

# Sydney Regional Environmental Plan No 26—City West (1992 EPI 564)

[1992-564]



New South Wales

## Status Information

### Currency of version

Repealed version for 26 November 2021 to 28 February 2022 (accessed 18 July 2024 at 3:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Deemed SEPP**  
From 1 July 2009 this plan is taken to be a State environmental planning policy (see clause 120 of Schedule 6 to the [Environmental Planning and Assessment Act 1979](#)).
- **Repeal**  
This Policy was repealed by [State Environmental Planning Policy \(Precincts—Eastern Harbour City\) 2021 \(726\)](#), Sch 9, sec 9 with effect from 1.3.2022.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 26 November 2021

# Sydney Regional Environmental Plan No 26—City West (1992 EPI 564)



New South Wales

## Contents

<b>Part 1 Introduction</b> .....	6
1 Name of plan .....	6
2 Area covered by this plan .....	6
3 Precincts .....	6
4 Aims of this plan .....	6
5 How environmental planning instruments affect City West .....	7
6 Repeal of SEPP 13—Sydney Heliport .....	7
7 Suspension of covenants and other instruments .....	7
8 Definitions .....	8
9 Savings and transitional provisions .....	8
<b>Part 2 City West</b> .....	8
10 Land covered by this Part .....	8
11 Planning principles of regional significance for City West .....	8
<b>Part 3 Precincts</b> .....	11
<b>Division 1 Land to which Part 3 applies</b> .....	11
12 Land covered by this Part .....	11
<b>Division 2 Development consent</b> .....	11
13 General requirement for development consent .....	11
14 Consent authority .....	11

14A Subdivision—consent requirements .....	12
<b>Division 3 Planning principles for Precincts</b> .....	12
15 Planning principles of regional significance for Precincts .....	12
<b>Division 4 Zoning</b> .....	17
16 How land is zoned .....	17
17 Residential Zone .....	17
18 Residential-Business Zone .....	18
19 Public Recreation Zone .....	18
20 Waterways Zone .....	19
20A Railways Zone .....	19
20B Waterfront Use Zone .....	20
20C Port and Employment Zone .....	20
21 Use of unzoned land .....	21
21A (Repealed) .....	21
21B Activity Strips .....	21
21C Advertising .....	21
22 Temporary and interim uses .....	21
<b>Division 5 Building height and floor space controls</b> .....	22
23 Maximum building heights .....	22
24 Application of urban design planning principles .....	22
25 Landmark locations .....	22
26 Graduated building heights adjacent to heritage items and conservation areas .....	22
26A Scale and alignment of building facades .....	22
27 Floor space limits in Master Plan areas in Ultimo-Pyrmont Precinct .....	23
27A Floor space limits in non-Master Plan areas in Ultimo-Pyrmont Precinct .....	23
27B Floor space limits in Eveleigh Precinct .....	24
27C Application of design and height controls for maximum floor space ratios in non-Master Plan areas .....	24
27D Exceptions to development standards .....	24
<b>Division 6 Heritage conservation</b> .....	26
28 Heritage items and conservation areas .....	26

29 General considerations .....	26
30 Duty of consent authority .....	26
31 Conservation management plans and heritage impact statements .....	26
32 Demolition of heritage items .....	27
33 Potential archaeological sites .....	27
<b>Division 7 Urban development plans .....</b>	<b>27</b>
34 Use of plans .....	27
35 Content of plans .....	27
36 Preparation of draft plans .....	27
37 Consultation .....	28
38 Adoption of plans and amendments .....	28
39 Availability of plans .....	28
<b>Division 8 Master Plans .....</b>	<b>28</b>
40 Requirement for and use of Master Plans .....	28
41 Content of Master Plans .....	28
42 Preparation of Master Plans .....	29
43 Consultation .....	29
44 Adoption of Master Plans and amendments .....	30
45 Amendment of Master Plans .....	30
46 (Repealed) .....	30
47 Availability of Master Plans .....	30
48 Flexible uses of land requiring a Master Plan .....	30
48A Flexible building heights on land requiring a Master Plan .....	31
<b>Division 8A Prohibited land uses .....</b>	<b>31</b>
48B Pawnbrokers shops and money lending businesses .....	31
<b>Division 9 Miscellaneous provisions .....</b>	<b>32</b>
49 Land decontamination .....	32
49A Removal of sandstone .....	32
50, 51 (Repealed) .....	32
52 Views of other bodies about development in Precincts .....	32
53 Views of other bodies about development within Waterways Zone .....	32

54 Acquisition of land .....	33
<b>Part 3A Temporary use of land for the purpose of a school at Wentworth Park</b>	
.....	33
54A Temporary use of land for the purpose of a school at Wentworth Park.....	33
<b>Part 4 (Repealed)</b> .....	34
<b>Schedule 1 Definitions</b> .....	34
<b>Schedule 2 Savings and transitional provisions</b> .....	38
<b>Schedule 3 Development not requiring consent</b> .....	38
<b>Schedule 4 Heritage items</b> .....	40

# Sydney Regional Environmental Plan No 26—City West (1992 EPI 564)



New South Wales

## Part 1 Introduction

### 1 Name of plan

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

### 2 Area covered by this plan

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 and such of that land as is within waters to which *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* applies.

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

However, this plan does not apply to land to which *Sydney Local Environmental Plan 2012* applies.

### 3 Precincts

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.

The “Eveleigh Precinct” is created by *Sydney Regional Environmental Plan No 26—City West (Amendment No 1—Eveleigh Precinct)* and is the land indicated by heavy black edging on Map 2, Sheet 2.

The “Bays Precinct” is created by *Sydney Regional Environmental Plan No 26—City West (Amendment No 7—Bays Precinct)* and is the land indicated by heavy black edging on Map 2, Sheet 3.

### 4 Aims of this plan

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.

## **5 How environmental planning instruments affect City West**

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 within 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*

*South Sydney Local Environmental Plan No 107 (Erskineville/Alexandria and Surry Hills), and*

*Interim Development Order No 27—Municipality of Leichhardt, and*

*Leichhardt Local Environmental Plan No 20, and*

any other local environmental plan or deemed environmental planning instrument.

## **6 Repeal of SEPP 13—Sydney Heliport**

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

## **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.

## **8 Definitions**

- (1) Certain terms used in this plan are defined in Schedule 1. 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.
- (2) Notes included in this plan do not form part of this plan.

## **9 Savings and transitional provisions**

The savings and transitional provisions in Schedule 2 have effect.

## **Part 2 City West**

### **10 Land covered by this Part**

This Part applies to City West.

### **11 Planning principles of regional significance for City West**

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 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.

### **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**

#### **12 Land covered by this Part**

This Part applies to each Precinct.

### **Division 2 Development consent**

#### **13 General requirement for development consent**

- (1) 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.
- (2) Nothing in this clause prevents exempt development or complying development from being carried out in accordance with [State Environmental Planning Policy \(Infrastructure\) 2007](#) on land to which that Policy applies.

#### **14 Consent authority**

The relevant council is the consent authority for the purposes of this Part, except as provided by the Act.

## 14A Subdivision—consent requirements

Land to which this plan applies may be subdivided, but only with development consent.

### Notes—

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

## Division 3 Planning principles for Precincts

### 15 Planning principles of regional significance for Precincts

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.

##### 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-Pyrmont 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.

### **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. In general the scale of street facades must respect the width of adjoining streets or lanes, adjoining heritage items or other contextual elements.

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 CSR 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.

## **Part 2 Eveleigh Precinct**

### **Role and Land Use Activities**

Public and private sector high technology industrial enterprises involved in research and development should be promoted within the Precinct. Advantage should be taken of the Precinct's proximity to the University of Sydney, the University of New South Wales and the University of Technology, Sydney.

Development in the Precinct is to include employment opportunities for people residing in, and in the vicinity of, the Precinct.

Development is to provide affordable housing which will supplement the existing housing within the Precinct.

Development is to allow the continued use of land within the Precinct for railway purposes by the State Rail Authority.

Development is to take advantage of Redfern Railway Station as a major regional public transport node.

The provision of on-site car parking within the Precinct is to be strictly limited and the use of public transport maximised.

Development is to make efficient use of surplus Government owned land and any heritage items located on that land.

Development is to incorporate cultural and community facilities to assist in meeting the needs of the various groups constituting the residential and working populations of the locality.

Development is to be compatible with and enhance the surrounding land uses in Waterloo, Redfern and Darlington.

### **Urban Design**

The height of new buildings should reflect and emphasise the topography of the Precinct, at the same time respecting the height and scale of heritage items.

New buildings within the Precinct that are close to the Precinct boundaries are to respect the character and height of buildings in their immediate vicinity.

Higher buildings may be accommodated towards the eastern part of the Precinct to the south of the Locomotive Workshop building and Garden Street, to provide a focus and symbol for development. Any such buildings should not compromise the environmental amenity, heritage significance and general scale of development in their locality.

Development involving former railway buildings and associated items of heritage significance is to result in their conservation and re-use.

### **Public Domain**

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

Links for pedestrians, cyclists and disabled people are to provide access to buildings and other places within the Precinct and access across the Precinct from Darlington to the Redfern/Waterloo commercial area.

## **Part 3 Bays Precinct**

### **Role and land use activities**

Development should reinforce and complement the role of the Precinct as a major inner-harbour port and maritime location. Development should recognise that the port operates for 24 hours of the day and that the generation of noise, lighting and traffic movement is necessarily associated with its operation.

Development in the Precinct is to provide for a mixture of commercial port, port-related, employment, waterfront and recreational uses, but is not to include residential development. The existing diversity and maritime character of the Precinct, particularly the mixed use of waterfront areas, should be retained.

Development is to take full advantage of the Precinct's location and its infrastructure, particularly rail or light rail facilities, for the port and other employment generating

activities.

Development is to encourage the environmental rejuvenation of the Precinct. Where possible, future development is to encourage the segregation of port traffic from residential and recreational areas.

Development is to make efficient use of surplus government owned land.

Development is to encourage the conservation of and adaptation for re-use of existing heritage items and structures for uses compatible with new development.

Development is to contribute to improved water quality in Rozelle Bay and Blackwattle Bay.

Development on the waterfront and on land adjoining Rozelle Bay and Blackwattle Bay is to enhance the environmental quality of those areas for all users.

### **Urban design**

Design principles to be developed in detailed planning should recognise the working industrial nature of the Precinct in close proximity to residential areas.

Development along the Precinct boundary should relate to and not adversely affect the adjoining street systems and built forms.

The siting and form of development in all areas must consider impacts on views from within the Precinct and to and across the Precinct from surrounding areas.

### **Public domain**

Public recreation areas are to provide for a range of recreational opportunities for those working in and visiting the Precinct.

The siting and form of development must consider creating, retaining and enhancing views and vistas from the water and public domain.

Links for pedestrians, cyclists, and persons with disabilities are to be provided through the Precinct and to link and integrate the Precinct with adjoining areas.

Links through the Precinct, including public access to the foreshores, should recognise the safety and security issues associated with commercial port and maritime activities.

Development should help to create a high quality public domain in the Precinct.

Master plans for all areas should identify opportunities for public recreation, public access through sites and links to adjoining pedestrian and cyclist networks.



## Division 4 Zoning

### 16 How land is zoned

Land in each Precinct is within one of the following zones—

Residential

Residential-Business

Public Recreation

Waterways

Railways

Waterfront Use

Port and Employment

The zoning of land is shown on Map 2.

Development for the purposes of roads, rail and light rail transport undertakings and facilities, fire stations and other emergency services facilities, and public utility undertakings are permissible in any zone.

### 17 Residential Zone

The only uses permissible in this zone are—

residential development; open space; recreational facilities; community facilities; non tertiary educational establishments; small-scale restaurants, retail outlets, commercial undertakings and professional services to serve the neighbourhood; public 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, 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.

Non-residential uses are not to be located above the ground floor level of buildings in this zone, except where Activity Strips (as referred to in clause 21B) are indicated on Sheet 1 of Map 2 and Sheet 1 (1995 Update) of Map 2 in which case non-residential uses are also permissible on the first floor.

### **18 Residential-Business Zone**

Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible in this zone.

The **objectives of this zone** are—

- 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.

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, particularly residential provision and amenity.

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.

### **19 Public Recreation Zone**

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, and
- in the Bays Precinct, in addition to the other objectives of this zone—to allow for the continued operation and development of Wentworth Park as a major public open space and recreational facility.

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.

## **20 Waterways Zone**

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 ferry 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.

## **20A Railways Zone**

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 the ongoing day-to-day operational activities of the State Rail Authority, Freight Rail Corporation and Rail Access Corporation, and
- to ensure that uses within the zone do not detrimentally impact on the use of adjoining land, and
- to provide for community facilities within and public access across the zone.

## **20B Waterfront Use Zone**

Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone.

The **objectives of this zone** are—

- to provide for development of water-based commercial and recreational activities, including facilities for the servicing, mooring, launching and storage of boats, and
- to allow a range of commercial maritime facilities (such as boating industry facilities, marinas, waterfront service operations, waterfront commercial and tourism facilities and uses associated with the servicing, temporary mooring, launching and storage of boats and uses ancillary to these), which will take advantage of the harbour location, and
- to provide public access within and across the zone and to facilitate the extension of the Ultimo-Pyrmont foreshore promenade from Blackwattle Bay to Rozelle Bay and link with public access networks surrounding the precinct, and
- to create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay.

Uses such as hotels, hotel apartments and tourist resort development will not be permitted.

## **20C Port and Employment Zone**

Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone.

The **objectives of this zone** are—

- to facilitate the continuation of commercial port uses, and
- to allow a range of commercial port facilities (such as buildings, structures, activities or operations and uses ancillary to these, associated with carrying goods from one port to another and associated with storage and handling and access to the port), and

- to encourage development on Glebe Island and land adjoining White Bay which requires close proximity to the port, and
- to encourage a mix of land uses which generate employment opportunities, particularly in relation to port and maritime uses, and
- to allow a mix of uses which generate employment opportunities in the White Bay Power Station site, and
- to provide for the ongoing rail access to the port and related activities, and
- to provide pedestrian and cyclist links with surrounding public access networks, and
- to encourage port-related uses which optimise use of existing rail facilities, and
- to provide road and rail access to port activities.

## **21 Use of unzoned land**

Development may be carried out on any land which is shown uncoloured on Map 2 only for a purpose which is permissible on land adjoining that land.

### **21A (Repealed)**

### **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.

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.

## **22 Temporary and interim uses**

The consent authority, while land is not being used for a purpose for which it is zoned, 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**

### **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.

### **24 Application of urban design planning principles**

Before granting consent to the erection of a building, the consent authority must be satisfied that 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.

### **25 Landmark locations**

Sheet 1 of Map 3 shows specific height limits for development in locations referred to on the map as “landmark locations”. The location to which such a limit relates may, with the agreement of the Minister in an adopted master plan, be altered if the consent authority is satisfied that the height of the development in the new location is consistent with the relevant urban design principles.

### **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 height between the building and either the heritage item or the buildings within the conservation area.

#### **26A Scale and alignment of building facades**

Before granting consent to the erection of a building, the consent authority must be satisfied that the scale and alignment of the building facades on the street boundary or

boundaries respects the width of the street, adjoining heritage items or other contextual elements, as may be defined in an urban development plan prepared and adopted under Division 7 of this plan, or defined in a Master Plan prepared and adopted under Division 8 of this plan.

**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.

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 centre-based child care facility (within the meaning of the Standard Instrument).

**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.

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

<b>Maximum building height limit for land on which building is situated</b>	<b>Maximum floor space ratio for residential uses</b>	<b>Maximum floor space ratio for business uses</b>
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—

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

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.

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 centre-based child care facility (within the meaning of the Standard Instrument) and any such part is taken not to be subject to a business use.

#### **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.

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 centre-based child care facility (within the meaning of the Standard Instrument).

#### **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.

#### **27D Exceptions to development standards**

(1) The objectives of this clause are as follows—



- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the

consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

- (7) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

## **Division 6 Heritage conservation**

### **28 Heritage items and conservation areas**

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

Conservation areas are identified on Map 4.

### **29 General considerations**

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.

### **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
- 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.

### **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.

### **32 Demolition of heritage items**

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.

#### **Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### **33 Potential archaeological sites**

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**

### **34 Use of plans**

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

### **35 Content of plans**

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.

### **36 Preparation of draft plans**

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

### **37 Consultation**

Before the Director-General 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-General (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.

### **38 Adoption of plans and amendments**

The Minister may adopt an urban development plan, or an amendment of any such plan, recommended for adoption by the Director-General 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.

### **39 Availability of plans**

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**

### **40 Requirement for and use of Master Plans**

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 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.

### **41 Content of Master Plans**

A Master Plan is a document consisting of written information, maps and diagrams that makes more detailed provisions relating to development of land for which a Master Plan is

required than this plan. A Master 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.

#### **42 Preparation of Master Plans**

A draft Master Plan may be prepared by or on behalf of the owner or lessee of the land concerned or by the Director-General.

A draft Master Plan should be prepared following consultation between the owner or lessee and the Director-General 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, implementing the guidelines set out in any applicable conservation policy, 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-General.

#### **43 Consultation**

Before the Director-General recommends that the Minister adopt a Master Plan—

- a draft of the plan must be advertised in a newspaper circulating in the locality, 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-General considers relevant must have been sought on the draft, and

- the Director-General must take into account any written submissions made about the content of the plan to the Director-General during the exhibition period.

#### **44 Adoption of Master Plans and amendments**

The Minister may adopt a Master Plan, or an amendment of any such plan, recommended for adoption by the Director-General 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-General 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-General during the exhibition period.

#### **45 Amendment of Master Plans**

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

The Director-General 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-General considers to be significant, the Director-General may arrange for it to be advertised and exhibited as required for a draft Master Plan.

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

#### **46 (Repealed)**

#### **47 Availability of Master Plans**

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

#### **48 Flexible uses of land requiring a Master Plan**

The Minister may consent to the use of part of any 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 land that is subject to the Master Plan 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 Master Plan area will not be increased as a result of granting the consent, and
- the total of the land available for public recreation areas within the Master Plan area 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.

#### **48A Flexible building heights on land requiring a Master Plan**

For land that is subject to a Master Plan, the Minister may adopt a Master Plan that identifies maximum building heights that exceed the maximum building height limits shown on Map 3.

The Minister may grant consent to the erection of buildings that exceed the maximum building heights shown on Map 3 but do not exceed the maximum identified on the adopted Master Plan. Before granting such a consent the Minister must be satisfied that the relevant adopted Master Plan has demonstrated that—

- a better pattern of building heights will result, and
- there are reductions in building heights on other sites in the Master Plan, and
- the urban design principles for City West and the Precinct set out in clauses 11 and 15 are achieved, and
- the higher heights do not adversely affect the quality of the adjoining public domain.

### **Division 8A Prohibited land uses**

#### **48B Pawnbrokers shops and money lending businesses**

The use of any building or place in the Ultimo-Pyrmont Precinct for the purpose of carrying on the business of a pawnbroker or any other moneylender is prohibited.

A pawnbroker is a person who carries on a business of lending money on the security of pawned goods.

This clause does not apply to the carrying on, in good faith and in the ordinary course of banking or mercantile transactions, of the business of a bank, building society or credit union.

## **Division 9 Miscellaneous provisions**

### **49 Land decontamination**

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.

### **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.

### **50, 51 (Repealed)**

### **52 Views of other bodies about development in Precincts**

- (1) Before granting consent to a development application in relation to land in the Eveleigh Precinct, the consent authority must, if the consent authority considers it appropriate, consult TfNSW.
- (2) Before granting consent to a development application in relation to land in the Bays Precinct, the consent authority must, if the consent authority considers it appropriate, consult TfNSW and the Port Authority of New South Wales.
- (3) The consent authority must consider any submissions received from TfNSW or the Port Authority of New South Wales, as relevant, within 21 days of giving notice of the application to the body.
- (4) In this clause—

**Port Authority of New South Wales** has the same meaning as in the [Ports and Maritime Administration Act 1995](#).

### **53 Views of other bodies about development within Waterways Zone**

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 21 days of giving notice of the application to the Board.



## **54 Acquisition of land**

The owner of the land within the Public Recreation Zone may, by notice in writing, require the City West Development Corporation to acquire the land. This clause does not apply to land owned by a public authority and held by the public authority for public recreation purposes.

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.

## **Part 3A Temporary use of land for the purpose of a school at Wentworth Park**

### **54A Temporary use of land for the purpose of a school at Wentworth Park**

- (1) Despite any other provision of this or any other environmental planning instrument, development is permitted without development consent if the development—
  - (a) is on land identified as “Subject Land” on the *Temporary use of Land for the Purpose of a School at Wentworth Park Map*, and
  - (b) is a temporary use of land for the purpose of a school (within the meaning of the Standard Instrument), and
  - (c) is carried out by or on behalf of a public authority, and
  - (d) does not result in a building with a building height (within the meaning of the Standard Instrument) greater than 12 metres, and
  - (e) does not continue after 31 December 2023.
- (2) Part 3 does not apply to development referred to in subclause (1).
- (3) Division 1 of Part 2 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* applies to development referred to in subclause (1) as if it were development that that Policy provides is development that may be carried out without consent.
- (4) A public authority, or a person acting on behalf of a public authority, must not carry out development referred to in subclause (1) unless the authority or person has—
  - (a) given written notice of the intention to carry out the development to TfNSW, and
  - (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.
- (5) In this clause—

**Standard Instrument** means the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

## Part 4

### 55-62 (Repealed)

## Schedule 1 Definitions

(Clause 8)

### Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this plan.

**Act** means the *Environmental Planning and Assessment Act 1979*.

**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.

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

**Bays Precinct** means the land shown edged heavy black on Map 2, Sheet 3.

**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.

**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 or educational purpose, but does not include residential development or public 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 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.

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

**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.

**Conservation policy** means the guidelines prepared by the Director-General for directing conservation management within a Precinct.

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

**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.

**Eveleigh Precinct** means the land shown edged heavy black on Map 2, Sheet 2.

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

**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 inner faces 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
- ancillary car parking 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** 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.

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

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

**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 (Second Edition)—City West Area", as amended by the maps marked as follows—

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

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

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

**Map 2** means the map marked “*Sydney Regional Environmental Plan No 26—City West—Map 2*”, consisting of the Sheets marked as follows—

Sheet 1—Ultimo-Pyrmont Precinct—Land Use Zones

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

Sheet 1—Ultimo-Pyrmont Precinct—Land Use Zones (Amendment No 2)

Sheet 2—Eveleigh Precinct—Land Use Zones

Sheet 1 (1995 Update)—Ultimo-Pyrmont Precinct—Land Use Zones

Sheet 3—Bays Precinct—Land Use Zones

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

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

**Map 3** means the map marked “*Sydney Regional Environmental Plan No 26—City West. Map 3*”, consisting of the Sheets marked as follows—

Sheet 1—Ultimo-Pyrmont Precinct—Permissible Building Heights

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

Sheet 2—Eveleigh Precinct—Permissible Building Heights

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

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

**Map 4** means the map marked “*Sydney Regional Environmental Plan No 26—City West. Map 4*”, consisting of the Sheets marked as follows—

Sheet 1—Ultimo-Pyrmont Precinct—Heritage and Conservation

Sheet 2—Eveleigh Precinct—Heritage and Conservation

Sheet 1 (1995 Update)—Ultimo-Pyrmont Precinct—Heritage and Conservation

Sheet 3—Bays Precinct—Heritage and Conservation

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

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

**Map 5** means the map marked “*Sydney Regional Environmental Plan No 26—City West. Map 5*”, consisting of the Sheets marked as follows—

Sheet 1—Ultimo-Pyrmont Precinct—Master Planning

Sheet 2—Eveleigh Precinct—Master Planning

Sheet 1 (1995 Update)—Ultimo-Pyrmont Precinct—Master Planning

Sheet 3—Bays Precinct—Master Planning

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

Sheet 1—Ultimo-Pyrmont Precinct—Master Planning (Amendment No 9)

**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)

**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.

**Public 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
- telecommunications facilities.

**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.

**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 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.

**Standard Instrument** means the standard instrument for a local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**Temporary use of Land for the Purpose of a School at Wentworth Park Map** means the map marked “Sydney Regional Environmental Plan No 26—City West Temporary use of Land for the Purpose of a School at Wentworth Park Map”.

**TfNSW** means Transport for NSW constituted under the *Transport Administration Act 1988*.

**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.

## Schedule 2 Savings and transitional provisions

(Clause 9)

### 1 Determination of certain pending development applications

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.

### 2 Assessment of certain activities

*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

(Clause 13)

The following development does not require consent if it would be permissible with consent had it not been included in this Schedule—

- 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 (a), (b) or (c) of the *Environmental Planning and Assessment Model Provisions 1980*. (For the purposes of this plan, nothing in clause 35 (a) of those Provisions authorises the demolition of a heritage item which is incidental or ancillary to any development without the need for development consent and 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.
- Within the Glebe Island/White Bay area of the Port and Employment Zone—temporary structures associated with the port (such as hailnetting) and the maintenance and modification of existing structures; the erection and maintenance of port communication equipment; structures for or associated with the storage and processing of cargo; installation, modification and maintenance of utilities and service facilities.
- Installation, modification and maintenance of pipelines, landscaping, fencing and signage associated with the port.
- Subdivision associated with port operations.
- Demolition of wetland structures in the Port and Employment Zone.
- 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.
- 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.

The development specified in this Schedule does not include development to which [State Environmental Planning Policy \(Infrastructure\) 2007](#) applies.

## **Schedule 4 Heritage items**

(Clause 28)

### **Part 1 Items in the Ultimo-Pyrmont Precinct**

- 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 578-606 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, 498-500 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
- 30–32 (Repealed)
- 33 Uniting Church and Harris Centre, 97 Quarry St
- 34 Terraces 102–104 Quarry St
- 35 Terraces 242–262 Bulwara Rd
- 36 Terraces 33–39 Ada Place
- 37 Terraces 451–455 Harris St
- 38 Terraces 50–52 Ada Place
- 39 Cottage and terraces 92–98 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 Pyrmont Post Office, 146-150 Harris St
- 65 Terraces 99-125 Harris St
- 66 Pyrmont 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, Pyrmont Power Station, 42 Pyrmont St
- 71 Schute, Bell, Badgery, Lumby Ltd, 47-69 Pyrmont 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 Pyrmont St
- 84 St Bede’s School, St Bede’s Church & Rectory, 37–43 Pyrmont St
- 85 Royal Pacific Hotel, 59 Harris St
- 86 Terraces 54–66 John St
- 87 Pyrmont Arms Hotel, 42–44 Harris St
- 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
- 100 Escarpment Face
- 101 Cast Iron Palisade Fence, Bowman St and Cross St
- 102 Escarpment and Fencing, Jones Bay Road
- 103 Railway Cutting
- 104 Terraces 46–52 Harris Street
- 105 Terraces 2–8 Scott Street
- 106 Terraces 1–5 Cross Street
- 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 142-168 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 facade, The Boiler House, former CSR, Harris St
- 129 Western and northern escarpment and cliff face, Pirrima Rd
- 130 Arrow Marine building, 17a Pirrima Rd
- 131 Wattle Street railway viaduct, Wattle St
- 132 Warehouse and terraces 10-18 Pyrmont St

## **Part 2 Items in the Eveleigh Precinct**

- 1 Locomotive Workshops—Bays 1-15, including machinery in Bays 1-4, Eveleigh Rail Yard
- 2 New Locomotive Shop, Eveleigh Rail Yard
- 3 Works Manager's Office, Eveleigh Rail Yard
- 4 Large Erecting Shop, Eveleigh Rail Yard
- 5 Administration Building, Former Chief Mechanical Engineer's office, Wilson Street

- 6 Gasometer and Pump, Eveleigh Rail Yard
- 7 Booking Office, Redfern Station, Lawson Street

### **Part 3 Items in the Bays Precinct**

#### **Buildings/Structures**

- 1 Glebe Island wheat silos (components A, B and C as identified on Map 4)
- 2 Former Hotel, 78 Lilyfield Road
- 3 “Cadden Le Messurier”, 84 Lilyfield Road
- 4 Sewerage pumping station, Roberts Street
- 5 Monument, Glebe Island
- 6 Stormwater canal, Lilyfield Road
- 7 Railway Bridge, Railway Parade
- 8 Arched Bridge, Whites Creek
- 9 Railway truss bridge, Johnston Street
- 10 Wentworth Park rail viaduct
- 11 White Bay Power Station complex
- 12 Catherine Street railway bridge
- 13 NCA Steward’s Building, Wentworth Park
- 14 Store Building, Wentworth Park
- 15 NCA Entry tower, Wentworth Park

#### **Landscape items**

- 16 Wentworth Park