density) Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 2 (a) are:

- (a) to preserve the amenity of existing low density residential areas, and
- (b) to nominate those localities which are primarily low density residential and where future residential development of comparable density is likely to occur, and
- (c) to ensure that building form, (including alterations and additions) is in character with the surrounding built environment and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment, and
- (d) to provide opportunities for non-residential development which provides services or employment for residents, and is of a type and scale that is compatible with existing or planned residential development, and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment.

(2) **What does not require development consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:

boarding houses; child care centres; dwelling houses; educational establishments; home industries; local businesses; professional consulting rooms; roads; temporary buildings.

Any other development not included in subclause (2).

### **Notes—**

The consequences of carrying out development in this zone without development consent are the same as for carrying out prohibited development, unless the development is allowed to be carried out without consent by an Act, this plan or another environmental planning instrument.

Clause 10 provides that such a development consent must not be granted unless the Council is of the opinion that the proposed development is consistent with the objectives of this zone.

## **12 Zoning controls for Zone No 2 (b)—the Residential (Medium Density) Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 2 (b) are:

- (a) to enhance the amenity of existing medium density residential areas, and
- (b) to nominate those localities which are primarily residential and where future residential development is likely to occur, and
- (c) to ensure that building form including alterations and additions, is in character with the surrounding built environment and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment, and
- (d) to provide limited opportunities for non-residential development which provides goods, services or employment for residents and is of a type and scale that is compatible with existing or planned residential development and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment, and
- (e) to facilitate a higher density and diverse forms of residential development on appropriate sites, and
- (f) to facilitate opportunities for small scale local business activity which is compatible with existing residential areas.

(2) **What does not require development consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:

bed and breakfasts; boarding houses; child care centres; community centres; dwelling houses; educational establishments; home industries; hospitals; local businesses; local shops; multiple dwellings; places of public worship; professional consulting rooms; public buildings; roads; temporary buildings.

Any other development not included in subclause (2).

**Notes—**

The consequences of carrying out development in this zone without development consent are the same as for carrying out prohibited development, unless the development is allowed to be carried out without consent by an Act, this plan or another environmental planning instrument.

Clause 10 provides that such a development consent must not be granted unless the Council is of the opinion that the proposed development is consistent with the objectives of this zone.

### **13 Zoning controls for Zone No 3—the Business Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 3 are:

- (a) to encourage suitable types of mixes of business activities including retail, commercial, professional and entertainment-related land uses that increase employment opportunities and contribute towards the economic and social vitality of the area, and

- (b) to permit appropriate forms of urban residential development within the zone to mutually support the vitality of the commercial strips and centres, and in doing so, assist successful urban consolidation, and
- (c) to improve the amenity and accessibility of commercial strips and centres for residents, workers and visitors in those areas, and
- (d) to incorporate contemporary urban design principles in the design of new buildings and the interpretation of their relationship with the public domain, and
- (e) to implement the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process, and
- (f) to encourage the integration of suitable employment and resident intensive activities into accessible locations so as to maximise public transport patronage and encourage travel by foot and bicycle from surrounding areas.

(2) **What does not require development consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:

advertising structures; amusement centres; backpackers' hostels; bed and breakfasts; boarding houses; bulky goods retailing; car parking stations; car repair stations; child care centres; clubs; commercial premises; community centres; dwellings attached to, or within a building used or intended to be used for, a land use which is permissible within the zone; educational establishments; high technology industries; home industries; hospitals; hotels; light industries; local businesses; medical centres; motels; motor showrooms; multiple dwellings; passenger transport terminals; places of assembly; places of public worship; private hotels; public buildings; recreation areas; recreation facilities; restaurants; restricted premises; roads; service stations; serviced apartments; shops; temporary buildings; vehicle rental centres.

Any other development not included in subclause (2).

**Notes—**

The consequences of carrying out development in this zone without development consent are the same as for carrying out prohibited development, unless the development is allowed to be carried out without consent by an Act, this plan or another environmental planning instrument.

Clause 10 provides that such a development consent must not be granted unless the Council is of the opinion that the proposed development is consistent with the objectives of this zone.

## **14 Zoning controls for Zone No 4—the Industrial Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 4 are:

- (a) to facilitate and encourage suitable types of industrial development ranging from general industry to high technology industry, including warehousing, manufacturing and distribution centres, or other land uses which, due to their type, nature, scale, transport requirements or impacts, cannot reasonably be located in another zone, and
  - (b) to allow for a range of ancillary, non-industrial land uses that provide direct services to industrial activities and their workforce, including associated research, administration, commercial and retail facilities, and
  - (c) to ensure that development is carried out in a manner which does not detract from the amenity enjoyed by residents in neighbouring localities, the viability of commercial centres in the vicinity, or from the efficient operation of the local or regional road system, and
  - (d) to provide for appropriate forms of industrial development which will contribute to the economic and employment growth of the area, and
  - (e) to improve the environmental quality of the City of South Sydney by ensuring that industries conform to strict environmental and hazard reduction guidelines, and
  - (f) to ensure that the scale, design and materials of construction, and the nature of development, contribute positively to the visual quality of major access routes.
- (2) **What does not require development consent?** Exempt development referred to in clause 10A.

- (3) **What requires development consent?** Development for the purpose of:

advertising structures; bulky goods retailing; car repair stations; child care centres; depots; dwellings used in conjunction with a land use which is permissible in the zone; equipment hire centres; high technology industries; industries; light industries; materials recycling depots; mines; motor showrooms; places of assembly; places of public worship; public buildings; recreation areas; recreation facilities; road transport terminals; roads; service stations; temporary buildings; vehicle rental centres; warehouses or distribution centres.

Any other development not included in subclause (2).

**Notes—**

The consequences of carrying out development in this zone without development consent are the same as for carrying out prohibited development, unless the development is allowed to be carried out without consent by an Act, this plan or another environmental planning instrument.

Clause 10 provides that such a development consent must not be granted unless the Council is of the opinion that the proposed development is consistent with the objectives of this zone.

## **15 Zoning controls for Zone No 5—the Special Uses Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 5 are:

- (a) to facilitate certain development on land which is, or is proposed to be, used by public authorities, institutions, organisations or the Council to provide community facilities, services, utilities or transport facilities, and
- (b) to allow other ancillary development which is incidental to the primary use specified on the map, and
- (c) to provide flexibility in the development of sites identified for special uses by allowing development which is permissible on adjoining or adjacent land, and
- (d) for land in the zone and within Green Square, in addition to the above:
  - (i) to reflect and reinforce the need for proper recognition of community land and facilities as part of a robust public domain in the Green Square locality, and
  - (ii) to recognise that protecting and improving the quality, accessibility and impact of the public domain makes a fundamental contribution to the social, economic, environmental and urban design outcomes for the area, and
  - (iii) to ensure that development contributes to a sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues.

(2) **What does not require development consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:

The particular land use indicated by red lettering on the map, or land uses which are ancillary or incidental to that land use; development that may be carried out (with or without consent) on adjoining or adjacent land in the same or a different zone; roads; temporary buildings.

(4) **What is prohibited?** Development not included in subclause (2) or (3).

## **16 Zoning controls for Zone No 6 (a)—the Local Recreation Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 6 (a) are:

- (a) to enable development of land for open space and recreational purposes, and
- (b) to enable other ancillary or related development which will encourage the enjoyment of land zoned for local recreation, and
- (c) to increase the provision and diversity of public open space and recreational land within the City of South Sydney to meet the needs of local residents, and

- (d) to enhance the environmental quality of the City of South Sydney, and
- (e) to encourage the use of natural drainage features to increase the availability of useable open space, and
- (f) for land in the zone and within Green Square, in addition to the above, to ensure that development contributes to a sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues.

- (2) **What does not require development consent?** Any development identified in a plan of management adopted by the Council under the *Local Government Act 1993* and which does not involve the creation of any gross floor area.

Development for the purpose of:

gardening; landscaping; public lighting.

Exempt development referred to in clause 10A.

- (3) **What requires development consent?** Any development identified in a plan of management adopted by the Council under the *Local Government Act 1993* and which involves the creation of any gross floor area.

Development for the purpose of:

child care centres; markets; places of assembly; public art; recreation areas; recreation facilities; roads; temporary buildings.

Any other development not included in subclause (2).

**Notes—**

The consequences of carrying out development in this zone without development consent are the same as for carrying out prohibited development, unless the development is allowed to be carried out without consent by an Act, this plan or another environmental planning instrument.

Clause 10 provides that such a development consent must not be granted unless the Council is of the opinion that the proposed development is consistent with the objectives of this zone.

**17 Zoning controls for Zone No 6 (b)—the Regional Recreation Zone**

- (1) **What are the objectives of the zone?** The objectives of Zone No 6 (b) are:

- (a) to define areas used for regional recreation, and major sporting and recreational facilities, which serve the needs of the local population and of the wider Sydney region, and
- (b) to provide opportunities for new regional sporting, recreational, and entertainment-related development on appropriate sites, and

(c) to ensure that future development does not unreasonably detract from the amenity enjoyed by nearby residents, or the quality of the surrounding environment, by reason of the impact of things such as noise and light emission, traffic generation, the hours of operation, pedestrian traffic or any other nuisance generated.

(2) **What does not require development consent?** Development for the purpose of:  
gardening; landscaping; public lighting.

Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:  
child care centres; roads; temporary buildings.

Any other development not included in subclause (2).

**Notes—**

The consequences of carrying out development in this zone without development consent are the same as for carrying out prohibited development, unless the development is allowed to be carried out without consent by an Act, this plan or another environmental planning instrument.

Clause 10 provides that such a development consent must not be granted unless the Council is of the opinion that the proposed development is consistent with the objectives of this zone.

**18 Zoning controls for Zone No 9 (a)—the Arterial Road Reservation Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 9 (a) are:

- (a) to identify land to be acquired for arterial roads or the widening of arterial roads, and
- (b) to provide flexibility in the development of sites identified for future arterial roads by allowing development which is permissible in an adjacent zone and consistent with the objectives for that zone.

(2) **What does not require development consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development which may be carried out (with or without consent) on land in (and is consistent with the objectives of) an adjoining zone.

Development for the purpose of:

commercial signs; non-structural advertisements; under awning signs.

(4) **What is prohibited?** Development not included in subclause (2) or (3).

## **19 Zoning controls for Zone No 9 (b)—the Local Road Reservation Zone**

- (1) **What are the objectives of the zone?** The objectives of Zone No 9 (b) are:
- (a) to identify land to be acquired for local roads or the widening of local roads, and
  - (b) to provide flexibility in the development of sites identified for future local roads by allowing development which is permissible in an adjacent zone and consistent with the objectives for that zone.
- (2) **What does not require development consent?** Development for the purpose of:
- local roads; local road widening.
- Exempt development referred to in clause 10A.
- (3) **What requires development consent?** Development not included in subclause (2) which may be carried out (with or without consent) on land in (and is consistent with the objectives of) an adjoining zone.
- (4) **What is prohibited?** Development not included in subclause (2) or (3).

## **20 Zoning controls for Zone No 9 (c)—the Local Recreation Reservation Zone**

- (1) **What are the objectives of the zone?** The objectives of Zone No 9 (c) are:
- (a) to identify land to be acquired for local open space and recreation, and
  - (b) to provide flexibility in the development of sites identified for future recreation by allowing development which is permissible in an adjacent zone and consistent with the objectives for that zone.
- (2) **What does not require development consent?** Any development identified in a plan of management adopted by the Council under the *Local Government Act 1993* and which does not involve the creation of any gross floor area.
- Development for the purpose of:
- gardening; landscaping.
- Exempt development referred to in clause 10A.
- (3) **What requires development consent?** Any development identified in a plan of management adopted by the Council under the *Local Government Act 1993* and which involves the creation of any gross floor area.
- Development for the purpose of:
- child care centres; community centres; recreation areas; roads.
- Development not included in subclause (2) which may be carried out (with or without



consent) on land in (and is consistent with the objectives of) an adjoining zone.

(4) **What is prohibited?** Development not included in subclause (2) or (3).

## **21 Zoning controls for Zone No 10—the Mixed Uses Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 10 are:

- (a) to allow, in appropriate circumstances, a mixture of compatible land uses such a residential, retail, commercial, light-industrial and industrial development, and
- (b) 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 vehicular travel, and
- (c) to permit appropriate forms of residential development within the zone to mutually support the vitality of nearby commercial and urban village centres, and in doing so, assist successful urban consolidation, and
- (d) to incorporate contemporary urban design principles in the design of new buildings and the interpretation of their relationship with the public domain, and
- (e) to implement the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process, and
- (f) to encourage the integration of suitable employment and resident intensive activities into accessible locations so as to maximise public transport patronage and encourage travel by foot and bicycle from surrounding areas, and
- (g) to minimise any adverse impact on residential amenity by devising appropriate design assessment criteria and applying specified impact mitigation requirements by the use of development control plans, and
- (h) to ensure that the nuisance generated by non-residential development, such as that related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area.

(2) **What does not require development consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:

bed and breakfast accommodation; commercial premises; dwelling houses; high technology industries; industries; light industry; local businesses; local shops; roads; shops; temporary buildings; warehouses or distribution centres.

Any other development not included in subclause (2).

**Notes—**

The consequences of carrying out development in this zone without development consent are the same as for carrying out prohibited development, unless the development is allowed to be carried out without consent by an Act, this plan or another environmental planning instrument.

Clause 10 provides that such a development consent must not be granted unless the Council is of the opinion that the proposed development is consistent with the objectives of this zone.

**21A Zoning controls for Zone No 10 (a)—the Mixed Uses “A” Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 10 (a) are:

- (a) to protect and enhance the historical character and amenity of the existing residential neighbourhoods within Green Square, and
- (b) to identify those localities which are primarily residential and where in future primarily residential infill development is to occur, and
- (c) to ensure that building form, including alterations and additions, is in character with the surrounding built environment and does not detract from the amenity and environmental quality enjoyed by nearby residents, and
- (d) to allow up to 15% non-residential use of the total floorspace proposed for each development site, and
- (e) to offer limited opportunities for non-residential development, which provides goods, services or employment for residents and is of a type and scale that is compatible with existing or planned residential development and does not detract from the amenity and environmental quality enjoyed by nearby residents, and
- (f) to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and
- (g) to ensure that development contributes to a sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues, and
- (h) to enhance and enliven Green Square through the implementation of public art where appropriate.

(2) **What does not require consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:

bed and breakfasts, boarding houses, child care centres, community centres, dwelling houses, educational establishments, home industries, hospitals, local businesses, local shops, multiple dwellings, places of public worship, professional consulting rooms, public art, public buildings, restaurants, roads.

(4) **What is prohibited?** Development not included in subclause (2) or (3).

**21B Zoning controls for Zone No 10 (b)—the Mixed Uses “B” Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 10 (b) are:

- (a) to provide urban housing and a range of compatible vibrant non-residential uses, such as shops, offices, retail and studio-type workshops, and
- (b) to promote mixed use planning by encouraging the location of facilities such as housing, places of employment and shops in close proximity to each other and so as to be accessible by public transport, and
- (c) to allow up to 25% non-residential use of the total floorspace proposed for each development site, and
- (d) to ensure non-residential uses are environmentally compatible with residential uses, and do not adversely affect residential amenity, within the zone, and
- (e) to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and
- (f) to ensure that the nuisance generated by non-residential development, such as is caused by operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled, so as to preserve the quality of life for residents in the area, and
- (g) to ensure that development contributes to a sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues, and
- (h) to enhance and enliven Green Square through the implementation of public art where appropriate.

(2) **What does not require development consent?** Exempt development referred to in clause 10A.

(3) **What requires development consent?** Development for the purpose of:

backpackers’ hostels, bed and breakfasts, boarding houses, commercial premises, community centres, dwelling houses, educational establishments, high technology industries, home industries, hospitals, hotels, light industries, local businesses, multiple dwellings, places of assembly, places of public worship, private hotels, professional consulting rooms, public art, public buildings, roads, recreation areas, recreation facilities, restaurants, serviced apartments, shop.

Any other development not included in subclause (2).

## **21C Zoning controls for Zone No 10 (c)—the Mixed Uses “C” Zone**

- (1) **What are the objectives of the zone?** The objectives of Zone No 10 (c) are:
- (a) to promote mixed use development in the Green Square Centre by encouraging urban housing in conjunction with appropriate business activities which contribute to economic growth and employment opportunities, and
  - (b) to require the provision of a minimum of 25% non-residential use of the total floorspace proposed for each development site, and
  - (c) to promote the vitality of the public domain by encouraging the location of active retail and entertainment uses at ground level, particularly in areas fronting the Green Square Railway Station, and
  - (d) to ensure through the design of a high quality public domain that a high level of amenity is provided for pedestrians, shoppers and workers within the zone, and
  - (e) to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and
  - (f) to ensure that the nuisance generated by non-residential development, such as is caused by operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area, and
  - (g) to ensure that development contributes to a sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues, and
  - (h) to enhance and enliven Green Square through the implementation of public art where appropriate.
- (2) **What does not require development consent?** Exempt development referred to in clause 10A.
- (3) **What requires development consent?** Development for the purpose of:
- advertising structures, backpackers’ hostels, bed and breakfasts, boarding houses, clubs, child care centres, commercial premises, community centres, dwellings attached to, or within, a building used or intended to be used for a land use which is permissible within the zone, educational establishments, high technology industries, home industries, hotels, light industries, local businesses, medical centres, multiple dwellings, places of assembly, places of public worship, private hotels, public art, public buildings, recreation areas, recreation facilities, restaurants, roads, serviced apartments, shops.

Any other development not included in subclause (2).

**21D Zoning controls for Zone No 10 (d)—the Mixed Uses “D” Zone**

- (1) **What are the objectives of the zone?** The objectives of Zone No 10 (d) are:
- (a) to establish a predominantly employment based zone while allowing not more than 15% residential use of the total floorspace proposed for each development site, but only if it supports those employment uses, and
  - (b) to encourage appropriate business activities which contribute to economic growth and employment opportunities within the Green Square area, and
  - (c) to promote the vitality of the public domain by encouraging the location of active retail and entertainment uses at ground and first floor levels, particularly in areas fronting the Green Square Railway Station, and
  - (d) to ensure through the design of a high quality public domain that a high level of amenity is provided for pedestrians, shoppers and workers within the zone, and
  - (e) to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and
  - (f) to ensure that existing and future development on land zoned industrial under this plan is preserved and promoted so as to protect the existing employment within South Sydney, and
  - (g) to ensure that development within the zone contributes to a sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues, and
  - (h) to enhance and enliven Green Square through the implementation of public art where appropriate.
- (2) **What does not require development consent?** Exempt development referred to in clause 10A.
- (3) **What requires development consent?** Development for the purpose of:
- advertising structures, amusement centres, backpackers’ hostels, bed and breakfasts, car repair stations, child care centres, clubs, commercial premises, community centres, dwellings used in conjunction with and attached to a building used or intended to be used for a land use which is permissible within the zone, educational establishments, high technology industries, home industries, hospitals, hotels, light industries, local businesses, medical centres, motels, motor showrooms, multiple dwellings used in conjunction with and attached to, or within a building used or intended to be used for, a land use which is permissible within

the zone, passenger transport terminals, places of assembly, places of public worship, private hotels, public art, public buildings, recreation areas, recreation facilities, restaurants, roads, service stations, shops, warehouses or distribution centres.

(4) **What is prohibited?** Development not included in subclause (2) or (3).

**21E Zoning controls for Zone No 10 (e)—the Mixed Uses “E” Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 10 (e) are:

- (a) to establish a predominantly employment-based zone while allowing residential use on appropriate development sites, and
- (b) to allow for appropriate business activities which contribute to economic growth and employment opportunities within the Green Square area, provided they are environmentally compatible in terms of design and operational requirements with residential development, and
- (c) to allow residential development within the zone, provided it is designed so as to be compatible with other non-residential uses and will not adversely affect the operations of existing lawfully operating industrial uses, and
- (d) to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and
- (e) to ensure that development within the zone contributes to a highly sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues.

(2) **What does not require development consent?** Development for the purpose of:  
home businesses.

(3) **What requires development consent?** Development for the purpose of:

advertising structures; amusement centres; backpackers’ hostels; bed and breakfasts; child care centres; clubs; commercial premises; commercial signs; community centres; dwelling houses; educational establishments; high technology industries; home industries; hospitals; hotels; light industries; local businesses; medical centres; multiple dwellings; non-structural advertisements; places of assembly; places of public worship; private hotels; public buildings; recreation areas; recreation facilities; restaurants; roads; serviced apartments; shops; under awning signs.

Any other development not included in subclause (2).

## **21F Zoning controls for Zone No 11 (a)—the Green Square Town Centre Zone**

(1) **What are the objectives of the zone?** The objectives of Zone No 11 (a) are:

- (a) to establish the Green Square Town Centre as the major commercial, retailing, cultural and entertainment centre for Green Square, and
- (b) to allow for a mix of land uses that will:
  - (i) ensure that there is an appropriate balance between residential, retail, commercial and other land uses within the Green Square Town Centre, and
  - (ii) encourage the provision of a range of services and facilities to help meet the needs of the population and users of the Green Square Town Centre, and
  - (iii) generate employment in the Green Square Town Centre, and
- (c) to facilitate the development of buildings and works that are of a scale, character and design quality consistent with the other objectives of the zone, and
- (d) to encourage development that is compatible with the surrounding heritage conservation areas and heritage items, and
- (e) to ensure that the public domain of the Green Square Town Centre is fronted by high-quality buildings having a scale and alignment that both define, and contribute positively to the amenity of, the public spaces (including parks, plazas and streets) they adjoin, and
- (f) to protect the amenity of parks and community places by protecting access to sunlight, providing shelter from the rain and minimising wind speeds, and
- (g) to provide active frontages to streets and other identified public spaces (including parks and plazas), and
- (h) to promote the vitality of the public domain by encouraging the location of active retail, food and beverage and entertainment uses, and of community and cultural facilities, at ground level (particularly at the edges of public plazas), and
- (i) to accommodate and integrate the management of stormwater (including floodwater) into the function and design of buildings in the Green Square Town Centre.

Zone No 11 (a) is intended to accommodate a vibrant residential, commercial, retail and cultural heart of Green Square. The scale and character of the Green Square Town Centre is supported by Zone No 11 (b), which promotes high-level public amenity through a circulation grid for vehicles and pedestrians, and a network of open spaces for active and passive recreation.

(2) **What does not require development consent?** Exempt development referred to in clause

10A.

- (3) **What requires development consent?** Commercial development, residential development and retail development (each within the meaning of Division 2A of Part 4).
- (4) **What is prohibited?** Development not included in subclause (2) or (3).

**21G Zoning controls for Zone No 11 (b)—the Green Square Town Centre Public Domain Zone**

- (1) **What are the objectives of the zone?** The objectives of Zone No 11 (b) are:
  - (a) to provide for a well-balanced structural layout of public spaces and built areas within the Green Square Town Centre, and
  - (b) to establish a significant new people-oriented public town square, interconnected streets and other vibrant public plazas and public spaces that are designed to be safe, functional and visually interesting places to use, and that will provide appropriate settings for a range of people and varied social activities, and
  - (c) to promote the vitality of the public domain by encouraging public cultural expression, and
  - (d) to allow for equitable access to, within and across the Green Square Town Centre for pedestrians, cyclists, public transport and other vehicles, and
  - (e) to accommodate and integrate the management of stormwater (including floodwater) into the functional design of the public domain, and
  - (f) to allow for the construction of buildings within the public domain where impacts on the amenity of the public domain spaces, and on adjoining buildings (both existing and future), can be demonstrated to be satisfactory, and
  - (g) to allow for the construction of a below-ground communal car park and retail facilities in a certain part of the public domain.

The spatial proportions and location of Zone No 11 (b) are intended to provide an appropriate level of public amenity to support the intensity of development and mix of uses in Zone No 11 (a).

- (2) **What does not require development consent?** Any development that is identified in a plan of management adopted by the Council under the [Local Government Act 1993](#) and that does not involve the creation of any gross floor area.

Development for the purpose of:

gardening; landscaping.



Exempt development referred to in clause 10A.

- (3) **What requires development consent?** Any development that is identified in a plan of management adopted by the Council under the *Local Government Act 1993* and that involves the creation of gross floor area.

Development for the purpose of:

advertising structures ancillary to another use permitted by subclause (2) or this subclause; child care centres; communal car park; community centres; recreation areas; recreation facilities; retail facilities; roads (other than those permitted by subclause (2) or clause 55).

- (4) **What is prohibited?** Development not included in subclause (2) or (3).

## **Part 4 Special provisions**

### **Division 1**

**22-27 (Repealed)**

### **Division 2 Development at Green Square**

#### **27A Vision for Green Square**

- (1) The vision for Green Square is to transform Green Square into an attractive, vibrant and sustainable urban place by capitalising on the opportunities created by:
- (a) the area's strategic location between Sydney's most significant economic gateways: the Central Business District, Kingsford Smith Airport and Port Botany, and
  - (b) the construction of the New Southern Railway and Green Square Railway Station.
- (2) Four key concepts sustain this vision:

(a) **Diversity**

This applies to the development of a mix of land uses, a range of building types, diverse public spaces, and employment and housing choices, which will support a socially diverse community, underpinning a vibrant city that offers complex experiences and social contact.

(b) **Connectivity**

This applies to an accessible network of public spaces and public streets, which integrate existing and future landscapes and buildings.

(c) **Interdependency**

This applies to the need for compatibility between land uses, to the high quality urban design response of buildings to public spaces, the interdependency of the social and physical environment, and the relationship of the Green Square area to the City South Region.

(d) **Long-term growth**

This applies to the development of an urban strategy that can accommodate and support renewal and growth of Green Square into a compact sustainable urban area over a long period of time.

**27B Planning principles for Green Square**

The planning principles for Green Square are set out in Schedule 4. Those principles are underpinned by the key concepts of diversity, connectivity, interdependency and long-term growth.

The Council must take those principles into consideration before granting consent to any development within Green Square.

**27C Determination of development applications**

- (1) The Council must not grant consent for development of any land within Green Square unless:
  - (a) there is a masterplan adopted by the Council for the development site comprising that land or within which that land is situated, and
  - (b) the development is consistent with the masterplan.
- (2) The Council may waive the requirement for a masterplan because of the minor nature of the development concerned, the adequacy of other planning controls that apply to the proposed development, or for such other reasons as the Council considers sufficient.
- (3) If:
  - (a) the Council has waived the requirement for the masterplan under subclause (2),  
or
  - (b) a draft masterplan for the development site has been submitted to the Council for adoption, and that draft masterplan:
    - (i) has not been adopted by the Council before or within 60 days after the date on which the development application was lodged, or
    - (ii) has been rejected by the Council,then subclause (1) does not apply, but when the Council assesses the development

application it must have regard to the criteria in clause 27D (4) (a)–(m).

### **27D Preparation of masterplans**

- (1) A draft masterplan may only be prepared by or on behalf of the owner or lessee of the land concerned.
- (2) The South Sydney Development Corporation may prepare a draft masterplan on behalf of the owners for the area shown in heavy red edging on the map marked “*South Sydney Local Environmental Plan 1998 (Amendment No 2)—Green Square—Zoning*” and the map marked “*South Sydney Local Environmental Plan 1998 (Amendment No 7)—Green Square—Zoning*”.
- (3) A draft masterplan should be prepared following consultation with the Council and any relevant public authorities or corporations.
- (4) A masterplan is to outline long-term proposals for the development of the land to which it applies, and illustrate and explain, where appropriate, the following:
  - (a) how those proposals address the vision for Green Square set out in clause 27A, the planning principles set out in Schedule 4, and any development control plan adopted for Green Square by the Council,
  - (b) design principles drawn from analysis of the site and its context,
  - (c) phasing of the development,
  - (d) distribution of land uses, including open space,
  - (e) pedestrian, cycle and vehicle access and circulation networks,
  - (f) parking provision,
  - (g) subdivision pattern,
  - (h) infrastructure provision,
  - (i) building envelope and built form controls,
  - (j) heritage conservation,
  - (k) site remediation,
  - (l) open space provision, its function and landscaping,
  - (m) opportunities for the provision of public art.

### **27E Consultation**

- (1) Immediately after receiving a draft masterplan, the Council must advertise it in a

newspaper circulating in the locality and exhibit it at the Council's offices for not less than 21 days for public comment.

- (2) The Council must take into account any written submissions made about the content of the draft plan during the exhibition period.

#### **27F Adoption of masterplans**

- (1) Following the exhibition of the draft masterplan, the Council may adopt it without variation, or adopt it with such variation made in response to submissions arising out of its exhibition as the Council considers appropriate, or reject it.
- (2) When a masterplan is adopted, the Council must advertise the adoption in a newspaper circulating in the locality.
- (3) A copy of the masterplan must be available for inspection at the Council's offices.

#### **27G Amendment of masterplans**

- (1) A masterplan may be amended.
- (2) The Council may request the preparation of a draft amendment for the purpose of keeping a masterplan up-to-date.
- (3) This Division applies to the amendment of a masterplan in the same way as it applies to the preparation of a masterplan.
- (4) A masterplan may be amended or replaced by a subsequent masterplan.

#### **27H Masterplans may not implement certain planning standards**

- (1) The Council may adopt a masterplan or an amendment of a masterplan even if the masterplan proposes development in accordance with planning standards that differ from those contained in a development control plan.
- (2) Before adopting such a masterplan or amendment, the Council must be satisfied that:
  - (a) a better development solution will result, and
  - (b) the land use mix proposed is consistent with the relevant zone objectives (including the desired mix of uses for the relevant zone), and
  - (c) the total floor space of all buildings within a development will not increase above that allowed by the development control plan as a result of the masterplan, and
  - (d) the total land available for public recreation areas within the site will not be reduced below that required by a previous masterplan or amendment.

## **27I Application of zone objectives to masterplans**

For the purposes of applying the requirements made by zone objectives and clause 27J to land to which a masterplan applies, and in particular for the purposes of assessment of the percentage of the non-residential component of a site, the Council needs only to be satisfied that the overall percentage of non-residential use will be achieved over the whole of the land to which a masterplan applies, irrespective of its distribution in relation to individual allotments comprising the masterplan site.

## **27J Non-residential development on development sites in Zones Nos 10 (b) and 10 (c)**

- (1) Subject at all times to clause 27I, the Council must not grant consent to any development on land within Zone No 10 (b) until it is satisfied that no more than 25% of the total floor space proposed for a development site will be available for non-residential development.
- (2) Subject at all times to clause 27I, the Council must not grant consent to any development on land within Zone No 10 (c) until it is satisfied that at least 25% of the total floor space proposed for a development site will be available for non-residential development.

## **27K Amusement centres in Green Square**

Despite any other provision of this plan, in order to protect the amenity of the Green Square locality, consent may be granted for development for the purpose of amusement centres on land within Green Square only if the centres are ancillary to another use allowed in the zone applying to the land.

## **Division 2A Green Square Town Centre**

### **27KA Land to which Division applies**

This Division applies to such of the land to which this plan applies as is within the Green Square Town Centre.

#### **Note—**

Land shown as deferred matter on the map is not presently land to which this plan applies.

### **27KB Application of SEPP No 1 and SEPP No 4**

- (1) *State Environmental Planning Policy No 1—Development Standards* does not apply to land to which this Division applies.
- (2) Part 2 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clauses 10–11E excepted) does not apply to land to which this Division applies.

## 27KC Definitions

In this Division:

**commercial development** means development for any of the following purposes:

advertising structures; amusement centres; backpackers' hostels; car parking stations; child care centres; clubs; commercial premises; commercial signs; community centres; educational establishments; high technology industries; hospitals; hotels; medical centres; motels; motor showrooms; places of assembly; places of public worship; private hotels; public buildings; recreation areas; recreation facilities; restaurants; restricted premises.

**communal car park** means a car park which includes unreserved spaces for the use of the general public or other users of, and visitors to, the Green Square Town Centre and may also include dedicated car parking spaces for a particular land use or development site.

**communal car parking space** means a designated car parking space which is not allocated by title or arrangement to any single use or owner and is available for use by the general public, shared vehicles or other users of, or visitors to, the Green Square Town Centre.

**residential development** means development for any of the following purposes:

bed and breakfasts; boarding houses; child care centres; community centres; dwelling houses; educational establishments; home industries; local businesses; local shops; multiple dwellings; professional consulting rooms; serviced apartments.

**retail development** means development for any of the following purposes:

advertising structures; amusement centres; child care centres; clubs; commercial signs; hotels; markets; restaurants; shops.

**shared vehicles** means vehicles which are provided for shared or communal use and includes recognised car share scheme vehicles and taxis.

## 27KD Development on sites within the Green Square Town Centre that have frontage to Botany Road or Bourke Street

- (1) The Council may grant consent to development for the purpose of visitor and tourist accommodation, including hotels or motels, on land having frontage to Botany Road or Bourke Street, or both, if it is satisfied that the amenity of residential uses permitted on the development site or on any adjoining development site will not be detrimentally affected by the development.
- (2) Any visitor or tourist accommodation referred to in subclause (1) is taken to be residential development for the purposes of clause 27KF.

### **27KE Architectural design standards**

The Council must not grant consent to development on land within the Green Square Town Centre unless it is satisfied that:

- (a) a high standard in terms of architectural design, materials and detailing will be achieved, and
- (b) the form and external appearance of the buildings associated with the development will contribute in a positive manner to the quality, amenity and character of the public domain, consistent with the objectives of the zone in which it is carried out.

### **27KF Gross floor area and land use mix**

- (1) Subject to subclause (2), the Council must not grant consent to the carrying out of non-conforming development on any development site.
- (2) The Council may grant consent to the carrying out of non-conforming development on any development site if it is satisfied that:
  - (a) the total gross floor area of all development on that site will not differ by more than 10% from the total gross floor area specified for that site in Part 2 of Schedule 5, and
  - (b) the proportion of the gross floor area of the development in respect of each purpose specified in Part 2 of Schedule 5 (commercial, residential or retail):
    - (i) if the proportion so specified in relation to that purpose is other than “nil”, will not differ by more than 10% from the proportion so specified (where, for example, 18% and 22% each differ by 10% from 20%), and
    - (ii) if the proportion so specified in relation to that purpose is “nil”, will not exceed 5% of the gross floor area of the development, and
  - (c) the design of the development is derived from, and supported by, a rigorous analysis of the development site, and
  - (d) the development will result in a built form that contributes positively to the amenity of the public domain, and will not have a significant adverse effect on the use of any adjoining land, and
  - (e) the development will achieve the objectives of the zone in which it is carried out in a manner that equals, or better, that which would result from the carrying out of conforming development on that site.
- (3) For the purposes of this clause:

**conforming development**, in relation to a development site, means development that results in a total gross floor area, and a mix of commercial, residential and retail

development, equal to the total gross floor area and total mix of development specified for that site in Part 2 of Schedule 5.

**development site** means a site identified on the map shown in Part 1 of Schedule 5.

**non-conforming development**, in relation to a development site, means development that is not conforming development in relation to that site.

### **27KG Maximum height**

- (1) The Council must not grant consent to the erection on any land within the Green Square Town Centre of any building whose height exceeds the maximum height for development on that land, expressed as reduced level (RL), as shown on the Green Square Town Centre Height Map.
- (2) Despite the development standard established by subclause (1), consent may be granted to the erection on any such land of a building whose height exceeds the relevant maximum height if the Council is satisfied that:
  - (a) the granting of such consent:
    - (i) will not create an undesirable precedent for other development, and
    - (ii) will not diminish the overall effect of the development standard for development in the vicinity of that land, and
  - (b) the particular physical attributes of the land (in terms of location, context, slope, site configuration and the like) will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and
  - (c) the proposed building will improve or contribute positively to the public domain and will achieve design excellence, and
  - (d) the relevant maximum height will not be exceeded by more than 10%.
- (3) In this clause:

**Green Square Town Centre Height Map** means the map marked “*South Sydney Local Environmental Plan 1998—Green Square Town Centre—Maximum Height*”.

**height**, in relation to a building, means the height of the highest point of the building (excluding plant and lift overruns, communication devices and the like).

### **27KH Floodwater management**

- (1) The Council must not consent to development on land within the Green Square Town Centre unless it is satisfied that the development:
  - (a) will not adversely affect flood behaviour, including:



- (i) the flood peak at any point upstream or downstream of the proposed development, and
  - (ii) the flow of floodwater on adjoining lands, and
  - (b) will not significantly increase any flood hazard or the likelihood of flood damage to any property, and
  - (c) will not restrict the capacity of any floodway, and
  - (d) will not increase the risk to the lives or personal safety of members of the public or emergency services and rescue personnel, and
  - (e) incorporates any freeboard levels and other flood proofing measures adopted by the Council in any relevant floodplain risk management policy.
- (2) Without limiting subclause (1), the Council must not consent to development on land situated on the southern corner of Botany Road and O’Riordan Street, as shown hatched on the map, unless it is satisfied that:
- (a) the development is consistent with any relevant floodplain risk management policies and local flood plans that have been adopted by the Council, and
  - (b) on completion of the development, the land will achieve a low hazard categorisation for a 1% AEP (Annual Exceedance Probability) flood event (as defined in the *Floodplain Development Manual*), having regard to the design of the development, including flood proofing and flood modification measures, and
  - (c) the development does not create or materially contribute to a significant risk to the safety of persons in a probable maximum flood (as defined in the *Floodplain Development Manual*).
- (3) This clause does not limit the operation of clause 38.
- (4) In this clause:

***Floodplain Development Manual*** means the NSW Government’s *Floodplain Development Manual*, as published in April 2005.

***floodplain risk management policy*** means a floodplain risk management plan or policy that has been prepared in accordance with the *Floodplain Development Manual*.

***local flood plan*** includes any plan that sets out evacuation measures in the event of flooding.

### **27KI Suspension of certain covenants, agreements and instruments**

- (1) For the purpose of enabling development to be carried out in accordance with this Division or in accordance with a consent granted under the Act, any agreement,

covenant or similar instrument imposing restrictions as to:

(a) the erection or use of buildings for certain purposes on land within the Green Square Town Centre, or

(b) the use of land within the Green Square Town Centre for certain purposes, to the extent necessary to serve that purpose, does not apply to any such development.

(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 subclause (1).

**27KJ Area for below-ground communal car parking and retail development in Zone No 11 (b)**

The Council must not grant consent to development for the purpose of a communal car park or retail facilities on land within Zone No 11 (b) unless it is satisfied that the development will be:

(a) located on land shown edged by a red dotted line on the map marked "*South Sydney Local Environmental Plan 1998 (Amendment No 19)—Green Square Town Centre—Zoning*", and

(b) located below existing ground level.

**27KK Communal car park in Zone No 11 (b)**

(1) The objectives of this clause are:

(a) to provide for a shared, publicly accessible car park which maximises the utility of spaces amongst users and uses, and

(b) to ensure that the design and operation of the car park:

(i) enhances safety and security, and

(ii) encourages and incorporates provisions for other forms of transport including motorbikes, bicycles, shared vehicles and community buses.

(2) The Council must not grant consent to development for the purpose of a communal car park within Zone No 11 (b) unless it is satisfied that:

(a) appropriate arrangements have been made to ensure co-ordinated, ongoing management and communal use of the car park, and

(b) appropriate facilities, including change and storage facilities, are provided for

motorbike and bicycle users, and

- (c) appropriate arrangements for shared vehicles, community buses and the like are provided, and are to be clearly and prominently identified, and
- (d) appropriate arrangements have been made to reduce the number of private parking spaces available if the number of communal car parking spaces is insufficient to meet demand, and to designate those spaces as communal car parking spaces.

#### **27KL Gross floor area for below-ground facilities in Zone No 11 (b)**

The area of the following car parking spaces in a communal car park is to be included as part of the gross floor area of all development on a development site under clause 27KF:

- (a) car parking spaces that are allocated, by arrangement, to a particular **development site** (within the meaning of clause 27KF), and
- (b) exceed, when added to the number of car parking spaces located on the development site, the number of car parking spaces permitted for that development site by a development control plan or policy of the Council.

### **Division 3**

#### **27L-27T (Repealed)**

### **Division 4 Miscellaneous**

#### **28 Built environment design principles and masterplans**

- (1) The Council, in determining an application for consent to the carrying out of any development on land to which this plan applies, must take into consideration whether the development:
  - (a) has been designed to reinforce and protect the local topography and setting, and
  - (b) reinforces and enhances the streetscape and character of the locality, and
  - (c) is compatible with the scale and design of neighbouring development, and
  - (d) has been designed with adequate provision for the intended occupants, and those in the vicinity of the site of the proposed development, in terms of:
    - (i) privacy, and
    - (ii) access to sunlight, and
  - (e) has been designed so as to be energy efficient in terms of natural:
    - (i) lighting, and

- (ii) ventilation, and
  - (iii) heating and cooling, and
  - (f) establishes and enhances the public domain, and
  - (g) has been designed so as to preserve predominant view lines and vistas enjoyed from parks, reserves, roadways, footpaths and other areas of the public domain, and
  - (h) encourages complementary land uses and activities.
- (2) The Council, before granting consent to the carrying out of development on land within Zone No 5 or comprising a site area of 5,000 square metres or more, must take into consideration any masterplan for the land that is available to the Council.

## **29 Subdivision of land**

- (1) A person must not subdivide land to which this plan applies without the consent of the Council, unless that subdivision is exempt development referred to in clause 10A.
- (2) Despite subclause (1), subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* does not require development consent, except:
- (a) in the case of a building to which Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* applies, or
  - (b) where the building has been designed or approved for occupation as a single unit.

## **29A Application of provisions of Sydney Local Environmental Plan 2012**

- (1) The following provisions of *Sydney Local Environmental Plan 2012* apply to development on land to which this Plan applies in the same way as those provisions apply to development on land to which that Plan applies:
- (a) clause 2.8 (Temporary use of land),
  - (b) Part 3 (Exempt and complying development),
  - (c) clause 7.15 (Flood planning),
  - (d) clause 7.17 (Development in areas subject to airport noise).
- (2) Clause 5.10 (Heritage conservation) of *Sydney Local Environmental Plan 2012* applies to development on land to which this Plan applies as if that land were land to which that Plan applies and that clause applies to a heritage item in Schedule 2 as if the heritage item were a heritage item within the meaning of that Plan.
- (3) Division 3 (Affordable housing) of Part 7 of *Sydney Local Environmental Plan 2012*

applies to development on land in the Green Square Town Centre as if that land were land at Green Square within the meaning of that Plan.

### **30 Acquisition and development of land reserved for roads**

**Note—**

Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

- (1) The owner of any vacant land within Zone No 9 (a) may, by notice in writing, require:
  - (a) the R.T.A., in the case of land that is included in the 5-year works program of the R.T.A. current at the time of receipt of the notice, or
  - (b) the Corporation, in any other case,to acquire the land.
- (2) The owner of any land within Zone No 9 (a) that is not vacant may, by notice in writing, require the R.T.A. to acquire the land if:
  - (a) the land is included in the 5-year works program of the R.T.A. current at the time of the receipt of the notice, or
  - (b) the R.T.A. has decided not to give concurrence to an application for consent to the carrying out of development on the land, or
  - (c) the R.T.A. is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) On receipt of a notice under this clause, the R.T.A. or the Corporation, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for a public road.
- (4) A person may, with the consent of the Council, carry out development on land within Zone No 9 (a):
  - (a) for a purpose for which development may be carried out (with or without the consent of the Council) on land in an adjoining zone, or
  - (b) for any purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (5) (Repealed)
- (6) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.

### **31 Acquisition of certain land reserved by zoning**

- (1) The owner of any land within Zone No 9 (b) or 9 (c) may, by notice in writing, require the Council to acquire the land, but only if:
  - (a) the land is included in the Council's Section 94 Contributions Plan or a Works Program of the Council that is current at the time of the receipt of the notice, or
  - (b) the Council has decided not to grant consent to the carrying out of development on the land, on the basis of those matters specified in subclause (3), or
  - (c) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (2) On receipt of a notice under this clause, the Council must acquire the land unless the land might reasonably be required to be dedicated for:
  - (a) local roads in the case of land within Zone No 9 (b), or
  - (b) local recreation in the case of land within Zone No 9 (c).
- (3) In deciding whether to grant consent to proposed development within Zone No 9 (b) of 9 (c), the Council must take the following matters into consideration:
  - (a) in the case of land within Zone No 9 (b), the need to use the land for the purpose of local roads, and
  - (b) in the case of land within Zone No 9 (c), the need to use the land for the purpose of local recreation, and
  - (c) the imminence of acquisition, and
  - (d) the likely additional cost to the Council resulting from the carrying out of the proposed development.
- (4) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.

### **32 Tree preservation orders**

A tree preservation order made in relation to land to which this plan applies, and in force immediately before the appointed day, is taken to be a tree preservation order made by the Council under clause 8 of the *Environmental Planning and Assessment Model Provisions 1980* as adopted by this plan and may be rescinded or varied in accordance with that clause.

### **33 Community use of educational establishments**

The Council may grant development consent to community use of the land and facilities

of educational establishments and to the commercial operation of those facilities and their sites.

### **34 Retailing of bulky goods in the industrial zone**

- (1) This clause applies to land within Zone No 4.
- (2) Subject to subclause (3), nothing in this plan prevents a person, with the consent of the Council, from carrying out on land to which this clause applies, development for the purpose of bulky goods retailing from a building or site in or on which those goods are stored, manufactured, displayed or processed.
- (3) The Council must not grant consent to an application for consent to carry out development referred to in subclause (2) unless it is satisfied:
  - (a) that the proposed development will not detrimentally affect existing or future industrial development within the zone in which the land concerned is situated, and
  - (b) that to grant consent would not, by reason of the number of retail outlets which exist or are proposed on land within Zone No 4, detract from the predominantly industrial nature of the zone.

### **35 (Repealed)**

### **36 Development in Zone No 6 (a) or 6 (b)**

Council must not grant consent to development on publicly owned land in Zone No 6 (a) or 6 (b) unless it has taken into consideration all of the following:

- (a) the need for the proposed development on that land, and
- (b) whether the impact of the proposed development will be detrimental to the existing or future use of the land, and
- (c) whether the proposed development will be secondary and complementary to the existing use of land for public recreation, and
- (d) whether the proposed development will significantly diminish public use and access to public open space, and
- (e) whether the proposed development is compatible with adjacent uses in relation to its height, bulk, noise generation, traffic generation, and any other aspects that might conflict with surrounding land uses, and
- (f) whether the proposed development is consistent with any plan of management adopted by the Council, and
- (g) whether the height of any proposed building or structure is visually sympathetic to

existing vegetation and the topography.

### **37 Non-residential development in Zone No 10**

- (1) The object of this clause is to promote the objectives of Zone No 10 and to allow buildings or parts of buildings in that zone which are used for residential purposes to be used for mixed use purposes while ensuring that the mixed use does not have an adverse impact on the character of the suburb.
- (2) The Council must not grant consent to the use for non-residential purposes of a building or land within Zone No 10 that was being used for residential purposes on the appointed day (24 April 1998), unless it is satisfied that:
  - (a) the change of use will not significantly erode the residential character and identify of the locality, and
  - (b) the change of use will not significantly reduce the level of residential accommodation in the locality, and
  - (c) the non-residential use on the site will be secondary to the residential use on the site, and
  - (d) the non-residential use will not have an adverse impact on the amenity of the predominant residential use on the site, and
  - (e) the proposed development is consistent with the objectives of Zone No 10.

### **38 (Repealed)**

### **39 Contaminated land**

- (1) The Council must not grant consent to an application for a residential, child care centre or commercial use of a parcel of land which has previously been occupied by an industrial use, or of any part of the site of the former Royal Alexandra Hospital for Children at Camperdown (being the land to which *South Sydney Local Environmental Plan No 139* applied) unless it has considered the following matters:
  - (a) the identification of any potential contamination, based on details of site history and any other available information, and
  - (b) the need for contamination treatment procedures such as further testing, and the need for remediation and the preparation of validation plans.
- (2) Before it grants consent for any remediation of land, the Council must consider the following:
  - (a) a report on sampling procedures and testing results for the land,
  - (b) remediation plans for the land,



(c) validation plans for the land.

(3) For the purposes of this clause:

**remediation plan** means the details describing the remediation activity such as the objectives of the plan, the remediation methodology proposed and the targets, timetable, quality, quality control procedures and precautions to be taken during remediation of the land.

**validation plan** means the guidelines detailing the methodology by which the applicant or its consultant intends verifying that the remediation work has been satisfactorily carried out. It contains the requirements for post-rehabilitation testing and the justification for it. Validation plans may be included within a remediation plan.

#### **40 Development in the vicinity of Alexandra Canal**

(1) A person must not erect any structure on land within 10 metres of:

- (a) the bank of the Alexandra Canal, or
- (b) any of its open secondary channels,

except with the consent of the Council.

(2) The Council must not consent to the erection of any structure on land having a frontage to Alexandra Canal or any of its secondary canals unless:

- (a) it has made an assessment of the effect the erection of that structure would have on the existing aquatic environment and the potential use of Alexandra Canal and its foreshore for recreational purposes, and
- (b) the conditions of that consent require the landscaping of a ten metre strip abutting the canal, and
- (c) the conditions of that consent require the creation of a right of carriageway, or the dedication of land, for the purpose of permanent pedestrian or bicycle access within a ten metre strip abutting the canal.

#### **41 Foreshore building lines**

(1) The Council may, by resolution, fix a building line (in this clause referred to as a **foreshore building line**) in respect of any land fronting Port Jackson.

(2) A foreshore building line, when fixed by the Council is to be marked on a plan or clearly described in the resolution and such plan or resolution is to be available for inspection by the public, without charge, during the office hours of the Council.

(3) Until such time as the Council so fixes a foreshore building line, any line shown on the map:

(a) by a broken black line with the words “Foreshore Building Line—12m” marked in black letters, or

(b) by a broken black line with the words “Foreshore Building Line—35m” marked in black letters,

is taken to be a foreshore building line fixed under this clause.

(4) The Council may alter or abolish any foreshore building line (including one established under subclause (3)) where the levels, depth or other exceptional features of the site make it expedient to do so.

(5) Except with the consent of the Council granted as referred to in subclause (6), a building must not be erected between a foreshore building line and the mean high water mark of the waters of Port Jackson.

(6) The Council may, after having made an assessment of the probable aesthetic appearance of the proposed structure in relation to the foreshore, consent to the erection of:

(a) baths, swimming pools and ancillary buildings, or

(b) boat sheds, or

(c) wharves, or

(d) jetties, or

(e) other structures or works below or at the surface of the ground,

between a foreshore building line and the mean high water mark of the waters of Port Jackson.

## **42 (Repealed)**

## **43 Development for the purpose of a backpackers’ hostel or serviced apartment**

(1) A person must not carry out development for the purpose of a backpackers’ hostel or serviced apartment, except with the consent of the Council.

(2) In determining an application for development consent to carry out development for the purpose of a backpackers’ hostel or serviced apartment, the Council must consider:

(a) the need to maintain the stock of low-cost, long-term rental accommodation in the City of South Sydney, particularly (but not exclusively) accommodation in the form of boarding houses, and

(b) the need to control the establishment of backpackers’ hostels and serviced

apartments in the City of South Sydney, and

- (c) the need to prevent the reduction in residential amenity associated with the encroachment of backpackers' hostels and serviced apartments into primarily residential areas.

#### **44 Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any covenant, agreement or similar instrument that purports to impose restrictions on the carrying out of development on the land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development.
- (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).

#### **45 Development on public roads**

- (1) A person must not carry out development on land shown uncoloured on the map, except with the consent of the Council.
- (2) Consent to a development application required by subclause (1) may be granted only for the carrying out of development that may be carried out (with or without the consent of the Council) on the land adjoining that part of the land shown uncoloured on the map to which the development application relates.
- (3) Despite subclauses (1) and (2), the following development may be carried out without the consent of the Council on land shown uncoloured on the map:
  - (a) development referred to in Schedule 3, or
  - (b) any other development which does not involve the erection of a building or the carrying out of a work.

#### **46 Amusement centres**

Despite Part 3, development for the purpose of an amusement centre is prohibited on any land:

- (a) within Zone No 3 having a boundary adjoining Oxford Street, or
- (b) within Zone No 3 and Zone No 10 having a boundary adjoining King Street, or
- (c) within the area bounded by Victoria Street, Orwell Street, Macleay Street, Fitzroy

Gardens, Ward Avenue and Kings Cross Road.

#### **47 Restricted premises**

The Council may consent to the carrying out of development for the purpose of restricted premises only where conditions are imposed (in addition to any other conditions which may be imposed by the Council) which require that:

- (a) no part of the premises, other than an access corridor, will be located within a shop-front or will be otherwise visible at street level from any adjoining footpath, roadway, arcade or other public thoroughfare, and
- (b) no part of the restricted premises or building in which the premises will be situated will be used as a dwelling unless separate access will be available to the dwelling, and
- (c) any signage related to the premises will be of a size, shape and content that does not interfere with the amenity of the locality, and
- (d) no other objects, products or goods related to the restricted premises will be visible from outside the premises.

#### **48 Consultation with the Department of Housing**

The Council must:

- (a) refer a copy of any application for consent to development on any of the land which is shown bounded by a dotted pink line on the map to the Director-General of the Department of Housing, and
- (b) take into consideration any representation made to the Council by that Director-General within 28 days of the copy being so referred.

#### **49 (Repealed)**

#### **50 Development in the vicinity of Elizabeth Bay House**

- (1) The Council must not consent to the carrying out of development on land at No 26, 28, 30A, 30B or 32 Billyard Avenue, Elizabeth Bay, except with consent granted with the concurrence of the Historic Houses Trust of New South Wales.
- (2) In determining any application for development on land referred to in subclause (1), the Council must take the following matters into consideration:
  - (a) the impact of the proposed development on the historic and visual relationship between Port Jackson, the foreshore and Elizabeth Bay House, and
  - (b) the views to and from Elizabeth Bay House and the McElhone Reserve, and
  - (c) the impact of the bulk and height of, and the materials to be used in, the proposed development.

- (3) In deciding whether to grant concurrence required by subclause (1), the Historic Houses Trust of New South Wales must take into consideration the matters specified in subclause (2).

**51-53 (Repealed)**

**54 Development for certain additional purposes**

Nothing in this plan prevents the Council from granting consent to the carrying out, on land described in Column 1 of the following Table, of development specified, in relation to the land in Column 2 of the Table, subject to the conditions, if any, so specified for the development:

**Table**

<b>Column 1</b>	<b>Column 2</b>
780 Bourke St, Redfern.	Development for the purpose of serviced apartments.
35-43 Carillon Avenue and 114 Church Street, Camperdown.	Development for the purpose of car parking stations; supporting hotels.
61-71 Dunning Ave; 21-23 Morley Ave; 25-27 Morley Ave, Rosebery.	Development for the purpose of commercial premises.
1 Elizabeth Bay Road, Kings Cross.	Development for the purpose of police stations.
261-263 Oxford Street, Paddington.	Development for the purpose of refreshment rooms; offices.
230 Palmer Street, Darlinghurst.	Development for the purpose of car parking stations.
9 Telopea Street, Redfern.	Development for the purpose of commercial premises.
The site of the former Royal Alexandra Hospital for Children at Camperdown, being the land to which <i>South Sydney Local Environmental Plan No 139</i> applied.	Development allowed within Zone No 2 (f) under <i>Sydney Local Environmental Plan No 66</i> immediately before the appointed day, subject to the development standards set for the land by that plan at that time, so that: <ul style="list-style-type: none"> <li>(a) the maximum ratio of the gross floor area of all buildings to the site area is 1.5:1, and</li> <li>(b) the maximum height for buildings are those shown on the map marked "<i>South Sydney Local Environmental Plan No 139—Height</i>".</li> </ul>

**55 Excepted development**

Nothing in this plan is to be construed as restricting or prohibiting, or enabling the Council

to restrict or prohibit the carrying out of development of any description specified in Schedule 3 by a public authority or a corporation that was a public authority which has been privatised.

## **56 Saving for pending development applications**

- (1) 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.
- (2) To remove any doubt, development standards imposed by any such plans and instruments on development proposed by those development applications apply even if those standards would not be imposed by other provisions of this plan.

## **56A Classification and reclassification of public land**

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

### **Note—**

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 6 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 6 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 6:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 6, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 6, and
- (b) any reservations that except land out of the Crown grant relating to the land, and
- (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note—**

In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 6.

## Part 5

### 57-72 (Repealed)

## Schedule 1 Definitions

(Clause 5)

In this Plan:

**Aboriginal heritage significance** means cultural significance of an item, site, place, area or object to indigenous inhabitants of New South Wales.

**Aboriginal places** means natural sacred sites. They include natural features such as creeks or mountains of significance, as well as initiation, ceremonial or story places of more contemporary places or areas of cultural significance such as Aboriginal Missions and post-contact sites.

**Aboriginal site** means any place which has the physical remains or prehistoric occupation, or is of contemporary significance to the Aboriginal people. A site can include items and remnants of the occupation of the land by Aboriginal people such as burial places, engraving sites, midden deposits, scarred and carved trees and sharpening grooves.

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

**adaptation** means modifying a place to suit proposed compatible uses.

**advertisement** means a notice, device or representation intended to publicise goods, services, or any other matter, visible from any public place or public reserve or from any navigable water, but does not include a display or notice placed inside a window for the purpose of viewing from outside the premises.

**advertising structure** means a structure used or intended to be used principally for the display of an advertisement.

**alter** means, in relation to:

- (a) a heritage item:
  - (i) the making of external structural or non-structural changes, but not maintenance, or
  - (ii) the making of internal structural or non-structural changes, but not maintenance, office

partitioning, floor covering or painting, or

- (b) a building, work, relic or place within a heritage conservation area or a heritage streetscape area—the making of external structural or non-structural changes, but not maintenance.

**amusement centre** means a building or place 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,

but does not include a building or place used primarily for other purposes.

**appointed day** means the day on which this plan takes effect.

**archaeological site** means a site known to the Council to have archaeological significance.

**backpackers' hostel** means a building having an average of two or more beds in each room and providing temporary shared accommodation for travellers and tourists who have their principal place of residence elsewhere, but (in Part 3) does not include a building elsewhere defined in this Schedule.

**bed and breakfast** means a dwelling house which provides short-term accommodation for not more than 6 persons, and incorporates common facilities for the provision of meals, but does not include a backpackers' hostel, boarding house, serviced apartment, private hotel, hotel or motel.

**boarding house** means a building wholly or partly let in lodgings which provides lodgers with a principal place of residence, but does not include a backpackers' hostel, bed and breakfast, serviced apartment, private hotel, hotel or motel.

**bulky goods retailing** means the retailing of large goods such as furniture, do-it-yourself home improvement materials and the like which generate a low return per unit floor area and which are of such a size and shape as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers after sale.

**car parking station** means a building or place primarily used for parking motor vehicles (whether on a casual or permanent basis) in exchange for payment.

**car repair station** means a building or place used for carrying out repairs to motor vehicles or agricultural machinery, but not used for:

- (a) body building, or
- (b) panel beating involving dismantling, or
- (c) spray painting (except for touching up).

**child care centre** means a building or place used for educating, minding or caring for children, catering for six or more children, but does not include an educational establishment.



**club** means a building or place used for the gathering of persons for social, literary, political, sporting, athletic or other lawful purposes and which is or is intended to be registered under the [Registered Clubs Act 1976](#).

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in Part 3) does not include a building or place elsewhere specifically defined in this clause, or a building or place used for a purpose elsewhere specifically defined in this Schedule.

**commercial sign** means an advertisement which contains only:

- (a) a reference to the identity or a description of any person residing or carrying out an occupation at a place or premises, or
- (b) a reference to the identity or a description of a place or premises, or
- (c) particulars of any occupations carried on at a place or premises, or
- (d) such directions or cautions as are usual or necessary relating to a place or premises or any occupation carried on at the place or premises, or
- (e) particulars or notifications required or permitted to be displayed by or under any Act or any Act of the Parliament of the Commonwealth, or
- (f) particulars relating to the goods, commodities or services dealt with or provided at a place or premises, or
- (g) a notice that a place or premises is or are for sale or letting, together with particulars of the sale or letting, or
- (h) particulars of any activities held or to be held at a place or premises.

**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 centre** means a building or place that is owned or controlled by the Council and used for the physical, social, cultural or intellectual development and welfare of the local community.

**compatible use** means a use which involves either no change to the culturally significant fabric or changes which are substantially reversible, or which result in a minimal impact.

**conservation** means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to the circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

**conservation instrument** means an interim conservation order or a permanent conservation order, being an order made pursuant to Part 3 of the [Heritage Act 1977](#).

**conservation management plan** means a document establishing the heritage significance of a heritage item, place, heritage conservation area or streetscape within a heritage streetscape area and the conservation policies and management mechanisms which would be appropriate to enable that significance to be retained. It should be prepared in accordance with the guidelines set out in the Conservation Management Documents in the NSW Heritage Manual published by the NSW Heritage

Office and Department of Urban Affairs and Planning.

**conservation study** means a document establishing the significance of a heritage item and identifying the conservation policies and management mechanisms that are appropriate to enable that significance to be retained in the future use and development of that item.

**Council** means the Council of the City of Sydney.

**cultural significance** means aesthetic, historic, scientific or social value for past, present or future generations.

**demolition**, in relation to a heritage item or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

**depot** means a building or place used for the servicing, repair and garaging of vehicles and other equipment and the storage of materials used by a public authority.

**development site**, within Green Square, means a site (or a grouping of sites) that was in common ownership at the date of commencement of Division 2 of Part 4, and for which a masterplan is required.

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

**dwelling house** means a building containing one, but not more than one, dwelling on an allotment and includes what is commonly known as a terrace house.

**ecological sustainability**, in an urban environment context, is a characteristic that is based on the philosophy of conserving and recycling resources to contribute to the restoration of underlying ecological processes on which all life depends. It involves the integration of ecological processes such as on-site stormwater absorption, soil conservation, grey water recycling, renewable energy harvesting, natural habitat and air quality, with the social, cultural and economic dimensions of human activities to achieve high levels of overall performance.

**educational establishment** means a building used as a school, college, academy, lecture hall, gallery or museum, not used primarily to sell the items displayed in the building, but does not include a building used wholly or principally as an institution.

**environmental heritage** means those buildings, works, relics or places of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance for the City of South Sydney.

**equipment hire centre** means a building or place used to hire out and store a range of tools and equipment and to repair and service that equipment.

**fabric** means all the physical material of a place.

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

**generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**Green Square** means land shown edged red on the map marked “*State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)—Green Square Boundary Map*”.

**Green Square Town Centre** means the land shown edged green on the map marked “*South Sydney Local Environmental Plan 1998 (Amendment No 17)—Green Square Town Centre—Zoning*”.

**gross floor area** means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, shade devices, and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and associated plant rooms, and ancillary storage space and vertical air conditioning ducts, and
- (c) car, coach and bicycle parking so as to comply with the maximum requirements of the Council’s applicable development control plan and any internal access to that parking, and
- (d) space for the loading and unloading of goods (but not in the case of warehouses or distribution centres).

**hazardous industry** means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate it from existing or likely future development on other land in the locality), would pose a significant risk, in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment,

but (in Part 3) does not include any form of industry defined elsewhere in this Schedule.

**hazardous storage establishment** means any establishment where goods, materials or products are stored and which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk, in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment,

but (in Part 3) does not include any form of storage establishment, or warehouse or distribution centre defined elsewhere in this Schedule.

**health care professional** means a person who provides professional health services to members of the public and includes:

- (a) a podiatrist registered under the [Podiatrists Act 1989](#), and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the [Chiropractors and Osteopaths Act 1991](#), and

(c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, and

(d) an optometrist registered under the *Optometrists Act 1930*.

**helipad** means an area or place not open to public use which is authorised by the Commonwealth Department of Transport and Regional Development and which is set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use which is licensed by the Commonwealth Department of Transport and Regional Development for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

**heritage conservation area** means an area that is described in Schedule 2A, including buildings, works, relics, trees and places situated on or within that land, and identified on any of the maps marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal or publication on the NSW legislation website. Information about the order of gazettal or publication can be determined by referring to the Historical notes at the end of the plan.

*South Sydney Local Environmental Plan 1998 (Amendment No 3)—Heritage Conservation*

*South Sydney Local Environmental Plan 1998 (Amendment No 9)—Sheet 1*

**heritage item** means a building, work, relic, tree or place that is described in Schedule 2 and identified on any of the maps marked as follows:

**Editorial note—**

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*South Sydney Local Environmental Plan 1998 (Amendment No 3)—Heritage Conservation*

*South Sydney Local Environmental Plan 1998 (Amendment No 7)—Green Square—Heritage*

*South Sydney Local Environmental Plan 1998 (Amendment No 9)—Sheet 1*

*South Sydney Local Environmental Plan 1998 (Amendment No 11)—Green Square—Heritage*

*South Sydney Local Environmental Plan 1998 (Amendment No 16)*

*South Sydney Local Environmental Plan 1998 (Amendment No 17)—Green Square Town Centre—Heritage Conservation*

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**heritage streetscape area** means an area that is described in Schedule 2B, including buildings, works, relics, trees and places situated on or within that land, and identified on any of the maps marked as follows:

**Editorial note—**

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*South Sydney Local Environmental Plan 1998 (Amendment No 3)—Heritage Conservation*

*South Sydney Local Environmental Plan 1998 (Amendment No 9)—Sheet 1*

**high technology industry** means an enterprise which has as its primary function the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software and hardware,
- (c) instrumentation and instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods and components,
- (e) other goods, systems and components intended for use in science and technology.

**home business** means a business carried on, in a building which is or contains a dwelling house or another dwelling, or is within the site area of a dwelling house or another dwelling, by the permanent residents of the dwelling house or other dwelling which does not involve:

- (a) the registration of the building, dwelling house or other dwelling under the *Factories, Shops and Industries Act 1962*, or
- (b) the employment of persons other than those residents (either on the site or having a base at the site), 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) interference with the amenity of the neighbourhood due to:
  - (i) the generation of excessive vehicular traffic, or
  - (ii) the attraction of an excessive number of customers or clients, or
  - (iii) the reduction of car parking in the vicinity of the site, or
- (e) the display of goods, whether in a window or otherwise, or
- (f) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or other dwelling to indicate the name and occupation of the residents), or
- (g) the sale of goods by retail from the site.

**home industry** means an industry carried on in a building (other than a dwelling house or another dwelling) under the following circumstances:

- (a) the activity does not occupy a floor space exceeding 50 square metres, and the building is erected within the site area of the dwelling house or other dwelling occupied by the person carrying on the industry or on land owned by that person and adjoining the land on which the dwelling house or

other dwelling is erected, and

- (b) the industry does not:
- (i) interfere with the amenity of the locality 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
  - (ii) interfere with the amenity of the neighbourhood due to:
    - (A) the generation of excessive vehicular traffic, or
    - (B) the attraction of an excessive number of customers or clients, or
    - (C) the reduction of car parking in the vicinity of the site,
  - (iii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iv) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (v) involve the sale of goods by retail from the site,
  - (vi) involve the employment of persons other than those residents (either on the site, or having a base at the site),

but (in Part 3) does not include any form of industry defined elsewhere in this Schedule.

**hospital** means a building or place (other than an institution) used for providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or restaurants, and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers.

**hotel** means premises specified in a hotelier's licence granted under the [Liquor Act 1982](#).

**industry** means an undertaking involving the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes, but (in Part 3) does not include any form of industry defined elsewhere in this Schedule.

**institution** means a penal or reformatory establishment.

**light industry** means an industry in which the processes carried on, the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the

neighbourhood, but (in Part 3) does not include any form of industry defined elsewhere in this Schedule.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**local business** means a business that would be a home business except that it involves the employment of not more than two person other than the residents concerned (either on the site of the business or having a base at the site).

**local shop** means a shop which operates primarily to serve the surrounding residential area and does not exceed 60 square metres in gross floor area.

**maintenance**, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area or within a heritage streetscape area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

**major special event** means:

- (a) a sporting event which may include training, competition or demonstrations, or
- (b) a cultural event which may include exhibitions, displays, performing arts, community festivals, fairs or carnivals, or
- (c) a recreational event which may include various forms of organised performances, circuses, games or amusements, or
- (d) an educational event which may include various forms of organised teaching, demonstration or display,

and which is not a market, and:

- (e) at which (or immediately before or after and in connection with which) amplified sound is produced or broadcast on the land concerned, or
- (f) for the purposes of which it is reasonably anticipated that more than 2500 persons will resort to the land concerned at any one time.

**market** means land used on a temporary basis for the purpose of selling goods or providing services, but (in Part 3) does not include a building or place elsewhere defined in this Schedule.

**masterplan** is a written document supported by diagrams, architectural drawings or maps that:

- (a) is based on an analysis of the characteristics and the local context of the land to which it applies, and
- (b) articulates planning and design principles relating to development of the land and explains how these address the Council's *Development Control Plan 1997: Urban Design* and any other relevant documents or plans, and
- (c) conceptually outlines and shows graphically the proposed site layout and planning for the development of the land, including the conceptual vertical and horizontal distribution of activities,

arrangement, footprint, envelopes and mix of types of buildings, heritage and conservation considerations, pedestrian and vehicular access and movements, parking and open space arrangements, and ways by which the development proposed maximises ecological sustainability and contributes to public domain enhancement, and

(d) illustrates a number of options for redevelopment of the land to which it applies.

**materials recycling depot** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials, or for the collecting, dismantling, storage, salvaging, or abandonment of vehicles or machinery or the sale of their parts.

**medical centre** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with obtaining any metal or mineral by any method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

**minor special event** means:

- (a) a sporting event which may include training, competition or demonstrations, or
- (b) a cultural event which may include exhibitions, displays, performing arts, community festivals, fairs or carnivals, or
- (c) a recreational event which may include various forms of organised performances, circuses, games or amusements, or
- (d) an educational event which may include various forms of organised teaching, demonstration or display,

which is not a market, and:

- (e) at which (or immediately before or after and in connection with which) no amplified sound is produced or broadcast on the land concerned, or
- (f) for the purposes of which it is reasonably anticipated that less than 2,500 persons will resort to the land concerned at any one time.

**motel** means a building (other than a hotel, backpackers' hostel, private hotel, bed and breakfast or boarding house) used principally for the overnight accommodation of travellers and the parking of their vehicles whether or not meals are also provided in the building to those travellers or the general public.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed at the building or place.

**multiple dwellings** means development consisting of the erection, alteration, extension or conversion of a building (or buildings) that results in the existence of two or more dwellings on a single



allotment of land, but does not include a building (or buildings) elsewhere defined in this Schedule.

**non-residential use**, within Green Square, means a use not defined in this plan as a residential use.

**non-structural advertisement** means any form of advertisement that is not an advertising structure and may include (but is not limited to) such things as painted signs, flags, banners, balloons or bunting.

**offensive industry** means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate it from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact on the locality or on the existing or likely future development on other land in the locality, but (in Part 3) does not include any form of industry defined elsewhere in this Schedule.

**offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact on the locality or on the existing or likely future development of other land in the locality, but (in Part 3) does not include any form of storage establishment or warehouse or distribution centre defined elsewhere in this Schedule.

**passenger transport terminal** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, and includes any facilities required for parking, manoeuvring, storage or routine servicing of any vehicle used to provide passenger transport services.

**place** means site, area, building or other work, group of buildings or other works, together with associated contents and surrounds.

**place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, nightclub, open air theatre, drive-in theatre, music bowl or any other building used for a similar purpose, whether used for the purpose of gain or not, but (in Part 3) does not include a place of public worship, an institution or an educational establishment.

**place of public worship** means a building or place used for religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

**potential archaeological site** means a site known to the Council to have archaeological potential even if it is not identified in this plan.

**preservation** means maintaining the fabric of a building or place in its existing state and retarding its deterioration.

**private hotel** means a hotel used primarily for short-term residential purposes which does not constitute premises licensed under the [Liquor Act 1982](#), and is not a boarding house, bed and breakfast or backpackers' hostel.

**professional consulting rooms** means a room or a number of rooms forming either the whole of or part of, or attached to, or within the site area of, a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the [Dentists Act 1989](#), or by not more than three health care professionals, who practise their respective professions in those rooms, and if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

**public art** within Green Square means works of an artistic nature within Green Square that may be viewed from public places.

**public building** means a building used as offices or for administrative or other similar purposes by the Crown, a statutory body, a Council or an organisation established for public purposes.

**public entertainment** means:

- (a) a musical event which may include live or recorded performances, or
- (b) a cultural event which may include exhibitions, displays, performing arts, community festivals, fairs or carnivals, or
- (c) a recreational event which may include various forms of organised performances, circuses, games or amusements, or
- (d) an educational event which may include various forms of organised teaching, demonstration or display,

and which is not a market, and:

- (e) at which (or immediately before or after and in connection with which) amplified sound is produced or broadcast on the land concerned, or
- (f) for the purposes of which it is reasonably anticipated that more than 2,500 persons will resort to the land concerned at any one time.

**public lighting** means the installation of lights and associated support structures for the purpose of street lighting, the lighting of footpaths and the illumination of parks and other spaces, but does not include lighting principally for the purpose of illuminating sporting events.

**reconstruction** means returning a building or place as nearly as possible to a known earlier state of the place and is distinguished by the introduction of materials (new or old) into the fabric.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes, but does not include a racecourse, speedway or showground.

**recreation facility** means a building or place used for indoor recreation, such as a table tennis centre, squash court, swimming pool, gymnasium, health studio or bowling alley, whether used for the purpose of gain or not, but does not include a place of public assembly or an amusement centre.

**relic** means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the area of the City of South Sydney, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the area of the City of South Sydney whether before or after its occupation by persons of European extraction.

**residential use**, within Green Square, means use for long-term residential accommodation and includes use for boarding houses, dwelling houses, dwellings used in conjunction with and attached to a building used or intended to be used for another use, and multiple dwellings.

**restaurant** means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises in exchange for payment.

**restoration** means returning the existing fabric of a place to a known earlier state of the place by removing accretions or by reassembling existing components without the introduction of new material.

**restricted premises** means a building or place at which:

- (a) publications classified Category 1 restricted or Category 2 restricted 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.

**road transport terminal** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**roof advertising structure** means an advertising structure which projects above the roof or the parapet of a building.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the hiring of trailers, or
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles, or
- (c) the washing and greasing of motor vehicles, or
- (d) the repairing and servicing of motor vehicles (other than repair or servicing involving body building, panel beating or spray painting), or

(e) the retail selling or hiring of small consumer goods.

**serviced apartment** means a self-contained dwelling (in a building containing three or more self-contained dwellings) which is cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), and which provides short-term accommodation for persons who have their principal place of residence elsewhere, but does not include a backpackers' hostel, boarding house, bed and breakfast or private hotel.

**setting** means the context within which a structure is placed with respect to townscape. Significant elements include ridge lines, valleys, hilltops, key built-up areas, view corridors, vantage points and landmarks.

**shop** means a building or place used for the selling, whether by retail or auction, or for the hiring or for the display for the purpose of selling or hiring, of items (whether goods or materials), but (in Part 3) does not include a building or place defined elsewhere in this Schedule.

**site area** of proposed development means the area of one or more lawfully created allotments to which an application for consent to carry out the development relates, but does not include any land on which the proposed development is not permitted by or under this plan or any other environmental planning instrument.

**statement of heritage impact** means a document which contains a statement which identifies the significance of the heritage item, place, heritage conservation area, streetscape or relic to which it relates, assesses the impact the proposed development will have on this significance and outlines measures that are proposed to minimise this impact. The document is to be prepared:

- in accordance with the provisions of the publication "Statements of Heritage Impact" published by the NSW Heritage Office and the Department of Urban Affairs and Planning as a guideline document to the NSW Heritage Manual, or
- in the case of a place of Aboriginal heritage significance, in accordance with any guidelines for the time being notified to the consent authority by the Director-General of National Parks and Wildlife, or
- in the case of a place of non-Aboriginal archaeological significance, in accordance with the publication "Archaeological Assessments" published by the NSW Heritage Office and the Department of Urban Affairs and Planning as a companion document to the NSW Heritage Manual.

**supporting hotel** means accommodation primarily for patients waiting to be admitted to hospital, or receiving post operative or other forms of health care, or for relatives or friends of patients receiving health care, or accommodation for any other purpose that supports the services of the hospital.

**the Corporation** means the Corporation constituted by section 8 (1) of the Act.

**the map** means the series of maps marked "*South Sydney Local Environmental Plan 1998*", as amended by the maps (or specified sheets of the maps) marked as follows:

**Editorial note—**

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*South Sydney Local Environmental Plan 1998 (Amendment No 2)—Green Square—Zoning*

*South Sydney Local Environmental Plan 1998 (Amendment No 4)*

*South Sydney Local Environmental Plan 1998 (Amendment No 7)—Green Square—Zoning*

*South Sydney Local Environmental Plan 1998 (Amendment No 8)*

*South Sydney Local Environmental Plan 1998 (Amendment No 9)—Sheet 2*

*South Sydney Local Environmental Plan 1998 (Amendment No 11)—Green Square—Zoning*

*South Sydney Local Environmental Plan 1998 (Amendment No 17)—Green Square Town Centre—Zoning*

*South Sydney Local Environmental Plan 1998 (Amendment No 21)*

**the R.T.A.** means the Roads and Traffic Authority constituted under the [Transport Administration Act 1988](#).

**under awning sign** means an advertising structure which is affixed to the underside of an awning.

**utility undertaking** means any of the following undertakings carried on or permitted or suffered to be carried on by, or by authority of, any Government Department or under the authority of, or in pursuance of, any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking is to be construed as including a reference to a Council, County Council, Government Department, corporation, firm or authority carrying on the undertaking.

**vacant land** means land on which there are no buildings other than fences, greenhouses, conservatories, garages, summerhouses, private boathouses, fuel sheds, toolsheds, cycle sheds, aviaries, milking bails, hay sheds, stables, fowlhouses, pigsties, barns or the like.

**vehicle rental centre** means a building or premises used to rent out vehicles and service those vehicles.

**warehouse or distribution centre** means a building or place used mainly for the storing or handling of goods or materials which have been produced or manufactured for sale elsewhere, but not for the retail sale of items to the public from the building or place, and (in Part 3) does not include any form of storage establishment defined elsewhere in this Schedule.

## Schedule 2 Heritage items

(Schedule 1)

Item no	Street	Suburb	Street no	Description	Inventory no
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114A	Bourke Street	Waterloo	866-882	Millers Self Storage, Federation Warehouse with art deco additions, at corner of O'Dea Avenue and Bourke Street	5.4
272	Cope Street	Waterloo	229-231	Two storey Victorian terrace houses, c 1880	4.86
530	George Street	Waterloo	336	Electricity Substation No 174, single storey Inter-War building	4.104

554A	Joynton Avenue	Zetland	3	<p>Former Royal South Sydney Hospital Group, including:</p> <p>Administration Building, Queen Anne style building, 1913, with later alterations and additions, and</p> <p>Pathology Building, single story building to Joynton Avenue, 1913, and</p> <p>Outpatients Building, single storey Inter-War Georgian Revival style building, c 1935, and</p> <p>Nurses Home (eastern wing), three storey Inter-War Georgian Revival style building, c 1938, and</p> <p>Brick and sandstone boundary fence to Joynton Avenue, 1913, and</p> <p>Landscaped area fronting Joynton Avenue between the</p>
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Nurses Home  
and the  
Pathology  
Building,  
including the  
significant  
trees and  
open  
landscaped  
areas around  
the buildings.

## **Schedules 2A, 2B (Repealed)**

### **Schedule 3 Excepted development**

(Clauses 45 and 55)

- (1)** The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
- (a) any development required in connection with movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, or
  - (b) the erection within the limits of a railway station of buildings for any purpose,
- but excluding:
- (c) the construction of new railways, railway stations and bridges over roads, and
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design of railway stations or bridges, and
  - (e) the formation or alteration of any means of access to a road, and
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (2)** The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
- (a) development of any description at or below the surface of the ground, or
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation, or
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or



transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brick, or

- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity, or
  - (e) the provision of public lighting, or
  - (f) the erection of service reservoirs on land acquired or in process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or
  - (g) any other development except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
    - (ii) the formation or alteration of any means of access to a road.
- (3)** The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (4)** The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf, or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- (5)** The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings, within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the construction or alteration of buildings so as to materially

affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(6)** The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

(a) the erection of buildings and the construction or alteration of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(7)** The carrying out by the owner or lessee of a mine (other than a mineral sand mine), on the mine, of any development required for the purposes of a mine, except:

(a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(8)** The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance, repair or operation of any road, except the widening or realignment of a road.

**(9)** The carrying out, or causing to be carried out, by a Council engaged in flood mitigation works or by the Water Administration Ministerial Corporation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvements in pursuance of the provisions of the [Water Act 1912](#), the [Irrigation Act 1912](#), the [Farm Water Supplies Act 1946](#) or the [Rivers and Foreshores Improvement Act 1948](#), except:

(a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

## **Schedule 4 Planning principles for Green Square**

(Clause 27B)

### **(1) Regional role**

Development in Green Square is to contribute to the status of the area as an important commercial and residential location, strategically positioned between Port Botany, Kingsford Smith Airport and the Sydney CBD.

Development in Green Square is to promote a compact working and living environment to maximise the efficient use of resources and infrastructure provision.

Development in Green Square is to benefit, in a physical, social, economic and environmental manner, the existing communities within South Sydney and the people of the City South Region.

## **(2) Integrated planning and development**

Planning and development in Green Square are to ensure that social, economic, environmental and urban design issues are considered together and with proper regard for their mutual and cumulative impacts. This principle of integration is to be reflected at all stages of the planning and development process—planning, implementation and evaluation.

The planning and development processes in Green Square are to take into account the impact and effect of development on the people of Green Square and the quality of the spaces in which they live and work and in which they become part of and contribute to successful urban communities.

## **(3) Public domain**

Development is to define and contribute to the public domain so as to create a high quality physical setting for buildings, which is safe and accessible and can be enjoyed by residents and workers.

Development of the public domain is to enhance the integration between the precincts within Green Square and surrounding areas. A system of interconnected streets, pedestrian/bicycle networks and open space/waterway reserves and corridors is to provide the structural framework of this public domain. There are two main axes to this framework, formed by the E-W avenue linking Green Square Railway Station to South Dowling Street, and the N-S links providing the further connection to Moore Park.

Development is to promote a street pattern that reinforces and supplements the existing street pattern of some of the smaller blocks in Green Square and integrates functional and environmental demands.

Development is to facilitate the creation of a system of channels and ponds to improve storm and ground water management, and to develop a theme to enhance the public domain and image of Green Square.

Development for the purpose of public art within Green Square should be consistent with the *Green Square Public Art and Water Features Strategy* adopted by the Council on 6 June 2001 (as amended by the Council from time to time).

## **(4) Urban form**

Urban form in Green Square is to reflect its location in relation to transport nodes and existing residential precincts, be architecturally rich and diverse, achieve a high level of amenity, define and enhance the public domain and allow for mixed uses.

Development is to provide a variety of building types selected to complement the locality, landform and precinct character, and designed to be responsive to environmental conditions such as noise, orientation, aspect and air pollution.

Building form within specific blocks is to be articulated both in height and mass to provide interest, resolve urban design and environmental issues and satisfy other planning principles for Green Square.

Buildings are to be of high quality and adaptable to a variety of uses over time, to ensure their long life.

The integrity of heritage items, contributory buildings and significant landscape elements is to be protected and enhanced.

#### **(5) Economic and community life**

Development is to provide a variety of housing (including affordable housing) to accommodate a range of income groups and social diversity, increase housing choice and flexibility, encourage employment-based activities and contribute to the creation of a range of precincts with character.

Development in Green Square is to provide an appropriate proportion of affordable housing to ensure that very low to moderate income households can continue to live in Green Square.

Development in Green Square is to contribute to an integrated mixed-use development pattern (both vertical and horizontal) containing a wide range of housing and employment opportunities, combined with educational, recreational and cultural facilities.

Development is to facilitate the increase and diversity of employment opportunities, which are to be compatible with achieving a high quality mixed living and working environment.

Activities along the main street frontage are to enhance the public domain and enrich pedestrian activity. There must be adequate provision of a range of small scale retail and neighbourhood facilities, concentrated along major pedestrian routes and around public spaces.

Development is to recognise and enhance the existing residential communities within Green Square.

Development is to facilitate the timely provision of recreational and community facilities and public open space within Green Square, to support the increase in residents and workers. These facilities and amenities are to be integrated with the pattern of distribution of existing facilities and amenities within Green Square and surrounding areas.

Potential conflict between existing and future land uses is to be managed (by design and

operational controls) so as to minimise the impacts of one on the other, and so that future development within Green Square can co-exist with land uses in adjoining land zoned industrial under this plan.

#### **(6) Transport and access**

Green Square Railway Station is to be established as a focus for inter-connecting transport facilities. Development in Green Square is to contribute to and support this function.

Development in Green Square is to promote the reduction of motor vehicle dependency and actively encourage the use of public transport, walking and cycling.

Integrated public domain improvements and pedestrian and cycle routes/facilities are to be provided throughout Green Square.

A barrier free environment for people with disabilities and mobility difficulties is to be created to ensure access equity.

Parking provision and management in Green Square is to acknowledge travel demand management principles, discourage excessive car ownership and usage levels by residents, and discourage car travel by commuters and other users. The location and intensity of development is to be oriented towards maximum potential for use of public transport.

#### **(7) Environmental performance**

Development is to create a safe and comfortable environment for residents and workers in both the private and public space, by “best practice” design to ensure buildings and spaces achieve maximum environmental performance and minimum resources use.

Development is to be designed having regard to:

wind effect, reflectivity, noise attenuation, solar access and energy conservation, water conservation and re-use, stormwater management, use of recycled materials and waste reduction.

The development of the public domain and open spaces must contribute to greater biodiversity, habitat protection and enhancement, and air and water quality.

#### **(8) Quality of design**

Buildings and the public domain are to be of a high quality in both design and materials. The public domain, being the network of public spaces, streets and squares, is to be designed as purposefully as the built form. Buildings are to support and be integrated into this public domain network to achieve coherence and purpose. Buildings are to be of a high quality, articulated both in height and mass.

**(9) Implementation**

Through the redevelopment process, development is to efficiently use the existing infrastructure within Green Square and provide new physical and social infrastructure.

**Schedule 5 Gross floor area and land use mix for specified development sites**

(Clause 27KF)

**Part 1 Development sites**



**Part 2 Gross floor area and total mix of development**

Development site	Total gross floor area	Commercial development	Residential development	Retail development
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Site No 1	41,700 m <sup>2</sup>	94.8%	Nil	5.2%
Site No 2	15,900 m <sup>2</sup>	100.0%	Nil	Nil
Site No 3	5,900 m <sup>2</sup>	98.1%	Nil	1.9%
Site No 4	5,300 m <sup>2</sup>	100.0%	Nil	Nil
Site No 5	22,100 m <sup>2</sup>	13.6%	72.4%	14.0%
Site No 6	35,800 m <sup>2</sup>	Nil	87.3%	12.7%
Site No 7	19,100 m <sup>2</sup>	31.5%	68.5%	Nil
Site No 8	43,900 m <sup>2</sup>	10.6%	86.0%	3.4%
Site No 9	27,800 m <sup>2</sup>	6.7%	93.3%	Nil
Site No 10	7,200 m <sup>2</sup>	9.3%	90.7%	Nil
Site No 11	21,100 m <sup>2</sup>	2.1%	97.9%	Nil
Site No 12	31,200 m <sup>2</sup>	Nil	100.0%	Nil
Site No 13	35,000 m <sup>2</sup>	6.7%	86.5%	6.8%
Site No 14	22,000 m <sup>2</sup>	20.8%	79.2%	Nil
Site No 15	22,600 m <sup>2</sup>	Nil	100.0%	Nil
Site No 16	11,600 m <sup>2</sup>	10.8%	89.2%	Nil
Site No 17	6,800 m <sup>2</sup>	22.5%	72.3%	5.2%
Site No 18	4,400 m <sup>2</sup>	6.0%	86.3%	7.7%
Site No 19	30,600 m <sup>2</sup>	5.5%	72.2%	22.3%

## Schedule 6 Classification and reclassification of public land

(Clause 56A)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
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<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Redfern, 91 Eveleigh Street	Lot 1, DP 779120	Nil
Redfern, 93 Eveleigh Street	Lot A, DP 439127	Nil
Redfern, 95 Eveleigh Street	Lot B, DP 439127	Nil
Redfern, 97 Eveleigh Street	Lot 1, DP 797845	Nil
Redfern, 99 Eveleigh Street	Lot 1, DP 194785	Nil
Redfern, 119 Eveleigh Street	Lot 5, DP 230305	Nil
Redfern, 121 Eveleigh Street	Lot 1, DP 995857	Nil

### **Part 3 Land classified, or reclassified, as community land**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	