

1995—No. 106

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 26—CITY  
WEST (AMENDMENT No. 4—AFFORDABLE HOUSING)**

NEW SOUTH WALES



*[Published in Gazette No. 23 of 3 March 1995]*

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.

ROBERT WEBSTER MLC  
Minister for Planning.

Sydney, 1 March 1995.

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**PART 1—INTRODUCTION**

**Title**

1. This Plan may be called Sydney Regional Environmental Plan No. 26—City West (Amendment No. 4—Affordable Housing).

**Area covered by this plan**

2. This plan applies to the land in the Ultimo-Pyrmont Precinct which is part of City West in the Sydney Region and is the land indicated by heavy black edging on Sheet 1 of the Map marked “Sydney Regional Environmental Plan No. 26—City West. Map 2” deposited in the head office of the Department of Planning.

**Aim of this plan**

**3.** The aim of this plan is to maintain a socially diverse residential population representative of all income groups within the Ultimo-Pyrmont Precinct of City West by ensuring that housing for very low, low and moderate income households is provided within that Precinct.

That aim is directed at achieving the objects of the Environmental Planning and Assessment Act 1979, in particular, the object of encouraging:

- (a) the proper management, development and conservation of natural and man-made resources, including cities, for the purpose of promoting the social and economic welfare of the community and a better environment; and
- (b) the promotion and co-ordination of orderly and economic use and development of land; and
- (c) the provision of land for public purposes.

This plan is also directed at protecting, improving and utilising, to the best advantage, the environment.

**PART 2—AMENDMENTS****Amendment of Sydney Regional Environmental Plan No. 26—City West**

**4.** Sydney Regional Environmental Plan No. 26—City West is amended:

- (a) by inserting after Part 3 the following Part:

**PART 4—AFFORDABLE HOUSING IN THE  
ULTIMO-PYRMONT PRECINCT**

**What are “affordable housing”, the “Affordable Housing Program” and “total floor area”?**

55. In this Part, “affordable housing” means rented housing occupied by very low, low and moderate income households provided and managed under the Affordable Housing Program in accordance with the affordable housing principles.

The gross incomes of such households fall within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:

Very low income household .....	less than 50%
Low income household .....	50 or more but less than 80%
Moderate income household .....	80–120%

In this Part, “**Affordable Housing Program**” means an official program, as adopted by the Minister from time to time, for the provision and management of affordable housing in the Ultimo-Pyrmont Precinct in accordance with the affordable housing principles. Copies of the program are available from the Department of Planning’s Head Office.

In this Part, “**total floor area**” means the total of the areas of each floor of a building. The area of each such floor is taken to be the area within the outer face of the external enclosing walls, but excluding:

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

**What are the affordable housing principles?**

56. For the purposes of this Part, the “**affordable housing principles**” are as follows:

1. Affordable housing is to be created and managed in the Ultimo-Pyrmont Precinct so that a socially diverse residential population representative of all income groups is maintained within that Precinct.
2. Affordable housing is to be made available to a mix of very low, low and moderate income households.
3. Affordable housing is to be rented to appropriately qualified tenants and at an appropriate rate of gross household income.
4. Buildings provided for affordable housing are to be managed so as to maintain their continued use for affordable housing.
5. Rental from affordable housing, after deduction of normal landlord’s expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), is generally to be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing in the Ultimo-Pyrmont Precinct.

6. Affordable housing is to consist of dwellings constructed to a standard which, in the opinion of the consent authority, is consistent with other dwellings within the Ultimo-Pyrmont Precinct and having an average total floor area of not less than 100 square metres.

**Matters for consideration by consent authority**

57. Before granting consent to any proposed development of land in the Residential or Residential-Business Zone within the Ultimo-Pyrmont Precinct, the consent authority must take into consideration the planning principles for City West and for the Ultimo-Pyrmont Precinct, the affordable housing principles and the following:

- the need for development to provide different kinds of housing, including affordable housing, to ensure that very low, low and moderate income households may continue to afford to live in City West;
- the impact of the proposed development on the existing housing within the Ultimo-Pyrmont Precinct for very low, low and moderate income households;
- the impact of the proposed development on the existing mix and likely future mix of residential housing stock within City West.

**Inclusion of affordable housing in development**

58. Before granting consent to the carrying out of development (other than subdivision) on land in the Residential or Residential-Business Zone within the Ultimo-Pyrmont Precinct, the consent authority must be satisfied that not less than the following amount of the total floor area to which the development application relates will be used for the purpose of affordable housing in accordance with the affordable housing principles and the Affordable Housing Program:

- 0.8% of so much of that total floor area as is intended to be used exclusively for residential purposes; and
- 1.1% of so much of that total floor area as is not intended to be used exclusively for residential purposes; and
- if the percentage required to be provided would be insufficient to provide complete dwellings, such extra amount of that total floor area as may be necessary to provide complete dwellings each with a total floor area of at least 100 square metres.

It does not matter whether the area concerned was in existence before, or is created after, the commencement of this Part, or whether or not the area concerned replaces a previously existing area.

**Contribution of money an alternative to including affordable housing in development**

59. Clause 58 does not require the provision of affordable housing if the consent authority is satisfied that:

- a monetary contribution has been or will be provided, by or on behalf of the applicant for development consent, for use in the Ultimo-Pyrmont Precinct for the purpose of providing affordable housing in accordance with the affordable housing principles; and
- the amount of the contribution has been calculated in accordance with this clause as equivalent to the value of the total floor area that would otherwise be required by clause 58 to be provided for use for affordable housing, except any extra amount of area included to provide complete dwellings in accordance with that clause.

Demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of any amount that has been contributed under this clause for use for affordable housing.

**Conditions of development consent to give effect to this Part**

60. The consent authority for the carrying out of development (other than subdivision) on land in the Residential or Residential-Business Zone within the Ultimo-Pyrmont Precinct may impose conditions on any consent for such development for the purpose of giving effect to this Part.

In particular, any such condition may be imposed to ensure that any affordable housing that is to be provided under clause 58 is provided in accordance with the affordable housing principles or that any contribution that is to be provided under clause 59 is so provided.

**Provision of affordable housing where subsequent development occurs**

61. A percentage of the total floor area to which a development application relates is not required by clause 58 to be provided for use for the purpose of affordable housing if the consent authority is satisfied that:

- the total floor area is the same as or, because of redevelopment of a site, will replace an equivalent area that was the subject of a former development application granted after the commencement of this Part; and
- the same percentage of that total floor area has already been provided for use for affordable housing as required by clause 58 or a contribution has already been paid in relation to that total floor area as allowed by clause 59.

**Development excepted from this Part**

62. Clause 58 does not apply to the following development (or to so much of any mixed development that consists of the following development):

- development for the purpose of public housing; or
  - development for the purpose of affordable housing; or
  - development for the purpose of community facilities; or
  - development for residential purposes that will result in the creation of less than 200 square metres of total floor area; or
  - development for non-residential purposes that will result in the creation of less than 60 square metres of total floor area; or
  - development for the purpose of a public road, a light rail or railway undertaking or a public utility undertaking or facility, and no other purpose.
- (b) by omitting from Schedule 1 the definition of “Affordable housing” and by inserting instead the following definition:

**Affordable housing** has the meaning given to that expression in Part 4.

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