

1992—No. 564

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 26—
CITY WEST**

NEW SOUTH WALES



[Published in Gazette No. 125 of 16 October 1992]

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 below. (S91-06459)

ROBERT WEBSTER,
Minister for Planning.

Sydney, 14th October, 1992.

PART 1—INTRODUCTION

Title

1. This plan may be called Sydney Regional Environmental Plan No. 26—City West.

Area covered by this plan

2. This plan applies to the land shown on Map 1 as the City West area, except such of that land as is shown as “excluded” on that map.

The land to which this plan applies is part of the Sydney Region and is referred to in this plan as “*City West*”.

This plan does not apply to the land shown as “deferred” on Map 2, which has been deferred pursuant to section 50 (2) of the Act.

Precincts

3. Four Precincts are intended to be created within City West.

The “*Ultimo-Pyrmont Precinct*” is created by this plan and is the land indicated by heavy black edging on Map 2, Sheet 1.

Aims of this plan

4. The aims of this plan are:

- to establish planning principles of regional significance for City West as a whole with which development in City West should be consistent; and
- to establish planning principles and development controls of regional significance for development in each Precinct created within City West by this plan and by subsequent amendment of this plan; and
- to promote the orderly and economic use and development of land within City West.

How environmental planning instruments affect City West

5. The planning principles for City West as a whole have effect in accordance with Part 2 in addition to other Regional Environmental Plans, State Environmental Planning Policies and (except in the case of land with a Precinct) local environmental plans.

Part 3 replaces all local environmental plans that applied to a Precinct before the Precinct was created.

Each of the following instruments is repealed to the extent that it would otherwise apply to land within a Precinct:

- Sydney Local Environmental Plan No. 30; and
- City of Sydney Planning Scheme Ordinance; and
- any other local environmental plan or deemed environmental planning instrument.

State Environmental Planning Policy No. 8—Surplus Public Land does not apply to land within a Precinct.

Repeal of SEPP 13—Sydney Heliport

6. State Environmental Planning Policy No. 13—Sydney Heliport is repealed.

Suspension of certain laws

7. Section 33 of the Sydney Harbour Trust Act 1900 and any agreement or covenant shall not apply to any development permitted under this plan to the extent necessary to enable the development to be carried out in accordance with this plan.

Definitions

8. Certain terms used in this plan are defined in Schedule 1.

Savings and transitional provisions

9. The savings and transitional provisions in Schedule 2 have effect.

PART 2—CITY WEST**Land covered by this Part**

10. This Part applies to City West.

Planning principles of regional significance for City West

11. Before granting consent to a development application relating to land within City West (whether or not within a Precinct), the consent authority must take into consideration the aim of this plan that development within City West should be consistent with the planning principles for City West set out in the Table to this clause.

TABLE—PLANNING PRINCIPLES FOR CITY WEST**Regional Role**

Development in City West is to promote urban consolidation in the Sydney Region and consequently contribute to Sydney's status as a financial, commercial, residential and tourist city of world standing.

Development in City West is to provide benefits to the people of the Sydney Region and New South Wales.

The types and intensities of development in City West are to reflect its central location and accessibility to public transport and are to support and to complement development in the city centre.

Land Use Activities

Development in City West is to contribute to an integrated mixed-use development pattern containing a wide range of housing and employment opportunities, and educational, recreation and cultural activities.

Mixed Living and Working Environment

Development in City West is to house an increased population and to provide an increased quantity and range of employment opportunities which are compatible with the achievement of a high-quality mixed living and working environment.

Development in City West is to promote and retain close to the city centre a socially diverse residential population representative of all income groups.

Development in City West is to provide different kinds of housing, including affordable housing, to ensure that low to moderate income households may continue to be able to live in City West.

Development in City West is to provide opportunities for people to live and work at places in close proximity.

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.

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 City West) and the use of Sydney Harbour for leisure and recreation.

Public access to the entire foreshore in City West is to be provided. Opportunities for waterfront and water-based recreation and tourism activities, compatible with adjoining land uses, are to be provided.

Port Functions

The operation, concentration and rationalisation of commercial shipping facilities is to be supported to meet the changing needs of Sydney Harbour as a commercial port.

Social Issues

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

Environmental Issues

Development in City West is to ensure a high level of environmental quality by addressing issues of air quality, noise levels, wind conditions, access to light and sunshine, privacy, soil conditions and water quality.

Development in City West is to make a significant contribution to ecological sustainability through reduced energy requirements, particularly those of a non-renewable nature, and to waste recycling.

Urban Design and the Public Domain

Development in City West is to enhance, complement and contribute to the development of the public domain in order to create a high-quality physical environment for access, enjoyment and recreation for residents and workers.

Development in City West is to contribute to a high level of residential amenity and convenience.

Heritage

The items and areas of heritage significance in City West are to be conserved and enhanced. New development is to respect the character of heritage items and conservation areas. The re-use of heritage buildings through adaptation and modification is to be encouraged.

Movement and Parking

A range of housing and work, leisure and service facilities is to be provided in City West so that the need for travel is minimised.

A high degree of accessibility is to be provided to places in and outside City West for both able and disabled persons. Walking, cycling and use of public transport are to be encouraged as the means of movement.

Development in City West is to facilitate the provision and operation of a comprehensive regional public transport network.

Development, particularly that which is employment related, is to be within the capacities of existing and proposed public transport and arterial road systems.

The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.

Parking controls are to support public transport strategies of the Government and to reflect road network capacities.

Implementation and Phasing

Development is to contribute towards the efficient use of City West'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—PRECINCTS**Division 1—Land to which Part 3 applies****Land covered by this Part**

12. This Part applies to each Precinct.

Division 2—Development consent**General requirement for development consent**

13. All development that is permissible within a Precinct (including the demolition of buildings) requires the consent of the consent authority, except development described in Schedule 3.

Consent authority

14. For the purposes of this Part:

The consent authority for the Ultimo-Pyrmont Precinct is the Council of the City of Sydney (except land indicated on Map 5 as requiring a Master Plan for which the Minister is the consent authority).

The functions of the Minister as consent authority may be delegated under section 23 of the Act.

Division 3—Planning principles for Precincts**Planning principles of regional significance for Precincts**

15. Before granting consent to a development application relating to land within a Precinct, the consent authority must take into consideration the aim of this plan that development within the Precinct should be consistent with the planning principles set out for the Precinct in the Table to this clause.

TABLE—PLANNING PRINCIPLES FOR PRECINCTS**PART 1—ULTIMO-PYRMONT PRECINCT****Role and Land Use Activities**

Development in the Precinct is to provide for a significant increase in residential population in a mixed use development pattern also accommodating employment, educational and other uses.

Because land values in the Precinct may reasonably be expected to increase when land in the Precinct is developed in accordance with this plan, development in the Precinct is to provide affordable housing to ensure that low to moderate income households may continue to be able to live in the Precinct.

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.

Development is to take full advantage of the Precinct's existing facilities, proximity to Darling Harbour, Central Station and other facilities of the city centre, and the extensive Pyrmont waterfront.

Retail development providing for the full range of neighbourhood needs is to be encouraged.

Uses at the ground level of buildings fronting the public domain should complement the functions of the public domain.

Urban Design

Building heights are to reflect and emphasise the topography of the Precinct 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.

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 the Precinct.

The heights and scale of new buildings are to respect existing buildings in the locality, particularly heritage items and buildings in conservation areas.

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.

Buildings fronting the public domain should have appropriate height, bulk, finish and street alignment so as to enhance its quality by respecting its character.

Higher buildings may be accommodated:

- if they will emphasise existing or former high points in the natural ground level on Distillery Hill, Pyrmont Point, Darling Island and adjoining the C.S.R. Stables, they will reflect the former vertical smoke-stack elements of the Pyrmont Point Power Station, or they will provide a suitable axial focal point in the vista down Liverpool Street; and

- if they will not compromise the environmental amenity and general scale of development in their locality.

Development on the waterfront and on adjoining land is to maximise the environmental quality of those parts of the peninsula for all users.

Public Domain

Public recreation areas are to provide for a range of recreational opportunities for the residents of and workers within the Precinct.

Coordinated pedestrian and cycling networks are to be provided throughout the Precinct and to link with the city centre and suburbs adjoining the Precinct. Access to major natural features such as foreshores and escarpments is to be included.

The passage of through motor traffic in residential areas and areas of pedestrian and cycling priority is to be discouraged.

Division 4—Zoning

How land is zoned

16. Land in each Precinct is within one of the following zones:

Residential

Residential-Business

Public Recreation

Waterways

The zoning of land is shown on Map 2.

Development for the purposes of public roads and rail and light rail transport undertakings and facilities may be carried out with development consent in any zone.

Residential Zone

17. The only uses permissible in this zone are:

residential development; open space; recreational facilities; community facilities; small-scale restaurants, retail outlets, commercial undertakings and professional services to serve the neighbourhood; utility undertakings; other uses which the consent authority is satisfied are strictly consistent with the zone objectives.

The *objectives of this zone* are:

- to protect existing residential areas and identify future residential areas; and

- to ensure that land within the zone is primarily used for residential purposes; and
- 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.

The 'Activity Strips' indicated on Map 2 show the preferred locations for non-residential uses to assist in providing convenient focal points for pedestrian activity and interest.

Non-residential uses are not to be located above the ground floor level of buildings in this zone.

Residential-Business Zone

18. Only uses which the consent authority is satisfied are generally consistent with the zone objectives are permissible in this zone.

The *objectives of this zone* are:

- to encourage a wide range of residential, and commercial and educational uses; and
- to encourage a mix of land uses which is compatible with the achievement of a high-quality residential environment and character; and
- to provide maximum opportunities for people to live and work in the one locality; and
- to accommodate uses which generate employment opportunities; 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 provide for public recreation and tourist facilities which take advantage of the locality and proximity to central Sydney and harbour locations.

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 the relevant Precinct and for City West; and
- the zone objectives relevant for the land,
relating to the provision of residential accommodation.

Public Recreation Zone

19. Only uses which the consent authority is satisfied are generally 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.

The *objectives of this zone* are:

- to establish public recreation areas which serve the needs of residents and workers within City West and the adjoining suburbs; and
- to provide public access to all parts of the public domain, especially waterfront areas and escarpments; and
- to provide a variety of public areas and recreational opportunities; and
- to provide for facilities which accommodate or are ancillary to recreation opportunities relating to the use of the public domain.

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.

Before granting consent to development on a site which includes land marked “public recreation area—preferred location” on Map 2, the consent authority must ensure that land to be used for public recreation is provided as defined by the marked area. However, the consent authority may consent to or require the use of another part of the site of equivalent area for public recreation if it considers it would be more suitable.

Waterways Zone

20. Only uses which the consent authority is satisfied are generally consistent with the zone objectives are permissible within this zone.

The *objectives of this zone* are:

- to provide for water-based and foreshore development which will contribute to the recreational and tourism potential of the locality; and
- to provide for the extension of few services which link with the land based public transport network; and

- to ensure that activities associated with development are compatible with the use of Darling Harbour and Johnston's Bay for commercial shipping and Navy and other government functions; and
- to ensure that development on the waterways maintains or enhances the environmental quality and amenity of the Precinct.

Use of unzoned land

21. On a public road, whether open or closed, which is shown uncoloured on Map 2, development may be carried out for a purpose which is permissible on land adjoining that road.

Temporary and interim uses

22. While land has not yet been used for a purpose for which it is zoned, the consent authority may consent to its use for any other purpose, but only if the consent authority is satisfied that:

- the use will not prejudice the eventual development of the land in accordance with the rest of this plan; and
- appropriate arrangements have been made for reinstatement of the site so that it may be used in accordance with the rest of this plan; and
- the use will not adversely affect residential amenity and permissible development in accordance with this plan on other sites in the locality.

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.

Division 5—Building height and floor space controls**Maximum building heights**

23. The height of any building must not exceed the building height limits shown on Map 3.

Application of urban design planning principles

24. Before granting consent to the erection of a building, the consent authority must be satisfied that the height of the building will be consistent with the urban design planning principles for the Precinct in which it will be situated set out in the Table to clause 15.

Landmark locations

25. Map 3 shows specific building height limits for places referred to on the map as “landmark locations”. The place to which such a limit relates may, with the agreement of the Minister, be varied, but only if the consent authority is satisfied that the height of the building to be erected at that place will be consistent with the relevant urban design planning principles.

Graduated building heights

26. The heights of buildings on land shown hatched on Map 3 must reduce in accordance with their proximity to the adjacent area having a building height limit of 9 metres so as to provide a transition between the heights of buildings outside that area and the heights of buildings within that area.

Floor space limits

27. In the Ultimo-Pyrmont Precinct, the ratio of the business floor space of a building to the site area must not be greater than:

- 2.5:1 to the north of Pyrmont Bridge Road; or
- 3:1 between Pyrmont Bridge Road and Mary Ann Street; or
- 5:1 to the south of Mary Ann Street.

No floor space limits apply to residential development.

Division 6—Heritage conservation**Heritage items and conservation areas**

28. Heritage items are identified on Map 4 and described in Schedule 4.

Conservation areas are identified on Map 4.

General considerations

29. Development of or including a heritage item, in the vicinity of a heritage item, or within a conservation area, must be compatible with the conservation of the heritage significance of the item or the character of the conservation area.

Duty of consent authority

30. Before granting consent to any such development, the consent authority must consider the heritage significance of the item or conservation area and:

- the relevant architectural features of the item; or
- the character of the conservation area.

Conservation plans

31. The consent authority may require a conservation plan to accompany an application for development consent relating to a heritage item.

Demolition of heritage items

32. Before granting consent to development which includes demolition of a heritage item, the consent authority must seek the views of the Heritage Council of New South Wales and consider any such views received within 28 days of the day on which notice of the proposed development was given to the Heritage Council.

The views of the Heritage Council need not be sought if:

- the development concerned consists only of a partial demolition of a heritage item; and
- in the opinion of the consent authority, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item.

Potential archaeological sites

33. Before determining an application for consent to development on land identified in an urban development plan as a potential archaeological site, the consent authority may request a report on the likely impact of the development on any archaeological material.

Division 7—Urban development plans**Use of plans**

34. Before granting consent to development to which an urban development plan applies, the consent authority must take the plan into consideration.

Content of plans

35. An urban development plan is a written instrument (which may be supported by diagrams or maps) that makes more detailed provisions relating to development within a Precinct than this plan. Any such plan must not be inconsistent with this plan.

Preparation of draft plans

36. A draft urban development plan or a draft amendment of such a plan may be prepared by the Director or by the Council of the area concerned.

Consultation

37. Before the Director or the Council of the area concerned recommends that the Minister adopt an urban development plan or adopt an amendment of any such plan:

- a draft of the plan or amendment must be advertised, and exhibited for not less than 21 days for public comment; and
- the views of the Council or the Director (as the case may require) and of such other public authorities as the person who prepared the draft considers relevant must have been sought on the draft; and
- the person who prepared the draft must take into account any written submission made about the content of the plan or amendment to that person during the exhibition period.

Adoption of plans and amendments

38. The Minister may adopt an urban development plan, or an amendment of any such plan, recommended for adoption by the Director or the Council, or may adopt such a plan or amendment with such variations as the Minister considers appropriate.

Before adopting a recommended plan or amendment (whether or not in a varied form) the Minister may require that it be re-exhibited to the satisfaction of the Minister.

Availability of plans

39. A copy of each urban development plan must be available for inspection at the Head Office of the Department and at the office of the Council of the area concerned during normal business hours.

Division 8—Master Plans

Requirement for and use of Master Plans

40. Development consent must not be granted for development that relates to land indicated on Map 5 as requiring a Master Plan unless:

- there is a Master Plan for the land; and
- the consent authority has taken the Master Plan into consideration.

The Minister may waive compliance with this requirement because of the minor 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.

Content of Master Plans

41. A Master Plan is a written instrument (supported by diagrams or maps) that makes more detailed provisions relating to development of Band for which a Master Plan is required than this plan. Any such plan must be generally consistent with this plan.

A Master Plan is to outline in broad terms the long-term proposals for the development of land for which a Master Plan is required and to explain how those proposals address the planning principles and development controls in this plan.

Preparation of Master Plans

42. A draft Master Plan may be prepared by the owner or lessee of the land concerned.

A draft Master Plan should be prepared following consultation with the Director and is to illustrate and explain, where appropriate, proposals for the following:

- phasing of development;
- 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;
- pedestrian, cycle and road access and circulation networks;
- parking provision;
- subdivision pattern;
- infrastructure provision;
- building envelopes and built form controls;
- heritage conservation and protection of archaeological relics;

- decontamination of the site;
- provision of public facilities;
- provision of open space, its function and landscaping;
- any other matters stipulated by the Director.

Consultation

43. Before the Director recommends that the Minister adopt a Master Plan:

- a draft of the plan submitted to the Director by the owner or lessee of the land concerned must be advertised, and exhibited for not less than 21 days for public comment; and
- the views of the Council of the area concerned and of such other public authorities and such community organisations as the Director considers relevant must have been sought on the draft; and
- the Director must take into account any written submissions made about the content of the plan to the Director during the exhibition period.

Adoption of Master Plans and amendments

44. The Minister may adopt a Master Plan, or an amendment of any such plan, recommended for adoption by the Director or may adopt such a plan or amendment with such variations as the Minister considers appropriate.

Before adopting a Master Plan or an amendment of 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 on which a business use is allowed by those consents.

When a Master Plan or an amendment is adopted, the Director must ensure that the following are notified of its adoption:

- the owner of the land concerned; and
- each public authority and community organisation whose views were sought; and
- each person who made a written submission about the content of the plan or amendment to the Director during the exhibition period.

Amendment of Master Plans

45. A draft amendment of a Master Plan may be prepared by the owner or lessee of the land concerned, whether or not at the request of the Director.

The Director may request the preparation of such a draft amendment for the purpose of keeping the Master Plan up-to-date.

Before recommending that the Minister adopt a draft amendment which the Director considers to be significant, the Director may arrange for it to be advertised and exhibited as required for a draft Master Plan.

Expiration of Master Plans

46. A Master Plan expires 2 years after the date of its adoption unless the Minister, at the request of the owner or lessee of the land concerned, extends the term of the plan.

The term of a Master Plan may be extended more than once, but not for more than 12 months at any one time.

Availability of Master Plans

47. A copy of each Master Plan must be available for inspection at the Head Office of the Department during normal business hours.

Flexible uses of land requiring a Master Plan

48. The Minister may consent to the use of part of a site of land that is subject to a Master Plan for a purpose that is not permitted by the zoning of that part if it will be used for a purpose that another part of the site within a different zone may be used.

Before granting such a consent, the Minister must be satisfied that:

- a better distribution of land uses will result; and
- the total of the business floor space of all buildings within the site will not be increased as a result of granting the consent; and
- the total of the land available for public recreation areas within the site will not be reduced as a result of granting the consent; and
- public access to the entire foreshore in City West will not be reduced as a result of granting the consent.

Division 9—Miscellaneous provisions**Land decontamination**

49. The consent authority must not consent to development on a site or part of a site unless:

- it has taken into consideration whether there is any risk to public health or safety from contamination of the site or part by past industrial use; and
- where such a risk exists on the site or part, it is satisfied that appropriate remediation measures will be undertaken to remove such a risk before development commences on that site or part.

Services

50. Development must not be carried out on any land until arrangements have been made for the supply of water, sewerage and drainage which are satisfactory to the Water Board.

Advertising of certain development applications

51. Where, in the opinion of the consent authority, the development for which consent is sought:

- would cause irreversible change to a heritage item; or
- does not conform to a Master Plan; or
- would have significant environmental effects,

the consent authority must advertise the development application for not less than 21 days (and comply with the other provisions listed in section 30 (4) of the Act), seek the views of the Council of the area in which the land is situated (if it is not the consent authority) and of such other authorities as it considers relevant, and consider any views received during that period.

Views of other bodies—development in Ultimo-Pyrmont Precinct

52. Before granting consent to a development application relating to land in the Ultimo-Pyrmont Precinct, the consent authority must, where it considers it appropriate, seek the views of the Council of the City of Sydney, the Central Sydney Planning Committee, the City West Development Corporation and the Darling Harbour Authority.

The consent authority must consider any views of a body received within 28 days of giving notice of the application to the body.

Views of other bodies—development within Waterways Zone

53. Before granting consent to a development application relating to land within the Waterways Zone, the consent authority must seek the views of the Maritime Services Board regarding the effect of development on the navigational safety and operations of the Port of Sydney.

The consent authority must consider any views of the Board received within 28 days of giving notice of the application to the Board.

Acquisition of land

54. The owner of land within the Public Recreation Zone may, by notice in writing, require the City West Development Corporation to acquire the land.

On receipt of the notice, the City West Development Corporation is to acquire the land.

The City West Development Corporation 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—DEFINITIONS

(Cl. 8)

Act means the Environmental Planning and Assessment Act 1979.

Affordable housing means housing provided for low to moderate income households.

Business floor space means the part of the gross floor area of a building that is the subject of a business use.

Business use means any form of development carried out for a commercial purpose, but does not include residential development or utility undertakings.

City West Development Corporation means the Corporation having that name established under the Growth Centres (Development Corporations) Act 1974.

Community facility means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural, religious, educational or intellectual development or welfare of the local community.

Conservation area means an area of heritage significance, being land identified on Map 4 as a conservation area.

Conservation plan means a document establishing the significance of a heritage item and identifying the policies that are appropriate to enable that significance to be retained in its future use and development.

Demolition, in relation to a heritage item or any other building or structure, means its damaging, defacing, destruction, pulling down or removal.

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

- 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 wall; and
- lift towers, cooling towers, machinery and plant rooms, and air conditioning and ventilation ducts; and
- car parking needed to meet any requirements of the consent authority and any associated internal designated vehicular and pedestrian access thereto; and
- space for the loading and unloading of goods; and
- internal public areas such as arcades, atria and thoroughfares, and terraces and balconies with outer walls less than 1,400 millimetres high.

Height, in relation to a building, means the vertical distance measured in metres between ground level which existed at the date of gazettal of this Plan at any point on which the building is sited, and the ceiling of the topmost habitable floor of the building above that point.

Heritage item means a building, work, relic, tree or place identified on Map 4 as a heritage item and described in Schedule 4.

Home occupation 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.

Map means a map deposited in the Head Office of the Department.

Map 1 means the map marked “Sydney Regional Environmental Plan No. 26—City West. Map 1—City West Area”.

Map 2 means the map marked “Sydney Regional Environmental Plan No. 26—City West—Map 2, Sheet 1—Ultimo-Pymont Precinct—Land Use Zones”.

Map 3 means the map marked “Sydney Regional Environmental Plan No. 26—City West. Map 3, Sheet 1—Ultimo-Pyrmont Precinct—Building Heights”.

Map 4 means the map marked “Sydney Regional Environmental Plan No. 26—City West. Map 4, Sheet 1—Ultimo-Pyrmont Precinct—Heritage and Conservation”.

Map 5 means the map marked “Sydney Regional Environmental Plan No. 26—City West. Map 5, Sheet 1—Ultimo-Pyrmont Precinct—Master Planning”.

Master Plan means a Master Plan, as in force for the time being, adopted by the Minister.

Precinct means a precinct within City West established by this plan or any amendment of this plan.

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

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

Residential development means use of land for any form of housing, including that leased on a short term basis, but does not include a hotel, an apartment hotel (being a building consisting of suites of rooms rented or hired out without leases on a short term basis) or a motel.

Ultimo-Pyrmont Precinct means the land shown edged heavy black on Map 2, Sheet 1.

Urban development plan means an urban development plan, as in force for the time being, adopted by the Minister.

Utility undertaking means any undertaking carried on by or under the authority of any Government department, or pursuant to any Commonwealth or State Act, for the purpose of:

- railway, light railway, road, water or air transport, or wharf or river undertakings; or
- the provision of sewerage or drainage services; or
- the supply of water, hydraulic power, electricity or gas; or
- telecommunication facilities.

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

(Cl. 9)

Determination of certain pending development applications

1. Any local environmental plan or deemed environmental planning instrument that would, if it had not been repealed by this plan, apply to the determination of a development application pending at the commencement of this plan for consent to development relating to a Precinct is taken to continue in force and to so apply.

Part 3 does not prohibit the granting of consent to any such development application, but the consent authority should take that Part into consideration before determining the application.

Assessment of certain activities

2. State Environmental Planning Policy No. 13—Sydney Heliport is taken to continue in force to allow an application pending at the commencement of this plan for the approval of an activity relating to a heliport to be dealt with under Part 5 of the Act and to allow that activity without development consent, if the approval is granted.

SCHEDULE 3—DEVELOPMENT NOT REQUIRING CONSENT

(Cl. 13)

The following development does not require consent:

- Development for which consent is not required because of State Environmental Planning Policy No. 4—Development Without Consent, except the erection of a dwelling-house referred to in clause 6A of that policy.
- Construction and use of aids to navigation, maintenance dredging by the Maritime Services Board and maintenance of mooring facilities.
- Development referred to in clause 35 of the Environmental Planning and Assessment Model Provisions 1980. (For the purposes of this plan, the reference in clause 35 (c) of those Provisions to dwelling-houses includes a reference to any dwellings.)
- Demolition of the following (unless part of a heritage item):
 - advertising structures, sheds, kiosks, garages, roof structures (such as plant rooms and cooling towers), shop fronts, internal walls and ceilings, partitions, stairs and ducts.

SCHEDULE 4—HERITAGE ITEMS

(Cl. 28)

1. 81 Broadway
2. 9–13 Broadway
3. 1–7 Broadway
4. Sydney Technical College, Cnr. Wattle and Thomas Sts
5. Counselling Building, Sydney Technical College
6. Administration Building A, Sydney Technical College
7. Hall Building B, Sydney Technical College
8. Technological Museum, Mary Ann and Harris Sts
9. Terraces 578, 582–590, 596–606 Harris St
10. Commercial Building, 608–614 Harris St
11. Terraces 68–80 Mary Ann St
12. Terraces 629–637 Harris St
13. Terraces 597–607 Harris St
14. Terraces 77–79 Macarthur St
15. Vulcan Hotel, 496–500 Wattle St
16. Terraces 111–187 Jones St
17. Terraces 12–22 Mary Ann St
18. Terraces 430–444 Wattle St
19. Warehouse 99–109 Jones St
20. Terraces 50–52 Macarthur St
21. Terraces 66–80 Macarthur St
22. Miller's Self Storage, 492–516 Jones St
23. Terraces 286–340, Bulwara Road
24. Terraces 11–63 Hackett St
25. Powerhouse Museum, William Henry St
26. Childcare Centre, 494 Harris St
27. Glasgow Arms Hotel, 527–529 Harris St
28. House, 103 William Henry St
29. Former Woolstore (facade), 17–59 William Henry St
30. No. 1 Sewage Pumping Station, Pier St
31. AML&F Woolstores No 1 & 2, 115 Quarry St
32. Bristol Arms Hotel, 424–426 Harris St
33. Ultimo Uniting Church Group, 97 Quarry St
34. Terraces 102–104 Quarry St
35. Terraces 246–262 Bulwara Rd
36. Terraces 33–39 Ada Place
37. Terraces 451–455 Harris St
38. Terraces 50–52 Ada Place
39. Terraces 94–98 Quarry St
40. Lord Wolseley Hotel, 265 Bulwara Rd
41. Former Woolstore, 41–45 Jones St
42. Former Woolstore, 28–40 Wattle St

43. Electricity Sub-station, 8 Henry Avenue
44. City Council, Terraces 286–318 Jones St
45. Edwin Davey and Sons, Flour Mills, 2A Allen St
46. Woolbrokers Arms Hotel, 22 Allen St
47. Former Woolstore, 24 Allen St
48. Terraces 224–302 Harris St
49. Commercial Premises, 304–308 Harris St
50. Pymont Fire Station, Gipps St
51. MMI Building, 47–49 Murray St
52. Pymont Bridge Road Hotel, 11 Pymont Bridge Road
53. Westpac Bank Archives, 17–21 Pymont Bridge Road
54. Waite and Bull Building, 137 Pymont St
55. Water Board Pumping Station, 10A Wattle St
56. Quarryman's Hotel, 214–216 Harris St
57. Dunkirk Hotel, 205–207 Harris St
58. Terraces 189–203 Harris St
59. Bonnington and Company Building, 179 Harris St
60. Terraces 135–155 Harris St
61. Terraces 1–21 Paternoster Row
62. Commercial Building, 1 Union St
63. Terraces 2–22 Union St
64. Pymont Post Office, 146–150 Harris St
65. Terraces 99–125 Harris St
66. Pymont Bridge Hotel, 94 Union St
67. The New York Hotel, 50 Union St
68. Charmelu, 35 Union St
69. Festival Records Pty Ltd, 63–79 Miller St
70. Building A, Pymont Power Station, 42 Pymont St
71. Schute, Bell, Badgery, Lumby Ltd, 47–69 Pymont St
72. CSR Hostel, 79–85 Harris St
73. Terraces 31–41 Mount St
74. McCaffery's Building, 17 Mount St
75. Terraces 5–15 Mount St
76. Terraces 75–77 John St
77. John St Annex, John St
78. Terminus Hotel, 61 Harris St
79. Terraces 63–65 Harris St
80. Terrace 67 Harris St
81. Sandstone Bakery, 82 Harris St
82. Terraces 74–80 Harris St
83. Cottages, 27–29 Pymont St
84. St Bede's School, St Bede's Church & Rectory, 37–43 Pymont St
85. Royal Pacific Hotel, 59 Harris St
86. Terraces 54–66 John St
87. Pymont Arms Hotel, 42–44 Harris St

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88. Cooperage Building, CSR, Bowman St
 89. Main Office, CSR, Bowman St
 90. Laboratory B, CSR, Bowman St
 91. Tablet House, CSR, Bowman St
 92. Gate House, CSR, Bowman St
 93. Store House, CSR, Bowman St
 94. Terraces, 120–140 Bowman St and 83 Point St
 95. Way's Terrace, 12–20 Point St
 96. Cottage, 4 Ways Terrace
 97. Naval Stores Building, Jones Bay Rd, Darling Island
 98. Naval Warehouse, Wharf, Darling Island
 99. Wharves and Sheds, Wharf 19, 20, 21, Jones Bay Road
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