

1995—No.107

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**  
**SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 26—CITY**  
**WEST (AMENDMENT No. 5—1995 UPDATE)**

NEW SOUTH WALES



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

I, the Minister for Planning, in pursuance of section 51 of the Environmental Planning and Assessment Act 1979, make the regional environmental plan set out hereunder.

ROBERT WEBSTER MLC  
Minister for Planning.

Sydney, 1 March 1995.

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**PART 1—PRELIMINARY**

**Citation**

1. This plan may be cited as Sydney Regional Environmental Plan No. 26—City West (Amendment No. 5—1995 Update).

**Aims, objectives etc.**

2. This plan aims:

- (a) to ensure the continued implementation of the City West redevelopment by updating and improving the planning provisions in Sydney Regional Environmental Plan No. 26—City West; and
- (b) to amend the Ultimo-Pyrmont precinct boundary to remove land subject to the Darling Harbour Authority Act 1984; and
- (c) to amend the zones of some sites in the Ultimo-Pyrmont Precinct of City West to provide for more detailed planning and development.

**Land to which this plan applies**

- 3 This plan applies to all land within City West.

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

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

- (a) by inserting in clause 14 (Consent authority) after the paragraph relating to the Ultimo-Pyrmont Precinct the following paragraph:

The consent authority for development applications relating to subdivision under the Strata Titles Act 1973, the Strata Titles (Leasehold) Act 1986 or the Community Land Development Act 1989 in Master Plan areas is the Council of the relevant local government area.

- (b) by inserting in Part 1 (Ultimo-Pyrmont Precinct) of the Table to clause 15 (Planning principles of regional significance for Precincts) after the second paragraph occurring under the heading “Role and Land Use Activities” the following paragraph:

For residential development, the development is to provide the full range of dwelling unit types and sizes to cater for all household sizes and types.

- (c) by inserting in Part 1 (Ultimo-Pyrmont Precinct) of the Table to clause 15 (Planning principles of regional significance for Precincts) after the words “by respecting its character.” at the end of the fifth paragraph under the heading “Urban Design” the following sentence:

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

- (d) by omitting the last sentence from clause 16 (How land is zoned) and by inserting instead the following sentence:

Development for the purposes of roads and rail and light rail transport undertakings and facilities and public utility undertakings are permissible in any zone.

- (e) by omitting from clause 17 the second-last sentence;

- (f) by inserting in clause 17 (Residential Zone) after the words “community facilities” the words “non tertiary educational establishments;” ;

**1995—No. 107**

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- (g) by inserting in clause 17 (Residential Zone) after the words “the ground floor level of buildings in this zone” the words “, 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” ;
- (h) by omitting the first sentence of clause 18 (Residential-Business Zone) and by inserting instead the following sentence:
- Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible in this zone.
- (i) by omitting the last sentence in clause 18 (Residential-Business Zone) and by inserting instead the following sentence:
- 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.
- (j) by omitting the last paragraph of clause 19 (Public Recreation Zone);
- (k) by inserting after clause 21 the following clause:
- Use of land indicated “Public Recreation-Preferred Locations”**
- 21A. Before granting consent to development otherwise than for public recreation on a site that includes land marked “public recreation—preferred locations” on a map the consent authority must be satisfied that the same amount of public recreation area has been provided for in a more suitable location within an adopted master plan applying to the site or other sites in the precinct.
- Activity Strips**
- 21B. Activity Strips indicated on Sheet 1 of Map 2 and Sheet 1 (1995 Update) of Map 2 show the preferred location for focal points for pedestrian activity, interest and retail activity.
- Development on the ground floor for non-residential uses may provide retail outlets, restaurants and like uses that provide active people oriented street frontages.

- (l) by inserting at the end of clause 23 (Maximum building heights) the following paragraph:

The consent authority may only grant consent to a building that achieves the maximum building height if the building also satisfies the design issues identified in clauses 24, 25, 26 and 26A.

- (m) by omitting from clause 24 (Application of urban design planning principles) the words “height of”;
- (n) by omitting clause 25 “Landmark locations” and by inserting instead the following clause:

**Landmark locations**

25. 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.

- (o) by inserting after clause 26 the following clause:

**Scale and alignment of building facades**

26A. 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.

- (p) by omitting from the second paragraph of clause 40 (Requirement for and use of Master Plans) the word “minor”;
- (q) by omitting the first paragraph of clause 41 (Content of Master Plans) and by inserting instead the following paragraph:

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.

- (r) by omitting from the first paragraph of clause 46 (Expiration of Master Plans) the matter “2 years” and by inserting instead the matter “5 years”;

(s) by omitting from clause 48 (Flexible uses of land requiring a Master Plan) the word ‘site’ wherever occurring and by inserting instead the words “Master Plan area”;

(t) by inserting after clause 48 the following clause:

**Flexible building heights on land requiring a Master Plan**

48A. 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. 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 are related to the function of the proposed building and do not adversely affect the quality of the adjoining public domain.

(u) by omitting the first paragraph from clause 54 (Acquisition of land) and by inserting instead the following paragraph:

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.

(v) by omitting from Schedule 1 (Definitions) the definition of “Community facility” and by inserting instead the following definition:

“Community facility” means a building or place owned or leased by a public authority or other person that may provide for the physical, social, cultural, religious, educational or intellectual development or welfare of the community.

(w) by inserting at the end of the definition of “Map 2” in Schedule 1 (Definitions) the following words:

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

(x) by inserting at the end of the definition of “Map 4” in Schedule 1 (Definitions) the following words:

**1995—No. 107**

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

- (y) by inserting at the end of the definition of “Map 5” in Schedule 1 (Definitions) the following words:

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

- (z) by omitting from Schedule 4 (Heritage Items) at the end of Part 1 (Items in the Ultimo-Pyrmont Precinct) items 31 and 32;
- (aa) by inserting in Schedule 4 (Heritage Items) at the end of Part 1 (Items in the Ultimo-Pyrmont Precinct) the following items:
104. Terraces 46–52 Harris Street
  105. Terraces 2–8 Scott Street
  106. Terraces 1–5 Cross Street
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