



NSW Government and Council Submissions

Blackwattle Bay State Significant Precinct

March 2022

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Acknowledgment of Country

The Department of Planning 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.

Publishing Submissions

The Department has published all submissions received during the public exhibition of the Blackwattle Bay State Significant Precinct Study, proposed master plan and draft planning controls to ensure that all stakeholders understand and can respond to the range of issues raised in submissions. The Department has also published its Summary of Submissions report and a letter of issues and recommendations to Infrastructure NSW.

Making a submission is entirely voluntary and there is no obligation to provide the Department with any personal information when making a submission and some submissions have been lodged with the Department requesting that personal details be withheld from publication. Where privacy has been requested submissions and associated attachments have been redacted prior to publication.

Submissions have been grouped and published in the following documents:

- Redacted Submissions
- Redacted Submissions with Attachments
- Community Submissions
- Community Submissions with Attachments
- NSW Government and Council Submissions

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23 Aug 2021

Malcolm McDonald
Executive Director, Eastern Harbour City
NSW Planning, Industry and Environment
Locked Bag 5022, Parramatta 2124

RE: Blackwattle Bay State Significant Precinct Study

Dear Mr McDonald,

Thank you for offering Sydney Water the opportunity to provide commentary on the Blackwattle Bay State Significant Precinct Study and associated documents. The SSP study seeks to amend planning controls in Sydney Local Environmental Plan 2012 enabling the revitalisation of the precinct and relocation of the Sydney Fish Market.

Please find, within the enclosed, **Attachment 1** detailing Sydney Water's general submission on the draft Strategy. Our commentary covers a wide range of aspects within the plans and has been tabled to provide legibility on our key comments in relation to specific sections of the plan.

Servicing and Utilities

Due to the size and age of infrastructure assets in the area it is recommended that the proponent(s) liaises with Sydney Water as soon as possible to ascertain watermain connection sizes, impact on gravity systems and connection locations. It is recommended that the proponent(s) lodge a feasibility with Sydney Water, if they have not done so already, to facilitate these discussions and potentially link to the proposed Sydney Water SPS002 renewal project. Applications must be made through an authorised Water Servicing Coordinator who can be accessed via the [Sydney Water website plumbing building and developing section](#)

Sydney Water also requests further information on the proposed reclamation of land at the head of Blackwattle Bay as it may impact existing significant stormwater assets that service a large proportion of central city of Sydney CBD.

Growth planning requirements

With significant growth anticipated across the Greater Sydney in both infill and greenfield areas, Sydney Water must maintain existing service levels whilst planning for additional demand. To do this, we require robust ultimate and annual growth projections. This enables Sydney Water to effectively assess where existing assets can be utilised before significant upgrades extensions or even new assets are required. For example, the early stages of a development may be feasible via this route with additional assets required to meet the ultimate long-term demand. This could be the case in both infill and greenfield areas where we may be able to review catchments and servicing options in the short term. The more detailed information that we have enables Sydney Water to assess the proposed growth more fully and enables more holistic solutions to be identified.

Sydney Water therefore requests that the DPIE refer all precinct plans, place strategies, planning proposals for major developments and state significant developments to Sydney Water for comment. These should be sent via the NSW Planning Portal where applicable, and to UrbanGrowth@sydneywater.com.au where not. This will ensure that suitable servicing advice is provided to the DPIE and proponents as early as possible, that all growth is accounted for in our [Growth Servicing Plans](#), and that servicing is made available as soon as possible.

For all proposed growth areas and employment lands, Sydney Water requests that anticipated *annual* and *ultimate* growth data is provided by the DPIE and/or proponents for all major projects in the format as identified in the table provided in **Attachment 2**. We acknowledge that this intel may be indicative and subject to change as planning progresses.

Recycled Water, Integrated Water Management and Health Waterways

Sydney Water supports initiatives to consider sustainable development as noted in the study. The proposal should consider Recycled Water opportunities for the precinct, the creation of a healthy waterway plan in conjunction with the Sydney Harbour Catchment SREP and Integrated water management opportunities.

Collaboration

Sydney Water welcomes the opportunity to work with the DPIE to support their developments and strategies and to work towards mutually beneficial outcomes.

If you require any further information, please contact the Growth Planning Team via urbangrowth@sydneywater.com.au.

Yours sincerely,



Kristine Leitch

Commercial Growth Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150

Attachment 1

Sydney Water commentary on the Draft Macquarie Park Place Strategy

Document	Section	Page No	Subtype	Comment type	SW Comment
Utilities and Infrastructure Servicing	General comment			Recommendation	For all proposed growth areas, Sydney Water kindly requests annual and ultimate growth data be provided to enable Sydney Water to effectively plan and stage infrastructure to meet the development needs. We provide an example of the info required in the table provided in Attachment 2.
Planning controls	General comment			Recommendation	For all major developments, Sydney Water requests Council go through the NSW OCRS Planning Portal under S78 to ensure no growth is missed and that adequate servicing is available prior to development.
Utilities and Infrastructure Servicing	1.5, 5.4	14, 28	SSP study requirements, Combined Services Plan	Recommendation	The Blackwattle Bay Study should consider: - recycled water and purple pipe plumbing provisions if any - planning for Sydney Water's stormwater (heritage-listed) assets leading to Blackwattle Bay and any potential impact including restoration work underway at Johnson Creek
Utilities and Infrastructure Servicing	6.9	34	Future work	Recommendation	Connecting to the Pyrmont gravity system of which the 200mm main is part. Due to the scale of the development and its importance it is suggested that the proposed development has an alternative supply arrangement. This can only be achieved in this location with additional valves as there is a single 200mm/150mm main frontage to the property. This main can be moved and upsized as required. Connectivity is poor in this adjacent watermain system due to the park and stormwater system. Watermain connection should be sized to take the maximum demand as the recycle system will be shut down for maintenance. More discussion can be had around this item.

					Proponents should contact Sydney Water as soon as possible via the feasibility process (if they have not already done so) to ensure adequate time is given to plan for service requirements.
Blackwattle Bay SSP Study	1.5	14	SSP study requirements	Recommendation	The study should also consider the inclusion of waterway health related Sydney Harbour Catchment SREP planning principles as follows in the proposed Foreshore Area: 4. (a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores, (b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation, (c) access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation.
Blackwattle Bay SSP Study	1.5	14	SSP study requirements	Recommendation	To include controls related to sewerage and water services included in any new clause into Sydney LEP requiring the Planning Secretary's approval of any proposed approach to delivery of infrastructure prior to approval of significant development (see clause 51 of the WSA SEPP)
Draft Design Code	8.4	57	Water Management: Objectives, Provisions	In support of	Included water conservation and Water Sensitive Urban Design (WSUD) principles in proposed draft Design Code that has been prepared to inform and guide future development within the Blackwattle Bay Precinct. The new 'Sustainable Development' local provision is 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 among other factors of water conservation and water reuse.

Utilities and Infrastructure Servicing	7.6	38	Forecast demand	Clarification	Please ensure that all proposed buildings have sewer connections above the system overflow level (RL21.05).
Utilities and Infrastructure Servicing	7.6	38	Forecast demand/ sizing of assets	Clarification	Sydney Water is currently working on the SP0002 renewal project . This development is likely to require up-sizing or possible relocation of the pump. We require therefore anticipated timeframes of the development so that any implementation requirements for this station can be planned and/or rebuild/upsized as required. The current renewal project might need to be postponed based on the development staging.
Utilities and Infrastructure Servicing	6.9	34	Future work	In support of	Preparation of integrated water management plan for the site including use of recycled water and optimising on-site of rainwater/stormwater. The plan could also clearly integrate proposed water sensitive urban design and use of recycled water. Use of recycled water for irrigation of green spaces and tree canopy is supported. Recycled water use could also be considered for non-potable uses associated with residential, commercial/retail and mixed uses (e.g. toilet flushing and laundry).
Utilities and Infrastructure Servicing	5.4	28	Combined Services Plan	Clarification	It appears that the reclamation is proposed at the head of Blackwattle Bay. We would appreciate further clarification on this as Sydney Water's stormwater pipes lead and discharge to this part of Blackwattle Bay's foreshore and serve a critical stormwater function for a significant portion of Central Sydney's central business district. This infrastructure will need to continue to perform this critical function into the future and the proposal needs to ensure their continued and ongoing effective functioning. Noted that the heritage study picks these up as heritage items.

Blackwattle Bay SSP Study	G16	198	Sustainability initiatives	Recommendation	Sustainability initiative in SR 16.2 of the SSP Study calls for an integrated water cycle management strategy that considers water, wastewater and stormwater. The Blackwattle Bay proposal offers a synergistic opportunity to consider integrated water servicing across the whole of the Bays precinct including the Pyrmont Peninsula and the Central precinct to evaluate the best solution also for recycled water and stormwater as alternate sources of water to meet growth and greening demands. NSW Govt is also planning a metro from the Central to the Bays which extends further to the west (Parramatta). The metro construction corridor between Central and the Bays provides opportunity (pending future proof) to include a recycled water main that would be able to connect all the precincts and supply recycled water from a preferred location(s) (yet to be determined).
Draft Design Code	8.3	56	Provisions, Table 8	Recommendation	Basix score of 60 for Water should be investigated as per SR17.6 for Climate Change adaptation
Circular economy and key agency collaboration	General comment			Recommendation	A Memorandum of understanding (MOU) should be considered between key government agencies to work towards circular water solutions in the precinct. Sydney Water would be delighted to participate in cross agency discussions to ensure efficient planning and roll out of services.
Protection of Sydney Water assets and property tenure	General comment			Recommendation	<p>As part of the study any discovery of potential requirements to relocate SWC assets where SWC has property tenure will need to be reviewed and agreed as the project progresses.</p> <p>In the event any SWC assets that are required to be relocated or augmented as a result of this development by the developer, may require new property tenure in future.</p> <p>SWC position is that any new property tenure (land or easement acquisition) as a result of development will need to be provided to SWC by the developer to the SWC operational standard and at no costs to SWC.</p>

Attachment 2

Growth Data Information

This data collected will inform Sydney Water's planning investigations for servicing the proposed development and wider area. Ideally updates should be provided every quarter for each development. Development intel helps to ascertain demonstrated demand and development confidence which supports business cases, planning studies, and commercial opportunities. The data collected will be treated as commercial in confidence. It is understood that the data may indicative only at this stage.

	Ultimate Growth	Ultimate EP (if known)	Number of Stages
Single dwellings			
Multi dwellings			
Jobs			

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Single dwellings										
Multi dwellings										
Jobs Numbers										
OR: Jobs in GFA										

Where there are clear staging areas or separate geographical locations, please provide separate summaries for each.

High water users

Insert details on any proposed high demand water users (data centres, food production centres or specialised proposed high water users etc)

20 August 2021

Malcolm McDonald
Executive Director
Eastern Harbour
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Contact: *Stuart Little*
Telephone: [REDACTED]
Our ref: *D2021/92346*

Dear Mr McDonald

RE: State Significant Precinct Study for Blackwattle Bay

I refer to your email of 2 July 2021 advising us of the public exhibition of the State Significant Precinct Study for Blackwattle Bay including a proposed masterplan and draft planning controls prepared by Infrastructure NSW. We note that the exhibited materials include an Explanation of Intended Effect (EIE) and numerous supporting technical studies.

The renewal project will deliver approximately 1,550 dwellings providing for a population of around 2,800 residents and commercial and retail floor space with potential to deliver 5,600 jobs. To facilitate this, the Proposal seeks to amend Sydney Local Environmental Plan 2012 to change the planning controls to enable redevelopment of the site. The proposal also makes changes to various State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs) including the State Significant Precincts SEPP, the State and Regional Development SEPP, the Infrastructure SEPP, the Exempt and Complying Development Codes SEPP, SREP 26 – City West and the Sydney Harbour Catchment SREP.

WaterNSW is a State-owned Corporation established under the *Water NSW Act 2014* that owns and manages 42 dams across NSW and supply water to regional towns, irrigators, Sydney Water Corporation and local water utilities. We also own and manage the Upper Canal and Warragamba Pipelines that transfer bulk raw water from Warragamba Dam and Pheasants Nest Weir to Prospect Water Filtration Plant, where the water is treated and supplied to the Sydney Metropolitan Area by Sydney Water. We are also a prime agency responsible for regulating surface and groundwater licensing in NSW. We administer water use and water management approvals under the *Water Management Act 2000* and *Water Act 1912* that are designated and integrated developments under the *Environmental Planning & Assessment Act 1979*.

WaterNSW understands the Department is seeking our advice to confirm whether this proposal will generate the need for new infrastructure to support the future population of workers and residents of the precinct and to provide any other advice necessary for proper assessment of the proposed rezoning. The provision of water supply and wastewater infrastructure to the site is a matter for Sydney Water who is the appropriate authority to issue advice in this regard. We do not believe that the Proposal will place any additional burden on water supply infrastructure owned and managed by WaterNSW in providing bulk raw water to Sydney via the Prospect Water Filtration Plant.

From the information contained in the EIE, we understand that changes in the planning controls pertaining to the Blackwattle Bay Precinct are to be given effect by means of a new SEPP. We have reviewed the nature of the proposed changes to the various State and Regional planning

instruments listed in the EIE and note that the relevant amendments all pertain to the Blackwattle Bay site. They do not appear to have broader policy implications. The proposed amendments do not affect WaterNSW's assets or responsibilities under the *Water NSW Act 2014*, the Sydney Drinking Water Catchment SEPP, or any of our responsibilities under the *Water Management Act 2000* and *Water Act 1912*.

For later developments proposed on the site that are not SSD, water supply work approvals may be required from WaterNSW such as for temporary dewatering purposes. However, overall, the proposed amending provisions for redevelopment of the Blackwattle Bay appear to have little direct implications for us.

Thank you for consulting with us on this matter. If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [REDACTED]

Yours sincerely



DARYL GILCHRIST
Manager Catchment Planning

SF21/16
SD21/65587-1

Mr Luke Thorburn
Planning Officer, Eastern District (City of Sydney)
Greater Sydney, Place and Infrastructure
NSW Department of Planning, Industry and Environment
Level 18, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Thorburn

I write in response to a call for submissions relating to the Blackwattle Bay State Significant Precinct. The Sydney Local Health District is excited by the proposal and the major regeneration of the bay and overall is supportive of the redevelopment of this precinct.

The Precinct proposal will enhance access to green spaces, provide improved active transport connections including both pedestrian and cycling links and provide new cultural spaces for the community. The extension of the foreshore promenade from Woolloomooloo to Rozelle will activate the community and provide enhanced access to new public transport options including: ferry wharf, buses, links to the light rail and access to the future Sydney Metro West at Pyrmont. This improved public transport will positively influence travel patterns and provide improved opportunities for physical activity.

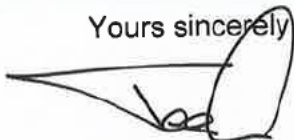
The Sydney Local Health District has some concerns about with the height and density proposed for the major buildings on the site: a significant change to the local area. Buildings proposed are up to 45 storeys, and are aligned to abut the Western Distributor. This siting may subject these dwellings to traffic noise and pollution. As is well known, there are health issues associated with extremely high buildings and very dense living. These buildings will be prominent on the Sydney skyline.

The precinct has planned for some health care via shared spaces and small primary care facilities.

The agreed contribution to affordable housing is small at 5% of the total floor area of the development to be provided either as a contribution or a deduction. This should ideally be increased to 10-15% to support the area retaining a socioeconomically diverse population, especially as there is no social housing proposed for the site. Affordable housing will also feed into the innovation precinct's proposal to attract the best and brightest young people to the precinct. It is recognised that this needs to be assessed in line with the contributions to public spaces and amenities.

Thank you for the opportunity to comment on this important precinct. Should you require any further information or further clarification, please contact Dr Pamela Garrett, Director of Planning on [REDACTED]

Yours sincerely



Dr Teresa Anderson AM
Chief Executive
Date: 20-8-21



26 August 2021

Department of Planning, Industry and Environment
Blackwattle Bay redevelopment submission
Locked Bag 5022,
Parramatta NSW 2124

Dear Sir/Madam,

RE: SUBMISSION TO BLACKWATTLE BAY STATE SIGNIFICANT PRECINCT STUDY

School Infrastructure NSW (SINSW), as part of the Department of Education (DoE), welcomes the opportunity to provide comments on the Blackwattle Bay State Significant Precinct Study (Blackwattle SSP). SINSW works in conjunction with DoE to ensure every school-aged child in NSW has access to high quality education facilities at their local public school.

SINSW notes that the Blackwattle SSP seeks to provide the following:

- Approximately 1,550 dwellings, providing for a population of around 2,800 residents within approximately 123,000 square metres of residential GFA.
- Commercial and retail floor space with the potential to deliver 5,600 jobs
- An upgraded foreshore promenade with 30,000 square metres of public open space; and
- A range of community and cultural facilities.

SINSW has reviewed the Blackwattle SSP and is generally supportive of its overall direction and key actions. However, this is subject to ongoing collaboration between SINSW, the NSW Department of Planning, Industry and Environment (DPIE) and the City of Sydney (Council) to ensure infrastructure provision within the precinct aligns with growth through to 2041.

Population Growth:

Part D of the SSP Study notes the following regarding consultation with surrounding schools and SINSW:

“The project team has met with School Infrastructure NSW (SINSW) on several occasions regarding the master planning progress of Blackwattle Bay and the potential future population that could occur as a result of the precinct renewal. SINSW has indicated future development of Blackwattle Bay (formerly the Bays Market District) will not generate the need for an additional education facility”.

Table 16 of the SSP Study also addresses the requirement for educational facilities within the study area.



SINSW uses population and dwelling projection data (2019) provided by the Department of Planning, Industry and Environment (DPIE) as the basis for school planning. Whilst no educational establishments are proposed within the precinct, the following school intake areas are in proximity to the precinct boundary:

- Ultimo Public School
- Sydney Secondary College (Blackwattle Bay Campus)
- Sydney Secondary College (Balmain Campus)); and
- Glebe Public School

SINSW has been consulted regarding the master planning progress of Blackwattle Bay and the potential future population that could occur as a result of the precinct renewal. Based on the number of dwellings proposed, local schools are expected to experience some small growth in their intake areas from the precinct, which may require asset intervention in the short term to meet demand. A combination of asset improvement and non-asset solutions across these schools could be required to accommodate the projected enrolment demand, and may include:

- Intake area boundary changes
- Additional temporary and permanent teaching spaces on existing school sites
- Upgrades to existing schools

SINSW is committed to working with DPIE and Council to ensure that public schools are supporting community needs and continue to be appropriately resourced to respond to changes to its student population. Any growth and change identified for the locality will need to be considered carefully by SINSW with respect to the education needs of the community. For this reason, school intake areas are reviewed regularly to balance demand and capacity across the area.

Active Transport and Public Domain

SINSW notes that increased growth in the Blackwattle Precinct will place further pressure on the surrounding road network. As a result, it is essential that other modes of travel are catered for. SINSW is therefore supportive of the various actions contained to the Study that seek to deliver opportunities for greater public transport, walking and cycling within the precinct boundary.

SINSW has reviewed the Transport Management and Accessibility Plan prepared by Aecom and is generally supportive of its commentary and actions. Notwithstanding this, SINSW requests that the SSP prioritise student pedestrians via the following additions to this assessment:

- School Walking Catchment and User Paths
- Mode Share data
- Notable travel behaviours of the school community
- Preferred active and public transport routes

SINSW requests that the transport studies for the precinct also consider the following additional actions to promote greater active and sustainable travel, within the Blackwattle Precinct:

- Provide new and upgraded footpaths, including pedestrian crossings, to promote a more pedestrian friendly environment.
- Provide new and upgraded cycling lanes within the Precinct (which separate bicycles from the footpath).
- Implement lower vehicle speeds around sensitive land-uses, including schools.
- Implement local area traffic calming at strategic locations near sensitive land uses.
- Provide improved bus stop access and higher bus priority on roads to decrease bus journey times. This includes for school buses.
- Include an Action Plan for the implementation of the above, coupled with appropriate programs, delivery agency and identification of funding to facilitate mode shifts to the above to reduce pressure of the road network in the Precinct.

These initiatives could be supported and implemented through the collection of appropriate developer contributions from applicants.

To assist with future transport planning, SINSW can also provide a depersonalised residential data layer for the schools noted above. The enrolment boundaries are already available on the Open Data Portal.

SINSW would like to work with Council on future transport opportunities and strategies for the precinct, specifically regarding access to and from the surrounding school site.

Draft Design Code:

Appendix 14 of the SSP Study includes the Draft Design Code (the Draft Code) for the Blackwattle Precinct. This code outlines the site-specific design requirements for future development within the precinct.

SINSW requests that the following controls be included within the code to prevent amenity impacts to the schools sites noted above:

- Public Domain, Place and Urban Design: SINSW requests that Section 2.2 (Principles) of the Draft Code note the proximity of surrounding schools to the precinct, particularly Sydney Secondary College (Blackwattle Bay Campus) and Ultimo Public School.
- Overshadowing: In line with DoE's 'Educational Facilities Standards and Guidelines' (EFSG), the Draft Code should require that future development ensures that the at least 70% of school spaces, including outdoor school play spaces, receive direct sunlight between 9am and 3pm in mid-winter.

- Traffic and Parking: The DCP should require that construction work zones are not proposed in locations that will compromise pedestrian and vehicular access to the above schools and associated school drop-off and pick-up spaces. SINSW also request's that construction vehicles, including delivery vehicles, do not enter and exit the relevant sections of the proposed work site during school drop-off and pick-up periods.
- Noise and Vibration: SINSW notes that Sydney Secondary College (Blackwattle Bay Campus) has been highlighted as sensitive receiver on Figure 66 of the Study. Notwithstanding this, SINSW requests that high impact construction works should be undertaken outside of school hours where possible. Where noisy activities cannot be undertaken outside of school hours, SINSW requests that a control be added to the Draft Code requiring periods of reprieve during noisy activities. SINSW also requests that the surrounding schools be notified at least one week in advance of development that could cause considerable noise and/or vibration impacts to these schools. This will ensure that schools can appropriately respond and adjust operational procedures as required.

SINSW requests that the redevelopment of the precinct be designed and located to mitigate against potential adverse impacts (including traffic, access, noise and vibration and air quality impacts) on surrounding schools and communities.

Infrastructure Provision

SINSW is supportive of the preparation of an Infrastructure Delivery Framework for the precinct as well as an investigation into a contributions plan. SINSW recommends that any potential future contribution framework for the Blackwattle Precinct considers the following:

- Requirements for 'school related infrastructure' including public domain, transport and other infrastructure works required to support public schools in proximity to the precinct.
- The collection of specific contributions from new residential developments surrounding public schools and key residential sites within the precinct. This could be used to support, amongst other things, social education programs around active transport.

The implementation of these recommendations within any potential future local contribution plan for the LGA will ensure projected growth resulting from the Precinct's development is appropriately accommodated for and new footpaths, pedestrian crossings and cycling lanes near and around public schools can be constructed to increasingly allow greater sustainable travel to and from schools.

Future Consultation:

SINSW welcomes the opportunity to engage further on the content contained to this submission. SINSW recommends ongoing engagement with DPIE and



Council regarding satisfactory planning and environmental mitigation measures for future development within the Blackwattle Precinct. To achieve this, SINSW requests that regular meetings occur between SINSW and DPIE during the study process. This will ensure SINSW can appropriately respond to each relevant investigation as required.

Should you require further information about this submission, please contact the SINSW Statutory Planning team at StatutoryPlanning@det.nsw.edu.au

Yours Sincerely,

Paul Towers

Executive Director - Infrastructure Planning

Mr David McNamara
Director, City of Sydney, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment
eastern.harbourcity@planning.nsw.gov.au

Attention: Ms Palitja Woodruff,
[REDACTED]

State Significant Precinct – Blackwattle Bay

Dear Mr McNamara

Thank you for the opportunity to comment on the Blackwattle Bay State Significant Precinct Study (the Precinct Study) prepared by Infrastructure NSW.

Heritage NSW (as part of the former Office of Environment and Heritage) provided both Aboriginal cultural heritage and non-Aboriginal heritage study requirements for what was then known as the Bays Market District in 2017, including:

- a heritage assessment that investigates the history, physical evidence and significance of features within the study area, to identify and conserve local or greater heritage features
- a Maritime Archaeological and Heritage Assessment (desktop and possible underwater survey) that assesses the significance of buried or submerged maritime heritage sites
- an Aboriginal cultural heritage study to identify and describe Aboriginal cultural heritage values across the whole area that will be affected by the development and document these in the study, and that consultation with Aboriginal people must be undertaken and documented, and
- provide an interpretation plan having particular regard to the precinct's relationship with nearby heritage items in accordance with *Interpreting Heritage Places and Items Guidelines*.

We note that the above requested studies and other associated studies have been prepared in support of the Precinct Study. We have reviewed these documents and make the following comments:

Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*

We have reviewed the Heritage Interpretation Strategy as well as the following Aboriginal cultural heritage documents prepared to inform the Precinct Study:

- Aboriginal Cultural Heritage Assessment Report
- Connecting with Country Framework for Tjerruing Blackwattle Bay, and
- Aboriginal Cultural Advice and Community Engagement Findings Report.

We consider that the overall approach identified in these documents is acceptable, and if followed will have a positive Aboriginal cultural heritage outcome. We provide the following comments in relation to Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*:

- the upfront acknowledgement, preliminary statement of intent and integration of Aboriginal cultural heritage considerations throughout the supporting studies represent a strong holistic approach and which should be continued in future stages of planning and delivery
- if realised, the Aboriginal cultural heritage initiatives identified in the Heritage Interpretation Strategy will have strong and positive heritage, cultural and community outcomes
- the Aboriginal Cultural Heritage Assessment Report provided appears to be compliant with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*
- the identified early and ongoing respectful consultation and engagement with Aboriginal stakeholders, is positive and should continue
- we note the constraints on visibility and access within the study area detailed in the limited on-site survey. We also note the lack of archaeological investigations previously undertaken within the study area and the immediate surrounds, and
- future development should consider minimal disturbance activities for those areas identified as having moderate Aboriginal archaeological potential. If this is not possible then further investigation and consultation with Aboriginal stakeholders would be required.

State and local heritage considerations under the *Heritage Act 1977* As delegate of the Heritage Council

We have reviewed the following heritage documents prepared to inform the Precinct Study:

- European Heritage Assessment and Impact Statement, and
- Heritage Interpretation Strategy/Plan.

We provide the following comments in relation to State and local non-Aboriginal heritage matters under the *Heritage Act 1977*:

- there are no items of State heritage significance within the study area, however there is a local heritage item 'Escarpment face from former quarry "Saunders' Quarry"', listed as item I1199 under *Sydney Local Environmental Plan 2012 (LEP)*
- the Assessment and Impact Statement identified that the 'Wharf-front warehouse' at 1-3 Bank Street, Pyrmont had potential heritage significance, and should be considered for adaptive reuse, but did not indicate the level of significance of this potential item. Further assessment should be undertaken to determine the significance of the building and inform potential listing and management measures
- the Interpretation Strategy/Plan identified several initiatives which are considered to have a positive heritage outcome, including:
 - an archive of material associated with Sydney Fish Market, former coal loader, office/weighbridge building and the subject site in general
 - ensuring salvaged materials and elements of the former coal loader are incorporated into the public domain and art works within the promenade landscape in a meaningful and interactive manner in consultation with the heritage consultant, and
 - interpretive media panels to be prepared in consultation with a heritage specialist.

Archaeological considerations under the *Heritage Act 1977* As delegate of the Heritage Council

We have reviewed the Maritime Archaeological Assessment and consider that the assessment represents a measured investigation of the maritime archaeological potential of Blackwattle Bay. We note the following advice in relation to archaeological considerations under the *Heritage Act 1977*:

- the likely presence/absence of archaeological sites and relics in Blackwattle Bay appears to have been adequately assessed
- key areas of archaeological sensitivity have been identified, particularly around the western, eastern and southern portions of the Bay close to the foreshore and under adjacent landfill

- clarification is needed of the use of the term 'jetty' within the document, as:
 - the colloquial local term 'jetty' implies a piled timber or concrete structure, whereas the official term 'jetty' means a solid structure through which water cannot flow (i.e. stone or concrete structure), and
 - this has implications for the types of expected archaeological structural components, likelihood of preservation, and possible locations of relics on these sites (i.e. jetties would not normally have associated relics deposits under the structural components of the jetty itself but on top of it)
- we note that the presence of slimline features on a map do not necessarily only indicate a 'lightweight' structure (i.e. timber piers), they could also indicate narrow stone jetties which were quite robust in nature
- we also note that there is potential that the swampy area in the southern regions of the now reclaimed sections of Blackwattle Bay were once used for local boatbuilding/repairs and maintenance for very shallow drafted craft
- overall, we consider that the recommendations of the Maritime Archaeological Assessment are adequate and acceptable.

We have also reviewed the European Heritage Assessment and Impact Statement and the Heritage Interpretation Strategy/Plan in relation to historical archaeology, and note the following:

- the European Heritage Assessment and Impact Statement has identified that there is potential for archaeological resources associated with 'early industrial activities' along the foreshore near the former Sydney Fish Market site. However, the document has not assessed the significance of these remains, and it is unclear if they meet the threshold to be considered 'relics' requiring management under the *Heritage Act 1977*.
- We recommend that an historical archaeological assessment is prepared to establish the potential and significance of these remains and appropriate management measures. This should be undertaken to inform final designs prior to the commencement of development in the precinct. This will avoid significant time and cost delays.

If you have any questions please contact James Sellwood, Senior Heritage Programs Officer, Strategic Relationships and Planning at Heritage NSW by phone on [REDACTED] or by email at [REDACTED]

Yours sincerely



Rochelle Johnston
Manager, Heritage Act Programs
Heritage NSW
As delegate of the Heritage Council of NSW
and
For Heritage NSW

27 August 2021

From: [Government and Parliamentary Services](#)
To: [REDACTED]
Cc: [Government and Parliamentary Services](#); [Palitja Woodruff](#)
Subject: CASA Response GI21/452 - Eastern Harbour City re Blackwattle Bay State Significant Precinct Exhibition of proposed masterplan and draft planning controls [SEC=OFFICIAL]
Date: Thursday, 29 July 2021 1:18:25 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear Mr McDonald

Thank you for your email below requesting feedback from the Civil Aviation Safety Authority (CASA) on the Blackwattle Bay State Significant Precinct proposed masterplan and draft planning controls.

CASA has reviewed the Aeronautical Impact Assessment and has no objections to the planning proposal. CASA notes that the maximum height of the tallest building envelope(s) in the planning proposal will not exceed 156m Australian Height Datum.

CASA will assess the cranes from an obstacle perspective under the *Civil Aviation Safety Regulations 1998* with consideration of the *Aerodromes (Protection of Airspace) Regulations 1996* when the heights of the cranes have been finalised.

I trust this information is of assistance.

Yours sincerely

Cathy Koch

Section Manager Government and Parliamentary Services

CASA\Corporate Services Division

p: [REDACTED]

e: [REDACTED]

Aviation House, 16 Furzer Street, PHILLIP ACT 2606
GPO Box 2005, Canberra ACT 2601

www.casa.gov.au



From: Palitja Woodruff <Palitja.Woodruff@planning.nsw.gov.au>

Sent: Friday, 2 July 2021 11:42 AM

To: REGSERVICES <REGSERVICES@casa.gov.au>

Subject: Blackwattle Bay SSP - Request for Agency Comments

Civil Aviation Safety Authority

Via Email

2 July 2021

Dear Civil Aviation Safety Authority Team –

Blackwattle Bay State Significant Precinct

Exhibition of proposed masterplan and draft planning controls

Infrastructure NSW have prepared and submitted the State Significant Precinct Study for Blackwattle Bay including a proposed masterplan and draft planning controls. The proposal is now on public exhibition until 6 August 2021.

The revitalisation of the precinct includes the relocation of the Sydney Fish Market to new world-class facilities, which will support the NSW seafood industry and establish a major tourist attraction for Sydney. New development will create jobs, new dwellings and new public open space including a foreshore promenade.

The proposal seeks to amend *Sydney Local Environmental Plan 2012* to introduce changes to planning controls that would enable the redevelopment of the site. The proposed controls include:

- Applying the B4 Mixed Use zone to areas for development, SP1 Special Activities (Sydney Fish Market) zone for the new Sydney Fish Market, and RE1 Public Recreation zone to the proposed parks and foreshore promenade;
- Allowing maximum building heights up to RL 156 metres (equivalent to 45 storeys);
- Specifying maximum gross floor areas on a lot by lot basis ranging from 4,675 sqm to 39,100 sqm across the twelve proposed blocks;
- Applying site-specific controls to:
 - Specify a minimum non-residential gross floor area on a lot by lot basis;
 - Introduce a precinct specific design code which will provide detailed design controls, principles for future development in the precinct and a site specific Design Excellence process;
 - Introduce a sustainable development clause to ensure best-practice sustainable development;
 - Introduce a clause requiring assessment of any proposed approach to delivery of infrastructure prior to approval of significant development; and
 - Introduce a clause requiring an affordable housing contribution equivalent to 5% of the total residential floor area.

The proposal will also make changes to State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs) including the State Significant Precincts SEPP, the State and Regional Development SEPP, the Infrastructure SEPP, the Exempt and Complying Development Codes SEPP, SREP 26 – City West and the Sydney Harbour Catchment SREP.

All proposed planning controls are summarised and explained in the Explanation of Intended Effects.

The SSP Study including the masterplan and proposed planning controls are now on

public exhibition until 30 July 2021 and is available on our website at www.planning.nsw.gov.au/blackwattlebay.

The Department requires advice from Civil Aviation Safety Authority to confirm whether this proposal will generate the need for new infrastructure to support the future population of workers and residents of the precinct and to provide any other advice necessary for proper assessment of the proposed rezoning. A submission can be lodged through the planning portal at www.planningportal.nsw.gov.au/blackwattlebay

Should you require any further information please contact Palitja Woodruff, Senior Planner, by phone on [REDACTED] or email [REDACTED]. We look forward to receiving your response.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. McDonald'.

Malcolm McDonald
Executive Director
Eastern Harbour City

IMPORTANT:

This email may contain confidential or legally privileged information and may be protected by copyright. It remains the property of the Civil Aviation Safety Authority and is meant only for use by the intended recipient. If you have received it in error, please notify the sender immediately by reply email and delete all copies, together with any attachments.

Our Ref: C21/386Rev1

15 July 2021

Your Ref: SSD-5227

Mr Malcolm McDonald
Executive Director
Eastern Harbour City
Department of Planning, Industry and Environment
Blackwattle Bay Redevelopment Submission
Locked Bag 5022
Parramatta NSW 2124
(Via Submissions Portal)

Mr McDonald,

**Referral request for proposed master plan and draft planning controls –
Blackwattle Bay – Sydney Harbour – Parramatta River**

Thank you for your referral of 05/07/2021 seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries on the proposed works stated above. This advice updates and replaces C21/386 issued by this office on 06/07/2021.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries was referred this project to confirm whether this proposal will generate the need for new infrastructure to support the future population of workers and residents of the precinct and to provide any other advice necessary for proper assessment of the proposed rezoning.

DPI Fisheries is not the correct authority to provide comment on if this proposal will generate the need for new infrastructure to support the future population of workers and residents of the precinct. Other advice was provided by this office as OUT12/6096 on 22/03/2012 by Ms Carla Ganassin. Please review this advice as it is still relevant.

DPI Fisheries were also requested to provide any further feedback about the project more generally. I have had the opportunity to meet with my team and we make the following comments:

- It is important that this project is designed and managed to consider and mitigate Acid Sulfate Soil impacts, soil contamination impacts and erosion and sediment impacts to the aquatic environment.
- New seawalls should be designed in accordance with environmentally friendly seawall methodology (<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Coasts/environmentally-friendly-seawalls-090328.pdf>).
- Existing seawalls should be retro-fitted with appropriate environmentally friendly features.
- Water Sensitive Urban Design (WSUD) features should be incorporated where appropriate.
- Any over-water structures should be designed with light penetration features to allow light to start food-chain ecology under hard structures.
- Where possible, artificial reef or underwater statues should be fitted to the base of seawalls to improve fish habitat quality.

If you require any further information, please contact me on [REDACTED] or
[REDACTED]

Yours sincerely,

J. Hollywood

Josi Hollywood

Fisheries Manager, Coastal Systems Unit

Malcolm McDonald
Executive Director, Eastern Harbour City
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Mr McDonald,

Blackwattle Bay State Significant Precinct Study – Request for Agency Feedback

Thank you for providing Port Authority of New South Wales (**Port Authority**) with the opportunity to review and comment on the Blackwattle Bay State Significant Precinct (**SSP**) Study and proposed planning controls for the precinct.

Port Authority of New South Wales (**Port Authority**) manages the navigation, security, and operational safety needs of commercial shipping in New South Wales. It is the owner and operator of the port at Glebe Island and White Bay, which is part of the Bays West precinct that neighbours the Blackwattle Bay SSP Study area. In this regard, after reviewing the SSP Study, Port Authority provides the following comments and advice.

Maritime Navigation

1. Based on the review of existing waterway navigation and usage, identification of key issues and challenges for Blackwattle Bay, consideration of proposed future development such as the new Sydney Fish Market and waterside access to Blackwattle Bay passing commercial shipping berths at Glebe Island, Port Authority recommends that an overarching Maritime Risk Management Plan (**MRMP**) (previously known as a Vessel Traffic Management Plan) is developed for Blackwattle Bay, considering existing development, proposed development, and the precinct plan. This should be prepared in consultation with Port Authority and the Harbour Master.
2. Consideration should be given to lighting and signage in the design of any wharf and jetty structures, specifically those which are in close proximity to Glebe Island, and Aids to Navigation (**AtoN**), to help ensure safe navigation and adequate night-time visibility for the extent of any future marina and wharf structures. This should be done in consultation with Port Authority and the Harbour Master.
3. Within the development application stage of any proposed new maritime structures within the precinct, Port Authority recommends that a detailed navigation impact analysis be undertaken, in consultation with Port Authority and the Harbour Master.

YAMBA
PO Box 143
Yamba NSW 2464
T: 61 2 6646 2002

NEWCASTLE
PO Box 663
Newcastle NSW 2300
T: 61 2 4985 8222

SYDNEY
PO Box 25
Millers Point NSW 2000
T: 61 2 9296 4999

PORT KEMBLA
PO Box 89
Port Kembla NSW 2505
T: 61 2 4275 0100

EDEN
PO Box 137
Eden NSW 2551
T: 61 2 66461596

Support of retention of the working harbour

4. Blackwattle Bay is, and always has been, an essential part of the working harbour in Sydney. From a fishing place of First peoples, through timber merchantry to fish markets, wholesalers, commercial berths and concrete batching, the bay has provided for the local and regional communities. Port Authority supports an integrated land use model for the SPP Study area which enables the retention and continuation of existing working harbour uses that occur in the SSP Study area, to coexist with the new surrounding land uses. This includes the importance of sufficient additional berthing capacity within Blackwattle Bay, particularly for commercial vessels, to support the ongoing demands of the working harbour.

Should you request any further detail on the matters raised in this letter, please do not hesitate to contact Jagjeet Shergill [REDACTED]

Yours sincerely,



Ryan Bennett
Senior Planning and Sustainability Manager

20 August 2021



Ref: 21/6686

Malcolm McDonald
Executive Director
Eastern Harbour City
Department of Planning, Industry and Environment
E-mail: [REDACTED]

Dear Malcolm

Thank you for your email of 2 July 2021 requesting advice from the Greater Sydney Commission (the Commission) on the Blackwattle Bay State Significant Precinct Exhibition of proposed masterplan and draft planning controls.

The Commission does not ordinarily provide detailed comments on specific proposals such as the master plan and the planning controls. However, noting the scale of the proposal, we would like to provide the following advice regarding the provision of infrastructure to support the development of the site.

The principle of planning the site for major urban renewal to a mixed-use area has been previously established as part of the Eastern Economic Corridor. The breadth of the State Significant Project (SSP) Exhibition material demonstrates the considered approach taken by the many agencies and stakeholders to produce the Precinct plan. There is concern though around the timing and delivery of the intensification of the precinct through this proposal that will need to be supported by appropriate infrastructure sequencing. It is essential that the growth in the area be coordinated by identifying place-based infrastructure priorities.

The Department of Planning, Industry and Environment (the Department) should be commended for its place-based approach to assessment of the growth outcomes and the infrastructure needs and we note that the SSP technical documents deal with infrastructure requirements, particularly Attachment 22. We would strongly recommend that the Department urgently proceed with the preparation of an infrastructure delivery plan ahead of the finalisation of any rezoning.

This should lead to the development of a Strategic Infrastructure Compact or serve as the basis for a region-based infrastructure levy to be put in place before development occurs. We see likely issues with relying on Satisfactory Arrangements clauses to effectively deliver the necessary infrastructure in a coordinated and timely way.

The development of the infrastructure delivery plan should occur in close consultation with City of Sydney to ensure that there is alignment with the update of the local contributions plan

We believe that this approach will be consistent with [Objective 2 of the Greater Sydney Region Plan](#), and Planning Priorities E1 and E2 of the [Eastern Harbour City District Plan \(Actions 3-5\)](#).



If you require any further information, please contact Rohan Johnston, Senior Planner at the Commission by email [REDACTED].

Yours sincerely

Greg Woodhams
Executive Director, City Planning Projects

15 July 2021



Department of Planning, Industry and
Environment
Blackwattle Bay redevelopment submission
Locked Bag 5022,
Parramatta NSW 2124

7 August 2021

Dear Ms Sir/Madam

Re: Blackwattle Bay State Significant Precinct Study

Thank you for the opportunity to make a submission on the Blackwattle Bay State Significant Precinct Study (the Precinct Study).

The only issue of concern to Sydney Airport relates to proposed building heights and whether or not those heights would intrude into Sydney Airport's prescribed airspace.

The relevant prescribed airspace surfaces are:

1. Obstacle Limitation Surface (OLS)

As shown in **Attachment A**, the OLS is 156 metres AHD across the Precinct Study area. Figure 35 in Precinct Study indicates that there is one location where the maximum building height would be 156 metres AHD, the other locations being below that height. So long as any future building— including anything on top of the building such as a lift overrun, antennae or the like – does not exceed this height, the building would not constitute a controlled activity for the purposes of the *Airports Act 1996*.

However, any crane used during construction that would exceed the 156 metre AHD height limit would constitute a short-term controlled activity and require approval under the *Airports (Protection of Airspace) Regulations 1996*.

2. Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)

As shown in **Attachment B**, the PANS-OPS surfaces across the Precinct Study area are between around 220 metres AHD and 260 metres AHD, higher than the proposed maximum building height of 156 metres AHD.

3. Radar Terrain Clearance Chart (RTCC)

The RTCC surface over the Precinct Study area is 335.28m AHD. This is also well above the proposed maximum building height of 156 metres AHD.

Sydney Airport

Thank you again for the opportunity to make a submission on this important development proposal.

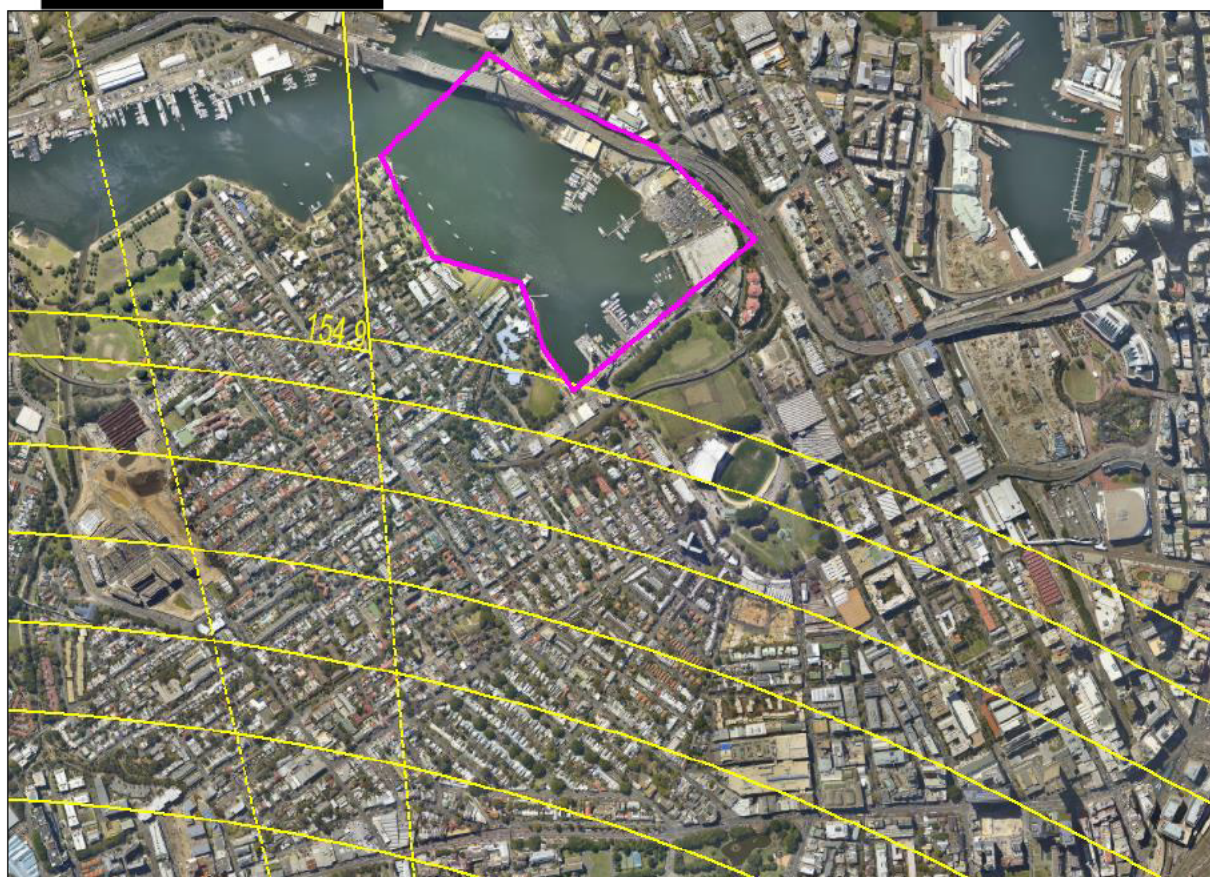
If you would like any further information, please feel free to contact me on [REDACTED] or at [REDACTED].

Yours sincerely

A handwritten signature in blue ink that reads "Ted Plummer". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Ted Plummer
Special Adviser Government and Community Relations

OLS



Sydney Airport

PANS-OPS



Sydney Airport

From: [Fire Safety](#)
To: [Palitja Woodruff](#)
Subject: RE: Blackwattle Bay SSP - Request for Agency Comments
Date: Tuesday, 3 August 2021 7:04:26 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.jpg](#)
[image001.png](#)

Hi Palitja,

FRNSW have no further comments to add to the below.

Thank you.

Regards,

Fire & Rescue NSW



ADMINISTRATION & PROJECT OFFICER
FIRE SAFETY AND PROJECT SERVICES UNIT
Community Safety Directorate | Fire and Rescue NSW

T: [REDACTED]
E: [REDACTED]
A: 1 Amarina Avenue, Greenacre NSW 2190 | Locked Mail Bag 12,
Greenacre, NSW 2190
www.fire.nsw.gov.au



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From: Palitja Woodruff <[REDACTED]>
Sent: Friday, 2 July 2021 11:42 AM
To: Fire Safety <FireSafety@fire.nsw.gov.au>
Subject: Blackwattle Bay SSP - Request for Agency Comments

CAUTION: This email originated from outside of Fire and Rescue NSW. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Fire and Rescue NSW

Via Email

2 July 2021

Dear Fire and Rescue NSW Team –

Blackwattle Bay State Significant Precinct

Exhibition of proposed masterplan and draft planning controls

Infrastructure NSW have prepared and submitted the State Significant Precinct Study for Blackwattle Bay including a proposed masterplan and draft planning controls. The proposal is now on public exhibition until 6 August 2021.

The revitalisation of the precinct includes the relocation of the Sydney Fish Market to new world-class facilities, which will support the NSW seafood industry and establish a major tourist attraction for Sydney. New development will create jobs, new dwellings and new public open space including a foreshore promenade.

The proposal seeks to amend *Sydney Local Environmental Plan 2012* to introduce changes to planning controls that would enable the redevelopment of the site. The proposed controls include:

- Applying the B4 Mixed Use zone to areas for development, SP1 Special Activities (Sydney Fish Market) zone for the new Sydney Fish Market, and RE1 Public Recreation zone to the proposed parks and foreshore promenade;
- Allowing maximum building heights up to RL 156 metres (equivalent to 45 storeys);
- Specifying maximum gross floor areas on a lot by lot basis ranging from 4,675 sqm to 39,100 sqm across the twelve proposed blocks;
- Applying site-specific controls to:
 - Specify a minimum non-residential gross floor area on a lot by lot basis;
 - Introduce a precinct specific design code which will provide detailed design controls, principles for future development in the precinct and a site specific Design Excellence process;
 - Introduce a sustainable development clause to ensure best-practice sustainable development;
 - Introduce a clause requiring assessment of any proposed approach to delivery of infrastructure prior to approval of significant development; and
 - Introduce a clause requiring an affordable housing contribution equivalent to 5% of the total residential floor area.

The proposal will also make changes to State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs) including the State Significant Precincts SEPP, the State and Regional Development SEPP, the Infrastructure SEPP, the Exempt and Complying Development Codes SEPP, SREP 26 – City West and the Sydney Harbour Catchment SREP.

All proposed planning controls are summarised and explained in the Explanation of Intended Effects.

The SSP Study including the masterplan and proposed planning controls are now on public exhibition until 30 July 2021 and is available on our website at www.planning.nsw.gov.au/blackwattlebay.

The Department requires advice from Fire and Rescue NSW to confirm whether this proposal will generate the need for new infrastructure to support the future population of workers and residents of the precinct and to provide any other advice necessary for proper assessment of the proposed rezoning. A submission can be lodged through the planning portal at www.planningportal.nsw.gov.au/blackwattlebay

Should you require any further information please contact Palitja Woodruff, Senior Planner, by phone on [REDACTED] or email [REDACTED] We look forward to receiving your response.

Yours sincerely,



Malcolm McDonald
Executive Director
Eastern Harbour City

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DOC21/608220-7

27 August 2021

Department Planning, Industry and Environment
Place and Infrastructure – Eastern Harbour City
Email: eastern.harbourcity@planning.nsw.gov.au

Attention: Palitja Woodruff

Dear Ms Woodruff

Blackwattle Bay State Significant Precinct

Thank you for the opportunity to review the Blackwattle Bay State Significant Precinct Study and supporting information that has recently been on public exhibition and forwarded to the Environment Protection Authority (EPA) for comment on the 2 July 2021.

The EPA provides the following comments (**Attachment A**) for Department of Planning, Industry and Environment consideration. These comments relate to the following matters:

- Air quality
- Noise
- Water quality
- Contaminated land management.
- Waste and resource recovery

Should you require any further information, please contact Mr Paul Wearne on [REDACTED].

Yours sincerely

MITCHELL BENNETT
Unit Head – Statutory Planning

Att.

APPENDIX A

Environmental Objectives

The Greater Sydney Regional Plan (*A Metropolis of Three Cities*) includes an objective under 'sustainable and resilient city' of "*exposure to natural and urban hazards is reduced*", and states that, "*effective planning can reduce the exposure to natural and urban hazards*". Urban hazards include noise, air pollution and soil contamination. The supporting Design Code would benefit from including information to help guide design approaches for both the precinct and built form to minimise risk from exposure to air and noise pollution. The proposed design excellence process would also be a further important pathway where industry can explore and deliver innovative design approaches for its management.

Air Quality

Careful planning will be needed to minimise the public health impacts that can arise from co-locating sensitive developments (such as residential, childcare) near major road infrastructure that have the potential for significant air emissions.

The supporting information highlights the challenges of designing for air quality considerations especially in relation to the operation of the Western Distributor during periods of heavy traffic flow. For example, the lowest residential floors may need mechanical assistance to ensure residents maintain access to fresh air.

The proposed Design Code (the Code) will be an important tool for protecting human health and amenity. Recognising this Code in a Development Control Plan (DCP) will help strengthen its delivery.

The following further matters should be considered in developing the Code to provide air quality benefits:

- Setting buildings back from busy roads and ensuring that utility rooms, rather than living rooms and bedrooms face busy roads,
- Apartments near busy roads should be built with private open space facing away from busy roads, so to provide amenity and relief and separation from air and noise pollution,
- Microclimates should be understood to help support the sustainable design of buildings that capitalises on natural ventilation and minimises the risk of canyoning,
- Measures such as those in the [Development near rail corridors and busy roads – interim guideline](#) should be integrated into the Code,
- Exemplar approaches such as those in the design tool box for the [Parramatta Road Corridor Urban Transformation Strategy](#) should be incorporated,
- Commitment to fully implementing the protections for children that are provided in the [Child Care Planning Guideline](#) as it appears the proposed mixed use settings include activities such as childcare services.
- Low shrubs and hedges reduce air pollution and should be considered along roads (for example, under trees) to help protect pedestrians from vehicle pollution and reduce air pollution entering buildings.
- Provisions for active transport solutions.

The sustainability framework would also benefit by recognising any opportunities provided by sustainability initiatives proposed in the Pyrmont Peninsula Place Strategy. This Strategy includes the investigation into the use of multi-utility hubs to help deliver a range of key sustainability related infrastructure to help service the precinct. These include electric vehicle charging, grid-scale batteries to store locally generated power, bicycle end-of-trip facilities and precinct car-parking. Such infrastructure will also provide positive elements to support improved air quality outcomes.

Noise

The management of noise should be a key consideration in relation to helping shape the Precinct to help deliver the amenity outcomes being sought in the Study. This is also important in helping to support key actions in the Eastern City District Plan to deliver healthy, sustainable and liveable places. For example, the management of noise should be a key consideration in areas where amenity in public domains needs to be maintained or enhanced and where housing is proposed in the vicinity of the Western Distributor and the working port of Sydney Harbour.

The EPA has reviewed the supporting Noise Impact Assessment (NIA) and provides the following comments:

- a) The NIA relies on monitoring carried out for a previous study (titled *Stage 1- Noise and Vibration Study - A report to support the Bays Market District State Significant Precinct Proposal* dated September 2019). Justification, clarification or further information should be sought on this monitoring data to ensure it satisfies key study requirements and supporting guidelines including the Noise Policy for Industry (NPfI) (EPA, 2017).

Issues for review are:

- There appears to be a significant number of samples excluded in the noise monitoring at all locations identified in the study. It is also unclear if the data is representative of ambient and background noise levels and satisfies the NPfI.
 - It appears the length of time for monitoring at location L04 is insufficient to satisfy the requirements of the NPfI.
 - The locations of the noise monitoring do not appear to be representative of all existing residential receivers.
 - Measurements used to establish the high traffic noise adjustments to the Project Noise Trigger Levels (PNTLs) would be affected by the amount of data excluded in addition to issues relating to whether locations are representative of receivers.
 - Some monitoring locations appear to be located adjacent to reflecting facades, but there appears to be no discussion in the NIA that describes how this has been taken into account when determining PNTLs.
 - In relation to assessing road traffic noise impacts, due to the amount of data excluded it is unclear if monitoring has captured enough representative data to assess:
 - the average maximum one-hour noise levels that are used to inform façade design to address road traffic noise impacts; and
 - to establish representative diurnal patterns that inform the calculated LAeq,15hr and LAeq,9hr descriptors.
- b) It appears the NIA has incorrectly quoted the *Infrastructure State Environment Planning Policy (SEPP)*. Clause 102 of the SEPP would apply where annual average daily traffic volume of more than 20,000 vehicles is present. This should be clarified, and the NIA appropriately amended.
- c) Information should be sought from the proponent that can demonstrate that location L01 is representative of background noise levels for all receivers in NCA1 or additional representative data be provided. Location L01 has been used to define background noise levels for residential receivers on Bank Street, Pyrmont. However, it is unclear if location L01 is representative of existing residential receivers in Noise Catchment Area (NCA)1. There appears to be other residential receivers in NCA1 which do not appear to have been considered and would likely experience different background noise levels, such as residential properties on Bulwarra Road and Miller Street.
- d) Justification should be sought that location L04 is representative of background noise levels in NCA3 or additional representative data be provided. The background noise levels for NCA3 appear to have been set from monitoring undertaken at location L04 in NCA2. This does not appear reasonable as the traffic on this section of road (Wattle Crescent Pyrmont) would be different to NCA2 and NCA3 which appears to be located significantly further away from the Western Distributor.

- e) Further information should be sought that can demonstrate that L07 is representative of background noise levels in NCA4 or additional representative data be provided. NCA4 appears to have used the monitoring location at L07 (in NCA3) to establish PNTLs. This does not appear reasonable as L07 is located a significant distance outside of NCA4. L07 is also located adjacent to Wentworth Park near Bridge Road, characteristics which are not shared with NCA4.
- f) Further information should be sought to demonstrate that all existing and proposed industrial noise sources have been identified and assessed in developing the PNTLs, and if not, they should be amended accordingly. Note 2 beneath Table 2 titled *Project Noise Trigger Levels* (pg. 22) states: “*The recommended amenity noise levels have not been reduced by 5 dB to give the project amenity noise levels, as outlined in the NPfI, due to no other sources of industrial noise being present in the area.*” However, it is unclear if this is a reasonable assumption as the assessment has included a scenario where activities such as the Hymix concrete batching plant and the Sydney Fish Market are operating in the precinct. There are also other potential sources of industrial noise that may be closer to existing receivers, such as mechanical plant from commercial buildings which have not been considered in the assessment.
- g) Table 3 titled *Night-time Sleep Disturbance Screening Noise Levels* (pg.24) details sleep disturbance screening levels for residential areas in the vicinity of the development. This contains sleep disturbance screening noise levels for Noise Catchment Areas NCA6 and NCA7 that are within the precinct. However similar sleep disturbance screening levels should also be derived and provided for all external receivers that will be impacted by the planning proposal. Clarification should be sought, or additional noise levels be provided.
- h) Chapter 3.3.3 in the NIA titled *Patron Areas and Licenced Premises* includes derived noise criteria for patron and music noise. This includes Table 4 titled *Project Specific Noise Limits – Patron Areas* which details noise criteria for only some of the NCAs and excludes NCA6 and 7 where future residential uses are proposed within the Precinct. With the proposal involving a range of mixed uses including entertainment activities, it is important that the potential impacts of noise from such activities on sensitive uses both within and external to the Precinct should be fully understood. Justification should be sought on this approach and whether additional criteria and mitigation measures should be identified for areas within the precinct.
- i) Chapter 4.1 in the NIA describes the road traffic noise model developed as part of the Stage 1 NIA. However, the Stage 1 NIA does not include a comparison of the measured and predicted noise levels from the noise model. Chapter 2.5 of the Stage 1 NIA also states that the “*road traffic noise model of existing conditions at the proposal site has been calibrated*”. However, it does not detail what calibration factors were applied to the model. This model has been used as a basis for design recommendations for noise mitigation and therefore represents an important element of the assessment especially with the proposal being within the vicinity of major road infrastructure. As a result, the model inputs and assumptions in addition to any model validation results, including any calibration factors applied, should be sought and justified.
- j) Section 4.5 of the NIA states that to address the impacts of road traffic noise on, housing should be designed where sensitive spaces, such as bedrooms, are located the furthest away from the major road way and preferably separated with less sensitive uses. Care needs to be taken during the building design process to ensure the performance of these sensitive spaces are not compromised by noise emission through building elements/materials and internal pathways (e.g. ventilation, walls, doors etc.). These architectural considerations should be recognised.
- k) It is unclear if the road traffic noise assessment has assessed the impacts from intra-precinct shielding from buildings. With the Precinct proposing a range of tower buildings, the issue of shielding needs careful planning to ensure design can deliver any supporting benefits. Information on the staging of development across the precinct and in its vicinity is also needed because the predicted noise environment, including any shielding benefits, could significantly change across an area if buildings are not constructed, are delayed or there is a change in building design. Advice should be sought that this matter has been considered.
- l) Clarification should be sought on whether a full traffic noise assessment has been undertaken and whether further mitigation measures should be identified. Chapter 2.1.2 in the NIA provides the assessment criteria for traffic generating developments according to the *NSW Road Noise Policy*. However, it does not appear that the traffic noise generated by the precinct on all surrounding roads has been assessed. Study requirement 22.2 requires assessment of the potential noise pollution impacts from the rezoning. This should include noise impacts caused by

additional traffic generated by the development and/or alterations to existing road network on surrounding roads such as Miller Street, Bank Street, Bridge Road, Pyrmont Bridge Road, Wentworth Park Road, Harris Street and others.

- m) Clarification should be sought that all plant and industrial noise sources have been considered and if not, further information should be required. Chapter 5.1.5 in the NIA states that “*proposed rooftop plant*” could be controlled using standard mitigation approaches. However, tower buildings can also contain a range of other mechanical plant including mid-tower plant rooms, plant associated with car parks and commercial developments, generators and other power infrastructure.
- n) Table 14 titled “*Significance of Residual Impacts*” (pg.37) states: “*The significance of any potential residual noise impacts should be taken into account when considering the reasonableness and feasibility of operational noise mitigation and management measures*”. However, the NPfI requires that the significance of residual impacts is considered after all reasonable and feasible mitigation has been applied. The above statement appears to imply that residual impacts should be considered before mitigation, which is not consistent with the NPfI. The table should be amended to be consistent with the NPfI and the NIA be revised where necessary.
- o) Chapter 7.6 in the NIA highlights that the cumulative noise level from all noise sources within the precinct will be required to meet the established noise goals for sources such as industrial noise and patron/music noise and that individual uses may be separately assessed at the Development Application stage. However, a framework is needed to ensure individual operators can be assigned noise emission allowances fairly under the total cumulative emission goals for the precinct. The NIA would benefit from including a discussion on the potential for noise sharing or allocation of noise emission allowances within the precinct. This will ensure the cumulative noise emissions can meet established targets for each noise source type. Further information on Noise Management Precincts can be sought in NPfI (Section 2.8).
- p) The NIA should be updated to include information on ferry wharf noise. The proposal includes a new ferry wharf, but it appears the assessment has not considered this proposed new activity. Whilst the NPfI may not be specifically designed for ferry wharves, the EPA considers that it is appropriate to apply the NPfI to this activity to determine the need for feasible and reasonable mitigation.
- q) Clarification should be sought on whether noise impacts on the public domain/spaces has been assessed and measures identified to manage such impacts. Study requirements 22.5, 22.6 and 22.10 require the NIA to consider impacts from the rezoning on proposed public open space within the precinct. It is unclear if the assessment has adequately considered the potential impacts to these spaces from existing and future noise sources. These places will be important places for the community in these high-density urban settings where their amenity needs suitable acoustic protection. In this regard their design would benefit a soundscape approach as part of place making to compliment traditional noise control solutions. A soundscape approach seeks to not only reduce the impact of noise pollution but also to enhance the acoustic amenity and quality of the space. The Code could be used to help deliver innovative design approaches for these places that support a soundscape approach.
- r) The supporting information states that if Hymix continues to operate as currently permitted, the lower floors of buildings located closest to the Hymix facility should be commercial/retail use and residential receivers should be located on higher floors. While these building design elements should be reflected in any controls, it is important that DPIE (Planning) is also engaging with Hymix to explore complimentary approaches to improve the performance of the facility as part of any transitional arrangements to prevent future land use conflicts.
- t) The NIA would benefit a discussion on noise from port related activities. Information should be sought from Sydney Ports on any noise management approaches that support Sydney Harbour operations to help guide the design of the precinct.

Water Quality

The delivery of the Precinct provides an opportunity to help support key sustainability priorities and actions in the Eastern City District Plan including planning priorities to protect and improve the health and enjoyment of Sydney Harbour and the District’s waterways (Planning Priority E14). For

example, Blackwattle Bay can experience poor water quality at times due to limited tidal interchange and legacy contamination.

To help enhance water quality, supporting development controls, including the Code, would benefit by recognising and promoting the following key principles:

- development should maintain or restore waterway health to support the community's values and uses of waterways; and
- integrated water cycle management should be encouraged, and include sustainable water supply, wastewater and stormwater management and reuse and recycling initiatives where it is safe and practicable to do so and provides the best environmental outcome.

The submitted information does not provide details of expected water quality outcomes, but states that post-development water quality will comply with the generic per cent load reductions that are in the Sydney Harbour Development Control Plan (DCP 2012) (that is, Gross Pollutants 90 per cent, TSS 85 per cent, TP 65 per cent, TN 45 per cent).

It is important that ambient water quality targets for the receiving waters are developed rather than applying generic per cent load reductions that have no reference to receiving water outcomes that support the [NSW Water Quality and River Flow Objectives](#) (NSW WQO). These generic targets do not reflect contemporary Water Sensitive Urban Design (WSUD) performance and may not deliver improvements in the health of local waterways.

The District Plan includes actions to improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development. Implementation of this action is supported through application of the OEH/EPA [Risk based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions \(Risk-based Framework\)](#)

The supporting development controls including the Code provide an opportunity to recognise this risk-based framework. This will help inform the design of water management and associated infrastructure needs and identify practical, cost-effective management actions for supporting waterway health outcomes that reflect community expectations as set out in the NSW WQO.

WSUD can improve the water quality and should be recognised in the design excellence process. Other opportunities greater impervious areas in private and public domain. However, such approaches require careful consideration where there may be issues such as land contamination and acid sulfate soils.

Opportunities should also be explored for collaboration with Sydney Water in relation to their Eastern City Wastewater Strategy. This collaboration could provide opportunities to facilitate integrated water cycle management as areas transform over time. It should also clarify any capacity issues with the existing wastewater system. It could also that any changes in growth in the Precinct does not compromise the environmental performance of the sewer system.

Contaminated Land Management

DPIE (Planning) should ensure adherence to *State Environment Planning Policy 55 Remediation of Land* (SEPP 55) and part 2.6 (Remediation of Contaminated Land) of the *Minister's Section 9.1 Direction under the Environmental Planning and Assessment Act 1979*. The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning authorities. Part 2.6 paragraph (4) of this Direction states:

A planning authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) of the direction if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and*

- (b) *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Part 2.6 paragraph 4 of the Direction also states that “*in order to satisfy itself as to paragraph (4)(c), the planning authority may need to include certain provisions in the local environmental plan.*” To satisfy this requirement, adequate planning controls should be in place to ensure that the suitability of various parcels of land within the Precinct are certified suitable for their proposed use by a NSW EPA accredited site auditor, where contamination is discovered and remediation is required. In addition, the management of contamination in the Blackwattle Bay area should also be a consideration when amending any supporting SEPPs including those dealing with activities that may be exempt and complying development.

Objective 37 of the Greater Sydney Regional Plan (*A Metropolis of Three Cities*) is that “*Exposure to natural and urban hazards is reduced*”. The supporting District Plans provide further information where soil and groundwater contaminations are recognised as urban hazards which will require careful management as areas grow and transform and as land-uses change.

The Site Audit Report prepared by Ramboll Australia Pty Ltd dated 19 January 2021 highlighted the following points which should be considered when assessing the proposal:

- Some uncertainty exists regarding the location and status of potential point sources of contamination (e.g. underground tanks) in some areas. The Site Wide Remedial Concept Plan (SWRCP) provides suitable procedures for addressing these areas during future planning and development stages for each development area on a site-specific basis.
- Data gap investigations are likely to be required for most development proposals. Land use suitability of each development area (from a contamination viewpoint) will be subject to implementation of the area specific RAP and successful validation. Areas where risks are mitigated via the implementation of a capping/containment strategy will be subject to ongoing management via an Environmental Management Plan.
- The overall risk to human health and environment will need to be assessed on a case by case basis once details of the development are known and a site-specific conceptual site model can be developed.

Contamination and acid sulfate soils will need to be managed during any proposed development works which will result in the disturbance of sediments, including construction of new wharfage and seawalls, dredging for navigation channels, construction of stormwater outlets. This should also include the management of any contaminated groundwater.

The site audit statement included several conditions to ensure that the precinct can be made suitable if remediated according to the Site Wide Remedial Concept Plan dated 12 January 2021 and prepared by JBS&G Australia Pty Ltd. These conditions should be incorporated as part of any future planning controls. This includes the requirement for the continued engagement of the site auditor/s to help any consent authority be satisfied that the specific parcels of land are suitable for all the purposes for which is permitted to be used.

In this regard the following requirements should be included in the supporting planning controls:

- The Applicant must submit a sampling analysis and quality plan for the auditor review prior to further investigation being undertaken. (This is to identify and close out data gaps for each development area).
- The Applicant must submit an area specific remedial action plan, where necessary, for each development area. The remedial action plan should be reviewed and certified appropriate by the site auditor prior to implementation.
- The Applicant must submit validation report/s for each development area.

- The Applicant must submit a Section A Site Audit Statement, prepared by a NSW accredited Site Auditor, certifying the suitability of each development area for its proposed use at an appropriate time in the development process.
- The Applicant must submit long-term environmental management plans where necessary for each development area and ensure implementation of the long-term environmental management plan/s.

Where long term environmental management plans (LTEMP) are required an approach is also needed for their ongoing management. This should include consideration of who will be responsible to implement the LTEMP and any potential future regulation to ensure adherence to these plans. This matter should be considered as part of this planning proposal to prevent issues arising later during any future development application processes or during post development.

Furthermore, the Blackwattle Bay Precinct may benefit from taking a precinct-based approach for land contamination and its management to help prevent risks to human health and the environment. Such holistic consideration of contaminated land management including remediation options can lead to benefits in terms of remediation costs, improved planning and layout of facilities and services, and efficient ongoing management of any residual contamination. It is recommended that DPIE ensure that there are mechanisms to manage contaminated land areas that are located in public open space and to consider staging of developments to prevent land use conflicts as parcels of land are remediated.

Waste and Resource Recovery

The Study would benefit recognising the recently released [*NSW Waste and Sustainable Materials Strategy 2041*](#). This strategy provides the roadmap for NSW to help transition to a circular economy over the next 20 years. It also includes measures to reduce waste, increase recycling, plan for future infrastructure and create new markets for recycled products. It also highlights new directions for the management of waste including time frames for their implementation including the need for source separation of food and garden waste for residential and targeted commercial uses.

There appears to be limited discussion in the supporting information on the management of waste and delivering circular economy approaches that would help support the above strategy. In particular the proposed sustainability framework including supporting Code would benefit the inclusion of circular economy. It should not just refer to waste and recycling, but recognise the opportunities that could help deliver circular economy infrastructure and design as an approach that needs to be planned for in the Precinct.

Such an approach could help inform the design of buildings to ensure longevity and facilitate disassembly, encourage the reuse of existing assets, and use of building materials with recycled content. There is also an opportunity enable circular economy approaches that help people to reuse, share, repair and recycle their materials close to where they live and work. For example, by integrating shared or community space within the precinct that allow people to return items for take back schemes or to set up tool libraries for sharing or reuse/repair hubs and place-based design presents opportunities for circular economy outcomes, that allow for resource recovery and recycling of resources. This could include food donation or organic waste management infrastructure, such as community composting. Infrastructure projects could also require a percentage of approved waste recovered product be used instead of natural materials where appropriate. The planning of this precinct could also consider waste prevention measures and waste-infrastructure planning to support service outcomes such as integrated advanced waste collections system like vacuum systems which help to prevent emissions from waste collection vehicles. Such approaches can save space for bin storage and reduce amenity impacts from waste collection services within the precinct.

Discussions have been progressing within DPIE and EPA on approaches to help improve the planning system to help deliver circular economy and support the above strategy. The development

of any supporting controls for the Precinct would benefit from this work, however, to help guide the design of building and urban typologies the following definition is proposed.

Circular Economy Design is a set of design principles applied to buildings, infrastructure and public domain precincts that maximise the circularity of the materials used in construction. This includes designing in a way where the materials can be easily identified for future recovery; designing buildings and infrastructure so they can be disassembled or demolished in a way that will maximise the value of the recovered materials; designing public spaces and precincts to allow for the separation of waste materials in a way that will maximise their value; designing to maximise the inclusion of recovered materials.

The Code would also benefit by recognising the [Better practice guide for resource recovery in residential developments](#) to help guide the design of medium and high density residential development to ensure these buildings incorporate innovative and well-designed waste management systems. It would also benefit recognising key directions highlighted in this strategy where design excellence can also assist especially in high density residential and commercial settings. This includes the allocation of space for source separation of 3 waste streams (waste, recycling and organic material), defined spaces for unwanted household goods awaiting collection and spaces to source separate other materials such as e-waste, textiles, batteries, bulky cardboard and polystyrene.

The [Better Practice Guide for Public Place Recycling](#) should also be recognised in the Code to help with design of recycling needs for open spaces. While the supporting information states that “waste by product from organic waste systems would generate compostable materials for local garden and landscaping needs”. Such an approach would need to be subject to relevant EPA Resource recovery orders and exemptions.

Submission to Blackwattle Bay State Significant Precinct Study



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Executive summary

Blackwattle Bay is the largest remaining area of harbourside employment land in the City of Sydney earmarked for redevelopment. The site's size, setting, position in the NSW Government's Innovation Corridor and close proximity to the new Pyrmont metro station means its redevelopment is the best opportunity to position Pyrmont and the Bays as the western extension of the Harbour CBD.

The Blackwattle Bay home page of Infrastructure NSW's (INSW) website begins:

"The NSW Government has been working closely with the community since 2013 to refine a plan for Blackwattle Bay and provide a stunning waterfront destination for Sydneysiders between the existing Sydney Fish Market and Glebe Island Bridge.

Relocating the Sydney Fish Market to the head of Blackwattle Bay allows an incredible opportunity to create a stunning new destination in Sydney with a wide and accessible waterfront promenade, new waterside, park, cafés, restaurants and retail, right on the doorstep of a world class tourist attraction."

The exhibited State Significant Precinct Study (SSP Study) and the Explanation of Intended Effects (EIE) should be the product of eight years of community consultation, of refinement and improvement, and present a world class waterfront redevelopment with public access, public amenity and place-based planning outcomes at its heart.

Instead, the SSP Study is the epitome of what the Greater Sydney Commission (GSC) described in their Independent Planning Framework Review of the Pyrmont Peninsula in September 2019 –

a disconnected project-based approach that fails to realise precinct-wide and quality public domain outcomes through place-based planning¹.

The SSP Study is not a refinement of a proposal in line with the community's valuable and prolonged contribution and fails to adequately respond to what the wider community asked for: building heights that better integrate with the existing built form of Pyrmont and Glebe; protection of sunlight into streets and parks; priority given to public transport over private vehicles; adequate provision of affordable housing; and delivery of a world class waterfront promenade.²

It celebrates Aboriginal and Torres Strait Islander culture through illustrations, but fails to adequately respond to or secure what this community stated they would like to see within the precinct: housing for Aboriginal and Torres Strait Islander people; an Aboriginal Cultural and Innovation Centre; a precinct Retail Strategy that incorporates First Nations food, fishing and cultural sectors; the retention of existing and accommodation of new First Nation businesses, community organisations; and cultural institutions, dual naming, a cultural levy and processes for Designing for Country³.

The INSW proposal seeks approval for over 234,000 square metres of floor space, or approximately 1,550 dwellings and 111,000 square metres of office and retail floor space. The floor space proposed could accommodate over 2,850 residents, 39% in excess of the 2,055 residents planned for the site under the Pyrmont Peninsula Place Strategy (PPPS).

¹ Western Harbour and Pyrmont Planning Framework Review Report, Greater Sydney Commission, September 2019

² Revitalising Blackwattle Bay Community and Stakeholder Engagement: Outcomes Report, Elton Consulting, June 2021

³ Aboriginal Cultural Advice and Community Engagement Findings Report, Murawin Consulting, 5 March 2020

The 39% additional residents is a gross over development resulting in impacts that are obvious: excessive bulk and scale not in context with its surrounds; more traffic, public spaces lacking in sunlight with poor wind environments; a narrow - far from 'world class' - foreshore promenade; and people living in apartments exposed to the damaging health effects of noise and air pollution.

Worse, the proponent asks the community to accept the growth proposed with no clear proposal on how supporting essential infrastructure will be funded, delivered, maintained and managed. Instead it outlines a "satisfactory arrangements" approach where the growth is agreed to now and the necessary infrastructure details are agreed (or not agreed) with the community later. This is not acceptable. How can the community be asked to endorse any growth without a comprehensive plan for the infrastructure it requires?

At every opportunity the City of Sydney (the City) has advocated for INSW's work on Blackwattle Bay to be placed on hold whilst the Department of Planning, Industry and Environment's (the Department) finalises their draft sub-precinct master plans and Infrastructure Delivery Plan for the Pyrmont peninsula, and these documents are firstly exhibited for public comment. This is the logical and sensible path and aligns with GSC's recommendations for precinct wide place-based planning⁴:

In response to the Blackwattle Bay public exhibition and serious concerns with the proposal, Council on the 26 July 2021 requested the City to undertake a design review of the proposal, identifying improvements that can be made to this renewal project⁵.

The City's submission is informed by consultation with representatives from thirteen local community groups from in and around The Bays area who stand to be most affected by the proposal.

Recommendation

The City objects to the exhibited SSP Study and EIE and strongly recommends that Infrastructure NSW work with the City to review the precinct plan to ensure the City's Key Issues are addressed.

The rezoning should be resubmitted for public consultation after the revised design is complete, and the Department of Planning, Industry and Environment and City have publicly consulted on an infrastructure contributions framework and sub-precinct master planning for the whole of the Pyrmont Peninsula.

⁴ Overview of the Western Harbour and Pyrmont Planning Framework Review, September 2019

⁵ Council Resolution, 26 July 2021, Blackwattle Bay Redevelopment

Key issues

Infrastructure

The proposed satisfactory arrangements approach:

- fails to give effect to Region and District Plan priorities to align growth with infrastructure, sequence infrastructure provision using a place-based approach and maximise the utility of existing infrastructure assets; and
- fails to deliver the Blackwattle Bay sub-precinct place priority for the project to contribute towards the provision of new community and cultural facilities, including community and library floor space, communal rooms, work-based childcare services, production space for creative arts and medical services.

Consideration of NSW's Blackwattle Bay proposal must be placed on hold whilst the Department of Planning, Industry and Environment finalises their draft sub-precinct master plans and Infrastructure Delivery Plan for the Pyrmont peninsula, and these draft documents are exhibited for public comment prior to being finalised.

Once finalised, the Infrastructure Delivery Plan should form a matter of satisfaction under the Section 9.1 (7.13) *Implementation of the Pyrmont Peninsula Place Strategy* Ministerial Direction. The Infrastructure Delivery Plan is to address both State and local infrastructure and required updates to the City's local contributions framework to support additional growth at Blackwattle Bay.

The planning and infrastructure framework for Blackwattle Bay must secure:

- a world class foreshore walk or promenade
- public streets, parks and places
- a significant cultural facility
- private cultural facilities (production, rehearsal and affordable creative live/work spaces)
- contributions towards the upgrade of existing local community and recreation facilities
- contributions towards the renovation and repurposing of Glebe Island Bridge, and
- contributions towards the return of Wentworth Park as public green open space.

Productivity

Blackwattle Bay presents one of the last opportunities within the Harbour CBD and Innovation Corridor to achieve a consolidated, substantial employment precinct. Other remaining opportunities will be mixed use precincts with limited ability to promote the co-location and agglomeration opportunity available at Blackwattle Bay.

The proposal fails to give effect to the District Plan.

It is inconsistent with Planning Priority E7 and Planning Priority E8. The amount of residential proposed undermines the potential of the precinct as the western extension of the Harbour CBD. It fails to deliver on the Blackwattle Bay sub-precinct place priorities, prioritising residential floor space at the expense of a high amenity, highly walkable and safe corridor with a vibrant night-time economy and commercial focus. The relocation of the existing fish markets (and its existing workforce) to the head of Blackwattle Bay via separate approval, should not be included in the calculations of future job delivery in order to be consistent with the District Plan. The scheme needs to plan for more productive business floor space and less sensitive residential floor space.

The EIE and draft Design Guide are inconsistent with and lack any commitment to deliver on the actions of the District Plan, including to provide access to affordable and scalable employment spaces. Failure to demonstrate consistency will set a determinantal precedent for GSC and DPIE plans and policy settings.

Liveability

The proposal is also inconsistent with Direction 2 of the PPPS as it fails to complement or enhance the area. Direction 2 states that the ability for key development sites to access the maximum, or close to the maximum potential height will be subject to evaluation of relevant planning and design matters in a subsequent planning process. It lists the relevant considerations as solar access, wind impacts, streetscape and public domain experience, integrated with context, alignment with land uses under the Economic Development Strategy, design excellence, sustainability and public benefits/interest. It states that these considerations may moderate maximum building heights.

The proposal fails to justify the proposed changes to the planning framework outlined in the EIE. It is the City's strong view that the exhibited proposal fails to address the place priorities identified for the Blackwattle Bay sub-precinct overall and presents a manifest poor urban design outcome with unacceptable impacts to future residents and users.

The key liveability issues include:

- The proposed built form is not well-considered and is incongruent with the surrounding Pyrmont context.
- Future residents' health and wellbeing will suffer as they are exposed to noise and air pollution.
- Adverse wind impacts make uncomfortable and unsafe public spaces for users and insufficient solar access is provided to public spaces for good tree and grass growth.
- The public space, particularly the narrow waterfront promenade and the streets, is inadequate for people who will use it. It is not a reflection of Key Move 1 of the PPPS for a "world class harbour foreshore walk".
- Requirement for 5% of residential floor area as affordable rental housing is inadequate.
- Stronger connection with Country secured through planning controls is required.

Fundamentally, the Urban Design Statement has major shortcomings and the Precinct Plan requires a significant redesign. This will require changes to the proposed planning framework outlined in the EIE and the accompanying Design Code.

Sustainability

The EIE and draft Design Guide are inconsistent with and/or lack any commitment to the four sustainability interventions outlined under Direction 8 of the PPPS, which are:

1. Multi-utility hubs as precinct infrastructure that provide potential for a range of social and ecological outcomes, including energy and water systems, precinct parking and cultural and community spaces.
2. Green Streets and Active Streets that involve the reallocation of space on key active streets to facilitate increased green open space and canopy to create cooler urban environments, enabled by multi-utility hubs.
3. High Performance New Buildings to deliver new development that is high performance and resilient by encouraging use of solar, batteries, recycled water, electric vehicles through BASIX and NABERS targets and no on-site parking for residential development.
4. Offsetting to deliver a Net Zero Outcome: modelling suggests that if the other three interventions are delivered there will be a residual quantity of emissions that would require offsetting to reach net zero emissions across the Peninsula.

Direction 8 of the PPPS is supported by the Pyrmont Peninsula Sustainability Framework Scoping Report, July 2020, which provides a solid foundation for the development of a clearly demarcated planning framework that will deliver a low-carbon and highly environmentally efficient precinct as required by the District Plan and City Plan 2036.

The planning and infrastructure framework for Blackwattle Bay must be updated to directly address and facilitate the four sustainability interventions.

Governance and implementation

The proposed planning amendments outlined in the EIE are inconsistent with the purpose and intent of Direction 4 of the PPPS which seeks a unified planning framework for Pyrmont.

The proposal seeks to declare future development applications 'State significant' and erodes the benefit of incorporating the sites into Sydney LEP 2012 in the first place and bypasses the City's established and proven design excellence processes.

Insufficient information and justification have been provided to support the declaration of the precinct as a 'Public authority precinct' and the City objects to this request. The City and community require more certainty of the implications of this with regard to public domain delivery and event exemptions. The DPIE will need to be satisfied that exempting community and commercial events in the public domain from requiring approval does not erode public use and access to the public domain and delivers on the Blackwattle Bay sub-precinct planning principle to ensure that impacts of 24-hour economy activities on the amenity of residents including noise, safety, traffic and transport are appropriately addressed.

Figure 1. Proposed building envelopes, looking east

Source: Photograph, City of Sydney physical model, Town Hall House

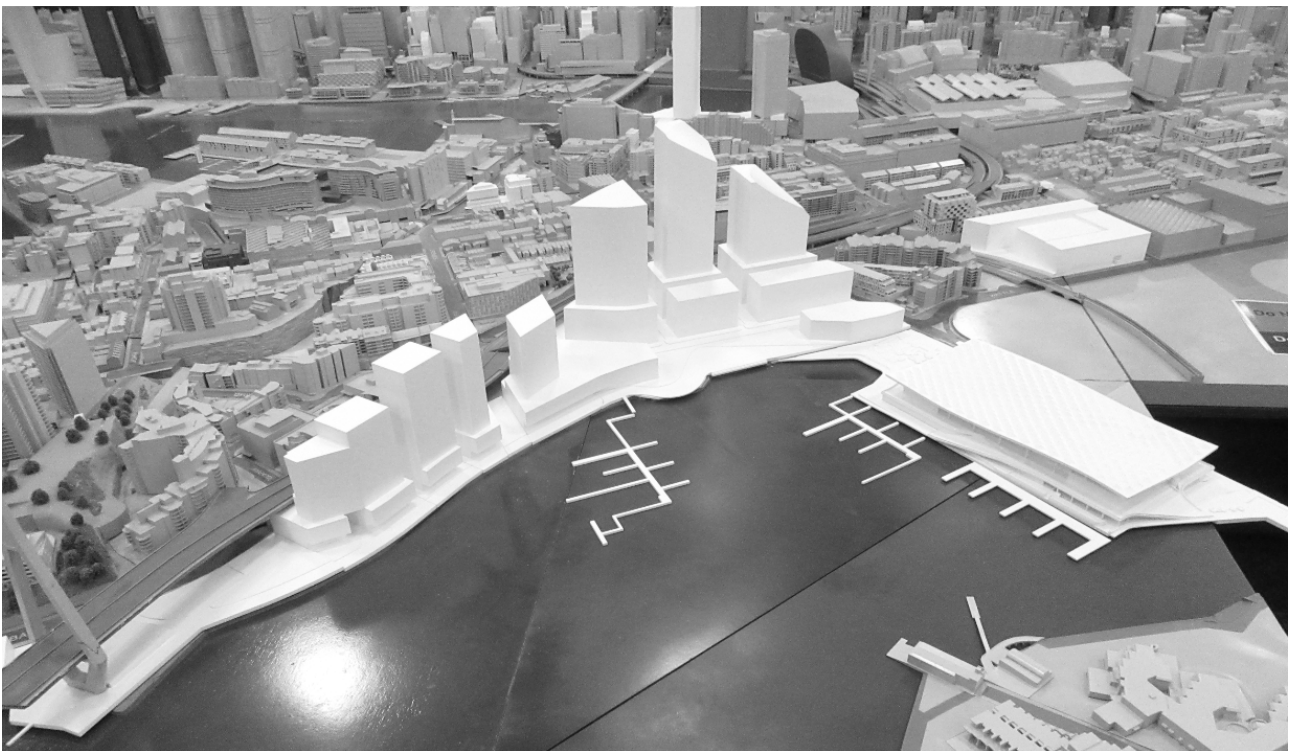


Figure 2. Visual Impact Assessment

Source: Adapted from Visual Impact Assessment, Clouston Associates, June 2021 – View east from Rozelle Bay



Infrastructure NSW Precinct & Visual Impact Analysis - Existing View



Infrastructure NSW Precinct & Visual Impact Analysis - Photomontage view of precinct



Infrastructure NSW Precinct & Visual Impact Analysis - Corrected view comparison without artificial sky and transparent buildings

Introduction

Blackwattle Bay is the largest remaining area of harbourside employment land in the City of Sydney LGA earmarked for redevelopment. At 10.4 hectares, the sites size, setting and proximity to the new Pyrmont metro station means its redevelopment is the best opportunity to position Pyrmont and the Bays as the western extension of the Harbour CBD.

Several recently completed place-based, precinct focused planning strategies and reviews provide a strong foundation to assess the SSP Study and EIE.

Eastern City District Plan 2018

The Eastern City District Plan (the District Plan) sets out the NSW Government's priorities and actions for the Eastern City District. The District Plan is a 20-year plan that guides the implementation of the Greater Sydney Region Plan (the Region Plan) at a district level.

These two plans bridge regional and local planning. They inform local environmental plans, the assessment of planning proposals and the development of State Significant Precincts (SSP). The District Plan helps councils and the State to plan and deliver growth and change and align their planning strategies to place-based outcomes. These documents are clear in their relevant objectives, priorities, and actions as they apply to Blackwattle Bay:

Infrastructure

- Align growth with infrastructure, sequence infrastructure provision using a place-based approach and maximise the utility of existing infrastructure assets

Liveability

- Implement Affordable Rental housing targets
- Facilitate opportunities for creative and artistic expression and participation
- Strengthen the economic self-determination of Aboriginal communities

Productivity

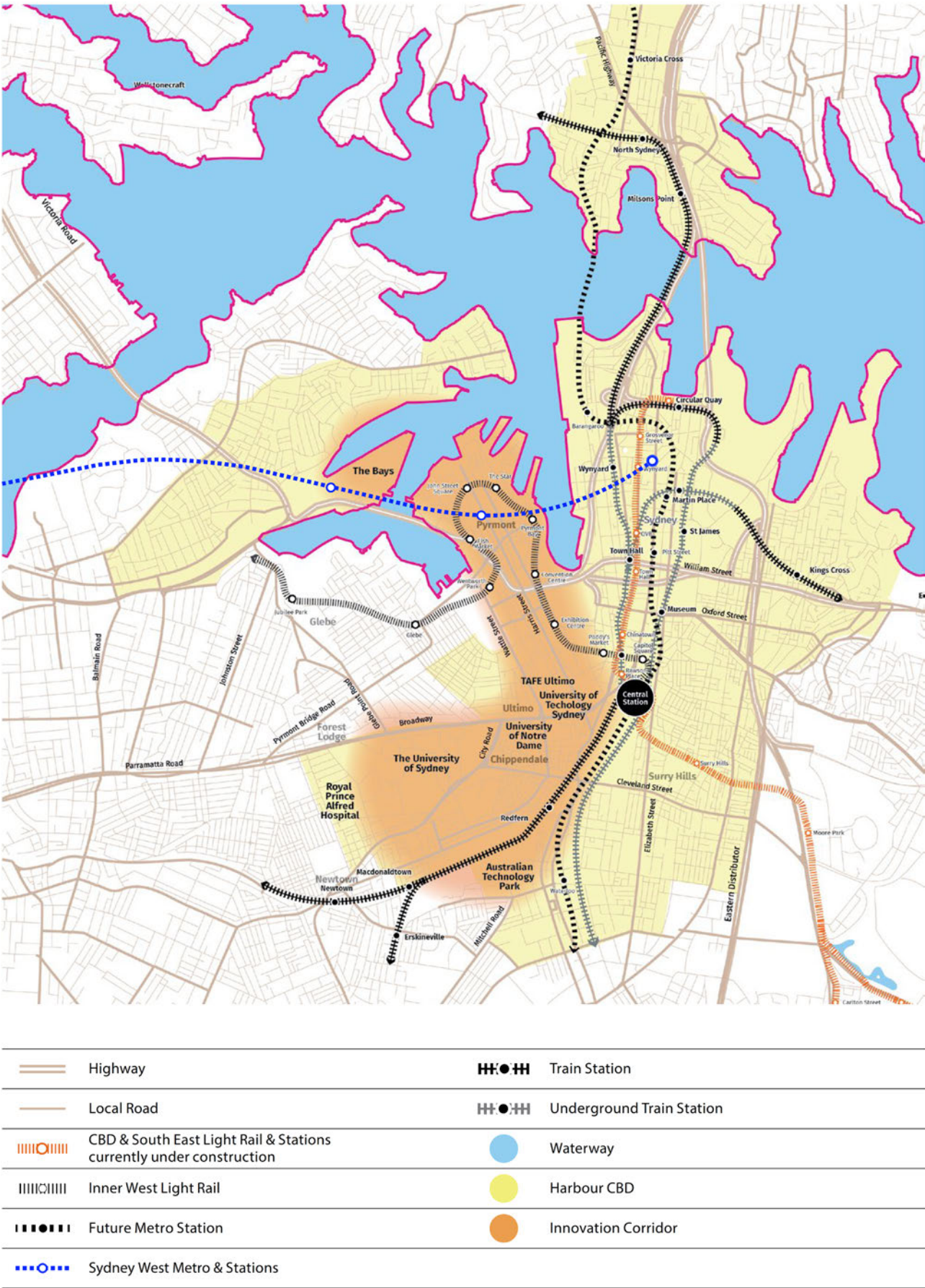
- Strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:
 - further growing an internationally competitive commercial sector
 - providing residential development without compromising commercial development
 - providing a wide range of cultural, entertainment, arts and leisure activities
 - providing a diverse and vibrant night-time economy
- Facilitate an Innovation Corridor that:
 - provides access to a sufficient supply of affordable and scalable employment spaces
 - promotes co-location and increased business-to-business interaction
 - delivers a high amenity, highly walkable and safe corridor
 - has access to affordable, diverse and multi-purpose housing options

Sustainability

- Encourage the preparation of low-carbon, high efficiency strategies to reduce emissions, optimise the use of water, reduce waste and optimise car parking provision

Figure 3. the Harbour CBD and Innovation Corridor

Source: Adapted from the Eastern City District Plan, 2018



Greater Sydney Commission Review, 2019

In August 2019, the Minister for Planning and Public Spaces (the Minister) requested the GSC to undertake a review of the planning framework for the Pyrmont Peninsula. The Minister specifically sort advice and recommendations on:

- the efficacy and appropriateness of current development standards and controls to deliver the NSW Government’s vision for a vibrant mixed-use precinct in proximity to the global Sydney CBD, including the objectives, priorities and actions of the Region Plan and District Plan, and
- the integration of significant projects planned and underway with the precinct.⁶

The GSC’s review found:

- Finding 1:** More comprehensive and detailed planning at the local level is required to deliver the Innovation Corridor vision for the Pyrmont Peninsula
- Finding 2:** The current planning framework promotes a project-based approach over a place-based approach to planning outcomes
- Finding 3:** There is no coordinated spatial plan to guide assessment of competing project priorities to deliver place-making outcomes
- Finding 9:** A number of major projects, on the edge of the Peninsula, are being planned but are disconnected from each other, and
- Finding 10:** The economic potential of the Peninsula is not supported by a coordinated economic strategy.

Overall, the Review found that, for the planning framework to be fit for purpose and deliver the vision of the Region and District Plan, a place-based approach that addresses these Plans holistically must be implemented. They recommended the development of a Place Strategy encompassing a planning framework, master plan and economic strategy.

“A project by project approach... has limited ability to address the needs of a place and effectively consider the cumulative impacts and benefits associated with other projects.

Being located on the periphery of the Review Area means the ability to realise cumulative opportunities and benefits can be limited and disconnected.

The Eastern City District Plan includes a range of considerations, particularly that urban renewal projects should capitalise on opportunities to deliver the Innovation Corridor vision, such as delivering cultural infrastructure and enhancing cycling and walking connections. The locations of the significant projects means there are challenges in coordinating between significant projects in the Review Area, particularly how they connect and activate the public domain.

The Greater Sydney Region Plan and Eastern City District Plans state that delivery of high-quality place-based outcomes requires integration of site-specific planning proposals with precinct-wide place and public domain outcomes through place-based planning. This method of planning provides a better understanding of a place, builds relationships and collaboration to deliver a vision and solutions that respond to a place’s potential.

In the Review Area, taking a place-based approach and improving the coordination of significant projects will contribute to better place-based outcomes, particularly in linking public domain and connecting the major precincts, including Ultimo, Darling Harbour, Wentworth Park/Blackwattle Bay and Pyrmont/Harris Street Village.”

⁶ Letter from the Minister for Planning and Public Spaces requesting the GSC provide advice (see page 27)

City Plan 2036 - the City's Local Strategic Planning Statement March 2020

City Plan 2036 reinforces the links between the NSW Government's Region and District Plans and the City's community strategic plan, Sustainable Sydney 2030, and the planning controls that guide development in our city. It sets out the:

- 20-year vision for land use planning in the city
- basis or context for planning
- planning priorities and actions needed to achieve the vision
- governance and monitoring of the priorities and actions
- clarity in its relevant priorities and actions as they apply to Blackwattle Bay

Infrastructure

- Where a Sydney Metro West station is committed in Pyrmont, work with NSW Government agencies and others to develop a land use framework that:
 - Promotes employment growth, visitor accommodation, affordable enterprise space, high technology industry, retail, community and cultural uses
 - Facilitates improved environments for walking and cycling
 - Maximises public and active transport interchange
- At least 15 per cent of the site area of NSW Government urban renewal projects are to be delivered as public open space in a consolidated and accessible location
- Sunlight to existing parks and public squares is protected and new parks and squares receive adequate sunlight

Liveability

- Encourage proponents to incorporate appropriate cultural infrastructure and creative workspaces into new developments, for example through the use of planning agreements and plan for the inclusion of such spaces in NSW Government projects
- Work with others to create and maintain a continuous publicly accessible harbour foreshore edge that is wide enough to support a range of recreational activities, except in areas required for productive working harbour functions
- Create healthy environments, protect people from urban hazards and create places with high levels of amenity by avoiding urban hazards and mitigating their effect where they exist
- Increase the diversity and number of affordable rental homes for lower income households by advocating to the NSW Government to deliver a minimum 25 per cent of floor space as affordable rental housing in perpetuity on all NSW Government sites

Productivity

- Continue advocacy to ensure delivery of sufficient and appropriate commercial, business, office and retail floor space in current and future NSW Government projects in The Bays Market District
- Work with the NSW Government to review planning controls for Pyrmont to facilitate appropriate economic and employment growth while remaining sensitive to Pyrmont's unique built form and heritage qualities

Sustainability

- Sustainable energy, water and waste infrastructure is increased by encouraging the implementation of shared sustainable infrastructure in new precinct developments, including NSW Government projects

Revitalising Blackwattle Bay May 2020

INSW sort community feedback on three potential re-development scenarios for Blackwattle in May 2020.

Figure 4. INSW 'Revitalising Blackwattle Bay' scenarios

Source: Revitalising Blackwattle Bay, May 2020

	Scenario 1: Homes	Scenario 2: Balanced	Scenario 3: Jobs
Residential	137,315 sqm (58%) 1,700 homes	94,842 sqm (44%) 1,160 homes	84,473 sqm (34%) 1,045 homes
Commercial and retail	89,965 sqm (38%) 4,000 jobs	112,085 sqm (52%) 5,000 jobs	156,523 sqm (63%) 7,000 jobs
Hotel	9,470 sqm (4%)	8,622 sqm (4%)	7,453 sqm (3%)
TOTAL floor area	236,750 sqm	215,550sqm	248,450sqm

Outcomes⁷

Community members, including residents, community groups and businesses, suggested buildings with lower heights to integrate better with the existing built form of Pyrmont and Glebe and encourage solar access; giving priority to public transport, including ferry, metro and light rail; including affordable housing; and prioritising open space and the waterfront promenade.

- Scenario 2 was stated to be the preferred scenario in regard to **land use mix**. Two thirds of participants liked Scenario 2, 28% liked Scenario 3 and only 10% liked Scenario 1. Reasons provided for preferring Scenario 2 and 3 included:
 - the lower density nature of this approach (Scenario 2)
 - a mix of uses was supported to create a vibrant precinct during the day and at night
 - it would attract a broader range of people to the area
 - accessible and affordable office space
- **Building height** was the most commonly raised issue and was discussed in the majority of submissions. People expressed the view that sustainable growth needs to be balanced with the local context of Pyrmont and surrounding areas which is characterised by medium density built form. Buildings over 35 storeys were not generally regarded as being appropriate for a harbour side location. The nearby Jackson's Landing development was referred to in several submissions as a good local example of urban renewal that respects the industrial heritage and architectural scale of Pyrmont without overshadowing the surrounding area.
- **Transport and traffic congestion** were two key issues raised. Feedback commonly focused on the importance of multiple public transport modes, including a Pyrmont metro station and ferry service, to help resolve – rather than exacerbate – existing congestion issues. Active transport (walking and cycling) was viewed as important to support and enhance health and wellbeing outcomes and reduce vehicle congestion.
- **Social and affordable housing** was discussed as an important element of the renewal, with targets higher than five to ten percent suggested for the precinct.

⁷ Revitalising Blackwattle Bay Community and Stakeholder Engagement: Outcomes Report, Elton Consulting, June 2021

Pymont Peninsula Place Strategy December 2020

The NSW Government approved the final PPPS in December 2020. The PPPS was prepared in response to the GSC's 2019 review. It is supported by a Ministerial Direction which requires any future planning proposal, whether led by the City or NSW Government, within the Pymont peninsula to⁸:

- a. Give effect to the objectives of the Ministerial Direction and the Vision of the PPPS
- b. Be consistent with the 10 Directions and Structure Plan in the PPPS
- c. Delivers on envisaged future character for sub-precincts, including relevant place priorities in the PPPS, and
- d. Support the delivery of the Big Moves in the PPPS.

The objectives of the Ministerial Direction are to:

- a. Facilitate development within the Pymont Peninsula that is consistent with the PPPS and the Pymont Economic Development Strategy
- b. Align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and
- c. Guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the PPPS.

The Blackwattle Bay sub-precinct and place priorities

The PPPS plans for 2,055 more residents and 5,770 more jobs with the Blackwattle Bay sub-precinct by 2041. Notable place priorities for Blackwattle Bay include:

1. Redevelop Blackwattle Bay into a new urban quarter focused on knowledge-based jobs and supplemented with cultural and entertainment, visitor and tourism, retail and residential uses, connected to public transport, including the Pymont Metro station and anchored by the new Sydney Fish Market.
2. Prioritise commercial floor space for knowledge-based jobs to support the Innovation Corridor.
4. Address potential impacts of 24-hour economy activities on amenity including noise, safety, traffic and transport, amongst others.
5. Providing residential development, including affordable housing without compromising commercial development and the attractiveness of Blackwattle Bay for a range of cultural, entertainment, arts and leisure activities supporting a diverse and vibrant 24-hour economy.
6. Establish controls to ensure development protects sunlight to existing and future open space including the harbour foreshore area consistent with the amenity constrained height strategy to be refined in subsequent sub-precinct master planning.
8. Investigate a multi-utility hub for sustainable precinct-scale solutions such as integrated parking, electric vehicle charging, battery storage, recycled water and organic waste systems, or bike facilities.
9. Create a continuous harbourside foreshore promenade connecting to Darling Harbour, Barangaroo and Walsh Bay arts and cultural precinct in the east and the new Sydney Fish Market and Glebe to the west, and beyond.
18. Contribute towards the provision of new community and cultural facilities, including community and library floor space, communal rooms, work-based childcare services, production space for creative arts and medical services.

⁸ Section 9.1 Ministerial Directions

Informing the place priorities, the PPPS sets clear expectations through the Vision, Directions, Structure Plan, Big Moves and Framework for Key Sites in relation to each of following items:

Development that complements or enhances the area

Direction 2 promotes new buildings that fit with the Peninsula's evolving character. This direction follows on from Recommendation 4 of the Pymont Peninsula Economic Development Strategy which called for the "support of appropriate and sustainable developments that increase and re-purpose the supply of commercial floorspace to accommodate projected employment in the area (via the new development proposals in Blackwattle Bay and Ultimo)"⁹.

Direction 2 describes the Principles to be followed in determining what is appropriate and sustainable in the master planning for Blackwattle Bay:

- Principle 1: Heights located close to ridge lines and stepping down to the harbour edge in the northern part of the Peninsula
- Principle 2: manage wind effects at edges of the Peninsula
- Principle 3: promote daylight into streets
- Principle 4: maintain human scale in streets
- Principle 5: promote public views to and from the water
- Principle 6: protect the Martin Place view corridor
- Principle 7: protect areas of significant heritage or urban quality, including heritage conservation areas, Union Square and Harris Street
- Principle 8: protect sunlight to parks and public open spaces
- Principle 9: observe limits set by Civil Aviation Authority.

Direction 2 states:

"The ability for any single development, including key site development to access the maximum, or close to the maximum potential height on a site will be subject to evaluation of relevant planning and design matters in a subsequent planning process. Relevant considerations, such as solar access, wind impacts, streetscape and public domain experience, integrated with context, alignment with land uses under the Economic Development Strategy, design excellence, sustainability and public benefits/interest may moderate maximum building heights."

The Pymont Peninsula Economic Development Strategy states:

"Maintaining Pymont's attractive urban character – stakeholders consulted in the development of the Place Strategy highlighted the importance of Pymont's amenity in maintaining its attractiveness to enterprise, in particular preserving the mixed-use character of the precinct. For the economic vision to be realised, economic development and accompanying changes to urban character and built form will need to occur in a way that maintains or strengthens Pymont's attractiveness."

Jobs and industries of the future

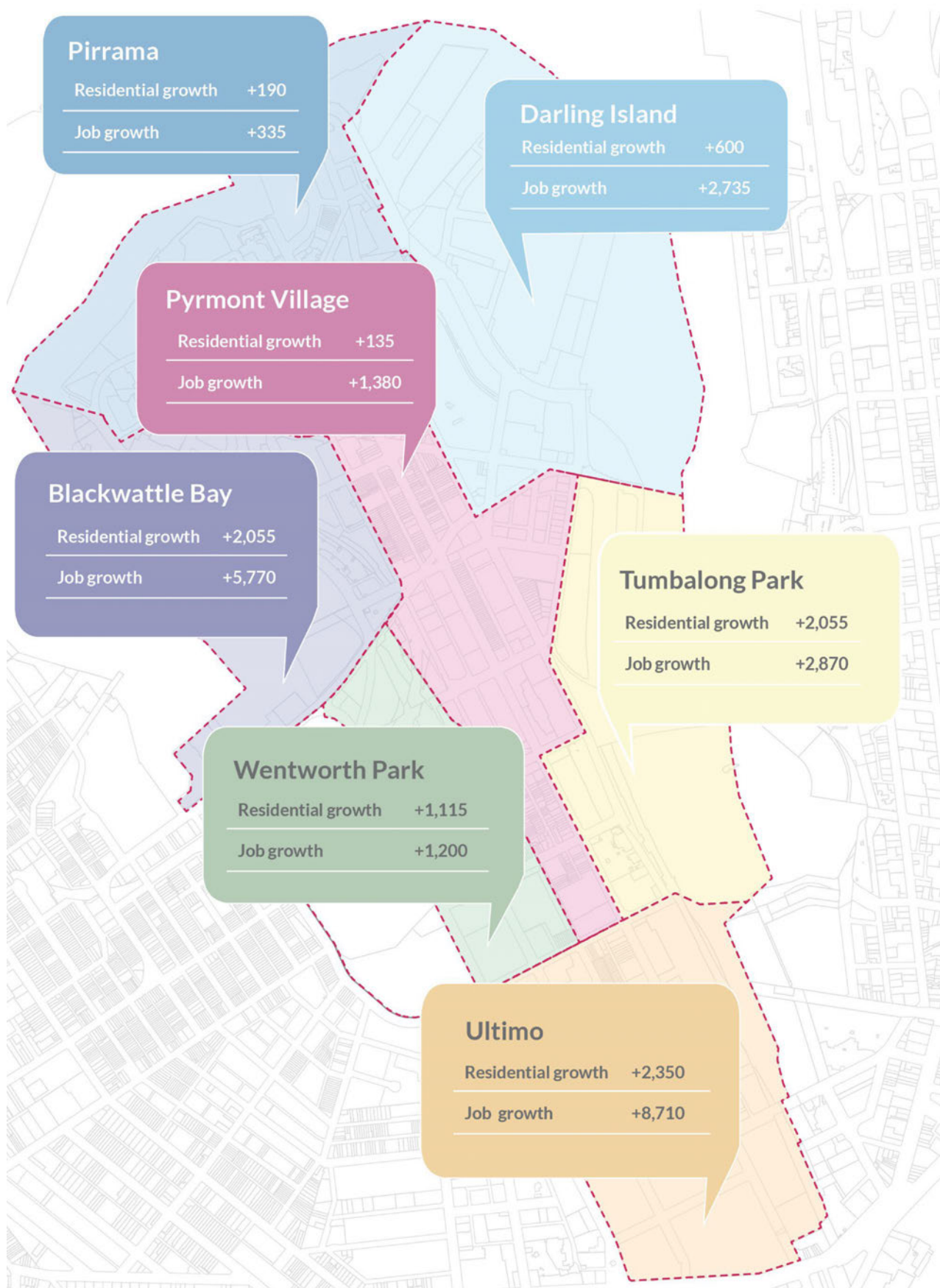
Direction 1 seeks the delivery of new major employment floor space capacity at Blackwattle Bay:

"through a range of building typologies including expansion of the lower scale campus style floorplate that supports small to medium size businesses alongside taller office towers".

⁹ Pymont Peninsula Economic Development Strategy, October 2020

Figure 5. Forecast residential and jobs growth by sub-precinct

Source: Pymont Peninsula Place Strategy Demographic Profile, Cred Consulting, October 2020



Affordable workspace for creatives

The Framework for Key Sites states that additional public benefit opportunities are expected for all key sites including the provision of opportunities for affordable workspace for creative industries including performance and rehearsal spaces, cultural uses, start-ups and researchers, maker, and producer spaces to support the Innovation Corridor.

Great homes that can suit the needs of more people

Direction 9 requires any new housing to meet increasing sustainability objectives and performance targets for reduced environmental impact, better building performance (and cheaper running costs) and for improved health and social outcomes.

World class harbour foreshore walk

The Vision, Directions, Structure Plan and Big Moves all describe a continuous world class harbour foreshore walk that:

- provides a 30 metre wide promenade zone (from water's edge to building face) including a 20 metre width for walking, cycling, recreational uses and landscape (see Direction 5), and
- a harbour edge parkland to support social and ecological resilience, including flood and sea level rise mitigation (see Direction 8).

Low carbon, high performance precinct

Direction 8 outlines the key sustainability interventions targeted to deliver precinct-based solutions towards a net-zero carbon precinct by 2041:

- Multi-utility hubs as precinct infrastructure that provide potential for a range of social and ecological outcomes, including precinct parking, energy and water systems, cultural and community spaces.
- Green Streets and Active Streets: involving the reallocation of space on key active streets to facilitate increased green open space and canopy to create cooler urban environments (and enabled by multi-utility hubs).
- High Performance New Buildings: to deliver new development that is high performance and resilient by encouraging use of solar, batteries, recycled water, electric vehicles through BASIX and NABERS targets and no on-site parking for residential development.
- Offsetting to deliver a Net Zero Outcome: Modelling suggests that if the other three interventions are delivered there will be a residual quantity of emissions that would require offsetting to reach net zero emissions across the Peninsula.

Glebe Island Bridge

The refurbishment of the Glebe Island Bridge to link Pyrmont Peninsula with Bays West (see Big Move 1 and Action 4).

Figure 6. Visual Impact Assessment

Source: Adapted from Visual Impact Assessment, Clouston Associates, June 2021 – View north from Blackwattle Bay



Infrastructure NSW Precinct & Visual Impact Analysis - Existing View



Infrastructure NSW Precinct & Visual Impact Analysis - Photomontage view of precinct



Infrastructure NSW Precinct & Visual Impact Analysis - Corrected view comparison without artificial sky and transparent buildings

Infrastructure

The Region Plan states:

“Effectively aligning infrastructure with growth requires a methodical and sequenced approach to development. It requires a whole-of-government approach and a place-based understanding of sequencing of infrastructure delivery. This enables planning to support infrastructure alignment with areas of growth and transformation before additional areas are rezoned and ready for development.”

The City has been clear and consistent in its submissions to the draft Pyrmont Peninsula Place Strategy and the Revitalising Blackwattle Bay consultation:

- Draft sub-precinct master planning and a draft Infrastructure Delivery Plan must be exhibited with sufficient time for public comments before they are finalised.
- The community and the City should be involved in Infrastructure Delivery Plan development.
- Infrastructure NSW must align progress and outcomes of the master plan for Blackwattle Bay with the finalisation of the Pyrmont Peninsula Place Strategy and sub-precinct planning.
- The Place Strategy and the Infrastructure Delivery Plan could be supported by a Ministerial Direction requiring any growth to be aligned with infrastructure delivery¹⁰.

Despite this, INSW are seeking to advance the rezoning of Blackwattle Bay with no clear proposal on how infrastructure will be funded, delivered, maintained, and managed (City emphasis added):

“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.

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.

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”¹¹

¹⁰ City of Sydney Submission to the draft Pyrmont Peninsula Place Strategy, September 2020

¹¹ Explanation of Intended Effect, Blackwattle Bay State Significant Precinct proposal, June 2021

This “satisfactory arrangements” approach, where the growth is agreed upfront and the necessary infrastructure details are agreed (or not agreed) with the community later, is not acceptable for a proposal that seeks to add up to 1,550 dwellings and space for over 5,600 workers (but it would appear only if you include the existing fish markets) into an established dense urban area.

This approach is not consistent with the Region Plan, particularly as the satisfactory arrangements only apply to State infrastructure. The City is also concerned that the complete lack of detail on proposed infrastructure funding arrangements means infrastructure funding within the precinct and greater Pyrmont Peninsula is susceptible to the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 currently being considered, and in particular the introduction of a region-based infrastructure levy, where contributions captured within the area are potentially spent outside the City area on regional infrastructure¹².

Limiting satisfactory arrangements to State infrastructure does not capture essential local infrastructure items like local open space, community, cultural and recreational facilities. It is fundamental that local development contributions apply to any development within the precinct. On the information available, the City does not support offsetting infrastructure delivered within the precinct against local contributions that may be payable.

The City provided extensive feedback in relation to the minimum community, cultural, open space, recreation and transport infrastructure required to support the Pyrmont’s appropriate redevelopment to 2041. Detailed feedback was provided by the City in their submission to the draft Pyrmont Peninsula Place Strategy. Key feedback is repeated in the following sections.

If the rezoning proceeds reliant on satisfactory arrangements as proposed it will:

- fail to give effect to Region and District Plan priorities to align growth with infrastructure, sequence infrastructure provision using a place-based approach and maximise the utility of existing infrastructure assets; and
- fail to deliver the Blackwattle Bay sub-precinct place priority for the project to contribute towards the provision of new community and cultural facilities, including community and library floor space, communal rooms, work-based childcare services, production space for creative arts and medical services.

The City’s firm view is that consideration of INSW’s Blackwattle Bay project must be placed on hold whilst the Department finalises their draft sub-precinct master plans and Infrastructure Delivery Plan for the Pyrmont peninsula, and these draft documents are exhibited for public comment. This is the logical and sensible path and the only path that aligns with GSC’s recommendations around the requirement for precinct wide place-based planning.

¹² City of Sydney Submission on the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

Community and cultural facilities

The City supports the following commitments of the proposal:

- Increased provision of ground level cultural spaces for participation/exhibition as part of private development.
- New production and rehearsal space to support local creative and performing arts.
- Provision of affordable creative live/workspaces within residential developments.
- The provision of ‘cultural production’ space of approximately 1,200 square meters – noting that at this stage the City unlikely to own or manage this space but can support a State/Private partnership with research, facilitation and networks and evidence of successful international investment models with arts broker agencies or Creative Lands Trust investment.

Detailed feedback on the Aboriginal and Torres Strait Islander engagement and cultural centre is provided in this submission under Liveability.

However, whilst these commitments are supported it is noted that neither the EIE or Draft Design Code secures them, particularly on private sites. In the City’s experience to secure these outcomes for the community, they must be required as part of a planning instrument or enforceable design code or other agreement.

The City does not support a new library, community or recreation facility at Blackwattle Bay due to the existing proximity of existing services in Pyrmont, Ultimo, Glebe and Darling Exchange. Local contributions to increase capacity and use at existing facilities are considered more appropriate following community consultation. This exemplifies how the project approach to infrastructure fails to recognise the opportunity presented by a place-based, precinct assessment of infrastructure supply and demand. The upgrading of existing library, community, or recreation facilities across Pyrmont, Ultimo or Glebe to service existing and new communities is a more cost-effective and efficient use of developer contributions.

Open space and recreation facilities

The PPPS outlines a range of public domain opportunities which are consistent with City policies, such as increased planting and canopy cover, improved pedestrian amenity and permeability, upgraded public open spaces, improved access to public transport and active transport networks.

Such improvements are supported in principle and are considered essential to support the increased development intensity anticipated. Most of these are requirements to be delivered as part of any redevelopment.

Public benefit opportunities suggested in the PPPS and supported by the City as they relate to Blackwattle Bay include:

- Removal of greyhound track and expansion of Wentworth Park as public green open space, to include active recreation and sports field, and
- Completion of the foreshore walk.

The rezoning should contribute positively to the achievement of both these outcomes through the allocation of appropriate infrastructure contributions.

The City is very concerned the open space is lacking sufficient sunlight. A large portion of the Waterside Park is in shade throughout the day in mid-winter. This is a very poor outcome given the extent and scale of the precinct transformation. Better design would ensure this area has sufficient sunlight. Other areas of open space and parks are located under the Western Distributor. The access to sunlight analysis was not included in the documentation for these spaces. Lack of sufficient sunlight impacts negatively on the use, plant species selection, longevity and

maintenance of planting. It is a poor outcome for public parks and open space and is unacceptable to the City.

The City recommends that the future design of parks should occur through a process of community consultation and analysis of needs/opportunities prior to commencing any design proposal. The community should then be given the opportunity to view and comment on proposed schemes, as per usual City practice.

Transport infrastructure

The proposal seeks to amend Sydney LEP 2012 to:

- reclassify residential parking from Category B to Category A (reducing the maximum number of residential parking spaces from 1,091 to 932 spaces), and
- reclassify non-residential parking from Category F to Category D (reducing the maximum number of non-residential parking spaces from 670 to 474 spaces).

The reduction in maximum car parking rates does not go far enough. The City suggests that as the precinct is highly accessible with a new Pymont Metro station, and a near zero-parking precinct should be targeted, in which parking for private vehicles is not provided for except for those categories that need to be provided by exception (such as carers, disabled, visitors and appropriately scaled car share).

A near zero-parking precinct supports Key Move 4 of the PPPS, to provide multi-utility hubs as precinct infrastructure to reduce the need for on-site parking. Key Move 4 describes these multi-utility hubs as including the following components:

- Integrated precinct parking so new development does not require on-site parking (decoupled parking) and on-street parking can be removed to create better and cooler streets and reduce parking overall.
- Potential for consolidated freight hub component to reduce overall freight movements and enable more efficient last kilometre delivery methods such as cyclists or electric vehicles.
- Electric vehicle charging points to avoid clutter on the street.
- Grid-scale battery storage to optimise local renewables and electric vehicle charging.
- Organic waste systems to manage food waste, creating compost for local gardens and landscaping.

The City supports Key Move 4 noting that for these hubs to succeed significant further work is needed to identify the space requirements, suitable technologies, operational and governance arrangements, and of course the investment model and financial structure. The City has concerns that, despite the environmental benefits of these hubs, they may become car parking stations. The City would object to any standalone car parking stations in the precinct.

The rezoning should seek to achieve a reconfiguration of road capacity to reduce traffic capacity and provide more capacity for other travel modes on Pymont Bridge Road (reduction in travel lanes between Wattle Street and Darling Drive).

Liveability

City Plan 2036 describes the city's liveability as being shaped by people-focused urban design, planning and placemaking that supports a high-quality life and wellbeing. Liveability is constituted by good homes, the quality and character of neighbourhoods and the availability of community and cultural facilities and spaces.

In the Pyrmont Peninsula, the following principles appropriately reinforces its liveability:

- Building heights located close to ridgelines and step down to the harbour edge
- Heights that contextually knit with existing established heights
- Manage wind effects at the edges of the Peninsula
- Promote daylight to streets
- Maintain human scale in streets
- Promote view sharing but guarantee protection of important public views
- Protect areas of significant heritage or urban quality
- Protect sunlight to important parks and public open space by limiting heights of development
- Observe limits set by Civil Aviation Authority.

These principles are reflected in Direction 2 of the PPPS, '*development that complements or enhances the area*', which is reinforced by the priorities for the Blackwattle Bay sub-precinct as follows:

- Redevelop Blackwattle Bay into a new urban quarter focused on knowledge-based jobs and supplemented with cultural and entertainment, visitor and tourism, retail and residential uses, connected to public transport, including the Pyrmont Metro station and anchored by the new Sydney Fish Market.
- Prioritise commercial floor space for knowledge-based jobs to support the Innovation Corridor.
- Address potential impacts of 24-hour economy activities on amenity including noise, safety, traffic and transport, amongst others.
- Providing residential development, including affordable housing without compromising commercial development and the attractiveness of Blackwattle Bay for a range of cultural, entertainment, arts and leisure activities supporting a diverse and vibrant 24-hour economy.
- Establish controls to ensure development protects sunlight to existing and future open space including the harbour foreshore area consistent with the amenity constrained height strategy to be refined in subsequent sub-precinct master planning.
- Investigate a multi-utility hub for sustainable precinct-scale solutions such as integrated parking, electric vehicle charging, battery storage, recycled water and organic waste systems, or bike facilities.
- Create a continuous harbourside foreshore promenade connecting to Darling Harbour, Barangaroo and Walsh Bay arts and cultural precinct in the east and the new Sydney Fish Market and Glebe to the west, and beyond.
- Contribute towards the provision of new community and cultural facilities, including community and library floor space, communal rooms, work-based childcare services, production space for creative arts and medical services.

Figure 7. Visual Impact Assessment

Source: Adapted from Visual Impact Assessment, Clouston Associates, June 2021 – View south from Distillery Hill



Infrastructure NSW Precinct & Visual Impact Analysis - Existing View



Infrastructure NSW Precinct & Visual Impact Analysis - Photomontage view of precinct



Infrastructure NSW Precinct & Visual Impact Analysis - Corrected view comparison without artificial sky and transparent buildings

The accompanying Urban Design Statement, prepared by FJMT, analyses a Precinct Plan that fails to justify the proposed changes to the planning framework outlined in the EIE. It is the City's strong view that the exhibited proposal fails to address the priorities identified in the Key Moves and Directions of the Blackwattle Bay sub-precinct and PPPS overall and presents a manifest poor urban design outcome with unacceptable impacts to future residents and users.

The key issues include:

- The proposed built form is not well-considered and is incongruent with the surrounding Pyrmont context.
- Future residents' health and wellbeing will suffer as they are exposed to noise and air pollution.
- Adverse wind impacts make uncomfortable and unsafe public spaces for users and insufficient solar access is provided to public spaces for good tree and grass growth.
- The public space, particularly the narrow waterfront promenade and the streets, is inadequate for people who will use it. It is not a reflection of Key Move 1 of the PPPS for a "world class harbour foreshore walk".
- Requirement for 5% of residential floor area as affordable rental housing is inadequate.
- Stronger connection with Country secured through planning controls is required.

Fundamentally, the Urban Design Statement contains major shortcomings, and the Precinct Plan requires a significant redesign. This would inevitably require changes to the proposed planning framework outlined in the EIE and the accompanying Design Code.

Development that complements or enhances the area

The SSP proposes twelve building envelopes with tower heights of up to 45 storeys and lower buildings with varying heights between four to eight storeys. The built form outcome of the SSP study reproduces the height and scale of the three scenarios contained in the Revitalising Blackwattle Bay brochure with heights that are established principally from the maximum aviation limits as well as from the height of the Anzac Bridge pylons, buildings on top of Distillery Hill at Jacksons Landing and with taller buildings of Central Sydney. The issue of height was the primary concern raised by the community.

The proposed building heights are not supported by the City. The heights do not reflect the unique character of Pyrmont that are characterised by varied building heights including low rise terraces, warehouses and taller buildings. The rationale driving the height and built form of buildings within the SSP is rejected. The City advocates for building forms that best suit the land use mix, which aligns with the PPPS. Specifically, enterprise-focussed, media, creative and other knowledge intensive industries that have a distinct low scale, campus style building typology that would better complement the Pyrmont neighbourhood and aligns with the urban quarter and commercial character envisioned for the precinct.

The urban design analysis must begin again with increased consideration of the local context as well as the following matters that are subsequently discussed in this submission:

- The impact of wind on the safety, comfort and amenity of streets and public open space.
- Providing sufficient sunlight to new and existing public foreshore areas and parks, including Wentworth Park.
- Noise and air pollution from the Anzac Bridge approach and the concrete batching plant.
- Building forms that ensure the objectives and design criteria of the ADG will be met.
- Loss of sunlight to residential properties to the south and east of the precinct.
- Building forms that are suited to the needs and preferences of target businesses and occupants for commercial buildings.

Ameliorating wind impacts

People's use and enjoyment of public open space requires safety and comfort. The site is exposed to strong winds and therefore, careful design of the built form to ensure safe and comfortable environments for people in public space is essential in the design of the Precinct Plan.

The approach put forward in the Urban Design Statement is that built form is derived from other criteria and adjustments to the built form were made to ensure better wind safety and comfort than it initially produced. However, comfortable pedestrian wind environments are not provided, and the adjustments are applied in an ad-hoc manner and some are not practical. The consequences are clearly illustrated in the technical material.

The Pedestrian Wind Environment Study, prepared by Windtech, highlights that parts of the SSP study area fail the safety limit and most parts fail the walking comfort criterion prior to the addition of 'devices'. With the addition of 'devices', 12 of the 14 points that failed the safety limit passed the safety criterion while 2 continue to fail. Of the 12 points that passed the safety limit, 10 points continue to fail the walking comfort criterion. The devices include awnings on streets, yet these are not indicated on the street sections. In some cases, the extent of the awnings does not conform with road authority requirements as they extend to and beyond the kerbs. It is not clear if areas outside the awning extent, such as on opposite footpaths or in nearby bicycle lanes, meet the safety limit near these points. It should be noted that the Wind Report impractically, suggests an awning is required to extend to and meet with the Western Distributor roadway. The comfort for standing at building entries and at street crossings is not analysed and neither is sitting comfort in areas of public space where sitting is described in the precinct plan. Overall, the wind amelioration study is cursory, circumstantial, and incomplete.

The Urban Design Statement outlines how poor wind effects can be prevented, but it avoids solving the predominate failure of walking comfort and purports that the failures will be solved at a later stage. It states:

Good design practice initiatives have been incorporated into the built form strategies in consultation with the specialist wind consultants. Initiatives include:

- *Profiling of the built form to ensure winds interface with lower built form first*
- *Incorporating setbacks between street wall and tower elements of the built form to mitigate down drafts*
- *Limiting tower floor plate sizes*
- *Providing effective tower separations*
- *Incorporating colonnades and awnings*
- *Planning for extensive tree canopy to open spaces and streets*

Although advised above, wind consultants warn that colonnades when extensive, and open at corners, as shown in the Precinct Plan, can increase wind discomfort. This aspect of potential wind discomfort is not studied. The City strongly recommends this be analysed. Further consideration must be made to wind impacts on tree planting as it is the City's experience tree growth in inhibited and future landscape cannot be relied on to provide a comfortable environment in poor wind conditions.

The City strongly recommends that the Precinct Plan must be redesigned to eliminate unsafe and uncomfortable pedestrian wind environments by implementing good design practice as follows:

- Place lower buildings in front of tall buildings on wind exposed sides, this may require the rearrangement or reduction in the number of tall buildings where this is not currently shown
- Increase the setbacks between the street wall and tower forms from the predominate three and six metres to at least eight to ten metres or more if required, in consultation with wind specialists

- Further rounding of tower forms
- Reduction in tower floor plate size
- Increasing the separation of towers
- Coordinate awnings with street design requirements
- Investigation of additional points on bicycle lanes, footpaths opposite buildings with awnings and at street crossing points and in colonnades
- Provide summary diagrams for standing comfort at street crossings and likely building entry points and sitting comfort where sitting is proposed and test solutions to ensure that it can be provided at future approval stages.

Quality public space - streets, parks and world class harbour foreshore walk

The NSW Premier's priority for Greener Public Spaces recognises that *quality green, open and public spaces are important to everyone*. The poor urban design of the Precinct Plan and the misleading analysis of the Urban Design Statement show that the intent of the Premier's priority for greener public spaces is not met at Blackwattle Bay given the unacceptable wind environments and insufficient sunlight to parks.

In addition, the waterfront promenade and the streets have not been designed to accommodate the requirements of the people who will use them. Generally, the future streets detailed in the Urban Design Statement do not conform with the City's extensive Street Design Manual.

Park Street

Park street is incorrectly described as a shared street. As an activity street, its combined footpath and furniture zone's preferred width is 5 metres. A width of 2.6 metres is provided on its western side and is considered inadequate. The 6-metre space for a footpath, furniture zone and outdoor dining needs to be wider to provide sufficient space for the intended extent of outdoor dining.

Gipps Lane

Gipps Lane is a local street. A combined footpath and furniture zone with a width of 3.5m is preferred. However, only 2.4 metres is provided on one of its sides and is considered inadequate. The vehicle lane should be 3 metres and not 3.5 metres. This space should be reallocated to landscaping, footpath or furniture zones. The central furniture zone is misplaced as one of its purposes of a furniture zone is to separate the footpath from moving traffic. The 5-metre space for footpath, furniture zone and outdoor dining needs to be wider otherwise the width of the outdoor dining area may be limited to 1 metre.

Bank Lane

Bank Lane is a local street. Its combined footpath and furniture zone's preferred width is 3.5 metres. However, an inadequate width of only 2.5 metres is provided. The vehicle lane should be 3 metres not 3.5 metres, this space should be reallocated to landscaping, footpath or furniture.

Waterfront Promenade

The first big move of the Pyrmont Peninsula Place Strategy is a world class harbour foreshore walk. The proposed 10-metre-wide promenade is not world class and is too narrow to adequately provide for the number and range of activities of the people who will use it.

A number of case studies in the Urban Design Statement include waterfront promenades. Their widths are omitted but are worth noting as follows:

Figure 8. Wind Tunnel Results

Source: Adapted from Pedestrian Wind Environment Study, Windtech, June 2021



- At Barangaroo, the waterfront promenade is 30 metres wide.
- In Perth, at Elizabeth Quay the minimum dimension is 20.5 metres. This occurs only at the vertices of a jagged shape sea wall that is generally around 25 metres wide. The main promenade is over 40 metres wide.
- In New York at Domino Park, the waterfront promenade is approximately 30 metres wide (100 foot).
- In Hamburg, the urban form of Hafen City is different to Blackwattle Bay comprising of a series of former wharves and docks, rather than a continuous foreshore. In comparison, the quays are much longer, the buildings are much lower, and the intensity of use is substantially less. Here the promenades are generally around 15 metres in depth.

In Sydney waterfront reserves are often 30 metres deep following Government Order 26 of 1828 by the Colonial Secretary Alexander McLeay reserving all land 100 foot from the high-water mark.

The Urban Design Strategy supports a 10-metre-wide reserve and acknowledges that the promenade will be used *for relaxed walking, fitness walking and jogging, with places to sit and gather*. It will also be used by people on bicycles for fast exercise riding and slow riding in family groups as well as tree planting. Having regard to the various user groups, it is the City's experience that conflicts occur when there is insufficient and un-demarcated space provided to account for fast, slow, walking, cycling and pausing of different user groups.

The promenade will complete an over 11-kilometre continuous foreshore access stretching from Woolloomooloo to Annandale. It will be extremely popular with all users at all times of the day and night, on weekdays and on weekends. The illustrations in the Urban Design Statement shows furniture in movement paths. There is a lack of separation, the spaces are too narrow to provide for landscaping and space for essential furniture such as lights, signs, bins and private property access steps in the public space. The Urban Design Strategy does not properly consider the minimum spatial requirements, and this would result in future overcrowding with avoidable safety and conflict management outcomes.

A simple sum of generally accepted minimum space requirements from the waterside is 18.5 metres and is categorised as follows:

- 2.0 metre – Furniture zone for seawall, seats, lights and signs
- 3.0 metre – walking zone bidirectional
- 0.5 metre – separation of cycling and walking paths
- 2.5 metre – bidirectional recreational (slow) cycleway
- 3.0 metre - planting and landscape zone
- 3.0 metre – running jogging zone bidirectional
- 0.5 metre – separation of cycling and running paths
- 2.5 metre – bidirectional sports (fast) cycleway
- 1.5 metre – property edge zone for entry, services access, services connections and signs.

The City strongly recommends a minimum width of 20 metre be provided to allow for flexibility, tolerance and to accommodate special circumstances. Wherever possible, the foreshore width should be widened to the preferable 30 metres to include additional landscaping, exercise equipment, places for groups to pause, areas for outdoor dining, and more separation of the movement paths.

Protecting sunlight to public open spaces

Sunlight is critical in public spaces in providing good amenity to people and is vital for good tree growth throughout the year. Trees assist in ameliorating climate change by absorbing carbon from the atmosphere. The changing climate is increasing with the number and temperature of hot days that would adversely affect people's health and wellbeing. Trees provide relief on hot days through, shade, heat absorption and transpiration.

To promote good tree growth for street trees, two hours of sunlight every day of the year that the sun shines is an accepted rule of thumb amongst horticulturists. The Urban Design Statement does not illustrate sun access to streets. Interpolation of the sun access diagrams provided indicates that few, if any, streets will have the sunlight conditions required for good tree growth. The poor wind environment and the lack of sunlight combined challenges the achievement of canopy targets for the precinct.

To promote good grass growth in parks, four hours of sunlight every day of the year that the sun shines is an accepted rule of thumb amongst horticulturists. The City reinforces this with its minimum standards requiring at least 50% of the area of a park to receive 4 hours of sunlight at the winter solstice between 9am and 3pm. The 50% minimum acknowledges that some overshadowing is unavoidable, and the park design is formed around the varying sun access. Implicit in the minimum standard is that areas of the park will receive more than 4 hours of solar access, better than the minimum requirement.

The Urban Design Statement does not pursue better design and uses statistical diagrammatic misrepresentation to justify not providing the minimum required solar access. The solar analysis is flawed and misleading. When considered holistically, around 40% sun access is achieved by including the areas around the new approved fish markets, which was not considered elsewhere in the study. These areas receive good solar access and are predominately not landscaped. If the study area only was considered the result would be less than 40%. Solar access to the parks and foreshore reserve in the study is inadequate individually and collectively.

The City strongly recommends that the precinct plan be redesigned to provide at least the minimum required amount of solar access in the winter solstice between 9am and 3pm as follows:

- 4 hours to at least 50% of each of the two parks:
 - the north park around the Glebe Island Bridge
 - the eastern foreshore in the south on the existing fish market site, excluding the new fish market site
- 2 hours to most of the new streets to promote tree growth.

The solar analysis must include PPPS sites capable or change outside the precinct as these too will impact on solar access available.

High-quality life and well-being

The noise and air pollution from the Anzac Bridge and its approach as well as the Blackwattle Bay concrete batching plant are significant factors to be considered at the strategic planning stage in making a precinct plan. The supporting technical studies confirm this.

The NSW Government's document 'Development Near Rail Corridors and Busy Roads Interim Guidelines provides a clear strategic planning advice:

As part of taking a strategic planning approach, noise and air quality issues should be considered at the strategic level to avoid or minimise the need to address them at the site-specific stage. For example, site selection and consideration of site layout and urban form can assist in reducing adverse health impacts from motor vehicle emissions. Similarly considering traffic noise issues

upfront at the site selection and design stage is essential for residential, hospitals, childcare centres, schools, places of worship and other sensitive development.

This advice is not referenced or discussed in any of the relevant documentation of the study. The opportunity at the strategic planning stage is to locate sensitive uses like residential development away from the noise source. This is not evident in the Urban Design Statement or the Precinct Plan. Instead, the Precinct Plan places residential development where the exposure to noise and air pollution is the greatest.

While aware of the contextual issues through the reports, there is no evidence through a reference design that the issues can be satisfactorily overcome given the sensitive uses proposed in the submission. At a minimum, the City would require a reference scheme at this stage to provide evidence that what was proposed was approvable under the relevant controls such as they NSW Government's own Apartment Design Guide.

The submitted Urban Design Statement avoids solving the inevitable issue it creates and purports that others at a later stage will be able to resolve the conflicts. This should not be relied on and misdirects the planning authority and future applicants that a solution is possible when it is not clear that it can be satisfactorily resolved. This is particularly problematic if the development rights are on sold to a developer following a rezoning, and a detailed design is submitted without a further Stage 1 or Concept plan being required.

The consequences are clearly illustrated in the technical material as per Figure 10 that are reproduced from the Noise and Vibration Assessment.

The assessment demonstrates that the full height of every building facing the Anzac Bridge approach is unable to permit natural ventilation at night to apartments because the noise levels will be too great. The Urban Design Statement ignores this and points to generic solutions that in this instance, cannot provide the protection from noise that people need for a healthy life. This is contrary to the Part 4B – Natural Ventilation of the Apartment Design Guide where all habitable rooms are to be naturally ventilated.

The built form analysis locates habitable rooms including bedrooms facing the bridge approach. The City strongly recommends that the privately owned sites to the north and next to elevated roadway remain suitable for only non-residential uses. The southern sites should be provided with other solutions to noise and pollution from the bridge approach and the concrete batching plant with either commercial buildings that do not require natural ventilation and/or a thin section of residential buildings so that every habitable room has access to natural ventilation by having windows facing away from the sources of noise and air pollution.

The Health Risk Assessment, prepared by SLR, recognises the link between cardiovascular disease, which includes high blood pressure, heart disease and stroke with long term exposure to environmental noise. The Report also states that disturbance or annoyance from traffic-related noise can adversely impact physical functioning, quality of sleep, psychological wellbeing, self-perceived health and health-related quality of life as well as hearing impairment.

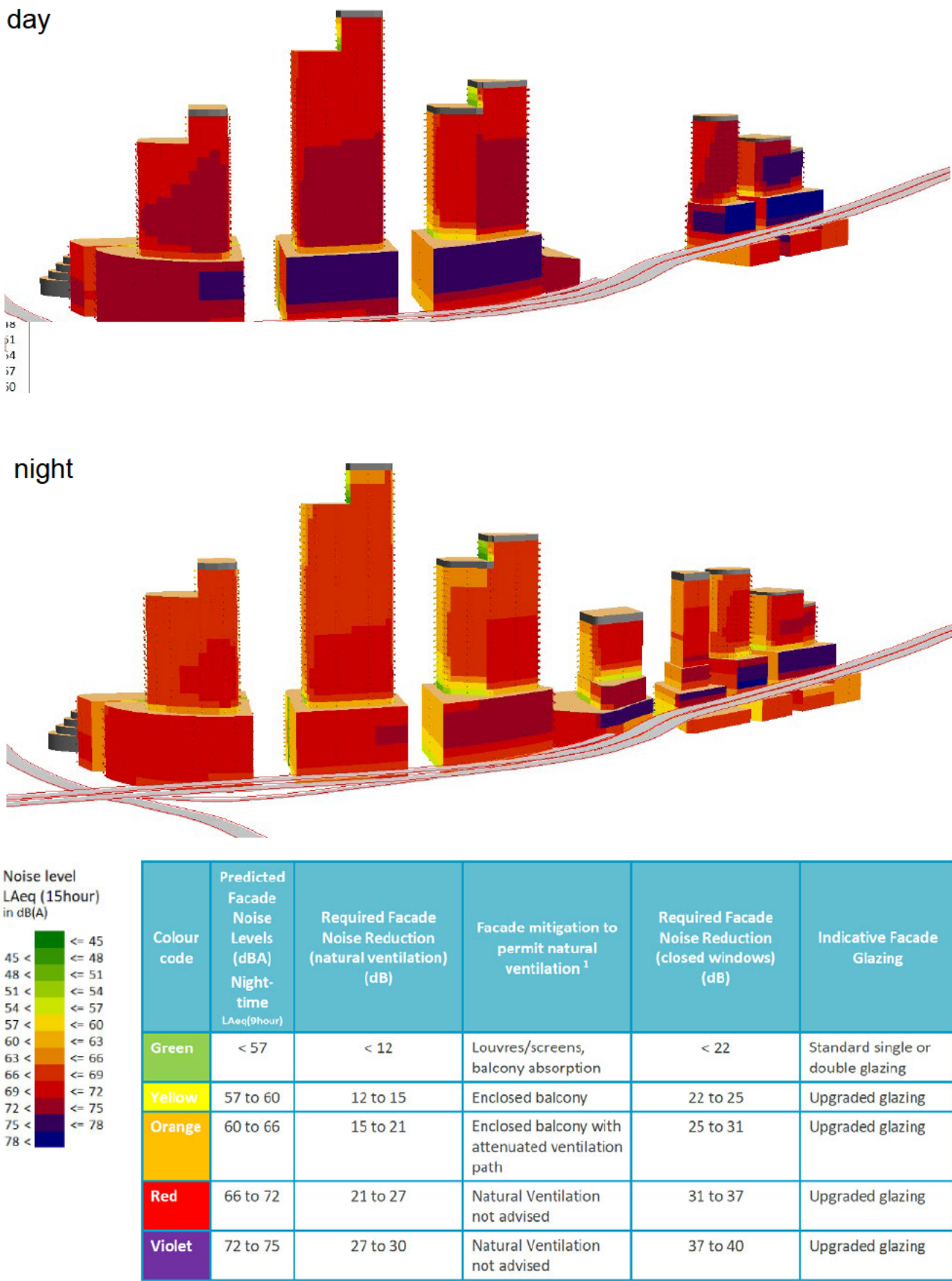
It is recommended the Precinct Plan be redesigned to ensure protection for people's health and wellbeing from the impacts of noise and air pollution by the placement of apartment buildings away from the noise sources.

As discussed above and elsewhere in this submission, the redesign of the Precinct Plan must ensure adequate sun access to public space, provide safe and comfortable wind environments for people in public spaces and a wider waterfront promenade for everyone's enjoyment.

The redesign must meet the objectives and design criteria of the Apartment Design Guide to demonstrate minimum amenity standards for people living in apartment buildings are met. Better design would provide building envelopes that allow and encourage exceedance of the minimum design criteria. The Urban Design Statement describes a series of circumstances that encourage acceptance of less amenity than the minimum design criteria of the Apartment Design Guide. Poor design practice in the strategic planning stage causes inefficient planning and lack of community confidence in the planning system.

Figure 9. North-eastern road traffic noise map

Source: Adapted from Noise and Vibration Assessment, SLR Consulting Australia, May 2021



The following is a brief review of some of the amenity criteria discussed in the Urban Design Statement:

Building separation

At the north end of the site, tall residential buildings are depicted with a building separation of 15 metres. This must be increased to at least 24 metres to meet the design criteria of the Apartment Design Guide with at least 30 metres more preferable.

Residential floorplate size

The residential building floorplates are excessive and accommodate up to sixteen apartments off a shared core. These must be reduced to accommodate a maximum of eight apartments per floor to meet the design criteria of the Apartment Design Guide.

Natural cross-ventilation

The Urban Design Strategy incorrectly asserts that apartments that face into indents are naturally cross ventilated. These apartments are not cross ventilated as required by the Apartment Design Guide and the buildings illustrated must be redesigned.

Solar access

Residential buildings to the south of Pyrmont Bridge Road suffer loss of solar access. The Urban Design Strategy illustrates but does not quantify the number of apartments that lose the required amount of solar access. This omission must be corrected by more detailed study following the design guidance of objective 3B-2 of the Apartment Design Guide is met.

Overall, the precinct plan must be redesigned to provide certainty that the Objectives and design criteria of the Apartment Design Guide can be met. These changes include at least the following:

- Greater separation between buildings
- Smaller residential floor plates
- Correct calculation of natural cross ventilation
- Minimising the overshadowing of neighbouring buildings

Affordable housing

The proposal seeks to amend Sydney LEP 2012 to:

- require five percent of residential floor area (or equivalent) as affordable rental housing
- delivered within the precinct and/or paid as a monetary contribution to an affordable housing provider.

The City considers five percent to be totally inadequate. Five percent is at the lowest amount required under the Region Plan for private redevelopment sites. At a minimum 10 percent of residential floor area on private sites should be provided for as affordable rental housing as per the Region Plan.

On NSW Government owned land, a minimum 25 per cent of residential floor area should be provided for as affordable rental housing as per City Plan 2036.

All affordable rental housing is to be provided in perpetuity with 10 per cent or more of the affordable housing to be provided as culturally appropriate Aboriginal and Torres Strait Islander housing.

Aboriginal and Torres Strait Islander engagement and response

The City acknowledges the Aboriginal and Torres Strait Islander engagement completed to date. This work is an important step in identifying strategies for Aboriginal and Torres Strait Islander recognition through land use planning processes, including designing with Country.

It is acknowledged that in the preparation of reports to inform the proposal, a range of relevant local individuals and groups including Elders, young people, community members, organisational representatives and people who identify as Aboriginal traditional custodians of Sydney were consulted.

The Cultural Advice and Community Engagement report, Engagement Plan and Literature Review prepared by Murawin Consulting and the Aboriginal Cultural Heritage Assessment report, prepared by Artefact Heritage, contain a combined 39 recommendations.

The Connecting with Country Framework, prepared by Bangawarra, establishes the relevance and importance of Connecting with Country to the design process, and insists that this spirit needs to continue into each phase of precinct development, expanding and building upon it at all levels of governance, design and experience.

The recommendations made seek to inform the development of the final rezoning proposal, governance and recompense arrangements and the involvement of the Aboriginal and Torres Strait Islander community on the evolution, delivery and operation of the precinct.

Some of the recommendations relate specifically to land use planning matters, including the protection of important view-sheds to Port Jackson and the protection of Aboriginal cultural heritage sites and places.

The City's review of the rezoning proposal finds little evidence of these recommendations being advanced. The draft Design Code includes provisions around Aboriginal cultural heritage, which is positive, but many of the other recommendations appear to remain unaddressed by INSW.

In particular, the Cultural Advice and Community Engagement report included the following as key opportunities that emerged from Aboriginal and Torres Strait Islander engagement which require a response from INSW and a commitment through the EIE and Design Code that these items will be appropriately secured.

Affordable Rental Housing for Aboriginal and Torres Strait Islander people

Affordable rental housing for Aboriginal and Torres Strait Islander people should be required/secured via the planning framework within the precinct.

Economic opportunities

The precinct and surrounds are home to Aboriginal and Torres Strait Islander businesses, historic community organisations, newer community organisations and cultural institutions. Measures should be proposed to ensure that existing Aboriginal and Torres Strait Islander businesses, cultural industries and community organisations are not displaced and that their growth and the ability to accommodate new ones is secured through the planning framework.

There is a need to accommodate a cultural levy as a way of ensuring ongoing generations benefit. The stories of the First People from this place give this place value (richness of place, tourism, cultural centre... value proposition), so a levy for now and future generations means First Nation people are able to benefit from the value of making place, and are no longer shut out from the taking place. INSW need to respond to this request and formally commit to it through the EIE and Design Code.

Fishing Economy and Industry

A Retail Strategy should be required that builds on the opportunity identified to re-ignite engagement in the commercial and recreational fishing sectors for Aboriginal people and traditional affiliation with water Country. It was identified that this could lead to protection of cultural values and greater participation in the economic development arena through fishing and maritime engagement i.e. cultural water and/or fishing tours.

Maritime Usage

Given the significant use of the waters connected to Blackwattle Bay by Aboriginal people and the fact that the Tribal Warrior and Deerubin boats are Indigenous-owned boats working on the harbour, providing both boats a permanent mooring and headquarters would be of great social and economic benefit. INSW need to respond to this request and formally commit to it through the EIE and Design Code.

Aboriginal Culture Centre and Innovation Hub

The need for an Aboriginal and Torres Strait Islander Cultural Centre and Innovation Hub where children, young people and families can go and learn about and celebrate Aboriginal cultures, story, history, performance and knowledges.

There is a recognised and documented need for a Sydney Aboriginal cultural centre in a prominent city location. Blackwattle Bay is an ideal, central location with physical connections to the harbour as saltwater Country and all of the transport options and amenities that would be required to accommodate guests wishing to access a world class cultural centre. The proximity to the new fish markets also ensures a regular influx of visitors and tourists who would be an enthusiastic prospective audience. INSW need to respond to this request and formally commit to it through the EIE and Design Code.

Public Art

While the aspirations of the arts and culture plan are acknowledged, the City feels that it is critical to the success of the precinct that all of the Immediate Actions in the Implementation Recommendations be implemented immediately with development moving ahead now at the Sydney Fish Markets site.

With regard to the recommendation to develop a Public Art Strategy, it is recommended that the scope of this be expanded to include culture more broadly, as well as public art, for the whole precinct, and that rather than a Strategy, this be a more detailed Plan i.e. "Blackwattle Bay Public Art and Cultural Plan" as per the process at Barangaroo. The detailed plan, developed in response to the Strategy, should address the land parcels to be developed, including the public domain, the vision and opportunities for public art and culture across the whole precinct and the funding mechanisms to be employed to ensure that government and developer contributions can be pooled to create artworks that address the precinct and not just individual developments on a more ad-hoc basis. The issue of funding for ongoing maintenance through rental levies or similar should also be addressed in this plan. This will provide a clear, strategic, and holistic plan to shape and guide the development of the precinct, that can be delivered.

Developers could produce their own plans in response to this overarching plan, rather than the less detailed and higher-level Strategy, thus contributing to a plan for the precinct as a whole detailing strategic place-based needs.

The recommendation would be amended as follows and included in the State Significant Precinct Study:

Develop an overarching precinct wide Public Art and Cultural Plan in response to the Arts and Cultural Strategy for the precinct. A ~~Blackwattle Bay Public Art Strategy~~ Blackwattle Bay Public Art and Cultural Plan that guides developers of future sites within the precinct. This ~~strategy~~

plan should be created with close regard to the City of Sydney's Public Art Strategy and Public Art Policy as well as the Create NSW Public Art Toolkit (forthcoming). The ~~strategy~~ plan should consider the City of Sydney's Guidelines for Public Art in Private Developments and Guidelines for Acquisitions and Deaccessions. The City's Public Art Advisory Panel should be consulted on draft plan.

Any references to requiring developers to provide their own individual arts and cultural plans in response to the Arts and Cultural Strategy should be amended to reflect that they would, instead, be responding to the Blackwattle Bay Public Art and Cultural Plan.

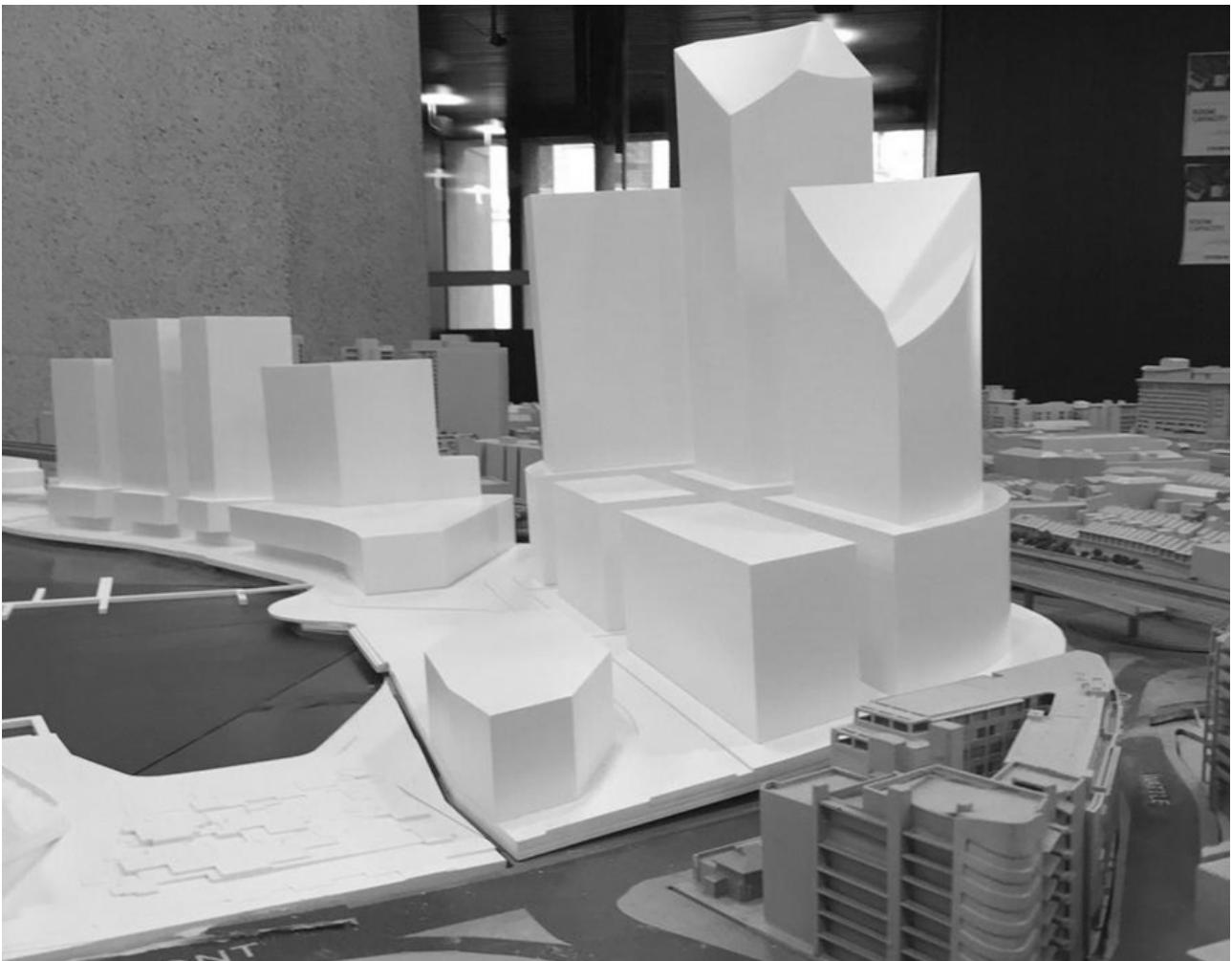
It is also recommended that the Draft Design Code be amended at 5.5-Public Art to include the following as a provision:

Develop an overarching precinct wide Public Art and Cultural Plan in response to the Arts and Cultural Strategy for the precinct. A ~~Blackwattle Bay Public Art Strategy~~ Blackwattle Bay Public Art and Cultural Plan that guides developers of future sites within the precinct. This ~~strategy~~ plan should be created with close regard to the City of Sydney's Public Art Strategy and Public Art Policy as well as the Create NSW Public Art Toolkit (forthcoming). The ~~strategy~~ plan should consider the City of Sydney's Guidelines for Public Art in Private Developments and Guidelines for Acquisitions and Deaccessions.

It is noted that the Arts and Cultural Strategy incorrectly attributes all of the City's documents to the State Government. This should be corrected for accuracy and to avoid confusion.

Figure 10. Proposed building envelopes, looking north

Source: Photograph, City of Sydney physical model, Town Hall House



Productivity

The City's response to the three precinct plan scenarios contained in the Revitalising Blackwattle Bay brochure advocated for a focus on productivity and contribution towards the aspirational local and state employment targets of the District Plan and City Plan 2036.

Pymont, which includes Blackwattle Bay, is critical to the future economic prospects of the City and is identified in the District Plan to be within the Innovation Corridor with a focus on jobs in media, technology and emerging industries.

City Plan 2036 also recognises Pymont as a precinct for growing knowledge intensive and creative industries within the City Fringe. The employment focus is reinforced in the 10 Directions and Key Moves of the PPPS to build on Pymont's existing success as a hub for the City's media, entertainment, creative, educational and start-up jobs.

The announcement of the Metro station at Pymont as part of the Sydney Metro West is a driver for increased commercial floor spaces to support new jobs to reinforce the Innovation Corridor through the provision of new employment floor space. This aspiration is reflected in the PPPS Blackwattle Bay sub-precinct statement:

Blackwattle Bay will transform from industrial and infrastructure to a place attracting businesses and employees, visitors and tourists along the connected waterfront linking the new Sydney Fish Market east to the Western Harbour, Walsh Bay and beyond. Country will be reflected in well-designed public space areas connecting community and history around a new contemporary character. A new Pymont Metro station will provide enhanced access to this new urban quarter and entertainment precinct.

It is evident that these strategy documents envision an employment and job focus aspiration for Pymont. The City has strongly advocated for the provision of a diverse mix of workspace and employment land uses to foster job growth in Blackwattle Bay. Strategic documents have earmarked its importance to contribute towards important knowledge-based industries and expand on existing industry clusters, supplemented in a supporting capacity with residential, retail, cultural and visitor uses.

The SSP asserts:

Transformation of Blackwattle Bay will provide the kind of places, spaces and connections that support economic development and growth, encourage innovation and attract the jobs of the future. The Blackwattle Bay Precinct Plan provides for significant campus-style commercial floor space arranged around a clearly structured public domain. Large office floorplates can be provided for flexible use. The new Sydney Fish Market will provide a catalyst, supporting tourism and the night economy.

To enable the vision of the SSP, the rezoning of Blackwattle Bay proposes a 'balanced' approach in providing 234,000 square metres GFA (excluding the new Sydney Fish Markets floor space), land use mix of 48% residential and 52% non-residential, 1550 dwellings, 2850 residents and space for 5600 jobs provided by 12 building envelopes with towers of up to 45 storeys and lower buildings of 4-8 storeys. It would appear that the future job number estimates include the existing fish markets workers, which if the case, alters the calculations.

The commercial floor space is supported through proposed amendments to Sydney LEP 2012. Site-specific provisions for Blackwattle Bay prescribe a minimum non-residential component for particular sites within the precinct to realise the Innovation Corridor to meet job demand. The proposed residential floor space is deemed to facilitate a 24-hour community in Blackwattle Bay to meet housing demand in the Eastern City and provide surveillance and activation of the precinct.

The City supports the economic visions for the precinct, which are aligned with the Economic Development Strategy of the PPPS:

- The vision of a truly mixed-use precinct with a focus on jobs and employment.
- Employment uses in Blackwattle Bay to realise the Innovation Corridor as described in the Eastern City District Plan, meet growth demand for jobs and support the expansion of knowledge-based industries around the Central Business District.
- The provision of a minimum non-residential component for particular sites within the precinct to ensure commercial floor space is prioritised.
- Enhance the role of the area as an attractive waterfront tourism and entertainment district supporting the global attractiveness of Sydney Harbour with a 24-hour economy.

Notwithstanding the above, the City raises significant concern that the information contained in the SSP with regards to future employment is misleading and incorrectly provides job forecasts to justify the development. Ultimately, the SSP presents a precinct plan that does not respect the existing character of the area and does not genuinely prioritise employment growth and economic development.

Land Use Mix

The City has previously stated that a focus on productivity will better align with the priorities of the District Plan and City Plan 2036 and contribute to local and state employment targets. The PPPS further reinforces the focus on floor space for knowledge-based jobs in the Blackwattle Bay sub-precinct.

To facilitate the strategic objectives, the City supports the proposed amendments to Sydney LEP 2012 to rezone development sites within the precinct from B3 Commercial Core to B4 Mixed Use.

The City also supports an amendment that prescribes a minimum non-residential floor space to some sites within the precinct. According to the EIE, the quantum of the minimum non-residential gross floor area proposed to be integrated in the Sydney LEP 2012 is approximately 111,000 square metres. When compared against the proposed maximum gross floor area for the precinct of 234,000 square metres, the non-residential floor space is equivalent to approximately 47% of any future permitted floor space for the precinct. However, the future controls are insufficient to secure and prioritise an amount of non-residential floor space that facilitates an employment and job focused precinct and undermines the role of the Innovation Corridor and City Fringe.

The City strongly supports and recognises the importance of safeguarding the economic role of key places within the City Fringe including Blackwattle Bay in prioritising business, knowledge-intensive, creative and other enterprise activities in mixed use areas from residential demand. This is a key priority detailed in City Plan 2036.

Blackwattle Bay presents the last opportunity with the Harbour CBD and Innovation Corridor to achieve a consolidated, substantial employment precinct. Other remaining opportunities will be mixed use precincts with limited ability to promote the co-location and agglomeration opportunity available at Blackwattle Bay.

However, the SSP study and the potential land use mix will hinder the capacity of the precinct to contribute towards the collective economic priorities of the State and of Sydney as a global city with a strong economic core. Moreover, the proposal is not driven by people-focused objectives that considers the long-term public benefit and longevity of employment related land uses on the site, particularly on public land. Rather, the proposal would enable a predominately residential precinct that results in short term financial gain that is contrary to the Blackwattle Bay priorities under the PPPS.

The City strongly advocates in taking a place-based and sector-focused approach in planning for Blackwattle Bay. This involves prioritising the delivery of a wide variety of spaces, ranging in type and price points and unlocking capacity to meet the increasing demand for enterprise floor space

that can facilitate appropriate growth while remaining sensitive to the unique built form and heritage qualities of the locality.

Opportunities for an innovation precinct for target industries

The accompanying Economic Development, Local Retail and Services Report, prepared by HillPDA, outlines that there is potential for an innovation precinct within Blackwattle Bay. The Report identifies six key attributes required to form a successful innovation district:

- **Quality of transport and connectivity:** residents and workers have access to quality transport options and a good walking experience within and between nodes; there are few barriers that inhibit or segregate innovations clusters.
- **Quality of amenity:** workers and residents have a range of amenities that enhance the way they live, work and play. This include quality internet access and availability of the latest digital innovations.
- **Distinct urban character:** nodes have a unique history and character, creative industries and cultural organisations are supported and encouraged; this enhances the liveability and sense of community.
- **Distinct industry and employment clustering:** there are distinct clustering of innovation workers – a critical mass; these group according to industry and occupation that complement one another
- **Residential and commercial development potential:** there is enough commercial and residential space to accommodate future demands; land zoning is flexible and supports a changing economy.
- **Anchor institutions or firms:** there are large scale institutions or firms that lead and drive collaboration within and between nodes; a governance body (bodies) exist to coordinate and facilitate innovation programs, activities and services across the precinct.

The Report further identifies emerging and disruptive technologies and makes general recommendations for a quantum of commercial and retail floor space. However, there is very little consideration made on the types of buildings or space requirements for target industries. This demonstrates that the floor space demand proposed in the SSP Study is not shaped nor driven by economic evidence. As a starting point, consultation with target businesses should be carried out to establish an economic development strategy that reflects aspirational targets around employment growth and industry mix. The provision of employment space does not appear genuine or well considered.

Tourism, entertainment and a 24-hour precinct

In the City's submission to the Draft PPPS, it was recommended that a retail strategy be considered to provide adequate and diverse offerings to suit a 24-hour economy. A mix of suitable retail spaces including the opportunity to showcase innovation, co-working or demonstration labs was recommended to be considered as part of the retail mix.

Whilst the City generally agrees with retail and commercial recommendations for the precinct outlined in the Economic Development, Local Retail and Services Report, prepared by HillPDA, it is strongly suggested that the Report highlights the real opportunity of the Blackwattle Bay site's connectedness to the waterfront. The development of ground floor active retail and other commercial uses must take advantage of the passing footfall of visitors, local residents and works to maximise retail exposure and opportunity. This location will see a significant uplift in footfall as the waterfront linkages between key locations are restored and provided.

However, the analysis provided on the night-time economy opportunity is inadequate. Having regard to the increased density of residents and workers as well as 15,600 residents in the catchment area, the potential of active night-time economy experiences is strong and should be included in the modelling. HillPDA have referenced the NSW Government's position on developing precincts, but the economic value of the precinct's night-time economy has not been considered or

explored. This is critical in realising Key Move 2 of the PPPS for a vibrant 24-hour cultural and entertainment destination.

The economic impact assessment in the Report suggests that the number of jobs generated is a gross number. The City considers it would be more insightful to estimate the net job creation, specifically taking the potential jobs loss away from the equation, which is caused by workers and residents in the catchment area diverting consumption demand from neighbouring shopping area such as Broadway or Harbourside to the Blackwattle Bay area.

Figure 11. Proposed building envelopes, looking south-west

Source: Photograph, City of Sydney physical model, Town Hall House



Sustainability

The City is committed to achieving the priorities of City Plan 2036 in continuing to improve and enhance sustainability of our communities in alignment with the planning priorities underpinned by the Eastern City District Plan.

Direction 8 of the PPPS, *building now for a sustainable future*, sets out four overarching sustainability interventions to deliver precinct-based solutions towards a zero-carbon precinct by 2041. These are:

- *Multi-utility hubs as precinct infrastructure that provide potential for a range of social and ecological outcomes, including precinct parking, energy and water systems, cultural and community spaces.*
- *Green Streets and Active Streets that involve the reallocation of space on key active streets to facilitate increased green open space and canopy to create cooler urban environments, enabled by multi-utility hubs.*
- *High Performance New Buildings to deliver new development that is high performance and resilient by encouraging use of solar, batteries, recycled water, electric vehicles through BASIX and NABERS targets and no on-site parking for residential development.*
- *Offsetting to deliver a Net Zero Outcome: modelling suggests that if the other three interventions are delivered there will be a residual quantity of emissions that would require offsetting to reach net zero emissions across the Peninsula.*

Direction 8 of the PPPS is supported by the Pyrmont Peninsula Sustainability Framework Scoping Report, July 2020, prepared by Kinesis, which provides a solid foundation for the development of a clearly demarcated planning framework that will deliver a low-carbon and highly environmentally efficient precinct as required by the District Plan.

The EIE and draft Design Guide are inconsistent with and/or lack any commitment to the four sustainability interventions and performance criteria outlined in the Pyrmont Peninsula Sustainability Framework Scoping Report. There is a substantial risk that none of the Reports initiatives will be realised within the precinct. Failure to do so will mean the rezoning is inconsistent with Direction 8, Key Move 4 and the Blackwattle Bay sub-precinct priorities of the PPPS.

Multi-utility hubs as precinct infrastructure

Key Move 4 of the PPPS, *low carbon, high performance precinct*, aspires to provide multi-utility hubs as precinct infrastructure to reduce the need for on-site parking, which could include the following components:

- *Integrated precinct parking so new residential development does not require on-site parking (decoupled parking) and on-street parking can be removed to create better and cooler streets and reduce parking overall.*
- *A consolidated freight hub component to reduce overall freight movements and enable more efficient last kilometre delivery methods such as cyclists or electric vehicles.*
- *Electric vehicle charging points to avoid clutter on the street.*
- *Grid-scale battery storage to optimise local renewables and electric vehicle charging.*
- *Organic waste systems to manage food waste, creating compost for local gardens and landscaping.*
- *Recycle water factories to create local drought-proof water supply for a cooler, greener precinct.*

- *Social infrastructure such as bike and end of trip facilities to support residents in smaller houses and workers in older, heritage buildings.*
- *Urban farms and community gardens on rooftops.*

The PPPS also recognises that that Pymont Peninsula is well suited to test and validate decoupled and precinct parking solutions towards achieving a genuine low carbon precinct. Specifically, these hubs are proposed to be an integrated component alongside the three other interventions that collectively, form part of the sustainability framework for the Peninsula that aims to deliver a net zero-emission precinct by 2041. The sustainability framework is reinforced by Action 8 arising from Key Move 4, which encourages the investigation of delivering multi-utility hubs and integrated models of car parking within the precinct. Further, a place priority for the Blackwattle Bay sub-precinct is to *investigate a multi-utility hub for sustainable precinct-scale solutions such as integrated parking, electric vehicle charging, battery storage, recycled water and organic waste systems, or bike facilities.*

The City has previously stated that multi-utility hubs provide flexibility to adapt to demands over time and have the ability to incorporate solutions to other environmental issues such as precinct hubs for waste management, recycled water, loading and servicing, energy (batteries and solar) and experimental urban farms. However, the City has also noted that significant work to identify the space requirements, suitable technologies, operational and governance arrangements and the investment model and financial structure to needed to realise these.

It is disappointing that consideration of multi-utility hubs has been completely omitted in the rezoning proposal, despite the conclusion in the accompanying Utility and Infrastructure Serving Report, prepared by Aecom, which makes the following recommendations:

- *Coordination with the Urban Design team to understand development scenarios and limit the impact on the existing trunk utilities*
- *To investigate potential utility amplification to areas of increased density*
- *Further coordination with utility authorities to confirm lead-in infrastructure requirements and routes*
- *Potential hydraulic modelling to confirm potable and wastewater lead-in infrastructure upgrades*
- *Assessment of Ecologically Sustainable Development (ESD) and alternative utility supply options*
- *Assessment of ESD options to confirm the effects on utility supply and lead-in infrastructure requirements and routes, and*
- *Further opportunities for alternative utility supply requiring further investigation as part of this ongoing study.*

In accordance with the PPPS, the Key Moves are purposefully ambitious and require ongoing commitment and coordination. The Pymont Peninsula Sustainability Framework Scoping Report provides a foundation to deliver multi-utility hubs. The Scoping report also earmarks the Blackwattle Bay area as an area to locate a multi-utility hub to realise the desired spatial distributions of hubs across the Pymont Peninsula. In contradistinction, the rezoning proposal makes no consideration of any indicative location of these hubs. The Ecologically Sustainable Development Report (ESD Report), by Aecom merely reproduces the provisions of the PPPS. The Utility Report defers consideration to capacity and servicing requirements to the detailed design stage of the development.

However, the precinct planning stage enables for the identification of suitable parcels of land for the ideal location of these hubs. This would maximise the use of unproductive and unvalued land. The proposal presents an opportunity to be deliberate in locating suitable parcels of land to accommodate these hubs. Overall, the proposal does not satisfy the Key Moves and Directions of the PPPS.

Water Sensitive Urban Design (WSUD)

The rezoning provides a clear opportunity for precinct-scale WSUD solutions. These require early planning for space allocation of bio-retention systems. The ESD Report asserts that a strategy to achieve water cycle management across the precinct is to implement strategically prioritised Water Sensitive Urban Design, such as large-scale raingardens in the public domain. However, this assertion is not reflected in the accompanying Water, Riparian Land, Flooding and Stormwater Report, prepared by Cardno.

Instead, the Cardno report identifies the City of Sydney Decentralised Water Master Plan 2012-2030 among a suite of existing policies and planning documents that provide guidance on stormwater and water management strategies that could be applied at the Blackwattle Bay precinct. However, the report does not take a proactive approach that is required at plan making stage to ensure later implementation. Rather, the approach is at lot-scale and is described in the report that each building will depend on the demand profiles on how water is expected to be used

Each future application would require an assessment to determine the optimal approach in this regard. The flow on effected to other water quality measures would then need to be considered.

The Stormwater Plan, prepared by Cardo, suggests WSUD solutions within the public domain. However, these are under-reflected in the accompanying report. The City considers a stronger commitment to WSUD and water capture and re-use should be pursued in line with the AECOM ESD Report statement, which details “implement strategically prioritised WSUD, such as large-scale raingardens in the public domain”. This commitment should be clearly illustrated and secured in the EIE and Design Code.

The Cardno Report suggests that if a high irrigation demand is considered likely, then further consideration of alternative sources such as stormwater harvesting is recommended. However, it is assumed that low water demand landscaping, that is drought tolerant and therefore more resilient to climate change, is the likely direction that the landscape design will take. It should be noted that Wentworth Park currently has no recycled water supply, but it has significant existing storage capacity and considerable irrigation demand, which will increase as the PPPS identified the return of Wentworth Park greyhound track land to the community for open space. Opportunities to convey harvested water from the Precinct to Wentworth Park should be pursued.

Green Streets and Active Streets

The PPPS and City Plan 2036 set out clear objectives and principles to facilitate increased green space and canopy to create cooler environments, including increased permeable and soft landscaping, drought proof water supply, increased canopy cover and facade greening along streets and delivering the following by 2041:

- *25% canopy cover across the peninsula*
- *2 hectares of distributed new active public space*
- *10 hectares of green facades delivered across the ground and lower facades, and*
- *A reduction of local heat island for pedestrians and cyclists through shade and transpiration.*

Specifically, City Plan 2036 provides that large precinct, urban renewal sites, State significant precincts and site subject to a planning proposal offer opportunities to implement canopy cover and biodiversity because of the ability to reconfigure space to achieve both development and landscaping and canopy cover in deep soil areas.

The SSP Study Requirements (Section 15 Urban Forest) outlines that the project should address the City of Sydney Urban Forest Strategy 2013 canopy targets of 60% to streets, 30% to parks and 30% to private properties. The proposed Urban Forest Strategy Plan reflects these targets.

The Urban Forest Strategy, prepared by Tree IQ, is well explained and has the appropriate level of detail at this stage. The requirement for more detailed information including Arboricultural Impact

Assessments or internal diagnostic testing is supported and would need to occur during the subsequent development phases.

There are sixty (60) existing trees located within the precinct study area that are a range of species, sizes, conditions, age, landscape significance and priority for retention or removal. Of this, only eleven (11) trees are proposed for retention. Whilst the scope of the project is acknowledged, more of the existing vegetation particularly mature trees in good condition and with high landscape significance, would need to be retained if the required future canopy coverage cannot be achieved.

The Urban Forest Strategy indicates that the canopy cover required within the Study Requirements can be achieved based on the current concept design. The City welcomes the increase in the extent of tree canopy in these areas. However, since the study requirements were prepared, the City has developed new LGA canopy and greening targets as part of our recently adopted Greening Sydney Strategy. The Greening Sydney Strategy details the following minimum targets as they relate to Blackwattle Bay:

- Promenade and open space – 50%, based on site layout and programming
- Pocket park – 70%, noting deciduous species critical for use in these parks

The City also notes that the Urban Forest Strategy outlines the actual canopy cover percentages may be lower than what is projected but it will be subject to further design development. This will be a key item to be provided to the City as the design develops and is refined.

Section 5.4 of the Draft Design Code provides provisions for urban tree canopy within the SSP study area. Whilst the Code largely meets the City's requirements, a few key items are recommended to be amended:

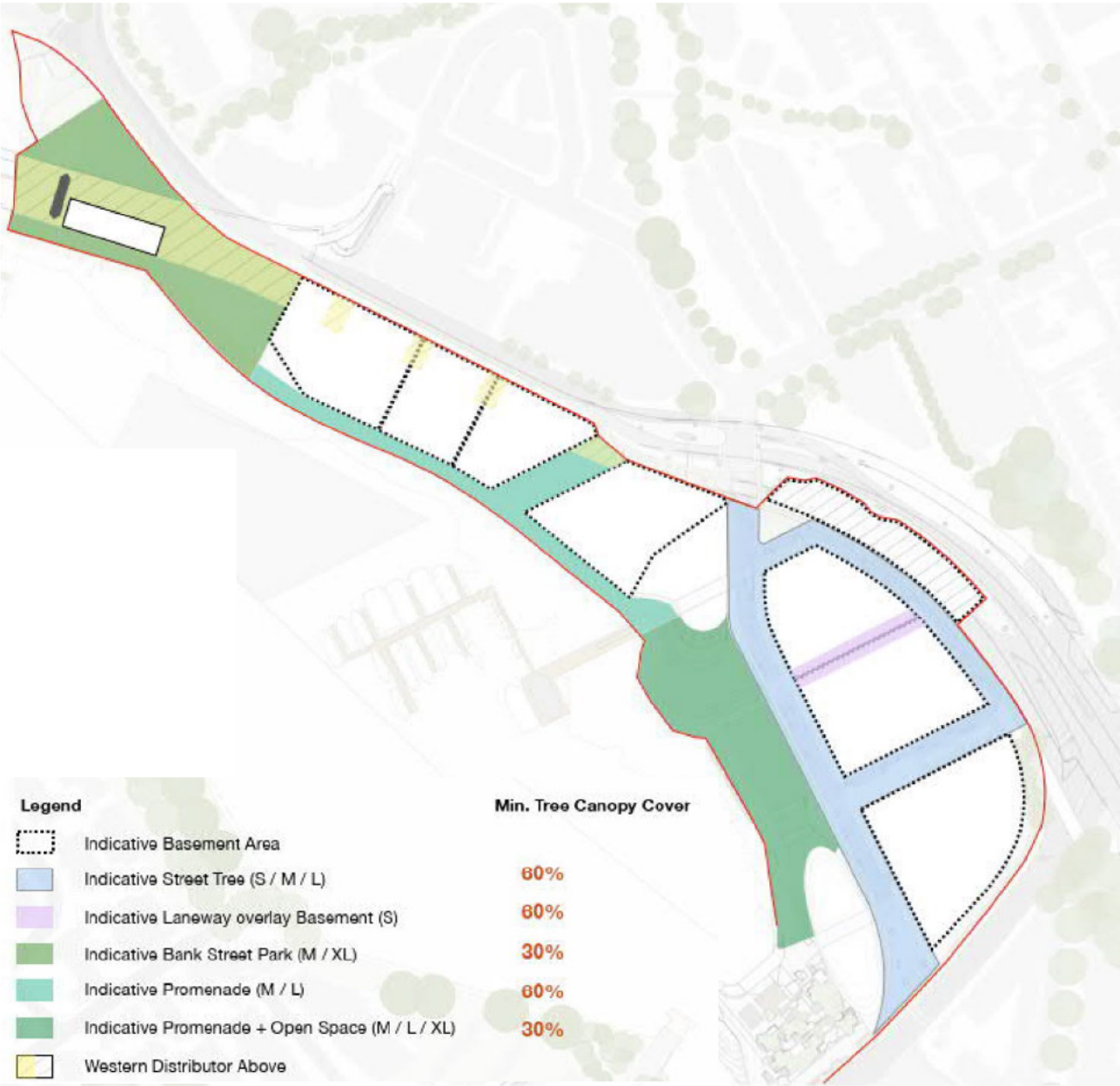
- The *preference of indigenous planting* needs to be deleted or updated to focus on understory planting. The tree species within this largely altered urban landscape and impacted by the size and scale of the built form will require the most appropriate species regardless of its origin. In many situations deciduous species, and therefore exotics, will be required to provide solar access in winter.
- The *integration with the City's Street Tree Master Plan* (STMP) is supported in terms of the overall objectives and design criteria. However, the proposed extension of the species from the STMP into the new streets within the precinct is not required at this stage. Given the scope of development in the precinct and largely altered site conditions, a detailed review of the species will be required as the design is developed and refined.
- Figure 19 from the Draft Design Code is inconsistent and conflicts with the information provided within the Urban Forest Strategy (Table 7).
- Species selection will be a critical component that will need expert review once the design has developed and is refined.
- The inclusion of the soil volumes within both documents is good and is a critical component of ensuring quality canopy cover provided for the long term.

The City raises concern about the location of open space and the provision of sunlight. A large portion of the Waterside Park and foreshore walk will almost always be in shade in mid-winter. This is an unacceptably poor outcome given the extent and scale of the precinct transformation. The design should allow for this area to have more sunlight. Other parks are located under the Western Distributor. The access to sunlight was not included in the documentation for these spaces. The lack of sunlight adversely impacts on the use, plant species selection, longevity and maintainability and is overall, a poor outcome for public parks in a precinct that is currently predominately publicly owned.

The City supports the use of green roofs and vertical planting. The extent of green roofs should be maximised. The use of green roofs to assist with storm water management is also supported. The green roofs provide other benefits including a reduction in urban heat and an increase in ecology.

Figure 12. Urban Forest Strategy Plan

Source: Ecologically Sustainable Development Report, June 2021, prepared by AECOM



However, it should be noted that there is a disparity between the extent of the green roofs proposed in the Draft Design Code compared to the Urban Forest Strategy.

The City considers that the green roofs described in the Urban Forest Strategy should be included in the Design Code, notably, consideration to the street wall and podium buildings presenting opportunities for green roofs that could be used as communal spaces for office workers below or residential users above. This will be critical in terms of provision of sufficient open and green space and should be a consideration of the design excellence requirements.

Additionally, the City makes further comments in relation to greening:

- Deep soil: Implement 3 metre landscaped setbacks to achieve deep soil and canopy cover outcomes wherever appropriate and possible.
- Movement and connectivity: The provision of car parking (including driveways, ramps and laneway garages) should not result in the underachievement of deep soil and canopy cover. All basement car parking is required to be provided with a 3-metre setback to all property boundaries, to specifically require the inclusion of deep soil and canopy cover.
- Amendments during staging: For Stage 1 concept plan applications, deep soil areas must be committed to for the Stage 2 development application. Amendments to the built form from stage 1 to stage 2 should not have a detrimental effect on the quality or quantity of greening and open space.
- Consideration must be made to the wind impacts. Tree planting is not an amelioration tool. A focus should be made on selecting species that can thrive under the site conditions.

Water Quality

The Revitalising Blackwater Bay brochure outlines that a range of ecological initiatives to clean up water in Blackwattle Bay will be planned as part of the renewal. These include exploring options to encourage native sea life, discourage invasive species and encourage increased oyster population to improve water quality. It was also noted that renewal would provide opportunities to better capture and treat stormwater.

The Water, Riparian Land, Flooding and Stormwater Report, prepared by Cardno, notes that sediments found were predominantly silty with the highest concentration of metal at Blackwattle Bay. The sediment concentration of around 2000mg/kg of total nitrogen and 1000mg/kg of phosphorus were found. The metal and nutrient levels were found to be above recommended values.

However, the area immediately adjacent to the existing fish market site, where Sydney Water's trunk stormwater drainage system discharges to the harbour is known to be highly contaminated as a result of decades of polluted stormwater discharge. Water quality and sediment pollution in inner harbour environments were extensively reported in the Sydney Harbour Water Quality Improvement Plan 2015 developed by the NSW Government Local Land Services and Sydney Coastal Councils Group.

The City stresses that existing sediments in Blackwattle Bay are highly polluted. The State government has an obligation to ensure that development resulting from the SSP does not activate these polluted sediments by disturbance. Further, strategies for extraction, capture and disposal must be developed for the most polluted sediments (close to existing stormwater outfalls) to ensure that the local marine ecosystem improves in line with well-established biodiversity conservation principles and obligations.

High Performance New Buildings

The PPPS and City Plan 2036 emphasise the need for creating better buildings and places to high environmental standards to reduce emissions and waste and water use efficiency.

The City makes the following comments to the ESD report by Aecom:

- Passive design for buildings: the City supports the assertion made on enforcing passive design for all buildings from the earliest design stage. For this to take effect, not relying on mechanical heating and cooling must have a prominent place in the Design Excellence requirements for every new building on the site. However, having regard to the proposed residential land uses along the Western Distributor, achieving passive design for these buildings are significantly challenged in obtaining natural ventilation to apartments. The provision of naturally ventilated residential development will also need to ensure that the 24-hour vision for the precinct is not compromised in line with PPPS Blackwattle Bay sub-precinct place priorities.
- Building Electrification: the City supports the focus on electrification of buildings and transition to electricity for space and water heating and cooking appliances.
- Renewable energy and solar photovoltaics (PVs): Having regard to the lead times available before any construction commences, the degree of innovation in new developments regarding buildings integrating PVs and the modest PV commitments at the new Sydney Fish Market site, the City anticipates that the Blackwattle Bay SSP will step up to very best practice regarding buildings integrating PVs for each new building. A logical kilowatt capacity target for residential development is 0.25 to 0.3kWp per apartment dwelling. Achieving this performance will be assisted by the continuing improvement in solar cell efficiency that the PV industry has been able to delivery to the market over the past decade.
- BASIX energy targets for residential development: the current version of the BASIX tool over-rewards gas as a domestic water heating fuel and under-recognises heat pump technology. The City understands that upgrades are being implemented and that BASIX is being absorbed as part of the new Design and Place State Environmental Planning Policy process. The scoring impacts of tool improvements are not yet known. Therefore, it is only possible to indicate appropriate targets above the state mandated minimum BASIX targets for high rise development. An energy target above BASIX 35 would invoke the use of on-site renewable energy solutions. Given that SSP principles include sustainability outcomes including climate change resilience and that on site renewable energy generation is a predicted part of proposal's sustainability outcomes and would contribute to BASIX scores, a BASIX Energy Target clearly above the current mandate for high rise development is appropriate.
- BASIX water targets for residential development: BASIX Water targets are only appropriate measure for potable water savings in precinct scale development. Not least because any progressive onsite water harvesting, storage and re-use solutions are likely to be transboundary in nature such as water harvested from apartment roof areas may best be used for non-residential non-potable water supply elsewhere on site for example for toilet flushing in commercial or retail areas, or for cooling tower make up in non-residential spaces. A strong commitment to stormwater and rainwater harvesting storage and re-use is expected within the precinct.
- The EIE and draft Design Guide should be updated to require future buildings to achieve the minimum energy and water targets outlined in the PPPS Pyrmont Peninsula Sustainability Framework Scoping Report.
- Embodied energy in construction materials: The AECOM report touches lightly on embodied energy. Given dramatic advances in low carbon concrete technology in the past 2 years and the ready availability of concrete that has between 30-50 % less embodied energy in its production and use on construction sites, the City strongly recommends that the NSW government set carbon intensity metrics by specifying a maximum CO₂-e intensity per cubic metre of purchased concrete for all bulk concrete works occurring within the precinct including stormwater infrastructure, footpaths, kerb and gutter, foundations and vertical construction slabs throughout the precinct.

Offsetting to deliver a Net Zero Outcome

The PPPS strives for a green and connected peninsula that will work to be a net-zero precinct and a sustainable place of choice for people to live, work and play.

Given lead times before any vertical construction commences, the City recommends that the City's Net Zero Buildings Strategy be applied to all new mixed use, office, hotel and residential development within the precinct¹³. This set of performance standards, which are identified in Appendix B of the AECOM ESD Report, aligns well with the Net Zero precinct ambition already expressed in the SSP documentation and the standards that the City has developed recognise that off-site renewables will be part of the pathway for achieving Net Zero outcomes. The State government is a logical partner in delivering individual building energy and carbon performance to this standard.

Figure 13. Proposed building envelopes, looking south-east

Source: Photograph, City of Sydney physical model, Town Hall House



¹³ [City of Sydney Net Zero Energy Performance Standards](#)

Governance and implementation

The PPPS reinforces the recommendations of the Greater Sydney Commission's (GSC) independent review of the planning framework for the Western Harbour Precinct, which included the Pyrmont Peninsula, for a simplified planning framework and development of place-based master plan that addresses the planning priorities and actions of the Eastern City District Plan.

Direction 4 of the PPPS recognises the complexity of planning authorities and frameworks applying to the Pyrmont Peninsula and recommends '*a unified planning framework*' to rationalise the existing planning framework that intends to integrate new and updated planning controls in the Sydney LEP 2012. The PPPS also identifies Key Sites, such as Blackwattle Bay, to advance under State-led pathways by establishing a framework in line with the Visions, 10 Directions, Big Moves, sub-precinct place priorities and supporting infrastructure.

City Plan 2036 identifies the importance of large government owned or managed urban renewal sites in realising the priorities of the District Plan through state significant precincts and state significant developments. Successful collaboration between the City and NSW Government is key to achieve the shared objectives for housing diversity, sustainability, and great places. Specific to the Pyrmont Peninsula, a strong collaborative approach with transparent processes is necessary to facilitate economic and jobs growth that is appropriate to the unique character and built form qualities of the area.

The exhibited SSP Study and the proposed planning amendments outlined in the EIE is contrary to the objectives of Direction 4 and spirit of the PPPS for a unified and simplified planning framework that is driven by place-based planning outcomes. The SSP is not a product of eight years of community consultation, of refinement and improvement, and does not present a world class waterfront redevelopment with public access, public amenity that is sensitive to the special qualities of the Pyrmont Peninsula. The proposal to declare future development applications 'State significant' erodes the benefit of incorporating the sites into Sydney LEP 2012 in the first place.

The SSP Study embodies the GSC's criticism of the current Pyrmont Peninsula planning framework of a disconnected project-based approach that fails to realise precinct-wide and quality public domain outcomes through place-based planning. It is not a refinement of a proposal in line with the community's valuable and prolonged contribution and fails to adequately respond to what the community has asked for; building heights that better integrate with the existing built form of Pyrmont and Glebe, protection of sunlight into streets and parks, priority given to public transport over private vehicles, adequate provision of affordable housing and to prioritise the delivery of a world class waterfront promenade.

At every opportunity, the City has advocated for INSW's work on Blackwattle Bay to be placed on hold whilst the Department finalise their draft sub-precinct master plans and Infrastructure Delivery Plan for the Pyrmont Peninsula, and these documents are firstly exhibited for public comment. This is the logical and sensible path and aligns with GSC's recommendations for precinct wide place-based planning.

Sydney LEP 2012

The City has continually advocated for all sites within Pyrmont Peninsula to transition into the Sydney LEP 2012. As such, the City generally supports an amendment to Sydney LEP 2012 to

incorporate the rezoning as well as prescribing maximum height and floor space ratio controls for sites within the precinct.

However, as discussed elsewhere in this submission, the City does not support the public space layout or the land use distribution proposed under the SSP, the resultant density and heights, therefore, cannot be supported. Heights and floor space to be integrated into the LEP must be reconsidered following from a redesign of the massing and built form outcomes to ensure better public space and the health and well-being for future residents of the precinct and importantly, satisfactorily responds to the finalised master plan for the Blackwattle Bay sub-precinct under the PPS.

Other amendments to Sydney LEP 2012 include removing the application of Clause 6.21(5) – (7), which requires development to demonstrate design excellence by undergoing a competitive design process, with design excellence provisions instead included within the draft Design Code.

Clause 6.21(5) establishes the triggers and types of development that require a competitive design process prior to development consent. The removal of this clause for the Blackwattle Bay Precinct is not acceptable. The current proposed design excellence provisions under Section 3.2 of the Draft Design Code do not constitute a design excellence strategy. In the absence of a design excellence strategy, or triggers stated in the draft Design Code, the City recommends Clause 6.21(5) of Sydney LEP 2012 be retained. All development is to achieve design excellence under Clause 6.21(4) of Sydney LEP 2012. Therefore, it is strongly recommended the triggers for undertaking a competitive design process are retained for the Blackwattle Bay Precinct.

As stated in the EIE, all future development must “*undertake a competitive design process in accordance with the City of Sydney’s Competitive Design Policy without the application of design excellence bonuses*”. For the avoidance of doubt, no additional building height or floor space under 6.21(7) of Sydney LEP 2012 is to be awarded as a result of a competitive design process. This would also apply to any future design excellence strategy. The City supports the amendment to delete of Clause 6.21(6) and Clause 6.21(7) of SLEP 2012. A further amendment is recommended to Clause 4.6(8) ‘Exceptions to development standards’ of Sydney LEP 2012 to ensure that the maximum heights and floor space permitted through the amendments to Sydney LEP 2012 may not be exceeded.

State Environmental Planning Policy (Infrastructure) 2007

The proposal seeks to nominate 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.

The City opposes this proposal and is not in the spirit of the recent planning emphasis nor acceptable practice for projects primarily delivered by the private sector. The City questions whether the initial construction of these assets would be exempt from any approval or post completion assets and ongoing embellishments works to existing assets would constitute an exemption. The City is concerned if no approval framework around public domain assets is in place, particularly if there is the intention for these to be transferred to the City sometime in the future, the City will need to refuse transfer as the City’s needs may not be met. Therefore, clarity on the ownership, control and ongoing maintenance and management of the public spaces needs to be established. If it is intended for the City to be future managers of the public domain for the precinct, remediation requirements and levels need to be understood prior to acceptable of any land allocated for public domain for ongoing management. Public Domain should be proposed and consulted consistent with the City of Sydney’s established practices – without a special treatment as requested.

State Environmental Planning Policy (State and Regional Development)

The proposal seeks that development in Blackwattle Bay with a CIV over \$10 million as State Significant Development and adjust the State Significant Development Sites Map – Bays Precinct

to reflect the boundary of the new Sydney Fish Market site. This is opposed by the City of Sydney and should not be agreed to by the Minister for Planning and Public Spaces.

As indicated in City Plan 2036, the City continues to demonstrate its ability to deliver large-scale, high-value and complex urban renewal projects and development applications through the Central Sydney Planning Committee (CSPC). However, certain developments in State Significant Precinct areas such as The Rocks, Redfern-Waterloo, Darling Harbour, Barangaroo, Walsh Bay, Central Park and Moore Park as well as hotel, education and museum projects over a certain value are removed from the City's jurisdiction and the City's planning controls and framework set aside. This results in an inconsistent planning administration.

The City consistently requests the NSW Government enable projects to be determined by the CSPC and reintegrate the precincts into the City's planning framework to ensure consistent place-based planning outcomes. The proposed amendments to Sydney LEP 2012 to incorporate new development standards for the precinct would be completely undermined by the retention of this provision of the SEPP, given that any new development would inevitably trigger a State significant development.

The success of the City's planning framework is attested by the GSC, who submits that the Sydney LEP 2012 planning framework has provided jobs and housing whilst enhancing local character and amenity through the delivery of fine grain built form within the Pyrmont Peninsula over the past 20 years.

The GSC make further findings in their review that State significant development typically follows a project-based approach, where the assessment process is driven by size, economic value and potential impacts or particular projects. The GSC specifies that a project by project approach to development has limited ability to address the needs of a place and effectively consider the cumulative impacts and benefits associated with other developments and projects.

The Blackwattle Bay precinct study has been subject to years of continual and ongoing consultation with communities and collaboration with key stakeholders. However, the exhibited proposal does not demonstrate the priorities of governance and implementation of the City Plan 2036 – consultation for better planning outcomes and collaboration for shared planning outcomes. The proposal does not demonstrate why significant change is taking place that has been informed by community aspirations. Transparent governance, which includes the City as a genuine partner in all stages of the project is imperative and will enhance community trust and ensures a coordinated approach to the delivery of place-based strategies that align with growth strategies for the area is achieved.

The City reiterates the statements made in the City Plan 2036, that effective collaboration must be underpinned by governance arrangements established in the early phases of planning to identify roles and responsibilities, resourcing, and accountability. Review processes to monitor and measure infrastructure delivery should also be put in place to ensure the collaboration process is transparent and effective. Such governance arrangements can provide greater certainty to the community that strategies and plans can be delivered within timeframes and budgets, be optimally managed into the long term, and achieve desired outcomes for industry and the community.



20 August 2021

NSW Department of Planning, Industry and Environment
Blackwattle Bay State Significant Precinct Study Exhibition
Locked Bag 5022
Parramatta NSW 2124

To the Relevant Officer

INNER WEST COUNCIL SUBMISSION TO BLACKWATTLE BAY STATE SIGNIFICANT PRECINCT STUDY EXHIBITION.

Thank you for the opportunity to comment on the Blackwattle Bay State Significant Precinct Study (BB Precinct – SSP). Given the planned connectivity of this Precinct with the Rozelle/Balmain Peninsula, Inner West Council would like to take this opportunity to reiterate some of the feedback that it previously provided to the Department for the Draft Bays West Place Strategy, in May of this year. The key parts of that submission that are considered to also be relevant to the current BB Precinct – SSP Exhibition, from an infrastructure delivery perspective, are reproduced below.

A new crossing from Pyrmont (Blackwattle Bay Precinct) to Bays West to create more convenient and direct active transport connections:

In relation to this matter, Inner West Council previously stated the following:

"It is considered beneficial to provide a new crossing from Bays West to Pyrmont. In this respect the former Leichhardt Council proposed reinstatement of Glebe Island Bridge as an active transport link, with consideration also given to the possibility of public transport. In moving forward with this project, it is essential that this link be fully integrated into the Inner West, City of Sydney and Principal Bicycle Networks. It is also essential that the heritage values of the bridge be protected."

Provision of Community Infrastructure within the Blackwattle Bay Precinct Boundaries:

In the delivery of public, community focussed infrastructure for the BB Precinct, it is strongly recommended that the composition and servicing roles of the existing and planned public community facilities within the adjoining areas of City of Sydney and the Inner West are evaluated before any firm decisions are made on the public community facilities to be provided within the boundaries of the BB Precinct. For example, Inner West Council previously indicated in its submission for the Draft Bays West Place Strategy that "...the development of a new indoor recreation facility within a restored White Bay Power Station which provides for regional gymnastics, state and national level facilities for indoor netball and basketball, rock wall climbing, squash and other indoor recreation activities... [would be desirable]."

If implemented, in conjunction with the improved connectivity objectives within the BB Precinct – SSP, the future residents and workers of the BB Precinct would have easy access to this significant indoor recreational facility, without the need to duplicate a similar facility within the boundaries of the BB Precinct. There are likely to be a range of existing and planned public libraries, and other public community facilities within close proximity to the BB Precinct, which could potentially be expanded or embellished to accommodate the public infrastructure requirements of the incoming BB Precinct residents and workers, without having to replicate those facilities within the confines of the Precinct.

Within the Inner West, Council is currently progressing a suite of strategies to inform its future section 7.11 and section 7.12 local infrastructure contributions plans and broader infrastructure funding frameworks. This project seeks to merge the existing 8 development contributions plans of the former Ashfield, Leichhardt, and Marrickville councils, into a single strategic document.

This suite of research studies which have either been completed or are nearing completion to achieve this objective, include:

- *Inner West Local Housing Strategy*
- *Employment and Retails Lands Study and Strategy*
- *Draft Community Assets Needs Strategy*
- *Recreational Needs Study 2018 & Draft Recreational Needs Study Update 2021; and*
- *Draft Traffic and Transport Needs Study.*

The Inner West Local Infrastructure Contribution Planning framework is recommended to adopt a catchment-based approach to assess local infrastructure demands, with the Catchments 1 and 3 being closest to the BB Precinct. See Figure 1 below.

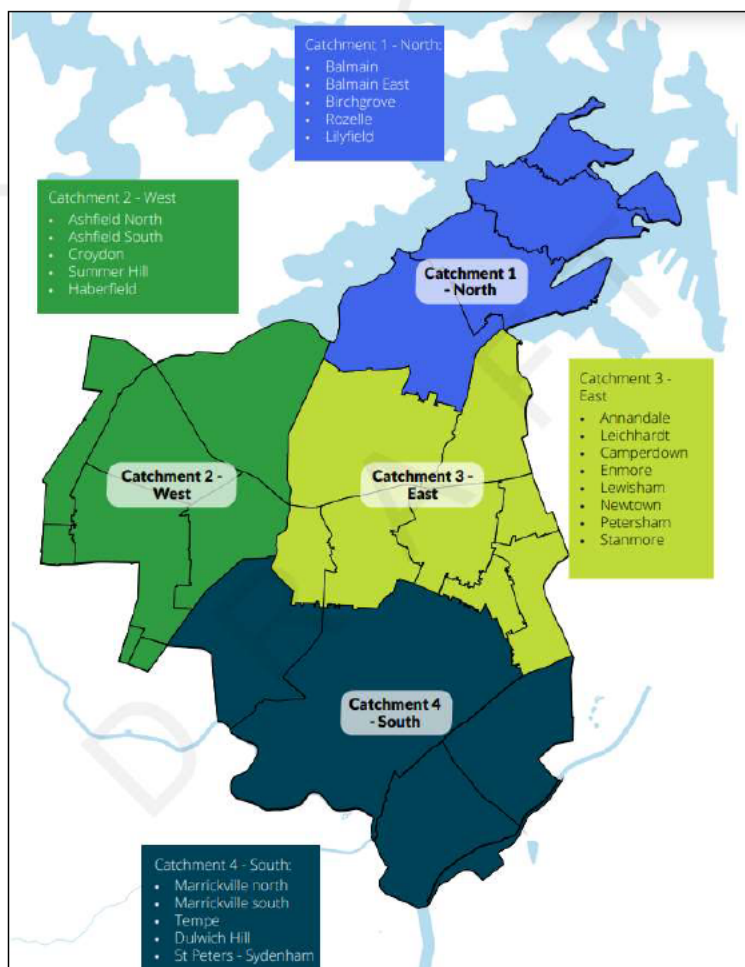


Figure 1: Inner West LGA Planning Catchment Areas for Infrastructure Needs Analysis

Similarly, The Bays West Precinct occurs within Catchment 1 – North; however, it is also adjacent to Catchment 3 - East. The Bay West Precinct is expected to be the largest growth catalyst in Catchment 1 over the coming years, whilst the Parramatta Road Urban Renewal Corridor, along the central trunk of the Local Government Area (LGA), will be another significant growth catalyst for the Inner West.

The scarcity of large allotments of land and high land values have impeded the delivery of new public infrastructure to support population and employment growth within the Inner West.

Initial evidence from Council's draft Community Assets Needs Strategy (CANS) and Update to the Recreational Needs Study (RNS), has identified some general local infrastructure services gaps. The redevelopment of the Bays Precincts presents an opportunity to deliver additional infrastructure services for the current and future residents and workers of these Precincts and the adjoining Local Government Areas (LGAs) of the Inner West and the City of Sydney. An example of a potential co-operative/partnership facility which could be part funded from local and State/Regional Contributions within close proximity of the BB Precinct could be a combined library, community and cultural facility located within the proposed new local business centre around the planned Whites Bay Metro station, which could readily service the community and cultural needs of the BB Precinct in conjunction with the Bays West Precinct.

Council's research indicates that its additional population in Catchment 1 will generate the need for approximately 1,750sqm of additional library floorspace, 1,000sqm of community services floorspace, and 600sqm of cultural floorspace. The anecdotal recommendation of the CANS study is that this would be best facilitated by a new multi-purpose flagship library, a new district level community centre, and a local level creative arts participation space. There is evidence to suggest that for every dollar invested in libraries that the value back to the community is, on average, between \$2.82 and \$4.24. The Inner West Employment and Retail Study (2020) also provides support for the location of new civic services in local business centres; stating that it is best practice for community facilities to be located within employment town centres for reasons of accessibility and visual prominence. Co-locating social, community and cultural facilities, services and meeting rooms can also support emerging industries and community groups. The proposed local business centre around the new Whites Bay Metro station presents an opportunity for a co-located civic hub to foster a dual community and economic clustering role for the emerging Bays Precincts' industries and community.

Council hopes to work collaboratively with the Department to identify and potentially part fund cooperative and innovative public infrastructure solutions, which would not only assist with meeting the community needs of the Blackwattle Bay Precinct, but also within the communities adjacent to this State Significant Precinct.

If you have any questions, please do not hesitate to contact Christopher Reeves, Team Leader – Infrastructure Planning on [REDACTED] or via email by [REDACTED]



Regards

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