

Department of Planning and Environment

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Bays West Stage 1 Rezoning Finalisation Report

White Bay Power Station (and Metro) Sub-Precinct

December 2022





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Executive Summary

This report provides an assessment of a rezoning proposal seeking to amend the planning controls relating to Stage 1 of Bays West, being the White Bay Power Station (and Metro) Sub-precinct.

The proposal seeks to amend the planning controls in the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 that are applicable to this Sub-precinct. While the Sub-precinct is located in the Inner West Local Government area, Inner West Local Environmental Plan 2022 (Inner West LEP 2022) does not currently apply.

Key amendments will facilitate development at the site including:

- 78,000sqm of commercial floor space (5,412 jobs) including office and retail premises,
- 23,900sqm residential floor space (250 dwellings),
- 41,650sqm of new public open and green space,
- The revitalisation and protection of heritage-listed White Bay Power Station,
- Supporting social infrastructure including a district multi-purpose community/library hub, and
- Improved public and active transport, including cycleways.

It is intended that Inner West LEP 2022 will be amended to insert an affordable housing provision. This will enable an affordable housing program to be delivered as part of the Bays West Precinct.

The Department is the lead agency tasked with preparing a rezoning proposal to support the delivery of Bays West Stage 1. This has been guided by the Bays West Place Strategy, Bays West Stage 1 draft Master Plan and community feedback from the draft Master Plan exhibition in May 2022. In developing this rezoning proposal, the Department has worked closely with the Port Authority of NSW, PlaceMaking NSW, Sydney Metro, Transport for NSW (TfNSW), Government Architect NSW (GANSW) and Schools Infrastructure NSW (SINSW).

The rezoning proposal was exhibited between 12 August to 8 September 2022. A total of 78 submissions were received in response. Along with community and stakeholder feedback, the Department's assessment has considered the key issues, including connecting with Country, built form and land use, views and visual impact, heritage, public domain and open space, social and community infrastructure, traffic and transport, flooding and sustainability and biodiversity. Relevant policies and strategy have also been considered.

In response to the issues raised, and the further assessment undertaken, the Department has updated the exhibited rezoning proposal. These updates include the following:

- Incorporate design excellence and sustainability bonuses into the FSR,
- Minor increase to the building heights of the Southern Development Parcel to ensure design excellence and sustainability bonuses can be achieved with minimal impacts on views and streetscape,

- Reduced the base FSR for the development block immediately to the south of the metro station to ensure that achieving design excellence and sustainability bonuses would not impact on views of the White Bay Power Station from the Anzac Bridge,
- Establish a total GFA maximum for Site A Metro Station and Associated Development to provide certainty of planning pathways and development outcomes,
- Allowed for further testing of parking rates through the assessment process, but only where development can demonstrate that it is achieving the core policy intent of a low private vehicle mode share, and
- Updated the Design Guide to address concerns raised by stakeholders and community.

It is considered the issues raised have been adequately addressed for rezoning purposes. This is further demonstrated within Section 6 and 7 of this report. The assessment has sought to balance the various views contained in submissions from stakeholders, communities and Councils.

The rezoning proposal builds on the Bays West Place Strategy which was adopted on 15 November 2021. The strategy identifies that the future of Bays West is evolving, and significant change is expected in the precinct. The future development of Stage 1 will be the first step in realising the vision outlined in the Place Strategy.

The Department recommends the rezoning of Bays West (and Metro) sub-precinct be supported. It is consistent with the adopted Bays West Place Strategy and will enable the benefits of this key sub precinct to be realised and deliver new opportunities for place-making and public domain improvements. The rezoning includes clear controls and detailed design guidance which will ensure issues are appropriately addressed through subsequent stages of the planning process.

1 Introduction

This report provides an assessment of the rezoning proposal for Stage 1 of Bays West, being the White Bay Power Station and Metro Sub-precinct. It is the first stage identified for a State Led Rezoning to reinforce the significant investment that the Sydney Metro West station and the remediation of the White Bay Power Station represent.

In 2019 the Government approved new funding for the Sydney Metro West project, including a station at Bays West adjacent to the White Bay Power Station. The commitment to the new metro station creates significant opportunities for the renewal of Bays West and the adaptive reuse of the White Bay Power Station. The Department of Planning and Environment was identified as the appropriate agency to progress an overall Place Strategy for Bays West, as well as planning controls for the sub-precincts that surround this key piece of infrastructure.

The Bays West Place Strategy (Place Strategy) was endorsed by the Minister for Planning and Public Spaces in November 2021. It sets the vision for the Bays West Precinct as a unique urbanised harbourside precinct encapsulating Rozelle Bay, White Bay, Jones Bay, and parts of Johnsons Bay. The Place Strategy vision celebrates Country and builds upon natural, cultural, maritime, and industrial stories to shape an innovative and sustainable new place for living, recreation and working. New proposed activities, places, connections, and destinations will enrich Bays West's character and meaning through built form and public spaces that embrace its natural and cultural heritage. This includes identifying big moves to unlock the future vision of Bays West including:

- Repurposing White Bay Power Station to Become a focal point of the precinct (Big Move 1),
- Deliver a significant, connected, activated public open space near the water at an early stage (Big Move 4),
- Make the most of the opportunity that a new metro station presents to renew the precinct and surrounds through development that has a strong dependence on public and active transport (Big Move 5), and
- Enable a world-class harbour foreshore walk (Big Move 6).

Bays West is the last strategic piece of inner harbour land in Sydney available for urban renewal. The new Metro station creates an opportunity to transform the White Bay Power Station and surrounding area into a new harbourside precinct attracting business, entertainment, and cultural uses.

The following statutory planning instruments currently apply to the Sub Precinct:

- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

While the sub precinct is located within the Inner West Local Government area, Inner West LEP 2022 does not currently apply.

An Explanation of Intended Effect was exhibited with the rezoning proposal which aims to:

- Amend State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 to include comprehensive site-specific clauses for the White Bay Power Station (and Metro) Sub Precinct.
- Insert an affordable housing provision into the consolidated Inner West LEP 2022 to enable an affordable housing program to be delivered as part of the Bays West Precinct.
- Make consequential amendments to various other currently applicable instruments to ensure existing instruments align with the objectives and controls for White Bay Power Station (and Metro) Sub Precinct.

The rezoning proposal seeks to amend the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 and Inner West LEP 2022 to give effect to new controls which will realise the vision for Stage 1 identified in the Bays West Place Strategy.

2 Context

2.1 Bays West Precinct

Bays West is located two kilometres west of the Sydney CBD, encompassing areas including Glebe Island peninsula, White Bay, Rozelle Bay, Rozelle Railyards and White Bay Power Station. Bays West has been subject to investigation over many years, and throughout its history, Bays West has seen wholesale shifts in patterns of land use. More recently, waves of industry have moved in, expanded, then become redundant or moved to other parts of Sydney, with the vital exception of ports and working harbour operations.

In November 2021, the Bays West Place Strategy was endorsed by the then Minister for Planning and Public Spaces. The place strategy sets out a vision for the precinct:

Bays West will represent a new kind of Sydney urbanism that respects and celebrates Country.

It will build on its natural, cultural, maritime and industrial stories to shape an innovative and sustainable new place for living, recreation and working.

New activities, places, connections and destinations will enrich Bays West's character and meaning over time through built form and public spaces that embrace its natural and cultural heritage.

The Bays West of the future will evolve over time into a mixed-use precinct integrated with enhanced port and working harbour activities, a 'blue economy' leveraging an already powerful economic contribution – some \$4 billion over 25 years from Port Authority land.

Stage 1 is the first step towards realising this vision and supports the adaptive re-use of the White Bay Power Station and capitalises on the NSW Government's decision to invest in the delivery of a Sydney Metro station. This first step will unlock the precinct's potential and ensure access for all.

Bays West is the last strategic piece of inner harbour land available for urban renewal in our global city, and the new Metro station delivers the opportunity to transform the White Bay Power Station and surrounding area into a new harbourside location that draws new business, entertainment, and cultural opportunities. Figure 1 shows the location of the Bays West Precinct and site context.

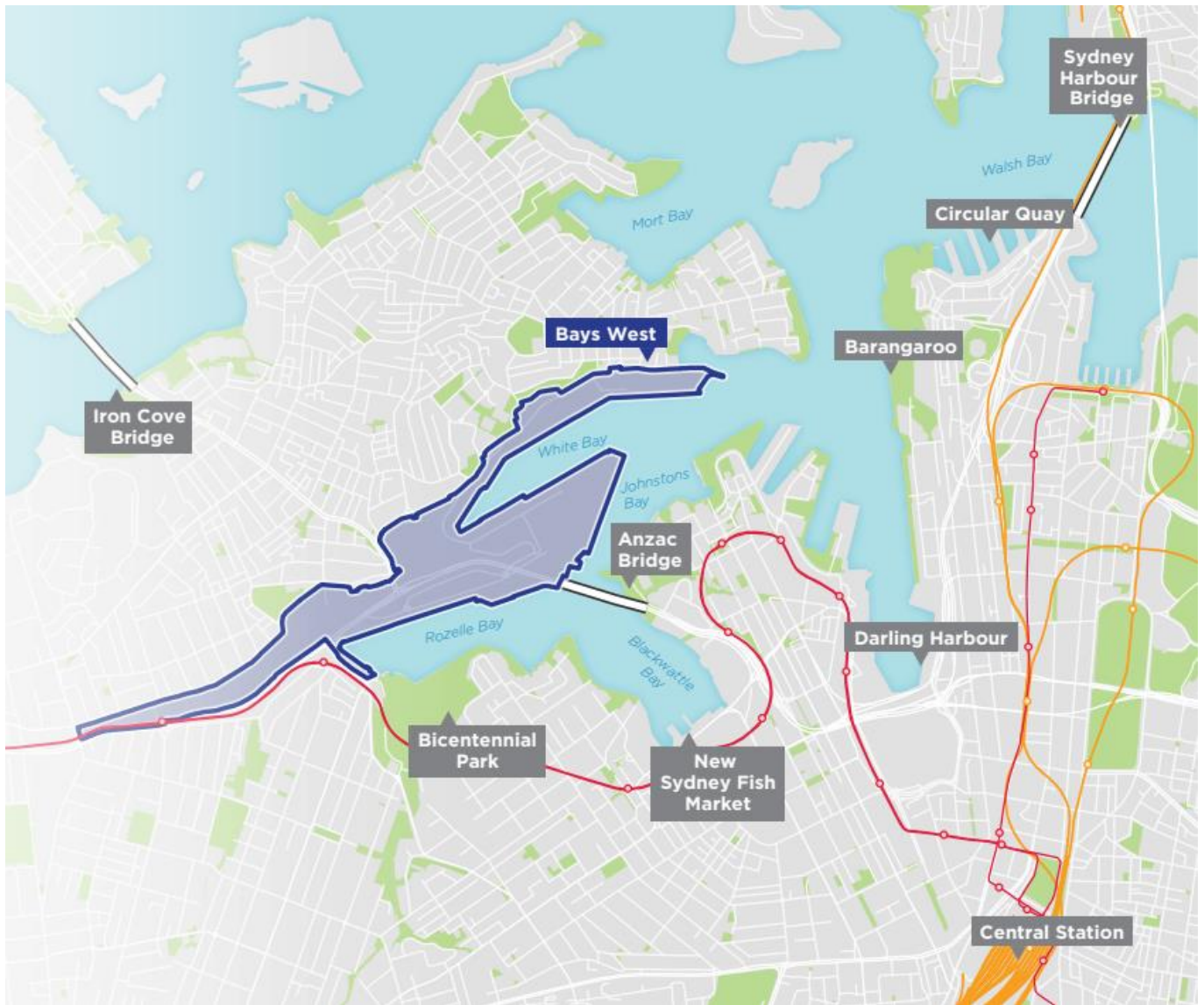


Figure 1: Bays West Precinct - Site Context

2.2 Bays West Stage 1: White Bay Power Station (and Metro) Sub-precinct

Stage 1 is the initial stage of Bays West to be master planned under the Bays West Place Strategy. It includes the White Bay Power Station (and Metro) sub-precinct and the subject land is shown in Figure 2.

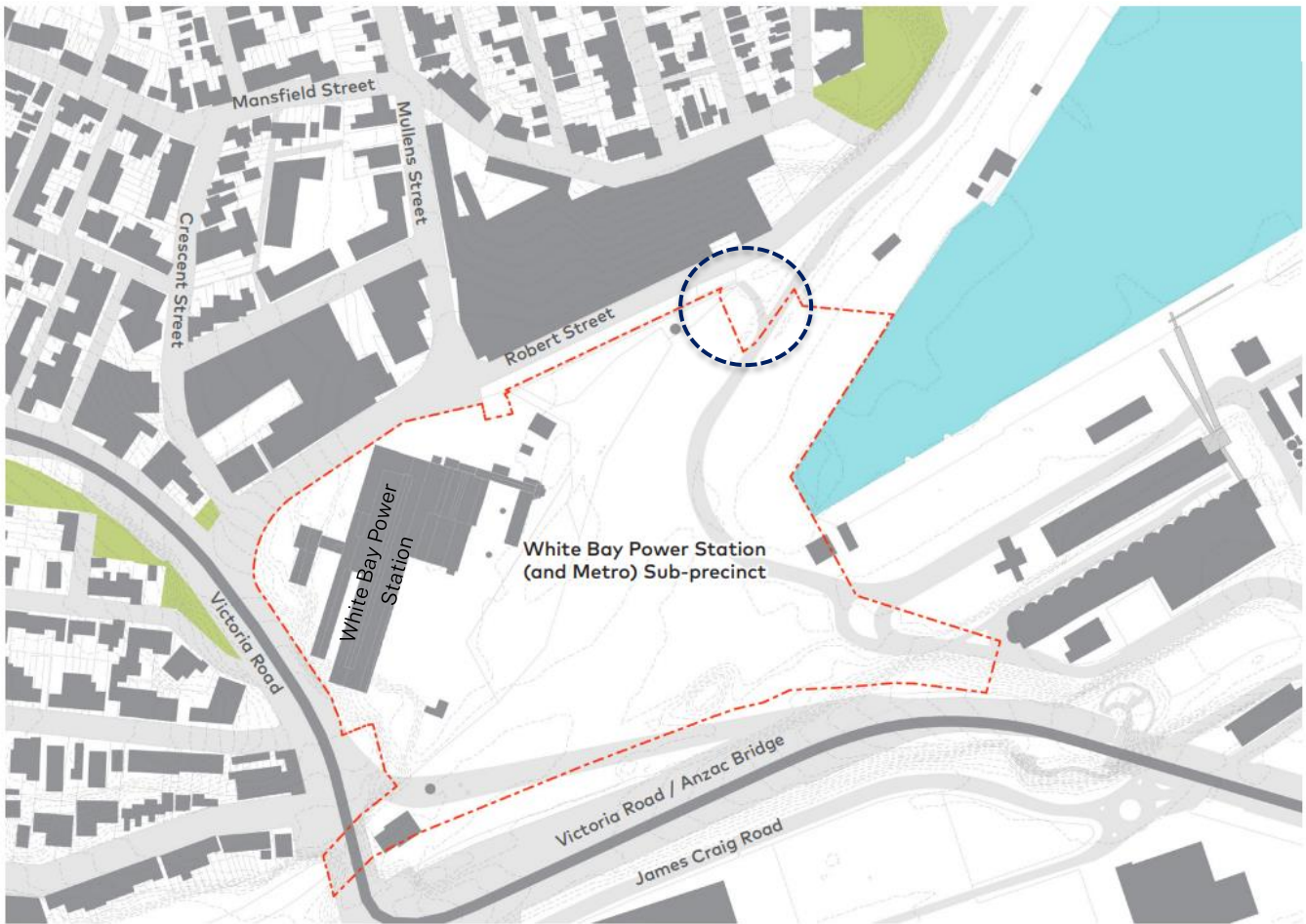


Figure 2: White Bay Power Station (and Metro) Sub-precinct with vehicle access into precinct circled

2.3 Site Surrounds

Figure 3 below identified the sub-precinct and illustrates the types of land uses that currently occur in the surrounding area. To the north of the sub-precinct Mullens and Robert Street adjoin the northern boundary of the site. A range of commercial and light industrial uses are located immediately north.

To the north-east of the sub-precinct are berths and the White Bay Passenger Terminal infrastructure and White Bay itself. The southern part of the eastern boundary is shared with the existing industrial Port uses of White Bay, including bulk storage and concrete batching. Further to the east lies the Anzac Bridge and heritage listed Glebe Island Bridge.

To the south of the sub-precinct Victoria Road provides part of the southern boundary. Further south is a range of light industrial, commercial and marine uses associated with Rozelle Bay.

To the west Victoria Road runs along part of the boundary. Further west of this are residential uses and the suburb of Rozelle.

The Sub-precinct is surrounded by natural and topographical barriers, including Sydney Harbour as well as significant level changes alongside the Anzac Bridge approach and towards the Balmain peninsula. Vehicle access is only via two existing locations at Robert Street (circled above in Figure

2) and James Craig Road which is outside the Stage 1 boundary. Arterial routes, the harbour frontage and lack of public access mean the site is currently mostly isolated from surrounding areas.

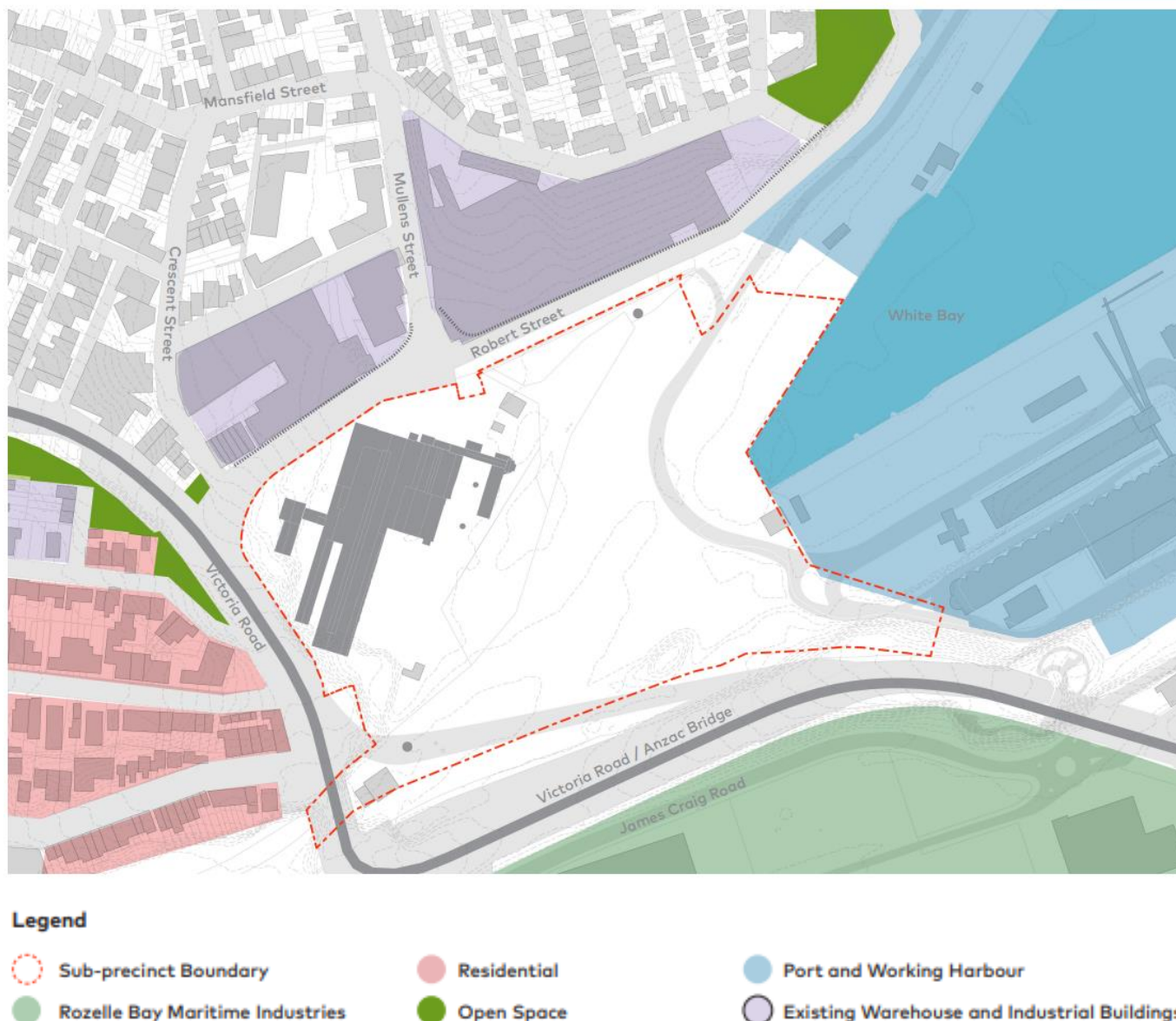


Figure 3: Surrounding area

2.4 Process, staging and governance

2.4.1 Planning process

A whole of government approach to precincts is being taken to ensure strong place outcomes are achieved. The Department of Planning and Environment (DPE) is taking on a strategic coordination role for key precincts to ensure that these areas deliver on the Government’s economic, housing and property, health, education, and transport objectives, together with quality design, public space and green infrastructure.

The construction of a metro station in the Bays Precinct requires an integrated planning approach, including completion of the Place Strategy and rezoning of and around the metro station to ensure timely redevelopment of government owned land and key project deadlines for the Metro line are met. This required a place-based approach to the coordination and delivery of planning, infrastructure and government services

2.4.2 Bays West Place Strategy

A Place Strategy for the Bays West Precinct has been endorsed by the Minister and released on 15 November 2021. The Place Strategy contains the vision, key directions, big moves, a strategic place framework and an urban design framework.

The Strategy gives effect to the Regional Plan and Eastern Harbour City District Plan by aligning its directions with the region and district framework for infrastructure, liveability, productivity and sustainability. This Strategy outlines a vision for the precinct that will be realised through 14 directions and six big moves to realise the full potential of the Precinct.

The Place Strategy has formed the basis for master planning and will also influence the rezoning of the initial phase (currently identified as the White Bay Power Station and Metro sub precinct), and subsequent sub precinct Master Plans.

2.4.3 Bays West Stage 1 Master Plan

The Bays West Stage 1 draft Master Plan was placed on public exhibition from 4 May 2022 to 31 May 2022. This Plan covers the White Bay Power Station (and Metro) and Robert Street sub precincts and informs future development to align with the opening of the Bays Metro Station in 2030. The area subject to this plan is shown in Figure 4.

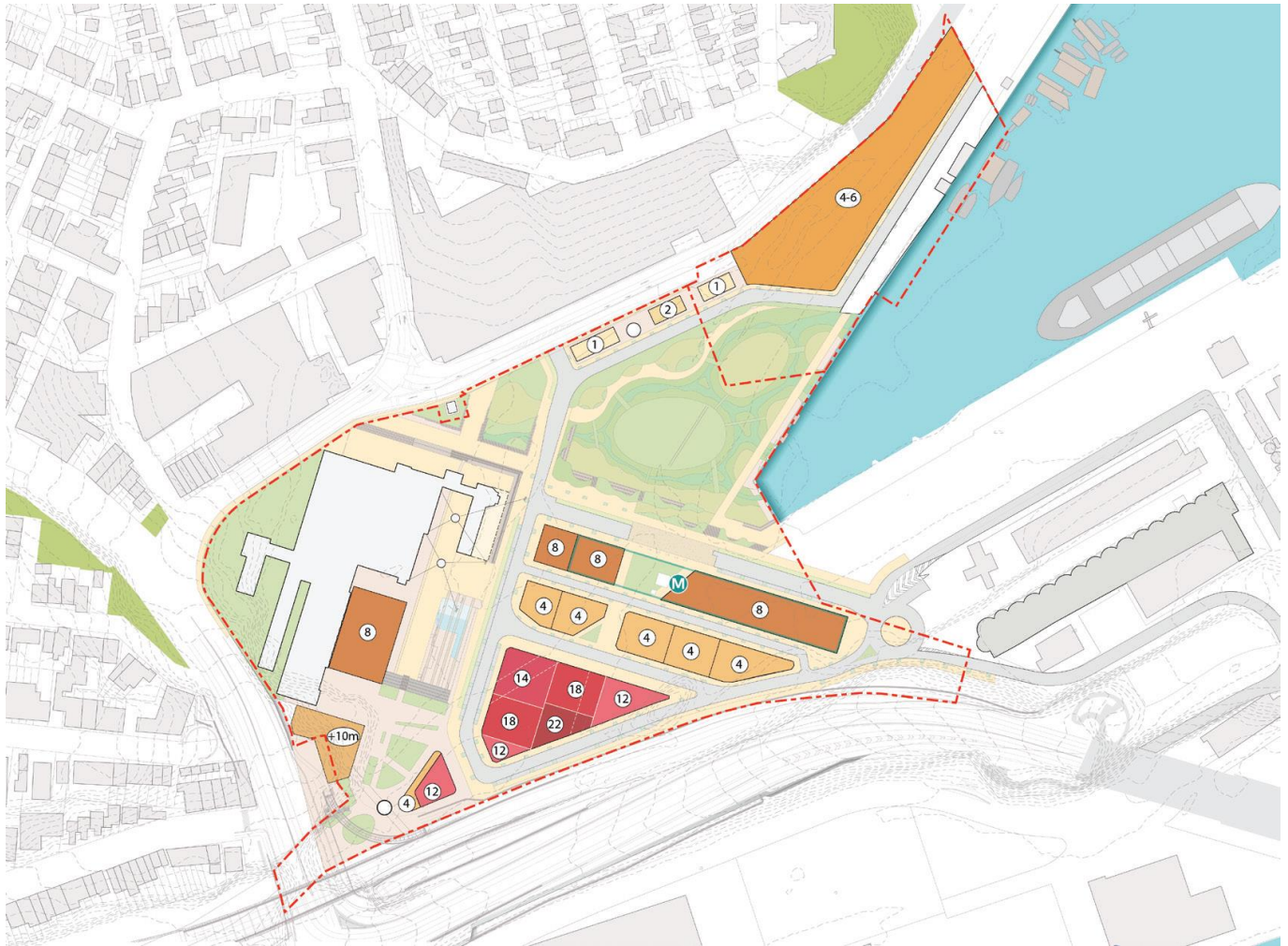


Figure 4: Bays West Stage 1 Master Plan (May 2022 exhibition version with original boundary and building heights)

Feedback from the community and stakeholders informed the further refinement of the Stage 1 Master Plan as part of the Rezoning Proposal. Many of the matters raised during the exhibition period were addressed through the preparation of additional information to support this proposal.

Key changes to the Stage 1 Master Plan in response to the exhibition in May include:

- Excluding a large portion of the Robert Street Sub-precinct which will provide the Port Authority of NSW to propose rezoning at a future date,
- Reconfiguring and relocating the road connection from the Stage 1 area to Robert Road, to allow for better bus access and vehicle queuing,
- Reconfiguring White Bay Park because of the above changes,
- Rationalising of the building heights; and
- Better resolution of the proposed bus interchange layout.

The revised master plan exhibited with the rezoning proposal between is provided at Figure 5.

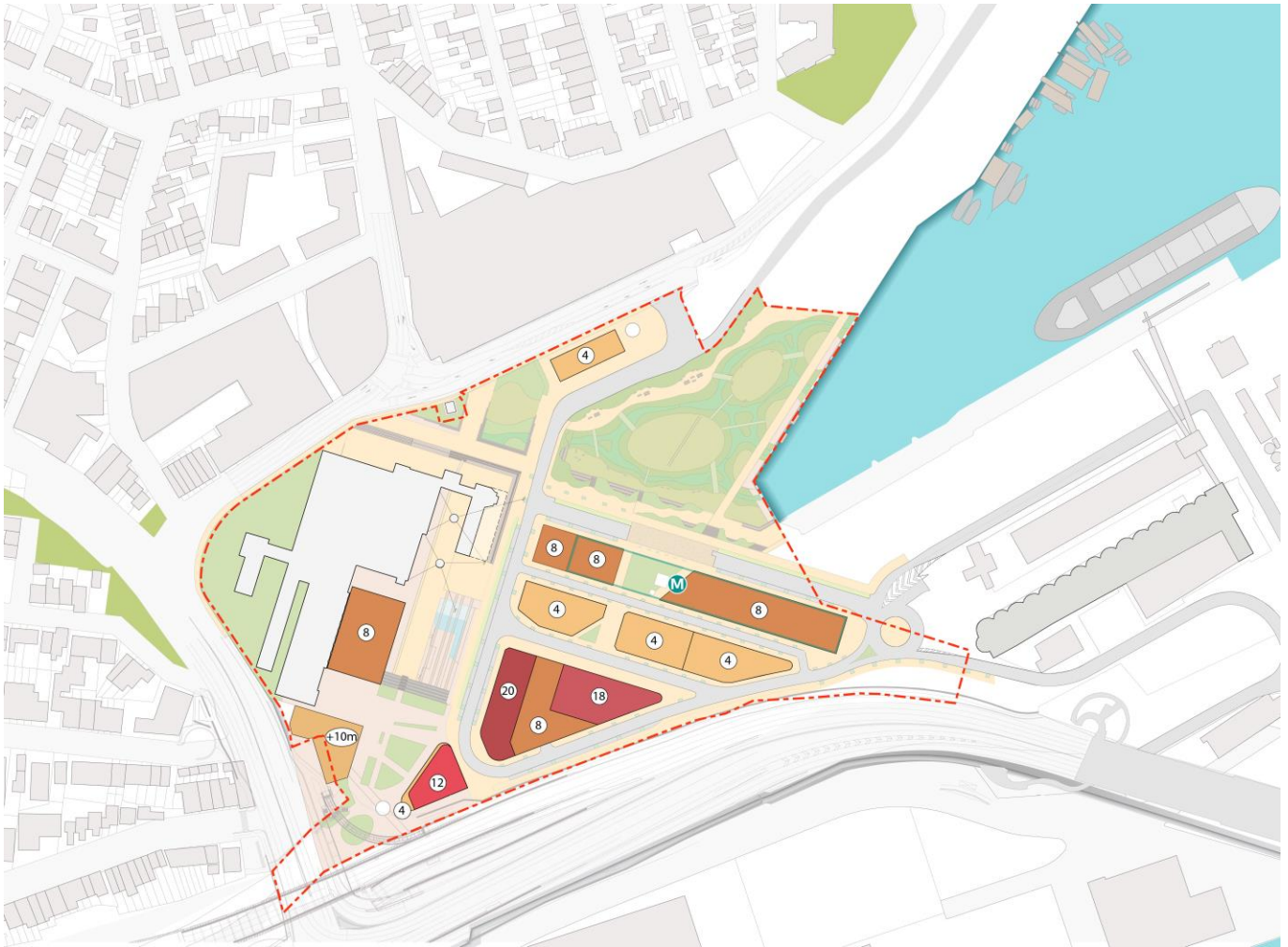


Figure 5: Bays West Stage 1 Master Plan (August 2022 exhibition version and building heights)

2.4.4 State Design Review Panel

The Department presented to the State Design Review Panel (SDRP) to seek design advice on four separate occasions during preparation of the Stage 1 Master Plan. The SDRP provided ongoing guidance and key inputs that shaped the Master Plan which has informed this rezoning proposal. The SDRP reviewed the rezoning proposal on 28 July 2022 prior to exhibition and provided feedback. The Panel’s feedback has been incorporated into an updated Master Plan which has supported the finalisation of the Bays West Stage 1 Master Plan.

2.4.5 Staging

The Bays West Place Strategy established a series of 10 distinct sub-precincts. These are shown in Figure 6 below. The sub-precinct boundary lines are based on major structural elements, including changes in topography, roadways, key public domain zones, land use as well as existing and desired future character

The White Bay Power Station (and Metro) and Robert Street Sub-precincts were identified for early phase realisation to reinforce the significant investment that the Metro station and White Bay Power Station remediation represent. These investments are intended to catalyse the wider Bays Precinct and provide significant opportunities for adaptive re-use of heritage elements, unlock land

for community access and use, and generate significant new public and environmental amenity. The opportunities and constraints posed by each sub-precinct will need to be carefully balanced to maximise people and place-led outcomes.

The sub-precinct boundaries evolved following finalisation of the Bays West Place Strategy to include a larger White Bay Power Station (and Metro) Sub-precinct boundary and a smaller Robert Street Sub-precinct boundary.

The remaining sub-precincts will be subject to separate Master Planning and rezoning processes at a later date.

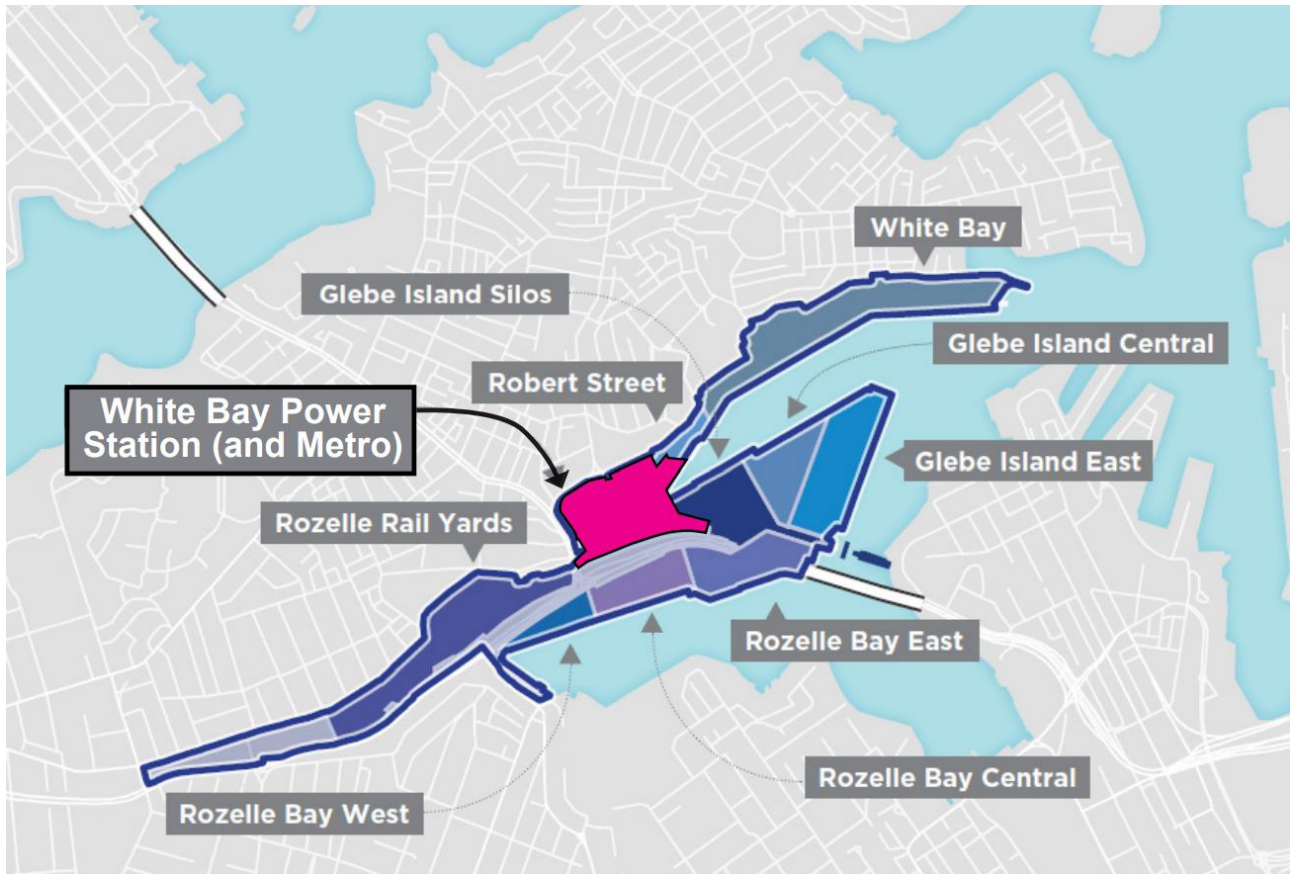


Figure 6: Bays West Place Strategy 2021 Sub-Precincts, with Stage 1 shown in pink.

2.4.6 Future implementation of the Bays West Precinct

Future renewal of the remaining areas of the Bays West Precinct (Rozelle Bay, Glebe Island, and White Bay) will be subject to separate staged master planning and rezoning. This includes consultation and engagement with the community and will be guided by future decisions of Government.

Any master planning and rezoning of the remaining land within the Bays West Precinct will need to consider and respond appropriately to the final controls and land use zones that apply to Bays West Stage 1. This will follow a similar process as outlined in Step 4 of Figure 7.

Where we are now

Step one COMPLETED ✓

Exhibit the draft Bays West Place Strategy for community feedback
The draft place strategy set out the proposed narrative and vision for Bays West.



Step two COMPLETED ✓

Use feedback to finalise the Bays West Place Strategy
Community and stakeholder feedback was reviewed to update and finalise the Bays West Place Strategy. The strategy sets the vision for Bays West and provides information about the next phases of the project.



Step three COMPLETED ✓

Undertake further investigation and studies
Additional technical studies/investigations were undertaken to inform and develop the stage 1 master planning phase. This includes precinct-wide studies and sub-precinct specific investigations.



Step four Stage 1 – White Bay Power Station (and Metro) sub-precinct

COMPLETED ✓	WE ARE HERE 📍		
4a Master planning	4b Rezoning	4c Planning approval	4d Delivery
<ul style="list-style-type: none"> included detailed site investigations, testing of built form and density, consideration of appropriate land uses, and identified required supporting infrastructure. Was exhibited May 2022 	<ul style="list-style-type: none"> identifies planning controls that will guide future development provides detailed guidance through a Design Guide includes Affordable Housing Program and Infrastructure Delivery Plan includes exhibition 	<ul style="list-style-type: none"> assesses future development against the planning controls established in step 4b and includes further refinement and detail of the final built-form includes exhibition 	<ul style="list-style-type: none"> government led tender process for development partners government selects chosen development / delivery partners construction commences post final planning approvals

Step five

Master planning and rezoning for future sub-precincts within Bays West
Involves undertaking a staged master planning process and rezoning of sub-precincts. This will include consultation and engagement with the community and will be guided by future decisions of the NSW Government. It will follow a similar process to that outlined in Step 4.



Figure 7: Bays West Precinct planning process and next steps

2.4.7 Governance

A Governance framework was implemented to ensure NSW Government Agencies work collaboratively to deliver the precinct. These governance arrangements establish the:

- Steering Committee,
- Project Control Group, and
- Project Working Group.

The Steering Committee provides a forum for discussion and resolution of strategic matters to ensure that Bays West Place Strategy, master planning and the Sydney Metro concept design for the Bays Metro Station Precinct are delivered.

The Project Control Group (PCG) provides oversight and direction for the planning activities in the Bays West Precinct, including matters identified by the PWG.

The Project Working Group and Transport Working Group provides comment and advice on master planning, the rezoning proposal and related technical studies for the Bays West Precinct by relevant agencies / proponents.

3 Planning and Policy Context

The State Led rezoning process aims to establish an appropriate planning framework for the site. To do this, the proposal must demonstrate how it responds to the broader strategic planning framework and the local policy context of the area.

The applicable planning and policy documents relevant to the site are identified below.

3.1 State Planning Policies

3.1.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Commission (GSC) has prepared the Greater Sydney Region Plan (GSRP) to provide a vision for a metropolis of three cities, the Eastern Harbour City, the Western Parkland City and the Central River City, to rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The Regional Plan aims to integrate land use, transport links and infrastructure across the three cities, with more people having access within 30 minutes to jobs, schools, hospitals and services.

Bays West Stage 1 is located within the GSRP's Harbour CBD's Innovation Corridor and the proposal supports the following objectives in the GSRP:

- developed in collaboration with local and state government and the community (Objective 1),
- public domain upgrades will create great places that bring people together (Objective 12),
- State and local environmental heritage is identified, conserved and enhanced (Objective 13),
- contributes to making the Harbour CBD stronger and more competitive (Objective 18),
- renewal will contribute to enhancing Eastern Harbour City Views (Objective 28),
- sustainability targets and goals to contribute to a low-carbon city and address climate change (Objective 33), and
- energy and water flows are captured, used and re-used (Objective 34).

The GCC is currently undertaking a strategic review of the 2018 GSRP and District Plans. These will include a new suite of actions to be 'given effect' to via the District Plans and LEPs. A draft GSRP is expected to be released in 2023 and finalised in 2023-24.

3.1.2 Eastern City District Plan

The GSC has prepared District Plans which seek to implement the GSRP through local planning and influence state agency decisions. District plans connect local planning with the longer-term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District area and is identified in the Harbour CBD and the Innovation Corridor (**Figure 6**). The vision for the Eastern City District is for a more innovative and globally competitive district, to improve lifestyle and environmental assets.

The proposal supports the following priorities in the Eastern City District Plan:

- fostering healthy, creative, culturally rich and socially connected communities (Planning Priority E4),
- creating and renewing great places and local centres, and respecting the District’s heritage (Planning Priority E6),
- delivering integrated land use and transport planning and a 30-minute city (Planning Priority E10),
- delivering high quality open space (Planning Priority E18), and
- reducing carbon emissions and managing energy, water and waste efficiently (Planning Priority E19).

The NSW Government’s commitment to Bays West builds upon the Eastern District Plan which identifies an Innovation Corridor on the City’s western edge. The Bays West area has many preconditions necessary for the emergence of a globally leading precinct including strong market drivers, competitive advantages in lifestyle and branding, excellent public transport connections and a thriving enterprise culture.

A detailed consideration of the proposal against the Eastern City District Plan is provided at **Attachment A**.

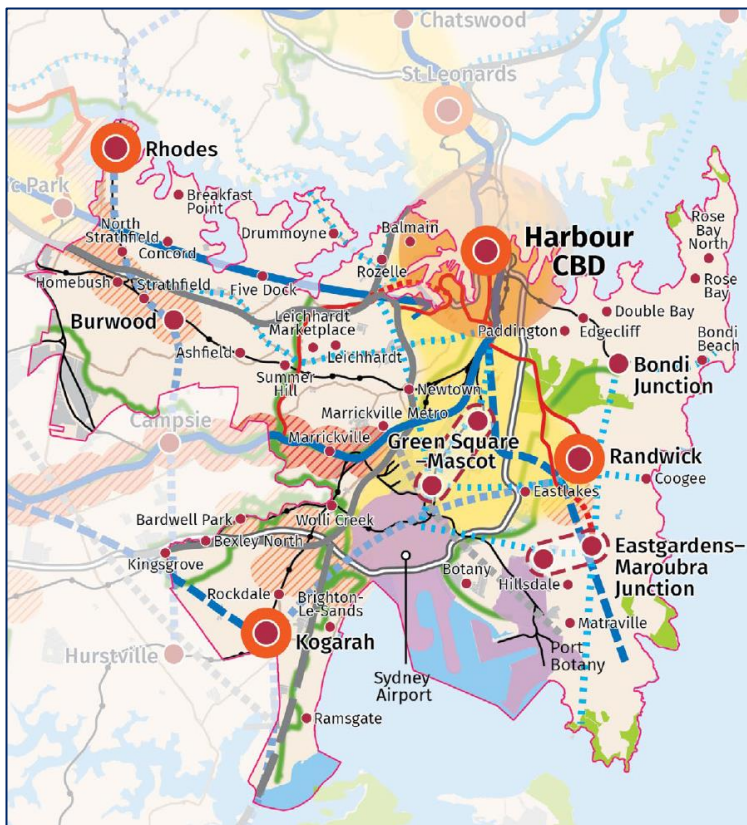


Figure 8: Structure Plan for the Eastern Harbour City Greater Sydney Region Plan (Greater Sydney Commission 2018)

3.1.3 Future Transport Strategy 2056

The Future Transport Strategy, prepared by TfNSW sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy over a 40 year period. The

aim is to achieve greater transport capacity, improved accessibility to housing, jobs and services and continued innovation, address challenges and support the State's economy and social performance. The Strategy also focuses on the role of transport in delivering movement and place outcomes that support the character of the places and communities for the future.

The rezoning proposal supports the following priorities in the Future Transport Strategy 2056:

- successful places – the Place Strategy and revised Master Plan promotes access to the precinct via active or public transport and increases attractive spaces where people meet and interact such as libraries, community centres and open space.
- growing the economy – the rezoning proposal will enable future development in the precinct where people can conveniently access jobs and services within 30 minutes by public or active transport.
- sustainability – the rezoning proposal sets out planning controls which discourage private vehicles by reducing the maximum car parking rates in the precinct. This will promote more sustainable transport modes and reduce congestion and transport sector's emissions intensity, improve air quality and support better health and wellbeing.

3.1.4 NSW State Infrastructure Strategy 2022-2042

The NSW State Infrastructure Strategy 2022-2042 sets out the NSW Government's infrastructure vision for the state over the next 20 years, across all sectors. It is underpinned by, the Greater Sydney Region Plan, Future Transport Strategy 2056 and the Regional Development Framework.

The Strategy sets out Infrastructure NSW's independent advice to the NSW Government on the State's needs and strategic priorities for infrastructure over the long term.

The proposal responds to the strategic directions and recommendations identified in the Strategy including:

- coordinate infrastructure, land use and service planning to meet future housing, employment, industry and community needs.
- actively reflect history, culture and heritage in places and infrastructure.
- deliver more housing, jobs, amenities and services in locations where there is spare capacity in existing and planned infrastructure.

The proposed SEPP amendment inserts a clause to require concurrence of the Planning Secretary upon consideration of the impact of proposed development on existing state public infrastructure and the need for additional designated state public infrastructure before development consent can be granted. This ensures development does not proceed without ensuring that a mechanism is in place to provide contributions towards State infrastructure.

3.1.5 Bays West Place Strategy

The Bays West Place Strategy was released on November 2021, establishing the vision, key directions, big moves, a strategic place framework and an urban design framework.

The rezoning proposal will support the following key elements of the Bays West Place Strategy:

- delivery of a significant, connected, activated public open space near the water at an early stage.

- make the most of the opportunity that a new metro station presents to renew the precinct and surrounds through development that has a strong dependence on public and active transport.
- repurpose White Bay Power Station to become a focal point of the precinct.
- connect community to water, while recognising and supporting the working harbour and port operational requirements.
- enable a world-class harbour foreshore walk.

3.2 Local Plans and Policies

The local plans and policies that apply to the subject site are listed below.

3.2.1 Inner West LEP 2022

Inner West LEP 2022 was recently gazetted for the Inner West local government area however, its application does not currently extend to the subject land. The proposal will expand application of this instrument but only for the purpose of enabling an affordable housing contributions scheme.

3.2.2 Local Strategic Planning Statement

The Inner West Council Local Strategic Planning Statement (LSPS) sets out the land use planning context and 20-year vision for a green, global and connected city.

The LSPS identifies housing and job growth targets and recognises the Bays West precinct as a major transformation area.

The LSPS identifies actions for the Inner West Council to work with the NSW Government to ensure that the Bays Precinct redevelopment delivers strong benefits for both the Inner West community and the region and becomes a low carbon high performance precinct.

The proposal is consistent with the LSPS as it will maintain a major focus on employment generating uses in Stage 1, delivers affordable housing, and adaptive reuse of White Bay power station that retains its heritage significance and provides a focal point for the precinct.

The Inner West Council Local Strategic Planning Statement (LSPS) reinforces the links between the NSW Government's strategic plans and Council's community strategic plan, Sustainable Sydney 2030, and the planning controls that guide development in the city.

The LSPS 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.

The LSPS will guide future changes to the planning controls in Council's LEP and DCP 2012. The LSPS may also inform other planning tools, such as contribution plans to ensure that local infrastructure is provided as the community's needs change.

The planning amendments for Stage 1 are consistent with the intent of the following planning priorities and actions of the LSPS:

Priority 13- *Develop diverse and strong stakeholder relationships through collaboration with government, community and business to deliver positive planning outcomes and realise the benefits of growth*

13.10 *Work with State Government to ensure that the Bays Precinct redevelopment delivers strong benefits for both the Inner West community and the region and becomes a low carbon high performance precinct*

Goals to be progressed collaboratively include:

- *Maintaining a major focus on employment generating uses with a minimum required non-residential FSR*
- *Delivering social housing, seniors housing and affordable housing including rental housing for key workers with 30% of all new housing owned by community housing providers*
- *Ensuring well defined and connected open space linkages to the Balmain Foreshore, Glebe Island and the City of Sydney LGA. This should include shared spaces to support and promote alternative modes of transport including cycling and publicly owned foreshore promenades, parks and a recreation area on the former Rozelle rail yards*
- *Adaptive reuse of White Bay power station that retains its heritage significance and provides a focal point for the precinct*
- *Ensuring green infrastructure is embedded in the redevelopment*
- *Maintain and expand the unique range of land uses and activities currently found within the Bays Precinct, for example historical maritime land uses, the heritage fleet, rowing and dragon boating and acknowledge the existing port activities at Glebe Island*
- *Minimize the impacts of current / upcoming construction projects on the amenity and function of the surrounding area.*

Whilst the proposal does not deliver the 30% of new housing owned by community housing providers, the proposal is supported by sufficient justification as part of the Affordable Housing Program and Affordable Housing Need Study. Affordable housing is further discussed in Section 6.2 of this report.

3.2.3 Inner West Local Housing Strategy

The Inner West Local Housing Strategy adopted in 2020 sets out Council's housing needs, approach to boost housing supply, diversity and affordability, population growth and aligns growth with infrastructure.

The Strategy identifies potential housing opportunities in the Bays Precinct, noting this will be subject to infrastructure commitments and NSW Government direction on planning. Council's adopted Affordable Housing Policy requires the provision of 15% affordable housing for new development proposals involving rezoning of private land and 30% for Government owned land.

The rezoning preproposal will support Council's Housing Strategy by establishing an affordable housing framework for Stage 1. Affordable housing is further discussed in Section 6.2 of this report.

3.2.4 Inner West Employment Lands Strategy

The Inner West Employment and Retail Lands Strategy provides a strategic approach for the management of land to maximise productivity, facilitate job growth and to contribute to the long term prosperity of the Inner West Local Government Area.

The rezoning proposal supports the actions in the Strategy to deliver employment generating land uses at the Bays Precinct.

3.2.5 Other relevant policies

Other relevant policies that will need to be considered in the development and assessment of a future DA for the site include:

- Sydney Green Grid (NSW Government Architect)
- Greener Places (NSW Government Architect)
- Better Placed (NSW Government Architect)
- Evaluating Good Design (NSW Government Architect).

4 Exhibited Proposal

4.1 Bays West Stage 1 Rezoning Proposal

It is proposed to amend the following environmental planning instruments which currently apply to the land:

- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 will be amended to include comprehensive site-specific clauses for White Bay Power Station (and Metro) Sub precinct.

Inner West Local Environmental Plan 2022 will be amended to enable an affordable housing scheme in the Bays West Precinct. This includes the insertion of a clause application map.

Consequential amendments to various other currently applicable instruments are also proposed to ensure existing instruments align with the objectives and controls for White Bay Power Station (and Metro) Sub precinct.

The key strategic documents that support the amendments include:

- The Greater Sydney Region Plan: A metropolis of three cities (March 2018)
- The Eastern City District Plan (March 2018)
- Our Place Inner West: Local Strategic Planning Statement (published by Council on 31 March 2020)
- The Bays West Place Strategy (Place Strategy) (November 2021)
- The revised draft Bays West Stage 1 Master Plan (White Bay Power Station, Metro and Robert Street).

4.1.1 Objectives of the exhibited amendments

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 is proposed to be amended to insert the proposed and new planning controls for the White Bay Power Station (and Metro) Sub-precinct.

It is also intended and proposed that Precincts – Eastern Harbour City SEPP be amended to insert new planning controls for White Bay Power Station (and Metro) sub-precinct, which include:

- Land use zones to facilitate development of a mixed-use town centre in and around the Metro Station, new public open space in the form of White Bay Park, and a revitalised White Bay Power Station,
- Building heights to allow buildings up to approximately 20 storeys,
- Floor space ratio controls to provide maximum total floor space, potentially supported by incentive bonuses for design excellence and sustainability,

- A heritage map to retain and update the existing heritage and conservation provision for the White Bay Power Station,
- Key sites provisions to ensure targeted planning outcomes at key areas within the precinct including solar access requirements, limitations on overshadowing, and wind impacts,
- Design excellence requirements for buildings with a capital investment valuer (CIV) greater than \$10,000,000 and/or key public open domain areas such as the future White Bay Park,
- Minimum bicycle parking and end-of-trip facilities,
- Maximum car parking rates,
- Sustainability provisions requiring the achievement of a 5-star Green Star Buildings or equivalent target for all buildings and a requirement for all buildings affected by the Building Sustainability Index (BASIX) to exceed the BASIX commitment for energy and water,
- A new clause requiring the concurrence of the Planning Secretary for development to ensure sufficient public infrastructure is delivered to support the renewal of the precinct, and
- A minimum requirement for contribution toward affordable housing.

4.2 Bays West Stage 1 Design Guideline

The rezoning proposal includes a Design Guideline that has been informed by technical studies and investigation. The role of the Design Guideline is to control and guide future detailed design development and approvals within the White Bay Power Station (and Metro) Sub Precinct.

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

The Design Guideline will be approved by the Secretary and published at the same time as the SEPP amendment.

Future Development Applications for Stage 1 will be required to address the Design Guide under which will be referenced in the SEPP amendment.

5 Consultation

5.1 Exhibition

The Bays West Stage 1 Rezoning Proposal was publicly exhibited between 12 August and 8 September 2022. The exhibition was advertised on the Department's website.

During the exhibition period, a total of 78 submissions were received.

A high-level overview of the key issues identified during the exhibition is provided below. Further detail on the submissions is provided in the Submissions Summary Report on the Department's website.

5.2 Submissions Summary

Of the 78 submissions received:

- 53 submissions by community members,
- 4 submissions by community groups and not-for-profit organisations,
- 1 submission by Inner West Council,
- 1 submission by City of Sydney Council,
- 6 submissions by development industry groups,
- 4 submissions by peak associations,
- 8 submissions by government agencies, and
- 1 submission by an elected official.

An Engagement Outcomes Report is provided at Attachment B which provides a summary of the engagement undertaken on the Rezoning Proposal. Attachment B does not consider three submissions received from Port Authority NSW, Schools Infrastructure NSW and Inner West Council which were received outside of the exhibition period, however these submissions have been summarised and considered below.

A review of the community submissions identified the following key issues raised across the submissions:

- concern about the scale of the development and the building heights,
- concern about the dominance of proposed development over White Bay Power Station,
- support for repurposing White Bay Power Station and protecting its heritage value as an iconic building,
- concern about lack of proposed social and affordable housing as well as housing diversity,
- concern around the impact of proposed development on the capacity of the transport network, social infrastructure and open spaces,

- requests for increased provision of transport and social infrastructure, including open space,
- requests for better integration with surrounding areas,
- requests to improve physical and visual connectivity,
- support for ‘connecting with Country’ principles,
- support for the provision of active transport and reopening of the Glebe Island Bridge,
- requests for improved sustainability measures and environmental impact assessments
- requests for clear standards and measurable targets regarding the planning controls, specifically regarding social infrastructure, transport and traffic management, sustainability and biodiversity, and
- Additional submissions were received outside of the exhibition period. These included submission from Schools Infrastructure NSW, Ports Authority NSW and Inner West Council.

5.2.1 Peak Associations and Community Organisations

Seven submissions were received from non-government organisations such as community groups, industry groups and peak associations. The key issues raised in these submissions are similar to the issues raised in the community submissions, however the following organisation-specific matters were also raised, as summarised below:

- **Community Housing Industry Association NSW** supports the inclusion of an affordable rental housing target however recommends that a higher proportion of social and affordable housing can and must be delivered in the precinct, particularly given the scale of development uplift being proposed.
- **National Trust** is concerned over the impact of the proposal on the landmark and visual significance of White Bay Power Station and does not support the proposed rezoning height allowances and their impact on these significant views.
- **Night Time Industries Association** supports plans to incorporate social infrastructure to the development of the Bays Precinct through the inclusion of district cultural spaces, and recommends scope for performance spaces, mixed use creative infrastructure, potential for part of the Bays West Precinct being designated as a Special Entrainment Precinct and the need for commercial and retail tenants to amend their operations to include performance, live music or other noise generating activities to remain viable and appealing to their patrons.
- **Friends of Ultimo** object to the proposed rezoning due to concerns around building height, lack of affordable housing and social housing, commercial development going into the White Bay Power Station and lack of certainty of glebe island bridge being retained.
- **Pymont Action Group** supports the proposed library and community centre, affordable housing target and ground floor retail. Some concerns were raised on why Robert Street sub-precinct was removed from Stage 1, need for a local school and health care to support the increase in population and recommendation for higher sustainability requirements.
- **Sydney Trapeze School** sought space for small businesses in the community arts sector, in particular consideration of the role circus would play in the health, well-being and connectedness of the area's residents, visitors and workers. A relocation proposal for Sydney Trapeze School was included.
- **The Glebe Society** strongly supports the planned foreshore walk and its ambition to create a connection between Bays West and Pymont, hoping this will be achieved through restoration of the heritage-listed Glebe Island Bridge, the approach of connecting with

Country and proposed waterfront park. The submission makes recommendations to reduce the maximum building height so that the White Bay Power Station remains the dominant form.

5.2.2 Government Agencies

Nine submissions were received from government agencies. The key issues raised in these submissions are summarised below and a response is provided in the Consideration section of this report:

- **Civil Aviation Safety Authority (CASA)** has no objections to the proposed building heights.
- **Air Services Australia** have no specific comments on the rezoning proposal or any particular aspect of the proposed redevelopment, noting all subsequent developments proposed to be built as part of this project may require separate assessment.
- **DPE Environment and Heritage Group (EHG)** recommends a review of the assessment of biodiversity values including the adequacy of microbat surveys. EHG supports opportunities to maintain and expand microbat populations and their habitat through the retention of habitat features and the provision of new roosting structures. EHG supports the measures to enhance urban biodiversity and green cover and recommends using plant species from the local native vegetation community that once occurred on the site and are of local provenance. EHG recommends factors to be documented in an updated flood modelling report during the planning stage, and investigation into a specific and bespoke emergency response plan.
- **NSW Health – Sydney Local Health District** is supportive of the proposed Affordable Housing Program and recommends an increase to the contribution rate to a minimum of 25% GFA (proposed rate is 7.5% GFA) for affordable housing, and a minimum of 15% GFA for social housing; supports the new parks and open spaces and recommends a target of 30% quality green space to support density and height proposed; a further reduction in residential parking and consideration of a car free environment; a robust suite of traffic mitigation measures; community facilities and spaces; review by Department of education to assess impact on surrounding schools; undertake construction impact assessment of surrounding areas and implement mitigation measures during development; building and ventilation design taking into consideration orientation and sources of pollutants; ventilation design supporting optimal infection control in public spaces; implementation of design strategies to reduce, control and monitor mosquito breeding habitats; regular air quality assessments throughout the phases of development; the Robert Street Sub-precinct be considered within the proposal, given the impact of the Precinct development on adjacent roads.
- **NSW Environment Protection Authority (EPA)** suggests adding provisions for an Air Quality Impact Assessment to accompany development applications. EPA also recommends additional wording to the provisions for a Noise Management Plan and suggests an additional provision for the Design Guide to ensure noise impacts for new developments are appropriately addressed and assessed within the Bays West area. EPA recommends additional objectives relating to water quality, waste and resource recovery and refers to the Ministerial Direction on contamination.
- **Transport for NSW** notes there are outstanding technical issues to be resolved however are confident that the issues can be resolved through continuing consultation and mutual agreement with DPE.
- **Schools Infrastructure NSW (SINSW)** confirmed the need for a school site to be provided within the later stages of the Precinct's development (prior to the delivery of the 251st dwelling); is generally supportive of the TMAP principles with the addition of certain measures for transport planning including a focus on active transport and bus-capable roads

to access local schools; requests all necessary transport infrastructure be provided prior to delivery of any future education facilities within the Precinct.

- **Port Authority of NSW (PANSW):** concern about the compatibility of the introduction of residential uses in Stage 1 and the potential impact such uses will have on potentially inhibiting the existing and future uses of the Port. PANSW seek the addition of a clause to ensure the Port functions are considered and protected when assessing how new development responds to existing amenity constraints. PANSW also consider that existing and future ports and maritime uses including the White Bay Cruise Terminal, White Bay Berths and uses occurring on Glebe Island should not be compromised by the redevelopment of Stage 1. A key concern is that the existing and future vehicle traffic associated with these uses will be impacted upon by future development.

5.2.3 Local Government

Inner West Council

Inner West Council raised the following key issues in their submission:

- The lack of clarity around the long-term delivery plan for infrastructure in the precinct, including the scope and role of the delivery authority.
- The lack of certainty provided to Council under the NSW Planning System that section 7.11 or 7.12 local infrastructure contributions will be collected from the Bays West Precinct area.
- The proposed building heights, scale and bulk, and the potential impact the public domain.
- The process by which the Inner West Local Environmental Plan will be amended to include an amendment around affordable housing, considering the land is not currently within Council's Land Application map.
- The low rate of proposed affordable housing, given the unique opportunity offered by the land being within Government ownership.

City of Sydney Council

The submission received by City of Sydney Council raised the following key issues:

- The refurbishment, upgrade, and adaptation of the historic Glebe Island swing bridge should be brought forward to align with Stage 1.
- The Social Infrastructure Assessment and Infrastructure Delivery Plan should be updated to consider the provision of schools within Bays West, and to provide a firm commitment to the provision of floorspace for cultural and community spaces to be dedicated to Aboriginal and Torres Strait Islander enterprises.
- The proposed zoning strategy should be revised to provide a healthy environment for the people who will live in Bays West.
- The proposed built form should be revised, and an evidence-based approach be adopted to respond to the effects of wind, noise, and pollution.
- That a 25% target for affordable housing be adopted, and for a minimum percentage of any affordable rental housing to be delivered as housing for Aboriginal and Torres Strait Islander communities.

That the Draft Design Guide be updated to respond the issues raised herein.

5.2.4 Development Industry Groups

Six submissions were received from development industry groups, which raised the following key issues:

- General support for the overall vision and strategic direction, and delivery of key transport infrastructure in the form of a Metro Station to unlock development, renewal, and investment in the precinct.
- Support for provision of significant areas of high quality, new public open space supporting the precinct and broader community.
- Support for future connections and active transport links throughout Bays West and into surrounding areas that will be of critical importance to unlocking the future potential of precinct.
- Advocating higher density and additional residential floor space, to address housing supply and affordability challenges, and provide a stronger balance of uses to support day and night-time activation of the mixed-use precinct.
- Opportunity to further increase the scale of affordable housing within this precinct to support local essential workers.
- There should be less emphasis on FSR and the focus should instead be on allowable GFA targets to allow greater flexibility in delivering appropriate residential development.
- That government adopt a flexible approach that retains national and state significant infrastructure areas, but other industrial areas to be considered for rezoning potential subject to a merit test.
- Removal of affordable housing targets on developments on Government-owned land as a precedence for private developers facing higher acquisition costs.
- That the NSW Government do not use vehicle parking strategies on developments on Government-owned land as a precedence for private developers who face additional costs such as land acquisition and must market a product that meets their economic and financial imperatives.

6 Consideration – Bays West Stage 1 Rezoning Proposal

The Department has considered the issues raised in submissions received during exhibition of the rezoning proposal and the comments of PCG, Steering Committee and the SDRP. The following key issues have been identified and are considered in this report:

- connecting with Country
- built form and land use
- views and visual impact
- heritage
- public domain and open space
- social and community infrastructure
- traffic and transport
- sustainability and biodiversity.

6.1 Connecting with Country

Issue

The rezoning proposal builds on the principles of Connecting with Country established by the Bays West Place Strategy and the Stage 1 Rezoning. The principle of Connecting with Country in the rezoning proposal was generally supported by the community, Council and industry stakeholders. The SDRP recognised the importance of Country in the precinct and were supportive of the proposed approach, but did note that Connecting with Country will need to continue to be considered as the development occurs. The Panel noted that language should be considered and used in the precinct such as in the naming of places.

Housing for the Aboriginal and Torres Strait Islander community were also identified as being needed. Housing is further considered in Section 6.2.

Consideration

In response to the submissions received and as part of responding to comments on other components of the Rezoning Proposal, the Design Guide was further developed. This included the refinement of the Connecting with Country and Public Art and Culture sections of the document. These amendments ensure that the key themes of power, knowledge and water are considered throughout the Design Guide, and that additional clarity is provided around how Country is considered.

6.2 Built Form and Land Use

Issue

Submissions received during public exhibition raised concerns regarding the scale and density of the proposal in relation to the sensitive heritage context of the site.

Key matters raised by the community, key industry groups and councils include:

- proposed building heights and built form are not appropriate in the context of the site,
- a strong desire for greater certainty of outcomes for the White Bay Power Station,
- concerns around land use, in particular appropriateness of residential land uses in precinct and its compatibility with ongoing ports and maritime uses and potential amenity impacts from the approach to Anzac Bridge,
- Lack of certainty of outcomes for the Metro Station and Associated Development (Site A),
- affordable housing target is too low and there is a lack of social housing,
- The SDRP provided general support of the distribution of uses and variations of built form heights and footprints in creating areas of distinctive characters. Further recommendations were made to review,
- the design of the Robert Street building and vehicular movement,
- re-introduce the north south lane to the southern development block for pedestrian permeability and to prevent the development block being consolidated into a single large building,
- set individual FSRs for the southern development block and wedge building,
- ensure planning controls result in a set of individual buildings for the southern development block, and
- ensure ADG requirements can be met particularly impacts associated with noise and pollution from the Anzac bridge.

Consideration

Building heights and built form

The EIE identified building heights ranging between RL9 to RL 89 (equivalent to 20 storeys). In response to further testing undertaken by the Department and submissions highlighting the importance of achieving high quality design excellence and strong sustainability targets some heights have been increased slightly to allow for design excellence and sustainability bonuses.

The development parcel immediately to the south of the metro station was also considered for design excellence and sustainability bonuses, however the height of this building could not be increased without impacting on views of the White Bay Power Station from the Anzac Bridge. As a result, the FSR of this block has been reduced from the initially exhibited FSR of 1.35:1 to 1.17:1. This allows for the application of design excellence and sustainability bonuses to FSR whilst resulting in limited impacts to streetscape or views.

The final recommended building heights range from RL 9 to RL 109 (4 storeys to 25 storeys), with the additional areas of height only permitted on the two taller towers to minimise impacts on views and streetscape. Critically, these heights remain below the Obstacle Limitation Surfaces.

As detailed within the Master Plan (Attachment C), extensive testing of the building heights in relation to amenity, visual impact, view impacts and solar access has been undertaken to inform the proposed building heights. Critically, the heights have been located to minimise impacts on views which is further discussed below. Section 4.19 of the Master Plan details the Built Form Composition Strategy which has formed the basis of the recommended controls.

The final recommended acoustic report, air quality report and wind report are provided in **Attachment L**.

The final recommended heights controls are shown at Figure 9 below.



Figure 9 Bays West recommended Maximum Building Heights

Sydney Metro have identified that the location of the Intake Substation (ISS) immediately to the south of White Bay Power Station, in the location of the former White Bay Hotel, is currently being

further tested. As a result, the ISS may be located outside of Stage 1. In response, an additional Section has been included in the Bays West Stage 1 Design Guide which provides a suite of controls for alternate built forms.

Uses and Yields

Stakeholders and community raised concerns about the appropriateness of residential land uses in the MU1 zone and potential impacts from noise generated by ongoing ports and maritime uses, vehicles on the approach to Anzac Bridge, and air quality. The MU1 Zoned area is shown in Figure 10 below.

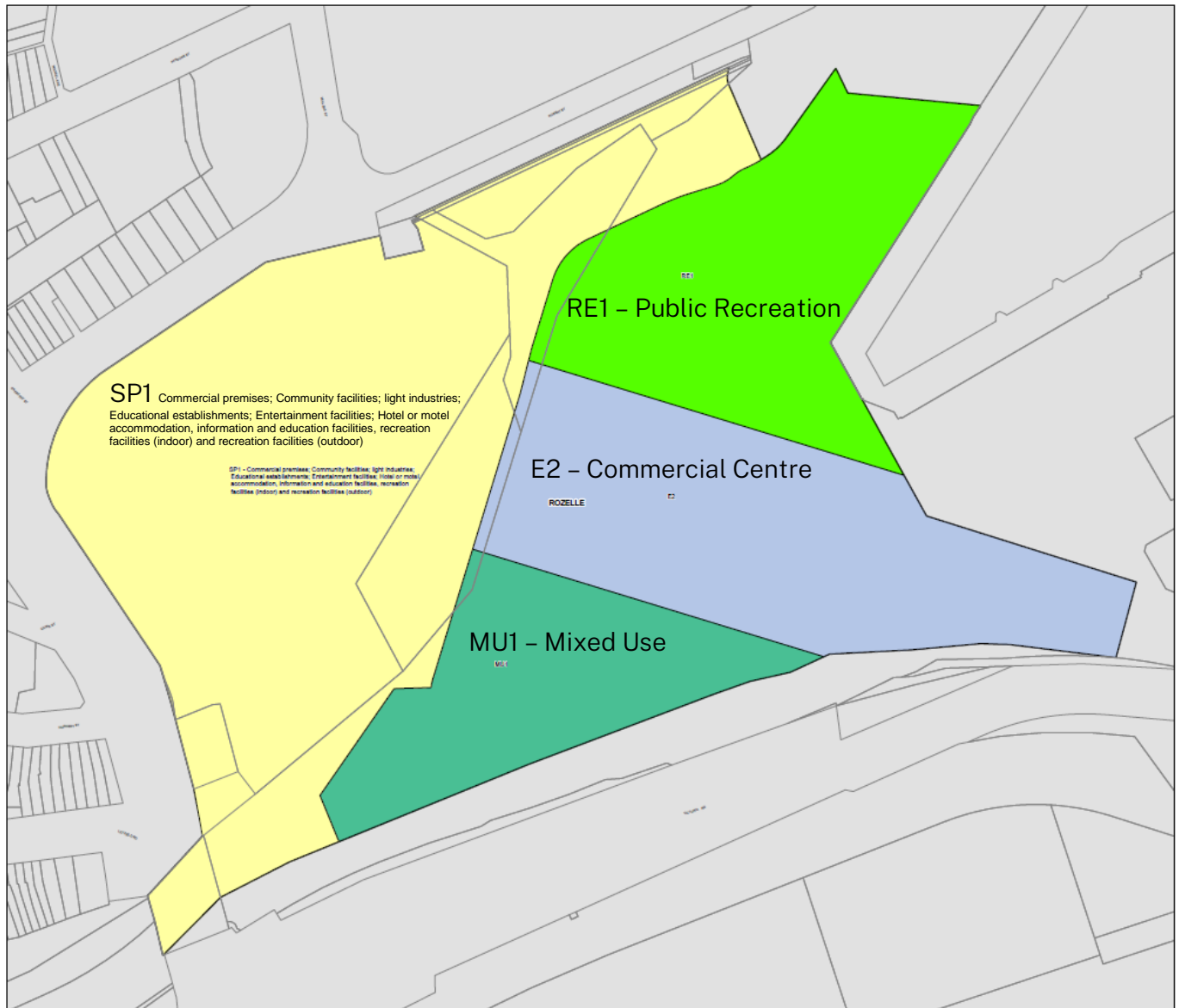


Figure 10: Bays West recommended Land Use Zoning

The recommended zones allow for a range of uses, with residential one of many permissible uses. The proposed planning controls incorporate a site-specific provision which require further consideration of air quality and noise impacts as part of any future development applications which included residential land uses. This will require further testing, analysis and detailed design to occur

to ensure that air quality and noise can be sufficiently managed to ensure appropriateness for residential development.

Future final uses for White Bay Power Station will be subject to further investigation by the NSW Government. The proposed zoning will allow for a range of uses including but not limited to Commercial premises; Community facilities; light industries; Educational establishments; Entertainment facilities; Hotel or motel accommodation, information and education facilities, recreation facilities (indoor) and recreation facilities (outdoor). The future final uses will be subject to further investigation, but the recommended planning framework includes a requirement for a minimum of 50% of the site to be used for community facilities, creative industry or entertainment facilities. This will ensure that a large portion of the White Bay Power Station is accessible to the public and that the heritage value of the building is appreciated.

Consultation with Government stakeholders through the Steering committee and PWG identified a need to provide certainty for Site A Metro Station and associated development. Concerns were identified that should the site be developed in several stages, there would not be certainty around the total gross floor area to be delivered without the requirement for a concept plan which would have significant time and cost implications. In recognition of the detailed modelling undertaken by Sydney Metro and the ongoing analysis, a maximum GFA has been allocated to Site A.

Affordable Housing

The Inner West LEP 2022 is proposed to be amended to include a clause that will require new development to contribute to the provision of affordable housing. The proposed clause will enable the relevant authority to impose an affordable housing levy in accordance with the Bays West Affordable Housing Program when granting development consent.

The proposed affordable housing target of 7.5% is consistent with the Eastern City District Plan's target of 5-10%. In setting this target, the Department considered the significant amount of other important public benefits that Stage 1 is delivering. This includes:

- the majority of the social infrastructure to support the broader Bays West Precinct,
- Open Space areas equivalent to 40% of the site area to support the broader Bays West Precinct, and
- Significant active transport facilities which will connect the precinct and surrounding communities to the Metro station and beyond.

As the future of the broader Bays West Precinct is planned for, the total affordable housing contribution rate could be expanded and increased, subject to needs analysis and feasibility testing. The proposed controls for the Bays West Stage 1 Rezoning Proposal ensure that affordable housing sits as a fundamental development principle. Whilst Stage 1 of Bays West is predominantly non-residential, the broader Bays West Precinct may have higher amounts of housing. As the broader area is planned for, the total affordable housing contribution rate will be further considered and reviewed.

The final recommended affordable housing program is provided at **Attachment J**.

SDRP Comments

In response to the comments made by the SDRP, the Design Guide has been updated to include:

- Provisions relating to the design and function of the Robert St Building,
- Clarity around the intent of the pedestrian network to ensure that desire lines and connections are appropriately responded to, and
- Provisions included requiring future development to ensure that differentiation in building presentation to streets is achieved.

With regards to the Southern Development parcel and ‘wedge’ building needing to have separate FSRs, noting that the development pathway is not yet known, it is not considered appropriate or necessary to have separate FSRs. This combined FSR ensures that there is flexibility for outcomes, whilst the building heights ensure key views are protected. The other matters raised by the SDRP have been addressed above.

6.3 Views and Visual Impact

Issue

Submissions received during public exhibition raised concerns regarding potential views and visual impacts. In particular, the community raised concerns that the buildings will block significant views and vistas (particularly views towards the Harbour Bridge and White Bay Power Station).

Consideration

The proposed building heights and massing have been located in response to key views surrounding the site as detailed in Figure 11. Heights have been informed by an analysis of the opportunities and constraints of the precinct. Section 4.20 of the Master Plan and Urban Design Framework provides a detailed analysis of the proposed approach and impacts on views. The Master Plan is provided at **Attachment C**. As discussed above in Section 6.2, although the recommended planning framework increases some heights above those exhibited, the locations of the proposed heights have been selected to ensure minimal impacts on the key views shown at Figure 11.

The Bays West Place Strategy identifies that the future of Bays West is evolving, and significant change is expected in the precinct. The future development of Stage 1 will be the first step in realising the vision outlined in the Place Strategy. The heights proposed are considered to be an appropriate response that balances the retention of significant views against the need to ensure sufficient development to create a vibrant and successful precinct.

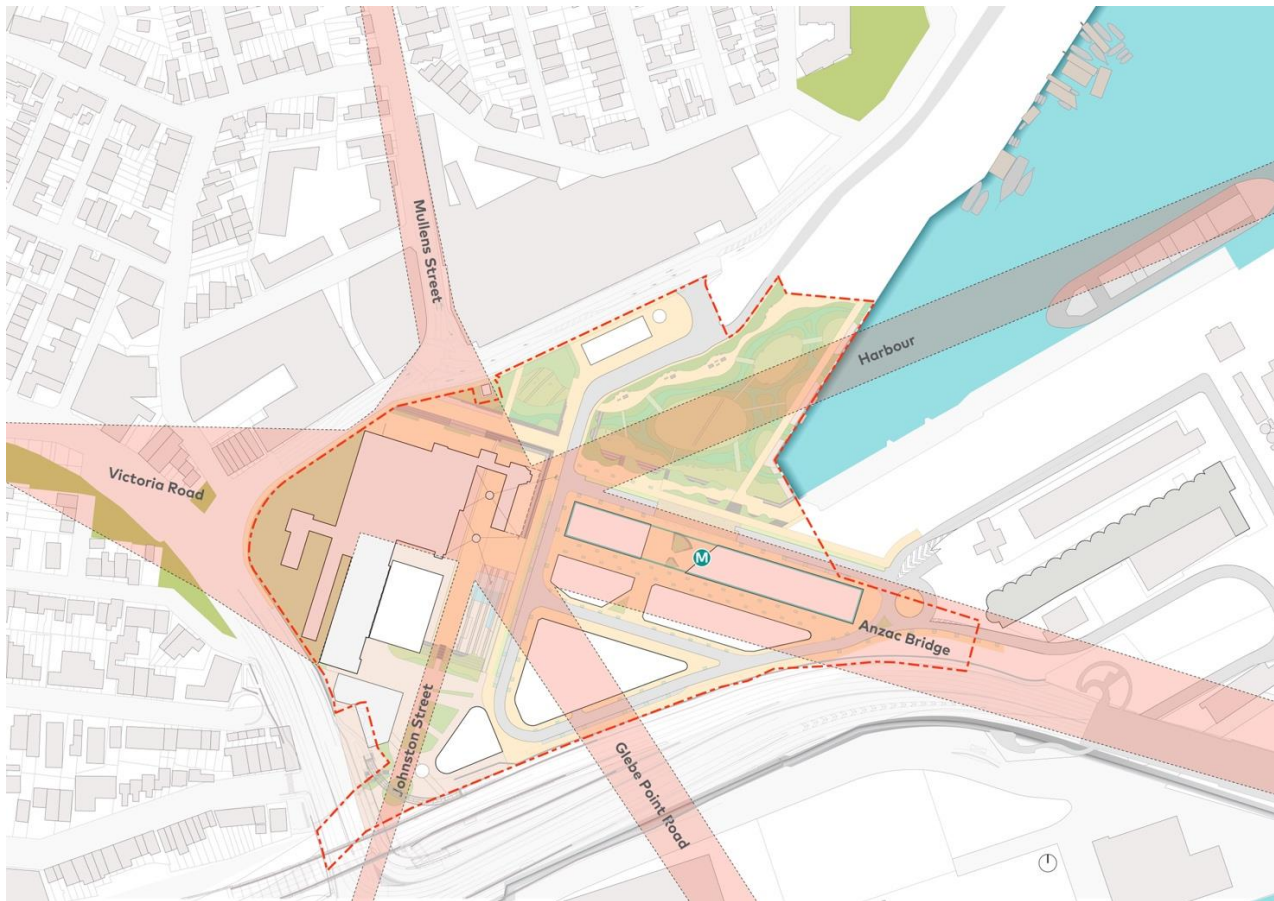


Figure 11 Key Views

6.4 Heritage

Issue

Submissions received during public exhibition outlined the importance of heritage in enriching the character of Bays West. The National Trust identified inconsistencies with the heritage map and the State heritage Register boundary of the White Bay Power Station.

Consideration

The Department notes the inconsistency with the heritage boundaries for the White Bay Power Station shown on the exhibited heritage map. It was not intended to change the heritage curtilage applying to the White Bay Power Station. The map has since been corrected to show the existing boundary shown in the State Heritage Register.

It is noted that Place Making NSW is currently preparing an updated Conservation Management Plan which will further protect the White Bay Power Station and ensure that any redevelopment appropriately responds to the context.

The recommended planning provisions include requirements which will ensure the ongoing protection of the White Bay Power Station and ensure that any future development appropriately responds to the significance of the building. Further, the design excellence provisions which apply

to the rest of the precinct will ensure that any other development adequately responds to the context of the site, including the White Bay Power Station.

6.5 Public Domain and Open Space

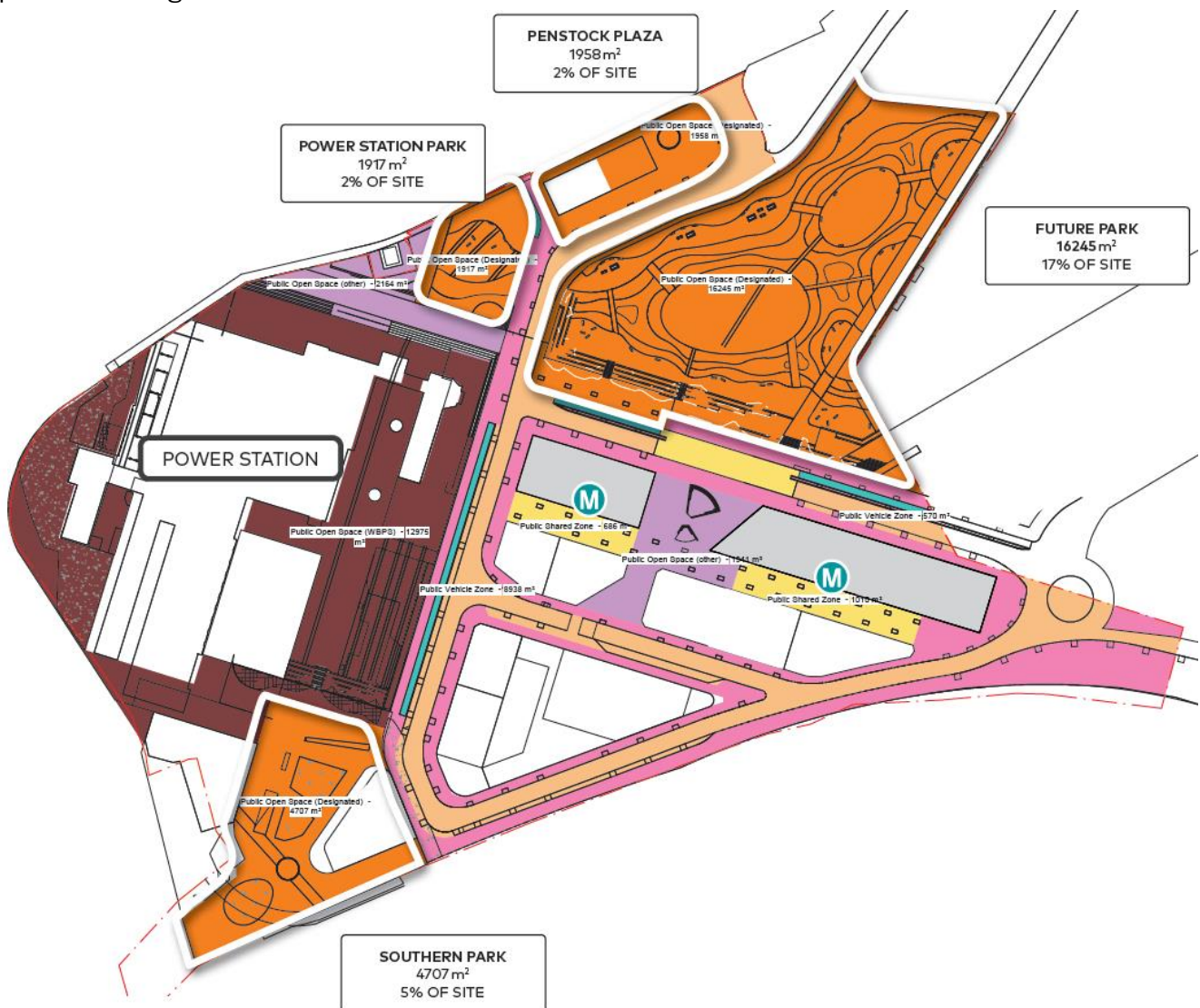
Issue








Submissions received during public exhibition identified strong support for the proposed open space and green corridors. Sydney Local health District requested that a minimum of 30% of the sub precinct be open space.

The SDRP provided advice for each of the proposed public spaces to achieve more design definition, sense of scale and strengthen their character.

Consideration

The revised master plan upon which the recommended planning controls is based provides for a total of 45.1% of the site area as public open space, promenades and plazas. Of this, 40.7% of the site will be delivered as public open space. The breakdown of these areas and total figures are provided at Figure 12.



TYPE	M ²	% SITE*	SUBTOTAL	% SITE*
PUBLIC SPACE				
 Public Open Space	24828	26.7%	51862	55.8 %
 Public Open Space White Bay Power Station	12975	14%		
 Public Open Space (plaza/promenade)	4106	4.4%		
 Public Open Space (footpaths)	9953	10.7%		
MOVEMENT				
 Public Shared Zone	2375	2.6%	12646	13.6 %
 Public Vehicle Zone	9508	10.2%		
 Walking and Cycling	763	0.8%		
Total			64508	69.4 %

*NOTE: PUBLIC DOMAIN AREAS AROUND THE WATER ADJOINING FUTURE PORTS AND MARITIME USES WILL NEED TO BALANCE PUBLIC ACCESS AND OPERATIONAL REQUIREMENTS OF PORTS AND MARITIME USES.

*ASSUMED SITE AREA OF 93000M²

Figure 12: Public Open Space Typologies and Metrics

Figure 12 demonstrates that the majority of the site is to be used for public uses and active transport, with only 31.6% of the total site area to be occupied by development lots. Whilst the Master Plan is a concept of what can be delivered on the site, the recommended planning provisions and the Design Guide identify and support the realisation of the master plan. Detailed design and delivery of these spaces will be subject to future Development Applications which will be subject to design excellence processes and detailed assessment.

Section 5.0 Public Domain Concept Plan of the Bays West Stage 1 Master Plan has been updated to address the concerns raised by the SDRP regarding the character of the spaces. This has been supported by amendments to the Design Guide.

6.6 Social and Community Infrastructure

Issue

Submissions received during public exhibition raised concerns about the amount of social infrastructure that is needed to meet the needs of the growing residential and worker population. Concerns were raised that social infrastructure in surrounding areas has not kept pace with the needs of the community, with significant investment required to ensure sufficiency.

Consideration

The Infrastructure Delivery Plan (IDP) considered the development outcomes and identified the required type and scale of infrastructure to be provided to support the precinct. The IDP also sets out a range of mechanisms that are expected to be used to fund and deliver the infrastructure and the purpose of it is to:

- assist infrastructure agencies and the community in understanding the ‘infrastructure task’ needed to support the creation of great places in Bays West,

- set out what infrastructure is needed, who could deliver it, and what mechanisms can be used to deliver it,
- identify the potential for individual developments, including development on key sites, to incorporate infrastructure needed by the anticipated development,
- assign priorities and an indicative staging schedule for delivery of the infrastructure, and
- provide a ‘road map’ to assist agencies to collaboratively plan, prioritise, program and deliver infrastructure in the sub-precinct in an orderly and timely manner.

The infrastructure items cover:

- Roads and traffic – including new streets, intersections, bust stops and cycleways,
- Open space – including a new district waterfront park, Power Station Park,
- Social infrastructure – including a new multipurpose library and community hub, district cultural spaces, local cultural theatre space, early education/child care, and district indoor sports/recreation centre, and
- Drainage – flooding and stormwater management infrastructure.

The IDP identifies that future development could include discussions with Council about the merits of a planning agreement between the State and Council to address local infrastructure considerations. It could provide for payment of a monetary contribution to Council, that considers the extent to which Stage 1 infrastructure meets local infrastructure demand and residual costs to Council. The IDP is provided at **Attachment D**.

Should no planning agreement be entered into, Council’s own infrastructure contribution plan would apply.

The recommended planning framework includes a concurrence clause which will require the Planning Secretary concurrence prior to the granting of any development consent. It requires the Planning Secretary to consult with state government agencies and consider the impact of development on state infrastructure prior to granting concurrence. Infrastructure which will be considered includes:

- State and regional roads,
- bus interchanges and bus lanes,
- rail infrastructure and land,
- regional parks and public space,
- social infrastructure and facilities, including schools, hospitals, and
- emergency services and justice facilities.

The Master Plan upon which the proposed planning framework is based was supported by a Social Infrastructure Needs Analysis which considered the need for Social Infrastructure and identified that the Stage 1 would be delivering appropriate facilities. It is noted however, that the analysis undertaken made assumptions for the broader delivery of Bays West precinct which will need to be tested further as areas outside of Stage 1 are master planned and rezoned. The Social Needs Analysis is provided at **Attachment E**.

6.7 Traffic and Transport

Issue

Submissions raised concerns regarding the impacts of the future development on proposed traffic and transport network. These issues included:

- the impact of proposed developments on the capacity of the road network,
- the limitations of a single road in and out of the broader Bays West Precinct, and the impacts future traffic would have on Robert Street and Mullens Street,
- lack of connectivity and integration into the surrounding road network area,
- Glebe Island Bridge and Glebe Foreshore Walk are key opportunities promoting the active transport across Bays West and should be delivered early, and
- Impacts of future development on the design and operation of Robert St and the industrial land on the northern edge.

General support was made in submissions regarding the proposed Metro Station as a significant infrastructure project that will unlock development, renewal, and investment in Bays West.

The SDRP provided general support for the provision for minimum vehicular traffic and car parking but identified concerns about:

- width of streets and the swept path of roads for large vehicles does not prioritise walking over road space, and
- Avoiding the duplication of the internal Port Access Road to White Bay Cruise Terminal and Robert St.

Consideration

The Department has undertaken extensive consultation with TfNSW and Metro to ensure that the Stage 1 Rezoning Proposal leverages the opportunities created by The Bays Metro Station in response to the limitations and constraints of the surrounding transport network. The redevelopment of Stage 1 will:

- Deliver new active transport network which will connect the new metro station with the surrounding area,
- Will support the delivery of a new Bus Interchange which will facilitate access to and from the Metro Station, and
- Deliver a link between the future Rozelle Railyard Parklands, The Bays Metro Station and the broader area.

The Rezoning Proposal is accompanied by a Transport Management and Accessibility Plan (TMAP) which has been updated in response to issues raised during public exhibition of the proposal. The TMAP establishes a 5% target for private vehicle mode share. This is also supported by other mitigation measures to limit the use of private vehicles. The Stage 1 Rezoning Proposal includes the following key provisions:

- Requiring a minimum amount of bicycle parking to be delivered,
- Mandating the provision of end of trip facilities, and
- Establishing very low maximum parking rates.

The importance of Glebe Island Bridge as a connection between the broader Bays West Precinct, surrounding communities and Pyrmont is recognised. The Stage 1 Rezoning proposal does not preclude the delivery of this important link, but it is outside the scope of Stage 1. The delivery of a connection between Glebe Island and Pyrmont Peninsula is currently being investigated by NSW Government.

Whilst the recommended planning framework will continue to be subject to maximum parking rates, the exhibited proposal initially identified that variations to parking standards would not be permissible. Government Stakeholder feedback identified that the diversity of land uses possible within the Bays West Stage 1 could potentially extend beyond the land uses identified within the parking rates of the proposed instrument. In response, the Department has recommended the removal of the prohibition on variations to parking rates, but only subject to a detailed assessment by the consent authority (which may include or be informed by more detailed transport modelling) and where development could demonstrate that it satisfies the objectives of the parking controls which are:

- to minimise the use of private vehicles, and
- to encourage the use of public transport, walking and cycling as the dominant mode of transport.

The Design Guide includes detailed sections on active transport which will support the shift away from private vehicle reliance for the broader Bays West precinct. The Design Guide identifies key components of the road network such as active transport connections and street character, whilst allowing flexibility for the day 1 and final location of the Main Street for the precinct. This is in response to stakeholder requests to allow further design development to occur as part of subsequent development applications and delivery phases.

With regards to the impacts on Robert St, the proposed planning controls do not limit or define the future design and operation of Robert St. This would be subject to further detailed design, assessment and development as part of the Critical State Significant Infrastructure applications for Metro West or as part of future development applications for the redevelopment of Stage 1.

The final recommended TMAP are provided at **Attachment K**.

6.8 Flooding

Issue

A submission from the DPE Environment and Heritage Group was received which requested the inclusion of a site-specific emergency response plan for Stage 1.

Consideration

The proposed rezoning controls allow for a range of possible land uses which a potential diverse range of outcomes in the future. Advice from the stormwater and flooding consultant is that this is something more appropriately resolved as part of any subsequent development applications for the site. Notwithstanding this, the Bays West Stormwater and Flooding Report (**Attachment F**) has been updated to include a section on Emergency Response Plans.

6.9 Sustainability and Biodiversity

Issue

Submissions received raised a range of issues relating to sustainability. Key matters raised include:

Support for the promotion of biodiversity and implementation of net-zero;

- Suggested additional provisions to be incorporated into the Design Guide to ensure the environmental impacts of new development is appropriately assessed and addressed,
- Incorporation of a 6-star sustainability rating, and
- Whether the proposal would have an impact on existing microbat populations. EHG recommends a review of the assessment of biodiversity values including the adequacy of microbat surveys, impacts of development on energy consumption and building materials.

Consideration

The rezoning proposal has been supported by a Sustainability Technical Report (**Attachment G**) which details the approach to sustainability which is framed by a level of ambition that represents world's best practice. The Report identifies four key areas for ongoing investigation as part of subsequent development including climate change and resilience, circular economy, whole-of-life carbon and district utilities.

This is intended to ensure that future development of Stage 1 delivers sustainability outcomes which are:

- low carbon precinct and buildings,
- Net zero precinct and buildings from day one,
- All electric operations, and
- Powered by 100% renewable energy.

The recommended planning provisions and the supporting Design Guide include a suite of requirements which will ensure that the precinct successfully delivers a net zero precinct. Critically, the precinct will be subject to a 5% sustainability bonus provision to incentivise the delivery of sustainable outcomes. The Design Guide provides the following requirements: provided at Figure 13.

Development type	Rating tool	Rating type	Target rating
Precinct wide	Green Star	Communities	6 Star
All new buildings	Green Star	Buildings	5 Star - residential and mixed use
			6 star - commercial
Commercial buildings	NABERS	Energy	5.5 Star
		Water	5 Star
		WELL	Silver
Residential buildings	Liveable Housing Design		Silver (30% of units)
			Gold (10% of units)

Figure 13 Sustainability Targets

In response to the concerns raised by EG regarding the impacts on Microbats and other species, further consideration was undertaken by the Ecological consultant which identified that further consideration of the impacts on threatened and endangered species should be undertaken at development application stage. This advice is provided at **Attachment H**.

7 Modifications in response to submissions

In response to the issues raised by the community and stakeholders' further consideration of aspects of the plan and testing occurred, this has resulted in a number of refinements to the proposal. Below is an overview of the amendments made to the rezoning proposal.

Environmental Planning Instrument Planning Framework

- Allow for design excellence and sustainability bonuses to FSR (excluding Metro),
- Increase the building heights of the Southern Development Parcel to ensure design excellence and sustainability bonuses can be achieved with minimal impacts on views and streetscape,
- Reduced the base FSR for the development block immediately to the south of the metro station to ensure that design excellence and sustainability bonuses do not impact on views of the White Bay Power Station from the Anzac Bridge,
- Establish a total GFA maximum for Site A Metro Station and Associated Development to provide certainty of outcomes,
- Allowed for further testing of parking rates through the assessment process, but only where development can demonstrate that it is achieving the core policy objective of a low private vehicle mode share,
- Permitted food and drink premises to be included as a use that can make up the majority of uses within the White Bay Power Station,
- Provided indicative built form controls should the Intake Sub Station be removed from the precinct and another use be located there,
- Revised the indicative street network to enable flexibility regarding the location of future 'Main Street', and
- Updated the Design Guide to address concerns raised by stakeholders and community.

The final recommended instrument maps are provided at **Attachment I**.

Design Guide

The key post exhibition changes proposed to the Stage 1 Bays West Design Guideline for Stage 1 are summarised below:

- Modification to the street hierarchy so that the 'main street' could run either round the back of the precinct or in front of the metro. Indicative street sections were also provided,
- Additional testing for sustainability and design excellence FSR incentives and associated modifications to the proposed built form controls within the precinct,

- Further refinement of the 'Connecting with Country' and 'Public Art and Culture' Chapters in partnership with our First Nations design and cultural consultants,
- Inclusion of built form controls should the Intake Substation be relocated out of the precinct,
- Further strengthening of the 'Amenity' chapter as a result of further testing to understand noise, wind and air quality impacts for the precinct,
- Incorporation of detailed feedback from relevant agencies including Sydney Metro, TfNSW, Place Making NSW and Ports Authority NSW,
- Incorporation of the Chapter on public domain areas adjacent to the White Bay Power Station into a single chapter,
- Further refinement of the sustainability provisions and structures in consultation with sustainability consultants and relevant agencies, and
- Further refinement of the chapters on 'Stormwater, Flood Mitigation and Water Quality' and 'Services and Infrastructure' so that the provisions did not overlap.

8 Conclusion

The recommended amendments seek to amend the planning controls in *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2022* to support the renewal of Stage 1 Bays West White Bay Power Station (and Metro) Sub-Precinct.

The Bays West Place Strategy was released on 15 November 2021. The Strategy gives effect to the Regional Plan and Eastern Harbour City District Plan by aligning its directions with the region and district framework for infrastructure, liveability, productivity and sustainability. This strategy outlines a vision for the precinct that will be realised through the 14 directions, supported by progress towards six big moves, which are key interventions to realise the full potential of the Precinct.

The Bays West Place Strategy identifies that the future of Bays West is evolving, and significant change is expected in the precinct. The future development of Stage 1 will be the first step in realising the vision outlined in the Place Strategy.

Bays West Stage 1 is the first of ten sub-precincts in the Bays West Precinct planned for redevelopment. It is envisaged the redevelopment of Bays West Stage 1 will take place over a period of 5-8 years (up to 2030).

The Stage 1 rezoning proposal will enable the benefits of:

- 78,000sqm of commercial floor space (5,412 jobs) including office and retail premises;
- 23,900sqm residential floor space (250 dwellings);
- 41,650sqm of new public open and green space;
- The revitalisation and protection of heritage-listed White Bay Power Station;
- Supporting social infrastructure including a district multi-purpose community/library hub; and,
- Improved public and active transport, including cycleways.
- The proposed SEPP is also consistent with the Bays West Place Strategy (Place Strategy) finalised in November 2021 and has been informed by the exhibited revised draft Master Plan.

The assessment undertaken as part of this finalisation report has demonstrated that the proposed planning controls for Bays West Stage 1 appropriately respond to the opportunities and constraints of the site. The assessment has sought to balance the various views contained in submissions from stakeholders, communities and Councils.

Attachment A – Consideration of State Policies and Plans

The Bays West Precinct falls within the Eastern City District. The District Plan sets out how the Greater Sydney Region Plan will apply to the area. It influences the delivery of housing supply, informs and influences planning for business and jobs growth, particularly in strategic centres and informs the decision making for infrastructure planning.

The District Plan, identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the area, including the alignment of infrastructure with growth.

Key relevant priorities are addressed below and a comprehensive address of all District Plan Priorities is included in Table 1.

Planning Priority E1 Planning for a city supported by infrastructure

Action 3. Align forecast growth with infrastructure

Action 4. Sequence infrastructure provision using a place-based approach

The White Bay Power Station (and Metro) Sub-precinct is central to the renewal of the broader Bays West precinct incorporating the White Bay Power Station and the new Metro station. This Sub-precinct will be a key activity centre for the broader Bays West precinct, providing for employment, recreation, retailing, civic, cultural and living opportunities for existing and new communities. It will be a nexus of connection between other Sub-precincts and the surrounding communities, while potentially providing a new regional open space connecting White Bay Power Station and the head of White Bay.

The delivery of the new Metro Station and adaptive reuse of the White Bay Power Station create strong opportunities for place making and delivering a precinct which responds to and recognises the importance of the precinct.

Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

Action 18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places

The preparation of the Place Strategy and the detailed sub-precinct master plan represents a place based approach to the planning of Bays West. They have been prepared with early identification of the environmental heritage values of the Precinct.

The proposed changes to building height and floor space have been prepared based upon the detailed analysis within the sub-precinct master plan.

The master plan and rezoning proposal also balances the aim of maintaining and enhancing a people-friendly public realm and of the area being a dynamic and desirable place to live, with the aim of expanding the precincts capacity for employment based around public transport and its position within the Innovation Corridor.

Planning Priority E7. Growing a stronger and more competitive Harbour CBD

Action 24. Strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:

- (a) further growing an internationally competitive commercial sector to support an innovation economy
- (b) providing residential development without compromising commercial development
- (c) providing a wide range of cultural, entertainment, arts and leisure activities

The rezoning proposal supports this action by enabling up to an additional 71,000m² of commercial space 4,700m² retail space which could equate to up to 4,954 jobs.

Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city

Action 36. Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public value and use of Sydney Metro City & South West, CBD and South East Light Rail, and Westconnex as well as other city shaping projects.

The rezoning proposal leverages the new Bays West Metro Station and the White Bay Power Station (and Metro) Sub Precinct will be a key activity centre for the broader Bays West precinct, providing for employment, recreation, retailing, civic, cultural and living opportunities for existing and new communities.

The Stage 1 Master Plan are part of the detailed place-based planning undertaken for the Precinct and the sites capable of change also support the forecast growth in commercial and residential floor space.

Planning Priority E11. Growing investment, business opportunities and jobs in strategic centres

Action 38. Provide access to jobs, goods and services in centres

The focus of the proposed changes is to promote employment land uses and some additional residential in the Precinct.

The proposed controls are strongly aligned to State Government objectives to adaptive reuse of the White Bay Power Station create strong opportunities for place making and delivering a precinct which responds to and recognises the importance of the precinct.

Table 1 – Consistency with Eastern City District Plan Planning Priorities

Action	Consistency
Planning Priority E1 – Planning for a city supported by infrastructure	Stage 1 of the Bays Precinct will leverage improved accessibility provided by the new Metro station to provide new employment opportunities in a highly accessible and high amenity location.

Action	Consistency
<p>Planning Priority E2 – Working through collaboration</p>	<p>The Department is the lead agency for the Bays West Stage 1 State led rezoning and has worked alongside and in consultation with key Government agencies to support the delivery including Port Authority of NSW, Placemaking NSW, Sydney Metro, Transport for NSW (TfNSW), Government Architect NSW (GANSW) and Schools Infrastructure NSW (SINSW).</p>
<p>Planning Priority E3 – Providing services and social infrastructure to meet peoples changing needs</p>	<p>Stage 1 of the Bays Precinct will deliver opportunities for new public spaces and facilities to provide a place for the community and workers to interact and engage with their surroundings.</p>
<p>Planning Priority E4 – Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>Stage 1 of the Bays Precinct will deliver opportunities for facilities and public spaces, while supporting a diversity of employment uses that accommodate the needs of the wider population and Sydney’s growing economy. The public domain opportunities include new open and green space, and pedestrian connections to encourage walking, cycling and community interaction.</p>
<p>Planning Priority E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport</p>	<p>The rezoning will increase proximity of new jobs in the Sydney CBD in a highly accessible location to houses, services and public transport. The proposal will also result in affordable housing provision and provide opportunities for new community infrastructure provision.</p>
<p>Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District’s heritage</p>	<p>The assessment of the rezoning has considered heritage impacts to the White Bay Power Station and the wider precinct. The Design Guideline provides a suite of built form and design provisions to ensure new development achieves high quality outcomes for built form, public domain and heritage.</p> <p>The rezoning of Bays West Stage 1 would not result in any adverse impacts to heritage items and further detailed analysis will be undertaken to support future development applications.</p>
<p>Planning Priority E7 – Growing a stronger and more competitive Harbour CBD</p>	<p>Bays West Stage 1 will contribute to the international competitiveness of the Harbour CBD by providing additional non-residential floorspace, delivering new jobs and services in close proximity to the public transport network. The proposal underpins the subsequent stages of the Bays West Precinct delivery of Tech Central and the Innovation Corridor identified in the District Plan.</p>

Action	Consistency
Planning Priority E8 – Growing and investing in health and education precincts and the Innovation Corridor	The Metro station presents a significant investment in the Innovation Corridor which will support the growth of Bays West Stage 1 and surrounding sub-precincts. The proposed investment and rezoning is intended to catalyse the Bays West precinct and will increase the supply of commercial and retail uses.
Planning Priority E9 – Growing international trade gateways	<p>The Bays West precinct will evolve over time into a mixed-use precinct integrated with enhanced port and working harbour activities. This includes creating an international gateway at the Cruise Terminal, capitalising on the innovation corridor to adapt to new technologies and sustainable port operations. as well as building a world-class foreshore walk with walking and cycling connections to surrounding areas</p> <p>The proposed amendments will reinforce Bays West as a mixed-use precinct integrated with enhanced port and working harbour activities,</p>
Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city	The rezoning of Bays West Stage 1 provides opportunities for additional jobs, in a central location that will be connected to existing public transport to bring people closer to their jobs, homes and the services they need.
Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres.	Bays West Stage 1 will deliver up to an additional 71,000m ² of commercial and 4,700m ² of retail floor space which equates to 4,954 jobs. The proposed rezoning will encourage investment, business opportunities and new jobs in close proximity to the public transport network.
Planning Priority E12 - Retaining and managing industrial and urban services land	Changes to land use zoning is proposed as part of the Bays West Stage 1 rezoning. The rezoning proposal will give effect to the Master Plan Direction 3 to <i>Retain, manage and allow the essential strategic port and maritime industry uses to grow and evolve, to ensure they continue to support the NSW economy.</i>
Planning Priority E13 - Supporting growth of targeted industry sectors	Bays West Stage 1 and wider Precinct will increase supply of commercial and retail uses which will enhance the amenity, vibrancy and safety of the area while protecting critical heritage assets and create an international gateway at the Cruise Terminal, capitalising on the innovation corridor to adapt to new technologies. The proposal will support ongoing growth of employment floor space in Sydney to meet NSW Government forecasts and anticipated demand.

Action	Consistency
<p>Planning Priority E14 - Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways</p>	<p>The proposal will permit the development of land directly adjacent to the harbour which will allow for significant improvements to the quality of water entering the harbour. This will be achieved through delivery of green and blue infrastructure that provides additional open space and improves the water quality of the harbour. Open space will be located along the natural water flow paths to capture flows water and treat it before it enters the harbour.</p>
<p>Planning Priority E15 - Protecting and enhancing bushland and biodiversity</p>	<p>Bays West Stage 1 contains very little remnant native biodiversity. There is no remnant native vegetation remaining and this reflects the history of use and disturbance. The land is surrounded by busy roads and the Port, therefore threatened terrestrial species are unlikely to be present. The waters surrounding the land provide limited suitable habitat for threatened marine species. If the proposed rezoning progresses, there would unlikely be any significant impacts on native terrestrial biodiversity.</p>
<p>Planning Priority E16 - Protecting and enhancing scenic and cultural landscapes</p>	<p>Development of Bay West Stage 1 will be guided by the <i>Bays West Stage 1 – White Bay Power Station (and Metro) Design Guide</i> which contains provisions for view sharing and outlook including provisions that aim to protect views to and from White Bay Park and the historic White Bay Power Station as outlined in that heritage item's conservation management plan.</p>
<p>Planning Priority E17 - Increasing urban tree canopy cover and delivering Green Grid connections</p>	<p>The proposal will provide opportunities to maximise canopy cover and biodiversity through a green street network and the provision of 41,650m² of open and green space.</p>
<p>Planning Priority E18 - Delivering high quality open space</p>	<p>More than 50% of the sub-precinct will be public open space including White Bay Park and provide opportunities to create well connected and activated areas around the White Bay Power Station and the future Bays Metro Station. The proposal includes planning controls to ensure protect solar access to this public open space</p>
<p>Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently</p>	<p>The proposal includes a new site-specific provision to require sustainability targets detailed in the Design Guide. This includes requirements for Green Star, exceeding BASIX, NABERS and other sustainability measures.</p> <p>The proposed increased BASIX targets will be linked to an incentive provision for additional floor space.</p>
<p>Planning Priority E20 - Adapting to the impacts of urban and natural hazards and climate change</p>	<p>Future development on the site will be required address the potential social, environmental and economic effects of climate change on future communities.</p>

Consistency with applicable section 9.1 Directions

Ministerial Direction	Comment	Consistent
1.1 Implementation of Regional Plans	The planning amendments are consistent with the relevant aims, objectives and provisions of the Region Plan.	Yes
1.3 Approval and Referral Requirements	The planning amendments do not include concurrence, consultation or referral provisions or identify any developments as designated development.	Yes
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The planning amendments do not contain provisions that contradict or would hinder application of this direction.	Yes
1.17 Implementation of the Bays West Place Strategy	The proposal has been informed by the Bays West Place Strategy and the amendments are consistent with this direction.	Yes
3.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance. The planning amendments contain provisions to facilitate conservation of heritage items within the precinct. The planning amendments do not contain provisions that contradict or would hinder application of this direction.	Yes
4.1 Flooding	The planning amendments enable intensification of development in this area. The proposal is supported a Flood Study and a Design Guide that provides flooding controls to mitigate and manage risks. Future development applications will continue to be required to address flooding risks.	Yes
4.4 Remediation of Contaminated Land	The planning amendments do not contain provisions that contradict or would hinder application of this direction. While the provisions in this planning amendments may result in some intensification of land uses in the Precinct, the proposal is supported by a Geotechnical and Contamination study.	Yes
4.5 Acid Sulfate Soils	The planning amendments do not contain provisions that contradict or would hinder application of this direction. The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Yes
5.1 Integrated Land Use and Transport	The objectives of this direction are to ensure that new development achieves access to housing, jobs and services, increases transport options while reducing dependence on cars, reduces travel demand, supports public transport and provides for efficient freight movement. The planning amendments do not contain provisions that contradict or would hinder application of this direction.	Yes

Ministerial Direction	Comment	Consistent
5.3 Development Near Regulated Airports and Defence Airfields	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p> <p>The proposal is support by Aeronautical advice and the planning amendments do not contain provisions that contradict or would hinder application of this direction.</p>	Yes
7.1 Business and Industrial Zones	The planning amendments do not contain provisions that contradict or would hinder application of this direction.	Yes

Consistency with applicable SEPPs

SEPP	Comment
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	<p>Consistent – the proposed amendments will not contradict or hinder application of this SEPP noting this will be a matter for detailed design at the development assessment stage.</p> <p>Future development will be required to demonstrate high levels of sustainable outcomes against relevant criteria and standards to support more sustainable transport outcomes by minimising parking to reduce private vehicle use.</p> <p>The application of design excellence processes will ensure the aesthetic qualities of future built form will be carefully considered during development assessment. Potential wind and solar impacts of the proposal have been assessed to ensure the interface between new buildings and existing/ future public spaces has a high level of amenity.</p>
State Environmental Planning Policy (Housing) 2021	<p>Consistent – the proposed amendments will not contradict or hinder application of this SEPP.</p> <p>The proposal includes provision for affordable housing contributions which will be implemented in accordance with the SEPP requirements and relevant legislation. Future development assessment will determine the appropriate requirements for adaptable design in accordance with relevant criteria.</p>

SEPP	Comment
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p>	<p>Consistent – the proposed amendments will not contradict or hinder application of this SEPP.</p> <p>The proposal will increase public access along the harbour foreshore while improving existing impacts on Sydney Harbour water quality. The Design Guide provisions will protect and maintain the visual qualities of the harbour by protecting significant views.</p>
<p>State Environmental Planning Policy (Planning Systems) 2021</p>	<p>Consistent – the proposed amendments will not contradict or hinder application of this SEPP.</p> <p>Development with a capital investment value (CIV) of \$10 million or more would continue to be State significant development.</p>
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>	<p>Consistent – the proposed amendments will not contradict or hinder application of this SEPP.</p> <p>The SEPP enables public authorities to undertake works for the purpose of cycleways, public amenities, recreation and landscaping as exempt development in public authority precincts such as Bays West.</p>
<p>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</p>	<p>Consistent – the proposed amendments will not contradict or hinder application of this SEPP.</p> <p>The EHC SEPP makes provisions for State Significant Precincts. The proposed planning amendments have been prepared in accordance with the State Significant Precinct process and with these provisions.</p>

Attachment B - Engagement Outcomes Report

Attachment C – Bays West Master Plan and Urban Design Framework

Attachment D – Infrastructure Delivery Plan

Attachment E – Social Needs Analysis

Attachment F – Bays West Stormwater and Flooding Report

Attachment G – Sustainability Technical Report

Attachment H – Response to Agency advice – Biodiversity

Attachment I – Instrument Maps

Attachment J - Affordable Housing Program

Attachment K - Transport Management Accessibility Plan

Attachment L Acoustic Report, Air Quality Report and Wind Report