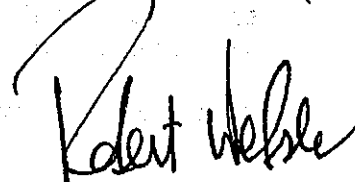


Note: On 17 May 1995, the New South Wales Court of Appeal in *Leichhardt Municipal Council v The Minister for Planning* CA 40489/94 declared that the Greater Metropolitan Regional Environmental Plan No 1 was invalidly made on 21 December 1993.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN No. 1 -
REDEVELOPMENT OF URBAN LAND

I, the Minister for Planning, in pursuance of section 51 of the Environmental Planning and Assessment Act 1979, make the Regional Environmental Plan set out hereunder. (S92/01976)



Minister for Planning.

Sydney, 21 December, 1993.

PART 1 - PRELIMINARY

Name of plan

1. This plan is called Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land.

Aims, objectives etc.

2. (1) The aims of this plan are:

- (a) to provide a framework through which the aims and objectives expressed in State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land) may be implemented; and
- (b) to ensure that those aims and objectives are implemented for the land to which this plan applies; and
- (c) to make urban land which meets the criteria expressed in clause 8 of that Policy available for redevelopment for multi-unit housing and related development.

(2) The objectives of this plan are:

- (a) to provide for a greater choice and diversity of housing types and for the fuller use of existing and likely future services, public amenities and physical and social infrastructure; and
- (b) to allow other development which is ancillary or related to residential development, where appropriate;
- (c) to ensure that land no longer required for the purpose for which it is zoned is efficiently and effectively utilised for residential and related development; and
- (d) to promote and encourage the principles of ecologically sustainable development, including energy efficient buildings and building and site designs which conserve water and protect water quality; and
- (e) to ensure that the height, scale, bulk, arrangement and massing of buildings and works that result from development will be of a character and diversity appropriate to the locality and the characteristics of the site; and
- (f) to ensure that contaminated former industrial and other land is adequately remediated to a level appropriate for proposed uses.

Land covered by this plan

3. (1) This plan applies to the land within the Greater Metropolitan Region described below:

Land situated in the area of Leichhardt, known as the Balmain Power Station and Rosgrove land, fronting Terry Street, Rozelle, and identified as site 1 on sheet 1 of the map marked "Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land" deposited in the head office of the Department of Planning.

Land situated in the area of Leichhardt, known as the Caltex Oil Terminal land, Ballast Point Road, Balmain, and identified as site 2 on sheet 2 of the map marked "Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land" deposited in the head office of the Department of Planning.

Land situated in the area of Leichhardt, known as the Ampol land, bounded generally by Reynolds Street, Reynolds Avenue and Batty, Roberts and Buchanan Streets, Balmain, and identified as site 3 on sheet 3 of the map marked "Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land" deposited in the head office of the Department of Planning.

Land situated in the area of Burwood, known as No. 10 Webb Street on the corner of Webb and Boundary Streets, Croydon, and identified as site 4 on sheet 4 of the map marked "Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land" deposited in the head office of the Department of Planning.

(2) In this clause, "**Greater Metropolitan Region**" means the land declared to be the Greater Metropolitan Region by order published in Government Gazette No. 142 of 11 October 1991 at page 8758.

Relationship to other environmental planning instruments

4. (1) Each environmental planning instrument referred to in the subsequent Parts of this plan is amended in the manner set out in those Parts.

(2) In accordance with clause 10 of State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land), the Minister is the consent authority for each site identified in this plan.

PART 2 - LAND IN THE AREA OF LEICHHARDT

Amendment of Leichhardt Local Environmental Plan No. 20

5. Leichhardt Local Environmental Plan No. 20 is amended:

- (a) by inserting at the end of clause 2 the following matter:
 - ; and
 - (k) in relation to the sites known as the Balmain Power Station and Rosgrove land, the Caltex Oil Terminal land and the Ampol land under Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land:

- to encourage redevelopment of the land for residential purposes appropriate to the locality to assist in the provision of greater housing choice and more affordable housing;
- to permit limited commercial development, home occupations and home industry which are of a character appropriate to residential development in the locality and which may encourage public use of the foreshore or local employment;
- to encourage the removal from the land of chemical manufacturing and petroleum products processing and to ensure that the remediation of contaminated land is carried out before development takes place on that land;
- to create public foreshore and other reserves and to ensure suitable public access to those reserves and consistency with Sydney Regional Environmental Plan No. 22 - Parramatta River and Sydney Regional Environmental Plan No. 23 - Sydney and Middle Harbours;
- to promote the principles of ecologically sustainable development, including energy efficient buildings, water conservation and protected water quality;
- to enhance the visual amenity of the area and, in particular, views to and from the adjacent waterways;
- to permit development to a level which is commensurate with the capacity of the existing and likely future physical and social infrastructure;
- to ensure that any potential adverse traffic impacts are ameliorated and that development integrates with appropriate local transport strategies;
- to facilitate the disposal of land which is surplus to government requirements; and
- to encourage the retention of the "Pumphouse" building and its re-use.

(b) by inserting in clause 7(1), in alphabetical order, the following definitions:

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

"remediation of land" has the same meaning as has a reference in Part 5 of the Environmentally Hazardous Chemicals Act 1985 to the taking of prescribed remedial action in relation to premises;

"REP map" means sheets 1, 2 and 3 of the map marked "Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land" deposited in the head office of the Department of Planning;

- (c) by inserting at the end of the definition of "conservation map" in clause 7(1) the following words:

Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land - (Conservation Map);

- (d) by inserting at the end of the definition of "zoning map" in clause 7(1) the following words:

Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land (Sheets 1, 2 and 3 only).

- (e) by inserting after clause 7(2) the following subclause:

(3) For the purposes of this plan:

- (a) the Minister is the consent authority for land identified as site 1, 2 or 3 on the REP map; and
(b) a reference in this plan to the council as consent authority or in any other capacity in relation to the development of that land is taken to be a reference to the Minister.

- (f) by omitting the matter "or 2(b3)" from clause 26(1)(a) and by inserting instead the matter ", 2(b3) or 2(b4)";

- (g) by inserting after Part 3J the following Part:

PART 3K

Development of sites 1-3 identified under Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land

Application of this Part

22W. This Part applies to the land identified as sites 1, 2 and 3 on the REP map, being land at Balmain known as the Balmain Power Station and Rosgrove land, the Caltex Oil Terminal land and the Ampol land.

Development generally

22WA. (1) Before granting consent to the carrying out of development of land to which this Part applies, the consent authority must take into consideration:

- (a) whether the height, scale, bulk, arrangement and massing of buildings and works that will result from the carrying out of the proposed development will be of a scale, character and diversity appropriate to the locality and the characteristics of the site; and
(b) whether the proposed development will be carried out having regard to the principles of ecologically sustainable development, which may involve the use of energy efficient buildings and building and site designs which aim to conserve water and protect water quality; and

- (c) whether provision will be made for a range of housing types, or a contribution made to the diversity of housing, on the Balmain Peninsula; and
- (d) whether there will be a need for improved vehicular access to and from the Balmain Peninsula; and
- (e) whether the proposed development is likely to generate traffic and, if so, whether it will implement a traffic management plan which identifies potential adverse traffic impacts and the means to ameliorate them; and
- (f) whether the proposed development will be carried out having regard to any integrated local transport strategy or the like prepared by the Council; and
- (g) whether the proposed development should not be allowed to commence until arrangements which are satisfactory to servicing agencies that the consent authority considers relevant have been made for the supply of services such as water, sewerage, gas, electricity and drainage; and
- (h) whether the proposed development will affect any aesthetic or historical significance of the land or the foreshore scenic protection area; and
- (i) whether the proposed development will affect predominant view lines and vistas from surrounding public land.

(2) A building may be erected with a height in excess of the limits set out in clause 20 on land to which this Part applies.

(3) Nothing in this plan prevents a person, with the consent of the consent authority, from carrying out development on land to which this Part applies:

- (a) within Zone No. 2 (b4) (Residential B4) for the purpose of an exhibition home or a recreation facility; or
- (b) within Zone No. 6 (Open Space) for the purpose of a restaurant, kiosk or the like.

(4) The provisions of clauses 10 and 11 do not apply to development of the land to which this Part applies.

(5) Nothing in this plan prevents the consent authority from requiring, as a condition of development consent, the dedication of land to which this Part applies that is not within Zone No. 6.

Remediation of contaminated land

22WB. (1) A person must not, on land to which this Part applies:

- (a) disturb or excavate any land for any purpose; or
- (b) carry out any land filling; or
- (c) clear trees or other vegetation from the land; or
- (d) carry out any work; or
- (e) alter the landscape or carry out any landscaping,

except with the consent of the consent authority.

(2) The consent authority must not grant consent to the carrying out of any development (other than subdivision) of land to which this Part applies that is land known by the consent authority to require remediation unless the consent is subject to conditions:

- (a) requiring remediation of the land in a manner acceptable to the Environment Protection Authority; and

- (b) prohibiting the construction or erection of a building or the carrying out of a work on any part of that land pursuant to the consent until the Authority has advised the consent authority that, according to a report provided by a consultant recognised by the Authority, the part of the land has been remediated in accordance with the ANZECC and NH&MRC Guidelines to the extent necessary for the proposed development.

This subclause does not prevent the imposition of other kinds of conditions on such a consent or limit the extent of the conditions that may be imposed on such a consent.

(3) Subclauses (1) and (2) do not apply to any land to which this Part applies after the Environment Protection Authority has advised the consent authority about remediation of that land as referred to in subclause (2)(b).

(4) In this clause, "ANZECC and NH&MRC Guidelines" means the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC) published in January 1992.

Temporary uses

22WC. (1) Subject to compliance with clause 22WB, a person may, with the consent of the consent authority, carry out development on land to which this Part applies for any purpose.

(2) Before granting consent referred to in this clause, the consent authority must be satisfied that:

- (a) the development will be carried out only temporarily; and
- (b) the development is necessary and reasonable for the economic use of the land pending its future development in accordance with this plan; and
- (c) the use of the land for the purpose will not prejudice its development in accordance with this plan; and
- (d) appropriate arrangements have been made for the reinstatement of the land at the end of the period specified in the development consent.

Development near zone boundaries

22WD. (1) This clause applies to land to which this Part applies that is within 30 metres of a boundary between Zone No. 2(b4) and Zone No. 6.

(2) Development which is permitted on land to which this Part applies within a zone may, with the consent of the consent authority, be carried out on land to which this clause applies in an adjoining zone.

(3) Before granting consent referred to in this clause, the consent authority must be satisfied that:

- (a) the development would not reduce the total area of public open space to less than:
 - (i) the total area required to meet the public open space need generated by the carrying out of development of the land, in the case of land identified as site 1 or 3 on the REP map; and
 - (ii) 30 per cent of the land, in the case of land identified as site 2 on the REP map; and
- (b) carrying out of the development referred to in this clause is desirable, in the opinion of the consent authority, to achieve a better disposition of development and open space on the land.

Development of site 1: the Balmain Power Station and Rosgrove land

22WE. (1) This clause applies to the land identified as site 1 on the REP map.

(2) The consent authority is to grant consent to the use of any land to which this clause applies for residential purposes only if the density of dwellings already erected and to be erected on the whole of the land will not, as a result of granting the consent, exceed a maximum of :

- (a) 330 dwellings, in the case of the whole of the land identified as the Balmain Power Station site on the REP map; or
- (b) 290 dwellings, in the case of the whole of the land identified as the Rosgrove site on the REP map.

(3) Nothing in this plan prevents a person, with the consent of the consent authority, from carrying out development of land to which this clause applies that is within Zone No. 2 (b4):

- (a) for a purpose specified in Schedule 5 if, in the opinion of the consent authority, the buildings on the land after the development has been carried out (including buildings resulting from the carrying out of the development and those existing before the carrying out of the development) will have a total gross floor area not exceeding:
 - (i) 5,000 square metres (excluding the floor space of the building known as the Pumphouse), in the case of land identified as the Balmain Power Station site on the REP map; and
 - (ii) 2,000 square metres, in the case of land identified as the Rosgrove site on the REP map; or
- (b) for the purpose of a land and marine based service facility for Cockatoo Island.

(4) Nothing in this plan prevents a person, with the consent of the consent authority, from carrying out development within the building known as the Pumphouse for any purpose specified in Schedule 5.

(5) Nothing in this plan prevents the provision and use, with the consent of the consent authority, of access to any land and marine based service facility across land to which this clause applies that is within Zone No. 6 if, in the opinion of the consent authority, the access is reasonably necessary for the operation of that facility.

(6) Before granting consent to the carrying out of development of land to which this clause applies, the consent authority must consider whether:

- (a) appropriate provision will be made for public open space and for public access to and along the foreshore of the land; and
- (b) access to the development will be arranged in a manner that minimises the circulation through residential streets in the locality of traffic associated with the development; and
- (c) obvious and unobstructed pedestrian access will be available through the land to the foreshore; and
- (d) adequate provision will be made for the widening of Terry Street and any necessary improvements to the intersection of Terry and Margaret Streets.

Development of site 2: the Caltex Oil Terminal land

22WF. (1) This clause applies to the land identified as site 2 on the REP map.

(2) The consent authority is to grant consent to the use of any land to which this clause applies for residential purposes only if the density of dwellings already erected and to be erected on the whole the land identified as site 2 on the REP map will not, as a result of granting the consent, exceed a maximum of 140 dwellings on the whole of that land.

(3) Nothing in this plan prevents a person, with the consent of the consent authority, from carrying out development of land to which this clause applies that is within Zone No. 2 (b4) for a purpose specified in Schedule 5 if, in the opinion of the consent authority, such a use of the land is:

- (a) preferable to residential development because of the limited potential for residential habitation; and
- (b) not likely to interfere with the amenity of residential development in the vicinity.

(4) Before granting consent to the carrying out of any development of land to which this clause applies, the consent authority must consider whether:

- (a) appropriate provision will be made for public open space at Ballast Point and for public access to and along the southern foreshore of the land; and
- (b) obvious and unobstructed pedestrian access will be available to the public through the land within Zone No. 2 (b4) to Ballast Point from Ballast Point Road.

Development of site 3: the Ampol land

22WG. (1) This clause applies to the land identified as site 3 on the REP map.

(2) The consent authority is to grant consent to the use of any land to which this clause applies for residential purposes only if the density of dwellings already erected and to be erected on the whole of the land identified as site 3 on the REP map will not, as a result of granting the consent, exceed a maximum of 200 dwellings on the whole of that land.

(3) The consent authority is to grant consent to the erection of a building on land to which this clause applies only if, in the opinion of the consent authority, the floor space ratio of the buildings already erected and to be erected on land to which this clause applies will not, as a result of granting the consent, exceed a maximum of 0.8:1. The "**floor space ratio**" means the ratio of the gross floor area of those buildings to the whole area of the land identified as site 3 on the REP map.

(4) Before granting consent to the carrying out of development of land to which this clause applies, the consent authority must consider whether:

- (a) appropriate provision will be made for the widening of Robert Street, Batty Street and Reynolds Avenue; and
- (b) appropriate provision will be made for any necessary improvements to the intersection of Robert Street and Victoria Road.

- (h) by omitting from the heading to Schedule 5 the matter "Cl. 22VG" and by inserting instead the matter "Cll. 22VG and 22WE".

PART 3 - LAND IN THE AREA OF BURWOOD

Amendment of Burwood Planning Scheme Ordinance

6. Burwood Planning Scheme Ordinance is amended by omitting clause 78E (as inserted by Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land (Amendment No. 1) published in Gazette No. 75 of 26 June 1992 at pages 4348-4350) and by inserting instead the following clause:

Development of land at Webb Street, Croydon

78DA. (1) This clause applies to land known as No.10 Webb Street, on the corner of Webb and Boundary Streets, Croydon, and identified as site 4 on sheet 4 of the map marked "Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land" deposited in the head office of the Department of Planning.

(2) The objective of this clause is to implement the aims and objectives of Greater Metropolitan Regional Environmental Plan No. 1 - Redevelopment of Urban Land for the land to which this clause applies.

(3) Despite any other provision of this Ordinance:

- (a) the Minister is the responsible authority for the land to which this clause applies; and
- (b) a reference in this Ordinance to the council or the responsible authority in relation to the development of that land is taken to be a reference to the Minister.

(4) Despite any other provision of this Ordinance, development of land to which this clause applies may be carried out for the purposes of:

- (a) residential flat buildings which contain more than 2 storeys; and
 - (b) a convenience store (meaning a shop selling a variety of small consumer goods, whether or not other goods are available for hire at the shop), having a gross floor area not exceeding 150 square metres; and
 - (c) public or private open space and recreation facilities,
- but only with the consent of the responsible authority.

(5) Before granting consent to the carrying out of development of land to which this clause applies, the responsible authority must consider:

- (a) whether the height, scale, bulk, arrangement and massing of buildings and works that will result from the carrying out of the proposed development will be of a scale, character and diversity appropriate to the locality and the characteristics of the site; and
- (b) whether the proposed development is likely to generate traffic and, if so, whether it will implement a traffic management plan which identifies potential adverse traffic impacts from the proposed development and the means to ameliorate them; and
- (c) whether the proposed development will ensure that any filling is adequately compacted so that significant subsidence and settling should not occur; and

- (d) whether the proposed development should not be allowed to commence until arrangements which are satisfactory to servicing agencies that the responsible authority considers relevant have been made for the supply of services such as water, sewerage, gas, electricity and drainage.

(6) A person must not, on so much of the land to which this clause applies as is unhealthy building land (within the meaning of the Unhealthy Building Land Act 1990) and described in the notice under section 55 of the Public Health Act 1902 published in Gazette No. 37 of 4 March 1983 at page 1019:

- (a) disturb or excavate any land for any purpose; or
 - (b) carry out any land filling; or
 - (c) clear trees or other vegetation from the land; or
 - (d) carry out any work; or
 - (e) alter the landscape or carry out any landscaping,
- except with the consent of the responsible authority.

(7) The responsible authority must not consent to the carrying out of any development (other than subdivision) of land to which this clause applies that is land known by the responsible authority to require remediation unless the consent is subject to conditions:

- (a) requiring remediation of the land in a manner acceptable to the Environment Protection Authority; and
- (b) prohibiting the construction or erection of a building or the carrying out of a work on any part of that land pursuant to the consent until the Authority has advised the responsible authority that, according to a report provided by a consultant recognised by the Authority, the part of the land has been remediated in accordance with the ANZECC and NH&MRC Guidelines to the extent necessary for the proposed development.

This subclause does not prevent the imposition of other kinds of conditions on such a consent or limit the extent of the conditions that may be imposed on such a consent.

(8) Subclauses (6) and (7) do not apply to any land to which this clause applies after the Environment Protection Authority has advised the responsible authority about remediation of the land as referred to in subclause (7)(b).

(9) In this clause, "**ANZECC and NH&MRC Guidelines**" means the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites jointly developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC) published in January 1992.

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