

# Sydney Local Environmental Plan 2005

[2005-810]



New South Wales

## Status Information

### Currency of version

Current version for 14 December 2023 to date (accessed 16 April 2024 at 14:33)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Authorisation

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File last modified 14 December 2023

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New South Wales

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# Sydney Local Environmental Plan 2005



New South Wales

## Chapter 1 General

### Part 1 Preliminary

#### 1 Name of plan

This plan is *Sydney Local Environmental Plan 2005*.

#### 2 Land covered by this plan

- (1) Chapter 1 of this plan applies to all of the land to which this plan applies, being the land shown edged heavy red on the Plan Coverage Map.
- (2) Chapter 2 of this plan applies to Central Sydney.
- (3) Chapter 3 of this plan applies to Ultimo-Pyrmont.

#### 3 Consent authority

Except as provided otherwise by the Act, the consent authority for development applications relating to land to which this plan applies is—

- (a) the Council, or
- (b) if the development concerned is major development within the meaning of Part 4 of the *City of Sydney Act 1988*—the Central Sydney Planning Committee.

#### Note—

The Minister is the consent authority for any development requiring consent under Part 4 of the Act that, in the opinion of the Minister, is of a kind described in Schedule 6 to *State Environmental Planning Policy (Major Projects) 2005*. The approval of the Minister may also be required for the carrying out of development referred to in Part 3A of the Act (Major infrastructure and other projects).

#### 4 Effect of aims, strategies, principles and policies

The consent authority, in considering any proposed development, must have regard to the relevant aims, strategies and principles contained in this plan and may have regard to any published planning and design provisions and policies adopted by the Central Sydney

Planning Committee or the Council.

## **5 Review of this plan**

- (1) The Council is to review this plan on a 5 yearly basis after the commencement of this plan.
- (2) This clause does not affect the requirement for the Council to keep this plan under regular and periodic review imposed by section 73 of the Act.

## **6 Dictionary**

Expressions used in this plan that are defined in the Dictionary at the end of this plan have the meanings given them by the Dictionary.

## **7 Notes**

Explanatory notes in the text and notes on maps and diagrams do not form part of this plan.

## **8 Adoption of Model Provisions**

- (1) This plan adopts the *Environmental Planning and Assessment Model Provisions 1980*, except for Part 2 (Definitions), clause 15 (Conversion of buildings), clause 16 (Residential flat buildings—parking) and clause 17 (Residential flat buildings—setbacks) of those provisions.

### **Note—**

See clause 289 (2) of the *Environmental Planning and Assessment Regulation 2000* which provides for the adoption of the Model Provisions by environmental planning instruments despite the repeal of section 33 of the Act.

- (2) On the commencement of this plan, any order that was in force immediately before that commencement after having been made under clause 8 (Preservation of trees) of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by *Central Sydney Local Environmental Plan 1996*, is taken to be made under that clause as adopted by this clause.

## **9 Relationship of this plan to other environmental planning instruments**

- (1) This plan repeals *Central Sydney Heritage Local Environmental Plan 2000*.
- (2) This plan amends *Central Sydney Local Environmental Plan 1996* by omitting all provisions except clauses 1, 2 and 10.
- (3) (Repealed)
- (4) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* is amended by omitting clause 6A.

- (5) *Sydney Regional Environmental Plan No 26—City West* is amended by inserting at the end of clause 2—

However, this plan does not apply to land to which *Sydney Local Environmental Plan 2005* applies.

#### **10 Waiver of certain development standards**

- (1) Consent may be granted to development of land in Central Sydney, or of land in Ultimo-Pyrmont that is not in a master plan area, even though the proposed development contravenes a maximum height or maximum floor space ratio for a building, or a maximum vehicle parking requirement, imposed by a development standard, but only if the consent authority is satisfied that—
- (a) all the objectives of the development standard will be fulfilled, and
  - (b) the contravention will not—
    - (i) create an undesirable precedent for other development, or
    - (ii) diminish the overall effect of the development standard for development in the vicinity of the site, and
  - (c) the particular physical attributes of—
    - (i) the site, in terms of location, context, slope, site configuration and the like, and
    - (ii) the proposed development, in terms of urban form, bulk, height, floor space ratio, carparking, and the like,will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and
  - (d) the proposed development will improve or contribute positively to the public domain and would achieve design excellence.
- (2) A consent may be granted pursuant to this clause only if the building concerned—
- (a) does not contravene the maximum building height set for the building by Chapter 2 or 3 by more than 10% of that maximum building height or the height of one floor of the building, whichever is the greater, and
  - (b) does not contravene the maximum floor space ratio for the building set for the building by Chapter 2 or 3 by more than 10% of that maximum floor space ratio or the proportion of the floor space ratio of the building attributable to one floor in the building, whichever is the greater, and
  - (c) does not contravene a maximum amount of vehicle parking set for the building by

Chapter 2 or 3 by more than 10% of that maximum amount.

- (3) In determining the above, the consent authority shall have regard to whether this clause has been previously applied to the site of the proposed development.
- (4) If the site of the proposed development is in Central Sydney, consent may be granted for an additional amount of floor space area pursuant to this clause only if the consent authority is satisfied that an amount of heritage floor space equal to the additional amount has been or will be allocated to the site.
- (5) This clause is subject to clauses 48 (4), 49 (2), 50 (4) and (6) and 52.

#### **10A Exceptions to development standards**

- (1) The objectives of this clause are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

#### **Note—**

The *Environmental Planning and Assessment Regulation 2021* requires the development application to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5), (6) (Repealed)
- (7) This clause does not allow development consent to be granted for development that

would contravene any of the following—

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
- (c) a development standard that sets a maximum height for a building, a maximum floor space ratio for a building or a maximum amount of vehicle parking on land within Central Sydney, or on land within Ultimo-Pyrmont that is not in a master plan area,
- (d) clause 48, other than the requirement relating to the sun access planes for Pitt Street Mall identified as plane F1 and F2 in the sun access planes table in Schedule 2,
- (e) clause 49, other than the requirement relating to overshadowing of Australia Square, Chifley Square, First Government House Place and Sydney Town Hall steps.

## **Part 2 Aims, strategies and principles of this plan**

### **11 Aims of this plan**

The aims of this plan are—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, and
- (a) to protect and enhance the diversity and special qualities of the City of Sydney, and its surrounding areas, and
- (b) to establish the City of Sydney as the best place to live in, work in and visit, and
- (c) to foster environmental, economic, social and physical well-being so that the City of Sydney continues to develop as an integrated, balanced, sustainable and prosperous living city of world standing, and
- (d) to encourage orderly, sustainable and high quality development of land and other resources within the City of Sydney, and
- (e) to conserve the environmental heritage of the City of Sydney.

### **12 Strategies for achieving aims of this plan**

The strategies for achieving the aims of this plan are—

- (a) development of the City of Sydney as a vibrant, culturally diverse, multi-use city centre, and
- (b) continued growth of a permanent residential population in Central Sydney and the provision of a full range of housing including affordable housing, and
- (c) provision of appropriate development potential, and
- (d) provision of visitor and tourist accommodation, and
- (e) enhancement of Central Sydney as Australia's pre-eminent retail centre, and
- (f) protection and enhancement of the amenity of residents, workers and visitors, and
- (g) protection and enhancement of the quality and amenity of the public domain—the parks, places, streets and lanes, and
- (h) protection of the intricate urban fabric, and
- (i) protection of Special Areas in Central Sydney, and
- (j) conservation of heritage items and areas, and
- (k) achievement of a high quality of urban form and design in buildings and in the relationship of buildings to neighbouring development and the public domain, and
- (l) development of the City of Sydney with regard to the principles of ecologically sustainable development, and
- (m) protection and enhancement of the natural environment, including the City of Sydney's parks and Sydney Harbour, and
- (n) maximisation of use of public transport, walking and cycling for trips to, from and within the City of Sydney, and
- (o) provision of a high quality pedestrian environment, which is accessible to all its residents, workers and visitors, and
- (p) efficient and orderly management of all phases of the development process, including the construction phase, and
- (q) protection and enhancement of views and vistas to the harbour, parkland and buildings and places of historic and aesthetic significance, and
- (r) facilitation of the provision of access for people with disabilities, and
- (s) continuation of maritime and port functions located at the Darling Harbour Wharves 3 to 8.

### **13 Principles to be followed in implementing strategies**

The principles to be followed in implementing the strategies of this plan for achieving its aims are as follows—

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

## **Part 3 Consent for development**

### **14 Saving of certain development applications and development plans**

- (1) The 1996 LEP, *Central Sydney Heritage Local Environmental Plan 2000* and *Sydney Regional Environmental Plan No 26—City West*, as in force immediately before the commencement of this plan, apply to and in respect of the following, as if this plan had not been made—
  - (a) a development application (whether or not for a staged development consent)—
    - (i) that was lodged but was not finally determined before the commencement of this plan, and
    - (ii) that could have been consented to under the 1996 plan without any need for a related development plan being adopted under the 1996 LEP either because clause 28B of that plan did not apply to the proposed development or because of clause 28B (4) or (5) (a) or 28C (5) of that plan, and
  - (b) a development application (other than an application to which paragraph (a) applies and whether or not for a staged development consent)—
    - (i) that was lodged (but was not finally determined) before, or is lodged after, the commencement of this plan, and
    - (ii) that is substantially in accordance with a development plan that was adopted under the 1996 LEP before that commencement or a development plan that

was lodged before that commencement for adoption under the 1996 LEP and has been adopted under the 1996 LEP after that commencement because paragraph (d) applies, and

(c) a development application lodged after that commencement that is substantially in accordance with either a staged development consent granted before that commencement or a staged development consent granted after that commencement to a development application referred to in paragraph (a) or (b), and

(d) a development plan lodged for adoption under *Central Sydney Local Environmental Plan 1996*, but not adopted, before that commencement.

(1A) The amendments made to this plan by *Sydney Local Environmental Plan Amendment (Serviced Apartments) 2019* do not apply to a development application made but not finally determined before the commencement of those amendments.

(1B) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Exceptions to Development Standards) 2023* must be determined as if that policy had not commenced.

(2) In this clause—

**staged development consent** means a development consent subject to a condition imposed under section 80 (5) of the Act.

**the 1996 LEP** means *Central Sydney Local Environmental Plan 1996* as in force immediately before the commencement of this plan.

## 15 Effect of covenants and like instruments

(1) A consent may be granted subject to conditions that require the creation of a restrictive or positive covenant on any land.

(2) Any agreement, covenant or other similar instrument does not apply to development allowed by this plan in Ultimo-Pyrmont to the extent necessary to allow the development to be carried out in accordance with this plan, and any consent granted pursuant to this plan, as in force from time to time.

(3) Subclause (2) does not affect the application of any of the following—

(a) any agreement, covenant or other similar instrument entered into, before or after the commencement of this clause, by the Minister, the Council, the former South Sydney City Council or the Sydney Harbour Foreshore Authority,

(b) any covenant required, before or after the commencement of this clause, by a condition of a development consent or by the Minister, the Council, the former



South Sydney Council or the Sydney Harbour Foreshore Authority.

- (4) Pursuant to section 28 of the Act, the Governor approved of subclauses (2) and (3) before this plan was made.

## **16 Exempt and complying development**

- (1) Development is **exempt development** for the purposes of this plan only if it—

(a) is of minimal environmental impact, and

(b) is a type of development listed as exempt development in—

(i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or

(ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*, and

(c) complies with all of the requirements for exempt development made by—

(i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or

(ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*,

despite any other provision of this plan.

- (1A) Clause 3.1 of, and Schedule 2 to, the *Sydney Local Environmental Plan 2012* (to the extent that they specify street art as exempt development) apply to development on land to which this plan applies in the same way as they apply to development on land to which that Plan applies.

- (2) Development is **complying development** for the purposes of this plan only if it is—

(a) local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) is a type of development listed as complying development in,

(i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or

(ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*, and

(c) complies with all the requirements for complying development of that type made by—

(i) for Central Sydney, the Central Sydney Exempt and Complying DCP, or

(ii) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*,

despite any other provision of this plan.

- (3) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in—
  - (a) for Central Sydney, the Central Sydney Exempt and Complying DCP, or
  - (b) for Ultimo-Pyrmont, *State Environmental Planning Policy No 60—Exempt and Complying Development*.

## **17 Consent for demolition**

- (1) Consent must not be granted to development proposing the demolition of a building unless—
  - (a) the application also proposes the comprehensive redevelopment of the site after the demolition has been carried out, or
  - (b) a consent is in force for the comprehensive redevelopment of the site, or
  - (c) a consent is at the same time granted to the comprehensive development of the site proposed by another development application.
- (2) Consent must not be granted for demolition of a building unless the consent authority has compared the likely environmental impact of any replacement building proposed to be erected on the site when the site is redeveloped with the environmental impact of the building it would replace.

## **18 Subdivision**

- (1) Subdivision of land, including subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, may be carried out only with development consent.
- (2) Development consent may be granted to a subdivision only if the consent authority is satisfied that the subdivision will result in lots that—
  - (a) if the subdivision is for the purpose of the erection of a building, are capable of accommodating a building that—
    - (i) complies with all relevant requirements made by this plan, including those relating to maximum building height and floor space ratio, urban design, design excellence and heritage conservation, and
    - (ii) is not an overdevelopment of the lot, and
    - (iii) facilitates orderly and high quality development of the resultant lots, and
  - (b) provide an appropriate curtilage for any heritage item on the land that does not adversely affect the heritage significance of the item, and

(c) are compatible with the existing subdivision pattern of the locality.

- (3) A lot, or part of a lot, identified in a plan of subdivision for which consent is granted as being for use for carparking in relation to a specified residential unit must be used only by a resident or other occupant of the building that contains the residential unit.
- (4) Before granting consent for stratum subdivision of a building, the consent authority must consider whether the related building management statement or strata management statement adequately addresses the ongoing maintenance, upgrading, redevelopment and structural adequacy of the part of the building within each proposed stratum lot.
- (5) Before granting the subdivision certificate for strata subdivision of a new or refurbished building, the consent authority must be satisfied that any occupation certificate needed before the building is occupied has been issued.

#### **18A Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office

mentioned in subclause (4).

### **18B Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### **18C Standards that cannot be used to refuse consent—playing and performing music**

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
  - (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or

- (iii) whether the music played or performed is original music, or
  - (iv) the number of musicians or live entertainment acts playing or performing, or
  - (v) the type of instruments played,
- (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decoration to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—
- licensed premises*** has the same meaning as in the [Liquor Act 2007](#).

#### **18D Public bushland**

- (1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—
- (a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and
  - (b) preserving bushland as a natural stabiliser of the soil surface, and
  - (c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and
  - (d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and
  - (e) mitigating disturbance caused by development.
- (2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.
- (3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—
- (a) the disturbance of the bushland is essential for a purpose in the public interest,

- (b) there is no reasonable alternative to the disturbance,
  - (c) the development minimises the amount of bushland to be disturbed,
  - (d) the development includes measures to remediate the disturbed bushland.
- (4) Despite subclause (2), development that will disturb, or is reasonably likely to disturb, public bushland is permitted without development consent if the development is for the following purposes—
- (a) the construction, operation or maintenance of pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*,
  - (b) the construction, operation or maintenance of electricity or telecommunication lines,
  - (c) bush fire hazard reduction,
  - (d) the construction or maintenance of classified roads,
  - (e) facilitating the recreational use of the public bushland.
- (5) Development specified in subclause (4)(e) is permitted without development consent only if it is carried out in accordance with a plan of management for the public bushland, adopted by the Council in the same way a plan of management is required to be adopted for community land under the *Local Government Act 1993*, Chapter 6, Part 2, Division 2, that includes measures for the following—
- (a) the recreational use of the land,
  - (b) bush fire hazard reduction,
  - (c) the prevention of degradation, including the alteration of drainage patterns, rubbish dumping, vehicle intrusion and infestation with weeds or non-native plants,
  - (d) the remediation of degraded public bushland.
- (6) This clause does not require development consent for clearing of native vegetation if the clearing is of a kind that is authorised under the *Local Land Services Act 2013*, section 600.
- (7) In deciding whether to grant development consent to development on land adjoining public bushland, the consent authority must consider the following—
- (a) the need to retain public bushland adjoining the site of the development,
  - (b) the likely effect of the development on public bushland, including the following—
    - (i) the erosion of soil,

- (ii) the siltation of streams and waterways,
- (iii) the spread of weeds and non-native plants within public bushland,
- (c) other matters the consent authority considers relevant to the protection and preservation of public bushland.

(8) This clause does not apply to the following land that is public bushland—

- (a) land in Zone RU1, RU2, RU3, RU4 or RU5,
- (b) land reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*,
- (c) land within a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*,
- (d) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies.

(9) In this clause—

**disturb** public bushland means—

- (a) remove vegetation from public bushland, or
- (b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.

**non-native plant** means a plant that is not native vegetation.

**public bushland** means land—

- (a) on which there is vegetation that is—
  - (i) a remainder of the natural vegetation of the land, or
  - (ii) representative of the structure and floristics of the natural vegetation of the land, and
- (b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.

### **18E Canal estate development prohibited**

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this clause—

**canal estate development** has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

## **Part 4 Notification and advertising**

### **19 Notification of development to owners of adjoining land**

- (1) When an application is made for consent to carry out development on any land, the consent authority must give written notice of the application to such persons as appear to it to own adjoining land.
- (2) If the adjoining land is common property or a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, a written notice to the owners corporation of the strata scheme concerned is sufficient notice to the owner of each lot within the scheme.
- (3) Each notice is to contain the following information—
  - (a) the address of the land to which the development application relates,
  - (b) a description of the proposed development,
  - (c) a plan showing the site of the proposed development,
  - (d) the name of the applicant,
  - (e) a statement to the effect that the development application referred to in the notice and the documents accompanying the application may be inspected at the office of the Council at any time during ordinary office hours within a period of 14 days from the date shown on the written notice,
  - (f) a statement to the effect that any person, during the period of 14 days from the date shown on the written notice, may make a submission in writing to the consent authority in relation to the development application.
- (4) This clause does not require the consent authority to give notice of an application for consent to carry out development that the consent authority considers to be of a minor nature and that, in the consent authority's opinion, will not detrimentally affect the use and enjoyment of adjoining land.

### **20 Advertising of notice of development affecting other land**

- (1) If an application is made for consent to carry out on any land development that, in the consent authority's opinion, may have a significant environmental effect, the consent authority must advertise the development application in a major newspaper circulating in the City of Sydney.
- (2) Any person may inspect the development application at the office of the Council at any time during ordinary office hours within a period of not less than 14 days after the date of publication of the advertisement.



## **21 Exceptions to advertising requirements**

- (1) Clauses 19 and 20 do not apply if—
  - (a) a development application is amended in a way that is considered by the consent authority to be minor or to result in lesser impact, or such a development application is withdrawn, and a subsequent application made that is considered by the consent authority to relate to substantially the same development, or would result in lesser impact than the development initially proposed, and
  - (b) the consent authority has already complied with clauses 19 and 20 (if applicable) with respect to the development initially proposed.
- (2) Clauses 19 and 20 do not apply to designated development or integrated development as defined by the Act.

## **Part 5 Urban form, design excellence and environmental design**

### **Division 1 Urban form**

#### **22 Objectives for development plans**

The objectives for development plans are as follows—

- (a) to promote design excellence in terms of urban form, massing, bulk and architectural treatment,
- (b) to provide an analysis of site constraints and opportunities that can form the basis for determining the most appropriate floor space ratio and height, within the limits set by this plan, and the most appropriate development, for certain sites,
- (c) to promote design concepts for certain sites that ensure separation between tower forms,
- (d) to provide for a high quality amenity to the streets of Sydney and to uses located to the side and rear of certain mid-block sites.

#### **23 Development plans**

- (1) This clause applies to the following development—
  - (a) any development comprising the erection of a building exceeding 55 metres in height,
  - (b) any development of land exceeding 1,500 square metres in area,
  - (c) any development of the land comprising Darling Harbour Wharves 9 and 10,
  - (d) any development of the land comprising Carlton and United Brewery site, Chippendale, as outlined in red and annotated (iv) on the Central Sydney Site

Identification Map,

- (e) any development of the land comprising Central Railway—Western Precinct, as outlined in red and annotated (ii) on the Central Sydney Site Identification Map.
- (2) This clause does not apply to land within Ultimo-Pyrmont for which a master plan is required by Chapter 3, whether or not a master plan has been adopted for the land.
- (3) Except as provided by subclauses (4) and (5) and clause 25 (6), consent must not be granted for development to which this clause applies unless—
- (a) a development plan is in force for the land on which the development is proposed to be carried out, and
  - (b) the consent authority has taken the development plan into consideration.
- (4) The consent authority may waive compliance with the requirements of subclause (3)—
- (a) for any alterations or additions to an existing building that, in the opinion of the consent authority, do not significantly increase the existing floor space ratio or height of the building, do not have a substantial impact on adjoining buildings and are not visible from the street, and
  - (b) for any replacement use resulting from a change of use, any use the hours of operation of which are extended or any temporary use of an existing building, and
  - (c) for the strata subdivision of an existing building, and
  - (d) for any other development that, in the opinion of the consent authority, is of a similar nature to development referred to in paragraph (a), (b) or (c), and
  - (e) for any other development for which the consent authority considers it would be unreasonable or unnecessary to require compliance with those requirements.
- (5) A development plan is not required so as to allow the granting of—
- (a) a consent subject to a condition referred to in section 80 (5) of the Act (a consent for staged development), if the development application addressed the matters that would have been required to be in a development plan and to be taken into account if this exception had not been made, or
  - (b) a subsequent consent—
    - (i) to which that condition relates, or
    - (ii) to which a condition imposed under that subsection on a consent for staged development granted before or after the commencement of this plan relates, if the development application for that consent was or (pursuant to clause 14) is

consented to under *Central Sydney Local Environmental Plan 1996*.

- (6) The following instruments are taken to be development plans adopted under this Chapter by the consent authority—
- (a) any instrument adopted by the consent authority as a development plan under *Central Sydney Local Environmental Plan 1996* before the commencement of this plan or, if it is a development plan to which clause 14 (1) (d) applies, after that commencement,
  - (b) *Darling Harbour Wharves 9 & 10 Master Plan*, as amended by Amendment No 1 approved by the Central Sydney Planning Committee on 24 July 1997,
  - (c) *Central Railway Precinct Master Plan* approved by the Central Sydney Planning Committee in 1997.
- (7) Copies of—
- (a) the instrument referred to in subclause (6) (a) are available from the office of the Council, and
  - (b) the instrument referred to in subclause (6) (b) are available from the office of the Sydney Harbour Foreshore Authority.
- (8) To remove any doubt, this clause does not apply to the granting of consent to a development application if this plan does not apply to or in respect of that application because of clause 14 (Saving of certain development applications and development plans).

#### **24 Use of development plans to achieve different standards**

- (1) This clause applies to land at Regent Street (South) as shown outlined in solid red and annotated (v) on the Central Sydney Site Identification Map.
- (2) Consent may be granted for development on land to which this clause applies that will result in a building that exceeds the height or floor space ratio shown for the land on the Central Sydney Height Map or Central Sydney Floor Space Ratio Map, or exceeds both that height and that floor space ratio, if—
- (a) a development plan is in force for the land on which the development is proposed to be carried out, and
  - (b) the consent authority is satisfied that the development is consistent with that development plan.
- (3) Nothing in this plan allows consent to be granted for development on land to which this clause applies that will result in a building with—
- (a) a height that is greater than 15 metres, or

- (b) a floor space ratio that is greater than 1:1 above the floor space ratio shown for the land on the Central Sydney Floor Space Ratio Map.

## **25 General requirements for development plans**

- (1) A draft development plan may be prepared for land—
  - (a) by the owner of the land, or by a person authorised by the owner, in consultation with the consent authority, or
  - (b) by the consent authority in consultation with the owner of the land, or with a person authorised by the owner.
- (2) A development plan may be adopted by the consent authority only if it is satisfied that—
  - (a) the plan proposes development that can achieve design excellence, having regard to clause 26 and particularly the matters referred to in clause 26 (2), and
  - (b) the development plan addresses, to the satisfaction of the consent authority, whether—
    - (i) the proposed envelope, including floor space ratio and height, is appropriate to its site and context, and
    - (ii) it provides an appropriate design response to an analysis of the site and its context that adequately addresses the matters set out in subclause (3), and
    - (iii) the development plan proposes development that complies with the other requirements of this plan.
- (3) In order to demonstrate an appropriate design response to an analysis of the site, the development plan must address the following matters—
  - (a) the suitability of the land for development,
  - (b) existing and proposed uses and use mix,
  - (c) heritage issues and streetscape constraints,
  - (d) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (e) bulk, massing and modulation of buildings,
  - (f) street frontage heights,
  - (g) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

- (h) the achievement of the principles of ecologically sustainable development,
  - (i) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (j) impact on, and any proposed improvements to, the public domain.
- (4) Before considering a draft development plan, the consent authority must—
- (a) give notice of, and advertise, the draft plan in accordance with clauses 19 and 20 in the same way, and to the same persons, as notice of a development application is required to be given and advertised under those clauses, and
  - (b) take into account any written submissions made in response to the notice within the time allowed by clause 19.
- (5) After considering a draft development plan, the consent authority—
- (a) may adopt the development plan without variation, or
  - (b) may adopt the development plan with such variation as it considers appropriate, or
  - (c) may refuse to adopt the development plan, or
  - (d) may prepare an alternative development plan.
- (6) If no decision has been made by the consent authority in relation to a draft development plan prepared by the owner of land (or by a person authorised by the owner of land) within 60 days after the draft plan was lodged with the consent authority for adoption—
- (a) the consent authority is not prevented from granting consent to development to which clause 23 applies because no development plan has been adopted, but
  - (b) may grant consent to a development application proposing such development only if it is satisfied that it addresses the matters set out in subclause (2).
- (7) A draft development plan becomes a development plan when it is adopted by the consent authority.
- (8) Notice of the adoption of a development plan must be given to the owner of the land to which it relates.
- (9) A development plan has effect for 3 years from the date on which it is adopted or for such other period as the consent authority may from time to time determine.
- (10) When a development plan is adopted by the consent authority, the applicant must provide the consent authority with a copy of the development plan, incorporating any alterations that were required by the consent authority, to be kept as part of a register

by the Council and to be made available for public inspection during the ordinary office hours of the Council.

- (11) A development plan may be amended from time to time by a further development plan.
- (12) The consent authority may waive compliance with the requirements of subclause (3) in relation to an amending development plan if it is of the opinion that the amendment is of a minor nature and does not affect any provisions of the development plan being amended in relation to floor space ratio, height or bulk.

## **Division 2 Design excellence**

### **26 Design excellence**

- (1) Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.
- (2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
  - (c) whether the new development detrimentally impacts on view corridors identified in the relevant development control plan.
- (3) Any requirement for a development plan for the site is not displaced if the design of the new or altered building is the result of a competitive process.
- (4) Where a development plan is in force for the site, the consent authority must consider whether the design of the new or altered building is the result of a competitive process, undertaken in accordance with an adopted design brief and guidelines, that facilitates achievement of design excellence.
- (5) Where there is not a development plan in force for the site, the consent authority may have regard to whether the design of the new or altered building is the result of a design competition that—
  - (a) is consistent with any relevant development control plan, and
  - (b) satisfies the requirements for design competitions in any relevant development control plan.

- (6) If the consent authority is satisfied that the proposed development exhibits design excellence and is the result of a design competition, it is to reduce the amount of heritage floor space that would otherwise be required to be allocated to the site under clause 62 by 50 per cent, up to a maximum of 1,000 square metres.

## **Division 3 Environmental design**

### **27 Ecologically sustainable development**

Before granting consent for development related to a building, the consent authority must have regard to the principles of ecologically sustainable development based on a “whole of building” approach by considering—

- (a) greenhouse gas reduction, and
- (b) embodied energy in materials and building processes, and
- (c) building design and orientation, and
- (d) passive solar design and daylighting, and
- (e) natural ventilation, and
- (f) energy efficiency and energy conservation, and
- (g) water conservation and grey water reuse, and
- (h) waste minimisation and recycling, and
- (i) reduction of car dependence, and
- (j) potential for adaptive reuse.

## **Part 6 Special provisions for certain uses**

### **28 Objectives for amusement centres, brothels, restricted premises, late opening pubs and the like**

The objectives of this Part are—

- (a) to minimise the impact of certain uses which may degrade the amenity of the City of Sydney, such as amusement centres, brothels, restricted premises, late opening pubs and the like, and
- (b) to ensure that such uses are not concentrated together, and that their cumulative impact is assessed, and
- (c) to improve the character and attractiveness of the City of Sydney for residential, retail, commercial and cultural activities.

## **29 Amusement centres, brothels, restricted premises, late opening pubs and the like**

Consent may be granted to the carrying out of development for the purpose of amusement centres, brothels, restricted premises, late opening pubs and the like only if the consent authority is satisfied that—

- (a) the proposal would not have a detrimental impact on the amenity of the locality and the desired character of the locality, as indicated by—
  - (i) the objectives for the zone in which the land is situated, and
  - (ii) if the land is in a Special Area, the character statements and specific objectives for the Special Area as set out in Schedule 6,
- (b) the proposal would not result in an inappropriate concentration of that use and, together with other of the above uses in the locality, result in a detrimental cumulative impact, and
- (c) the proposal would not be detrimental to other uses considered to be more consistent with the objectives of the zone in which the land is situated.

## **30 Duty free stores**

Consent must not be granted to development for the purpose of a duty free store, including development that would result in the expansion of a duty free store, unless the consent authority is satisfied that the development will not have an adverse traffic impact on city streets, having particular regard to the increase in the numbers of buses and coaches likely to be generated by the development.

# **Chapter 2 Central Sydney**

## **Part 1 Objectives of this Chapter**

### **31 The objectives of this Chapter**

The objectives of this Chapter are—

- (a) the reinforcement of the major functions of Central Sydney, especially its commercial role and maritime trading role, and
- (b) the reinforcement of the status of Central Sydney as the primary centre in the Sydney Metropolitan region, and
- (c) the provision of sufficient development potential within Central Sydney, and
- (d) the managed growth of a permanent residential population in Central Sydney and the provision of a full range of residential accommodation, and
- (e) the provision of tourist and visitor accommodation in Central Sydney, and



- (f) the enhancement of Central Sydney as Australia's pre-eminent retail centre, and
- (g) the protection of Special Areas within Central Sydney.

## **Part 2 Zoning**

### **Division 1 General**

#### **32 Land use zones**

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

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

#### **33 Effect of zone objectives**

The consent authority, before consenting to development or adopting a proposed development plan for any land, must have regard to the objectives of the zone in which the development is proposed to be carried out or in which the land is situated.

#### **34 Development near zone boundaries**

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

#### **35 Permissible uses for heritage items**

The consent authority may grant consent to the use, for any purpose, of a heritage item even though the use would otherwise be prohibited, if it is satisfied that—

- (a) the proposed use would not have a significant effect on the heritage significance of the heritage item or the amenity of the locality, and
- (b) conservation of the heritage item would be assisted by the granting of the consent.

## **Division 2 City Centre zone**

### **36 Objectives of the City Centre zone**

The objectives of the City Centre zone are—

- (a) to encourage Central Sydney's role and growth as one of the Asia-Pacific region's principal centres for finance, commerce, retailing, tourism, cultural activities, entertainment and government, and
- (b) to permit a diversity of uses which reinforce the multi-use character of Central Sydney, and
- (c) to facilitate the development of buildings and works that are of a scale and character consistent with achieving the other objectives of this zone, and
- (d) to provide for increased residential development with appropriate amenity and to ensure the maintenance of a range of housing choices, and
- (e) to enhance the amenity of parks and community places by protecting sun access, and
- (f) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain, and
- (g) to ensure satisfactory sky exposure, levels of daylight and ventilation to the public areas of Sydney, including the parks, places, streets and lanes, and
- (h) to recognise and enhance the character of Special Areas, and
- (i) to facilitate the conservation of items and areas of heritage significance, and
- (j) to protect the fine-grained urban fabric of Central Sydney, especially the existing network of streets and lanes, and to provide for high quality development that contributes to the existing urban form, and
- (k) to extend retail uses on frontages to retail streets, and
- (l) to provide active frontages to streets.

### **37 Development within the City Centre zone**

- (1) Development may be carried out without consent within the City Centre zone if it is exempt development.
- (2) Within the City Centre zone, any other development (including use of land for the purpose of advertisements or advertising structures, a new use of a building for the purpose of a duty free store and temporary uses) may be carried out, but only with development consent.

- (3) However, in the area bounded by King, Elizabeth, Market and George Streets—
- (a) development at ground floor level may be carried out only for the purpose of shops, refreshment rooms and access to other uses on other levels, and
  - (b) development for the purpose of brothels is prohibited.

## **Division 3 City Edge zone**

### **38 Objectives of the City Edge zone**

The objectives of the City Edge zone are—

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

### **39 Development within the City Edge zone**

- (1) Development may be carried out without consent within the City Edge zone if it is exempt development.
- (2) Within the City Edge zone, other development (including use of land for the purpose of advertisements and advertising structures, light industries and temporary uses) may be carried out, but only with development consent.

- (3) Development for the purpose of amusement centres is prohibited on land in the Oxford Street area shown shaded on Map 1 in Schedule 1.
- (4) Development for the purpose of brothels is prohibited in the City Edge zone.

## **Division 4 Residential zone**

### **40 Objectives of the Residential zone**

The objectives of the Residential zone are—

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

### **41 Development within the Residential zone**

- (1) Development may be carried out without consent within the Residential zone if it is exempt development.
- (2) Within the Residential zone, development for the purpose of the following may be carried out, but only with development consent—
  - (a) dwelling-houses,
  - (b) advertisements,
  - (c) boarding houses,
  - (d) child care centres,
  - (e) educational establishments,
  - (f) hotels,
  - (g) medical and dental surgeries (up to a maximum floor space area of 150 square metres),
  - (h) open space,

- (i) places of public worship,
  - (j) public utility installations,
  - (k) pubs,
  - (l) refreshment rooms,
  - (m) residential buildings (other than dwelling-houses),
  - (n) serviced apartments,
  - (o) shops (including grocery and convenience stores),
  - (p) streets,
  - (q) temporary uses of any kind.
- (3) Any other development is prohibited within the Residential zone, except development involving a class 1 dwelling listed as complying development in the Central Sydney Exempt and Complying DCP.

## **Division 5 Maritime and Transport zone**

### **42 Objectives of the Maritime and Transport zone**

The objectives of the Maritime and Transport zone are—

- (a) to facilitate the continued operation of port activities, water-based transport services, rail and related transport services, and naval and other maritime activities, and
- (b) to provide for the efficient operation of the primary land uses for this zone, namely—
  - (i) port (cargo and passenger) and related landside activities at North Darling Harbour berths 3-10, and
  - (ii) ferry and charter boat services at Circular Quay, in a manner consistent with the identification of Circular Quay as a Special Area, and
  - (iii) the Royal Australian Navy's Fleet Base at Woolloomooloo and Garden Island, and the Department of Defence's dockyard and facilities at Garden Island, and
  - (iv) rail and related services at Central Railway Yards and near the approaches to the Sydney Harbour Bridge, and
- (c) to facilitate the conservation of items and areas of heritage significance, and
- (d) to provide opportunities for a range of additional uses on particular sites without detrimentally affecting the amenity of the surrounding areas.

### **43 Development within the Maritime and Transport zone**

- (1) Within the Maritime and Transport zone, exempt development and development for the purpose of the following may be carried out without development consent—
  - (a) aids to navigation,
  - (b) commercial port operations,
  - (c) dredging,
  - (d) jetties,
  - (e) naval activities,
  - (f) pontoons,
  - (g) reclamation,
  - (h) sea walls,
  - (i) streets,
  - (j) temporary uses on land owned by, or under the care, control and management of, the Council,
  - (k) wharves.
- (2) Within the Maritime and Transport zone, development for the purpose of the following may be carried out on any land, but only with development consent—
  - (a) public utility undertakings,
  - (b) temporary uses of any kind on land on which they are not allowed without consent in the zone,
  - (c) workshops.
- (3) Within the part of the Maritime and Transport zone outlined in red and annotated (i) on the Central Sydney Site Identification Map, development for the purpose of the following may be carried out, but only with development consent—
  - (a) advertisements,
  - (b) conventions, cultural activities, exhibitions, and like functions,
  - (c) hotels,
  - (d) refreshment rooms,
  - (e) residential buildings,

- (f) serviced apartments,
  - (g) shops,
  - (h) tourist coach and bus parking or layover,
  - (i) tourist-related uses,
  - (j) waterfront-related uses,
  - (k) commercial uses ordinarily incidental or ancillary to the other particular uses listed in this subclause.
- (3A) Within the part of the Maritime and Transport zone outlined in black and shown with black hatching on the Central Sydney Site Identification Map (Sheet 2), development for commercial purposes in addition to the purposes specified in subclause (3) may be carried out, but only with development consent.
- (4) Consent must not be granted for development on land within the part of the Maritime and Transport zone shown coloured blue on the Central Sydney Site Identification Map, or on land including any such land, unless the consent authority is satisfied that unobstructed public access will be provided along the foreshore within the land so shown.
- (5) Despite subclause (3), within the part of the Maritime and Transport zone shown coloured green on the Central Sydney Site Identification Map, development for the purpose of a residential building is prohibited.
- (6) Within the part of the Maritime and Transport zone outlined in pink on the Central Sydney Site Identification Map, development for the purpose of a short-stay public car park containing a maximum of 158 parking spaces may be carried out, but only with development consent. This subclause has effect despite clause 65 but subject to clause 66.
- (7) The consent authority must not grant consent as referred to in subclause (6) unless it is satisfied that a covenant has been or will be created that has the effect of restricting the future use of the proposed car park to use for the purpose of a short-stay public car park only.
- (8) Within the part of the Maritime and Transport zone outlined in red and annotated (ii) on the Central Sydney Site Identification Map, development for the purpose of the following may be carried out, but only with development consent—
- (a) advertisements,
  - (b) commercial premises,
  - (c) hotels,

- (d) serviced apartments,
  - (e) shops,
  - (f) educational establishments.
- (9) Within the Part of the Maritime and Transport zone outlined in red and annotated (v) on the Central Sydney Site Identification Map, development for the purpose of the following may be carried out, but only with development consent—
- (a) advertisements,
  - (b) conventions, exhibitions and like uses,
  - (c) tourist coach and bus parking layover facilities,
  - (d) public instrumentality offices used for administration,
  - (e) port and maritime related uses and sympathetic commercial uses,
  - (f) harbour public open space,
  - (g) pedestrian linkages and vantage points.
- (10) Within the part of the Maritime and Transport zone at Circular Quay and Central Railway Terminal building, development for the purpose of the following may be carried out, but only with development consent—
- (a) advertisements,
  - (b) refreshment rooms,
  - (c) shops.
- (11) Any other development is prohibited within the Maritime and Transport zone.
- (12) Consent must not be granted to development referred to in subclause (3) unless the consent authority is satisfied that the pattern and location of any roads or pedestrian thoroughfares concerned is generally in accordance with that shown on the Central Sydney Roads and Pedestrian Thoroughfares Map.
- (13) In determining **site area** for the purpose of calculating floor space ratio of buildings on a site that includes land shown uncoloured on the Central Sydney Floor Space Ratio Map, the area of land so shown is to be excluded from the site area.
- (14) In determining the **floor space area** for the purpose of calculating the floor space ratio of buildings on a site that includes land outlined in pink on the Central Sydney Site Identification Map, the area of any car park referred to in subclause (6) is to be excluded.



- (15) In determining **floor space area** for the purpose of calculating the floor space ratio of buildings on a site that includes land shown hatched black on the Central Sydney Site Identification Map, floor space that will be permanently occupied by a tourist coach and bus parking layover facility on the site may be excluded by the consent authority from the floor space area, subject to subclause (16).
- (16) The exclusion can reduce the floor space area of the buildings so that the floor space ratio calculated is less than the floor space ratio for the buildings that would otherwise have been calculated by up to, but no more than 1:1. The extent of the exclusion is to be in proportion to the extent to which the layover facility will, in the opinion of the consent authority, contribute to servicing the needs of the City of Sydney for tourist coach and bus parking layover facilities.
- (17) In this clause, **short-stay public car park** means a car park that is open to the general public and regulated (by a restriction in opening hours or fee structure, or both) so as to discourage commuter parking.

## **Division 6 Parks and Community Places zone**

### **44 Objectives of the Parks and Community Places zone**

The objectives of the Parks and Community Places zone are—

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

### **45 Development within the Parks and Community Places zone**

- (1) Development may be carried out without consent within the Parks and Community Places zone if it is exempt development or (unless it is development for the purpose of

roads) carried out in accordance with a plan of management.

- (2) Within the Parks and Community Places zone, development (other than development in accordance with a plan of management) for the purpose of the following may be carried out on any land, but only with development consent—
- (a) buildings used for cultural activities, landscaping and gardening, or recreational facilities,
  - (b) car parking,
  - (c) kiosks,
  - (d) refreshment rooms,
  - (e) roads, except where carried out as exempt development or in accordance with any plan of management,
  - (f) shops and commercial premises associated with underground railway stations,
  - (g) signs incidental or ancillary to another permitted use,
  - (h) temporary uses of any kind,
  - (i) underground public utility undertakings, located under the surface of a road or public thoroughfare, or adjacent to or bordering a road or public thoroughfare, but only if the undertakings are not inconsistent with any plan of management,
  - (j) other land uses which the consent authority is satisfied are incidental or ancillary to land uses which may be lawfully carried out within the zone.
- (3) Within the curtilage of the building within the part of the Parks and Community Places zone outlined in red and annotated (iii) on the Central Sydney Site Identification Map, development for the purpose of the following may also be carried out, but only with development consent—
- coach and bus parking or layovers and associated facilities, including shops, information facilities, refreshment rooms and ancillary uses.
- (4) Within the Parks and Community Places zone, below the plaza ground surface as at the commencement of this plan, on Lot 2, DP 225060, (being part of the land bounded by George Street, Curtin Place, Pitt Street and Bond Street, Sydney, and known as Australia Square), any development (including development for the purpose of advertisements or advertising structures and temporary uses of any kind) may be carried out, but only with development consent.
- (5) Consent must not be granted to development of land within the Parks and Community Places zone owned or controlled by the Council or another public authority, unless the

consent authority has had regard to each of the following—

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

(6) Any other development is prohibited within the Parks and Community Places zone.

#### **46 Residential development on Wharf 11, Woolloomooloo**

- (1) Despite clause 45, development for any residential purpose may be carried out, but only with development consent, on land within the Parks and Community Places zone that is outlined in red and annotated (iv) on the Central Sydney Site Identification Map.
- (2) Consent for any such development on the land may be granted only if the consent authority is satisfied that—
  - (a) the proposed development will have little or no adverse effect on the amenity of land in the vicinity of the proposed development, and
  - (b) conservation of the Finger Wharf would be assisted were the proposed development to be carried out, and
  - (c) no portion of any building, including plant, will exceed a height of RL 10 metres, exclusive of any public viewing platforms.
- (3) The floor space area of all buildings on the land must not result in a floor space ratio that exceeds 0.913:1, of which the floor space area used otherwise than for car parking must not account for more than 0.65:1 and the floor space area used only for car parking must not account for more than 0.263:1.

### **Part 3 Height of buildings**

#### **47 Objectives for control of the height of buildings**

The objectives for control of the height of buildings in Central Sydney are—

- (a) to allow sunlight access to key areas of the public domain by ensuring that—
  - (i) further overshadowing of certain parks and community places is avoided or limited during nominated times, and
  - (ii) existing overshadowing of certain parks and community places is reduced in the long term, and
- (b) to provide a transition of building heights between localities and street blocks, and

- (c) to provide high quality urban form for all buildings, while maintaining satisfactory sky exposure and daylight—
  - (i) to the public areas of Central Sydney, including the parks, places, streets and lanes, and
  - (ii) to existing buildings and to the sides and rear of tower forms, and
- (d) to confine ground level wind speeds to velocities which ensure pedestrian comfort and amenity of the public domain, and
- (e) to allow for and promote the ventilation of the City by the free movement of air around and between tower structures, and
- (f) to provide sun access to significant sandstone buildings in Special Areas in order to improve the ground level environmental quality of public spaces, and
- (g) to ensure that tower development occurs on sites capable of providing appropriate urban form and amenity, and
- (h) to nominate heights that will provide a transition in built form and land use intensity between the City Centre zone and adjoining lower scale localities within and adjacent to Central Sydney, and
- (i) to provide for view sharing along the edges of Central Sydney, and
- (j) to ensure an appropriate height transition between new buildings and heritage items or Special Areas.

#### **48 Sun access planes**

- (1) Subject to subclauses (2), (3) and (4), development that results in any part of a building projecting above a sun access plane for a park or community place identified in the sun access planes table in Schedule 2 is prohibited if the building is situated on land shown on the relevant map in Schedule 2 as affected by the sun access plane.
- (2) Any part of a sun access plane identified as plane B2, F2 or I2 in the sun access planes table in Schedule 2 that is directly beneath part of another sun access plane identified as plane B1, F1 or I1 in that table is to be disregarded for the purposes of this clause.
- (3) This clause does not apply to development resulting only in refurbishment of a building.
- (4) Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this clause.

#### 49 No additional overshadowing in certain locations

- (1) Subject to subclauses (2), (3) and (4), development is prohibited if it results in a building that causes overshadowing, in addition to that existing at 27 December 1996, between the nominated times in any of the following locations between 14 April and 31 August in any year—

Location	Nominated times
Australia Square	12 noon to 2 pm
Chifley Square	12 noon to 2 pm
First Government House Place	12 noon to 2 pm
Lang Park	12 noon to 2 pm
Macquarie Place (beyond the shadow that would be cast by a wall with a 35 metre street frontage height on the eastern alignment of Loftus Street)	10 am to 2 pm
Martin Place (between Pitt and George Streets)	12 noon to 2 pm
Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 metre street frontage height on the eastern and western alignments of the Mall)	10 am to 2 pm
Prince Alfred Park	12 noon to 2 pm
Sydney Town Hall steps	10.30 am to 4 pm
Sydney Square	11 am to 4 pm

- (2) Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this clause.
- (3) Within the Parks and Community Places zone, this clause does not apply to any development that is not inconsistent with a plan of management.
- (4) This clause is subject to clause 52.

#### 50 Height of buildings

- (1) The height of a building on any land is not to exceed the height shown for the land indicated on the Central Sydney Height Map.
- (2) Despite subclause (1), consent must not be granted to a building on any land if the height of the building exceeds 55 metres unless—
- the site area of the development is 800 square metres or more, or
  - the consent authority is satisfied that the proposed development achieves—

- (i) appropriate height to plan width proportions that are compatible with the massing, street frontage and tower forms within the locality, and
  - (ii) a separation of any towers to achieve the “tower in the round” built form characteristic, and
  - (iii) adequate amenity and privacy for occupants, and
  - (iv) active street frontages, and
  - (v) sufficient space for vehicle circulation and access ramps.
- (3) The achievement of the maximum height shown on the Central Sydney Height Map is subject to compliance with the floor space ratio, development plan, design excellence, heritage, ecologically sustainable development and other provisions of this plan.
- (4) The height of a building resulting from the replacement or alteration of a building on land identified by the notation “Existing Height” on the Central Sydney Height Map is not to exceed the existing height of the building that is replaced or altered. Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this subclause.
- (5) Consent must not be granted for the erection of a building on land in the Parks and Community Places zone or the Maritime and Transport zone unless the consent authority is satisfied that its height will be consistent with the heights of any existing buildings on the subject site and on adjoining land. This subclause is subject to clause 46 (2) (c) and does not apply to equipment and structures used for the physical handling of cargo in carrying out commercial port operations, or used for naval activities at Woolloomooloo or Garden Island.
- (6) The height of any building on land shown outlined in solid red and annotated (ii) on the Central Sydney Height Map must not exceed—
- (a) RL 45 metres north of the Moore Stairs, or
  - (b) RL 46.7 metres south of the Moore Stairs.
- Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this subclause.
- (7) The height of any building on land shown outlined in solid red and annotated (iii) on the Central Sydney Height Map is not to exceed RL 28.6 metres.
- (8) Consent must not be granted for the erection of a building on land shown outlined in solid red and annotated (iv) on the Central Sydney Height Map unless, in the opinion of the consent authority, its height will complement the height of buildings on adjacent land.

- (9) Despite subclause (1), the height of any building resulting from the carrying out of development on land shown outlined in solid red and annotated (v) on the Central Sydney Height Map may exceed the 80 metre height limit shown on the Central Sydney Height Map, but only if the development application for consent to the development was lodged no later than on 31 March 2002 and the consent authority is satisfied that—
- (a) when carried out, the development will be generally consistent with the winning entry of the architectural competition (submitted by Richard Johnson, Architect, and known as the **JPW amended scheme**) held under the provisions of Part 12 of *Central Sydney Development Control Plan 1996*, and
  - (b) the use of any new building or buildings on the land will be commercial, and
  - (c) the floor space area of all buildings on the land will not exceed 111,291 square metres, and
  - (d) the street frontage height along Kent Street will not exceed RL 45 metres, and
  - (e) the height of the tower buildings will not exceed RL 145 metres to Kent Street and RL 110 metres to Sussex Street, and
  - (f) the massing of the tower buildings will provide an acceptable slenderness ratio to all elevations. Specifically, the length above the street frontage of the Kent Street elevation of the northern proposed building must not exceed 61.5 metres (excluding fins or decorative elements) and the length above the street frontage of the Sussex Street elevation of the southern proposed building must not exceed 66.5 metres (excluding fins or decorative elements), and
  - (g) no more than 650 short stay public car parking spaces will be provided in the building which will be located below the level of Kent Street and screened by active uses from any public or pedestrian space, and
  - (h) no structure will be constructed underground on land to which this subclause applies that is shown shaded on the Central Sydney Height Map, and
  - (i) Sussex Lane will be appropriately connected to Kent Street from Sussex Street, and
  - (j) an appropriate street or mid-block connection will be provided between Kent Street and Sussex Street.
- (10) Clause 2.12.E of *Central Sydney Development Control Plan 1996* does not apply to any development application to which subclause (9) applies.
- (11) Despite subclause (1), the consent authority may, in accordance with clause 24, consent to development that will result in a building on land at Regent Street (South) as shown outlined in solid red and annotated (vi) on the Central Sydney Height Map

with a height of not more than 15 metres.

- (12) The height of any building on land shown outlined in solid red and annotated (vii) on the Central Sydney Height Map must not exceed 81 metres.

### **51 Architectural roof features**

A person may, with development consent, carry out development in contravention of clauses 48 and 50 that results in an architectural roof feature, but only if the consent authority is satisfied that the architectural roof feature—

- (a) satisfies the objectives of the height controls, and
- (b) comprises a decorative element on the uppermost portion of a building, and
- (c) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (d) does not provide access for recreational purposes, and
- (e) is not a structure for signage or advertising, and
- (f) does not contain equipment or structures for servicing the building, such as plant, lift motor rooms, fire stairs and the like, and
- (g) is an integral part of the design of the building in its context, and
- (h) will have minimal overshadowing impact.

### **52 Height of buildings on a Category A or B site**

- (1) Consent may be granted to development that will result in a building projecting above a sun access plane for a location if—
  - (a) the site of the building is a site nominated as Category A in Schedule 3, and
  - (b) the building would reduce the excess overshadowing of the location by at least 50 per cent between the nominated times specified for the location by clause 49. Excess overshadowing of a location is the area of shadow cast by so much of a building as projects above the sun access plane for the location.
- (2) A building on a site nominated as Category B in Schedule 3 may project above a sun access plane that affects the Category B site, but only if the height of the building does not exceed the height of any building situated on the corresponding site nominated as a Category A site in that Schedule.
- (3) Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this clause.



## **52A Alternative building heights**

- (1) The objective of this clause is to provide for additional building height on parts of certain sites (within the area bounded by Alfred Street, Pitt Street, Dalley Street and George Street) if the development of the site provides for publicly accessible open space, lanes and other links through the site.
- (2) This clause applies to land shown outlined in solid red and annotated “vi” on the *Central Sydney Site Identification Map*.
- (3) Despite clause 50, the consent authority may grant consent to development for the purposes of a building with a maximum height of—
  - (a) 200 metres on up to 33% of the area of block 1, or
  - (b) 155 metres on up to 42% of the area of block 2, or
  - (c) 185 metres on up to 24% of the area of block 3.
- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that the development proposal will—
  - (a) provide for recreation areas, lanes and streets, and
  - (b) have business premises and retail premises that have street frontages at ground level (finished) to those recreation areas, lanes and streets, and
  - (c) provide a satisfactory distribution of built form and floor space development.
- (5) Development consent must not be granted under this clause in relation to development on block 1, 2 or 3 unless the consent authority is satisfied that the development proposal relates to the whole of the block and, except as otherwise provided by this clause, no other land.
- (6) A development proposal in respect of block 1 may also relate to the whole of any one or more of the following—
  - (a) Lot 1, DP 787946,
  - (b) Lot 180, DP 606866,
  - (c) Lot 1, DP 537286.
- (7) A development proposal in respect of block 3 may also relate to the whole of any one or more of the following—
  - (a) Lot 180, DP 606866,
  - (b) Lot 1, DP 537286.

(8) In this clause—

**block 1** means Lot 7, DP 629694, Lot 501, DP 714847, Lots 2 and 3, DP 1092, Lots 1 and 2, DP 1112308, Lots A and B, DP 104160, Lot 7, DP 110046, Lot 6, DP 75338, Lot 4, DP 524306, Lot 1, DP 513109 and the whole of the road known as “Queens Court”.

**block 2** means Lot 4, DP 57434, Lot 1, DP 69466, Lot 1, DP 110607, Lot 1, DP 188061, Lot 1, DP 913005, Lots A-D, DP 435746, Lot 20, DP 1063401 and Lot 1, DP 107759.

**block 3** means Lot 1, DP 220830 and Lot 1, DP 217877.

## **Part 4 Floor space ratios**

### **53 Objectives for floor space ratio controls**

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

- (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of Central Sydney, and
- (b) to ensure that proposals for new buildings are assessed with due regard to the development plan, design excellence, urban design and built form provisions of this plan, and
- (c) to provide a framework for the award and allocation of heritage floor space, and
- (d) to provide sufficient floor space for high quality development for the foreseeable future, and
- (e) to encourage the provision of residential and visitor accommodation, and
- (f) to encourage the provision of certain uses and facilities that provide a public benefit, and
- (g) to regulate the density of development and generation of vehicular and pedestrian traffic.

### **54 Maximum floor space ratios—generally**

- (1) The floor space ratio of a building on any land is not to exceed the floor space ratio shown for the land on the Central Sydney Floor Space Ratio Map.
- (2) Despite subclause (1), consent may be granted to development that will result in a building on a site within the City Centre zone that has a floor space ratio (additional to the ratio provided for by subclause (1)) up to the following maximum—
  - (a) in Area A1 shown on the Central Sydney Floor Space Ratio Map—
    - (i) for commercial uses—4.5:1,

- (ii) for residential, serviced apartment and hotel uses—6:1,
  - (iii) for a mixed-use development—as determined in accordance with Schedule 4, and
- (b) in Area A2 shown on the Central Sydney Floor Space Ratio Map—
  - (i) for commercial uses—2:1,
  - (ii) for residential, serviced apartments and hotel uses—3:1,
  - (iii) for a mixed-use development—as determined in accordance with Schedule 4, and
- (c) in Area B shown on the Central Sydney Floor Space Ratio Map—
  - (i) for residential, serviced apartments and hotel uses—1:1,
  - (ii) for a mixed-use development—as determined in accordance with Schedule 4.
- (3) The achievement of a maximum floor space ratio set by subclause (1) and (2) is subject to compliance with—
  - (a) the height, development plan, design excellence, heritage, ecologically sustainable development and other provisions of this plan, and
  - (b) if applicable, the allocation of heritage floor space to the site in accordance with clause 62.

#### **55 Maximum floor space ratios—specific sites**

- (1) Despite clause 54, the consent authority may, in accordance with clause 24, consent to development that will result in a building on land at Regent Street (South) shown outlined in solid red and annotated (i) on the Central Sydney Floor Space Ratio Map with a floor space ratio of not more than 1:1 above the floor space ratio shown for the land on that map.
- (2) If an underground space within a building within the City Centre zone was being used at the commencement of this plan for the purpose of car parking, that part of the building may, with development consent, be used for any other purpose even though—
  - (a) the building would then have a floor space ratio greater than the maximum floor space ratio, without the allocation of heritage floor space, that would otherwise be allowed for the building by clause 54, and
  - (b) no heritage floor space is allocated to the site.

**56 Higher floor space ratios for Opportunity Sites and certain colonnades**

- (1) Consent may be granted to development resulting in additions to the street frontage of existing buildings on an Opportunity Site which would result in the creation of floor space additional to that allowed by the maximum floor space ratio set by clause 54 if the additional floor space would, in the opinion of the consent authority, improve the public amenity.
- (2) Any amount of additional floor space allowed must be determined having regard to the extent to which the development proposed is, in the opinion of the consent authority, consistent with the provision of—
  - (a) improved pedestrian and disabled access between the street and the existing buildings, and
  - (b) increased opportunities for active pedestrian use and enjoyment of the space between the street and the existing buildings, and
  - (c) improved amenity, including personal security, traffic safety and weather protection, and
  - (d) improved scale relationship between the buildings and pedestrians using the buildings and places in the vicinity, and
  - (e) increased continuity and visual consistency of the street wall, and
  - (f) where driveways or vehicle ramps obstruct the pedestrian way, the relocation of the driveways and ramps so as to minimise their impact on the public domain and pedestrian way, and
  - (g) where colonnades exist at ground and lower levels, the infilling of these colonnades, to form a part of a consistent street wall.
- (3) A consent referred to in subclause (1) may be granted only if the consent authority is satisfied that—
  - (a) an amount of heritage floor space equal to half the amount of the additional floor space permitted will be allocated to the Opportunity Site, and
  - (b) the proposed development is not an extensive redevelopment of the Opportunity Site, and
  - (c) the proposed development exhibits design excellence.

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

- (1) This clause applies to the following parcels of land—

- (a) Lots 1 and 2, DP 225060, being land bounded by George Street, Curtin Place, Pitt Street and Bond Street, Sydney,
  - (b) Lot 1, DP 108385, being land bounded by Goulburn Street, Riley Street, Campbell Street, Hunt Street and Brisbane Street, Surry Hills,
  - (c) Part Lot 2, DP 844093, being land known as Brickfield Place on the northern side of Liverpool Street, Sydney.
- (2) In calculating the floor space ratio of a building within a parcel to which this clause applies, all land within the Parks and Community Places zone that is within the parcel and is in the same ownership as the site of the building is taken to be within the site area of the proposed development.

## 58 Calculation of floor space ratio and maximum floor space area

### Note—

This clause explains how to calculate the floor space area and floor space ratio of buildings on a site to ensure that the total of the floor space area in buildings does not exceed the maximum that is allowed by this plan.

The clause is intended to define site areas, and to make other provisions, so as to allow reasonable and equitable sharing of floor space in buildings and, in particular, to prevent an artificial increase in the maximum floor space area allowed in a building through the manipulative addition to its site area of land—

(a) that has no, or no substantial, connection to the development proposed, or

(b) that has already been included as part of a site area to obtain floor space in another building.

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

(2) **Site area** In applying a floor space ratio for the purpose of determining a development application, the **site area** is taken to be—

(a) if the application proposes development on only one lot, the area of that lot after excluding any land that is a street, a public place, a public reserve or community land, or

(b) if the application proposed development on two or more lots, the largest area of contiguous land on which the development is proposed, excluding any land that is a street, a public place, a public reserve or community land, or

(c) despite paragraphs (a) and (b), if the proposed development is only on land comprised of a street, a public place, a public reserve or community land (or any combination of them), so much of that land as will be occupied by a building that will be erected or physically affected by the proposed development.

(3) **Excluded land** The following land must be excluded from the site area—

(a) land on which the proposed development is not allowed, whether by this plan or a

covenant or for any other reason,

(b) any land that is the site of a building that is a heritage item, if—

(i) heritage floor space has been awarded under this plan in relation to the building, or

(ii) the consent authority is not satisfied that the item will be restored, where the condition of the building is such as to require restoration, in accordance with a conservation management plan approved by the Council.

- (4) The consent authority may exclude from the site area land that is the site of an existing building (not being a heritage item) that was erected more than 10 years before the making of the development application concerned and that is proposed to be retained after the proposed development has been carried out, if the consent authority is not satisfied that the building will be appropriately refurbished or otherwise upgraded to a reasonable condition within a reasonable time, which may require provision or enhancement of access to, or across the site of, the building for pedestrians or vehicles, or both.
- (5) **Land divided in strata** An area within a lot wholly or partly superimposed on another lot is not to be included more than once in calculating a site area.
- (6) In applying a floor space ratio to a site, all floor space area within the vertical projection of the boundaries of a site is to be included in the calculation, whether or not the development application relates to all of the buildings in which that floor space area is situated.
- (7) **Covenants to prevent “double dipping”** When consent is granted to the erection of a building on a development site comprised of two or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor space area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor space area will be created on another lot only because the site included the restricted lot.
- (8) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (7) registered before or after the commencement of this clause applies to any land (**affected land**), and
- (b) a development application relates to the affected land and other land that together comprise a development site,
- the maximum amount of floor space area allowed on the other land by the floor space ratio fixed for the development site by this plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(9) **Definitions** In this clause—

**community land** has the same meaning as in the [Local Government Act 1993](#).

**lot** means a lot in a current plan, within the meaning of the [Conveyancing Act 1919](#).

**site**, in relation to a development application, means the land to which the application relates.

(10) A reference in this clause to a building includes a reference to existing buildings and a proposed building or proposed buildings, and any combination of them.

### **59 Floor space ratio for historic clubs**

(1) This clause applies to a building owned and occupied by a club that, in the opinion of the consent authority—

(a) has a long and historic association with its site, and

(b) provides and has traditionally provided accommodation in that building, and

(c) does not derive a substantial proportion of its income from gaming.

(2) When calculating the floor space ratio of a building to which this clause applies for the purposes of proposed development, the consent authority may exclude from the floor space area of the building the floor space occupied by the club at the commencement of this plan if the consent authority is satisfied that the club will operate within the building after the development has been carried out. The maximum amount of floor space that may be deducted is an amount equivalent to twice the site area.

(3) This clause applies to a heritage item only if the consent authority is satisfied that the proposed development of the heritage item is sympathetic to the heritage significance of the item.

### **60 Objectives for the award and allocation of heritage floor space**

The objectives of this plan in relation to the award and allocation of heritage floor space are—

(a) to assist and encourage the conservation and on-going maintenance of heritage items within Central Sydney through the award of heritage floor space, and

(b) to promote achievement of the objectives of the heritage provisions in this plan.

### **61 Award of heritage floor space**

(1) When consent is granted for development that the consent authority is satisfied will consist of or include the conservation of a heritage item within Central Sydney, the consent authority may make the owner of the heritage item or a person nominated by the owner an award of heritage floor space.

- (2) Heritage floor space may be awarded only if the consent authority is satisfied that, through the registration of a covenant on the title to the site of the heritage item concerned, future development will not increase the total floor space area or height of the heritage item.
- (3) Heritage floor space cannot be awarded in relation to a heritage item if—
  - (a) the whole or part of the area occupied by the heritage item has been or is included as site area for the purpose of calculating the floor space ratio for another building, or
  - (b) an amount of floor space that may be or has been allowed to be created in another building has previously been awarded in respect of the heritage item under this clause or another heritage conservation incentive scheme administered by the consent authority.
- (4) Any heritage or other floor space awarded under such an incentive scheme is taken to be heritage floor space awarded for the purposes of this plan whether or not it was allocated for use in a building before the commencement of this plan.
- (5) Details of all heritage floor space awarded are to be entered in a register maintained by the Council, but only after conservation works in accordance with a conservation management plan for the heritage item concerned that has been approved by the Council or the Central Sydney Planning Committee have been completed to the satisfaction of the Council or the Central Sydney Planning Committee.
- (6) Once heritage floor space awarded in respect of a heritage item has been entered in that register, no amount of the site of the heritage item can be included as site area for the purpose of calculating the floor space ratio for buildings on a site that includes any land outside the site of the heritage item.

## **62 Allocation of heritage floor space**

- (1) Consent may be granted to development on a site within the City Centre zone in Area A1, A2 or B shown on the Central Sydney Floor Space Ratio Map that will result in a building that exceeds 55 metres in height with a floor space ratio that exceeds the floor space ratio (without allocation of heritage floor space) shown for the site on the Central Sydney Floor Space Ratio Map, but only if the consent authority is satisfied that the appropriate amount of heritage floor space will be allocated to the site, whether because of a condition of the consent or otherwise.
- (2) The **appropriate amount of heritage floor space** for a site is—
  - (a) half the difference between the maximum floor space area for the site, calculated by reference to the floor space ratio (without heritage floor space) as shown on the Central Sydney Floor Space Ratio Map, and the total floor space area of all buildings on the site after the development has been carried out in accordance



with the consent, up to the maximum floor space ratio (with heritage floor space) for the site as shown on that map, and

- (b) any floor space which exceeds the maximum allowed for the site by clause 54 or 55.
- (3) When proposed development has undergone a design competition and, in the opinion of the consent authority, achieves design excellence, the consent authority may allow a reduction of heritage floor space that needs to be allocated to the site of that development.

### **63 Significant public benefit**

- (1) Consent may be granted to development that creates floor space that will be used to provide a significant public benefit, without the allocation of heritage floor space that would be required to be allocated to the site in the absence of this clause.
- (2) Floor space is used to provide a significant public benefit for the purposes of this clause if the floor space is used—
  - (a) for an historic club, or
  - (b) for a cinema, recital hall or theatre for use by the public, or
  - (c) for a mid-block pedestrian connection required by this plan,but only if, in the opinion of the consent authority, the use is appropriate to its location and meets an important need in the city.

## **Part 5 Car parking**

### **64 Objectives for car parking controls**

The objectives of the car parking controls of this Part are—

- (a) to acknowledge that public transport is the most important and efficient means of moving people to and within Central Sydney, and
- (b) to encourage commuting by public transport to Central Sydney in order to reduce the number of motor vehicles travelling through and to Central Sydney, and to improve overall environmental quality and pedestrian amenity, and
- (c) to improve the attractiveness and competitiveness of Central Sydney for retail and commercial activities by providing a reasonable level of tenant and short-stay public car parking whilst discouraging commuter car parking, and
- (d) to encourage residential development in Central Sydney, and
- (e) to minimise adverse urban design impacts, in particular by discouraging the provision

of above ground parking, and

- (f) to minimise adverse traffic impacts, in particular conflicts between pedestrian and vehicular traffic, and
- (g) to discourage the provision of public car parking, and
- (h) to ensure that tenant car parks are not occupied by persons other than occupiers of the building or land on which the car park is situated.

**65 Tenant car parking provisions**

- (1) Car parking provided in connection with a building must not result in any maximum set out in the following Table being exceeded, except in a case to which subclause (2) applies and results in a greater number—

**Maximum car parking**

<b>Type of proposed use</b>	<b>Maximum parking on site spaces permitted</b>
Dwelling-houses	2 spaces per dwelling-house
Residential buildings (including housing for aged persons)—	
Studio apartments/bedsitters	1 space per 4 studio apartments/bedsitters
1 bedroom apartments	1 space per 2 apartments
2 bedroom apartments	1 space per apartment plus 1 additional space per 5 apartments
Apartments with 3 or more bedrooms	2 spaces per apartment
Hotels and clubs	1 space per 5 bedrooms 4 spaces per 100 square metres of function room area
Cinemas, theatres and recital halls	1 space per 7 seats
Serviced apartments	1 space per 4 studio apartments/bedsitters 1 space per 2 one-bedroom apartments 1.2 spaces per two or more bedroom apartment
Other uses	

**Note—**

Parking for service and delivery vehicles, motorcycle parking, bicycle parking and car parking for people with mobility impairment should comply with the provisions of the relevant development control plan.

- (2) The number of tenant car parking spaces that will be available for use in connection

with an existing building to which a development application relates is not to exceed the total of the maximum amounts allowed for each particular use that will be allowed in the building, in accordance with the following formula—

- (3) Clause 10 applies to a requirement made by subclause (2), but subject to subclauses (4)–(8). Before granting a consent pursuant to clause 10, the consent authority must be satisfied that different uses of parking spaces in the building will, as nearly as practicable, conform to the proportions specified in the Table to the subclause (1).
- (4) The consent authority may grant a consent that allows car parking spaces for a use in excess of the number allowed under subclause (2) only if—
  - (a) on-site tenant car parking, for the same use, is lawfully occurring for a number of car parking spaces in excess of that allowed by subclause (2), and
  - (b) the proposed car parking in excess of that allowed by subclause (2) is to be used only for tenant car parking and parking of vehicles providing services to the occupants of the building, and not for public car parking, and
  - (c) the consent authority is satisfied that the proposed car parking in excess of that allowed by subclause (2) will not cause adverse urban design and traffic impacts.
- (5) The number of car parking spaces calculated in accordance with subclause (2) is to be—
  - (a) exclusive of parking for service and delivery vehicles, and motorcycle and bicycle parking, and
  - (b) inclusive of car parking for people with mobility impairment, provided in accordance with the relevant Australian Standard, and visitor car parking.
- (6) Consent for car parking spaces for a cinema, theatre or recital hall is to be granted by the consent authority only after it has considered the location and availability of existing public car parking and public transport in the vicinity of the proposed cinema, theatre or recital hall. Any car parking allowed specifically for the purpose of a cinema, theatre or recital hall may, with consent, also be used for short-stay parking for other purposes, but only during the hours of 9.30 am to 6 pm.
- (7) Car parking spaces provided for use in connection with the use of function areas in hotels are to be available only to patrons to park in while using the function facilities and must not be used for public car parking.
- (8) Consent must not be granted for development that includes tenant car parking, unless conditions of the consent provide that the tenant car parking must not be used or occupied by any person, other than a person who resides or works in or visits a tenant of the building on a temporary basis, in the building or on the land in or on

which the car park is located.

- (9) A maximum number of car spaces set by this clause is to be rounded up to the nearest whole number if it is not a whole number.

## **66 Public car parking restrictions**

- (1) **Restrictions that apply in all cases** Before granting consent to development for the purpose of any public car parking, the consent authority must be satisfied that the public car parking—
- (a) will not prejudice attaining the objectives of this Part, and
  - (b) will not encourage commuter car parking nor reduce the proportion of public transport users travelling to the city each day, and
  - (c) will be used for short-stay public car parking only that is regulated by a restriction in opening hours or fee structure, or both, and
  - (d) will be located underground, and
  - (e) will be included for the purpose of calculating floor space ratio in the floor space area of the building in which it is situated, and
  - (f) will be consistent with, and does not compromise, high quality urban design of buildings on the land and adjacent to the land on which it is situated, and
  - (g) is not likely to cause or increase adverse pedestrian impacts or local or city-wide vehicular traffic impacts, and
  - (h) in the opinion of the consent authority, is not likely to cause or contribute to an unacceptable level of vehicle saturation of intersections in the vicinity, or an unacceptable reduction of environmental capacity of roads in the vicinity, of the public car park.
- (2) **New public car parks** Consent may be granted to development for the purpose of public car parking on land where no public car parking already exists, but only where the consent authority is satisfied that the public car parking directly services major retail, cultural, recreational or entertainment uses which, in the opinion of the consent authority, are not reasonably or adequately serviced by either—
- (a) public transport (either existing or planned), or
  - (b) existing public car parking.
- (3) **Existing tenant car parks** Without affecting subclause (2), consent may be granted to development for the purpose of public car parking on land on which tenant car parking already lawfully exists, but only to the extent of converting to public car parking any car spaces that are in excess of the maximum number of parking spaces allowed by

clause 65 (1).

- (4) **Existing public car parks** Consent may be granted to development for the purpose of public car parking on land on which public car parking already lawfully exists, but only where the consent authority is satisfied that—
- (a) the development will not result in more public car parking spaces on the land than already lawfully exist, and
  - (b) the floor space area of all public car parking on the land does not exceed the floor space area of the existing public car parking on the land.

## **Part 6 Heritage provisions**

### **67 Objectives**

The objectives of the heritage provisions are—

- (a) to conserve the heritage of Central Sydney, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in heritage conservation, and
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items, and
- (e) to provide greater certainty in the management of the heritage of Central Sydney, and
- (f) to encourage high quality design and the continued use or adaptive re-use of heritage items.

### **68 Consent required for certain development**

- (1) The following development may be carried out only with development consent—
- (a) demolition of a heritage item or building in a heritage streetscape,
  - (b) structural or non-structural alterations to the exterior or interior of a heritage item,
  - (c) structural or non-structural alterations to the exterior of a building in a heritage streetscape that is not a heritage item,
  - (d) erection of a sign or advertising structure on a heritage item,
  - (e) erection of a building on the site of a heritage item or building in a heritage streetscape,

(f) subdivision of a site of a heritage item.

(2) However, development consent is not required by this clause if—

(a) the proposed development is maintenance or is of a minor nature and, in the opinion of the consent authority, will not adversely affect the heritage significance of the heritage item concerned or of the heritage streetscape concerned, or

(b) the proposed development is consistent with a heritage conservation plan that has been approved by the consent authority, if it involves a heritage item, or

(c) in the opinion of the consent authority, the proposed development is required as a matter of urgency to ensure public safety.

(3) A reference to the consent authority in subclause (2) is a reference to the person who would be the consent authority if consent were required.

#### **69 Consent authority must have regard to heritage conservation**

The consent authority must not grant consent to a development application involving a heritage item unless it has taken into consideration—

(a) the heritage significance of the heritage item concerned, and

(b) the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item and any historic subdivision pattern in the locality, and

(c) the heritage inventory assessment report prepared in relation to the heritage item, and

(d) any conservation management plan or heritage impact statement required by the consent authority, and

(e) any plan of management required by the consent authority, and

(f) the provisions of any relevant development control plan or policy adopted by the Council, and

(g) the heritage significance of the interiors of any heritage item concerned.

#### **70 Definition of “materially affects” for the purposes of clauses 71-73**

(1) For the purposes of clauses 71-73, development on land that comprises or includes the site of a heritage item **materially affects** the item only if—

(a) it will reduce or increase the building envelope occupied by the item, or

(b) it will be carried out within the airspace above the building envelope occupied by the item.

- (2) However, development does not materially affect a heritage item if, in the opinion of the consent authority, the proposed development will not adversely affect the heritage significance of the heritage item concerned.

#### **71 Floor space ratio of heritage items**

- (1) The maximum floor space ratio for a heritage item is the floor space ratio of the item when this plan commenced, except as provided by subclauses (2), (3) and (4).
- (2) After considering the matters specified in clause 69, the consent authority may consent to development that will result in that maximum floor space ratio being exceeded, only if—
  - (a) the proposed development will not materially affect a heritage item, and
  - (b) the proposed development involves mainly internal building work or minor additions, and
  - (c) the proposed development is on part of the site not occupied by any existing building of heritage significance, and
  - (d) the floor space ratio complies with clause 54.
- (3) The consent authority, after considering the matters specified in clause 69, may consent to development that will materially affect a heritage item and that will result in that maximum floor space ratio being exceeded, but only if the consent authority complies with clauses 72 and 73.
- (4) However, subclauses (2) and (3) do not apply so as to allow consent to be granted for development of land that consists of or includes the site of a heritage item that will result in the floor space ratio specified for the land elsewhere in this Chapter being exceeded.

#### **72 Development that would materially affect a heritage item**

The consent authority must not grant consent for development that will materially affect a heritage item unless it is satisfied that—

- (a) the item, or the part of the item, affected is not of such heritage significance or landmark value that the proposed development would diminish the heritage of the City of Sydney, and
- (b) the proposed development exhibits design excellence and is superior in quality to the existing heritage item, and
- (c) the proposed development would make a contribution to the quality of the public domain of the City of Sydney superior to that made by the existing heritage item, and
- (d) in the case of partial demolition, the proposed development would conserve the

heritage significance (and would not prejudice the continued heritage item status) of the item, would facilitate its continued use or adaptive reuse, and would contribute to the ongoing conservation of the heritage item, or the affected part of the item that will be retained, and

- (e) in the case of complete demolition, the retention of the heritage item would render the site on which it is located incapable of viable continued use or adaptive reuse.

### **73 Process for major changes to heritage items**

- (1) This clause applies to development that will materially affect a heritage item, but only if the development involves—
  - (a) demolition that will result in a reduction by more than 35% of the building envelope of the heritage item, or
  - (b) increasing the size of that building envelope by more than 20%, or
  - (c) building over more than 20% of the footprint of that building envelope within the airspace above the item, but not within the airspace next to the item.
- (2) The consent authority must not grant consent for development to which this clause applies until after the consent authority—
  - (a) has appointed a committee to examine and advise on the merits of the proposal, and
  - (b) is satisfied that the appointed committee has followed an appropriate public process for the purpose of that examination, and
  - (c) has considered the advice of the committee.
- (3) The consent authority may waive the requirement made by subclause (2) if the development is the subject of a development plan and the design of the development has been arrived at through a competitive process.
- (4) Nothing prevents the processes identified in subclause (2) being undertaken in respect of development to which this clause does not apply.

### **74 Development within the vicinity of a heritage item**

The consent authority, when considering an application for development within the vicinity of a heritage item, must take into account the impact of the proposed development on the heritage significance of the heritage item.

### **75 Development of potential archaeological sites**

The consent authority may grant a consent required by this Part for the carrying out of development on a potential archaeological site only if it has considered an archaeological



assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.

## **76 (Repealed)**

## **Part 7 Special Areas**

### **77 Objectives for the controls for Special Areas**

The objectives for the controls for Special Areas are—

- (a) to protect Special Areas from development incompatible with the particular character and significance of each Special Area and to retain and enhance its unique character, and
- (b) to reinforce the distinctive attributes and qualities of the built form of Special Areas by ensuring that development has regard to the fabric and prevailing character of each Area in scale, proportions, street alignment, materials and finishes, and
- (c) to conserve and protect heritage items and their settings, and
- (d) to maintain a high level of daylight access to streets, lanes, parks and other public domain spaces, and
- (e) to encourage active street frontages to the public domain, and
- (f) to conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance within Special Areas.

### **78 Identification of Special Areas**

Special Areas are considered to be of significance in terms of the heritage conservation, urban design and planning management of Central Sydney and are shown on the Central Sydney Special Areas Map.

### **79 Objectives for each Special Area**

The consent authority, in considering a development application for land in a Special Area, must have regard to the following matters—

- (a) the development plan provisions of this plan,
- (b) the objectives for the controls for Special Areas set out in clause 77,
- (c) the character statement and the specific objectives for the Special Area, as set out in Schedule 6,
- (d) the *Central Sydney Heritage Inventory* maintained by the Council, and any conservation management plan, heritage impact statement or urban design study required by the consent authority,

- (e) any plan of management required by the consent authority,
- (f) the provisions of any relevant development control plan or policy adopted by the Council.

## **Part 8**

### **80, 81 (Repealed)**

## **Chapter 3 Ultimo-Pyrmont**

### **Part 1 General**

#### **82 Requirement for development consent**

- (1) Development may be carried out within Ultimo-Pyrmont only with development consent, except as provided by subclause (2).
- (2) Consent is not required for development that may be carried out on land within Ultimo-Pyrmont as exempt development because of *State Environmental Planning Policy No 60—Exempt and Complying Development*.

#### **83 Effect of planning principles and zone objectives**

- (1) The consent authority, before consenting to development, must—
  - (a) have regard to the planning principles for Ultimo-Pyrmont that are relevant to the proposed development, and
  - (b) take into consideration that the aim of this Chapter is that development should be consistent with those planning principles, and
  - (c) be satisfied that carrying out the proposed development will be consistent with attaining the objectives of the zone in which it will be carried out.
- (2) The consent authority, before granting consent for development, must also have regard to the *Ultimo-Pyrmont Urban Development Plan* endorsed by the Council on 25 March 2004, copies of which are available from the office of the Council.

## **Part 2 Planning principles for Ultimo-Pyrmont**

### **84 Planning principles for Ultimo-Pyrmont**

- (1) **Role and land use activities** The planning principles for Ultimo-Pyrmont's role and land use activities are as follows—
  - (a) Development in Ultimo-Pyrmont is to provide for a significant increase in residential population in a mixed-use development pattern also accommodating employment, educational and other uses.

- (b) Because land values in Ultimo-Pyrmont may reasonably be expected to increase when land in Ultimo-Pyrmont is developed in accordance with this plan, development is to provide affordable housing to ensure that low to moderate income households may continue to be able to live in Ultimo-Pyrmont.
- (c) Where possible, development is to make use of existing under-utilised buildings and large areas of land which are either vacant or occupied by out of date facilities.
- (d) Development is to take full advantage of the existing facilities, proximity to Darling Harbour, Central Station and other facilities of the City centre, and the extensive Pyrmont waterfront.
- (e) Retail development providing for the full range of neighbourhood needs is to be encouraged.
- (f) Uses at the ground level of buildings fronting the public domain should complement the functions of the public domain.

(2) **Residential development** The planning principles for Ultimo-Pyrmont's residential development are as follows—

- (a) A diverse housing stock is to be developed in Ultimo-Pyrmont to cater for all households, including singles, couples, families, groups, the elderly, the disabled and lower income earners.
- (b) A mixture of dwelling types and sizes should be provided to enable a diverse community and promote housing choice.
- (c) High quality housing with adequate facilities and sustainable design is to be developed to encourage long-term residents and achieve urban consolidation.

(3) **Social issues** The planning principles for addressing social issues in Ultimo-Pyrmont are as follows—

- (a) A range of services and facilities should be provided to meet the needs of the existing and new residents and workers, including retail, leisure, recreational and welfare facilities that promote the health and well-being of the community and recognise its cultural and ethnic diversity.
- (b) Urban design is to enhance the conviviality and sense of place of Ultimo-Pyrmont and reflect the character and heritage of Ultimo-Pyrmont.
- (c) Development is to enable surveillance and to enhance street level activity to increase actual and perceived security.
- (d) Development is to enhance the creation of a community with diverse residents through the provision of a range of dwelling unit types and sizes.

- (e) The needs of existing and future communities, including needs for social facilities and services are to be accommodated.

(4) **Urban design** The planning principles for urban design in Ultimo-Pyrmont are as follows—

- (a) Building heights are to reflect and emphasise the topography of Ultimo-Pyrmont by increasing in height as distance increases from the nearest waterfront. Building heights should allow a reasonable sharing of distant views from buildings by their occupants.
- (b) The heights and scale of buildings are to form a transition between the high-rise buildings in the City and low-rise buildings in the suburbs adjoining Ultimo-Pyrmont.
- (c) The heights and scale of new buildings are to respect existing buildings in the locality, particularly heritage items and buildings in conservation areas.
- (d) The heights and form of buildings are to take account of visual impact, solar access, wind impact and, where appropriate, the privacy of residences, in order to contribute to a high quality of environmental amenity in intensively used parts of the public domain and in residential areas.
- (e) Buildings fronting the public domain should have appropriate height, bulk, finish and street alignment so as to enhance its quality by complementing its character. In general the scale of street facades must be appropriate to the width of adjoining streets or lanes, adjoining heritage items or other contextual elements.
- (f) Higher buildings may be accommodated—
  - (i) if they will emphasise existing or former high points in the natural ground level on Distillery Hill, Pyrmont Point, Darling Island and adjoining the CSR Stables, they will reflect the former vertical smoke-stack elements of the Pyrmont Point Power Station, or
  - (ii) if they will provide a suitable axial focal point in the vista down to Liverpool Street,and they will not compromise the environmental amenity and general scale of buildings in their locality.
- (g) Development on the waterfront and on adjoining land is to maximise the environmental quality of those parts of the peninsula for all users.

(5) **Public domain** The planning principles for Ultimo-Pyrmont's public domain are as follows—

- (a) Public recreation areas are to provide for a range of recreational opportunities for

the residents of and workers within Ultimo-Pyrmont.

- (b) Coordinated pedestrian and cycling networks are to be provided throughout Ultimo-Pyrmont and to link with the City centre and suburbs adjoining Ultimo-Pyrmont. Access to major natural features such as foreshores and escarpments are to be included.
  - (c) The passage of through motor traffic in residential areas and areas of pedestrian and cycling priority is to be discouraged.
- (6) **Education** Development relating to educational establishments should be based on strategies for their growth and response to technological and other changes, and their integration with surrounding development.
- (7) **Leisure and recreation** Full advantage is to be taken of the leisure and recreation facilities and the public open space in the City centre and in surrounding areas (particularly in Ultimo-Pyrmont) and the use of Sydney Harbour for leisure and recreation. Public access to the entire foreshore in Ultimo-Pyrmont is to be provided. Opportunities for waterfront and water-based recreation and tourism activities, compatible with adjoining land uses, are to be provided.
- (8) **Heritage** The items and areas of heritage significance in Ultimo-Pyrmont are to be conserved and enhanced. New development is to complement the character of heritage items and conservation areas. The re-use of heritage buildings through adaptation and modification is to be encouraged.
- (9) **Movement and parking** The planning principles for movement and parking within Ultimo-Pyrmont are as follows—
- (a) A range of housing and work, leisure and service facilities is to be provided in Ultimo-Pyrmont so that the need for travel is minimised.
  - (b) A high degree of accessibility is to be provided to places in and outside Ultimo-Pyrmont for both able and disabled persons. Walking, cycling and use of public transport are to be encouraged as the means of movement.
  - (c) Development in Ultimo-Pyrmont is to facilitate the provision and operation of a comprehensive regional public transport network.
  - (d) Development, particularly employment related development, is to be within the capacities of existing and proposed public transport and arterial road systems.
  - (e) The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.
  - (f) Parking controls are to support public transport strategies of the Government and to reflect road network capacities.

- (10) **Implementation and phasing** Development is to contribute towards the efficient use of Ultimo-Pyrmont's existing infrastructure and towards the provision of physical and social infrastructure as part of the development process, in accordance with the provisions of the Act.

## **Part 3 Zoning**

### **85 Zones in Ultimo-Pyrmont**

- (1) Land in Ultimo-Pyrmont is within one of the following zones—
- (a) Residential,
  - (b) Residential-Business,
  - (c) Public Recreation.
- (2) The zoning of land is shown on the Ultimo-Pyrmont Zoning Map.
- (3) Development for the purposes of roads, rail and light rail transport undertakings and facilities, fire stations and other emergency services facilities, and public utility undertakings are permissible in any zone.

### **86 Residential zone**

- (1) The only uses permissible in this zone are—
- (a) residential development, and
  - (b) open space, and
  - (c) recreational facilities, and
  - (d) community facilities, and
  - (e) non tertiary educational establishments, and
  - (f) small scale restaurants, and
  - (g) retail outlets, and
  - (h) use of premises for commercial undertakings and professional services to serve the neighbourhood, and
  - (i) public utility undertakings, and
  - (j) other uses that the consent authority is satisfied are strictly consistent with the zone objectives.
- (2) The objectives of this zone are—

- (a) to protect existing residential areas and identify future residential areas, and
  - (b) to ensure that land within the zone is primarily used for residential purposes, and
  - (c) to limit the range, scale and locations of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and
  - (d) to prohibit tourist development in residential areas (including serviced apartments, hotels and associated tourist facilities) and to prohibit brothels, and
  - (e) to limit advertising to a level compatible with the creation of a high-quality residential and mixed-use area.
- (3) Non-residential uses are not to be located above the ground floor level of buildings in this zone, except where Activity Strips (as referred to in clause 90) are indicated on the Ultimo-Pyrmont Zoning Map, in which case non-residential uses are also permissible on the first floor.

#### **87 Residential-Business zone**

- (1) Only uses that the consent authority is satisfied are consistent with one or more of the zone objectives are permissible in this zone.
- (2) The objectives of this zone are—
- (a) to promote a wide range of uses, particularly business development including tourist, leisure, commercial, retail and office development consistent with Ultimo-Pyrmont's proximity to the Sydney CBD, harbour locations and transport infrastructure, and
  - (b) to accommodate residential development to a level compatible with adjoining business uses and consistent with the objective of creating a mixed-use area, and
  - (c) to accommodate uses which generate employment opportunities and provide facilities and services that enable people to live and work in the same community, and
  - (d) to ensure that the total amount of employment-generating development is compatible with the traffic capacity of Ultimo-Pyrmont and adjoining areas, and
  - (e) to encourage sustainable transport modes for journeys to work and other trips, including walking, cycling and all forms of public transport, and
  - (f) to limit advertising to a level compatible with the creation of a high-quality mixed-use area.
- (3) Consent is to be granted to development within this zone only if the consent authority is satisfied that carrying out the proposed development will be consistent with the

planning principles for Ultimo-Pyrmont, particularly residential provision and amenity.

- (4) Residential development within this zone is not to be located or designed so that the amenity of the development is adversely affected, by an adjoining or nearby use, to a level that is considered inappropriate by the consent authority due to excessive noise or odour or any similar environmental impact.
- (5) Residential development (other than for the purpose of dwellings for employees of a business use located on the same site) is prohibited on land within this zone that is identified by the words “Non-Residential Development” on the Ultimo-Pyrmont Zoning Map.

### **88 Public Recreation zone**

- (1) Only uses that the consent authority is satisfied are consistent with the zone objectives are permissible in this zone. However, the consent authority may consent to other uses being carried out beneath land used as a public recreation area.
- (2) The objectives of this zone are—
  - (a) to establish public recreation areas which serve the needs of residents and workers within Ultimo-Pyrmont and the adjoining suburbs, and
  - (b) to provide public access to all parts of the public domain, especially waterfront areas and escarpments, and
  - (c) to provide a variety of public areas and recreational opportunities, and
  - (d) to provide for facilities that accommodate or are ancillary to recreational activities relating to the use of the public domain.
- (3) Uses permissible in the zone adjoining the Public Recreation zone are also permissible in the Public Recreation zone for a distance of 10 metres from the zone boundary if, in the opinion of the consent authority, it would allow a better relationship between use of land as a public recreation area and use of the adjoining land and would not decrease the total amount of land that will be available for use as a public recreation area.

### **89 Use of unzoned land**

Development may be carried out on any land shown uncoloured on the Ultimo-Pyrmont Zoning Map only if the development is permissible on land adjoining that land.

### **90 Activity strips**

- (1) Activity Strips indicated on Ultimo-Pyrmont Zoning Map show the principal streets, nodes and locations for pedestrian activity and interest and retail uses.
- (2) In these locations, development on the ground floor must provide for non-residential



uses, including retail outlets, restaurants, neighbourhood facilities and the like that provide people-orientated street frontages, and enhance security and surveillance compatible with adjoining development.

### **91 Advertising**

On land in the Residential, Residential-Business or Public Recreation zone, advertisements not related to use of the site are prohibited unless they are displayed on public street furniture, bus shelters, public telephone booths or the like erected by, or on behalf of, a public authority.

### **92 Temporary and interim uses**

- (1) The consent authority, while land is not being used for a purpose for which it is zoned, may consent to its use for any other purpose, but only if the consent authority is satisfied that—
  - (a) the use will not prejudice the eventual development of the land in accordance with the rest of this Chapter, and
  - (b) appropriate arrangements have been made for reinstatement of the site so that it may be used in accordance with the rest of this Chapter, and
  - (c) the use will not adversely affect residential amenity and permissible development in accordance with this Chapter on other sites in the locality.
- (2) Before granting consent to development as allowed by this clause, the consent authority must be satisfied that the development will cease within such time as the consent authority stipulates.

## **Part 4 Building height and floor space controls**

### **93 Maximum building heights**

- (1) The height of any building must not exceed the maximum building height shown on the Ultimo-Pyrmont Height Map. However, any building on land in the Public Recreation zone must not exceed 7 metres in height.
- (2) Before granting consent for any building that will attain the maximum building height, the consent authority must be satisfied that the building will meet such of the urban design requirements made by this plan as are relevant.

### **94 Application of urban design planning principles**

Before granting consent to the erection of a building, the consent authority must be satisfied that the building will be consistent with the urban design planning principles set out in clause 84 (4).

**95 Landmark locations**

Buildings in a location shown as a “landmark location” on the Ultimo-Pyrmont Height Map must not exceed the height shown for the location on that map.

**96 Graduated building heights adjacent to heritage items and conservation areas**

The height of any building adjacent to a heritage item or conservation area must be such as to provide an appropriate transition in height between the building and either the heritage item or the buildings within the conservation area.

**97 Scale and alignment of building facades**

Before granting consent to the erection of a building, the consent authority must be satisfied that the scale and alignment of the building facades on the street boundary or boundaries are consistent with the width of the street, any adjoining heritage items and other contextual elements, after having regard to any development plan or development control plan approved by the consent authority.

**98 Floor space limits for master plan areas in Ultimo-Pyrmont**

- (1) In Ultimo-Pyrmont, the ratio of business floor space of buildings in a master plan area to the site area must not be greater than 2.5:1 to the north of Pyrmont Bridge Road and 3:1 to the south of Pyrmont Bridge Road.
- (2) This clause is subject to clause 115 which may allow a greater floor space ratio.
- (3) In this clause, **business floor space** does not include any part of the gross floor area of a building occupied by a work-based child care centre.

**99 Floor space limits for non-master plan areas in Ultimo-Pyrmont**

- (1) In Ultimo-Pyrmont, the following maximum floor space ratios apply to land that is not within a master plan area. This clause does not allow buildings to exceed maximum heights set by this plan.

<b>Maximum building height limit for land on which building is situated</b>	<b>Maximum floor space ratio for residential uses</b>	<b>Maximum floor space ratio for business uses</b>
9m	1.5:1	2.0:1
12m	2.0:1	2.5:1
15m	2.5:1	3.0:1
21m	3.0:1	3.5:1
28m	3.5:1	4.0:1

42m

4.0:1

5.0:1

- (2) For a mixed-use building used for both business and residential purposes (and no other purposes), the following formula applies to determine the maximum floor space ratio—

where—

**MFSR** is the maximum floor space ratio for the mixed-use building.

**B** is the proportion of business floor space to total floor space within the building.

**FSRB** is the maximum floor space ratio for business uses within the maximum building height area identified in the Table above.

**R** is the proportion of residential floor space to total floor space within the building.

**FSRR** is the maximum floor space ratio for residential uses within the maximum building height area identified in the Table above.

- (3) For the purposes of this clause, **business floor space** does not include any part of the gross floor area of a building occupied by a work-based child care centre and any such part is taken not to be subject to a business use.

#### **100 Application of design and height controls to allow maximum floor space in non master plan areas**

Before granting consent for any building on land not within a master plan area that will attain the maximum floor space ratio allowed by other provisions of this plan, the consent authority must be satisfied that the building—

- (a) will meet such of the urban design requirements made by this plan as are relevant, and
- (b) has been designed with regard to any relevant design requirements made by a development control plan, development plan or policy of the Council, and
- (c) will not exceed any maximum height set by this plan.

### **Part 5 Heritage conservation**

#### **101 General considerations**

Consent must not be granted to development of or including a heritage item, in the vicinity of a heritage item, or within a conservation area, unless the consent authority is satisfied that the development will be compatible with the conservation of the heritage significance of the item or the character of the conservation area.

## **102 Specific heads of consideration**

Before granting consent to any such development, the consent authority must consider—

- (a) the heritage significance of the heritage item or conservation area, and
- (b) the impact that the proposed development will have on the heritage significance of the heritage item and its setting or the conservation area, and
- (c) the measures proposed to conserve the heritage significance of the heritage item and its setting or the conservation area, and
- (d) whether any archaeological site or potential archaeological site would be adversely affected.

### **Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

## **103 Conservation management plans and heritage impact statements**

The consent authority must decline to grant consent for development relating to a heritage item or conservation area unless it has taken into consideration a conservation management plan or heritage impact statement which includes an assessment of the matters listed in clause 102.

## **104 Demolition of heritage items**

- (1), (2) (Repealed)
- (3) The consent authority must not grant consent for development which will result in the complete or substantial demolition of a heritage item unless it is satisfied that the item, or so much of the item as is proposed to be demolished, does not have such heritage significance as would warrant its retention.
- (4) Before granting such consent, the consent authority must also be satisfied that, after the demolition work has been carried out, redevelopment will be carried out that will—
  - (a) result in buildings of a higher architectural and urban design quality (in terms of the principles and other provisions of this plan and of any master plan, development plan or development control plan applying to the site) than were exhibited by the heritage item before the work was carried out, and
  - (b) make a positive contribution to the streetscape, and
  - (c) in the case of partial demolition, enhance the adaptive re-use of the residual part of the heritage item.

### **105 Potential archaeological sites**

Before granting consent to development on land identified as a potential archaeological site in any environmental planning instrument or policy of the Council, the consent authority may request a report on the likely impact of the development on any archaeological material.

## **Part 6 Master plans**

### **106 Requirement for and use of master plans**

- (1) Development consent must not be granted for development that relates to land that is, or is within, a master plan area unless—
  - (a) there is a master plan for the land (or for land that includes the land) adopted by the Minister, and
  - (b) the consent authority has taken the master plan into consideration.
- (2) The Minister may waive compliance with this requirement because of the nature of the development concerned, the adequacy of other guidelines that apply to the proposed development or for such other reason as the Minister considers sufficient.
- (3) The following, copies of which are available from the offices of the Council and the Sydney Harbour Foreshore Authority, are taken to be master plans adopted under this Chapter by the Minister—
  - (a) *Darling Island Master Plan*, as amended by Amendment No 1 adopted on 8 April 2002,
  - (b) *Elizabeth Macarthur Bay Master Plan* adopted on 4 July 2002,
  - (c) *Lend Lease Pyrmont Site Master Plan*, as amended by Amendments 1-5, Amendment No 5 being adopted on 2 May 2002,
  - (d) *Pyrmont Point Master Plan*, as amended by Amendment No 1 adopted on 11 May 2000,
  - (e) *Saunders Street, Pyrmont, Master Plan* adopted by the Minister on 27 October 2000,
  - (f) master plan for the former Goodman Fielder site at 50-72 Union Street, Pyrmont adopted on 17 November 2003,
  - (g) *Sydney Fish Markets Master Plan* adopted by the Minister on 16 February 2005.
- (4) Any thing done before the commencement of this plan in accordance with [Sydney Regional Environmental Plan No 26—City West](#) in respect of a draft master plan for land within Ultimo-Pyrmont is taken to have been done in accordance with this Part.

### **107 Content of master plans**

- (1) A master plan is a document consisting of written information, maps and diagrams that makes more detailed provisions, relating to development of land for which a master plan is required, than this plan.
- (2) A master plan is to outline long-term proposals for the development of land for which a master plan is required in accordance with this plan and to explain how those proposals address the relevant planning principles and development controls in this plan.

### **108 Preparation of master plans**

- (1) A draft master plan may be prepared by or on behalf of the owner or lessee of the land concerned or by the Director-General.
- (2) A draft master plan is to illustrate and explain, where appropriate, proposals for the following—
  - (a) the phasing of development,
  - (b) the distribution of land uses and, in the Residential-Business zone, proposals for satisfying the principles of mixed residential and business use and public recreation use,
  - (c) networks for pedestrian, cycle and road access and circulation within the site to which the master plan relates,
  - (d) the provision of parking,
  - (e) the subdivision pattern,
  - (f) the provision of infrastructure,
  - (g) building envelopes and built form controls,
  - (h) heritage conservation, implementing the guidelines set out in any applicable conservation policy, and protection of archaeological relics,
  - (i) the decontamination of the master plan site,
  - (j) the provision of public facilities,
  - (k) the provision of open space, its function and landscaping.
  - (l) (Repealed)

### **109 Consultation**

Before the Director-General recommends that the Minister adopt a master plan—

- (a) a draft of the plan must be advertised in a newspaper circulating in the locality, and exhibited for not less than 21 days for public comment, and
- (b) the views of the Council and of such other public authorities and such community organisations as the Director-General considers relevant must have been sought on the draft, and
- (c) the Director-General must take into account any written submissions made about the content of the plan to the Director-General during the exhibition period.

#### **110 Adoption of master plans and amendments**

- (1) The Minister may adopt a master plan, or an amendment to any such plan, recommended for adoption by the Director-General or may adopt such a plan or amendment with such variations as the Minister considers appropriate.
- (2) Before adopting a master plan or an amendment to a master plan, the Minister must take into consideration any development consents that have been granted for the land concerned and, in particular, the gross floor area of buildings in which a business use is allowed by those consents.
- (3) When a master plan or an amendment is adopted, the Director-General must ensure that the following are notified of its adoption—
  - (a) the owner of the land concerned,
  - (b) each public authority and community organisation whose views were sought on the draft of the plan,
  - (c) each person who made a written submission about the content of the plan or amendment to the Director-General during the exhibition period.

#### **111 Amendment of master plans**

- (1) A draft amendment of a master plan may be prepared by or on behalf of the owner or lessee of the land concerned, whether or not at the request of the Director-General, or may be prepared by the Director-General.
- (2) The Director-General may request the preparation of such a draft amendment for the purpose of keeping the master plan up-to-date.
- (3) Before recommending that the Minister adopt a draft amendment which the Director-General considers to be significant, the Director-General may arrange for it to be advertised and exhibited as required for a draft master plan.
- (4) An amendment to a master plan may be dealt with concurrently with a development application relating to the amendment.

### **112 Completion of master plan area**

The Minister may, by a notice published in the Gazette, declare that a master plan area is a completed master plan area, if the Minister is satisfied that adequate master plan provisions have been made for the master plan area.

### **113 Availability of master plans**

A copy of each adopted master plan must be available for inspection at the Head Office of the Department during normal business hours.

### **114 Flexible uses of land requiring a master plan**

- (1) Consent may be granted to a use of a part of the land that is subject to a master plan that is not allowed by the zoning of that part but is allowed on another part of the land that is subject to the master plan within a different zone.
- (2) Before such a consent is granted (whether or not pursuant to *State Environmental Planning Policy No 1—Development Standards*) the consent authority must be satisfied that the master plan adequately demonstrates that—
  - (a) a better distribution of land uses will result, and
  - (b) the total of the business floor space of all buildings within the master plan area will not be increased as a result of granting the consent, and
  - (c) the total of the land available for public recreation areas within the master plan area will not be reduced as a result of granting the consent, and
  - (d) public access to the entire foreshore in Ultimo-Pyrmont will not be reduced as a result of granting the consent.

### **115 Flexible building heights on land requiring a master plan**

- (1) Consent may be granted, pursuant to *State Environmental Planning Policy No 1—Development Standards*, for a building on land that is subject to a master plan with a height greater than the maximum building height limit shown for the land on the Ultimo-Pyrmont Height Map.
- (2) Before such a consent is granted with respect to any land, the consent authority must be satisfied that the master plan adequately demonstrates that—
  - (a) a better pattern of building heights will result, and
  - (b) there are reductions in building heights on other sites in the master plan area, and
  - (c) the urban design principles for Ultimo-Pyrmont will be achieved for that land, and
  - (d) the greater building height will not adversely affect the quality of the adjoining



public domain.

## **Part 7 Special provisions for certain uses**

### **116 Pawnbrokers shops and money lending businesses**

- (1) The use of any building or place in Ultimo-Pyrmont for the purpose of carrying on the business of a pawnbroker or any other moneylender is prohibited.
- (2) A pawnbroker is a person who carries on a business of lending money on the security of pawned goods.
- (3) This clause does not apply to the carrying on, in good faith and in the ordinary course of banking or mercantile transactions, of the business of a bank, building society or credit union.

### **117 Brothels**

Consent must not be granted for the use of a building or place within the Residential-Business zone for the purpose of carrying on the business of a brothel if the building or place is located—

- (a) within a 200 metre radius of Star City Casino, unless the consent authority has had regard to the likely effect the proposed use will have on the amenity of surrounding residential areas, or
- (b) within a 100 metre radius of a school, place of public worship or community facility, unless the consent authority has had regard to the likely effect the proposed use will have on the school, place or facility and on the amenity of surrounding residential areas.

### **117A Serviced apartments**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that development for the purpose of serviced apartments provides the same level of amenity as that provided by development for the purpose of residential flat buildings,
  - (b) to prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings.
- (2) Development consent for development for the purpose of serviced apartments or a change of use of a building from serviced apartments to a residential flat building must not be granted unless the consent authority has considered the following in relation to the development—
  - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,

(b) the Apartment Design Guide within the meaning of that policy.

(3) Terms used in this clause have the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

## Part 8 Affordable housing in Ultimo-Pyrmont

### 118 Definitions

In this Part—

**Affordable Housing Program** means the *Revised City West Affordable Housing Program* published by the NSW Government in 2010, copies of which are available from the Department's Head Office.

**total floor area** means the total of the areas of each floor of a building. The area of each such floor is taken to be the area within the outer face of the external enclosing walls, but excluding—

- (a) columns, fin walls, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls (other than balconies), and
- (b) ancillary car parking required by the consent authority and any associated internal vehicular and pedestrian access to that car parking, and
- (c) space for the loading and unloading of goods.

**very low income households, low income households** and **moderate income households** have the same meanings as in *State Environmental Planning Policy (Housing) 2021*, section 13.

### 119 (Repealed)

### 120 Matters for consideration by consent authority

Before granting consent to any proposed development of land in the Residential or Residential-Business zone within Ultimo-Pyrmont, the consent authority is to take into consideration the following—

- (a) the planning principles for Ultimo-Pyrmont,
- (b) the matters set out in *State Environmental Planning Policy (Housing) 2021*, section 15,
- (c) the need for development to provide different kinds of housing, including affordable housing, to ensure that very low, low and moderate income households may continue to afford to live in Ultimo-Pyrmont,
- (d) whether land values in Ultimo-Pyrmont may reasonably be expected to rise when land

in Ultimo-Pyrmont is developed in accordance with this plan and whether very low to moderate income households may continue to be able to live in Ultimo-Pyrmont,

- (e) the impact of the proposed development on the existing housing within Ultimo-Pyrmont for very low, low and moderate income households,
- (f) the impact of the proposed development on the existing mix and likely future mix of residential housing stock within Ultimo-Pyrmont.

**121 Dedication or contribution for purpose of affordable housing**

- (1) Before granting consent to the carrying out of development (other than subdivision) on land in the Residential or Residential-Business zone within Ultimo-Pyrmont, the consent authority must consider whether an affordable housing condition should be imposed on the consent.
- (2) The following are affordable housing conditions—
  - (a) A condition requiring the payment of a monetary contribution to the consent authority by the applicant to be used for the purpose of providing affordable housing in accordance with the Affordable Housing Program that is the value, calculated in accordance with that program, of the following total amount—
    - (i) 0.8% of so much (if any) of the total floor area to which the development application relates as is intended to be used exclusively for residential purposes, and
    - (ii) 1.1% of so much (if any) of that total floor area as is not intended to be used exclusively for residential purposes.
  - (b) If that total amount is sufficient, a condition requiring—
    - (i) the dedication in favour of the consent authority, free of cost, of land of the applicant comprised of one or more complete dwellings with a total floor area of not more than that total amount, each dwelling having a total floor area of not less than 50 square metres, and
    - (ii) if the amount of total floor area of the complete dwelling or dwellings is less than that total amount, the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with the Affordable Housing Program, of the total floor area equivalent to the difference between those amounts, to be used for the purpose of providing affordable housing in accordance with that program.
- (3) To remove any doubt—
  - (a) it does not matter whether the floor area concerned was in existence before, or is created after, the commencement of this Part, or whether or not the floor area

concerned replaces a previously existing area, and

- (b) the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of any amount that has been contributed under an affordable housing condition.
- (4) This clause authorises the imposition of an affordable housing condition when a consent authority grants consent to the carrying out of development (other than subdivision) on land in the Residential or Residential-Business zone within Ultimo-Pyrmont subject to section 94F (3) (c) and (4) of the Act and clauses 122 and 123.
- (5) However, a consent authority is not authorised to impose an affordable housing condition unless at least one of the circumstances described in section 94F (1) (a)-(d) of the Act exists.
- (6) This clause and any condition imposed under it are subject to section 94G of the Act.

### **122 Development excepted from this Part**

This Part does not apply to the following development (or to so much of any mixed development that consists of the following development)—

- (a) development for the purpose of public housing,
- (b) development for the purpose of affordable housing,
- (c) development for the purpose of community facilities,
- (d) development for residential purposes that will result in the creation of less than 200 square metres of total floor area,
- (e) development for non-residential purposes that will result in the creation of less than 60 square metres of total floor area,
- (f) development for the purpose of a public road, a light rail or railway undertaking or a public utility undertaking or facility.

### **123 Affordable housing conditions after initial development**

This Part does not authorise an affordable housing condition to be imposed with respect to an amount of total floor area if the consent authority is satisfied that a condition of consent has previously been imposed pursuant to this Part or *Sydney Regional Environmental Plan No 26—City West* with respect to the same or an equivalent amount of total floor area.

## **Part 9 Miscellaneous provisions**

### **124 Removal of sandstone**

Removal of sandstone for the provision of car parking or plant or storage associated with future residential or business development is taken to be an ancillary use and not to be extractive industry no matter whether the extracted material is reused or resold.

### **125 Services**

Consent must not be granted to development on any land until arrangements have been made for the supply of water, sewerage and drainage, that are satisfactory to the Council.

### **126 (Repealed)**

### **127 Acquisition of land**

- (1) The owner of land within the Public Recreation zone may, by notice in writing, require the Sydney Harbour Foreshore Authority to acquire the land. This clause does not apply to land owned by a public authority and held by the public authority for public recreation purposes.
- (2) On receipt of the notice, the Sydney Harbour Foreshore Authority is to acquire the land. The Sydney Harbour Foreshore Authority does not, however, have to acquire the land if it might reasonably be required to be dedicated as a condition of development consent.

## **Schedule 1 Land excluded from amusement centres**

(Clause 39 (3))

## **Schedule 2 Sun access plane particulars**

(Clause 48 and Dictionary)

### **Note—**

Diagrams A1 to I2 show the nature and extent of maximum building heights generated by the application of the formula below for the individual sun access planes. Only the values contained in the sun access planes table are to be used in the application

of the sun access plane formula.

Sun access plane diagram	Park or community place	Date	Time
A1	Belmore Park	21 June	12 noon
A2		21 June	2 pm
B1	Hyde Park North	21 June	12 noon
B2		21 June	2 pm
C	Hyde Park West	21 June	2pm
D	Macquarie Place	14 April	10 am
E	Martin Place	14 April	12 noon
F1	Pitt Street Mall	14 April	12 noon
F2			1 pm
G	The Domain	21 June	2 pm
H	Royal Botanic Gardens	21 June	2 pm
I1	Wynyard Park	21 June	12 noon
I2			2 pm

**Sun access plane formula**

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

where—

**H** is the height, measured in metres, of a point in a sun access plane.

**V** is the height, specified for this factor in the sun access planes table and measured in metres above ground level, at the part of the street alignment specified in the sun access planes table for the relevant sun access plane.

**D** is the horizontal distance, from that part of the street alignment to the point in the sun access plane, measured in metres away from the relevant park or community place along the horizontal bearing (measured from true north) specified in the sun access planes table for the relevant sun access plane.

**a** is the vertical angle in degrees, specified for this factor in the sun access planes table, corresponding to the horizontal bearing for the relevant sun access plane.

**Note—**

The following diagram illustrates how the formula applies.

**Sun access planes table**

<b>Plane (see Central Sydney Height Map)</b>	<b>Park or community place</b>	<b>Horizontal bearing (degrees)</b>	<b>Vertical angle (degrees) (a)</b>	<b>Vertical height above ground level at part of street alignment (metres) (V)</b>
	Belmore Park			



A1	359.05	32.67	25 m on the northern alignment of Hay Street between a point 95 m west of the western alignment of Pitt Street and the western alignment of Castlereagh Street.
A2	328.53	25.59	35 m on the western alignment of Pitt Street between the northern alignment of Barlow Street and a point 25 m north of the northern alignment of Hay Street.
Hyde Park North			
B1	359.05	32.67	23.5 m on the northern alignment of St James Road between the eastern alignment of Elizabeth Street and the western alignment of Macquarie Street.
B2	328.53	25.59	
Hyde Park West			
C	328.53	25.59	45 m on the western alignment of Elizabeth Street between the northern alignment of Liverpool Street and the southern alignment of King Street.
Macquarie Place			
D	37.90	38.99	35 m on the eastern alignment of Loftus Street between the northern alignment of Loftus Lane and the southern alignment of Custom House Lane.
Martin Place			
E	358.44	47.00	45 m on the northern alignment of Martin Place between the eastern alignment of George Street and the western alignment of Macquarie Street.
Pitt Street Mall			
F1	358.44	47.00	45 m on the northern alignment of King Street between the eastern alignment of Pitt Street and a point 25 m west of the western alignment of Pitt Street.
F2	337.50	44.38	
The Domain			
G	328.53	25.59	25 m on the western alignment of Hospital Road and the northern alignment of Prince Albert Road between the southern alignment of Shakespeare Place and the eastern alignment of Macquarie Street.
Royal Botanic Gardens			

H	328.53	25.59	45 m on the western alignment of Macquarie Street from a point 94 m north of the northern alignment of Bent Street to the southern alignment of the Cahill Expressway.
Wynyard Park			
I1	359.05	32.67	30 m on the northern alignment of Margaret Street between the eastern alignment of York Street and a point directly north of the eastern alignment of Wynyard Park.
I2	328.53	25.59	45 m on the western alignment of York Street between the northern alignment of Erskine Street and a point 32 m north of the northern alignment of Margaret Street.

**Diagram A Belmore Park**

**Diagram B Hyde Park North**

**Diagram C Hyde Park West**

**Diagram D Macquarie Place**

**Diagram E Martin Place**

**Diagram F Pitt Street Mall**

**Diagram G The Domain**



**Diagram H Royal Botanic Gardens**

**Diagram I Wynyard Park**



## **Schedule 3 Category A and B sites**

(Clause 52)



## Schedule 4 Floor space ratios for mixed-use development

(Clauses 54 and 55)

- 1 The additional floor space ratio for a mixed-use development in Area A1 shown on the Central Sydney Floor Space Ratio Map, is up to a maximum of—

where—

**$FSR_{MA}$**  is the maximum additional floor space ratio that may be achieved for the mixed-use development subject to compliance with clause 54.

**A** is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

**B** is the proportion of residential, serviced apartment and hotel floor space area within the proposed mixed-use development.

- 2 The additional floor space ratio for a mixed-use development in Area A2 shown on the Central Sydney Floor Space Ratio Map is up to a maximum of—

where—

**$FSR_{MA}$**  is the maximum additional floor space ratio that may be achieved for the mixed-use development with the allocation of heritage floor space to the site subject to compliance with clause 54.

**A** is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

**B** is the proportion of residential, serviced apartment and hotel floor space area within the proposed mixed-use development.

**C** is 1:1 if consent is granted before 1 January 2002 and nil if consent is granted after that date.

- 3** The maximum floor space ratio for a mixed-use development in Area B shown on the Central Sydney Floor Space Ratio Map is—

where—

**FSR<sub>MA</sub>** is the maximum floor space ratio that can be achieved for the mixed-use development.

**A** is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

**B** is the proportion of hotel floor space area within the proposed mixed-use development.

**C** is the proportion of serviced apartment floor space area within the proposed mixed-use development.

**D** is the proportion of residential building floor space area within the proposed mixed-use development.

**FSR<sub>COMM</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a commercial building in Area B.

**FSR<sub>HOTEL</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a hotel building in Area B.

**FSR<sub>SA</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a serviced apartment building in Area B.

**FSR<sub>RES</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for residential development in Area B.

- 4** The maximum floor space ratio for a mixed-use development in Areas C, D, E, F, G or H shown on the Central Sydney Floor Space Ratio Map is—

where—

**FSR<sub>M</sub>** is the maximum floor space ratio that can be achieved for the mixed-use development.

**A** is the proportion of commercial floor space area (being the proportion that is not used for a hotel, serviced apartments or a residential building) within the proposed mixed-use development.

**B** is the proportion of hotel floor space area within the proposed mixed-use development.

**C** is the proportion of serviced apartment floor space area within the proposed mixed-use development.

**D** is the proportion of residential building floor space area within the proposed mixed-use development.

**FSR<sub>COMM</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a commercial building in that Area.

**FSR<sub>HOTEL</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a hotel building in that Area.

**FSR<sub>SA</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for a serviced apartment building in that Area.

**FSR<sub>RES</sub>** is the maximum floor space ratio shown on the Central Sydney Floor Space Ratio Map for residential development in that Area.

## Schedule 5 Opportunity sites

(Clause 56 and Dictionary)

Site No	Name	Address	Property details	Description
1	Endeavour House	46-54 Pitt Street, Sydney	Lot 1 in DP 62581 and Lot 1 in DP 62940	Being land bounded by Pitt Street, Bridge Street and Macquarie Street, Sydney
2	Royal Exchange Building	21 Bridge Street, Sydney	Lot 1 in DP 222751	Being land bounded by Gresham Street, Bridge Street and Pitt Street, Sydney
3	National Australia Bank House	243-259 George Street, Sydney	Lot 2 in DP 630217	Being land bounded by Jamison Street, George Street and Grosvenor Street, Sydney
4	AAP Centre	16-32 Jamison Street, Sydney	Lot 1 in DP 630217	Being land bounded by Grosvenor Street, Lang Street, Jamison Street and George Street, Sydney
5	Westpac Plaza	265-273 George Street, Sydney	Lot 100 in DP 597228	Being land fronting Jamison Street on the north, George Street on the east and Margaret Street on the south, Sydney
6	State Authorities Superannuation Board	83-95 Clarence Street, Sydney	Lot 101 in DP 703679	Being land fronting Clarence Street on the east and Kent Street on the west, Sydney



7	Kent Telephone Exchange	97-105 Clarence Street, Sydney	Lot 1 in DP 721401, Lots A, B and C in DP 370818, Lot 1 in DP 700955 and Lot 3 in DP 653821	Being land fronting Clarence Street on the east and Kent Street on the west, Sydney
8	The Colonial Building	37-51 Martin Place, Sydney	Lot 1 in DP 55093 and Lot 1 in DP 110109	Being land bounded by Elizabeth Street, Martin Place and Castlereagh Street, Sydney
9	MLC Centre	19-29 Martin Place, Sydney	Lot 3 in DP 565938, Lot 5 in DP 588399 and Lot 1 in DP 598704	Being land bounded by King Street, Castlereagh Street and Martin Place, Sydney
10	Westpac Bank	367-373 George Street, Sydney	Lot 1 in DP 226337	Being land fronting George Street on the east and King Street on the north, Sydney
11	National Mutual Centre	101-109 York Street, Sydney	Lot 1 in DP 600888	Being land bounded by Clarence Street, Market Street and York Street, Sydney
12	MMI Centre	397-411 Kent Street, Sydney	Sec 29, Lot 3 in DP 789759	Being land fronting Sussex Street, Market Street and Kent Street, Sydney
13	St Martins Tower	31 Market Street, Sydney	Lots A and B in DP 442132 and land in DP 60128, DP 61064, DP 62125 and DP 74978	Being land bounded by York Street, Market Street and Clarence Street, Sydney
14	Pacific Power Building	201-217 Elizabeth Street, Sydney	Lot 1 in DP 552399	Being land bounded by Elizabeth Street, Park Street and Castlereagh Street, Sydney
15	227 on Elizabeth	219-227 Elizabeth Street, Sydney	Lot 2 in DP 552399	Being land bounded by Castlereagh Street, Bathurst Street and Elizabeth Street, Sydney
16	Sydney Water Corporation Limited	115-123 Bathurst Street, Sydney	Lot 1 in DP 621404	Being land fronting Pitt Street on the east and Bathurst Street on the north, Sydney <b>Note—</b> For the purposes of this Schedule, the description excludes the heritage building on the southern-most portion of the site.
17	Telstra House	231-249 Elizabeth Street, Sydney	Sec 15, Lot 231 in DP 749873	Being land fronting Castlereagh Street, Bathurst Street and Elizabeth Street, Sydney

18	Telecom House	324-330 Pitt Street, Sydney	Lot 1 in DP 953879, Lot 1 in DP 183752, Lot 1 in DP 88835, Lot 1 in DP 57216 and Lot 1 in DP 68120	Being land fronting Pitt Street on the west and Castlereagh Street on the east, Sydney
19	Masonic Centre	279-285 Castlereagh Street, Sydney	Lot 1 in DP 188822, Lot 1 in DP 779992 and Lot 1 in DP 577055	Being land fronting Goulburn Street on the south and Castlereagh Street on the east, Sydney
20	State Bank Building	1 Oxford Street, Sydney	Pt Lots 1 and 2 in DP 505585, Pt Lot 1 in DP 232288, Pt Lot 1 in DP 76229 and land in DP 64799	Being land bounded by Brisbane Street, Oxford Street and Wentworth Avenue, Sydney
21	Sydney Plaza	59-69 Goulburn Street, Sydney	Pt Lot 1 in DP 55636, Pt Lot 1 in DP 56400, Pt Lot 6 in DP 71414, Pt Lot 6 in DP 76562, Lot 1 in DP 173220, Lot 1 in DP 34060 and DP 175078	Being land fronting Goulburn Street on the north and Cunningham Street on the south-east, Sydney
22	Oxford Koala Hotel	Oxford Street, Sydney	Lot 19 in DP 59434 and Lots 22-23 in DP 61748	Being land bounded by Oxford Street, Riley Street, Goulburn Street and Pelican Street, Sydney
23	McKell Building	2 Rawson Place, Sydney	Lot 6 in DP 820360	Being land bounded by Pitt Street, Barlow Street, George Street and Rawson Place, Sydney
24	Centennial Plaza	265 Elizabeth Street, Sydney	Lots 1, 2 and 3 in DP 778411	Being land bounded by Foveaux Street, Mary Street, Albion Street and Elizabeth Street, Sydney
25	Hilton Hotel	255-269 Pitt Street, Sydney	Lot 1 in DP 556597 and Lot 2 in DP 556597	Being land fronting Pitt Street to the east and George Street to the west, Sydney
26	Piccadilly Arcade/ Centre	133-145 Castlereagh Street, Sydney	Part lot 10 in DP 828419	Being land fronting Castlereagh Street to the east and Pitt Street to the west, Sydney
27	St James Arcade/ Centre	107 Elizabeth Street, Sydney	Lot 1 in DP 181397	Being land fronting Elizabeth Street to the east and Castlereagh Street to the west, Sydney
28	25 Bligh Street	25 Bligh Street, Sydney	Part lot 2 in DP 587198	Being land fronting Bligh Street to the east, Sydney

29	55 Clarence Street	55 Clarence Street, Sydney	Lot 46 in DP 802895	Being land bounded by Margaret Street to the south and Clarence Street to the east, Sydney
30	Logical House	66 Clarence Street, Sydney	Lot 1 in DP 786700	Being land bounded by Erskine Street to the north and Clarence Street to the west, Sydney
31	24 Market Street	24 Market Street, Sydney	Part Lot A in DP 392745	Being land bounded by Market Street to the south and Kent Street to the west, Sydney
32	307 Pitt Street	307 Pitt Street, Sydney	Lot 6 in DP 69955	Being land fronting Pitt Street to the east, Sydney
33	309 Pitt Street	309 Pitt Street, Sydney	Lot 1 in DP 901451	Being land fronting Pitt Street to the east, Sydney
34	359-361 Pitt Street	359-361 Pitt Street, Sydney	Lot 1 in DP 171324	Being land bounded by Pitt Street to the east and laneway to the north, Sydney
35	453 Kent Street	453 Kent Street, Sydney	Lot 1 in DP 177234	Being land bounded by Kent Street to the east and Druitt Lane to the south, Sydney

## Schedule 6 Character statements and objectives for Special Areas

(Clause 79 (c))

### 1 Millers Point

#### Character statement

The Millers Point area is highly significant, as one of Sydney's earliest suburbs developed to serve the nearby port. It was the location of windmills, quarries, observatories, fortifications and maritime activities from colonial times. Built evidence remains of some of these as well as early Victorian workers' terraces. Much of the area has high archaeological potential.

The area consists of a residential community, which is unique in city terms for its strong identity and self-containment with employment, housing and community facilities available within the area. Government ownership has played an important role in the area with successive demolitions and redevelopments since the Darling Harbour Resumptions in the 1900s, the involvement of the Sydney Harbour Trust from 1908, the Housing Board in the inter-war period and more recently the Department of Housing.

The area's steep, coastal topography and early development have generated its character and built form with evidence of quarrying, retaining walls, and a public domain which includes public staircases, laneways, pedestrian pathways, bridges and parks of a variety of scales. The area south, along Kent Street, forms a transition in scale to the city, while 2-storey development is a dominant character on Kent Street. There is a significant change in level to the west with the lower buildings addressing Hickson Road. The area affords significant views to and from the water and of the Harbour Bridge. A significant panorama of the Harbour and the City is gained from Observatory Hill.

The area is characterised by a fine grained subdivision pattern, the use of sandstone and other traditional building materials, 2–3 storey residential terraces, similar scaled commercial buildings (often pubs) defining the corners and pitched roofs. While there is a consistency of materials, scale and form, a variety of styles and street alignments are represented, with many of the terraces setback at street level.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to ensure that any new development respects the adjoining development and maintains the predominantly two storey residential character of the area,
- (b) to conserve and reinforce the heritage significance of this Special Area,
- (c) to ensure that any new building respects the adjoining buildings and provides a reasonable stepping to the City's higher buildings,
- (d) to limit the amount and type of non-residential uses, within this Special Area, so as to ensure the social and cultural mix of Millers Point is maintained,
- (e) to maintain existing views and vistas into and out of the precinct to the water and Harbour Bridge north and to the city south, and Observatory Park,
- (f) to ensure that the social and cultural mix of Millers Point is maintained,
- (g) to conserve the continuity of Millers Point and adapt to meet the continuing needs of the significant uses.

## **2 York Street**

### **Character Statement**

York Street and the streets and lanes surrounding it contain evidence of one of the early warehousing areas in Sydney that serviced Darling Harbour as a working port. The area is typified by its 19th and 20th century, 5–8 storey masonry buildings of a consistent scale, form and character. The architectural emphasis of the buildings located at street intersections are a distinctive characteristic of this area.

The network of lanes, internal courtyards, uniform block pattern with narrow frontages and west-east transport links all present the various layers of the area's past and present commercial/retail character.

The Queen Victoria Building is evidence of early markets in the area. Its grand scale and rare composition with dominant domes appear in many views and terminate vistas within the area, such as that from Mullins Street. There are views through the area between the Harbour and the City, as well as many significant vistas such as that along York Street, which is terminated by the Town Hall to the south.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to reinforce the historic subdivision pattern in the design of buildings,

- (b) to conserve and enhance existing significant views between the area and Darling Harbour and the significant vistas terminated by the QVB and the Town Hall, such as those along Mullins Street and York Street,
- (c) to conserve the existing laneways and courtyards and their heritage significance,
- (d) to respond to the historic warehouse typology in the design of buildings.

### **3 Hyde Park/College Street**

#### **Character Statement**

Hyde Park and College Street form a precinct, which clearly separates the City from the residential areas to the east, forms part of the green eastern edge and frames an important gateway to the City.

The Park has two distinct edges: the north and east, flanking College Street and St James Road, comprise important institutional free-standing sandstone buildings and significant public open spaces including Queens Square, which is one of the earliest examples of formal urban design in central Sydney. The west and south edges consist of commercial development of larger scale with strong street alignment, creating a greater sense of enclosure to the Park.

Hyde Park is the oldest public park in Sydney being reserved for public recreation by Governor Macquarie in 1810 and is prized by Sydneysiders for its recreational opportunities. Its current formal plan, dating from the 1920s, demonstrates the application of City Beautiful principles. It contains significant and symbolic monuments including the war memorial, obelisk and Archibald Fountain.

#### **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise the institutional area east of College Street as one of Sydney's pre-eminent public areas characterised by a concentration of heritage items which house activities of State and National significance,
- (b) to reinforce the urban character and scale of College Street by requiring new buildings to be integrated with the form of existing buildings and limiting the height of new buildings to the prevailing height of existing buildings, and to maintain the sense of openness east of Hyde Park,
- (c) to enhance and reinforce the precinct's role as a major gateway to the city from the east, particularly from William Street to Park Street, by ensuring that development does not adversely affect the views when approaching the City,
- (d) to maintain and strengthen the sense of enclosure provided by the buildings to the west and south of Hyde Park, by requiring new buildings to be built to street alignment, to have street frontage heights consistent with the existing development and to have adequate setbacks above those street frontage heights,
- (e) to maintain and enhance views to and through the Park and along College Street to landmark buildings such as St Mary's Cathedral east and Centre Point Tower west,
- (f) to maintain and enhance the role of the precinct as a major recreational open space for Sydney's workers and residents,

- (g) to protect and extend mid-winter lunchtime sun access to Hyde Park and other open spaces in this Special Area.

#### **4 Haymarket**

##### **Character Statement**

The number of remaining warehouses and service laneways in Haymarket is, along with the name of the area itself, evidence of its historic role as markets and its proximity to the port of Darling Harbour. The area offers evidence of its development following the establishment of Central Station in 1906 and the subsequent decline and resurgence of the area since the markets moved from the City centre. Despite these changes, the area retains a “market” atmosphere, characterised by a diversity of uses, vibrant street life and a diverse social and ethnic mix.

As an area somewhat removed from the City centre, it retains fine grained subdivision patterns, narrow frontages, informal public spaces and generally low building heights. The consistent low street wall, and the absence of the tower form, creates a pleasant microclimate at street level, which is well sunlit and protected from winds.

##### **Objectives**

The objectives for this Special Area are as follows—

- (a) to conserve and reinforce the heritage significance of this Special Area,
- (b) to retain and enhance the urban character and scale of the Haymarket locality by requiring new buildings to be built to the street alignment, to have street frontage heights consistent with the prevailing form of heritage items in this Special Area, and to have building setbacks above those street frontage heights,
- (c) to maintain a high level of daylight access to the street by restricting building height and building bulk,
- (d) to recognise and enhance the diversity of uses in the area,
- (e) to maintain and reinforce permeability within the area and the intricacy of the urban fabric by retaining the existing significant lanes, original street pattern, special corner treatment, small allotments and narrow frontages, and encouraging through site links,
- (f) to reinforce the distinct topography of the area by maintaining the layering of development when viewed from Darling Harbour with the City’s higher buildings in the background.

#### **5 Wentworth Avenue East**

##### **Character Statement**

The significance of the area lies in its establishment as a residential quarter on the fringe of the city and its subsequent redevelopment as a warehousing and industrial area in the early 20th century, following the construction of Central Station nearby. The area also included a number of cinemas.

The area is generally characterised by diversity of building form and subtle variation in development scale and style. It primarily includes two types of development: low-scale residential development, mainly 2 storey Victorian and Federation terrace groups, significant for their continued residential use

with some including commercial use at ground level, and medium scale commercial and industrial buildings, predominantly of 5–7 storeys. The function of these buildings is reflected in their forms, with the industrial buildings tending to be of a relatively functional and utilitarian form, while the commercial (hotels and pubs) exhibit greater architectural detailing and ornamentation.

The majority of buildings utilise similar materials, texture and colours, predominantly brick and masonry. There are a few buildings notable for their use of glazed terracotta tiles in the facades; they represent the remaining evidence of the early cinemas and places of mass entertainment within the area, mostly of low scale and simple forms.

The aesthetic significance of the area is also attributed to a number of fine well-detailed and proportioned heritage buildings occupying prominent corner sites with strong visual relationship to each other, particularly along Wentworth Avenue.

The complex network of laneways is physical evidence of the original subdivision pattern and the fine grain of development within the area.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to conserve and reinforce the heritage significance of this Special Area,
- (b) to retain and reinforce the built form of this Special Area by restricting development scale and bulk within this area and maintaining the warehousing typology in the built form of new development,
- (c) to encourage residential and related ground level retail and other active street frontage uses which will contribute to the distinctive character of this Special Area,
- (d) to conserve and enhance the network of existing laneways within the area,
- (e) to maintain and enhance the existing fine grain development pattern, and prominent and significant corner buildings, and ensure that the relationship between existing and new corner buildings is visually sympathetic.

## **6 Circular Quay**

### **Character Statement**

Circular Quay's significance lies in its position at the head of Sydney Cove, its function as the harbour gateway to the city and as a major celebratory public space. It was the location of the earliest colonial settlement. Customs House and its relationship to the Quay is physical evidence of the importance of the Quay in maritime activities in the 19th and early 20th centuries.

During the 20th century commercial shipping gave way to the pedestrian commuter and transport interchange function which reinforced the place as a major transport hub and a focal point for the City.

The Quay is characterised by significant public spaces facilitating unique views to the water, the Harbour Bridge and the Opera House, and also views from the water to the City beyond. These open spaces are enclosed by buildings of different architectural styles and periods, reflecting the history and development of the Quay. While the buildings to the east of the Quay have a relatively consistent character, scale and form, those to the south exhibit a notable disparity in building scale, form and

architectural treatment, representative of their different periods.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise Circular Quay as a Special Area with a unique character in Central Sydney where Sydney Harbour meets the City, by a series of significant public spaces,
- (b) to reinforce the urban character and scale of Circular Quay by requiring new buildings to be built to the street alignment, and to have a transition of building heights from Circular Quay to the maximum building height of the northern area of Central Sydney,
- (c) to ensure that any development associated with the important transport interchange provided at Circular Quay is consistent with enhancement of the public domain of Circular Quay,
- (d) to ensure that the important history, symbolic value and significance of the Quay and its maritime uses are interpreted in the design of new spaces and buildings,
- (e) to maintain and enhance views to the water, the Harbour Bridge and the Opera House from various spaces of the Quay, and from the water to the Quay and the City beyond,
- (f) to maintain and reinforce the image of the area as a major focal point and its function as a celebratory public space.

## **7 Bridge Street/Macquarie Place**

### **Character Statement**

Bridge Street was the earliest east-west link across the Tank Stream between George and Macquarie Streets. It is significant for its association with a major colonial government building programme in the 1880's, which included the First Government House and Macquarie Place Reserve. Both the Reserve and Bridge Street represent the early planning of the colony with a street pattern that is reflective of the area's early topography.

The area retains evidence of its establishment by Governor Macquarie as the geographic and administrative centre of the colony, with the sandstone obelisk placed at the centre of Macquarie Place to mark the point from which all distances in the colony were measured.

A cohesive group of landmark sandstone buildings, often occupying whole blocks, define important public spaces and corners. Bridge Street offers an important vista to the Conservatorium of Music to the east and views to the water. Other views are distinguished by significant buildings within the area, especially those with special roof features.

The intact system of supporting lanes, some incorporated within building facades, is rare in the City and improves pedestrian permeability.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise and enhance Bridge Street as one of Sydney's pre-eminent urban spaces as well as the locality of heritage items which have housed activities of State and National significance,



- (b) to protect and extend morning sun access to Macquarie Place and sun access to Bridge Street and First Government House Place,
- (c) to conserve the existing significant laneways in the area and encourage active uses, where compatible with their significance,
- (d) to maintain and reinforce existing important public spaces, intersections and corners, in particular those crowned by significant buildings, such as the Lands Department and the Chief Secretary's Department Building,
- (e) to maintain and enhance existing views to the water, and also significant vistas to the Lands Department Building from Loftus Street, Macquarie Place and Bridge Street itself, in addition to the vista along Bridge Street to the Conservatorium of Music,
- (f) to maintain and reinforce the cohesive and rare streetscape character of Bridge Street and Macquarie Place by requiring new buildings to be built to the street alignment and to have overall building heights that reinforce the existing predominant street frontage height.

## **8 Macquarie Street**

### **Character Statement**

Macquarie Street contains a collection of highly significant buildings dating from the early 19th century to the late 20th century. Originally a government precinct, it has expanded to embrace first residential, professional, then commercial and tourism uses.

Macquarie Street forms the eastern built edge of the City. It is characterised by two distinct sides: its western built edge consists of medium scale buildings, stepping up to the city high rise beyond, creating a prominent city skyline when viewed from the Botanic Gardens; while the eastern edge includes the Botanic Gardens and to the south a cohesive rare group of public buildings of national significance, that terminate east-west streets and create significant vistas, particularly from Martin Place.

Macquarie Street is a boulevard of grand and civic character providing a vista terminated to the south by Hyde Park, with views north to the Opera House.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise Macquarie Street as one of Sydney's pre-eminent public spaces flanked by heritage items which house activities of State and national significance,
- (b) to protect and extend mid-winter lunchtime sun access to Hyde Park, the Royal Botanic Gardens and the Domain,
- (c) to improve and enhance the public domain and pedestrian amenity of the street and promote its image as a grand and civic boulevard,
- (d) to maintain and reinforce the urban character and scale of Macquarie Street and sense of enclosure for the Royal Botanic Gardens by requiring new buildings to be built to the street alignment, to have street frontage heights and building setbacks above street frontage heights

consistent with the prevailing scale, form and character of existing buildings nearby,

- (e) to emphasise Macquarie Street as the eastern built edge of the city and maintain the stepped building form from it westwards towards the north-south ridge of the City centre,
- (f) to maintain and enhance existing views and vistas to the harbour and Opera House to the north and Hyde Park to the south.

## **9 Martin Place**

### **Character Statement**

Martin Place is of social, cultural and historic significance, being the site of various monuments, in particular the Cenotaph, as well as the site of many historical events, which reinforced its image as the civic and ceremonial heart of the City. Its initiation was after the siting of the GPO in 1863, as a small meeting place in the front of the post office. Its subsequent planned evolution and development illustrates the application of city planning principles of the 1880s to 1930s, which culminated in its complete pedestrianisation in 1970. It represents the financial heart of the City, containing significant public and financial buildings.

Martin Place consists of a cohesive group of buildings with a consistent street wall of up to 45 metres. These buildings have similar architectural features, characterised by the use of richly textured masonry facades, intricate architectural detailing, vertical emphasis and grand proportions at street level, representative of their function as housing various public and business institutions. The built form encloses a significant linear public space, with strong vistas terminated to the east and west by significant public buildings. The GPO clock tower is an important landmark visible from various points within Martin Place.

Martin Place is also significant for its supportive network of lanes, being rare examples of pedestrian thoroughfares reminiscent of Victorian Sydney laneways such as Angel Place and Ash Lane.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to conserve and enhance the significance of Martin Place as one of Central Sydney's great civic and ceremonial spaces, and as a valued business location,
- (b) to protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August,
- (c) to protect existing significant vistas to the east and west and ensure that new development will not detrimentally affect the silhouette of the GPO clock tower,
- (d) to retain and enhance the urban character, scale and strong linear enclosure of Martin Place by requiring new buildings to be built to the street alignment, to have street frontage heights consistent with the prevailing form of buildings in the area, and to have building setbacks above those street frontage heights,
- (e) to retain human scale at street level, while respecting and positively responding to the monumental nature of the place.

## **10 Pitt Street Mall**

### **Character Statement**

Pitt Street Mall is a major retail node and pedestrian space in the City centre. The wide variety of shopping and leisure activities in the area attract a wide range of users.

The intense network of arcades linking Castlereagh Street and George Street enhances permeability within the area. The concentration of small-scale (4–5 storeys) Victorian commercial buildings standing on either side of the Mall contributes to the character of the area.

The consistent low street wall allows for the penetration of a great deal of sunlight to the Mall, especially during lunchtime in winter, which along with its high accessibility makes it a popular meeting place.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise and enhance Pitt Street Mall as a key element of Central Sydney’s retail core,
- (b) to protect and extend lunchtime and late morning sun access to the Pitt Street Mall from mid-April to the end of August,
- (c) to enhance permeability within the area by reinforcing and expanding the network of arcades in this Special Area,
- (d) to retain and improve the urban character and scale of Pitt Street Mall and its sense of linear enclosure by requiring new development to be built to street alignment and have street frontage heights consistent with the prevailing form of existing buildings in the Area, and to have building setbacks above those street frontage heights,
- (e) to enhance and encourage the use of the Mall as a major pedestrian space and an informal meeting place.

## **11 Wynyard Park/Lang Park**

### **Character Statement**

Wynyard Park is an important space within the public domain and fabric of Central Sydney. The Park is of a Victorian layout and was used as a military parade ground from 1792 to 1848. It was known as Wynyard Square from 1848–1887, and was officially dedicated as a park and an open space for public recreation in 1887.

It is distinguished as a major public transport node. The street edges provide a strong sense of urban enclosure, created by the uniformity of the buildings lining the streets, resulting in the effect of “an urban room”. The majority of these buildings are of a consistent height and street alignment and exhibit similar architectural themes.

Lang Park derives its significance from its dedication as one of the early urban parks in 1866 and its association with the earlier Shot’s Church. The park is considered as a northern gateway to Central Sydney and provides a visual relief in this highly developed area.

## **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise Wynyard Park and Lang Park as important elements of the public domain in the northern part of Central Sydney as well as the role of Lang Park as a northern “gateway” to Central Sydney,
- (b) to protect and extend mid-winter lunchtime sun access to Wynyard Park and Lang Park,
- (c) to retain the sense of urban enclosure provided to Wynyard Park by requiring new buildings to be built to the street alignment, and by requiring street frontage heights and setbacks above them to be compatible with the prevailing form and scale of existing buildings surrounding Wynyard Park,
- (d) to enhance the terminating vistas along Carrington Street, and York Street to the south at its corner with Wynyard Street,
- (e) to ensure that any development associated with the important public transport interchange provided at Wynyard is consistent with enhancement of the public domain of Wynyard Park.

## **12 Sydney Square, Sydney Town Hall and St Andrews Cathedral**

### **Character Statement**

Sydney Square is a major public open space framed by the Town Hall and St Andrews Cathedral.

The Town Hall is one of the State’s most important civic buildings. The Town Hall and its civic setting symbolise the long tradition of city government and has been involved in the development of Sydney City since the mid 19th century. The building is one of the grandest and most elaborate and largely intact examples of the 19th century High Victorian style surviving in Australia. The Sydney Town Hall together with St Andrews Cathedral and the Queen Victoria Building in the adjoining Special Area to the north form a remarkably homogeneous group by virtue of their similarities in scale, texture and materials.

The precinct represents the symbolic and visual focus and centre of the city and serves as a landmark feature along George Street, due to its prominent location and association with major civic events. The clock tower of the Town Hall and spires of St Andrews Cathedral either appear in, or terminate many significant vistas, particularly those from Park, George, York and Bathurst Streets.

The area is one of the busiest parts of the city, in terms of both vehicular and pedestrian movement, and with the underground Town Hall Station functions as a major transport node. The steps of the Town Hall attract many people and the Square acts as a major meeting and gathering place (formal and informal) with a wide variety of activity on various levels.

Though the buildings lining the edges of Sydney Square exhibit a diverse range of styles and scales, the majority follow the street alignment and contribute somehow to the relatively undefined sense of the enclosure of the Square and to the urban character of the area.

### **Objectives**

The objectives for this Special Area are as follows—

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

meeting place,

- (b) to protect and extend morning sun access to the steps of the Town Hall and lunchtime sun access to Sydney Square,
- (c) to reinforce the urban character, scale and sense of enclosure of Sydney Square by requiring new buildings surrounding the Square to be built to the street alignment, and to have street frontage heights and setbacks at higher levels consistent with the prevailing form of buildings in this Special Area,
- (d) to ensure that new development lining the four edges of the Square visually continues the Square and provides an appropriate backdrop to the civic character of the area and does not dominate its significant civic buildings that give it a sense of civic significance,
- (e) to ensure that any development associated with the important public transport interchange provided at Town Hall is consistent with enhancement of the public domain of Sydney Square,
- (f) to ensure that new development around Sydney Square contributes positively to the definition of the space and has a scale and character that is compatible and complements the civic buildings, in terms of facade composition, building materials, colours and textures and exhibits a rhythm and richness in articulation,
- (g) to maintain and enhance existing important views and vistas to the clock tower of the Town Hall from Park Street, George Street and York Street, and to the spires of the Cathedral from Bathurst and George Streets, and to allow the silhouette of the Cathedral and Town Hall to be viewed and read against the sky.

### **13 Railway Square**

#### **Character Statement**

Railway Square is the major visual and functional gateway to the city from west and south. The intersection of George and Pitt Streets is one of Sydney's busiest and largest intersections, which has traditionally dispersed traffic and pedestrians into and out of the city. The original intersection was of a Y shape and was formed in 1807 by the junction of the old and new connection between George Street and Parramatta Road. The continuation of George Street to the south (Lee Street) in 1843 created the existing X shape of the Square.

The Square has functioned over 135 years as a railway station and still acts as a major transport interchange node, allowing change between buses, and heavy and light rail. Historically, it has an association with the first railway line and terminal opened further south in 1855 and also has symbolic importance as the focus of a rail system, which has had a great influence on the development of NSW.

The Central Railway Station was opened in 1902, but was not in a complete form at that time. The station was fully completed in 1921 by the addition of the clock tower, which today acts as a landmark contributing immensely to the visual prominence of the Square. The civic heritage of the Central Railway precinct provides historic continuity and physical links to the precinct's past.

The area is typified by a concentration of low-medium scale (3-7 storeys) heritage buildings and streetscapes, a series of varied interrelated open spaces and a rich mix of uses and activities, including commercial, industrial, institutional and residential. The predominant built form is the

warehouse typology, as opposed to the tower form, which prevails in the City centre to the north of the area.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise the role of Railway Square as the western and southern gateway to Central Sydney,
- (b) to reinforce the significance of the existing heritage fabric and complement it with contemporary fabric of high quality architecture and an urban nature and contribute to the layers of meanings and content of the locality,
- (c) to maintain a high level of daylight access to Railway Square and its associated open spaces by restricting building height,
- (d) to maintain and enhance the visual prominence and landmark significance of the clock tower of Central Railway Station in the views and vistas from various points, particularly along Broadway and George Street, when approaching or departing the city,
- (e) to reinforce the urban character and scale of Railway Square by requiring new buildings surrounding the Square to be built to the street alignment, to have street frontage heights consistent with the prevailing form of buildings adjacent to this Special Area, and to have building setbacks above those street frontage heights,
- (f) to ensure that any development associated with the important public transport interchange provided at Railway Square is consistent with enhancement of the public domain of Railway Square.

## **14 Chifley Square**

### **Character Statement**

The original concept of the semi-circular form was first proposed by John Sulman in 1908. The same concept resurfaced in 1937 and was proposed by City Engineer Garnsey, as a means of relieving traffic congestion at the junction of Hunter and Elizabeth Streets. The scheme was implemented in 1947.

The completion of Qantas House, with a curved form, in 1957 made a major contribution to the creation of Chifley Square. The place was officially named “Chifley Square” in 1961 in honour of the late Hon J.B. Chifley, former Prime Minister of Australia, and a year later Elizabeth Street was extended creating a public square with a traffic island in the middle.

The final semi-circular form of the Square was formed with the completion of Chifley Tower in 1993 to the east of the Square, which completed the curved form of Qantas House to the west. The building was designed by an international designer and follows the picturesque romantic skyscraper style of the early 20th century American office towers. The detailed elements of the building, whether at street or upper levels exhibit a rather lofty and imposing presence, expressing the corporate nature of the building, which is entirely appropriate by virtue of its location in the financial core of the city. Further public domain works were implemented in 1996-1997 to reclaim the Square, improve its quality and create a sophisticated public plaza.

The area is characterised by large-scale high rise tower buildings interspersed with lower scale

development. Despite the fact that the majority of the towers at the edges of the Square are seen as individual elements within the cityscape, they follow the street alignment at lower levels, with a curved alignment to the north creating a distinct sense of enclosure for the Square. The curved form of the Square and the recent Aurora Place to the east, visible within this setting, create a unique urban landscape within the Sydney CBD and provide a visual relief and break in the intensely built up area of the financial centre.

### **Objectives**

The objectives for this Special Area are as follows—

- (a) to recognise and enhance Chifley Square as one of the major public open spaces in the heart of the financial centre of the city,
- (b) to promote and encourage the use of the space as a destination and meeting place for people,
- (c) to interpret the history of the place and its evolution in the design of both public and private domain and create a distinct sense of place inherent in the character of Chifley Square,
- (d) to reinforce the urban character and distinct sense of enclosure of Chifley Square by emphasising and reinforcing the semi-circular geometry of the space, requiring new buildings to be integrated with the form of existing buildings and limiting the height of new buildings,
- (e) to protect and extend sun access to the Square during lunchtime hours from mid-April to the end of August,
- (f) to unify the Square and improve the relationship between the space and the buildings forming it.

## **15 Farrer Place**

### **Character Statement**

Historical evidence shows that Farrer Place dates back as early as 1865, mainly being a street. Its original name was Fountain Street as known in 1871, the name was changed in 1880 to Raphael Street, after the name of an alderman between the 1860s and 70s.

In 1935, the Minister for Agriculture requested that Raphael Street and the triangular plantation space fronting the building housing the Department of Agriculture which, at the time, occupied the southern wing of the Department of Education, be renamed as “Farrer Place”. This was to commemorate William J. Farrer, a noted wheat breeder whose work had incalculable benefit to the wheat growing industry.

The closure of Young Street to traffic formalised the space and gave it the character of a plaza. The place was further enhanced by the development of Governor Macquarie Tower as a major public building, complementing the public and institutional character provided by the Departments of Lands and Education buildings to the west.

The area’s location in the heart of the financial core of the city has resulted in large-scale high rise towers, interspersed with lower scale development, mostly with high quality design and elegant rooftops contributing to the skyline of the city. The limited height of the heritage buildings to the north and west allows solar access and provides some visual relief in this highly built up area.

The orientation of the place to the north allows for views to the water and the Harbour Bridge, while

the clock tower of the Lands Department building to the west enhances the views from the place and adjoining streets.

### Objectives

The objectives for this Special Area are as follows—

- (a) to recognise Farrer Place as one of the important public open spaces in the financial centre of the city for lunchtime meeting, particularly for workers in the vicinity,
- (b) to reinforce the urban character and sense of enclosure of Farrer Place by requiring new buildings to be built to the street alignment and have adequate setbacks above that, and by restraining building bulk and scale, particularly to the east and south of the place,
- (c) to protect and extend winter sun access to the place, particularly during lunchtime,
- (d) to interpret the history of the place and its evolution in the design of new buildings and elements within the public domain and give it its own sense of place,
- (e) to improve, enhance and activate the public domain within the place,
- (f) to maintain and enhance existing views to Sydney Harbour and the Harbour Bridge to the north and vistas to the tower of the Lands Department building to the west.

## Schedule 7 (Repealed)

## Schedule 8 Central Sydney heritage items

(Dictionary)

### Part 1 Heritage items

No	CSHI No	Address	Name
1	5008D	8-12 Abercrombie Street	Terrace (Part of Carlton United Brewery site)
2	1065	5-9 Agar Steps Millers Point	Agar Steps Terrace
3	4111	1-9 Albion Place	Former Warehouses
4	2002	31 Alfred Street	Customs House
5	2000	33 Alfred Street	AMP Building
6	1067	1-7 Argyle Place Millers Point	Building Group
7	1175	9 Argyle Place Millers Point	Retail Group
8	1068	6-12 Argyle Place Millers Point	Group of Buildings
9	1069	24-32 Argyle Place Millers Point	Terrace
10	1070	34 Argyle Place Millers Point	Osborne House
11	1071	36-44 Argyle Place Millers Point	Terrace



12	1072	46-48 Argyle Place Millers Point	Terrace
13	1073	50 Argyle Place Millers Point	Undercliff Cottage
14	1074	52-60 Argyle Place Millers Point	Undercliff Terrace
15	1075	62-64 Argyle Place Millers Point	Terrace
16	3012	3B Art Gallery Road	Art Gallery of NSW
17	3017	Art Gallery Road	The Lodge
18	2033	2-6 Barrack Street	Pinnacle House
19	2031	1 Barrack Street	Building
20	2032	11 Barrack Street	Commonwealth Bank Building
21	4114	93 Bathurst Street	Church Missionary Society Building
22	4115	95 Bathurst Street	Bible House
23	1076	35-37 Bettington Street Millers Point	Palisade Hotel
24	1077	56-60 Bettington Street Millers Point	Terrace
25	1078	66-68 Bettington Street Millers Point	Building
26	2028	31 Bligh Street	NSW Club Building
27	2039	4 Bridge Street	Cliveden
28	2036	5-11 Bridge Street	Former Burns Philp & Co Building
29	2035	6 Bridge Street	Northumberland Insurance
30	2037	13-15A Bridge Street	Liner House
31	2038	17-19 Bridge Street	Singapore Airlines House
32	2170	23-33 Bridge Street	Department of Lands Building
33	2040	35-39 Bridge Street	Department of Education Building
34	2041	44 Bridge Street	Former Booth House
35	6003	43-51 Brisbane Street Surry Hills	Motor Traders Association of NSW Building
36	6004	53-55 Brisbane Street Surry Hills (78-80 Commonwealth Street)	Former Paramount Pictures Studios
37	5006	2-6 Broadway	Sutherlands Hotel
38	5007	20-24 Broadway	County Clare Inn
39	5009	100-102 Broadway	Australian Hotel
40	2042	6-8 Bulletin Place	Former Warehouse
41	2043	10-14 Bulletin Place	Former Warehouse

42	2044	16-18 Bulletin Place	Former Warehouse
43	4117	21 Campbell Street	Capitol Theatre
44	6009	69 Campbell Street Surry Hills	Norman Gibson & Co Building
45	6011	82-102 Campbell Street Surry Hills	Terrace
46	2003	2-12 Carrington Street	Menzies Hotel
47	2004	30-32 Carrington Street	Lisgar House
48	2045	64-68 Castlereagh Street	British Airways House
49	2046	65-71 Castlereagh Street	Culwulla Chambers
50	4000	72-72A Castlereagh Street (155-159 King Street)	Trust Building
51	2049	161-163 Castlereagh Street	Legion House
52	4002	169-173 Castlereagh Street	Masonic Club
53	4207	201 Castlereagh Street	Scientology House
54	4118	201A Castlereagh Street	St George's Church
55	4206	203 Castlereagh Street	Porter House
56	4119	211-217 Castlereagh Street	Metropolitan Fire Brigade Building
57	4120	219-227 Castlereagh Street	City South Telephone Exchange
58	3033	84-104 Cathedral Street Woolloomooloo	Commercial Terraces
59	6031	Chalmers Street Surry Hills	Railways Institute Building
60	6029	2-28 Chalmers Street Surry Hills	Dental Hospital
61	1063	Circular Quay East	Sydney Cove Oyster Bar and Portobello Café
62	1064	2 Circular Quay East	Sydney Opera House
63	2051	62 Clarence Street	John Sands Building
64	2053	104-118 Clarence Street	Clarence House
65	2218	105A Clarence Street	Laurence & Wherry Building
66	2054	120-122 Clarence Street (44 King Street)	Former RTA House
67	4003	144 Clarence Street (83-87 York Street)	Endeavour Credit Union House
68	4005	152-156 Clarence Street	The Cue Clothing Company Building
69	4004	153-159 Clarence Street	Red Cross House
70	4006	177-181 Clarence Street	Broughton House
71	4007	183 Clarence Street	Electricity Substation No 164

72	4008	197-199 Clarence Street (also refer to 340 Kent Street)	Guild House
73	4010, 4011	201-207 Clarence Street (also refer to 346-348 Kent Street)	Guide House and Adjoining Buildings
74	4009	204-206 Clarence Street	Aberdeen House
75	4014	226-234 Clarence Street	Trafalgar Square Building
76	4012	236 Clarence Street	Hotel
77	4015	281 Clarence Street	Former Police Station
78	4016	283-285 Clarence Street	Nelson House
79	4017	287-289 Clarence Street	Building
80	6015	244 Cleveland Street	Cleveland Street Public School
81	6028	242 Cleveland Street	Greek Orthodox Church and Rectory
82	3000	College Street (2 St Mary's Road)	St Mary's Cathedral Site
83	3004	6-8 College Street	Australian Museum
84	3005	10-12 College Street	Sydney Grammar School
85	3001	Conservatorium Road	Conservatorium of Music
86	6046	33-35 Cooper Street Surry Hills	Building
87	6045	46 Cooper Street Surry Hills	News Limited Building
88	3034	1 Crown Street Woolloomooloo (50-58 Sir John Young Crescent)	Former Sydney Eye Hospital
89	1010	Cumberland Street (36-62 Trinity Avenue Millers Point)	Sydney Harbour Bridge approaches and curtilage
90	1079	1A Dalgety Road Millers Point (61 Hickson Road)	MWS & DB Substation (SPS No 14)
91	1080	7-13 Dalgety Road Millers Point	Terrace
92	1081	15-35A Dalgety Road Millers Point	Terrace
93	4018	48-58 Druitt Street	Former Central Agency Building
94	5056	Eddy Avenue	Central Railway Station yard and viaducts
95	4021	Elizabeth Street	Bus shelter
96	4020	108 Elizabeth Street	St James Station
97	4124	3 Elizabeth Street	Museum Station
98	2068	60-70 Elizabeth Street	GIO Building
99	4022	102 Elizabeth Street	Supreme Court Buildings

100 4019	113-133 Elizabeth Street (84-110 Castlereagh Street)	David Jones Building
101 4127	150-152 Elizabeth Street	Cyprus Hellene Club
102 4128	154-158 Elizabeth Street	Metters Building
103 4129	160-162 Elizabeth Street	Crown Hotel
104 6052	184-196 Elizabeth Street	Wentworth House
105 4026	185 Elizabeth Street	Mirvac Trust Building
106 4027	187A Elizabeth Street	The Great Synagogue
107 6037	198-200 Elizabeth Street	Newmarket Hotel
108 6047	328-344 Elizabeth Street Surry Hills	Hibernian House
109 2020	42-50 Erskine Street	Retail and Residential Terrace
110 2021	52-54 Erskine Street	Retail and Residential Terrace
111 2022	62-66A Erskine Street	Retail and Residential Terrace
112 2023	68-80 Erskine Street	Watch House Terraces and Shops
113 2024	82 Erskine Street	Former Watch House
114 6020	2 Foster Street Surry Hills	Hollywood Hotel
115 6019	35 Foster Street Surry Hills (1 Blackburn Street)	Prospect House
116 6038	56-60 Foster Street Surry Hills	Edwards & Co Ltd Building
117 5058	George Street	St Andrew's Cathedral and Chapter House
118 2064	244-246 George Street	Metropolitan Hotel
119 2169	252 George Street	Former George Patterson House (Tank Stream Way section)
120 2069	261 George Street	Telford Trust Building
121 2070	264-278 George Street (87-95 Pitt Street)	Australia Square Tower
122 2071	285-287 George Street	Beneficial House
123 2072	296 George Street	Former Skinners Family Hotel
124 2076	341 George Street	Westpac Bank
125 2077	343 George Street	National Australia Bank
126 2078	348-352 George Street	Société Générale Building
127 2079	354-360 George Street	United Permanent Building
128 2080	365 George Street	ANZ Bank

129 4029	375-377 George Street	King George Chambers
130 4030	387 George Street	Georges Electronics Store
131 4032	396 George Street	Darrell Lea Shop
132 4033	412-414 George Street	Strand Arcade
133 4173	413-421 George Street	Former BBC Hardware
134 4034	424-430 George Street	Dymocks Building
135 4035	429-481 George Street	Queen Victoria Building
136 4038	452-456 George Street	Gowings Building
137 4131	483 George Street	Town Hall
138 4132	485 George Street	Former Bank of NSW
139 4133	531-535 George Street	Vine House
140 4134	553-555 George Street	ANZ Bank
141 4135	557-559 George Street	Sir John Young Hotel
142 4137	611-613 George Street	Building
143 5014	619-625 George Street	Baptist Church House
144 5015	627 George Street	The Jarvis Centre
145 5016	631 George Street	Former King George Hotel
146 5017	633-635 George Street	Former Haymarket Post Office
147 4138	640 George Street	Century Hotel
148 5018	661-663 George Street	National Australia Bank
149 5019	671-675 George Street	Westpac Bank
150 5020	681 George Street	Bank of China
151 5021	698-704 George Street	Kiss's Building
152 5022	701-705 George Street	Hotel
153 5060, 5023	715-723 George Street	Great Southern Hotel and Adjoining Building
154 5061	730-742 George Street	Palace Hotel Building Complex
155 5024	744 George Street	Haymarket Chambers
156 5026	761-763 George Street	Former Sutton Forest Meat Building
157 5062, 5063	767-791 George Street	Victorian Commercial Group of Buildings
158 5089	770-772 George Street	GIO Building

159 5064	793-795 George Street	King's Disposal Store
160 5028	814 George Street	Former Lottery Office Building
161 5065	822 George Street	Canada House
162 5030	824-826 George Street	Westpac Bank
163 5027	827-837 George Street	Marcus Clark (Building W) Ultimo College, TAFE NSW—Sydney Institute
164 5031	849-855 George Street	Federation Free Style Commercial Building
165 5029	871 George Street	Agincourt Hotel
166 4139	4-10 Goulburn Street	Trades Hall
167 4140	12-14 Goulburn Street	Former Trades Hall Hotel
168 4141	27-33 Goulburn Street	Hoover Complex
169 6034	90B Goulburn Street	German Lutheran Church
170 6035	92-96 Goulburn Street	Goldsmiths House
171 6018	142-148 Goulburn Street	Warehouse
172 5033	102-110 Hay Street	Covent Garden Hotel
173 5034	181-187 Hay Street	Corporation Building
174 2133	Hickson Road Millers Point	Former Grafton Bond Store
175 1086	37 High Street Millers Point	Lance Kindergarten
176 1083	3-9 High Street Millers Point	Terrace Duplexes
177 1084	2-36 High Street Millers Point	Terrace Duplexes
178 1085	38-72 High Street Millers Point	Terrace Duplexes
179 1173	74-80 High Street Millers Point	Terrace Duplexes
180 2005	10-14 Hunter Street	NSW Sports Club
181 2010	30-32 Hunter Street	Grand Hotel
182 2011	33-39 Hunter Street	Perpetual Trustee Building
183 2013	60-66 Hunter Street (10 Bligh Street)	CML Building
184 2014	68-96 Hunter Street	Former Qantas House
185 8024	Hyde Park (south)	ANZAC War Memorial
186 2089	2-4 Jenkins Street (Part of 30-38 Hickson Road)	Former MSB Stores
187 5008A	Kensington Street	Administration Building (part of Carlton United Brewery site)

188 5072	46-48 Kensington Street	Terrace
189 4041	332-334 Kent Street	Merchant & Partners Building
190 4042	336-338 Kent Street	Merchant & Partners Advertising Agents
191 4043	340 Kent Street (also refer 197-199 Clarence Street)	Subito Building
192 4044	342-344 Kent Street	Royston House
193 4045	346-348 Kent Street (also refer to 201-207 Clarence Street)	Letrasset House
194 4046	352-358 Kent Street	Norton House
195 4047	360-362 Kent Street	Century House
196 4048	364-372 Kent Street	Building
197 4050	414-418 Kent Street	Building
198 4051	420 Kent Street	Genesian Theatre
199 4053	435A-441 Kent Street	Carla Zampatti Building
200 4199	469-475 Kent Street	Former Warehouse
201 4201	477-481 Kent Street	Civic House
202 4144	484 Kent Street	Theosophy House
203 4202	499-501 Kent Street	RCA House
204 4146	531 Kent Street	Former Judges House
205 1087	1-17 Kent Street Millers Point	Oswald Bond Free Stores
206 1089	19 Kent Street Millers Point	Lord Nelson Hotel
207 1090	21-29 Kent Street Millers Point	Retail Group
208 1091	10-12 Kent Street Millers Point	Millers Point Post Office
209 1092	14-16 Kent Street Millers Point	St Brigids Church and School
210 1093	18-22 Kent Street Millers Point	Terrace
211 1094	24-26 Kent Street Millers Point	House of Bodleigh
212 1095	28 Kent Street Millers Point	Building
213 1096	30 Kent Street Millers Point	Building
214 1097	32-40 Kent Street Millers Point	Building
215 1098	33-35 Kent Street Millers Point	Captain Cook Hotel
216 1099	42 Kent Street Millers Point	Building

217 1100	44 Kent Street Millers Point	Building
218 1101	46 Kent Street Millers Point	Building
219 1102	37-47 Kent Street Millers Point	Alfred's Terrace
220 1103	48-52 Kent Street Millers Point	Group of Buildings
221 1104	49-51 Kent Street Millers Point	Terrace
222 1105	53-55 Kent Street Millers Point	Terrace
223 1106	54 Kent Street Millers Point	Building
224 1107	56-62 Kent Street Millers Point	Terrace
225 1108	59-63 Kent Street Millers Point	Hexham Terrace
226 1109	71-73 Kent Street Millers Point	Terrace
227 1110	75-79 Kent Street Millers Point	Winsbury Terrace
228 1111	82-88 Kent Street Millers Point	Blyth Terrace
229 1112	83-85 Kent Street Millers Point	Terrace
230 1113	81 Kent Street Millers Point	Seaforth Terrace
231 1114	90-92 Kent Street Millers Point	Terrace
232 1115	94 Kent Street Millers Point	Toxteth
233 1116	110-114 Kent Street (3 Agar Steps Millers Point)	Carlson Terrace
234 1117	115-121 Kent Street Millers Point	Terrace
235 1000	116-122 Kent Street Millers Point	Richmond Villa
236 1001	123-125 Kent Street Millers Point	Terrace
237 1002	124-134 Kent Street Millers Point	Glover Cottages
238 2105	173 King Street	St James Church
239 2091	23-25 King Street (138 Sussex Street)	Former Bank and Post Office
240 2092	29A King Street (Part of 140 Sussex Street)	Building
241 2094	40 King Street (306 Kent Street)	Building
242 2096	58-68 King Street	Charles Plaza
243 2097	69-75 King Street	Reid House
244 2100	104 King Street	Building
245 2101	106 King Street	Bruce & Walsh Building
246 2103	147 King Street	Cornelius Court
247 2104	153 King Street	Louis Vuitton Building



248 4149	53-55 Liverpool Street (1 Douglass Street)	Buckle Chambers
249 4150	69-79 Liverpool Street	Retail Terrace
250 4212	76-78 Liverpool Street	Former Warehouse
251 4204	88 Liverpool Street	Spanish Club
252 4151	98 Liverpool Street	Central Police Court and Police Station
253 4152	143-147 Liverpool Street	Former Mark Foy's Building (Downing Centre)
254 2216	12-14 Loftus Street	Gallipoli Legion of Anzacs Club
255 1119	1-19 Lower Fort Street Millers Point	Milton Terrace
256 1120	21-23 Lower Fort Street Millers Point	Terrace
257 1121	25-33 Lower Fort Street Millers Point	Terrace
258 1122	35 Lower Fort Street Millers Point	Building
259 1123	37 Lower Fort Street Millers Point	Royal College of Radiologists
260 1124	39-41 Lower Fort Street Millers Point	Terrace
261 1125	43 Lower Fort Street Millers Point	Bligh House
262 1126	47-53 Lower Fort Street Millers Point	Terrace
263 1127	55 Lower Fort Street Millers Point	Building
264 1128	57-61 Lower Fort Street Millers Point	Building
265 1129	63-65 Lower Fort Street Millers Point	Terrace
266 1130	67-73 Lower Fort Street Millers Point	Eagleton Terrace
267 1131	75-77 Lower Fort Street Millers Point	Building
268 1132	79 Lower Fort Street Millers Point	Shop and Residence
269 1133	81-83 Lower Fort Street Millers Point	Hero of Waterloo Hotel
270 1134	85 Lower Fort Street Millers Point	Argyle House
271 1135	18 Lower Fort Street Millers Point	Harbour View Hotel
272 1136	20-22 Lower Fort Street Millers Point	Building
273 1137	24-26 Lower Fort Street Millers Point	Building
274 1138	28 Lower Fort Street Millers Point	Housing
275 1139	30-42 Lower Fort Street Millers Point	Terrace
276 1140	50-56 Lower Fort Street Millers Point	Garrison Terrace
277 1141	58 Lower Fort Street Millers Point	Drill Hall

278 1142	60-62 Lower Fort Street Millers Point	Holy Trinity Anglican Church and Church Hall
279 3035	2 Macleay Street Potts Point	Jenner (Fleet Club)
280 2107	27-31 Macquarie Place	Kyle House
281 2108	Macquarie Street	Parliament House
282 2109	Macquarie Street	Sydney Hospital Complex
283 2110	Macquarie Street	Sydney Hospital—Nightingale Wing
284 2111	Macquarie Street	Sydney Hospital—Chapel Block
285 3002	Macquarie Street	The Lodge and Entrance Gates
286 3003	Macquarie Street	Government House and Garden
287 2112	Macquarie Street	Royal Mint Building
288 2113	Macquarie Street	Hyde Park Barracks
289 2114	89-91 Macquarie Street	Royal Automobile Club
290 2115	93 Macquarie Street	Former Health Department Building
291 2116	99-113 Macquarie Street	Transport House
292 2117	115-119 Macquarie Street	Former Treasury Building
293 2118	121 Macquarie Street (50 Phillip Street)	Chief Secretary's Building
294 2119	123-125 Macquarie Street	The Astor
295 2120	133 Macquarie Street	History House
296 2121	135-137 Macquarie Street	BMA House
297 2122	145 Macquarie Street	Royal Australian College of Physicians
298 2124	175-181 Macquarie Street	Wyoming
299 2125	193 Macquarie Street	Hengrove Hall
300 2126	195A Macquarie Street	St Stephen's Uniting Church
301 2219	235 Macquarie Street	Beenbah Chambers
302 4054	26-32 Market Street	Archway Terrace
303 4208	46-48 Market Street (423-427 George Street)	Commonwealth Bank
304 4055	49 Market Street	State Theatre
305 4056	67-77 Market Street	David Jones Building
306 2127	1 Martin Place	Sydney General Post Office (Westin Hotel)
307 2128	4-10 Martin Place	Challis House

308 2130	38-46 Martin Place	Former MLC Building
309 2131	48-50 Martin Place	Commonwealth Bank
310 2132	53-63 Martin Place	APA Building
311 2221	65 Martin Place	Reserve Bank
312 1143	14-16 Merriman Street Millers Point	Building
313 1144	18 Merriman Street Millers Point	Building
314 1145	20-42 Merriman Street Millers Point	Terrace
315 1170	44-48 Merriman Street Millers Point	Terrace
316 1147	Munn Street, Millers Point (25 Hickson Road)	Dalgety's Bond Stores Group of Buildings
317 1148	18-20 Munn Street Millers Point	Terrace
318 2025	12-14 O'Connell Street	Manufacturers Mutual Building
319 2026	16-18 O'Connell Street	Delfin House
320 2027	19-21 O'Connell Street	Public Trust Office
321 6041	21 Oxford Street	ANZ Bank
322 6040	41 Oxford Street	Commonwealth Bank
323 2134	4-8 Phillip Street	Traffic Court Group (Phillip Street Police Station and Traffic Courts Nos 1 and 2)
324 2135	39-41 Phillip Street	Terrace
325 2136	43 Phillip Street	Terrace
326 2137	45 Phillip Street	Terrace
327 2138	47 Phillip Street	Café de Gallerie
328 2222	61 Phillip Street (6 Bligh Street)	Wentworth Hotel
329 2139	42-44 Pitt Street	Equitlink House
330 2017	64-66 Pitt Street	Former Bank of NSW
331 2019	75-77 Pitt Street	Thai Airways Building
332 2142	80-82A Pitt Street	QBE Building
333 2145	108-120 Pitt Street	Commonwealth Bank
334 2146	122-122B Pitt Street	The Sydney Club
335 2147	125 Pitt Street	John & Merivale Building
336 2148	138-140 Pitt Street	Sugar House
337 4059	142-144 Pitt Street	Grahame's Corner

338 4060	158-160 Pitt Street	Soul Pattinson Building
339 4063	181 Pitt Street	American Shoe Store
340 4065	194 Pitt Street	Merivale Building
341 4066	198-200 Pitt Street	City Tattersalls (north)
342 4067	202-204 Pitt Street	City Tattersalls Club
343 4070	226-230 Pitt Street	Banking House
344 4072	249-251 Pitt Street	Simpson House
345 4071	250 Pitt Street	National Building
346 4153	258-260 Pitt Street	Criterion Hotel
347 4154	262-264 Pitt Street	Pilgrim House
348 4155	264A Pitt Street	Pitt Street Uniting Church
349 4074	275-277A Pitt Street	Former School of Arts
350 4156	280-282 Pitt Street (108 Bathurst Street)	Lincoln Building
351 4211	284-292 Pitt Street	International House
352 4158	294 Pitt Street	Edinburgh Castle Hotel
353 4159	323-327 Pitt Street	Former YMCA Building
354 4160	339-341 Pitt Street (Part of 115 Bathurst Street)	Former Metropolitan Water Sewerage & Drainage Board Building
355 4162	350 Pitt Street	Former Coles-Fosseys Building
356 4163	360 Pitt Street	Former Coles-Fosseys Building
357 4165	379-383 Pitt Street	Fayworth House
358 4157	384-388 Pitt Street	Civic Hotel
359 5037	405-427 Pitt Street	CB Hotel
360 5039	420-428 Pitt Street	Chamberlain Hotel
361 5040	441-459 Pitt Street	Manning Building
362 5088	461 Pitt Street	Former Presbyterian Manse
363 5041	477 Pitt Street	Former Fire Engine House
364 5042	479-487 Pitt Street	Former Australian Gaslight Co Building
365 5068	507 Pitt Street (814A George Street)	Christ Church St Lawrence, School and Rectory
366 4075	Prince Albert Road	Land Titles Office
367 5043	Railway Square (2 Lee Street)	Parcels Post Office

368 5044	1-9 Rawson Place (790-798 George Street)	Station House
369 5045	11-23 Rawson Place	Daking House
370 5054	Regent Street	Mortuary Station
371 5046	36 Regent Street	Former John Storey Memorial Dispensary
372 5101	54 Regent Street	Co-Masonic Temple
373 6056	43-45 Reservoir Street Surry Hills	Silkknit House
374 2150	1 Shakespeare Place	Public Library of NSW
375 2151	Sussex Street	MWS & DB Building (SPS No 13)
376 2152	20-26 Sussex Street	Former Big House Hotel (Moreton's Hotel)
377 2217	81 Sussex Street	Bristol Arms Hotel
378 2155	107-113 Sussex Street	Former Cuthbert's Patent Slip Building
379 2156	115-117 Sussex Street	Former Royal George Hotel
380 4195	230-232 Sussex Street	Former Foley Bros Warehouse
381 4166	281-287 Sussex Street	The Vintage Building
382 4167	320-334 Sussex Street	Sussex Street Technical College
383 4168	349-353 Sussex Street	Commerce Building
384 4196	365-375 Sussex Street	Commerce House
385 5050	385-387 Sussex Street	Star Hotel
386 5051	431-439 Sussex Street	Kien Hay Centre
387 5052	175-179 Thomas Street	Former Benevolent Society of NSW Hospital
388 1168	2-4 Trinity Avenue Millers Point	Residential Flat Building
389 1150	8-12 Trinity Avenue Millers Point	Darling House
390 1151	14-22 Trinity Avenue Millers Point	Terrace
391 5084	9 Ultimo Road	Traveller's Rest Hotel
392 1004	Upper Fort Street Millers Point	National Trust Centre
393 1153	Upper Fort Street Millers Point	Sydney Observatory
394 6024	46-52 Wentworth Avenue	Griffiths Building
395 9063	42-44 Wentworth Avenue	Macquarie Hotel
396 6050	68-72 Wentworth Avenue	Ballarat House

397 6053	80-84 Wentworth Avenue	Sheffield House
398 3007	William Street	Former School Building and Hall
399 1154	1-63 Windmill Street Millers Point	Terrace
400 1155	65 Windmill Street Millers Point	Building
401 1156	67 Windmill Street Millers Point	Building
402 1157	69 Windmill Street Millers Point	Building
403 1158	71 Windmill Street Millers Point	Building
404 1159	73 Windmill Street Millers Point	Building
405 1160	75 Windmill Street Millers Point	Building
406 1163	82 Windmill Street Millers Point	Building
407 1164	84 Windmill Street Millers Point	Building
408 1165	86-88 Windmill Street Millers Point	Terrace
409 1166	90 Windmill Street Millers Point	Building
410 1167	92 Windmill Street Millers Point	Building
411 3030	1 Wylde Street Potts Point	Tarana
412 3031	1 Wylde Street Potts Point	Bomera
413 3039	8a Wylde Street Potts Point	Wyldfel Gardens
414 2157	2 York Street (42-44 Margaret Street)	Scots Church
415 2158	3 York Street	St Phillip's Church of England
416 2159	14-16 York Street	International House
417 2160	18-20 York Street	John Solomon Building
418 2161	19-31 York Street	Railway House (Part of Transport House)
419 2162	22 York Street	The Landmark Building
420 2162	24-26 York Street	Former Beard Watsons Warehouse
421 4082	30 York Street	Forbes Hotel
422 4083	38-44 York Street	Carlton House
423 4084	43 York Street	Occidental Hotel
424 4086	45-47 York Street	Former AWA Building
425 4085	46-48 York Street	Spiden House
426 4087	50-54 York Street	York House

427 2163	63 York Street	Kent Hi Fi Store
428 2164	65-69 York Street	James Hardie House
429 2165	71 York Street	Gardiner House
430 2166	73 York Street	Monte Paschi House
431 2167	75 York Street	National House
432 4088	77-79 York Street	Former Grace Building (Grace Hotel)
433 4089	81 York Street	Building
434 4090	83-87 York Street	NEM House
435 4093	125 York Street	Stoddart House
436 4094	127 York Street	Merchant Pacific House
437 4095	129 York Street	Scripture Union House
438 4096	141 York Street	Building
439 4097	143-145 York Street	Globe & Pennon House
440 4098	147-149 York Street (80 Druiitt Street)	Former RJI House
441 2168	5-7 Young Street	Former warehouse
442 2034	36-42 Young Street	Former Sydney Hospital Nurses Annexe

**Note—**

An address listed in brackets in relation to a building is an address by which the building is also known.

**Part 2 Building elements**

No	CSHI No	Address	Name	Element
1	2001	27-29 Alfred Street (Part of 1 Macquarie Place)	Former Paragon Hotel	Street facades
2	2029	1-7 Bent Street (Part of 1 O'Connell Street)	Former Chatsworth House	Street facade
3	5008C	26-98 Broadway (Part of Carlton United Brewery site)	Former Irving Street Brewery	Chimney stack
4	4174	267-277 Castlereagh Street	Museum Towers	Street facade
5	4172	8 Central Street (Part of 343-345 Pitt Street)	Former Warehouse	Street facade
6	4013	218-224 Clarence Street	Former Cunningham House	Street facades, external walls

7	6016	52-68 Commonwealth Street	Former Mark Foys Warehouse	Street facades
8	4126	142-148 Elizabeth Street	Former Mark Foys Parking Station	Street facades, retained original timber, internal structure and trusses
9	4028	189-197 Elizabeth Street	Australian Consolidated Press	Street facade (original)
10	6042	368-372 Elizabeth Street Surry Hills	Evening Star Hotel	Street facades
11	2169	252 George Street	Former George Patterson House (George Street Section)	George Street/Abercrombie Lane/Bridge Lane facade, cast iron columns, ties and brackets, water tower structure
12	2073	319-321 George Street	Former Westpac Bank	Street facades, external walls
13	4036	432-434 George Street	Former Tatler Hotel	Street facade
14	4037	436-450 George Street (50-78 Market Street)	Grace Brothers	Street facade
15	4040	482-496 George Street	The Marble Bar	Interior
16	5059	569-581 George Street	Former Buckle House	Street facade, awning (reconstructed), partial interior
17	4136	600 George Street	Former Plaza Theatre	Street facade, external walls, former foyer, roof structure
18	5025	750 George Street	Former English's Chambers	Street facades, external walls
19	5032	64 Harbour Street	Former Post Office Stores	Street facades
20	2090	341-345 Kent Street (Part of 339 Kent Street)	The Ambassador	Street facade
21	4197	365 Kent Street	Former Waratah House	Street facade
22	4198	367-371 Kent Street	Former Metropolitan Business College	Street facade
23	4200	373-377 Kent Street	Former Seabridge House	Street facade
24	4147	537-539 Kent Street	Meriton Apartments	Street facade
25	4148	549-553 Kent Street	Former Danchen House	Street facades
26	2093	38-38A King Street (Part of 339 Kent Street)	City Hotel	Street facades
27	2095	46-50 King Street	Former York Hotel	Street facade
28	2099	97-103 King Street (Part of 400 George Street)	Former Sydney Arcade	Street facade



29	2228	17-21 Macquarie Place (Part of 30 Pitt Street)	Customs House Hotel	Street facade, bar
30	2106	23-25 Macquarie Place (Part of 30 Pitt Street)	Sirius House	Street facade
31	2123	171-173 Macquarie Street	Horbury House	Street facade, external walls, roof form
32	4057	74 Market Street (50-78 Market Street)	Grace Brothers	Street facade
33	2129	10A-16 Martin Place	Colonial Mutual Life Building	Street facades
34	2015	10-18 Pitt Street (Part of 1 Macquarie Place)	Former Ship Inn	Street facades
35	2016	38-40 Pitt Street (Part of 30 Pitt Street)	Former Post Office	Street facade
36	2018	69-73 Pitt Street	Former Darrell James Building	Street facades, external walls
37	4061	162 Pitt Street (Part of 77 Castlereagh Street)	Skygarden	Street facade
38	4062	164-166 Pitt Street (Part of 77 Castlereagh Street)	Skygarden	Street facade
39	4064	192 Pitt Street	Former London House	Street facades, external walls
40	4068	213-219 Pitt Street (50-78 Market Street)	Grace Brothers (Former Way Building)	Street facade, partial interior
41	4069	221-229 Pitt Street (50-78 Market Street)	Grace Brothers	Street facade
42	4161	343-345 Pitt Street	Former Lismore Hotel	Street facades
43	5036	398-408 Pitt Street	Former Sydney Tourist Hotel	Street facade
44	2220	2-6 Spring Street (Part of 1 O'Connell Street)	Former McNade House	Street facade
45	2154	95-99 Sussex Street	Former Hawken and Vance Produce Exchange	Street facade
46	4078	160-166 Sussex Street	CMC House	Street facade
47	6051	74-78 Wentworth Avenue	Gordon House	Street facade, external walls

### Part 3 Archaeological/townscape/landscape items

No	CSHI No	Address	Name
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1	9000	Abercrombie Lane (Pitt Street to George Street)	Abercrombie Lane
2	9001	Albion Place (George Street to Kent Street)	Albion Place
3	9002A	Angel Place (Pitt Street to George Street)	Angel Place
4	8050	Argyle Lane/High Lane	Iron Palisade Fence (for 21m south from Argyle Place, between Argyle Lane and High Lane)
5	1066	Argyle Place	Bus Shelter
6	8005	Argyle Street	Argyle Place Park
7	8020	Art Gallery Road	The Domain
8	9002	Ash Street (off Angel Place at George Street)	Ash Street
9	8013	Bennelong Point	Tarpeian Rock
10	8079	Bligh Street	Richard Johnson Square
11	9058	Bridge Lane (between Bridge Street and Tank Stream Way)	Bridge Lane
12	8001	Bridge Street and Loftus Street	Macquarie Place (except for the underground portion of the men's toilet, north western corner)
13	5008B	26-98 Broadway	No 1 Gate Portal (Part of Carlton and United Brewery site)
14	9067	Bulletin Place (Pitt Street to Macquarie Place)	Bulletin Place
15	8006	Circular Quay East	Cast Iron Railings
16	8012	Circular Quay East (between Macquarie Street and Circular Quay)	Moore Stairs
17	8000	Circular Quay Wharves	Cast Iron Railings
18	8121	Cleveland Street and Chalmers Street	Prince Alfred Park (except for aboveground toilets adjacent to Chalmers Street)
19	8026/7	College, William and Cathedral Streets	Cook and Phillip Park
20	9015	Custom House Lane (Loftus Street to Young Street)	Custom House Lane
21	8047	Dalgety Road	Sandstone Wall and Stairs (wall 137m along western edge of Dalgety Road, stairs between Dalgety Road and Rhodens Lane)
22	9023	Douglass Lane (Sussex Street to Eagar Street)	Douglass Lane
23	8113	Eddy Avenue	Belmore Park (except for aboveground toilets adjacent to Railway Viaduct)

24	8021	Farm Cove	Royal Botanic Gardens (including buildings)
25	1185	Farm Cove Crescent	Man O'War Steps
26	8071	Farrer Place	Palm Trees
27	8041	George Street	Cast Iron Urinals (under Harbour Bridge approaches)
28	9068	George Street (between and at rear of 389-393 Lane George Street and 50-54 York Street)	
29	9005	George Street (corner Druitt and York Streets)	Bicentennial Plaza
30	5057	George Street at Town Hall	Sydney Square
31	8066	Grosvenor Street	Lang Park (except for aboveground toilets, corner of York Street and Grosvenor Street)
32	9033	Hamilton Street (Curtin Place to Hunter Street)	Hamilton Street
33	8008	Herald Square, Alfred Street	Tank Stream Fountain
34	1146	Hickson Road	Bridges over Hickson Road
35	8049	High Street	Palisade Fence and High Steps (300m from Argyle Place along western edge of High Street)
36	8029	High Street	Mature Trees, Lance Kindergarten (four trees along western edge of site)
37	8078	Hunter Street	Chifley Square
38	7002	Hyde Park to Riley Street	Busby's Bore
39	9036	James Lane	James Lane
40	8101	Jenkins Street (off Gas Lane)	Jenkins Street
41	8007	Kent Street Millers Point (opposite High Street)	Agar Steps (from Kent Street to Observatory Park)
42	7001	King Street to Circular Quay	Tank Stream Tunnel and Tanks
43	8106	98-112 Liverpool Street	Brickfield Place
44	8022	St James Road, College Street, Liverpool Street and Elizabeth Street	Hyde Park (except for the College and Elizabeth Streets underground portion of the men's toilet, south western corner and aboveground women's toilet at St James Road, Hyde Park North)
45	8002	Macquarie Street (between Shakespeare Place and Tarpeian Rock)	Palm Trees

46	8004	Macquarie Street (corner Conservatorium Road)	Edward VII Statue
47	8086	Macquarie Street (south)	Queens Square
48	9041	Market Row (off Druitt Street north)	Market Row
49	8085	Martin Place	Martin Place
50	9041A	Mullins Street (York Street to Clarence Street)	Mullins Street
51	8031	Munn Street	Sandstone Wall and Palisade Fence (80m along northern and western edges of Munn Reserve)
52	8011	Observatory Hill Millers Point	Observatory Park
53	9045	Parker Street (Campbell Street to Hay Street)	Parker Street
54	9043	Phillip Lane (Phillip Street to Macquarie Street)	Phillip Lane
55	8028	Prince Albert Road at Art Gallery Road	Frazer Memorial Fountain
56	8115	Railway Square	Drinking Fountain
57	8048	Rhodens Lane Millers Point	Rhodens Lane (between Bettington Street and Clyne Reserve)
58	9049	Rowe Street (Pitt Street to MLC Centre)	Rowe Street
59	8077	Shakespeare Place (Macquarie Street, adjoining State Library of New South Wales)	Shakespeare Place
60	8052	Sussex Street (at Napoleon Street)	Trees and Sandstone Walls
61	8097	Sydney Square, George Street	Ward Boundary Marker
62	9051	Tank Stream Way (between Abercrombie Lane and Bridge Street)	Tank Stream Way
63	8105	Windmill Street at Lower Fort Street	Ferry Lane (between corner of Windmill Street and Lower Fort Street, and Downshire Street)
64	8082	Wynyard Street	Regimental Square
65	8084	York Street	Wynyard Park (except for the underground portion of the men's toilet, south western corner)

## Schedule 9 Ultimo-Pyrmont heritage items

(Dictionary)

Map reference	Address	Description
36	33-39 Ada Place	Terraces
38	50-52 Ada Place	Terraces

45	2A Allen Street	Edwin Davey & Sons, Flour Mills
46	22 Allen Street	Woolbrokers Arms Hotel
47	24 Allen Street	Former Woolstore
101	Bowman Street and Cross Street	Cast Iron Palisade Fence
88	Bowman Street	Cooperage Building, CSR
92	Bowman Street	Gate House, CSR
90	Bowman Street	Laboratory B, CSR
89	Bowman Street	Main Office, CSR
91	Bowman Street	Tablet House, CSR
93	Bowman Street	Store House, CSR
94	120-140 Bowman Street and 83 Point Street	Terraces
3	1-7 Broadway	
2	9-13 Broadway	
1	81 Broadway	
109	238 Bulwara Road	Residence
35	242-262 Bulwara Road	Terraces
114	247-257 Bulwara Road	Former St Francis Xavier Church and School
40	265 Bulwara Road	Lord Wolseley Hotel
23	286-340 Bulwara Road	Terraces
110	365-375 Bulwara Road	Terraces and Former Hotel
106	1-5 Cross Street	Terraces
50	Gipps Street	Pymont Fire Station
24	11-63 Hackett Street	Terraces
127	Harris Street	Engineers Store, Former CRS
126	Harris Street	Rail Cutting and Rail Bridge
128	Harris Street	The Boiler House (Northern Facade), Former CRS
87	42-44 Harris Street	Pymont Arms Hotel
104	46-52 Harris Street	Terraces
85	59 Harris Street	Royal Pacific Hotel
78	61 Harris Street	Terminus Hotel

79	63–65 Harris Street	Terraces
80	67 Harris Street	Terrace
82	74–80 Harris Street	Terraces
72	79–85 Harris Street	CSR Hostel
81	82 Harris Street	Sandstone Bakery
118	99 Harris Street	Maybanke Kindergarten and Playground
65	99–125 Harris Street	Terraces
60	135–155 Harris Street	Terraces
64	146–150 Harris Street	Pymont Post Office
59	179 Harris Street	Bonnington and Company Building
58	189–203 Harris Street	Terraces
57	205–207 Harris Street	Dunkirk Hotel
56	214–216 Harris Street	Quarryman’s Hotel
48	224–302 Harris Street	Terraces
49	304–308 Harris Street	Commercial Premises
37	451–455 Harris Street	Terraces
26	494 Harris Street	Childcare Centre
27	527–529 Harris Street	Glasgow Arms Hotel
9	578–606 Harris Street	Terraces
13	597–607 Harris Street	Terraces
10	608–614 Harris Street	Commercial Building
107	622–632 Harris Street	Building U, Ultimo College, TAFE NSW—Sydney Institute
12	629–637 Harris Street	Terraces
43	8 Henry Avenue	Electricity Sub-station
77	John Street	John Street Annex
86	54–66 John Street	Terraces
76	75–77 John Street	Terraces
102	Jones Bay Road	Escarpment and Fencing
97	Jones Bay Road	Naval Stores Building, Darling Island
99	Jones Bay Road Wharves 19, 20, 21	Wharves and Sheds

98	Jones Bay Wharf	Naval Warehouse, Darling Island
41	41-45 Jones Street	Former Woolstore
19	99-109 Jones Street	Warehouse
16	111-187 Jones Street	Terraces
44	286-318 Jones Street	Terraces
22	492-516 Jones Street	Millers Self Storage
20	50-52 Macarthur Street	Terraces
21	66-80 Macarthur Street	Terraces
14	77-79 Macarthur Street	Terraces
5	Mary Ann Street	Building I, Ultimo College, TAFE NSW—Sydney Institute
6	Mary Ann Street	Building A, Ultimo College, TAFE NSW—Sydney Institute
7	Mary Ann Street	Building B, Ultimo College, TAFE NSW—Sydney Institute
8	Corner Mary Ann and Harris Streets	Building C, Ultimo College, TAFE NSW—Sydney Institute (former Technological Museum)
17	12-22 Mary Ann Street	Terraces
108	19 Mary Ann Street, Cnr Jones Street	Building H, Ultimo College, TAFE NSW—Sydney Institute
11	68-80 Mary Ann Street	Terraces
125	2A-2B Mill Street	Terraces
69	63-79 Miller Street	Festival Records Pty Ltd
75	5-15 Mount Street	Terraces
74	17 Mount Street	McCaffery's Building
73	31-41 Mount Street	Terraces
51	47-49 Murray Street	MMI Building
116	51-53 Murray Street	Virgin Building
61	1-21 Paternoster Row	Terraces
129	Pirrama Road	Western and Northern Escarpment and Cliff Face
130	17A Pirrama Road	Arrow Marine Building
95	12-20 Point Street	Way's Terrace
52	11 Pyrmont Bridge Road	Pyrmont Bridge Road Hotel

53	17-21 Pyrmont Bridge Road	Westpac Bank Archives
119	Pyrmont Point	Former Pyrmont Baths
121	Cnr Pyrmont Street and Pyrmont Bridge Road	Sam Horden Fountain
132	10-18 Pyrmont Street	Warehouses and Terraces
83	27-29 Pyrmont Street	Cottages
84	37-43 Pyrmont Street	St Bede's School, St Bede's Church and Rectory
70	42 Pyrmont Street	Pyrmont Power Station, Building A
71	47-69 Pyrmont Street	Schute, Bell, Badgery, Lumby Ltd
124	91-95 Pyrmont Street	Dwellings
54	137 Pyrmont Street	Waite and Bull Building
117	142-168 Pyrmont Street	Terrace houses
39	92-98 Quarry Street	Cottage and Terraces
33	97 Quarry Street	Uniting Church and Harris Centre
34	102-104 Quarry Street	Terraces
105	2-8 Scott Street	Terraces
120	Union Square	War Memorial
62	1 Union Street	Commercial Building
63	2-22 Union Street	Terraces
122	31-33 Union Street	Terrace houses
68	35 Union Street	Charmelu
67	50 Union Street	The New York Hotel
123	86-94 Union Street	Terrace houses
66	94 Union Street	Pyrmont Bridge Hotel
131	Wattle Street	Wattle Street Railway Viaduct
4	Cnr Wattle and Thomas Streets	Building P, Ultimo College, TAFE NSW—Sydney Institute
55	10A Wattle Street	Water Board Pumping Station
42	28-40 Wattle Street	Former Woolstore
18	430-444 Wattle Street	Terraces
15	498-500 Wattle Street	Vulcan Hotel
96	4 Way's Terrace	Cottage



25	William Henry Street	Power House Museum
111	14-18 William Henry Street	Millers Self Storage
29	17-59 William Henry Street	Former Woolstore (facade)
112	20-36 William Henry Street	Terraces
113	91-97 William Henry Street	Terraces
28	103 William Henry Street	House
100		Escarpment Face
103		Railway Cutting

## Dictionary

(Clause 6)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

**adjoining land**, in relation to land in Central Sydney the subject of a development application, means any other land that abuts the land or that would abut the land if it were not separated from it by a public road.

**advertisement** has the same meaning as in the Act.

**affordable housing** has the same meaning as in the Act.

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

**amusement centre** means a building or place (not being a hotel or pub) used principally for playing—

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

**backpacker accommodation** in Central Sydney means low cost tourist and visitor accommodation provided in a building or part of a building that may involve use of shared facilities, such as a communal bathroom, kitchen and laundry, and shared sleeping accommodation in which there are two or more persons in a room.

**boarding house** in Central Sydney means low cost residential accommodation provided in a building or part of a building that may involve use of shared facilities, such as a communal bathroom, kitchen and laundry, and shared sleeping accommodation. It includes a hostel and student accommodation.

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

**building envelope**, in relation to a heritage item in Central Sydney, means the volume, measured in cubic metres, of the existing building on the site of the item at the commencement of this plan.

**building in a heritage streetscape** in Central Sydney means a building with a frontage outlined in red on the Central Sydney Heritage Streetscape Map.

**business floor space** in Ultimo-Pyrmont means so much of the gross floor area of a building as is the subject of a business use.

**business use** in Ultimo-Pyrmont means any form of development carried out for a commercial or educational purpose, but does not include residential development or development for the purpose of a public utility undertaking.

**Central Sydney** means the land shown edged heavy red on the Central Sydney Coverage Map.

**Central Sydney Coverage Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Coverage Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

**Central Sydney Exempt and Complying DCP** means *Central Sydney Development Control Plan 1996—Amendment No 10—Exempt and Complying Development*, as approved by the Council on 20 December 1999.

**Central Sydney Floor Space Ratio Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Floor Space Ratio Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

**Central Sydney Height Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Height Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

*Sydney Local Environmental Plan 2005—Central Sydney Height Map—(Amendment No 3)*

**Central Sydney Heritage Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Heritage Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

**Central Sydney Heritage Streetscape Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Heritage Streetscape Map*”, as amended by the maps, or sheets of maps,

marked as follows—

**Editorial note—**

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**Central Sydney Roads and Pedestrian Thoroughfares Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Roads and Pedestrian Thoroughfares Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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**Central Sydney Site Identification Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Site Identification Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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*Sydney Local Environmental Plan 2005 (Amendment No 2) Site Identification Map* (Central Sydney—Sheet 1)

**Central Sydney Special Areas Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Special Areas Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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**Central Sydney Zoning Map** means the map marked “*Sydney Local Environmental Plan 2005—Central Sydney Zoning Map*”, as amended by the maps, or sheets of maps, marked as follows—

**Editorial note—**

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

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a non-government school, within the meaning of the [Education Act 1990](#), and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

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

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

**commercial premises** in Central Sydney means a building or place used as an office or for other business or commercial purposes, such as a bank, building society branch, customer-orientated financial services shop, cinema, club and public car parking area or station.

**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 facility** means a building or place that provides for the physical, social, cultural, religious, educational or intellectual development or welfare of the community, but does not include business floor space not directly related to its community function.

**community land** has the same meaning as in the [Local Government Act 1993](#).

**conservation area**, in relation to land within Ultimo-Pyrmont, means land identified on the Ultimo-Pyrmont Heritage Map as a conservation area.

**conservation management plan** means a document prepared in accordance with the *NSW Heritage Manual* to establish the heritage significance of a heritage item and to identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**conservation policy**, in relation to land within Ultimo-Pyrmont, means the guidelines prepared by the Director-General for directing conservation management within Ultimo-Pyrmont.

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

**development plan** means a development plan adopted under Part 5 of Chapter 1.

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

**dwelling** in Central Sydney is a form of residential accommodation capable of being separately occupied.

**dwelling-house** means a building containing one but not more than one dwelling.

**ecologically sustainable development** or **ESD** means development that uses, conserves and enhances the community's resources and energy so that the ecological processes on which life depends are maintained and the total quality of life now and in the future can be increased.

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

**existing height of a building**, in relation to a building within Central Sydney, means the height of the building at 27 December 1996.

**floor** means the space within a building that is situated between one floor level and the floor level

above or, if there is no floor above, the ceiling or roof above.

**floor space area** or **FSA** of a building in Central Sydney means the sum of the gross horizontal areas of each floor of the building contained within the inner faces of the outer walls measured at a height of 1.5 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors and toilets, but excluding the following—

- (a) the horizontal cross section area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct,
- (b) any underground space permanently set aside within the building for—
  - (i) parking (other than spaces used for public car parking),
  - (ii) the unloading or loading of vehicles, including ramps or other means of access,
  - (iii) storage space that is linked to a residential dwelling or serviced apartment by a strata scheme,
  - (iv) cinemas, recital halls, historic clubs and theatres for public use and other similar public uses or facilities,
- (c) any space for the accommodation of mechanical or electrical plant or equipment servicing the building,
- (d) any terraces and balconies with walls less than 1.5 metres high,
- (e) void spaces in a floor,
- (f) floor area set aside for communal recreational use within a residential building (not exceeding 5 per cent of the floor space area of the building, calculated on the basis that this area has not been excluded).

**floor space ratio** or **FSR**—

- (a) in relation to land within Central Sydney, is defined in clause 58, or
- (b) in relation to land within Ultimo-Pyrmont, means the ratio of the gross floor areas of all buildings on a site to the site area.

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

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

**gross floor area** of a building within Ultimo-Pyrmont, means the sum of the areas of each floor of the building, where the area of each floor is taken to be the area within the inner faces of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, but excluding—

- (a) columns, fin walls, sun control devices, awnings and any other elements, projections or works

outside the general lines of the outer face of the external walls, and

- (b) lift towers, cooling towers, machinery and plant rooms, and airconditioning and ventilation ducts, and
- (c) ancillary car parking and any associated internal designated vehicular and pedestrian access to it, and
- (d) space for the loading and unloading of goods, and
- (e) internal public areas, such as arcades, atria and thoroughfares, and terraces and balconies with outer walls less than 1,400 millimetres high.

**height of a building** on land within Central Sydney means—

- (a) the vertical distance measured in metres to the topmost point of the building (including plant and lift overruns, but excluding communication devices and architectural roof features) from, if the building has frontage to one street, the horizontal plane at the average of the heights of ground level at each end of the street frontage of the building, or
- (b) if the building has frontages to more than one street, the inclined plane at the average of the heights of ground level at each end of the highest and lowest street frontages of the building, unless paragraph (c) or (d) applies, or
- (c) if the building has frontages to two streets forming a street corner, the horizontal plane at the average of the heights of ground level at each end of the higher or highest street frontage of the building, unless paragraph (d) applies, or
- (d) if the building does not have a frontage to a street 10 or more metres wide, the horizontal plane at the average of the heights of ground level at each end of the street frontage of the building to the widest street to which the building has a frontage, unless paragraph (e) applies, or
- (e) if the building does not have a frontage to any street, the inclined plane at the average of the heights of the existing ground level at each end of the highest and lowest sides of the site boundary.

**height of a building** on land within Ultimo-Pyrmont means the vertical distance measured in metres between the natural surface level of the ground on which the building is sited or, where the natural surface has been excavated, the land of the adjoining public domain, and the ceiling of the topmost habitable floor of the building above that point.

**heritage building** in Central Sydney means—

- (a) a building with floor space area that is a heritage item, or
- (b) for the purposes only of the provisions of this plan relating to the award and allocation of heritage floor space, a building that the Council and the Central Sydney Planning Committee have both resolved is of sufficient heritage significance to be treated as a heritage item.

**heritage floor space** in Central Sydney means heritage floor space awarded under this plan.

**heritage impact statement** means—

- (a) in relation to land within Central Sydney, a document that contains an assessment of the heritage significance of a heritage item or a Special Area and of the extent to which a development proposal may affect the heritage significance of the heritage item or Special Area, or
- (b) in relation to land within Ultimo-Pyrmont, a statement that identifies the heritage significance of a heritage item or conservation area, assesses the impact that proposed development will have on that significance and details the measures proposed to minimise that impact.

**heritage inventory assessment report** means the relevant heritage assessment report in relation to a heritage item or a Special Area prepared as part of the City of Sydney Cultural Heritage Database.

**heritage item**, for land in Central Sydney, means—

- (a) a single building described in Part 1 of Schedule 8 and the site on which it is located, being a building and site shown on the Central Sydney Heritage Map, including any structure or landscape item located on or within that site, or
- (b) a group of buildings described in Part 1 of Schedule 8 and the site on which they are located, being buildings and a site shown on the Central Sydney Heritage Map, including any structure or landscape item located on or within that site, or
- (c) a building element described in Part 2 of Schedule 8 the location of which is identified on the Central Sydney Heritage Map, or
- (d) an archaeological, townscape or landscape item described in Part 3 of Schedule 8 the location of which is identified on the Central Sydney Heritage Map.

**heritage item**, for land in Ultimo-Pyrmont, means a building, work, relic, tree or place described in Schedule 9 the site of which is identified on the Ultimo-Pyrmont Heritage Map.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance in relation to the City of Sydney.

**home occupation** in Central Sydney means an occupation carried on in a dwelling house or dwelling in a residential building by the permanent residents of the dwelling house or dwelling which does not involve—

- (a) any use that would have required registration of the building under the *Factories, Shops and Industries Act 1962* immediately before 3 December 1999 (when provisions requiring such registration were repealed), or
- (b) the employment of persons other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or

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

(g) prostitution.

**home occupation** in Ultimo-Pyrmont means any business use of a dwelling or its surrounding land, or both, but only by permanent residents of the dwelling, being a use that does not unreasonably interfere with the use of adjoining properties or the locality.

**hotel** means a building or part of a building that includes premises specified in a hotelier's licence granted under the [Liquor Act 1982](#) and that provides serviced tourist and visitor accommodation in rooms or self-contained suites. It may also provide function rooms.

**light industry** has the same meaning as in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

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

**master plan** means a master plan adopted under Part 6 of Chapter 3.

**master plan area** means land in Ultimo-Pyrmont that is shown on the Ultimo-Pyrmont Site Identification Map as a master plan area.

**mixed-use development** means a building, or buildings, in which two or more uses are carried out.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**Opportunity Site** means a site listed in Schedule 5 and shown on the map marked "*Sydney Local Environmental Plan 2005—Opportunity Sites Map*", as amended by the maps, or sheets of maps, marked as follows—

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

**Plan Coverage Map** means the map marked "*Sydney Local Environmental Plan 2005—Plan Coverage Map*", as amended by the maps, or sheets of maps, marked as follows—

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**plan of management** means a plan of management adopted under either the [Local Government Act 1993](#) or the [Crown Land Management Act 2016](#), or a draft plan of management that has been exhibited under either of those Acts.

**potential archaeological site**, in Central Sydney, means a site known to the consent authority to have Aboriginal or non-Aboriginal archaeological potential, having regard to the *Archaeological Zoning Plan for Central Sydney*, the City of Sydney Cultural Heritage Database (City of Sydney Archaeological Resource) and the Aboriginal Sites Register of New South Wales.



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

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

**public car parking** in Central Sydney means any land or space in a building used for accommodating parked vehicles on payment of a fee, but does not include—

- (a) a pay parking space (within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*), or
- (b) tenant car parking.

**public domain** means land available for public use and includes streets, lanes, squares, playgrounds, parks, open shopping malls, pedestrian walkways and the like.

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

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

**Rail Corridor Map** means the map marked “*Sydney Local Environmental Plan 2005—Rail Corridor Map*” as amended by the maps, or sheets of maps, marked as follows—

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**real estate sign** means an advertisement of a temporary nature in respect of a place or premises to which it is attached that contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting, but does not include any such sign when displayed later than 7 days after the sale or letting.

**recreational facility** means a building or place used for sporting, recreation or leisure activities, whether or not operated for the purpose of gain.

**Reduced Level** or **RL** means height above the Australian Height Datum.

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

**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 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 Sydney whether before or after its occupation by persons of non-Aboriginal extraction.

**residential accommodation** in Central Sydney means a building or part of a building that provides permanent or long term accommodation, and includes residential flat buildings, dwellings, boarding houses, hostels, student accommodation and the like.

**residential development**, in Ultimo-Pyrmont, means the use of land for any form of housing, including housing leased on a short-term basis subject to the *Residential Tenancies Act 1987*, but does not include the use of land for a hotel, a hostel, an apartment hotel (being a building consisting of suites of rooms rented or hired out without being leased on a short-term basis), a boutique hotel, serviced apartments, backpacker accommodation, a motel or the like.

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

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

but does not include a newsagency or pharmacy.

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

**serviced apartment** in Central Sydney is a form of tourist and visitor accommodation and means a building or part of a building that provides self-contained accommodation which is serviced or cleaned by the owner or manager of the apartments or the owner's or manager's agents.

**shop** means a building or place used for selling, exposing or offering for sale goods, merchandise or materials, including for grocery and convenience retailing.

**Special Area** means an area designated as a special area on the Central Sydney Special Areas Map.

**street** means any street, road, lane, footpath or other thoroughfare open to or available for use by the public and dedicated as a public road at the commencement of this plan, and Martin Place and the public reserve known as East Circular Quay.

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

**sun access plane** in Central Sydney means a plane established and located in accordance with Schedule 2.

**temporary use** means a use, not being designated development, actually carried out for not more

than 40 days, whether consecutive or non-consecutive, in any continuous 365 day period.

**tenant car parking** in Central Sydney means car parking provided in connection with a building which reasonably services the needs of the building and which is used only by a person who resides, works in or visits a use carried on in the building or on the land for which the car parking has been provided. For the purposes of this definition, car parking which reasonably services the needs of a building includes car parking provided in accordance with clauses 65 and 66, a development consent, or a code, policy or other instrument adopted or approved by the Council before the commencement of this plan.

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

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

**tourist and visitor accommodation** means a building or part of a building that provides temporary or short term accommodation for travellers and tourists who generally have their principal place of residence elsewhere. Tourist and visitor accommodation includes serviced apartments, backpacker accommodation, hotels, guest houses, bed and breakfast establishments, motels and the like.

**tourist-related uses** means a building or place used for commercial, cultural, entertainment or educational purposes which primarily meet the needs of tourists.

**Ultimo-Pyrmont** means the land shown edged heavy red on the Ultimo-Pyrmont Coverage Map.

**Ultimo-Pyrmont Coverage Map** means the map marked “*Sydney Local Environmental Plan 2005—Ultimo-Pyrmont Coverage Map*”, as amended by the maps, or sheets of maps, marked as follows—

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**Editorial note—**

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**underground**, in relation to a building, means any part of the building that is below the average of the ground levels of each street frontage to the building.

**waterfront-related uses** means a building or place used for maritime, recreational or educational purposes associated with the use of Sydney Harbour.

**work-based child care centre** in Ultimo-Pyrmont means a building or place provided by an employer for the purpose of minding or caring for children of its employees.