



New South Wales

State Environmental Planning Policy Amendment (Pymont Peninsula) 2022

under the

Environmental Planning and Assessment Act 1979

His Honour the Administrator, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy Amendment (Pymont Peninsula) 2022

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Pymont Peninsula) 2022*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

4 Maps

The maps adopted by *Sydney Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

Schedule 1 **Amendment of Sydney Local Environmental Plan 2012**

[1] **Part 6, Division 6**

Insert after Part 6, Division 5—

Division 6 Pyrmont Peninsula

6.61 Preliminary

(1) In this Division—

Pyrmont Peninsula Design Guidelines means the *Pyrmont Peninsula Design Guidelines*, published by the Department on 29 July 2022 and available on the NSW Planning Portal.

Pyrmont Peninsula Urban Design Report means the *Pyrmont Peninsula Urban Design Report*, published by the Department on 29 July 2022 and available on the NSW Planning Portal.

(2) Clause 6.21D(3) does not apply to a building on land to which clause 6.63, 6.64, 6.65 or 6.66 applies.

6.62 Concurrence of Planning Secretary

(1) Development consent must not be granted to development under this Division unless the consent authority has obtained the concurrence of the Planning Secretary.

(2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—

(a) the impact of the development on—

- (i) existing designated State public infrastructure, and
- (ii) the need for additional designated State public infrastructure,

(b) the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—

- (i) existing designated State public infrastructure, and
- (ii) the need for additional designated State public infrastructure,

(c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure,

(d) the *Pyrmont Peninsula Infrastructure Delivery Plan*, published by the Department on 29 July 2022 and available on the NSW Planning Portal.

(3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.

(4) The concurrence of the Planning Secretary is not required if all or part of the land on which the development will be carried out is in a special contributions area to which a determination under the Act, section 7.23 applies.

(5) In this clause—

designated State public infrastructure means public facilities or services of the following kinds, provided or financed by the State or, if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) regional parks and public spaces,
- (e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

6.63 Part of Star Casino at 20–80 Pymont Street, Pymont

- (1) This clause applies to land at 20–80 Pymont Street, Pymont shown as “Area A”, “Area B” and “Area C” on the Locality and Site Identification Map.
- (2) The maximum height for a building in “Area A” is RL 51.8m if the consent authority is satisfied—
 - (a) the building will—
 - (i) be used for the purposes of entertainment facilities, and
 - (ii) not be used for the purposes of residential accommodation, and
 - (b) the development is consistent with the Pymont Peninsula Urban Design Report.
- (3) The maximum height for a building in “Area B” is RL 110m if the consent authority is satisfied—
 - (a) the building will—
 - (i) be used for the purposes of hotel or motel accommodation and ancillary retail premises and function centres, and
 - (ii) not be used for the purposes of residential accommodation, and
 - (b) the development is consistent with—
 - (i) the Pymont Peninsula Urban Design Report, and
 - (ii) the Pymont Peninsula Design Guidelines.
- (4) The maximum height for a building in “Area C” is RL 35.3m if the consent authority is satisfied—
 - (a) the building will not be used for the purposes of residential accommodation, and
 - (b) the development is consistent with the Pymont Peninsula Urban Design Report.

6.64 UTS buildings at Harris Street, Ultimo

- (1) This clause applies to development on Lot A, DP 87139, Lot 1, DP 87261 and Lot 9, DP 86567, 622–632, 634–642 and 644–644A Harris Street, Ultimo.
- (2) If the consent authority is satisfied the development is consistent with the Pymont Peninsula Urban Design Report and the Pymont Peninsula Design Guidelines—
 - (a) the maximum height for a building is RL 68m, and
 - (b) the maximum floor space ratio is 5.93:1.

6.65 Part of Pymont Station complex at 37–69 Union Street, Pymont

- (1) This clause applies to Lot 1, DP 620352, 37–69 Union St, Pymont.
- (2) If the consent authority has considered the Pymont Peninsula Design Guidelines—

- (a) the maximum height for a building is RL 120m, and
- (b) the maximum floor space ratio is 9:1.
- (3) Floor space used for the purposes of rail infrastructure facilities, within the meaning of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 15, is excluded for the purposes of calculating the floor space ratio.

6.66 Part of Pymont Station complex at 26–32 Pymont Bridge Road, Pymont

- (1) This clause applies to Lot 10, DP 1028280, 26–32 Pymont Bridge Road, Pymont.
- (2) If the consent authority has considered the Pymont Peninsula Design Guidelines, the maximum height for a building is RL 37.75m.

[2] Clause 7.13 Contribution for purpose of affordable housing

Insert “, on Pymont Peninsula land” after “Green Square” in clause 7.13(2A).

[3] Clause 7.13(2B)

Insert “, other than Pymont Peninsula land,” after “Ultimo-Pymont”.

[4] Clause 7.13(4)(a)

Insert “other than Pymont Peninsula land” after “Ultimo-Pymont”.

[5] Clause 7.13(4)(b)

Insert “Pymont Peninsula land,” after “or on”.

[6] Clause 7.13(4A)

Insert after clause 7.13(4)—

- (4A) The *City of Sydney Affordable Housing Program* applies to Pymont Peninsula land for the purposes of this clause as if Pymont Peninsula land was land at Green Square.

[7] Clause 7.13(6)

Insert in alphabetical order—

Pymont Peninsula land means land to which clause 6.63, 6.64, 6.65 or 6.66 applies.