



New South Wales

Sydney Regional Environmental Plan No 26—City West (Amendment No 8)—1999 Update

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following regional environmental plan under the Environmental Planning and Assessment Act 1979.

ANDREW REFSHAUGE MP

Minister for Urban Affairs and Planning

Sydney, 10 June 1999

1 Name of plan

This plan is *Sydney Regional Environmental Plan No 26—City West (Amendment No 8)—1999 Update*.

2 Aims of plan

This plan aims to:

- (a) make further provision for the redevelopment of City West by updating and improving planning provisions, particularly for the Ultimo-Pyrmont Precinct of City West, and
- (b) alter the City West and Ultimo-Pyrmont Precinct boundaries to include additional land that is within the City of Sydney and Leichhardt local government areas, and

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Clause 2 Sydney Regional Environmental Plan No 26—City West (Amendment No 8)—1999 Update

- (c) rezone some sites in the Ultimo-Pyrmont Precinct to reflect the current pattern of development, land use requirements and service needs of the community, and
- (d) identify additional areas for public recreation in the Ultimo-Pyrmont Precinct, and
- (e) alter certain maximum building heights for land in the Ultimo-Pyrmont Precinct to provide a better transition between heritage items and conservation areas, and new development and the street pattern, and
- (f) identify additional heritage items for the purpose of extending protection of the environmental heritage of the Ultimo-Pyrmont Precinct, and
- (g) update provisions relating to residential development so as to improve the quality of residential development in the Ultimo-Pyrmont Precinct, and
- (h) refine other provisions to improve the administration of planning controls and improve environmental outcomes for City West.

3 Land to which plan applies

This plan applies to all land that was within City West immediately before the commencement of this plan and to the land shown as being within City West on the map marked “*Sydney Regional Environmental Plan No 26—City West. City West Area (Amendment No 8)—1999 Update*” kept in the Head Office of the Department of Urban Affairs and Planning.

4 Amendment of Sydney Regional Environmental Plan No 26—City West

Sydney Regional Environmental Plan No 26—City West is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 14 Consent authority

Omit the matter relating to the *Strata Titles Act 1973*, *Strata Titles (Leasehold) Act 1986* and *Community Land Development Act 1989*.

[2] Clause 14

After the matter relating to the consent authority for the Bays Precinct, insert:

However:

- the consent authority for a development application for consent to a strata or neighbourhood scheme subdivision of a building on land for which a Master Plan is required is the Council of the local government area in which the building is situated, and
- the Minister is the consent authority for a site area if only part of the site area consists of land for which a Master Plan is required, except to the extent (if any) that the development for which consent is requested is a strata or neighbourhood scheme subdivision.

In this clause, *strata or neighbourhood scheme subdivision* means a subdivision under the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989* creating such a scheme.

[3] Clause 15 Planning principles of regional significance for Precincts

Omit the third paragraph from the matter under the heading “**Role and Land Use Activities**” in Part 1 (relating to the Ultimo-Pyrmont Precinct) of the Table to clause 15.

[4] Clause 15, Table

In Part 1 (relating to the Ultimo-Pyrmont Precinct) of the Table to clause 15, after the matter under the heading “**Role and Land Use Activities**”, insert:

Ecologically Sustainable Development

Development in the Ultimo-Pyrmont Precinct is to comply with ecologically sustainable development principles (including the principles promoting inter-generational equity and the conservation of biological diversity and ecological integrity, the precautionary principle, and the principle requiring improved valuation and pricing of environmental resources) by adopting “best practice” design. Ecologically sustainable development principles should be adhered to for all development, particularly for residential and business purposes.

Development in the Precinct is to:

- include measures that will reduce waste and conserve water (by including water recycling), and
- address the need to promote biodiversity and retain habitat through appropriate use of flora, and
- minimise run-off and storm water generation.

Development should utilise recycled materials and renewable building resources.

Development in the Precinct is to:

- promote biological diversity by measures which include increasing habitat through appropriate retention, planting and maintenance of native flora considered representative of the locality, and
- implement a waste management hierarchy and promote achievement of the 60 per cent waste reduction target for New South Wales by measures which include utilising recycled materials and renewable building resources, recycling building and demolition wastes, and providing facilities for recycling and composting, and

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- implement total water cycle management by measures which include reducing consumption of potable water for non-potable uses, treating and recycling wastewater for re-use, minimising site run-off and promoting stormwater re-use, and
 - implement energy conservation best-practice by measures which include reducing energy consumption and increasing inherent energy efficiency through design and materials selection, and adopting energy management plans.

Development in the Precinct is to promote ecologically sustainable transport by measures which include:

- complementing and reinforcing the development and use of the existing and planned integrated public transport, pedestrian and cycling networks serving the Precinct, and
- encouraging increased reliance on public transport and reduced reliance on private vehicles, for journeys to work and other trips, so as to reduce vehicle kilometres travelled and to enhance the livability of the Precinct, and
- providing levels of on-site parking aimed at reducing reliance on private vehicles for journey-to-work trips.

Residential Development

A diverse housing stock is to be developed in the Ultimo-Pyrmont Precinct to cater for all households, including singles, couples, families, groups, the elderly, the disabled and lower income earners.

A mixture of dwelling types and sizes should be provided to enable a diverse community and promote housing choice.

High quality housing with adequate facilities and sustainable design is to be developed to encourage long-term residents and achieve urban consolidation.

Social Issues

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.

Urban design is to enhance the conviviality and sense of place of the Ultimo-Pymont Precinct and reflect the character and heritage of the Precinct.

Development is to enable surveillance and to enhance street level activity to increase actual and perceived security.

Development is to enhance the creation of a diverse resident community through the provision of a range of dwelling unit types and sizes.

[5] Clause 17 Residential Zone

At the end of the *objectives of this zone*, insert:

- , and
- to prohibit tourist development in residential areas (including serviced apartments, hotels and associated tourist facilities) and to prohibit brothels, and
- to limit advertising to a level compatible with the creation of a high-quality residential and mixed use area.

[6] Clause 18 Residential–Business Zone

Omit the *objectives of this zone*. Insert instead:

- to promote a wide range of uses, particularly business development including tourist, leisure, commercial, retail and office development consistent with the Precinct's proximity to the Sydney CBD, harbour locations and transport infrastructure, and
- to accommodate residential development to a level compatible with adjoining business uses and consistent with the objective of creating a mixed use area, and

- to accommodate uses which generate employment opportunities and provide facilities and services that enable people to live and work in the same community, and
- to ensure that the total amount of employment-generating development is compatible with the traffic capacity of the Precinct and adjoining areas, and
- to encourage sustainable transport modes for journeys to work and other trips, including walking, cycling and all forms of public transport, and
- to limit advertising to a level compatible with the creation of a high-quality mixed use area.

[7] Clause 18

At the end of the clause, insert:

Residential development is not to be located or designed so that amenity within this zone is adversely affected to a level considered inappropriate by the consent authority due to excessive noise or odour or any other similar environmental impact from an adjoining or nearby use.

[8] Clause 21 Use of unzoned land

Insert “only” after “Map 2”.

[9] Clause 21A Use of land indicated “Public Recreation—Preferred Locations”

Omit the clause.

[10] Clauses 21B and 21C

Omit clause 21B. Insert instead:

21B Activity Strips

Activity Strips indicated on Sheet 1 of Map 2, Sheet 1 (1995 Update) of Map 2 and Sheet 1 (1999 Update) of Map 2 show the principal streets, nodes and locations for pedestrian activity and interest and retail uses.

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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.

21C Advertising

On land zoned Residential, Residential—Business or Public Recreation, 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.

[11] Clause 22 Temporary and interim uses

Omit “While land has not yet been used for a purpose for which it is zoned, the consent authority”.

Insert instead “The consent authority, while land is not being used for a purpose for which it is zoned,”.

[12] Clause 23

Omit the clause. Insert instead:

23 Maximum building heights

The height of any building must not exceed the maximum building height shown on Map 3. However, any building on land zoned Public Recreation must not exceed 7 metres in height.

Before granting consent for any building that will attain the maximum building height, the consent authority must be satisfied that the building will not only meet such of the urban design requirements made by clauses 24, 25, 26 and 26A as are relevant, but will also meet any relevant design requirements made by a Master Plan or urban development plan.

[13] Clause 26

Omit the clause. Insert instead:

26 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 scale between the building and either the heritage item or the buildings within the conservation area.

[14] Clauses 27, 27A, 27B and 27C

Omit clause 27. Insert instead:

27 Floor space limits in Master Plan areas in Ultimo-Pyrmont Precinct

In the Ultimo-Pyrmont Precinct, the ratio of business floor space of a building on land for which a Master Plan is required 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.

However, a greater floor space ratio applies if a Master Plan adopted for the site includes a provision made under clause 48 (relating to flexible uses of land requiring a Master Plan) that allows the greater floor space ratio.

27A Floor space limits in non-Master Plan areas in Ultimo-Pyrmont Precinct

In the Ultimo-Pyrmont Precinct, the following maximum floor space ratios apply for land for which a Master Plan is not required.

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This clause does not allow buildings to exceed maximum heights set by this plan.

Maximum building height limit for land on which building is situated	Maximum floor space ratio for residential uses	Maximum floor space ratio for business uses
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

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:

$$\text{MFSR} = (\text{B} \times \text{FSRB}) + (\text{R} \times \text{FSRR})$$

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 zone identified 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 zone identified above.

27B Floor space limits in Eveleigh Precinct

In the Eveleigh Precinct, the ratio of the business floor space of a building to the site area must not be greater than 1.2:1.

No maximum floor space ratio applies to residential development in the Eveleigh Precinct.

27C Application of design and height controls for maximum floor space ratios in non-Master Plan areas

Before granting consent for any building on land for which a Master Plan is not required that will attain the maximum floor space ratio, the consent authority must be satisfied that the building will not only meet such of the urban design requirements made by clauses 24, 26 and 26A as are relevant, but will also meet any relevant design requirements made by an urban development plan and not exceed any maximum height set by this plan.

However, the consent authority may consent to a building that exceeds a maximum floor space ratio or a maximum building height for the site (or both) if an urban development plan containing detailed urban design controls for the block containing the site has been adopted by the Minister and the building complies with that plan. Before adopting any such urban development plan, the Minister must be satisfied that it will give effect to the relevant urban design requirements made by clauses 24, 26 and 26A.

[15] Clause 30

Omit the clause. Insert instead:

30 Duty of consent authority

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

- the heritage significance of the heritage item or conservation area, and
- the impact that the proposed development will have on the heritage significance of the heritage item and its setting or the conservation area, and

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- the measures proposed to conserve the heritage significance of the heritage item and its setting or the conservation area, and
- whether any archaeological site or potential archaeological site would be adversely affected.

[16] Clause 31

Omit the clause. Insert instead:

31 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 30.

[17] Clause 32 Demolition of heritage items

At the end of the clause, insert:

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.

Before granting such a consent, the consent authority must also be satisfied that, after the demolition work has been carried out, redevelopment will be carried out that will:

- 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 or urban development plan applying to the site) than were exhibited by the heritage item before the work was carried out, and
- make a positive contribution to the streetscape, and
- in the case of partial demolition, enhance the adaptive re-use of the residual part of the heritage item.

[18] Clause 48A Flexible building heights on land requiring a Master Plan

Insert “but do not exceed the maximum identified on the adopted Master Plan” after “Map 3” where secondly occurring.

[19] Clause 48A

Omit “are related to the function of the proposed building and” from the last paragraph.

[20] Clause 49A

After clause 49, insert:

49A 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.

[21] Clause 52 Views of other bodies about development in Precincts

Omit “28” from the last sentence. Insert instead “21”.

[22] Clause 53 Views of other bodies about development within Waterways Zone

Omit “28” from the last sentence. Insert instead “21”.

[23] Schedule 1 Definitions

In alphabetical order, insert:

Advertisement means a display of symbols, messages or other devices for commercial promotional purposes for conveying information or instructions or the like, whether or not the display includes the erection of a structure or the carrying out of a work, but does not include signage for the identification and naming of buildings and uses or directional or community information signage.

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Brothel means premises habitually used for the purpose of prostitution. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

Ecologically sustainable development 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.

Floor space ratio of a building means the ratio of the gross floor area of the building to the site area.

Heritage impact statement means a statement which identifies the heritage significance of a heritage item or conservation area, assesses the impact that the proposed work will have on this significance and details the measures proposed to minimise this impact.

Heritage significance means historic, scientific, cultural, social, archaeological, natural or aesthetic significance.

Real estate sign means an advertisement of a temporary nature in respect of a place or premises to which it is attached which contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting and is not displayed for more than 7 days after the sale or letting.

[24] Schedule 1

Omit the definition of ***Community facility***. Insert instead:

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.

[25] Schedule 1

Omit the definition of ***Conservation plan***. Insert instead:

Conservation management plan means a document which has been prepared in accordance with the provisions of the NSW Heritage Manual and which establishes the heritage

significance of a heritage item and identifies conservation management policies and management mechanisms that are appropriate to enable that significance to be retained.

[26] Schedule 1

Omit “within the outer face of” from the definition of *Gross floor area*.
Insert instead “within the inner faces of”.

[27] Schedule 1

Omit the definition of *Height*. Insert instead:

Height of a building, 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.

[28] Schedule 1

At the end of the definition of *Map 1*, insert:

*Sydney Regional Environmental Plan No 26—City West.
Map 1—City West Area (Amendment No 8)— 1999 Update*

[29] Schedule 1

At the end of the definition of *Map 2*, insert:

*Sheet 1—Ultimo-Pyrmont Precinct—Land Use Zones
(Amendment No 8)—1999 Update*

[30] Schedule 1

At the end of the definition of *Map 3*, insert:

*Sheet 1—Ultimo-Pyrmont Precinct—Permissible Building
Heights (Amendment No 8)—1999 Update*

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[31] Schedule 1

At the end of the definition of **Map 4**, insert:

Sheet 1—Ultimo-Pyrmont Precinct—Heritage and Conservation (Amendment No 8)—1999 Update

[32] Schedule 1

At the end of the definition of **Map 5**, insert:

Sheet 1—Ultimo-Pyrmont Precinct—Master Planning (Amendment No 8)—1999 Update

[33] Schedule 1

Omit the definition of **Residential development**. Insert instead:

Residential development 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.

[34] Schedule 3 Development not requiring consent

After “does not require consent”, insert “if it would be permissible with consent had it not been included in this Schedule”.

[35] Schedule 3

Insert the following at the end of the Schedule:

- Erection and use of outdoor seating, adjoining tables and like furniture located in the public domain, associated with adjoining cafes, restaurants, bars and the like and required to be licensed by a public authority.
- Development for the purpose of real estate signs that is carried out consistently with any urban development plan.

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- Development on land zoned Residential—Business for the purpose of business identification signs that are not erected on a heritage item, being development that is carried out consistently with any urban development plan.
 - Erection and use of public furniture, planter boxes, lighting, bus shelters, public telephone booths or post boxes, or the carrying out of street planting, footpath widening or roadworks and the like, undertaken by or on behalf of a public authority.
 - Erection and use of public furniture and carrying out of landscaping associated with existing public recreation areas, such as the erection of shade structures, children's play equipment, barbecues, toilets and like furniture, but not including either the construction of club houses, swimming pools, gymnasiums or like recreational facilities or associated buildings or the erection of restaurants.
 - Development of a heritage item or a building or work in a conservation area if, in the opinion of the consent authority, the proposed development is of a minor nature or comprises maintenance of the heritage item or building or work and would not adversely affect the heritage significance of the heritage item or its setting or the conservation area.

[36] Schedule 4 Heritage items

Omit items 9, 33, 35 and 39 from Part 1 (Items in the Ultimo-Pyrmont Precinct).

Insert instead, respectively:

- 9 Terraces 578–606 Harris St
- 33 Uniting Church and Harris Centre, 97 Quarry St
- 35 Terraces 242–262 Bulwara Rd
- 39 Cottage and terraces 92–98 Quarry St

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[37] Schedule 4

Omit the following:

- 30 No 1 Sewage Pumping Station, Pier St

[38] Schedule 4

Insert the following at the end of Part 1:

- 107 TAFE Building, U 622 Harris St
- 108 TAFE Building, 19 Mary Ann St, Cnr Jones St
- 109 Residence 238 Bulwara Rd
- 110 Terraces and former hotel, 365–375 Bulwara Rd
- 111 Millers Self Storage, 14–18 William Henry St
- 112 Terraces 20–36 William Henry St
- 113 Terraces 91–97 William Henry St
- 114 Former St Francis Xavier Church and School,
247–257 Bulwara Rd
- 116 Virgin Building, 51–53 Murray St
- 117 Terrace houses 142–170 Pyrmont St
- 118 Maybanke Kindergarten and Playground, 99 Harris St
- 119 Former Pyrmont Baths, Pyrmont Point
- 120 War Memorial, Union Square
- 121 Sam Horden fountain, Cnr Pyrmont St and Pyrmont
Bridge Rd
- 122 Terrace houses 31–33 Union St
- 123 Terrace houses 86–94 Union St
- 124 Dwellings 91–95 Pyrmont St
- 125 Terraces 2A and 2B Mill St
- 126 Rail cutting and Rail bridge, Harris St
- 127 Engineers Store, former CSR, Harris St
- 128 Northern façade, The Boiler House, former CSR,
Harris St

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- | | |
|-----|---------------------------------------------------------------|
| 129 | Western and northern escarpment and cliff face,
Pirrama Rd |
| 130 | Arrow Marine building, 17a Pirrama Rd |
| 131 | Wattle Street railway viaduct, Wattle St |
| 132 | Warehouse and terraces 10–18 Pyrmont St |
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BY AUTHORITY