



New South Wales

Sydney Regional Environmental Plan No 26—City West (Amendment No 9)

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*.
(S00/00156/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 20th June 2001.

2001 No 445

Clause 1 Sydney Regional Environmental Plan No 26—City West
(Amendment No 9)

Sydney Regional Environmental Plan No 26—City West (Amendment No 9)

1 Name of plan

This plan is *Sydney Regional Environmental Plan No 26—City West (Amendment No 9)*.

2 Aims of plan

This plan aims to amend *Sydney Regional Environmental Plan No 26—City West* so as:

- (a) to make further provision for the redevelopment of City West by updating and improving provisions of that plan, particularly for the Ultimo-Pyrmont Precinct of City West, and
- (b) to identify sites in the Residential-Business Zone under that plan where residential uses will not be allowed to help ensure that a reasonable mix of employment and residential uses are achieved in Ultimo-Pyrmont, and
- (c) to ensure that positive covenants in favour of public authorities are not suspended by that plan, and
- (d) to revise the provisions of that plan relating to the making, amendment and duration of Master Plans, and
- (e) to refine other provisions of that plan to improve the administration of planning controls and improve environmental outcomes for City West.

3 Land to which plan applies

This plan applies to the land to which *Sydney Regional Environmental Plan No 26—City West* applies.

4 Amendment of Sydney Regional Environmental Plan No 26

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 7

Omit the clause. Insert instead:

7 Suspension of covenants and other instruments

Any agreement, covenant or other similar instrument does not apply to development allowed by this plan to the extent necessary to allow the development to be carried out in accordance with this plan, and any consent granted pursuant to this plan, as in force from time to time.

This clause does not affect the application of any of the following:

- any agreement, covenant or other similar instrument entered into, before or after the commencement of this clause, by the Minister, Sydney City Council, South Sydney City Council or the Sydney Harbour Foreshore Authority, or
- any covenant required, before or after the commencement of this clause, by a condition of a development consent or by the Minister, Sydney City Council, South Sydney City Council or the Sydney Harbour Foreshore Authority.

The Governor approved of this clause before *Sydney Regional Environmental Plan No 26—City West (Amendment No 9)* was made.

[2] Clause 8 Definitions

Insert at the end of the clause:

To the extent that any particulars shown on a Sheet specified in the definition of a map in Schedule 1 are inconsistent with particulars shown on a Sheet listed later in that definition, the particulars shown on the Sheet listed later prevail.

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Schedule 1 Amendments

[3] **Clause 11 Planning principles of regional significance for City West**

Omit the second paragraph under the heading “**Environmental Issues**” in the Table to the clause.

Insert instead:

Development in City West is to have regard to the principles of ecologically sustainable development (namely, the precautionary principle, inter-generational equity, conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms).

Development in City West is to:

- incorporate measures to minimise waste, including (where practicable) utilising recycled materials and renewable building resources, recycling building and demolition wastes, and providing facilities for recycling and composting, and
- implement total water cycle management, including (where practicable) reducing consumption of potable water, treating and recycling waste water for re-use, minimising site run-off and stormwater generation, and reusing stormwater, and
- incorporate measures to conserve energy, including (where practicable) reducing energy consumption, and increasing inherent energy efficiency through design and materials selection, and
- promote biological diversity by measures that include (where practicable) increasing habitat through appropriate retention, planting and maintenance of native flora considered representative of the locality, and
- complement and reinforce the development and use of the existing and planned integrated public transport, pedestrian and cycling networks in City West.

[4] **Clause 14 Consent authority**

Omit “(except land indicated on Map 5 as requiring a Master Plan for which the Minister is the consent authority)” wherever occurring.

[5] Clause 14

Omit “However:” and the following two dot point paragraphs.

Insert instead:

However, the Minister is the consent authority for a development application relating to a site area the whole or any part of which is land for which a Master Plan is required if:

- the development application is lodged before the Minister has, by order published in the Gazette, declared that the land is a completed Master Plan site, and
- the development proposed is not a strata or neighbourhood scheme subdivision.

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

Omit the paragraphs under the heading, and the heading, “**Ecologically Sustainable Development**” from the matter in Part 1 of the Table (relating to the Ultimo-Pyrmont Precinct).

[7] Clause 15, Table

Omit the last paragraph under the heading “**Role and Land Use Activities**” from the matter in Part 2 of the Table (relating to the Eveleigh Precinct).

[8] Clause 15, Table

Omit the second last paragraph under the heading “**Role and Land Use Activities**” from the matter in Part 3 of the Table (relating to the Bays Precinct).

[9] Clause 16 How land is zoned

Omit “and rail and light rail transport undertakings and facilities”.

Insert instead “, rail and light rail transport undertakings and facilities, fire stations and other emergency services facilities,”.

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Schedule 1 Amendments

[10] **Clause 18 Residential-Business Zone**

Omit the last paragraph. Insert instead:

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

Residential development (other than for the purpose of dwellings for employees of a business use located on the same site) is prohibited on land within this zone that is identified by the words “Non-Residential Development” on Map 6.

[11] **Clause 20A Railways Zone**

Insert “, Freight Rail Corporation and Rail Access Corporation” after “State Rail Authority”.

[12] **Clause 26 Graduated building heights adjacent to heritage items and conservation areas**

Omit “scale”. Insert instead “height”.

[13] **Clauses 27 and 27B**

Insert at the end of each clause:

For the purposes of this clause, *business floor space* does not include any part of the gross floor area of a building occupied by a work-based child care centre.

[14] **Clauses 27A Floor space limits in non-Master Plan areas in Ultimo-Pyrmont Precinct**

Insert at the end of the clause:

For the purposes of this clause, *business floor space* does not include any part of the gross floor area of a building occupied by a work-based child care centre and any such part is taken not to be subject to a business use.

[15] Clauses 36, 37, 38 and 44

Omit “Director” wherever occurring. Insert instead “Director-General”.

[16] Clause 42 Preparation of Master Plans

Insert “or by the Director-General” after “concerned”.

[17] Clause 42

Omit “with the Director”.

Insert instead “between the owner or lessee and the Director-General”.

[18] Clause 42

Omit “by the Director”. Insert instead “by the Director-General”.

[19] Clause 43 Consultation

Omit “Director”, except where secondly occurring.

Insert instead “Director-General”.

[20] Clause 43

Omit “submitted to the Director by or on behalf of the owner or lessee of the land concerned must be advertised”.

Insert instead “must be advertised in a newspaper circulating in the locality”.

[21] Clause 45 Amendment of Master Plan

Omit “request of the Director”.

Insert instead “request of the Director-General, or may be prepared by the Director-General”.

[22] Clause 45

Omit “Director”, except where firstly occurring.

Insert instead “Director-General”.

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[23] Clause 45

Insert at the end of clause 45:

An amendment to a Master Plan may be dealt with concurrently with a development application relating to the amendment.

[24] Clause 46 Expiration of Master Plan

Omit the clause.

[25] Clause 51

Omit the clause. Insert instead:

51 Advertising of certain development applications

Development that is proposed by a development application made after the commencement of *Sydney Regional Environmental Plan No 26—City West (Amendment No 9)* is advertised development for the purposes of the Act if, in the opinion of the consent authority, the development:

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

This clause ceases to have effect when a development control plan that provides for notice to be given of the proposed development to which this clause applies is approved by the Director-General.

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

Omit “Director of Planning” wherever occurring.

Insert instead “Director-General”.

[27] Schedule 1 Definitions

Omit “Director” from the definition of *Conservation policy*.

Insert instead “Director-General”.

[28] Schedule 1

Insert “, as amended by the maps marked as follows:” after “City West Area” at the end of the definition of *Map 1*.

[29] Schedule 1

Insert at the end of the definition of *Map 1*:

Sydney Regional Environmental Plan No 26—City West.
Map 1—City West Area (Amendment No 9)

[30] Schedule 1

Insert at the end of the definition of *Map 2*:

Sheet 1—Ultimo-Pyrmont Precinct—Land Use Zones
(Amendment No 9)

[31] Schedule 1

Insert at the end of the definition of *Map 3*:

Sheet 1—Ultimo-Pyrmont Precinct—Permissible Building
Heights (Amendment No 9)

[32] Schedule 1

Insert at the end of the definition of *Map 4*:

Sheet 1—Ultimo-Pyrmont Precinct—Heritage and
Conservation (Amendment No 9)

[33] Schedule 1

Insert at the end of the definition of *Map 5*:

Sheet 1—Ultimo-Pyrmont Precinct—Master Planning
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Schedule 1 Amendments

[34] Schedule 1

Insert after the definition of *Map 5*:

Map 6 means the map marked “Sydney Regional Environmental Plan No 26—City West. Map 6”, consisting of the Sheets marked as follows:

Sheet 1—Ultimo-Pyrmont Precinct—Non-Residential Development (Amendment No 9)

[35] Schedule 1

Insert in alphabetical order:

Work-based child care centre means a building or place provided by an employer for the purpose of minding or caring for children of its employees.

[36] Schedule 4 Heritage items

Omit items 15 and 117 from Part 1. Insert instead, respectively:

15 Vulcan Hotel, 498–500 Wattle St

117 Terrace houses 142–168 Pyrmont St

BY AUTHORITY