

Blackwattle Bay
State Significant Precinct

Attachment 10:

Explanation of Intended Effect

June 2021





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Blackwattle Bay State Significant Precinct

June 2021



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Acknowledgment of Country

The Department of Planning, Industry and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1.0 INTRODUCTION

Infrastructure NSW has led a detailed master planning process for the Blackwattle Bay Precinct (formerly referred to as Bays Market District) in consultation with the Department of Planning, Industry and Environment, the City of Sydney Council, Government Architect NSW, Transport for NSW, other Government agencies, landowners and stakeholders. This Explanation of Intended Effect (EIE) has been developed as part of a State Significant Precinct investigation. The EIE sets out the proposed planning controls arising from the master planning process and is informed by the Blackwattle Bay Urban Design Statement (June 2021) incorporating the draft Precinct Plan. The EIE will be exhibited in accordance with Clause 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to allow the public to make submissions that will be considered in the assessment of the proposed planning controls.

During July-August 2017 consultation was undertaken with community members and stakeholders on the masterplan principles for Blackwattle Bay as part of the first phase of master planning. This work was further refined to develop three precinct plan scenarios for future renewal in Blackwattle Bay. The three scenarios, which were taken back to the community in early 2020, explored different possibilities for land use, urban structure, open space, materiality and built form. The community provided detailed and valuable feedback on this work that has been reflected in the development of the final draft Precinct Plan for Blackwattle Bay.

This document outlines the changes in planning controls for the Blackwattle Bay Precinct (shown in Figure 1), which would be contained in *Sydney Local Environmental Plan 2012* (Sydney LEP). Changes are also proposed to:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Sydney Harbour Catchment SREP)
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP)
- *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP)
- *Sydney Regional Environmental Plan No 26 – City West* (SREP No 26)
- *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP)
- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

The proposed amendments to the planning controls will occur through a State Environmental Planning Policy (SEPP) which will amend these instruments.



Figure 1: Blackwattle Bay Precinct

1.1 Blackwattle Bay State Significant Precinct

Blackwattle Bay and Bays West together make up The Bays State Significant Precinct. Under *State Environmental Planning Policy (State Significant Precincts) 2005*, the Minister for Planning can nominate precincts that have planning significance to the State of NSW. The State Significant Planning (SSP) process provides for a proponent, in this case Infrastructure NSW (INSW), to investigate a precinct for potential rezoning and redevelopment through a SSP study.

Study requirements for the SSP study for Blackwattle Bay were issued by the Department of Planning and Environment in April 2017. The study requirements set out the scope and approach to investigations and matters to be addressed by a planning instrument and Design Code that will control and enable development in the Precinct. A SSP Study and draft Design Code for Blackwattle Bay have now been prepared by INSW and are available at planning.nsw.gov.au/blackwattlebay

The Blackwattle Bay Precinct is divided into five areas, defined by both existing and likely future character. These areas are shown in Figure 2:

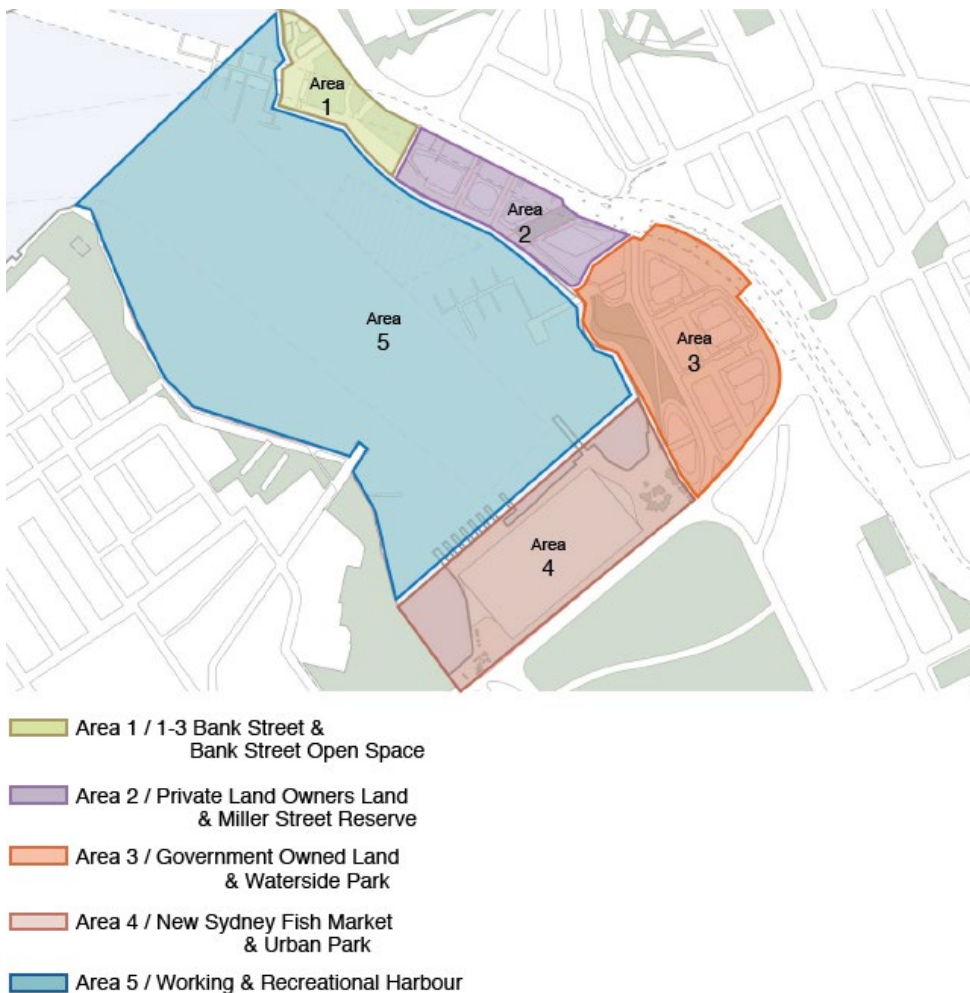


Figure 2: Blackwattle Bay areas

1.2 Purpose

This EIE has been prepared to set out the proposed planning controls for the Blackwattle Bay Precinct. The proposed planning controls will enable the delivery of:

- New homes, jobs and services close to the CBD including:
 - approximately 5,600 jobs
 - approximately 2,800 residents
 - approximately 1,550 dwellings
- A continuous waterfront promenade – the missing link in an otherwise 15km foreshore walk from Woolloomooloo to Rozelle
- New active transport connections to bring the neighbourhood closer to the harbour through new and improved pedestrian and cycling links
- Improved public transport options and minimised vehicle usage strategies including:
 - Minimising car parking spaces with limited on-street parking
 - Ferry wharf
 - Opportunity for buses to service through site link
 - Connections to the existing light rail
 - Access to the future Sydney Metro West Station in Pyrmont
- New parks and green space with 30,000 square metres of new open space
- New Sydney Fish Market at the heart of Blackwattle Bay.

The planning framework is intended as a tool to achieve design excellence and a built form that is appropriate within the context of the broader vision for the Pyrmont peninsula, as outlined in the Pyrmont Peninsula Place Strategy. The Pyrmont Peninsula Place Strategy (December 2020) can be found on the NSW Department of Planning, Industry and Environment's website at <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Pyrmont-Peninsula>.

1.3 Proposed planning instrument amendments

A SEPP is proposed to be prepared to amend Sydney LEP, the Sydney Harbour Catchment SREP, SREP 26, the ISEPP, the Codes SEPP, the SSP SEPP and the SRD SEPP. The proposed SEPP amendment will apply to the Blackwattle Bay Precinct as mapped in Figure 1.

To implement the Precinct Plan, it is proposed to amend Sydney LEP by:

- Rezoning land to B4 Mixed Use, RE1 Public Recreation and SP1 Special Activities (Sydney Fish Market)
- Amending the maximum height and floor space controls
- Introducing new site specific provisions under Part 6, Division 5, including:
 - minimum non-residential development (including office, retail, community and cultural uses) required for certain sites
 - a requirement for a contribution to affordable housing, equivalent to 5 percent of the total residential GFA being developed or provided as a monetary contribution
 - excluding the application of clauses 6.21(5)-(7) and 7.20
 - applying a sustainable development clause
 - reference to a Design Code to inform future development of the precinct. The Design Code will set out the design excellence process for the precinct
- Extending the area designated as *foreshore area* to protect these areas from incompatible development
- Requiring the approval of the Planning Secretary before development can proceed to ensure satisfactory arrangements are in place for the adequate provision of State infrastructure.

The proposed SEPP will also provide for the following amendments:

- **Sydney Harbour Catchment SREP**
 - Removing the requirement to prepare a master plan for Blackwattle Bay as part of the City Foreshores Area

- Amending the SREP Zoning Map by removing that part of the new Sydney Fish Market site that is currently zoned W1 Maritime Waters and that is proposed to be incorporated into the Sydney LEP and zoned SP1 Special Activities (Sydney Fish Market)
- **ISEPP**
 - Nominating Blackwattle Bay as a Public Authority Precinct so that certain works in the public domain carried out by public authorities, such as landscaping, public art and children's playgrounds, can be undertaken as exempt development
- **Codes SEPP**
 - Including Blackwattle Bay as a 'major event site' to facilitate the holding of events in the public domain
- **SSP SEPP**
 - Removing the Minister as consent authority for development carried out on certain land in Blackwattle Bay with a capital investment value (CIV) of not more than \$10 million noting that the Minister will remain the consent authority for development over \$10 million through application of the SRD SEPP
 - Deleting the requirement that development with a CIV of not more than \$10m carried out by a public authority on certain land in Blackwattle Bay is 'development without consent'
- **SRD SEPP**
 - Retaining the designation of development in Blackwattle Bay with a CIV over \$10 million as State Significant Development and adjusting the State Significant Development Sites Map – Bays Precinct to reflect the boundary of the new Sydney Fish Market site
- **SREP 26**
 - Repealing the application of SREP 26 which currently zones part of the new Sydney Fish Market site 'Waterfront Use' and applies other provisions relating to master planning, matters for consideration in determining development applications to this part of the Blackwattle Bay Precinct.

Further explanation of the provisions in the proposed SEPP is provided in Section 2.0.

A number of Sydney LEP maps as well as other statutory maps will need to be amended as follows:

- **Sydney LEP**
 - Amendments to the Land Application Map (LAP_001)
 - Amendments to the Locality and Site Identification Map, Foreshore Building Line Map (CL1_007 AND CL1_008) to include the Blackwattle Bay precinct, label Blocks PLO 1-1 to 3-2 and Blocks BLD 01 to 07 within the precinct, and extend the designated Foreshore Area
 - Amendments to the Land Zoning Maps (LZN_007 and LZN_008)
 - Amendments to the Land Use and Transport Integration Maps (LUT_007 and LUT_008)
 - Amendments to the Public Transport Accessibility Level Maps (TAL_007 and TAL_008)
 - New Intensive Urban Development Area Maps (IUD_007 and IUD_008) to ensure that satisfactory arrangements are in place for contributions towards State public infrastructure and public utility infrastructure, prior to development.
- **Sydney Harbour Catchment SREP**
 - Removal of that part of the new Sydney Fish Market that is zoned W1 Maritime Waters from the SREP Zoning Map
- **SSP SEPP**
 - Removal of land within Blackwattle Bay from the *Sydney Harbour Port and Related Employment Lands Map*
- **SRD SEPP**
 - Amendment to the boundary of Blackwattle Bay on the *State Significant Development Sites Map – Bays Precinct* to reflect new Sydney Fish Market site
- **SREP 26**
 - Removal of the Blackwattle Bay Precinct from the SREP 26 boundary map, Land Use Zones map and Land Subject to Master Planning map.

1.4 Objectives or intended outcomes

The Blackwattle Bay State Significant Precinct planning process adopts a place-based approach to urban renewal, using and optimising government-owned land to deliver economic outcomes and provide homes near jobs and amenities. The proposed rezoning seeks to balance housing and jobs within the precinct, with almost 50 percent of total floor space, inclusive of the new Sydney Fish Market, allocated to non-residential uses such as offices, shops and community uses. The proposed rezoning will also enable the delivery of significant precinct-wide benefits including a new foreshore promenade, quality urban and open spaces, high public amenity and the celebration of Aboriginal and European heritage.

The intended outcome of the proposed SEPP is primarily to amend Sydney LEP as well as make changes to a number of other planning instruments. These changes are intended to give effect to the statutory controls recommended within the State Significant Precinct Study for the Blackwattle Bay Precinct.

The proposed SEPP also seeks to address concerns expressed by the Greater Sydney Commission that the current planning system for Blackwattle Bay (and Pyrmont Peninsula more broadly) is complex and does not provide a clear line of sight to the broader vision for the area as expressed in the Greater Sydney Region Plan and Eastern City District Plan¹. The proposed SEPP rationalises the number of planning instruments that apply to Blackwattle Bay and provides a simplified planning framework that is easier to understand and navigate, and which aligns with the NSW Government's vision for the area.

The proposed planning framework for Blackwattle Bay will simplify consent authority pathways for development in the precinct. The Minister for Planning will remain the consent authority for development with a CIV over \$10 million (State Significant Development) and the City of Sydney will be the consent authority for all other development requiring consent under Part 4 of the EP&A Act. To facilitate activation and enhancement of the public domain, development such as landscaping, pedestrian pathways, public art and the like, as well as activities such as community events and markets, are proposed to be nominated as 'exempt development'. This means that these activities may be undertaken without the need for development consent or assessment subject to meeting appropriate amenity and other criteria.

¹ *Western Harbour Precinct including the Pyrmont Peninsula Planning Framework Review Report*, Greater Sydney Commission, September 2019

2.0 EXPLANATION OF PROVISIONS

2.1 Land use zones

The Precinct Plan envisages that Blackwattle Bay will transition from a remnant industrial and working harbour area to providing a mix of high quality commercial, residential, recreation and entertainment uses located close to public transport and Sydney's CBD. To support this, the land use zones that apply to the precinct are proposed to be amended as follows:

- **Area 1:** 1-3 Bank Street & 5-19 Bank Street – no change to existing RE1 zoning
- **Area 2:** Private landowners' land – rezone land from B3 Commercial Core to B4 Mixed Use and retain existing RE1 zoning
- **Area 3:** Government owned land and Waterside Park – rezone land from B3 Commercial Core to B4 Mixed Use and RE1 Public Recreation
- **Area 4:** New Sydney Fish Market – rezone from Waterfront Use (under the Sydney Harbour Catchment SREP) to SP1 Special Activities (Sydney Fish Market) (under Sydney LEP 2012)
- **Area 5:** Water – adjust W1 zone to reflect boundary of new Sydney Fish Market which will be zoned under Sydney LEP as SP1 Special Activities (Sydney Fish Market).

Draft land use zoning maps have been prepared to reflect these zoning changes (Annexure 1). The proposed changes to land zoning for the precinct are illustrated in Figure 3.

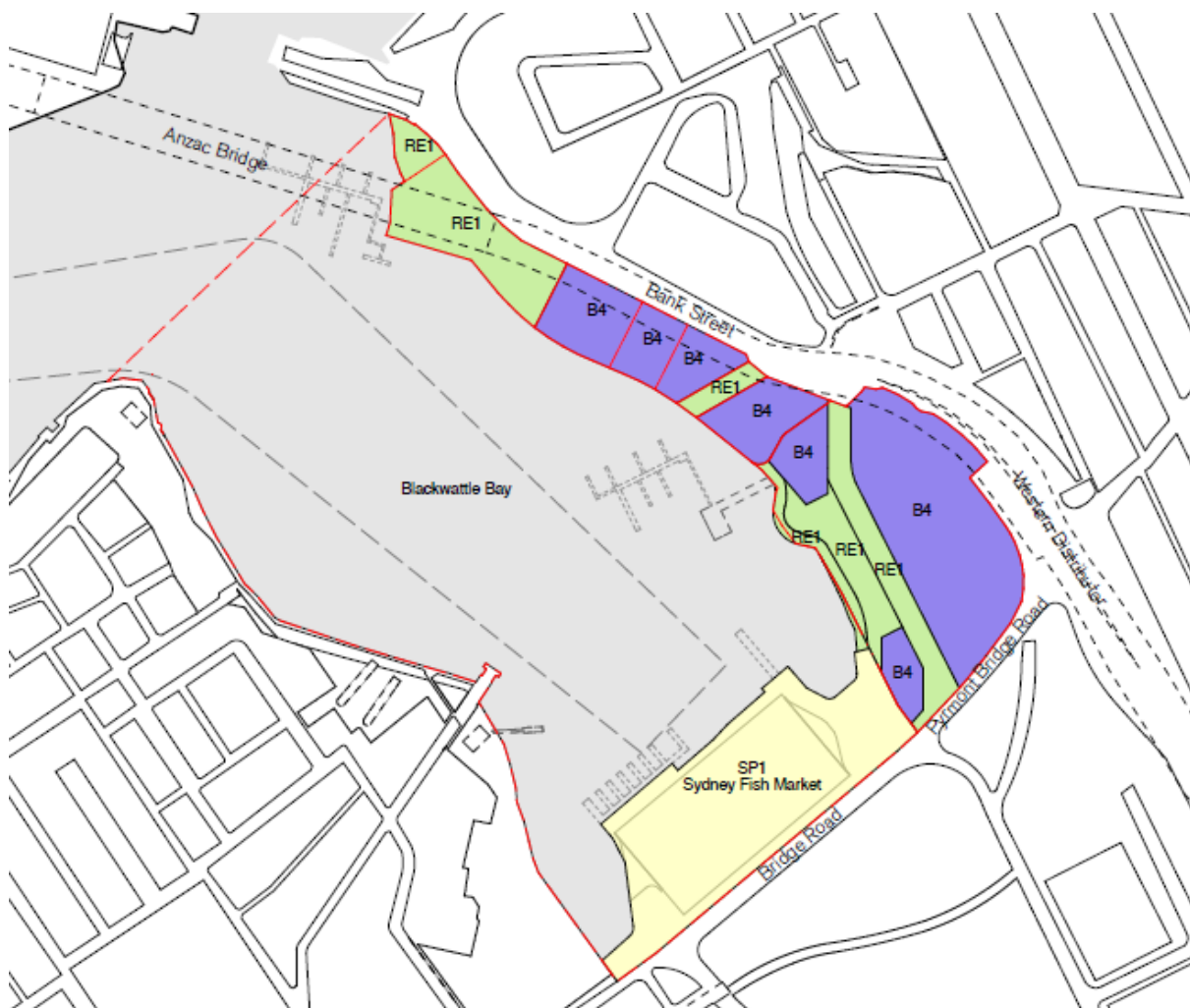


Figure 3: Proposed zoning

2.2 Maximum height and floor space

The maximum building heights and floor space proposed for each of the development blocks in the Blackwattle Bay Precinct are detailed in Table 1 below and the development blocks are shown in Figure 4. The maximum heights and floor space controls will be stipulated in Sydney LEP by either:

- amending the *Height of Building Map* (Sheets HOB_007 and HOB_008) and *Floor Space Ratio Map* (Sheets FSR_007 and FSR_008), or
- including them in a site-specific provision with the blocks identified on the *Locality and Site Identification Map*, *Key Sites Map*, *Foreshore Building Line Map*.

Table 1: Proposed maximum building height and gross floor area

Block	Maximum building height (metres)	Maximum gross floor area (square metres)	Minimum non- residential gross floor area (square metres)
PLO 1-1	65*		
PLO 1-2	75.5*	23,250 (PLO 1-1 + PLO 1-2)	13,000 (PLO 1-1 + PLO 1-2)
PLO 2	91.5*	16,250	7,000
PLO 3-1	91.5*	13,300	6,750
PLO 3-2	72*	19,150	10,600
BLD 01	21	7,200	7,200
BLD 02	120	38,200	7,250
BLD 03	156	51,400	15,500
BLD 04	110	39,100	17,700
BLD 05	37.5	12,950	12,950
BLD 06	37.5	8,600	8,600
BLD 07	21	4,675	4,675

* - a separate maximum height will be applied to areas of buildings under the Western Distributor

Areas without a height indicated on the map will have nominal height applied to allow for structures in parks reserves and streets.

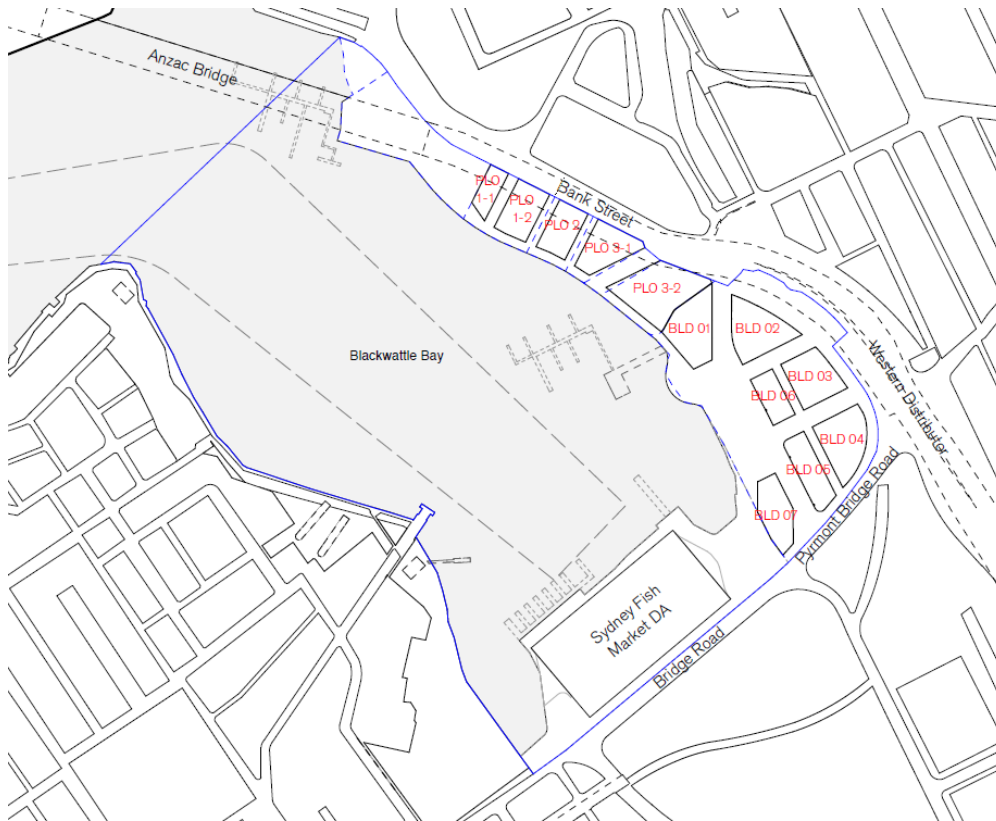


Figure 4: Proposed development blocks

2.3 Site specific provision

A new site-specific provision for the Blackwattle Bay Precinct is proposed to be inserted into the Sydney LEP to set out controls that apply only to this precinct. It is proposed to include the following site-specific provisions:

- A provision specifying the minimum non-residential component for particular sites within the precinct. This provision is designed to ensure commercial floor space is prioritised, in line with the priorities set out in the Pymont Peninsula Place Strategy
- Reference to the Design Code to inform future development of the precinct
- A provision requiring the consent authority to have regard to the principles of sustainable development as they relate to development
- A provision disapplying the application of clause 6.21(5)-(7) to new development. Instead, the Design Excellence process will be set out in the Design Code which will be referenced in the LEP. The Design Code will inform future development and will include a provision requiring development to demonstrate Design Excellence (no design excellence bonuses will apply). Design excellence provisions will apply across the precinct this may include (but is not limited to) parks, open spaces and buildings. Future development to which design excellence applies will need to:
 - undertake a competitive design process in accordance with the City of Sydney's Competitive Design Policy without the application of design excellence bonuses; or
 - undertake a design excellence process that has been agreed with the NSW Government Architect.

The Design Code will also set out the process for ensuring design excellence is achieved in the public domain.

- A provision disapplying the requirement for a Development Control Plan in Clause 7.20. It is considered that the requirement for a Development Control Plan is not appropriate in this instance as:
 - the Design Code (similar in effect to a Development Control Plan) and the Precinct Plan (supported by the Blackwattle Bay Urban Design Statement) provide adequate development control guidance for future development in the precinct.
 - Clause 11 of the SRD SEPP specifically excludes the application of Development Control Plans to State Significant Development. This would mean that the Sydney Development Control Plan 2012 would not apply to any major development in Blackwattle Bay.

2.4 Design Code

The proposal includes a draft Design Code that has been prepared to inform and guide future development within the Blackwattle Bay Precinct in addition to the provisions of Sydney Development Control Plan 2012.

The Design Code, on exhibition along with the EIE, sets out a suite of built form and urban design provisions to ensure that new development in the precinct achieves high quality outcomes for built form, public domain and heritage and seeks to improve the amenity of the precinct and its surrounds.

It is proposed to reference the Design Code in the Sydney LEP so that any future development in the precinct will need to demonstrate consistency with the Design Code which, as drafted, address matters such as, but not limited to:

- Public domain and connectivity
- Building separation and setback requirements
- Site layout, built form and design
- Building use
- Active frontages
- Heritage
- Views and vistas
- Vehicular access and parking
- Solar access, wind and stormwater management
- Sustainability
- Public Art.

The Design Code will also set out the design excellence process that must be followed for new development in the precinct, including in the public domain (refer discussion in Section 2.5).

2.5 Design excellence

Mandating design excellence in both the public and private domain is one of the urban design principles underpinning development at Blackwattle Bay. New works including (but not limited to) buildings, parks and open space on the site will be required to exhibit design excellence by undergoing a competitive design process in accordance with either the City of Sydney Competitive Design Policy, without the application of Design Excellence bonuses, or the relevant NSW Government Architect competitive design policy at the time of the competition. This will be stipulated in the Design Code which in turn will be referenced in the site specific clause in Sydney LEP, obligating developers to commit to a design excellence process.

The design excellence strategy will inform preparation of the Public Domain Plan which will guide development of the open spaces in Blackwattle Bay.

2.6 Foreshore area

Part of the foreshore along the eastern side of Blackwattle Bay is shown as 'Foreshore Area' on the *Locality and Site Identification Map Foreshore Building Line Map* as shown in Figure 5. Clause 7.10 of Sydney LEP relates to foreshore areas and includes provisions aimed at protecting these areas from incompatible development. It is proposed to extend the area designated as Foreshore Area on the map to correspond to the proposed foreshore promenade as shown on the Precinct Plan so that this area is protected for its intended purpose as a major public access and recreation corridor.

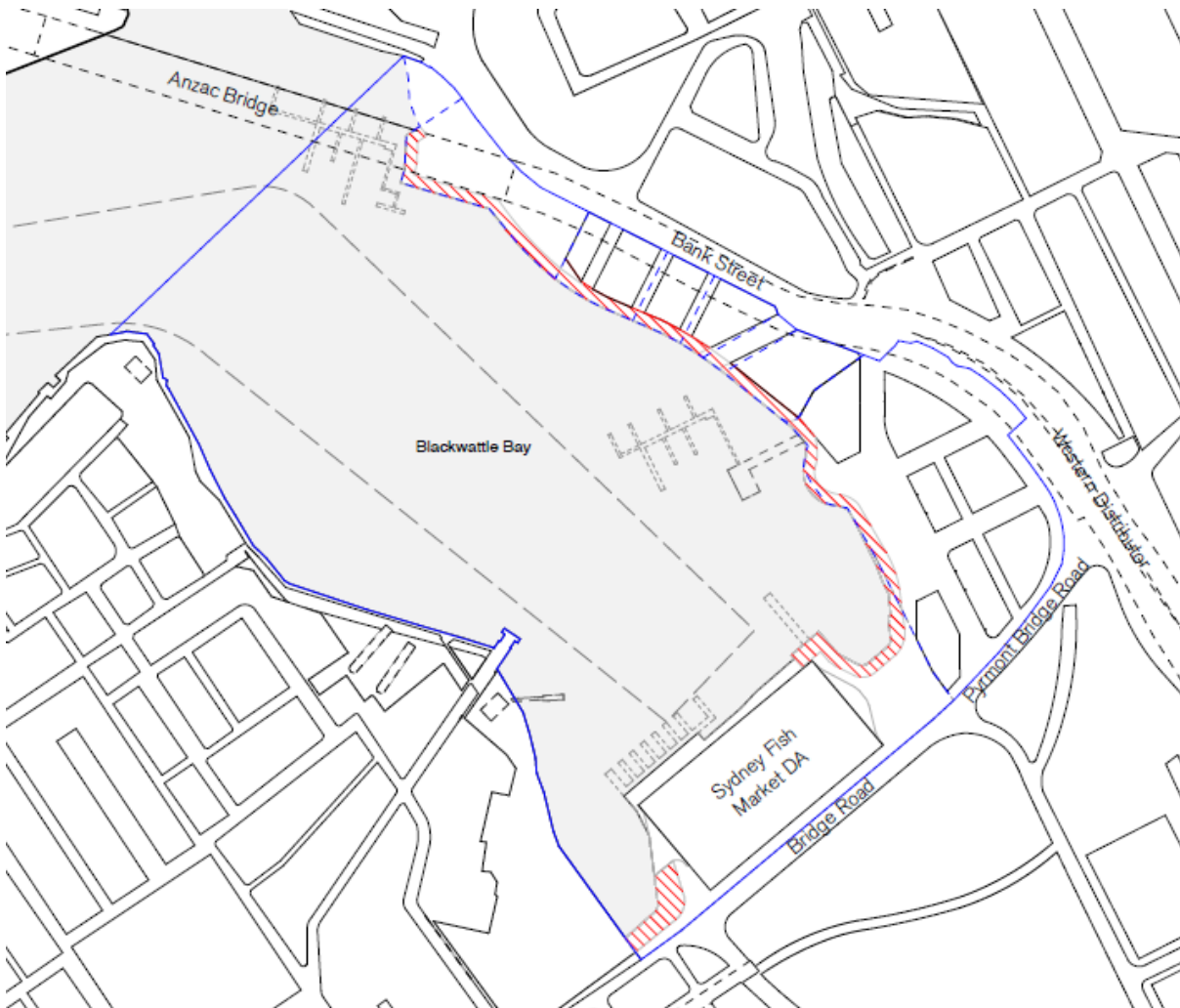


Figure 5: Proposed *Foreshore Building Line Map*

2.7 Infrastructure funding and delivery

The infrastructure delivery strategy for Blackwattle Bay is part of a comprehensive assessment by government of the infrastructure needs of the broader area comprising The Bays Precinct and Pyrmont Peninsula. Investigations regarding infrastructure needs, costs, staging, sequencing, delivery partners and mechanisms are underway in collaboration with the City of Sydney, Transport for NSW and other infrastructure agencies.

While the infrastructure delivery strategy for Blackwattle Bay is being finalised, it is critical that development does not proceed without ensuring that a mechanism is in place to provide for contributions towards State public infrastructure. To ensure that developers also make an appropriate contribution towards public

infrastructure, the Planning Secretary's approval of any proposed approach to delivery of infrastructure would be required prior to approval of development. In deciding whether to approve the approach, the Planning Secretary would be required to consider matters such as:

- the impact of the development on—
 - existing designated State public infrastructure
 - the need for additional designated State public infrastructure
- the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—
 - existing designated State public infrastructure
 - the need for additional designated State public infrastructure
- the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.

To ensure that arrangements to contribute to infrastructure are in place prior to development, it is proposed that a new clause be inserted into Sydney LEP requiring the Planning Secretary's approval of any proposed approach to delivery of infrastructure prior to approval of significant development. Similar clauses apply to the Waterloo Metro Quarter (clause 6.46 of Sydney LEP) and the Western Sydney Aerotropolis (clause 50 of Western Sydney Aerotropolis SEPP).

State public infrastructure means public facilities or services that are provided or financed by the State of the following kinds:

- State and regional roads
- Bus interchanges and bus lanes
- Land required for regional open space, include land required for the foreshore promenade
- Embellishments or connections to regional open space
- Social infrastructure and facilities.

Arrangements to contribute towards infrastructure can be made under Planning Agreements. These agreements are negotiated between a developer and a planning authority, securing an agreed developer contribution towards a public purpose.

2.8 Affordable housing

At present, the City of Sydney has an inclusionary zoning in place for Ultimo Pyrmont via the Sydney LEP which enables an affordable housing contribution as follows:

- 0.8 per cent of the total floor area of the development that is intended to be used for residential purposes; and
- 1.1 per cent of the total floor area that is not intended to be used for residential purposes.

A new provision is proposed in Sydney LEP that would enable the consent authority to impose a condition on residential development at Blackwattle Bay requiring a contribution towards the provision of affordable housing. The contribution would be equivalent to 5 percent of the total floor area of the development² that is intended to be used for residential purposes³ for the purpose of affordable housing. The contribution would be made by way of a dedication of affordable dwellings within the precinct and/or paid as a monetary contribution. The appropriate monetary contribution rate that should apply in Blackwattle Bay is yet to be determined but will need to be balanced with the overall contribution being made towards the provision of public amenities and services that will be delivered as part of the development.

² As defined in clause 7.13(6) of Sydney LEP

³ Apart from 'excluded development' as defined in clause 7.13(6) of Sydney LEP

2.9 Car parking

Part 7, Division 1 of Sydney LEP contains provisions relating to car parking. It identifies the maximum number of car parking spaces that may be provided to service particular uses of land depending on the site's location. Clauses 7.4 to 7.9 of Sydney LEP set out the relevant car parking rates by land use for land shown as Categories A to C on the Land Use and Transport Integration Map (LUTI Map) and Categories D to F on the Public Transport Accessibility Level Map (PTAL Map).

The current land categories that nominate car parking rates in Blackwattle Bay, as shown on the LUTI Maps (Sheets LUT_007 and LUT_008) and PTAL Maps (Sheets TAL_007 and TAL_008) are as follows:

- Category B - LUTI Map
- Category F - PTAL Map

Blackwattle Bay is targeting a mode share of 80% sustainable transport and 20% vehicles with a more ambitious stretch target of 85 % sustainable transport and 15% vehicles. Key strategies to help achieve these targets include improving cycle and pedestrian connections and providing for new and improved public transport in and around the Blackwattle Bay precinct. A further critical factor which influences travel behaviour is the availability, or lack thereof, of car parking. Reducing the amount of car parking that is available will help to achieve the sustainable transport objectives for the precinct. Therefore, it is proposed to restrict the number of car park spaces in the precinct by changing the following category classifications:

- Land Use and Transport Integration (residential parking)
 - Reclassify from Category B to Category A
 - Moving from Category B to Category A reduces maximum number of residential parking spaces permitted by approximately 15%
- Public Transport Accessibility (non-residential parking)
 - Reclassify from Category F to Category D
 - Resulting in an approximately 40% reduction in retail car parking
 - Resulting in an approximately 57% reduction in parking for office premises and business premises
 - No parking impact to essential services like centre-based childcare facilities, information and education facilities, and health consulting rooms and medical centres.

Amended LUTI and PTAL Maps are included at Annexures 4 and 5.

2.10 Sustainable development

The introduction of sustainable utilities infrastructure is supported at Blackwattle Bay to ensure sustainable development and improved water and energy efficiency in the precinct. This is also consistent with the Pyrmont Peninsula Place Strategy which seeks to achieve an adaptive, sustainable and resilient built environment across the broader Pyrmont precinct.

A new 'Sustainable Development' local provision is proposed requiring the consent authority to have regard to the principles of sustainable development as they relate to development based on a 'whole of building' approach by considering the following:

- conserving energy and reducing carbon dioxide emissions
- embodied energy in materials and building processes
- building design and orientation
- passive solar design and day lighting
- natural ventilation
- energy efficiency and conservation
- water conservation and water reuse
- waste minimisation and recycling
- reduction of vehicle dependence

- potential for adaptive reuse.

The proposed Sustainable Development clause would be accompanied by sustainability provisions in the Design Code to provide further guidance for implementation.

2.11 Proposed Amendment to State Environmental Planning Policy (Infrastructure) 2007

Part 3, Division 11, Clauses 58G-58H of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) enable public authorities to undertake certain works as exempt development within identified 'public authority precincts'. The public authority precincts are currently Barangaroo, Darling Harbour, Sydney Olympic Park and The Rocks.

Development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in a public authority precinct:

- roads, cycleways, pedestrian bridges, at grade car parks, ticketing facilities and viewing platforms
- recreation facilities (outdoor), other than grandstands
- amenity facilities, including toilets, change rooms and food preparation and related facilities for persons using public spaces within the site
- information boards and other information facilities (except visitor centres)
- lighting if the lighting minimises light spill and artificial sky glow
- maintenance depots used solely for the maintenance of the land or structures within the site
- environmental management works
- landscaping, including landscape structures or features and irrigation systems (Christmas trees)
- demolition of certain buildings.

Similar to Barangaroo, Darling Harbour and The Rocks, Blackwattle Bay is intended to be a major tourist and recreational attraction with access to the harbour foreshore. It is therefore proposed to include Blackwattle Bay as a public authority precinct under the ISEPP. This will enable any public authority to undertake improvements along the foreshore and in the parks as exempt development, thereby helping to facilitate the efficient and timely delivery of public infrastructure. The improvements that could be undertaken as exempt development would be the same as those listed above.

2.12 Proposed Amendment to State Environmental Planning Policy (Exempt and Complying Codes) 2008

Part 2, Division 3, Subdivision 10, Clauses 2.125-2.126 of State Environmental Planning Policy (Exempt and Complying Codes) 2008 (Codes SEPP) enable community and commercial events to be undertaken in certain state significant precincts as exempt development subject to meeting appropriate development standards. These precincts are currently Circular Quay, The Rocks, Darling Harbour, Barangaroo and Sydney Olympic Park.

Clause 2.125 of the Codes SEPP allows development of temporary uses in the public domain, including development for the following purposes, as exempt development:

- a community event
- a commercial event (such as a product launch and sampling)
- trading for retail or other commercial purposes (such as providing a temporary dining and drinking area)
- associated storage areas and truck lay-by areas and the like.

Clause 2.126 stipulates a number of development standards that, along with general exempt development criteria, must be met for the above activities to be undertaken as exempt development. They include matters relating to:

- The maximum period and maximum number of days per year over which events may be held
- The hours of operation as well as hours for bump in/bump out and cleaning
- Pedestrian and emergency vehicle access.

Clauses 2.125 and 2.126 apply to events in the public domain only and do not extend to private sites (refer clause 2.125(2)).

The establishment of new entertainment, events and cultural spaces is integral to the redevelopment of Blackwattle Bay as an entertainment and cultural precinct. The holding of events in the public domain is an important element of this ambition. It is therefore proposed to add the Blackwattle Bay Precinct to the list of state significant precincts in Clause 2.125 to enable events to be undertaken in the public domain as exempt development subject to compliance with the development standards set out in Clause 2.126.

2.13 Proposed amendments to SREP (Sydney Harbour Catchment) 2005

Rezoning to reflect the new Sydney Fish Market approval

A number of planning instruments currently apply to the site of the new Sydney Fish Market, as shown in Figure 6. The new Sydney Fish Market is approved State Significant Development and is partly permissible with consent, partly permissible without consent and partly prohibited under the array of planning controls that apply.

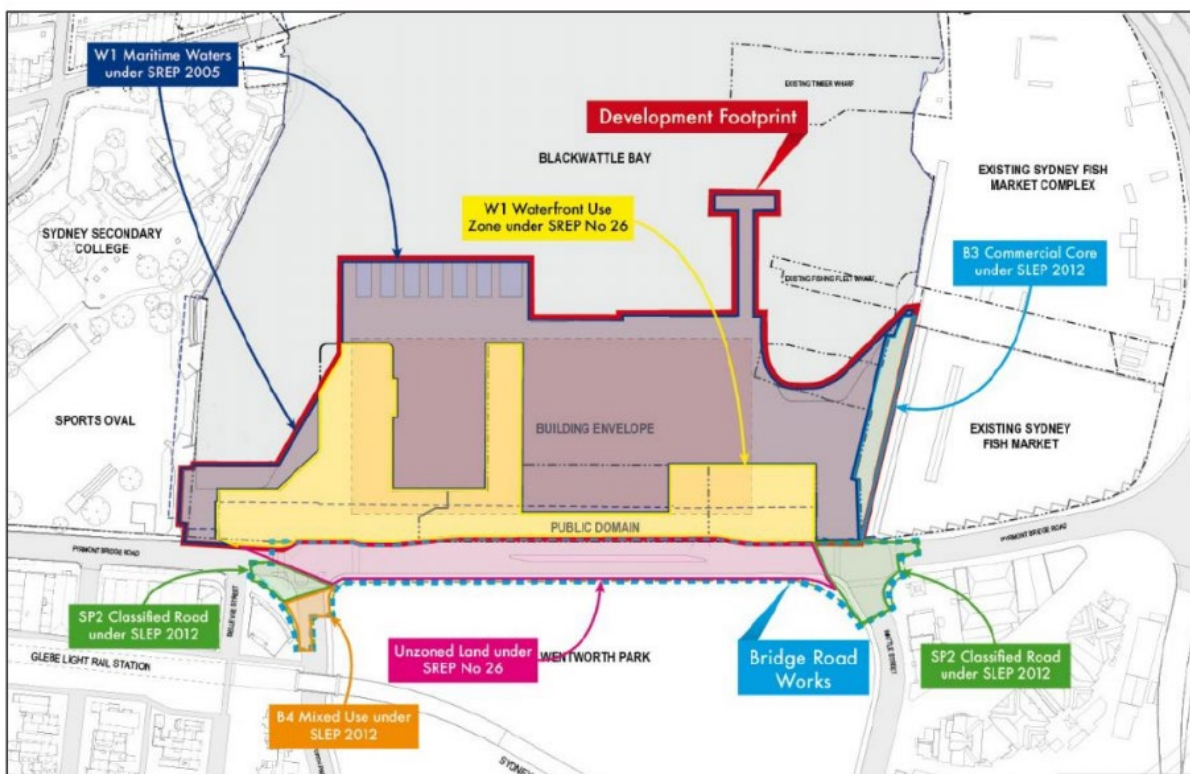


Figure 6: Current zoning of new Sydney Fish Market site (Source: Environmental Impact Statement – New Sydney Fish Market Concept Development Application and Early Works, BBC Consulting Planners, October 2019, p.76)

Following an extensive and rigorous environmental impact assessment process the Minister for Planning and Public Spaces approved the development, relying on Section 4.38(3) of the Environmental Planning and Assessment Act 1979 to approve that part of the development that is not permitted under the existing planning controls.

The introduction of a new planning framework for Blackwattle Bay provides the opportunity to rationalise the controls that apply to the new Sydney Fish Market, ensuring that the planning aligns with the approved development.

It is therefore proposed that the site be removed from the application of the Sydney Harbour Catchment SREP and the boundary of the Sydney LEP extended to include this area which would be rezoned to SP1 Special Activities (Sydney Fish Market).

Part 4 Strategic Foreshore Sites - City Foreshores Area

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP) identifies Blackwattle Bay as part of the 'City Foreshores Area' Strategic Foreshore and requires a master plan be prepared for the area. The future development of Blackwattle Bay has been subject to the master planning process as part of the Blackwattle Bay State Significant Precinct and therefore it is proposed to remove the requirement to prepare a master plan for the precinct from the Sydney Harbour Catchment SREP.

2.14 Proposed amendment to SREP No 26 – City West

As shown in Figure 6, part of the Blackwattle Bay site is in the vicinity of the new Sydney Fish Market, comprises land that is zoned Waterfront Use under the Sydney Regional Environmental Plan No 26 – City West (SREP 26). It is proposed to repeal SREP 26 as it currently applies to the new Sydney Fish Market site. Instead, the land to which Sydney LEP applies would be extended to include the Sydney Fish Market site and rezoned to SP1 Special Activities. The Land Application Map and Land Zoning Map in Sydney LEP would need to be amended together with relevant maps in SREP 26.

2.15 Proposed amendment to State and Regional Development SEPP

The State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) declares certain forms of development as State Significant Development (SSD) including specified development within identified State significant sites (Schedule 2). Currently development with a CIV greater than \$10 million within the Bays Precinct site is declared to be SSD.

Given Blackwattle Bay's nomination as a State Significant Precinct it is considered appropriate that development with a CIV over \$10 million should continue to be designated and assessed as SSD. No change is therefore proposed to the SRD SEPP apart from adjusting the State Significant Development Sites Map – Bays Precinct to reflect the boundary of the new Sydney Fish Market site. This is shown in Figure 7.

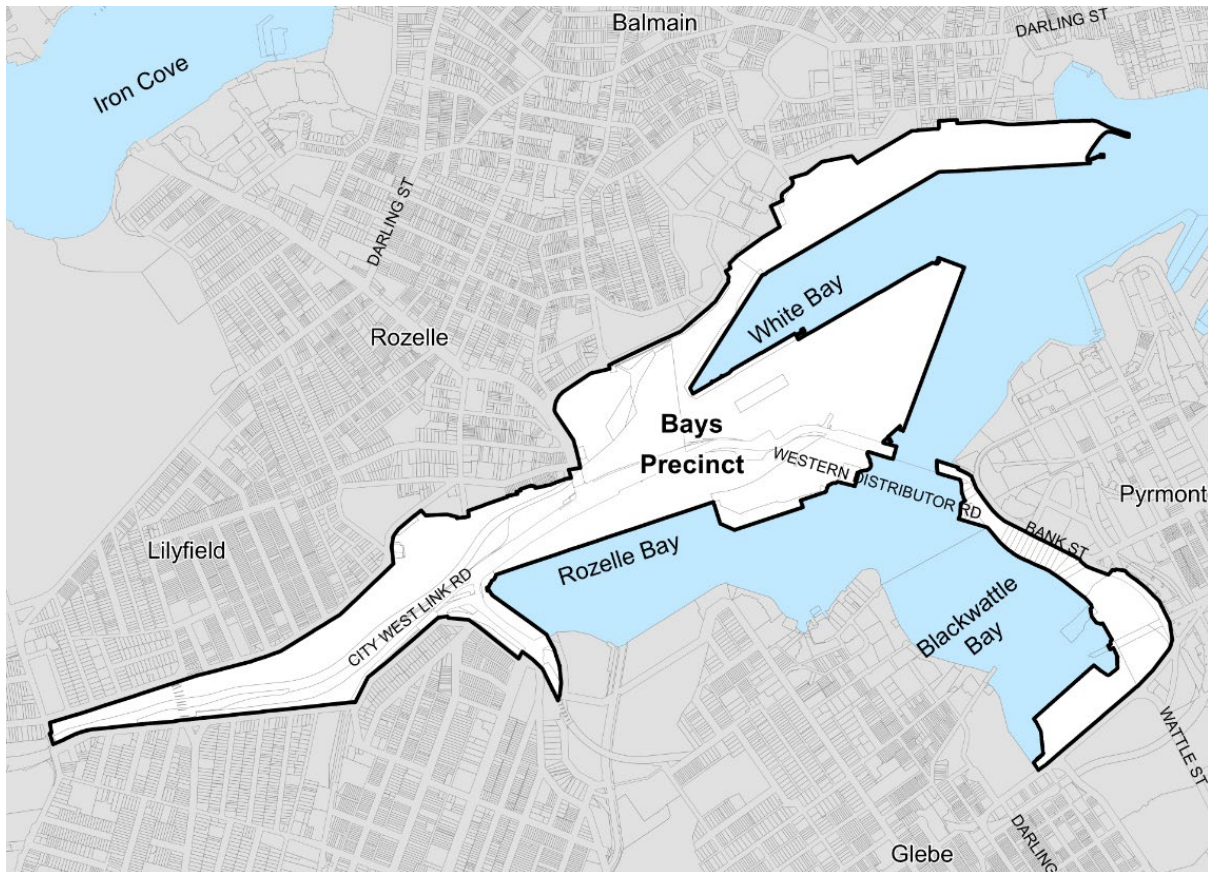


Figure 7: Proposed amended SRD SEPP map - Bays Precinct

2.16 Proposed amendment to State Significant Precincts SEPP

Schedule 6, clause 4 of the SSP SEPP provides that the Minister for Planning is the consent authority for development with a CIV of not more than \$10 million carried out by a private person or entity on land identified on the Sydney Harbour Port and Related Employment Lands Map.

Schedule 7 provides that development with a CIV of not more than \$10 million carried out by a public authority on the same land is 'development without consent'.

The area in Blackwattle Bay affected by both Schedules 6 and 7 is the site of the new Sydney Fish Market.

With the introduction of a new planning regime for Blackwattle Bay and the SSD approval in place for the new Sydney Fish Market, the provisions in the SSP SEPP are no longer required. It is therefore proposed to remove the Blackwattle Bay designated area from the Sydney Harbour Port and Related Employment Lands Map, thereby removing the applicability of Schedules 6 and 7 to the precinct. This is shown in Figure 8.

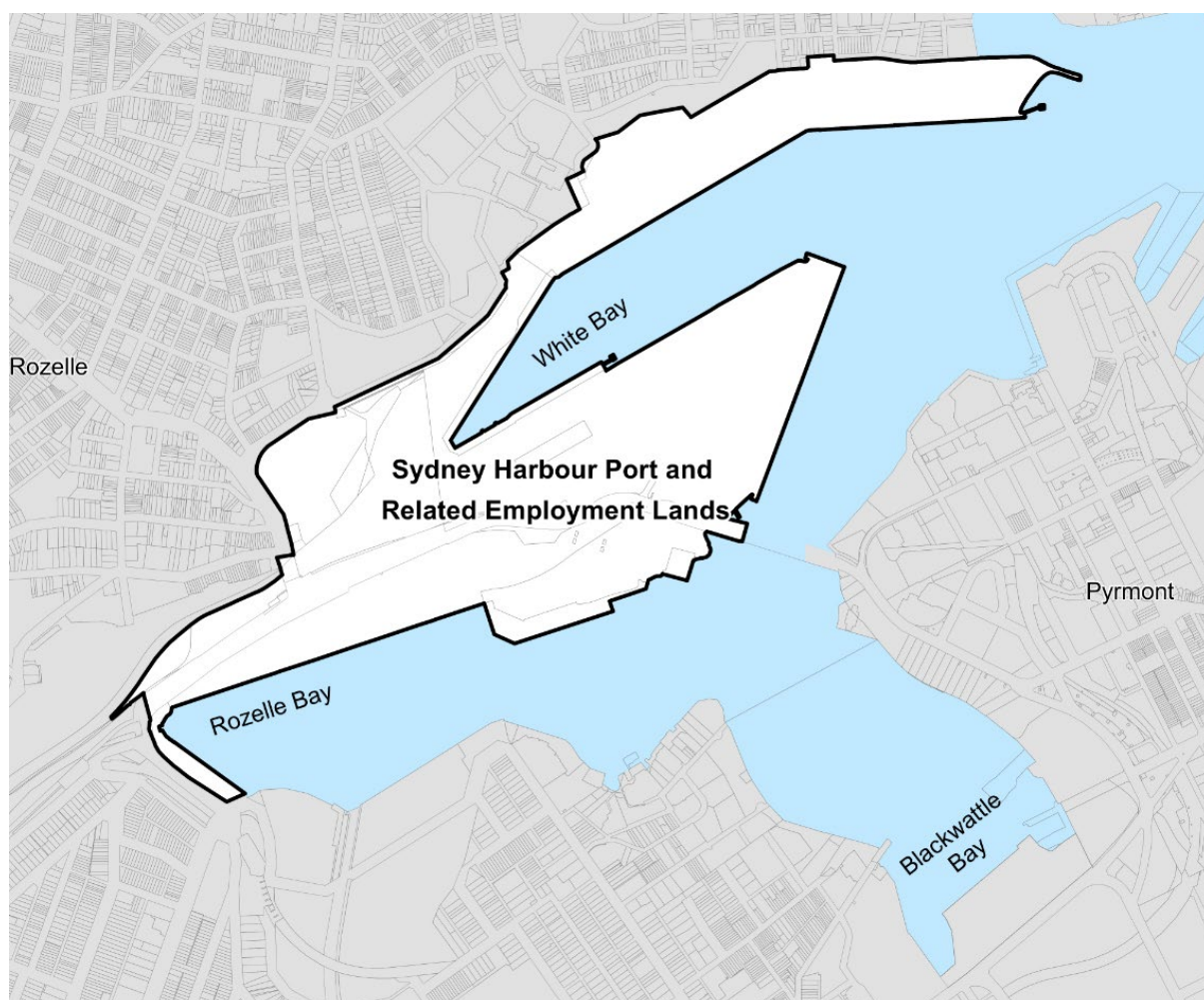


Figure 8: Proposed amended SSP SEPP Sydney Harbour Port and Related Employment Lands Map

ANNEXURES – PROPOSED MAPPING AMENDMENTS

The key draft LEP maps required to implement the proposed controls include the following:

Annexure 1 – Land Use Zoning Map

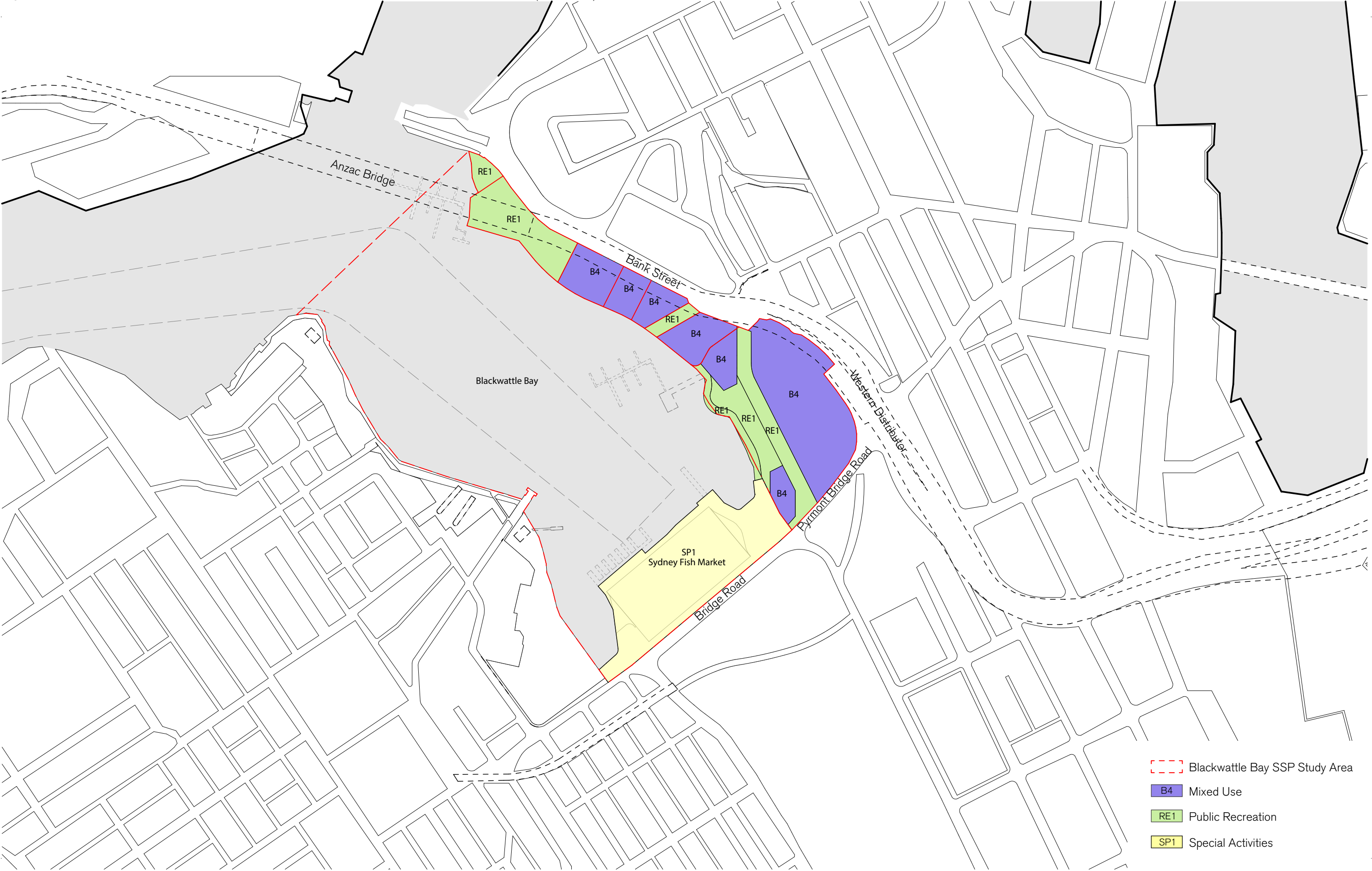
Annexure 2 - Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map

Annexure 3 – Locality and Site Identification Map, Foreshore Building Line Map

Annexure 4 – Land Use and Transport Integration Maps

Annexure 5 – Public Transport Accessibility Level Maps

Annexure 1 – Land Use Zoning Map



- Blackwattle Bay SSP Study Area
- B4 Mixed Use
- RE1 Public Recreation
- SP1 Special Activities

0 50 100 200m

1:5000 @ A3



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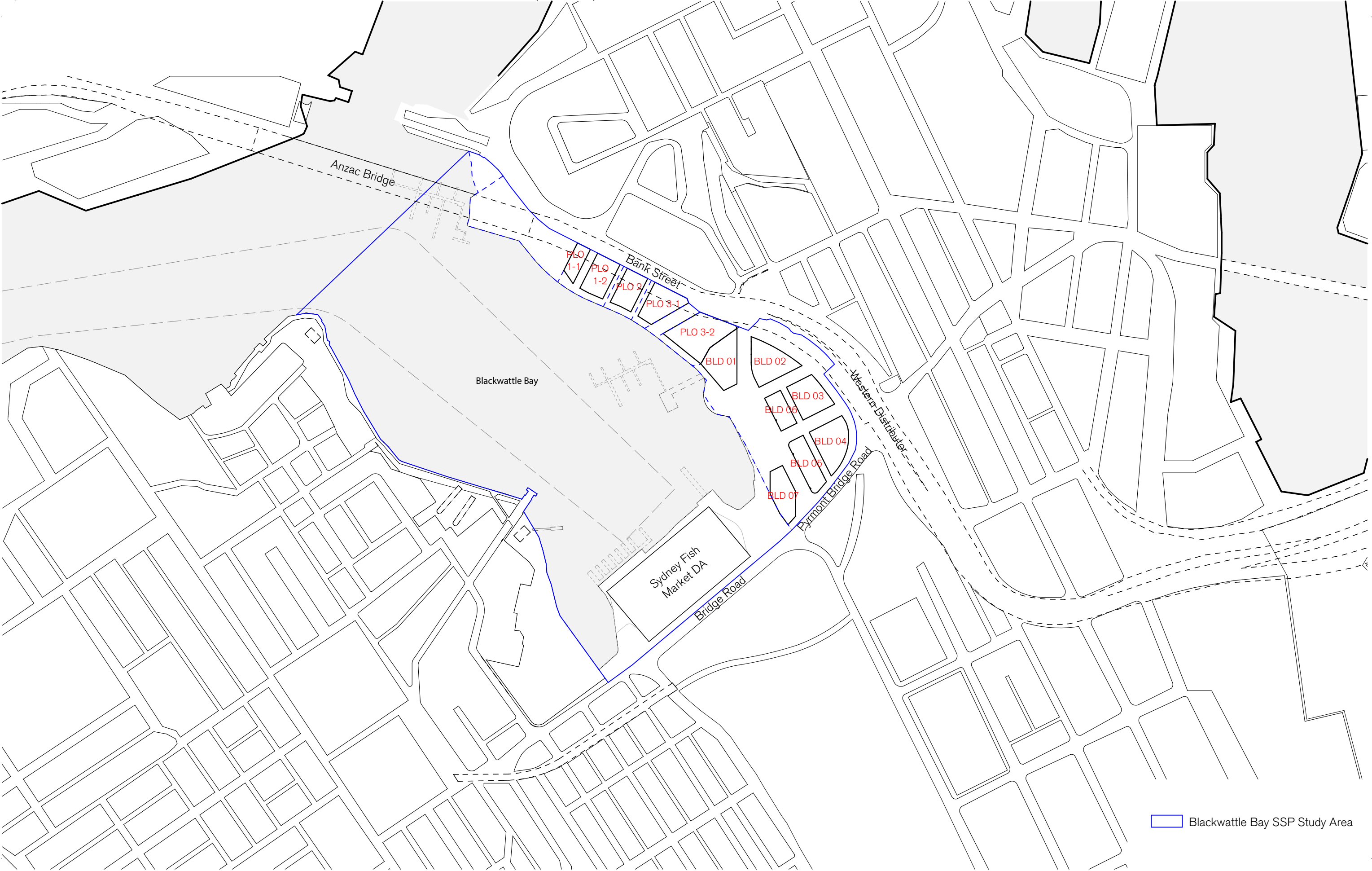
Land Use Zoning Map

INSW - Blackwattle Bay Precinct Plan

For Information

SK-106

Annexure 2 - Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map



 Blackwattle Bay SSP Study Area

0 50 100 200m

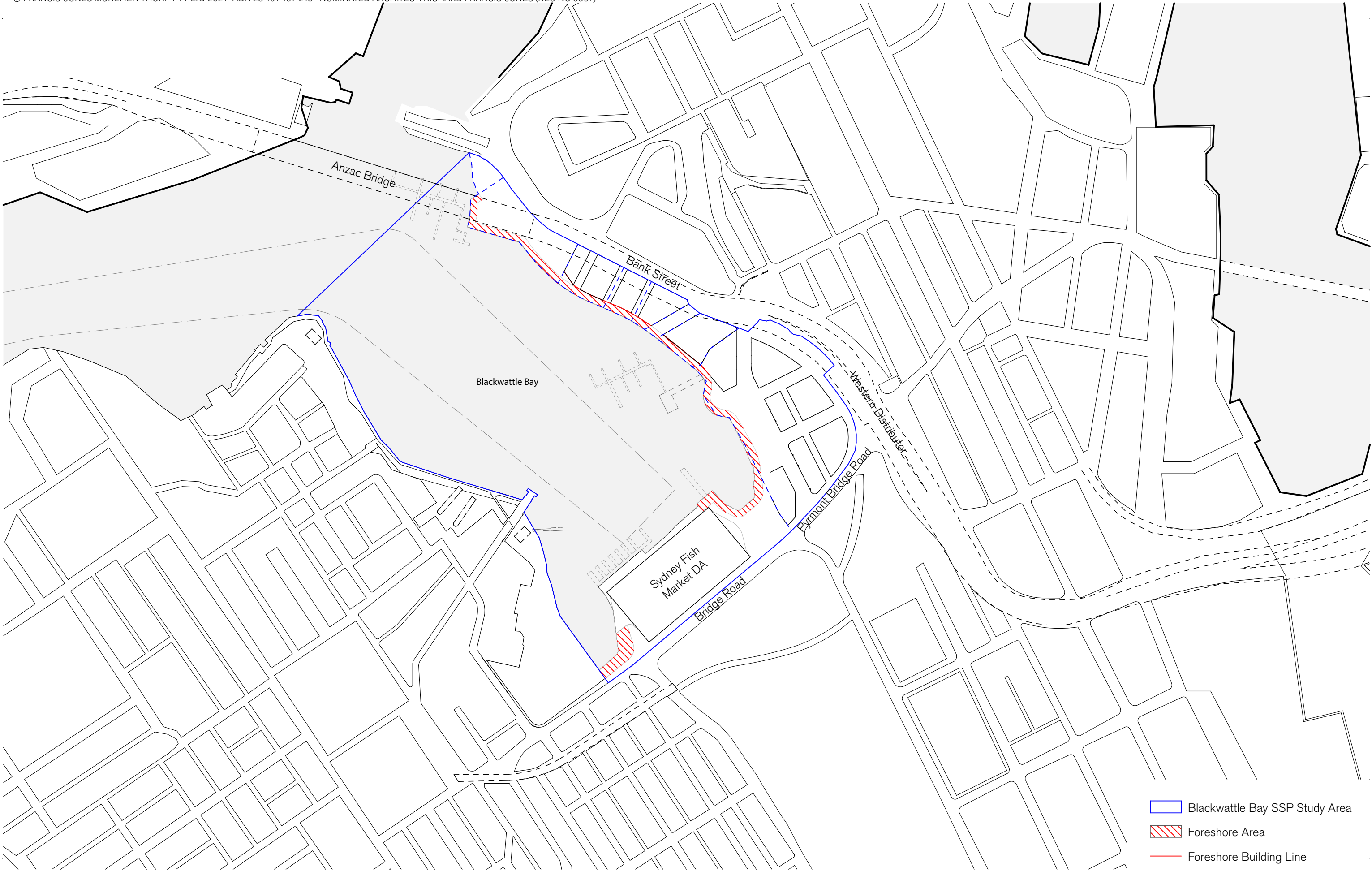
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Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map

Annexure 3 – Locality and Site Identification Map, Foreshore Building Line Map



Locality and Site Identification Map, Foreshore Building Line Map

INSW - Blackwattle Bay Precinct Plan

-  Blackwattle Bay SSP Study Area
-  Foreshore Area
-  Foreshore Building Line

0 50 100 200m

1:5000 @ A3



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Annexure 4 – Land Use and Transport Integration Maps



- Blackwattle Bay SSP Study Area
- A Category A
- B Category B
- C Category C

0 50 100 200m

1:5000 @ A3



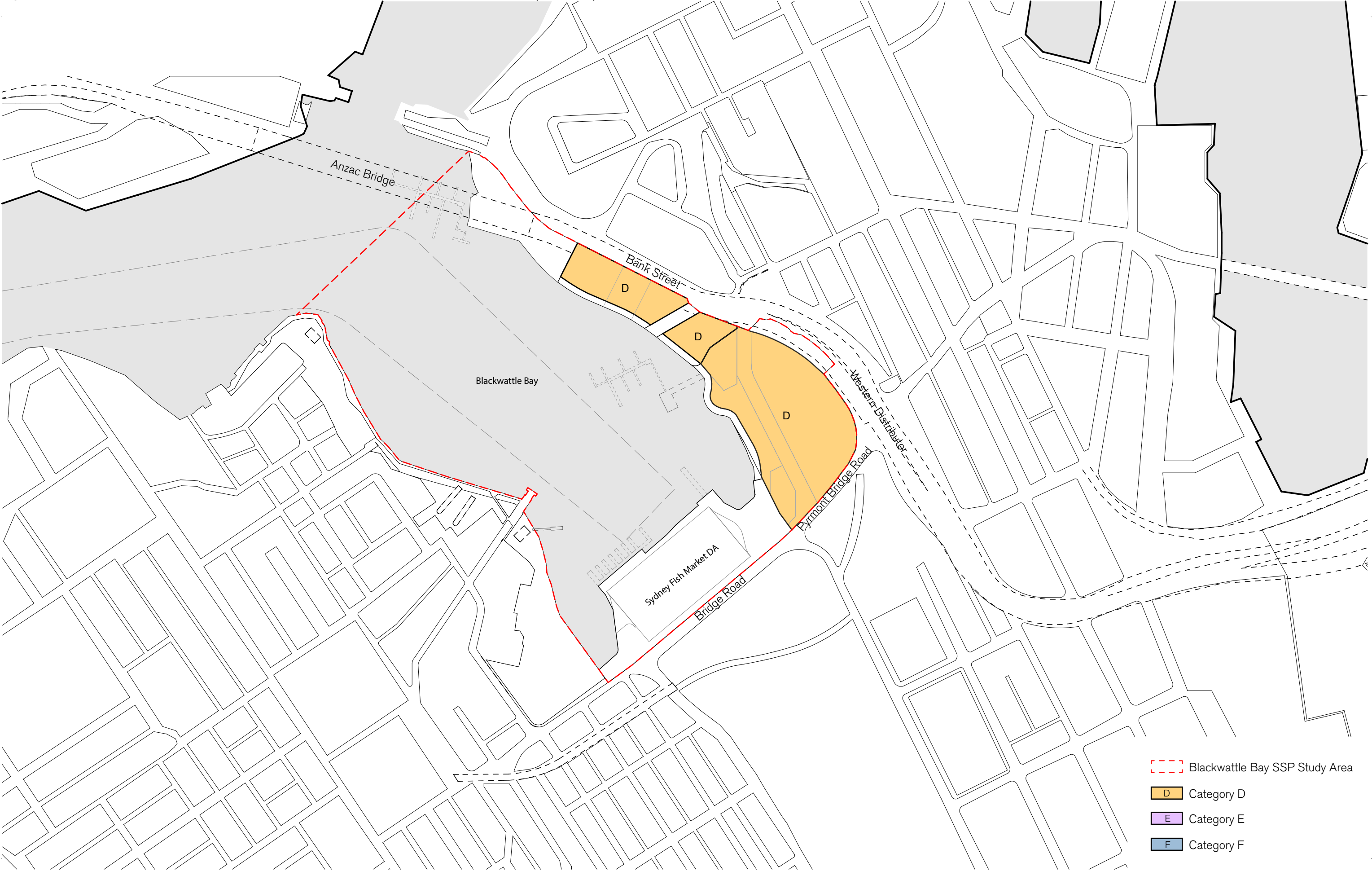
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Land Use and Transport Integration Map

INSW - Blackwattle Bay Precinct Plan

For Information

Annexure 5 – Public Transport Accessibility Level Maps



Public Transport Accessibility Level Map

INSW - Blackwattle Bay Precinct Plan

- Blackwattle Bay SSP Study Area
- D Category D
- E Category E
- F Category F

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For Information