



# BLACKWATTLE BAY STATE SIGNIFICANT PRECINCT

## EXPLANATION OF INTENDED EFFECT

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## 1.0 INTRODUCTION

Infrastructure NSW has led a detailed master planning process for the Blackwattle Bay Precinct in consultation with the Department of Planning, Industry and Environment, the City of Sydney Council, Government agencies, landowners and other stakeholders.

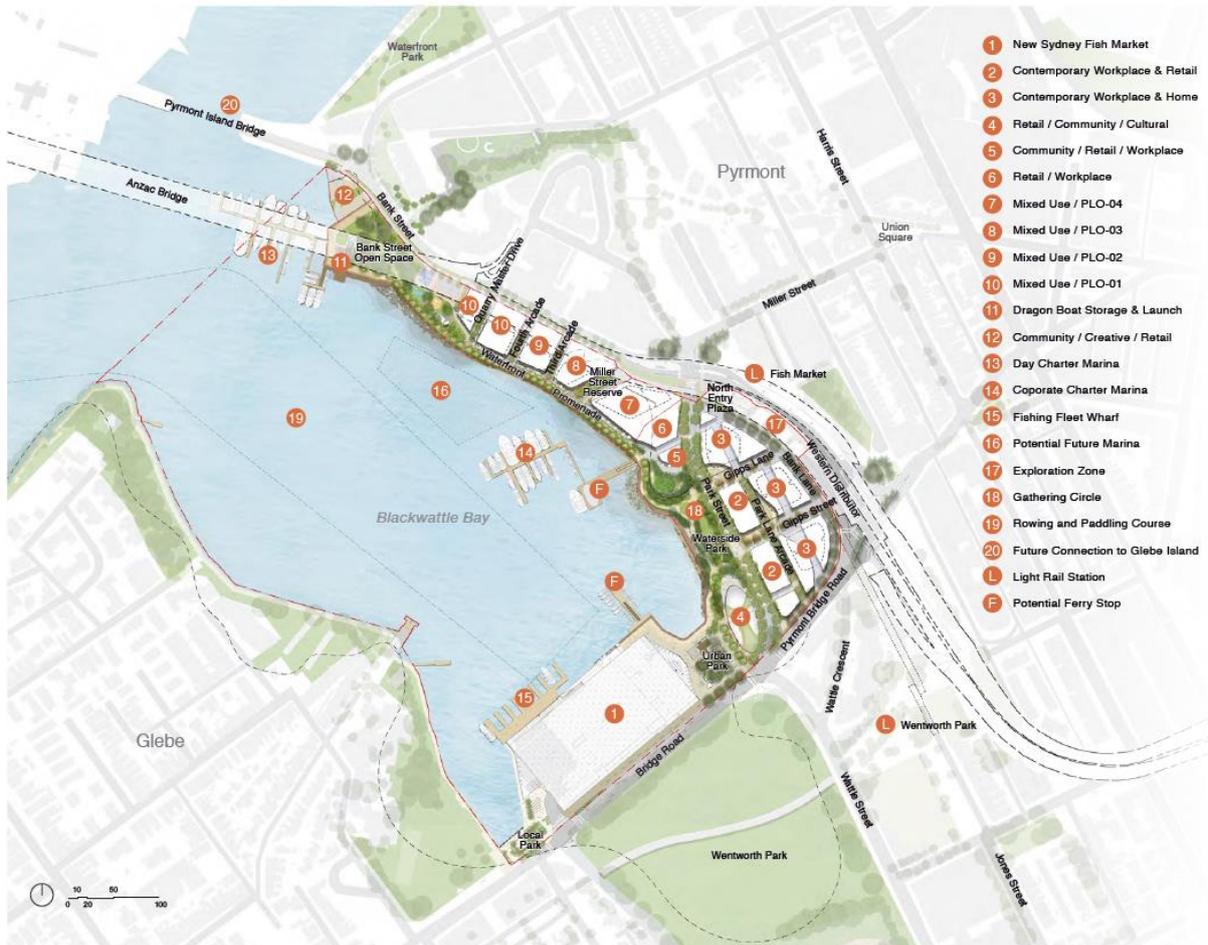
This Explanation of Intended Effect (EIE) sets out the proposed planning controls arising from the master planning process and is informed by the Blackwattle Bay Urban Design Statement (insert date) incorporating the draft Precinct Plan.

During July-August 2017 consultation was undertaken with community members and stakeholders on the vision, values, principles and objectives 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, which would be contained in *Sydney Local Environmental Plan 2012* (Sydney LEP). Minor 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)

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



**Figure 1: Blackwattle Bay Precinct Plan**

## 1.1 Blackwattle Bay Nominated State Significant Precinct

Blackwattle Bay and Bays West together make up The Bays Nominated 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. Infrastructure NSW (INSW) is managing preparation of the State Significant Precinct Study (SSP Study).

Study requirements for the Blackwattle Bay SSP study 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 Guidelines that will control and enable development in the Precinct.

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



-  Zone 1 / 1-3 Bank Street & Bank Street Open Space
-  Zone 2 / Private Land Owners Land
-  Zone 3 / Government Owned Land & Waterside Park
-  Zone 4 / New Fish Market
-  Zone 5 / Water

**Figure 2:** Blackwattle Bay zones



**Figure 3: Blackwattle Bay Development Lots**

## 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
- Wharf with potential private or public ferry services
- 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.

### 1.3 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 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 minor 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.

### 1.4 Proposed planning instrument amendments

A draft SEPP is proposed to be prepared to amend Sydney LEP, the Sydney Harbour Catchment SREP, SREP 26, the ISEPP and the Codes 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 SP2 Infrastructure
- Introducing new site specific provisions under Division 5, including:
  - maximum GFA controls
  - maximum height controls
  - minimum non-residential development for certain sites
  - excluding the application of clauses 4.4, 6.21(7) and 7.20

- a requirement for a competitive Design Excellence process that has been approved by the NSW Government Architect, in addition to Council's existing policy
- reference to Design Guidelines to inform future development of the precinct
- Applying a satisfactory arrangements clause to the precinct
- Identifying additional active street frontages
- Introducing a resilient development clause.

The draft SEPP will also provide for the following amendments:

- **Sydney Harbour Catchment SREP**
  - Addressing the requirement to prepare a master plan for Blackwattle Bay as part of the City Foreshores Area
  - Including a special provision permitting the new Sydney Fish Market where it is located within the SREP's boundary. (An alternative option to include this area in Sydney LEP is discussed in Section 2.10.)
  -
- **ISEPP**
  - Nominating Blackwattle Bay as a Public Authority Precinct so that certain works in the public domain 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
- **SREP 26**
  - Repealing the application of SREP 26 to the Blackwattle Bay Precinct.

Draft maps are attached to this EIE and comprise:

- 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 xx to xx within the precinct, and extend the designated Foreshore Area
  - Amendments to the Land Zoning Map (LZN\_007 and LZN\_008)
  - Introduction of an Active Street Frontages Map (AFS\_007 and AFS\_008) to apply to land in the Blackwattle Bay Precinct
  - New Intensive Urban Development Area Map (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.

- 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.

## 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 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:

- **Zone 1:** 1-3 Bank Street & Bank Street Open Space – no change to existing RE1 zoning
- **Zone 2:** Private landowners' land – rezone land from B3 Commercial Core to B4 Mixed Use and retain existing RE1 zoning
- **Zone 3:** Government owned land and Waterside Park – rezone land from B3 Commercial Core to B4 Mixed Use and RE1 Public Recreation
- **Zone 4:** New Sydney Fish Market –rezone from Waterfront Use to B4 Mixed Use for that part of the site located within Sydney LGA [TBC following DPIE feedback]
- **Zone 5:** Water – no change to existing W1 zone

Draft land use zoning maps (map sheets LZN\_007 and LZN\_008) have been prepared to reflect these zoning changes (Annexure 2). The proposed changes to land zoning for the precinct are illustrated in Figure xx.

[Insert draft Land Zoning Map]

### 2.2 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. The Blackwattle Bay Precinct will be identified on the Locality and Site Identification Map, Foreshore Building Line Map. It is proposed to include the following in the site-specific provisions:

- Alternate building height and gross floor area controls (despite Clauses 4.3 and 4.4 of the Sydney LEP), consistent with the Blackwattle Bay Precinct Plan.
- The maximum building height and GFA proposed to be included for the Blackwattle Bay Precinct for individual development lots (refer Figure 3):

Zone	Building No	Maximum Height	Maximum GFA (sqm)
Zone 2	PLO 01	+75.50 AHD	23,270
	PLO 02	+91.50 AHD	16,273
	PLO 03-1	+91.50 AHD	13,297
	PLO 03-2	+72.00 AHD	19,164
Zone 3	BLD 01	+21.00 AHD	7,170
	BLD 02	+118.60 AHD	38,224
	BLD 03	+156.00 AHD	51,427
	BLD 04	+109.00 AHD	39,101
	BLD 05	+37.50 AHD	12,958
	BLD 06	+37.50 AHD	8,622
	BLD 07	+21.00 AHD	3,807

- A provision specifying the minimum non-residential component for particular sites within the precinct. This provision is designed to ensure commercial floor space for knowledge-based jobs is prioritised, in line with the priorities set out in the Pyrmont Peninsula Place Strategy. It will also complement the proposed active frontages controls.
- Reference to Design Code to inform future development of the precinct
- A provision disapplying the application of clause 6.21(5)-(7) to new development. Instead, the Design Excellence process will be set out in new Design Guidelines which will be referenced in the LEP. The Design Guidelines will inform future development and will include a provision requiring development for new buildings to demonstrate Design Excellence (no design excellence bonuses will apply). Future development will need to:
  - undertake a competitive design process in accordance with the City of Sydney’s Competitive Design Policy; or
  - undertake a design excellence process that has been agreed with the NSW Government Architect.
- A provision disapplying the requirement for a Development Control Plan in Clause 7.20.

### 2.3 Design Code

The proposal includes a Design Code that have has prepared to inform and guide future development within the Blackwattle Bay Precinct.

The 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 guidelines which, as drafted, address matters such as:

- 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.

## 2.5 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*. 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.

## 2.6 Sustainability – Resilient Development

The introduction of sustainable utilities infrastructure is supported at Blackwattle Bay to ensure resilient development and improve 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 'Resilient Development' local provision is proposed, aiming to:

- Maximise self-reliance of the precinct on its own internal resources
- Minimise dependence on external resources and loads
- Provide improved availability of water and energy during periods of drought and/or heat wave
- Enable cost effective future adaptations of infrastructure.

The proposed draft amendment would require the following for the erection of new buildings in the precinct:

- separate reticulation for potable and non-potable water demands (including toilets and irrigation) to be connected to the non-potable reticulation network.
- land and associated easements for embedded electricity generation and distribution.

The proposed Resilient Developments clause would be accompanied by sustainability provisions in the Design Guidelines to provide further guidance for implementation.

## 2.7 Infrastructure funding and delivery

The SSP Study identifies a range of infrastructure items to be provided to support the proposed growth in Blackwattle Bay. The infrastructure schedule reflects each item together with the proposed mechanism for funding and delivery. The precinct will also be supported by the planned delivery of regional infrastructure such as the Pyrmont Metro, xx road upgrades xx.

The identification of the items, delivery and timing has been informed by the variety of technical studies undertaken as part of the precinct investigation process and consultation with the community and other stakeholders.

Local infrastructure contributions will be levied by the Council as a condition of development consent under a local development contributions plan and go towards the delivery of local public infrastructure and facilities required because of the development.

To ensure that developers also make an appropriate contribution towards State public infrastructure, a 'Satisfactory Arrangements' clause is proposed to be applied to the precinct. This clause would require developers to make satisfactory arrangements to contribute to the provision of State public infrastructure prior to development occurring. 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.

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 relating to satisfactory arrangements to apply to the precinct. A similar clause has been inserted for the Waterloo Metro Quarter (clause 6.46). A draft Intensive Urban Development Map identifying where these provisions apply is available at Annexure 6.

## **2.8 Proposed Amendment to State Environmental Planning Policy (Infrastructure) 2007**

Part 3, Division 11, Clauses 58G-58H of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) enables public authorities to undertake certain works as exempt development within identified public authority precincts. These precincts are currently Barangaroo, Darling Harbour, Sydney Olympic Park and The Rocks. Activities that can be undertaken as exempt development include cycleways, recreation facilities, amenity facilities, landscaping and the like.

Similar provisions apply to Council reserves under Part 3, Division 12 of the ISEPP. However, given that the public domain at Blackwattle Bay is not a Council reserve at this time, it is appropriate that Clause 58G of the ISEPP be amended to include Blackwattle Bay as a public authority precinct.

## **2.9 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.

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.

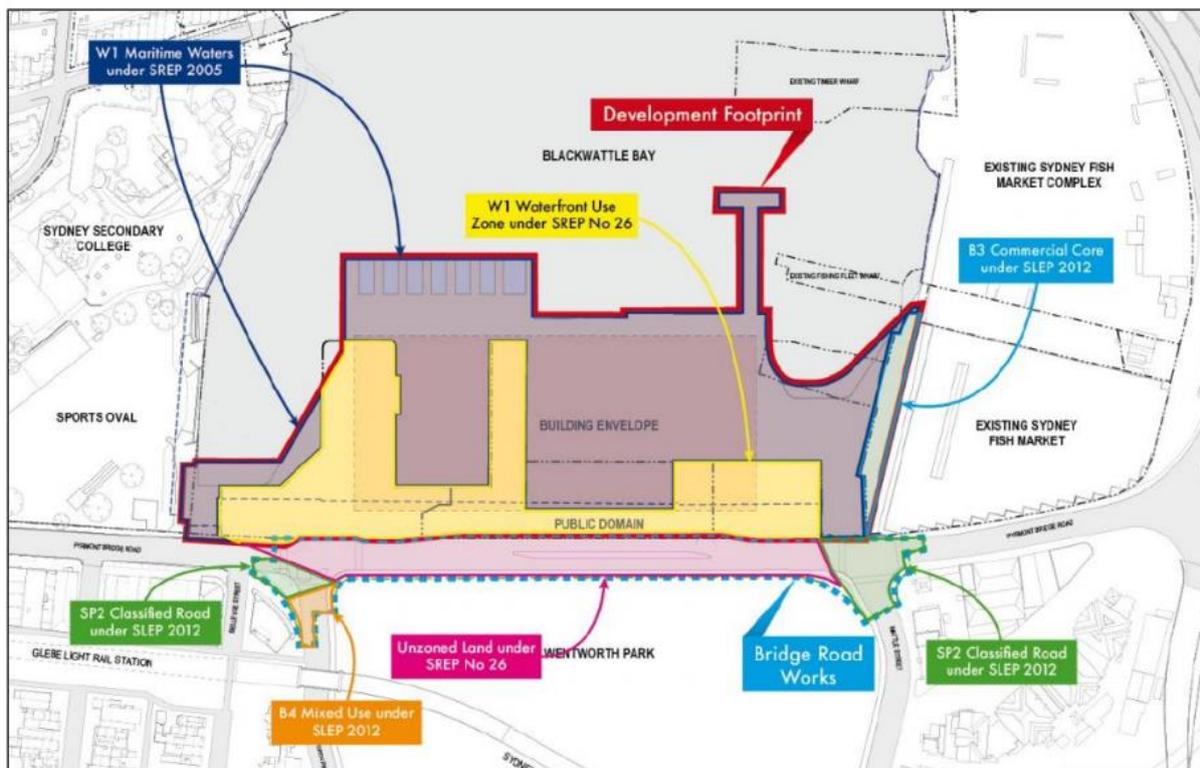
## 2.10 Proposed amendments to SREP (Sydney Harbour Catchment) 2005

### Part 4 Strategic Foreshore Sites - City Foreshores Area

The Sydney Harbour Catchment REP 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 REP.

### Special provision 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 xx. The new Sydney Fish Market is 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 4:** 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 Open 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. This could be achieved by the inclusion of a special provision in the Sydney Harbour Catchment SREP enabling the development of the new Sydney Fish Market in accordance with the SSDA approval.

Alternatively, the site could 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 B4 Mixed Use. This area is currently outside the boundary of the City of Sydney Local Government Area so a boundary adjustment would also be required to facilitate the change.

## **2.11 Proposed Amendment to Sydney Regional Environmental Plan No 26 – City West**

As shown in Figure xx, part of the Blackwattle Bay site 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 B4 Mixed Use. The Land Application Map and Land Zoning Map in Sydney LEP would need to be amended (refer Annexures 1 and 2) together with relevant maps in SREP 26.

## **ANNEXURES – PROPOSED MAPPING AMENDMENTS**

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

Annexure 1 – Land Application Map

Annexure 2 - Land Use Zoning Map

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

Annexure 4 - Floor Space Ratio Map

Annexure 5 – Intensive Urban Development Area Map

Annexure 6 - Amendments to SREP 26 maps