

**State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_)**  
under the  
Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following  
State Environmental Planning Policy under the Environmental Planning and Assessment Act 1979  
in accordance with the recommendation made by the Minister for Planning, (S06/00302-1)

Minister for Planning

**State Environmental Planning Policy (Major Projects) 2005 (Amendment No 19) Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_)**

under the  
Environmental Planning and Assessment Act 1979

**1 Name of Policy**

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

**2 Aims of Policy**

The aims of this Policy are:

- (a) to identify the land to which this Policy applies as a State significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to identify development on that land that is development to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies, and
- (c) to provide for appropriate development on the site that satisfies the principles of ecologically sustainable development, and
- (d) to establish appropriate zoning and other development controls for that land, and
- (e) to encourage the revitalisation of the former Carlton United Brewery site so as to provide significant long-term employment opportunities of benefit to the economy of New South Wales and support the economic competitiveness of Sydney, and
- (f) to identify and provide land within that site for high quality open space for recreational purposes and for community uses that serve the needs of those who live and work in the surrounding community.

**3 Land to which Policy applies**

This Policy applies to land shown edged heavy black on the map marked "State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_)- Frasers Broadway Site - Land Application Map" deposited in the offices of the Department.

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

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

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

(Clause 4)

## Schedule 3 State significant sites

Insert in appropriate order in Schedule 3:

### Part 13 Frasers Broadway site

#### Division 1 Preliminary

##### 1 Land to which this Part applies

This Part applies to the land shown edged heavy black on the map marked "State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_) – Frasers Broadway Site - Land Application Map" and referred to in this Schedule as the Frasers Broadway *site*.

##### 2 Interpretation

(1) Except as provided by subclause (2), a word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

(2) In this Part:

**Building Height Map** means the map marked "State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_) - Frasers Broadway Site - Building Height Map".

**Gross Floor Area Map** means the map marked "State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_) - Frasers Broadway Site - Gross Floor Area Map".

**Heritage Conservation Map** means the map marked "State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_) – Frasers Broadway Site - Heritage Conservation Map".

**heritage item** means a building, work, relic, tree or place that is shown as a heritage item on the Heritage Conservation Map.

**kiosk** means retail premises with a gross floor area not exceeding 80 square metres and that provide food, light refreshments and other small convenience items such as newspapers, films and the like.

**public car parking** means any land or 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) (Road Rules) Regulation 1999*), or
- (b) tenant car parking.

**tenant car parking** 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 or works in the building or visits the building in connection with a use carried on in the building.

**Zoning Map** means the map marked "State Environmental Planning Policy (Major Projects) 2005 (Amendment No \_) – Frasers Broadway Site - Zoning Map".

### **3 Maps**

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

## **Division 2 Part 3A projects**

### **4 Part 3A projects**

- (1) Such development within the Frasers Broadway site as has a capital investment value of more than \$5 million, other than development for the purposes of a public utility undertaking.
- (2) Subdivision of land within the Frasers Broadway site, other than a strata title subdivision, a community title subdivision, or a subdivision for anyone or more of the following purposes:
  - (a) widening a public road,
  - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
  - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
  - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - (e) rectifying an encroachment on a lot,
  - (f) creating a public reserve,
  - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes or emergency service purposes or public conveniences.

## **Division 3 Provisions applying to development within Frasers Broadway site**

### **5 Application of Division**

This Division applies with respect to any development within the Frasers Broadway site and so applies whether or not the development is a project to which Part 3A of the Act applies.

### **6 Land use zones**

- (1) For the purposes of this Part, land within the Frasers Broadway site is in a zone as follows if the land is shown on the Zoning Map as being within that zone:
  - (a) Zone B4 Mixed Use,
  - (b) Zone RE1 Public Recreation,
  - (c) Zone RE2 Private Recreation.

- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

## **7 Zone B4 Mixed Use**

- (1) The objectives of Zone B4 Mixed Use are as follows:
  - (a) to provide a mixture of compatible land uses,
  - (b) to promote mixed use planning by locating mutually supportive and compatible uses in close proximity to each other so as to minimise vehicular travel,
  - (c) to provide for retail, business, office and other non-residential development that will encourage employment opportunities and the growth of the Sydney Central Business District,
  - (d) to permit and limit appropriate forms of residential development to mutually support the vitality of nearby non-residential development, and in doing so, assist successful urban consolidation,
  - (e) to incorporate contemporary urban design principles in the design of new buildings and the interpretation of their relationship with the public domain,
  - (f) to promote the principles of energy efficiency and other sustainable development practices,
  - (g) to enhance the amenity of parks, community places and the public domain generally by the protection of sun access and achieving wind levels that are consistent with pedestrian comfort,
  - (h) to facilitate the conservation of items and areas of heritage significance
  - (i) to minimise the impact of non-residential development on residential development, such as impacts related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors.
- (2) Except as otherwise provided by this Part, development for any purpose is permitted with consent within Zone B4 Mixed Use unless prohibited by subclause (3).
- (3) Development for any of the following purposes is prohibited on land within Zone B4 Mixed Use:  
public car parking.

## **8 Zone RE1 Public Recreation**

- (1) The objectives of Zone RE1 Public Recreation are as follows:
  - (a) to enable land to be used for public open space or recreational purposes,
  - (b) to enable development for the enjoyment of the community,
  - (c) to ensure the vitality and safety of the community and public domain,
  - (d) to promote landscaped areas to enhance the amenity of the area,
  - (e) to minimise the impact of future development on the amenity enjoyed by nearby residents, or the quality of the surrounding environment (such as the impact of things such as noise and light emission, traffic generation, the hours of operation, pedestrian traffic or any other factors),
  - (f) to facilitate the conservation of items and areas of heritage significance,
  - (g) to enhance the amenity of parks, community places and the public domain by protecting sun access and achieving wind levels that are consistent with pedestrian comfort,
  - (h) to promote the principles of energy efficiency and other sustainable development practices,
  - (i) to allow land within the public domain, including beneath the finished surface of the public domain to be used to provide for sustainable infrastructure to support development on land within Zone B4 Mixed Use where it can be demonstrated that

any such use will not detract from the primary use of the land for public open space or recreational purposes,

- (j) to allow the public domain to be enhanced by a variety of compatible land uses in a manner that contributes positively to, and does not dominate, the primary use of the land for public open space or recreational purposes.

- (2) Development for any of the following purposes is permitted with consent on land within Zone RE1 Public Recreation:

child care centres; community facilities; drainage; earth works; electricity generating works; entertainment facilities; environmental facilities; environmental protection works; information and education facilities; food and drink premises; kiosks; markets; public entertainment; public halls; rainwater tanks; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; sewerage systems; signage; telecommunications facilities; temporary structures; utility installations; water supply systems.

Demolition.

- (3) Except as otherwise provided by this Part, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subclause (2).

## **9 Zone RE2 Private Recreation**

- (1) Objectives of zone

- (a) To enable land to be used for publicly accessible private open space or recreational purposes.

- (b) To provide a range of recreational settings and activities and compatible land uses.

- (c) To protect and enhance the natural environment for recreational purposes.

- (2) Development for any of the following purposes is permitted with consent on land within Zone RE2 Private Recreation:

Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); underground parking.

- (3) Except as otherwise provided by this Part, development is prohibited on land within Zone RE2 Private Recreation unless it is permitted by subclause (2).

## **10 Exempt and complying development**

- (1) Development within the Frasers Broadway site that satisfies the requirements for exempt development specified in:

- (a) Central Sydney Development Control Plan 1996, as in force on 9 February 2007, and,
  - (b) Schedule 2 of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006,

and that does not contravene Clause 14 is exempt development or complying development, as appropriate

## 11 Public utility undertakings

Development for the purposes of public utility undertakings that is carried out on land within the Frasers Broadway site does not require development consent.

**Note.** As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

## 12 Subdivision-consent requirements

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

- (3) Strata subdivision

Subject to the other provisions of this Part, development consent may be granted to a subdivision of land under the Strata Schemes (Freehold Development) Act 1973 or the Strata Scheme (Leasehold Development) Act 1986 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 Part, including those relating to maximum building height and gross floor area, 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.
- (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.

### **13 Height of buildings**

- (1) The height of a building on any land that is the subject of the Building Height Map is not to exceed a maximum height for the land as shown on that Map.
- (2) Before granting consent to the erection of a building with a height that exceeds 55 metres on land within the Frasers Broadway site with an area of less than 1,500 square metres, the consent authority is to consider whether the proposed development achieves:
  - (a) appropriate height to plan width proportions that are compatible with the massing, street frontage and tower forms within the locality, and
  - (b) a separation of any towers to achieve the "tower in the round" built form characteristic, and
  - (c) adequate amenity and privacy for occupants, and
  - (d) active street frontages, and
  - (e) sufficient space for vehicle circulation and access ramps.

- (3) The achievement of the maximum height in subclause (1) is subject to compliance with clauses 14, 17 and 18 (which relate to gross floor area, design excellence and heritage conservation).

- (4) Height of buildings in vicinity of Zone RE1 Public Recreation

Consent must not be granted for the erection of a building on land in Zone RE I Public Recreation within the Frasers Broadway site unless the consent authority is satisfied that its height will be consistent with the objectives of the zone.

- (5) Subject to subclause (6) and in addition to that permitted by clause 14, development is prohibited if it results in a building that causes overshadowing of land in Zone RE I Public Recreation within the Frasers Broadway site between 12pm and 2pm between 14 April and 31 August in any year and reduces the area with sunlight in that zone during those times to an area less than 1,450 square metres.
- (6) This clause does not apply to any development on land within Zone RE I Public Recreation that is consistent with a plan of management adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993.

### **14 Gross floor area restrictions**

- (1) The maximum gross floor area of all buildings on the Frasers Broadway site is not to exceed 255,500 square metres.
- (2) The gross floor area of buildings on any block identified on the Gross Floor Area Map is not to exceed the gross floor area shown for the block on that map.
- (3) Despite subclauses (1) and (2), any gross floor area that occurs from development for the purposes of community facilities within Zone RE1 Public Recreation and / or Block 4b (Brewery Yard) is not to be included in the calculation of the maximum gross floor area for that block identified on the Gross Floor Area Map or the maximum gross floor area specified in subclause (1).
- (4) Consent must not be granted for the erection of a new building if that development would result in the total gross floor area of office premises on the Frasers Broadway site being less than 30% of the total gross floor area of all buildings on that site. This subclause does not prevent the granting of consent to the erection of a new building that would result in less than 30% of gross floor area on the Frasers Broadway site being office premises, if the

erection of the new building is part of the staged implementation of an approved Concept Plan for the site that will deliver a minimum of 30% gross floor area of all buildings on the site as office premises once complete.

- (5) Consent must not be granted for a change of use of a building (or a part of a building) if that development would result in the total gross floor area of office premises on the Frasers Broadway site being less than 30% of the total gross floor area of all buildings on that site, unless the consent authority is satisfied the development:
- (a) will not adversely impact on long term employment opportunities, and
  - (b) will not compromise the economic competitiveness of Sydney.

## 15 Sun access planes

- (1) Development that results in any part of a building projecting above a sun access plane identified in the sun access planes table to this clause is prohibited if the building is situated on land shown as affected by a sun access plane on the Building Height Map.
- (2) The sun access planes are to be calculated in accordance with the following formula:

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

Where:

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

**V** is the height, specified for this factor in the sun access planes table to this clause and measured in metres above ground level (existing), 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 road, park or community place along the horizontal bearing (measured from true north) specified in the sun access planes table to this clause 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 sun access planes formula calculates the height to a point on the sun access plane from a point horizontal with ground level at the street alignment. For sites with ground levels different to the street alignment ground level, the difference should be taken into account by the user to determine the height of a point in the sun access plane vertically above the ground.

- (3) In this clause, a reference to a street alignment includes a street alignment of a proposed street shown on the Building Height Map.

Table: Sun Access Planes

Sun access plane (see Building Height Map)	Road, zone, park or community place	Horizontal bearing (degrees)	Vertical angle (degrees) (a)	Vertical height above ground level at part of street boundary (metres) (V)
P1	O'Connor Street	359.14	32.70	25 m on the northern alignment of O'Connor Street between the western alignment of Carlton Street and the

Sun access plane (see Building Height Map)	Road, zone, park or community place	Horizontal bearing (degrees)	Vertical angle (degrees) (a)	Vertical height above ground level at part of street boundary (metres) (V)
				eastern alignment of Abercrombie Street.
P2	Carlton Street	328.61	25.66	25 m on the western alignment of Carlton Street between O'Connor Street and Irving Street.
P3	Irving Street	359.14	32.70	25 m on the northern alignment of Irving Street between the eastern alignment of Carlton Street and the western alignment of Balfour Street.
P4	Zone RE1 Public Recreation	359.1	32.70	18.9 m on the northern alignment of the boundary between Zone RE1 and Zone B4 commencing in an easterly direction from the western alignment of Balfour Street for a distance of 70.42 m.
P5	Wellington Street	359.14	32.70	15 m on the predominant northern alignment of Wellington Street between the eastern alignment of the Balfour Street and the western alignment of Regent Street.

## 16 Architectural roof features

A person may, with development consent, carry out development in contravention of clause 13 or 15, or both, that results in an architectural roof feature, but only if the consent authority is satisfied that the architectural roof feature:

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

## 17 Design excellence

- (1) Consent must not be granted to development involving the erection of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed building exhibits design excellence.
- (2) In considering whether the proposed building 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 building will meet sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,
  - (d) if a design competition is required to be held in relation to the building, as referred to in subclause (3), the results of the competition.
- (3) Consent must not be granted to the following development unless a design competition has been held in relation to the proposed development:
  - (a) the erection of a new building that will be greater than Reduced Level (RL) 57,
  - (b) the erection of a new building on a site of greater than 1,500 square metres.
- (4) Subclause (3) does not apply if the Director-General:
  - (a) certifies in writing that the development is one for which an architectural design competition is not required because of the excellence of the proposed design for the development concerned, and
  - (b) is satisfied that:
    - (i) the architect responsible for the proposed design has an outstanding reputation in architecture, and
    - (ii) necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.
- (5) The Director-General may issue procedures setting out or dealing with the following:
  - (a) the conduct of design competitions,
  - (b) the establishment of design competition juries.
- (6) In the event a design competition is held, the consent authority must, before granting consent, consider the advice of a design competition jury established in accordance with any procedures issued under this clause.
- (7) In this clause: design competition means a competitive process conducted in accordance with procedures issued by the Director-General from time to time.

## **18 Heritage conservation**

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

- (2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
- is of a minor nature, or is for the maintenance of the heritage item, and
  - would not adversely affect the significance of the heritage item.

## 19 Car parking

- (1) Car parking provided in connection with a building must not result in any maximum set out in the following Table being exceeded:

**Table: Maximum car parking**

Type of proposed use	Maximum parking on site spaces permitted
Dwelling houses	2 spaces per dwelling house
Residential flat buildings and multi dwelling housing (including seniors housing):	
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
Pubs, clubs and tourist and visitor accommodation (other than serviced apartments)	1 space per 4 studio apartments / bedsitters 1 space per 2 one bedroom apartments 1.2 spaces per two or more bedroom apartments
Other uses	Max number of spaces = $\frac{\text{Total gross floor area of other uses} \times \text{site area}}{\text{Total gross floor area of building} \quad 50}$

- (2) Car parking spaces provided for use in connection with the use of function areas in pubs, clubs or tourist and visitor accommodation are to be available only to patrons to park in while using the function facilities and must not be used for public car parking.
- (3) 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 the building or visits a tenant of the building on a temporary basis.
- (4) 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.

## 20 Consent authority

The consent authority for development on land within the Frasers Broadway site, other than development that is a project to which Part 3A of the Act applies, is the Council of the City of Sydney.

## 21 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to the Frasers Broadway site are this Policy and all other State environmental planning policies, except: *State Environmental Planning Policy No 1 – Development Standards*.

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

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

## **23 Exceptions to development standards**

- (1) The objectives of this clause are:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) 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) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

- (7) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard relating to the height of a building (as referred to in clause 13),
  - (c) a development standard relating to a sun access plane (as referred to in clause 15),
  - (d) a development standard relating to car parking.

#### **24 Orderly development**

The consent authority, before granting consent for the erection of a new building on land within the Frasers Broadway Site, must consider the following:

- (a) whether services will be available for the building on its completion,
- (b) whether vehicles and pedestrians will have direct and unimpeded access to the building on its completion.

#### **25 Savings provision**

- (1) In this clause, *relevant order* means the order made under section 758 (l) of the Act and published in Gazette No 93 of 21 July 2006 at page 5798.
- (2) Anything done under Part 3A of the Act in reliance on the declaration of development as a project to which Part 3A of the Act applies by the relevant order is not affected by the repeal of that order.
- (3) Subclause (2) has effect only to the extent that the development referred to in that subclause is development referred to in clause 4 of Division 2 of this Part.