

Department of Planning and Environment

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Blackwattle Bay State Significant Precinct

Finalisation Report

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 presents the Department of Planning and Environment's (the Department) assessment and finalisation of the proposed planning amendments for the Blackwattle Bay State Significant Precinct (SSP).

A State Environmental Planning Policy (SEPP) proposes to amend the *Sydney Local Environmental Plan 2012* (LEP 2012) and other relevant SEPPs to implement new planning controls to enable the renewal of the Blackwattle Bay Precinct. These amendments will enable:

- approximately 97,500m² of new residential gross floor area (GFA) allowing for 1,200 apartments to accommodate about 2,400 new residents.
- approximately 100,320m² of new commercial and retail GFA creating about 5,600 jobs.
- new buildings ranging from 6 storeys to 35 storeys in height.
- nearly 34,000m² of new interconnected parks and public space, including a 30 m wide foreshore promenade linking Glebe Island Bridge and the new Sydney Fish Market and completing the harbour foreshore walk around the Pyrmont Peninsula.
- contributions towards and provisions for infrastructure, including community and cultural uses and affordable housing.

In April 2016, the then Minister for Planning approved a request by UrbanGrowth NSW to allow consideration of The Bays Precinct as a SSP. Investigations into the rezoning of two areas in the SSP commenced, including Blackwattle Bay (formerly known as The Bays Market District) and Bays West. The Department issued study requirements for the Blackwattle Bay Precinct in 2017.

In 2019, Infrastructure NSW took over functions of UrbanGrowth NSW, including responsibility for the preparation of the SSP study of Blackwattle Bay. INSW submitted the SSP study to the Department in 2021. The study, including proposed planning amendments, master plan and supporting technical studies and reports was publicly exhibited from 2 July to 20 August 2021.

A total of 2,409 submissions were received during the public exhibition period. Issues raised in submissions included concerns about building height and density of development, lack of solar access to and the amount of public open space, increased traffic congestion, access and parking concerns, infrastructure contributions, the width of the foreshore promenade, social and affordable housing and suitability of development with the existing character of the area.

Following the exhibition and receipt of submissions, the Department provided INSW with an assessment letter with advice to address issues identified from a preliminary assessment. The Project Working Group (PWG) and Project Review Panel (PRP) also provided advice to INSW as it considered responses to the issues raised.

INNSW submitted its Response to Submissions (RtS) report to the Department in June 2022. The RtS presented a revised scheme with updated planning amendments and revised Design Guidelines that included:

- reductions in the height of most buildings
- reduction in development density by approximately 15%, with 36, 323m² less gross floor area
- adjustment to the land use mix to align with the Pyrmont Peninsula Place Strategy (PPPS) with job and residential targets
- revision of the open space strategy, including a widened foreshore promenade:
 - a 30m wide foreshore promenade (south)
 - a 26m wide foreshore promenade (north) – comprising a 10m if this as part of an over water boardwalk and 16m on foreshore land that includes a 6m wide colonnade.
- commitment to the provision of supporting infrastructure and more affordable housing
- adoption of progressive sustainability targets and initiatives
- strengthened commitment to Aboriginal engagement and Designing with Country
- revised internal street network, widths, and realigned intersection at Wattle Street
- reduction in private vehicle reliance with 25% (or 365 car parking spaces) fewer car parking spaces compared to the exhibited scheme
- refinements to the built form, improving sunlight access and wind performance to public space
- an alternative to Council’s Design Excellence – Competitive process for new buildings and public space
- additional mitigation measures to improve amenity for residents and workers, and maritime safety
- strengthened role as vibrant and diverse urban quarter supporting a 24-hour economy with cultural, entertainment, arts and leisure activities consistent with the PPPS.

The RtS report was made publicly available for comment from 28 July to 26 August 2022. The Department received a further 82 submissions raising similar issues in response to the 2021 exhibited proposal. Some submissions supported the RtS as it would provide much needed housing in Sydney.

The Department’s assessment has considered the key issues, including the height, scale and density and land use mix, solar access to public space and neighbours, the foreshore and promenade, amenity considerations, infrastructure contributions, and traffic and transport issues. This assessment considered advice from the City of Sydney Council (Council), Government Architect NSW and Transport for NSW (TfNSW) through the PWG and PRP.

Based on the Department's assessment and consideration of matters raised in public submissions and submissions by the City of Sydney Council and other relevant government agencies further changes were required to the RtS scheme, the proposed planning amendments and/or Design Guidelines to make the proposal wholly adequate for approval:

- reduced part of the building envelope of BLD 03 to improve solar access to existing neighbouring sites
- increased the width of the foreshore promenade (north) from 26 m to 30 m, matching the southern portion of the promenade
- inclusion of new provisions in the Design Guidelines that:
 - require tall slender towers with maximum tower floor plate sizes that will minimise visual impacts and maximise solar access to public space
 - establish minimum solar access requirements to the foreshore promenade and Promontory Park to ensure high amenity and tree growth
 - secure the delivery of the wider foreshore promenade, including the 10 m over water boardwalk
 - establish improved standards for air quality, noise and wind outcomes for future residents and public space
- limited the staging of development until INSW obtains the approval of TfNSW in relation to the proposed Bank and Miller Street intersection
- a further reduction of 220 commercial car parking spaces to reduce traffic congestion
- required the application of Council's Design Excellence -- Competitive design process rather than an alternate policy proposed by INSW

Other minor adjustments and changes have been in response to submissions, which are outlined in more detail in this report.

The Department considers the revised RtS scheme supported by the proposed planning amendments and the Design Guidelines will support the precinct's revitalisation that will bring about long term public benefits to the community including:

- transformation of the existing waterfront industrial precinct into a vibrant 24 hour mixed-use precinct that will accommodate a range of employment and residential uses
- new homes close to jobs and services and existing and proposed public transport, including a new Metro
- delivery of nearly 34,000m² of new high quality public parks and domain areas
- provision of a 30m wide foreshore promenade that will connect the harbour foreshore walk from Rozelle Bay to Woolloomooloo – a length of 15km
- a sustainable precinct that requires development to meet high sustainability criteria and demonstrate design excellence
- a significant contribution to affordable housing alongside the provision of other infrastructure contributions and works.

1. Introduction

This report presents the Department of Planning and Environment's (Department) assessment and finalisation of the proposed planning amendments to enable the renewal of the Blackwattle Bay State Significant Precinct (SSP). The proposed amendments will rezone Blackwattle Bay Precinct (precinct) allowing it to become a new urban quarter with homes, jobs, public space, a foreshore promenade, and infrastructure to support growth. This report includes:

- information on the SSP process, public exhibition and consultation undertaken, and description of the public submissions received
- the Department's consideration of the issues raised during public exhibition of the SSP study in 2021 and the Response to Submissions (RtS) in 2022 including whether issues have been reviewed or refined
- the Department's assessment of the proposed planning control amendments and Design Guidelines provisions
- the consistency of the rezoning with relevant environmental planning instruments (EPIs) and policies.

A State Environmental Planning Policy (SEPP) will amend *Sydney Local Environmental Plan 2012* (LEP 2012) and other relevant SEPPs to implement new planning controls. It will also give effect to the exhibited Explanation of Intended Effect (EIE) to enable the renewal of the precinct under the new planning controls and Design Guidelines. The new planning controls will enable:

- approximately 97,500m² of new residential gross floor area (GFA) allowing for about 1,200 new apartments (or around 2,400 new residents)
- approximately 100,320m² of new commercial and retail GFA creating about 5,600 jobs
- new buildings ranging between six and eight storeys up to a maximum of 35 storeys (or a maximum height of RL 141 m)
- a 30m wide foreshore promenade providing continuous public access between the Glebe Island Bridge and the new Sydney Fish Market completing one of the final links of the harbour foreshore walk around the Pyrmont Peninsula
- over 30,000m² of new parks, foreshore promenade and public space
- contributions towards and provisions for infrastructure, such as community and cultural uses such as libraries, childcare facilities and/or community centres in the area and affordable housing.

The Department has worked in collaboration with the NSW Government Architect (GANSW), Transport for NSW (TfNSW) and the City of Sydney Council (Council) and considered their advice in its assessment and finalisation of the new planning controls and Design Guidelines.

1.1 Blackwattle Bay State Significant Precinct

In April 2016, the then Minister of Planning approved a request by UrbanGrowth NSW to allow consideration of The Bays Precinct as a SSP for potential rezoning under *State Environmental Planning Policy (State Significant Precincts) 2005*.

The Minister also agreed the commencement of investigations into rezoning two of the destinations within the SSP, namely the White Bay Power Station and the Bays Market District (now known as Blackwattle Bay precinct). The Department issued study requirements for the precinct in 2017.

Following the 2019 State election, Urban Growth NSW was realigned its structures and its functions transferred to INSW including responsibility for preparing the SSP study for Blackwattle Bay (BWB).

State Significant Precincts (SSPs) are areas with State or regional planning significance because of their social, economic or environmental characteristics. The planning process for a SSP involves:

- the issue of study requirements by the Department
- preparation of a SSP study and rezoning proposal by the Proponent agency
- exhibition of the SSP study and rezoning proposal
- preparation of a Response to Submissions report by the Proponent agency

The Department is responsible for undertaking a comprehensive assessment of the rezoning proposal to determine the appropriateness, carefully consider environmental and social factors and identify the infrastructure needs of the future population.

The Department undertakes this assessment, considering feedback from the public and other stakeholders, in collaboration with local government and relevant State agencies and makes a recommendation to the Minister for determination.

The Department then prepares a recommendation to the Minister for Planning to consider. If approved, the new planning controls are made and development applications can be submitted to the consent authority. More information about the SSP process is available on the Department's website [here](#).

1.2 Collaboration

The SSP process involves collaboration with other government agencies and the local Council. For the precinct, this involved a project working group (PWG) and project review panel (PRP) with membership from the Government Architect NSW, Transport for NSW and the City of Sydney Council (Council).

The PWG and PRP met at key milestones during the project to provide advice to INSW during the preparation of the SSP study (two meetings in 2020), consider the adequacy and exhibition of the SSP study (June 2021), receive a briefing on the RtS (March 2022) and to consider residual issues arising from the RtS report and provide advice to the Department (August 2022) to inform its final assessment and recommendation to the Minister for Planning.

This report refers to the advice and recommendations of the PWG and PRP, where relevant.

2. Site and Strategic Context

2.1 Site and Context

Blackwattle Bay is located on the western edge of the Pyrmont Peninsula, approximately 1.2km from the Sydney Central Business District (CBD) in the City of Sydney Local Government Area (LGA). It includes the waters of Blackwattle Bay and adjoins the foreshores of Glebe to the west and Pyrmont Bridge Road and Wentworth Park to the south. The precinct study area comprised approximately 10.4 hectares (ha) of land including the new Sydney Fish Market (under construction) and 10.6 ha of water. See **Figure 1**.

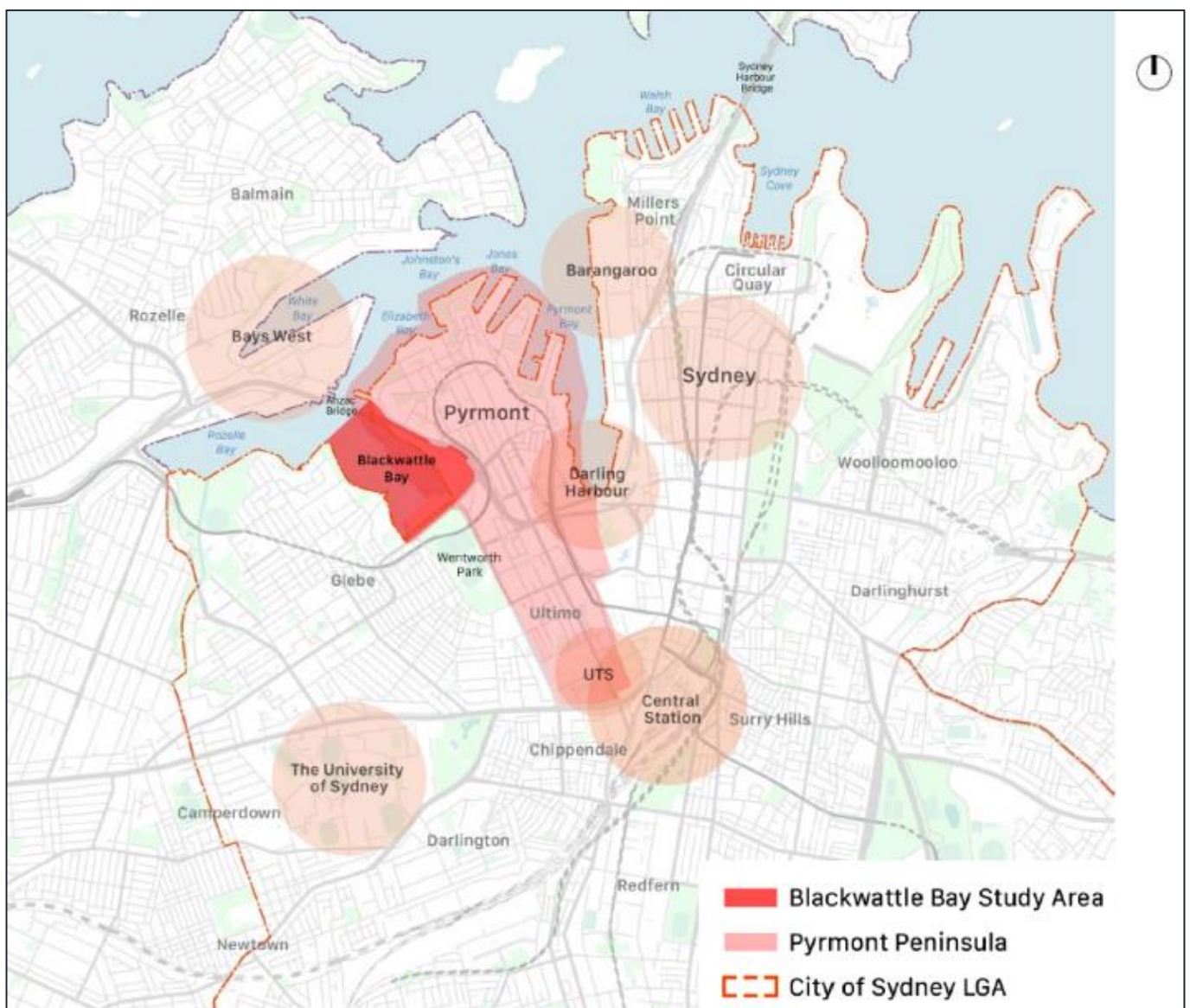


Figure 1: Strategic Context (source: Blackwattle Bay State significant precinct study, June 2021, INSW)

The precinct land wraps around the southern and eastern edges of Blackwattle Bay bound by Bridge Road to the south, Bank Street to the east and the waters of Blackwattle Bay from Glebe Island Bridge to Blackwattle Bay Park. See Figure 2.



Figure 2: Blackwattle Bay Study Area (source: Blackwattle Bay State Significant Precinct Study, June 2021, INSW)

Existing development and land uses on the site include:

- land surrounding the southern pylon of the Anzac Bridge used for storage and temporary uses such as a site compound by Transport for NSW and Dragon Boat storage, which includes a plastic mesh boat ramp
- the existing Sydney Fish Market and the site of the new Sydney Fish Market at the head of Blackwattle Bay
- the Hymix concrete batching plant and industrial and commercial buildings
- a seawall between 1 and 2 m in height of sandstone and concrete block construction.

Most of the land in the precinct is owned by Government except for four parcels of land (see Figure 2), including:

- 21-29 Bank Street owned by Australian Fishing Industries and occupied by a two-storey building used for a seafood distribution business
- 31-35 Bank Street owned by EJC Pyrmont and occupied by a part-single, part-two storey warehouse
- 1B, 37-39 and 41-45 Bank Street owned by Hymix and occupied by a concrete batching plant

The Hymix owned land is separated by a parcel of land owned by Transport for NSW. Hymix has a current arrangement with Transport for NSW to operate over this parcel of land.

The new Sydney Fish Market is due to open in 2024 and will include fish market operations, retail, food and drink premises, and the Sydney Seafood School. This development has been the subject of two State Significant development applications for its approval (link to planning portal: [SSD 8924](https://www.planningportal.nsw.gov.au/major-projects/projects/new-sydney-fish-market-stage-2) and [SSD 8925](https://www.planningportal.nsw.gov.au/major-projects/projects/new-sydney-fish-market-stage-2))<https://www.planningportal.nsw.gov.au/major-projects/projects/new-sydney-fish-market-stage-2>. See Figure 3 for an artist's impression.

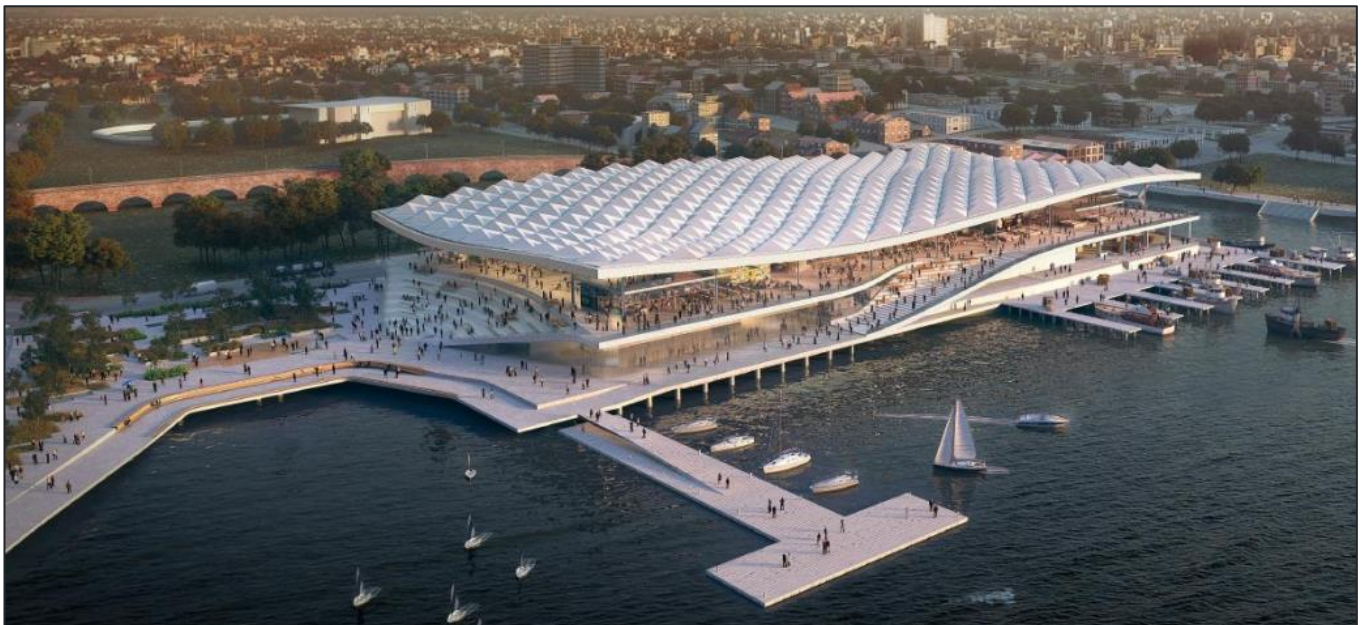


Figure 3: Illustration of the new Sydney Fish Market under construction (source: DPE SSD 8925 Assessment Report)

2.2 Strategic Context

2.2.1 Pyrmont Peninsula Place Strategy

The Pyrmont Peninsula Place Strategy (PPPS) was endorsed by the Minister for Planning and Public Spaces in December 2020 and was shaped by the strategic vision of the Greater Sydney Region Plan and the Eastern City District Plan.

The PPPS was informed by an evidence-base including an economic development strategy which established the potential for city-shaping renewal with significant growth in jobs to support the role of the Sydney CBD as the economic hub of the region. The PPPS also identified Five Big Moves to help realise the vision and the peninsula's potential:

1. A world-class harbour foreshore walk
2. A vibrant 24-hour cultural and entertainment destination
3. Connect to metro
4. Low carbon, high performance precinct
5. More, better and activated public space

A structure plan identified areas most appropriate for growth and change while balancing character, heritage and amenity. The Blackwattle Bay sub-precinct was identified as one of seven sub-precincts (Figure 4) with the capacity for growth and change. Within this larger sub-precinct area, the Blackwattle Bay SSP study area was identified as a key site due to its potential to deliver strategic change and public benefits in line with the vision and directions of the PPPS.



Figure 4: Pyrmont Peninsula Place Strategy sub-precincts showing Blackwattle Bay SSP (source: DPE PPPS)

The Blackwattle Bay sub-precinct is forecast to see about 2,055 new residents and 5,770 new jobs over the next 20 years. Under the PPPS, the Blackwattle Bay SSP is required to address the Directions of the PPPS, special considerations for master planning and the relevant sub-precinct place priorities. This assessment is provided in **Appendix B**.

2.2.2 Blackwattle Bay sub-precinct master plan

In July 2022, the Blackwattle Bay sub-precinct master plan was finalised (Figure 5). The master plan complements the vision, directions, structure plan and place priorities of the PPPS by providing more guidance on how the Pyrmont Peninsula can accommodate growth and change over time.

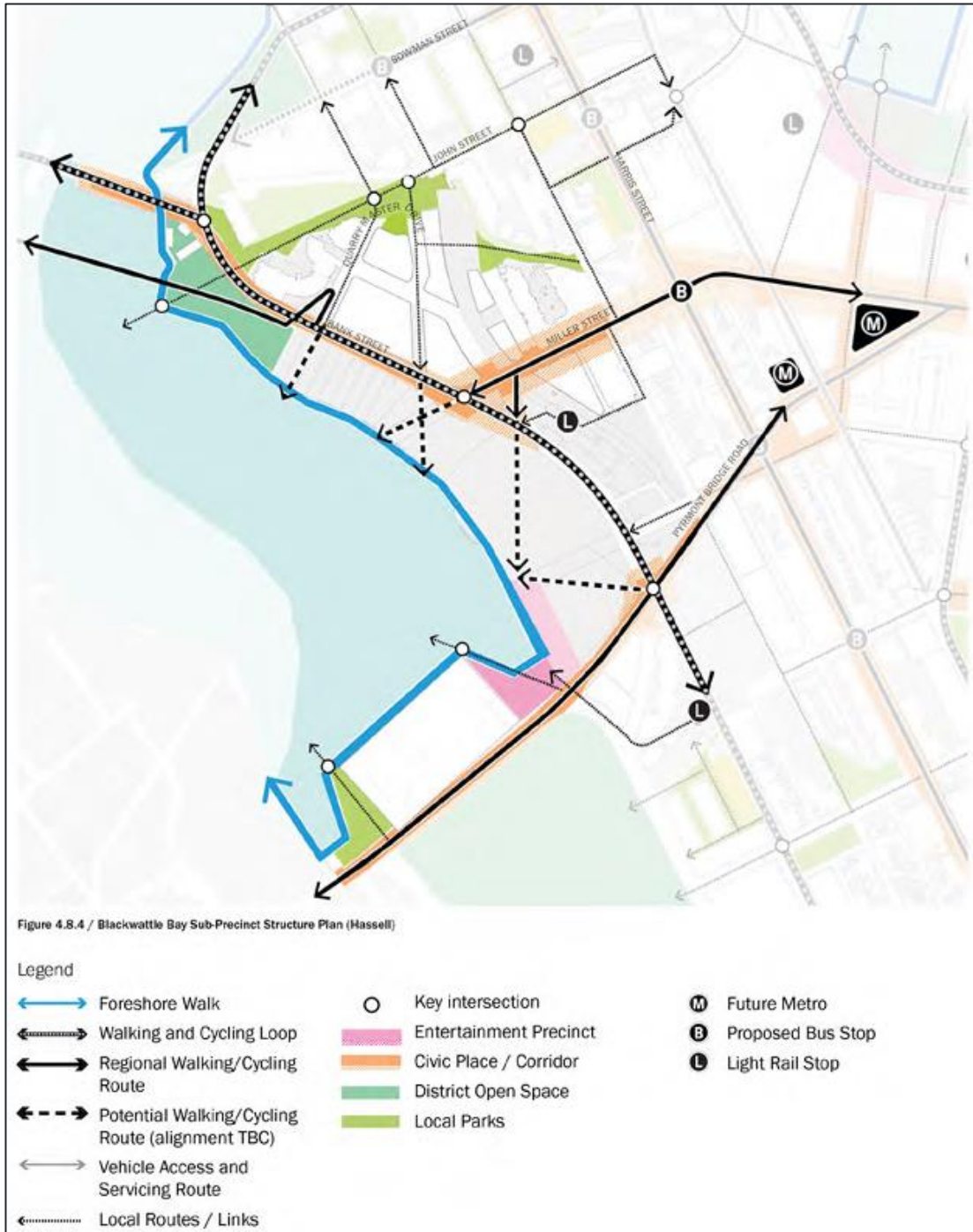


Figure 5: Blackwattle Bay sub-precinct master plan (source: DPE PPPS Pyrmont Urban Design Report Vol 3 – Sub-precinct Masterplans July 2022)

As the Blackwattle Bay precinct is a State-significant precinct the sub-precinct master plan identified the final planning and design controls would be determined at the completion of the SSP process. An assessment of INSW's response to submissions against the sub-precinct master plan is provided in **Appendix B**.

3. SSP Proposal

3.1 INSW Informal Exhibition

INSW conducted non-statutory consultation during May and June 2020 to provide the community with information about three proposed scenarios for the precinct. INSW outlined that feedback was sought on the elements of all three scenarios to inform the development of a final precinct plan. Feedback was invited through submissions, online surveys, and a series of online walkthrough sessions.

Key issues raised in feedback mainly related built form and the potential for increased transport and traffic congestion within the area. However, INSW noted that the renewal of the precinct was generally supported. A link to INSW's Community and Stakeholder Engagement: Outcomes Report can be [found here](#).

3.2 Formal Exhibition

The Blackwattle Bay SSP Study, including an EIE setting out the proposed planning controls, a masterplan and series of supporting technical studies were publicly exhibited from 2 July - 20 August 2021. This included a 2-week extension to the exhibition period in response to requests from Council and the community. A link to the exhibition documents can be [found here](#).

The exhibited plan sought to introduce planning controls to enable the delivery of:

- New homes, jobs and services close to the CBD with the potential to accommodate around 5,600 jobs and 1,550 dwellings.
- A continuous waterfront promenade – the missing link in an otherwise 15km foreshore walk from Woolloomooloo to Rozelle.
- New and improved pedestrian and cycling links to bring the neighbourhood closer to the harbour.
- Improved public transport options and minimised vehicle usage strategies including:
 - Minimising car parking spaces with limited on-street parking
 - Potential ferry wharf
 - Access to the future Sydney Metro West Station in Pyrmont.
- New parks and green spaces with up to 30,000 m² of new open space.
- New Sydney Fish Market.

The exhibited precinct plan is shown in **Figure 6**.



Figure 6: Exhibited Precinct Plan (source: Urban Design Statement Volume 1, June 2021, FJMT)

Notification

The exhibition of the SSP Study was formally notified via direct mail to 13,672 local addresses within Pyrmont, Ultimo, Forest Lodge and Glebe. Notification letters were emailed to the following NSW Government agencies and representative bodies:

- Aboriginal Affairs NSW
- Aboriginal Housing Office
- AGL
- Ambulance NSW
- Ausgrid
- City of Sydney Council
- Civil Aviation Safety Authority
- Create NSW
- Department of Education - School Infrastructure NSW

- Department of Primary Industries (Fisheries)
- Environment Protection Authority
- Fire and Rescue NSW
- Greater Cities Commission (formerly Greater Sydney Commission)
- Health NSW
- Heritage NSW
- Inner West Council
- Jemena
- Land and Housing Corporation
- Metropolitan Aboriginal Land Council
- NSW Police
- Office of Environment and Heritage (Heritage)
- Office of the Government Architect NSW
- Placemaking NSW (formerly Place Management NSW)
- Sydney Local Health District
- Sydney Metro
- Sydney Water
- Transport for NSW
- Water NSW.

A response to agency submissions can be found at **Appendix C**.

INSW Engagement

INSW undertook a range of engagement activities during the exhibition period including:

- Two emails to the project electronic distribution list of 2,380 people on 6 July and 6 August 2021 advising of the exhibition, where to view the documents, and how to make a submission
- Postcards distributed outlining exhibition and engagement activities
- Webinars followed by question time focussing on the general outline of the SSP (20 July), Traffic, Transport and Harbour Uses (22 July), Community Heritage and Culture (26 July), Environmental Considerations (27 July)
- A call-back service to respond to questions from the public following webinars
- A Guide to the SSP Study document and 'How to make a submission' flyer was produced and hosted on the INSW website and included in all outgoing communications to help readers navigate the documents on exhibition
- Briefings of City of Sydney Councillors.

3.3 Response to Submissions Notification

In June 2022, INSW submitted the Response to Submissions (RtS) report with amendments to the proposed precinct plan and draft planning controls.

The RtS and associated documents were made available for public comment from 28 July - 26 August 2022. Notification emails were sent to previous submitters from the 2021 exhibition, and subscribers on the DPE Blackwattle Bay webpage. Notification emails were sent to NSW Government agencies requesting feedback. On 29 July 2022, a media release was issued by the Minister for Infrastructure on the NSW Government website advising of the changes outlined in the Response to Submissions report. This announcement was also featured on Nine News on 28 July 2022. A response to agency submissions can be found at **Appendix C**.

The key changes made by INSW in response to public, organisation and government agency comments and submissions include:

- reductions in the height of some buildings
- reduction in density by approximately 15%, equivalent to 36,323m² GFA less than was originally proposed under the exhibited plan
- reduction in new residents by about 29% (around 840 fewer residents from exhibited plan)
- revisions to the land use mix to align with the Pyrmont Peninsula Place Strategy (PPPS) job and resident targets
- revision of the open space strategy, including a widened foreshore promenade:
 - minimum 30m in width along the foreshore promenade (south)
 - minimum 26m in width along the foreshore promenade (north) – comprising a 10m over water boardwalk, a 16m wide promenade on land that includes a 6m wide colonnade
- commitment to the provision of supporting infrastructure and more affordable housing
- adoption of progressive sustainability targets and initiatives
- strengthened commitment to Aboriginal engagement and Designing with Country
- reduction in car parking spaces from 1440 spaces to 1075 spaces (25% reduction).
- refinements to built form outcomes
- improving sunlight access and wind performance to public space
- commitment to Design Excellence for new buildings and public space
- additional mitigation measures to improve amenity for residents and workers, and maritime safety
- strengthened role as vibrant and diverse urban quarter supporting a 24-hour economy with cultural, entertainment, arts and leisure activities consistent with the PPPS.

The revised Precinct Plan is seen in **Figure 7** and **Figure 8**.



Figure 7: Revised Building Massing and Land Use Distribution (Source: Response to Submissions, Blackwattle Bay State Significant Precinct, July 2022, INSW)



Figure 8: Revised Precinct Plan (Source: Response to Submissions, Blackwattle Bay State Significant Precinct, July 2022, INSW)

3.4 Proposed Amendments to the Planning Framework

Following the Department's consideration of issues raised in submissions both for the original scheme and that revised by the Response to Submissions (refer Section 5), the Department is recommending the following key revisions to the scheme:

- reduced part of the building envelope of BLD 03 to improve solar access to existing neighbouring sites
- increased the width of the foreshore promenade (north) from 26 m to 30 m, matching the southern portion of the promenade
- inclusion of new provisions in the Design Guidelines that:
 - require tall slender towers with maximum tower floor plate sizes that will minimise visual impacts and maximise solar access to public space
 - establish minimum solar access requirements to the foreshore promenade and Promontory Park to ensure high amenity and tree growth
 - secure the delivery of the wider foreshore promenade, including the 10 m over water boardwalk
 - establish improved standards for air quality, noise and wind outcomes for future residents and public space
- limited the staging of development until INSW obtains the approval of TfNSW in relation to the proposed Bank and Miller Street intersection
- a further reduction of 220 commercial car parking spaces to reduce traffic congestion
- required the application of Council's Design Excellence Policy rather than an alternate policy proposed by INSW

To support this outcome the following outlines the amendments to Sydney LEP 2012 and other supporting SEPPs to give effect to precinct's rezoning and providing development controls that support future development. These amendments will be given effect to through a self-repealing and amending SEPP.

3.4.1 Sydney Local Environmental Plan 2012

Amendments to LEP 2012 will include map amendments, amendments to existing clauses and the introduction of site specific clauses for the Blackwattle Bay precinct. These changes include:

- rezoning the new fish market site SP1 Special Activities (Sydney Fish Market), the old fish market site part B4 Mixed Use and part RE1 Public Recreation, and the private land in the precinct B4 Mixed Use. The north west tip of the precinct is already zoned RE1 Public Recreation and does not need amending. See Figure 9¹.

¹ Note: the MU1 Mixed Use zone is the new employment zone to replace B4 Mixed Use. The new employment zones come into force 26 April 2023.

- retaining the existing floor space ratio (FSR) control of 2.5:1 as per LEP 2012 applicable to private land and proposing no floor space ratio control on the Government land (old Sydney Fish Market site). The Government land will be controlled by maximum height and maximum gross floor area in LEP 2012
- enabling additional FSR (up to a maximum) for the private landowner sites if the foreshore promenade and through site links are provided as part of any development and be publicly accessible.
- setting a land use mix by prescribing a *maximum* amount of floor space that can be used for residential purposes and a *minimum* amount of floor space that can be used for non-residential purposes (ie commercial development). Commercial development includes offices, retail and food/drink premises. This approach will result in an approximate split of residential to non-residential floor space across the precinct of 49% / 51%. Flexibility is proposed for commercial floor space as there is no maximum set but there will not be the opportunity for more residential floor space to occur at the expense of non-residential floor space.
- a requirement that a foreshore promenade and through site links be provided on the private lands. These sites can only access additional floor space under the LEP if 20m of the 30m wide foreshore promenade is provided on the private landowner sites is delivered and publicly accessible. The same applies for through site links in between future buildings to ensure public access from Bank Street through to the foreshore
- delivery of four new public open space areas that will be protected from overshadowing via the existing 'sun access protection' controls (Bank Street Park, Sydney Fish Market Urban Park, Wentworth Park and the Glebe foreshore)
- the 10% height or floor space bonus will not be made available under Clause 6.21D (3) (Competitive design process), however the Design Excellence (Clause 6.21C) and competitive processes (Clause 6.21D) will still apply.
- applying a commercial car parking rate of 1 space per 1,100m² GFA
- a requirement that development to be consistent with the Design Guidelines.

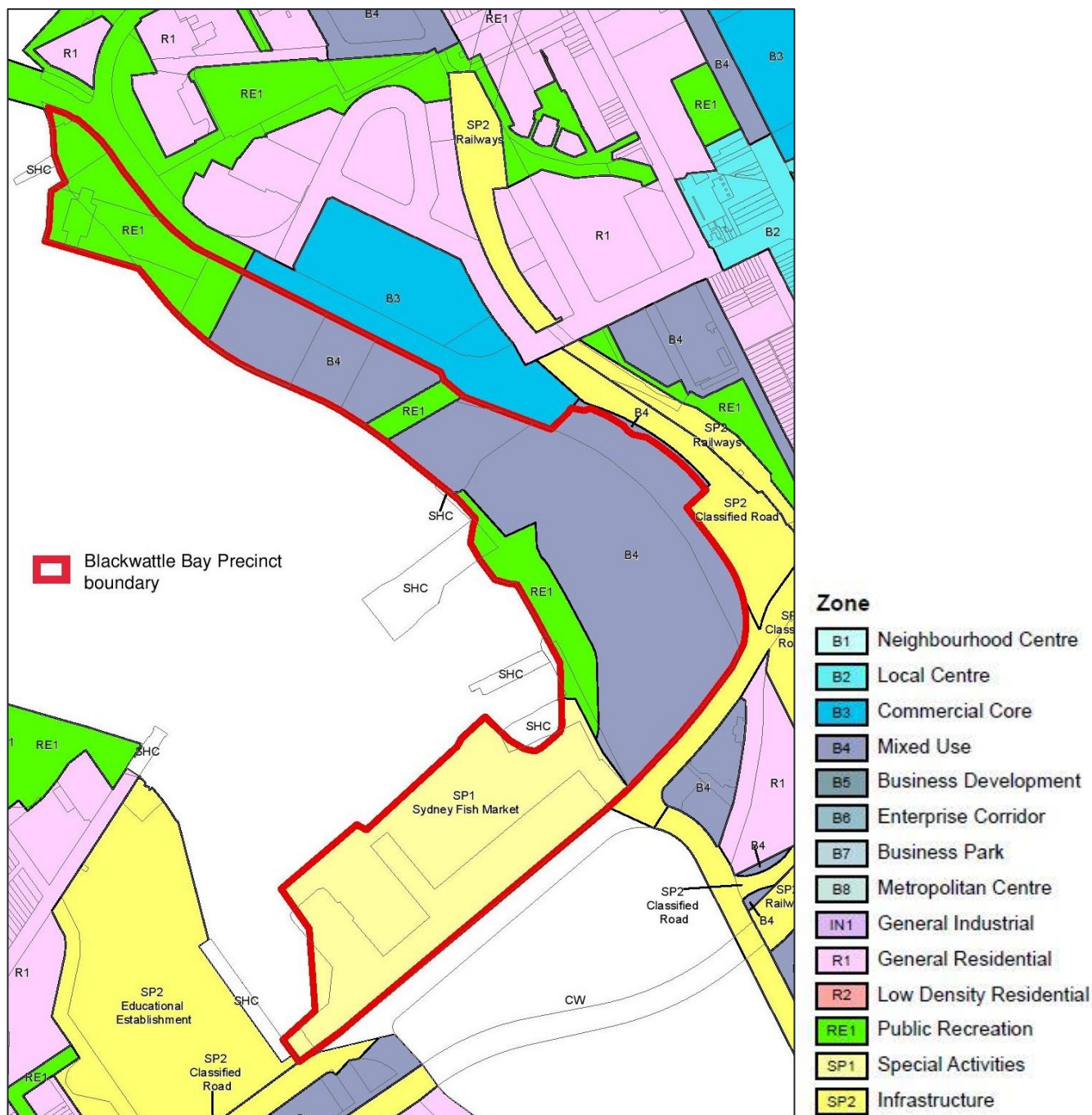


Figure 9: Proposed zoning map

3.4.1.1 Affordable Housing

An affordable housing contribution of 7.5% for residential and non-residential floorspace will be collected via LEP 2012. See **Section 5.4.2** for further discussion.

3.4.1.3 Requirement for a Development Control Plan

Clause 7.20 of LEP 2012 will be amended such that the preparation of a site-specific Development Control Plan (DCP) will not be required. This is often required for key sites and projects in the city.

Removing this requirement also means that a Concept Plan development application is not required to be prepared for the first development application for the precinct, in lieu of a DCP.

The reasons for why this appropriate is that:

- the Design Guidelines (was exhibited as a Design Code) addresses the relevant matters for a DCP under Clause 7.20 (4) informed by extensive technical studies and assessments as part of the SSP study
- a DCP would not apply to State Significant development, which is expected to be most of the new development in the precinct (see **Section 2.3.2.3**)
- The extensive site specific planning undertaken for the precinct both through the SEPP and LEP amendments, and under the precinct based Design Guidelines will provide the level of detail and certainty expected from a Concept Plan DA or a Development Control Plan
- The Blackwattle Bay Precinct has been the subject of a continuum of high level to site specific strategic planning that has led to site specific controls tailored to ensure desired built form and public domain outcomes for the site compatible with the peninsula and the vision for the peninsula.

3.4.1.2 Design Excellence – Competitive design process

Clause 6.21D of LEP 2012 sets out Council’s competitive design process to achieve design excellence in the built form. This existing clause will apply to all buildings in the precinct greater than 25 m in height or with a CIV over \$100 million.

INSW has proposed that the 10% height or floor space bonus under Clause 6.21D (3) will not apply to the site (see **Section 5.1**). This is consistent with rezoning of other key sites under the PPPS in July 2022.

3.4.1.4 Deferred commencement of instrument

The commencement of the above amendments in LEP 2012 will be deferred for six (6) months after the instrument is published on the NSW legislation website. This is to allow for the finalisation of infrastructure provisions to support the development of the precinct. These matters are expected to be resolved and agreed to in the first half of 2023. See **Section 5.4.1** for further discussion.

3.4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

Incorporate new Sydney Fish Market site into Sydney LEP

The site of the new fish market is zoned part W1 Maritime Waters under the Biodiversity and Conservation SEPP and part W1 Waterfront Use under the Eastern Harbour City SEPP. The new fish market development has been approved as State Significant Development (SSD) and is now under construction. Details of the consent can be [found here](#).

The new fish market was classified as State Significant Development (SSD) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EPAA). The overlaying SEPP controls of the market development meant it was partly permissible with consent, partly permissible without consent and partly prohibited under different environmental planning instruments. Section 4.38 (3) of the EPA Act allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument.

While the new Fish Market is approved and under construction, it is appropriate to include this site under the planning controls of LEP 2012. This will involve rezoning the W1 zoned part of the site to SP1 Special Activities (Sydney Fish Market) to better reflect the approved development.

Remove requirement for Master Plan

The Biodiversity and Conservation SEPP identifies the precinct as a 'Strategic Foreshore site' that requires a master plan be prepared for the area.

Given the lengthy process of formulation and now finalisation of the planning package as outlined in this report and implementation of new more suitable development controls for the site, a detailed master planning process is not considered necessary. Hence, the requirement for a master plan will be removed from the SEPP and will not be required prior to seeking development application approval for development in the precinct.

3.4.3 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

This SEPP permits certain State significant precincts to hold community and commercial events as Exempt Development, subject to meeting appropriate development requirements. These precincts include Circular Quay, The Rocks, Darling Harbour, Barangaroo and Sydney Olympic Park and are managed by Place Management NSW (PMNSW). Exempt development events can only occur in public domain areas of these precincts.

It is proposed that PMNSW will also manage the public domain within the Blackwattle Bay Precinct and so it will be included in the Codes SEPP as a 'major event site' to facilitate the holding of events. The SEPP will be amended include the Blackwattle Bay Precinct to also permit the same forms of Exempt Development. This will ensure consistency for events management across State Government owned and managed foreshore areas on Sydney Harbour.

3.4.4 State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

Under Schedule 2(2) of the Planning Systems SEPP development with a CIV² greater than \$10 million that is located within the Bays Precinct site is declared to be SSD. The Bays Precinct site identified in the SEPP includes most of the Blackwattle Bay Precinct, but not the new fish market site.

The only change to the SEPP proposed is to the associated map that will now include the new Fish Market site to align with the change under the Eastern Harbour City SEPP (see below). This will mean the new fish market site will be part of the 'Bays Precinct Site'.

² CIV - Capital Investment Value

3.4.5 State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (Eastern Harbour City SEPP)

Incorporate new Sydney Fish Market site into Sydney LEP

The new Fish Market site is partly zoned W1 Waterfront Use under the Eastern Harbour City SEPP. This part of the new fish market site will be zoned to SP1 Special Activities (Sydney Fish Market) under LEP 2012.

This amendment, along with the amendment to the Biodiversity and Conservation SEPP, will ensure that all land in the precinct is zoned under LEP 2012.

City of Sydney to be consent authority for development under \$10 million

Under the SEPP the Minister for Planning is the consent authority for development with a CIV of not more than \$10 million, which is also carried out by a person other than a public authority on land identified on the Sydney Harbour Port and Related Employment Lands Map.

The Eastern Harbour City SEPP also provides that development with a CIV of not more than \$10 million that is carried out by a public authority on the same land is development that does not require consent.

Development on the new Fish Market site is affected by these two provisions. With the SSD approval in place for the new fish market plus the finalisation of the planning package as outlined in this report, these provisions are no longer needed and will be removed from the Eastern Harbour SEPP.

The result of this amendment means the City of Sydney Council would become the consent authority for development with a CIV of not more than \$10 million at the new Fish Market site. This makes the consent authority provisions consistent with the rest of the precinct.

3.4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP enables public authorities to undertake certain works, such as cycleways, amenity facilities, recreation areas and, landscaping as Exempt Development within identified 'public authority precincts'. Public authority precincts include Darling Harbour, Sydney Olympic Park and The Rocks.

The Blackwattle Bay Precinct will be added to the list of precincts in the SEPP to also these forms of development to be Exempt Development. This amendment ensures consistency across parts of the Sydney harbour foreshore owned and managed by PMNSW.

3.4.7 Design Guidelines

A Design Code was exhibited and has now been renamed to Design Guidelines. The Design Guidelines will have the same effect as intended for the Design Code and the name change ensures consistency with other State led rezonings.

The Design Guidelines set out a suite of built form and urban design provisions to inform and guide future development to deliver high quality development. It is proposed the Design Guidelines are

approved by the Secretary of the Department and will be referenced accordingly in the site specific clauses proposed in LEP 2012.

The Department has amended the Design Guidelines to address submissions received and ensure a comprehensive set of planning and design provisions. The key changes include additional or revised provisions to:

- secure the larger width of the foreshore promenade at the north and provision to enhance aquatic habitat beneath the proposed over water boardwalk
- apply additional minimum solar access to public spaces and neighbours and a requirement for new development to further minimise overshadowing impacts to public space and neighbours
- include new land use objectives to prioritise commercial development in the RtS
- removed proposed alternate design excellence process
- require mitigation measures to address wind, noise and air quality impacts, i
- require an intersection design to be approved by Transport for NSW at Bank and Miller Street before stages relying on this intersection for access can be progressed
- removed the proposed 'mid-block' intersection'
- provide additional guidance to apply built form controls, including the need for building setbacks and design to address solar access and amenity impacts

Other amendments to provisions, diagrams, formatting and layout were undertaken to implement the findings of the Department's assessment or address submissions.

The site specific clauses in LEP 2012 refer to all development needing to demonstrate consistency with the Design Guidelines. This will apply irrespective of who is the consent authority for the determination of a DA.

4. Submissions Summary

4.1 Submissions

During the 2021 exhibition period, a total of 2,409 submissions were received including:

- 855 individual submissions from the community
- 13 submissions from community groups
- 83 proforma submissions from the Bays Water Club Collective and the owners of 120 Saunders Street, Pyrmont
- 1,430 proforma submissions via the website of Jamie Parker MP, Member for Balmain
- 11 submissions from NSW Government agencies
- A submission from Council
- A submission from Inner West Council
- A submission from Jamie Parker MP, Member for Balmain
- Submissions from the three private landowners within the precinct; and
- 11 submissions from non-government organisations and industry bodies.

The submissions summary report can be [found here](#).

4.2 Issues raised in Submissions

The 855 individual submissions assessed raised a broad range of issues. The top ten issues raised included:

- Bulk and Density – 59% of submissions
- Height – 58% of submissions
- Solar Access to the Public Domain – 38% of submissions
- Amount of Open Space – 36% of submissions
- Traffic and Roads – 29% of submissions
- Infrastructure Contributions – 28% of submissions
- Potential Benefit from Public Land – 27% of submissions
- Foreshore and Promenade – 25% of submissions
- Social and Affordable Housing – 22% of submissions
- Place Character – 21% of submissions.

4.3 Council Design Review

In July 2021, Council resolved for its Chief Executive Officer to undertake a Design Review of the precinct. Council notes the design review is not an alternative scheme.

Council outlined the major findings of the Design Review are:

- A wider foreshore promenade with more solar access
- A new park with sunlight in a prominent location
- A better response to the site conditions for:
 - A safe and comfortable wind environment for people in public spaces.
 - Protection for future residents from air and noise pollution.
 - Minimising overshadowing to neighbouring properties.
 - Safer streets for people walking, cycling and driving.

Council considered these outcomes could be achieved with fewer, lower towers, and a revised street layout and building envelopes with a smaller yield.

The Design Review undertaken by Council can be [found here](#).

4.4 Response to Submissions Feedback

The RtS was made available for public comment, and 82 submissions were received including:

- 58 individual submissions from the community
- 8 submissions from community groups
- 11 submissions from government agencies
- A submission Council
- A submission from Alex Greenwich MP, Member for Sydney
- Submissions from the three private landowners within the precinct (response can be found at **Appendix C**).

No new issues were raised, with the same key issues being raised again:

- Excessive tower heights
- Insufficient foreshore and promenade width
- Insufficient amount of open space
- Insufficient solar access to public space.

5. Department's Assessment

This section presents the Department's assessment of the RtS report, final planning amendments and Design Guidelines having regard to the issues raised in submissions received in 2021 and 2022. It also describes and justifies any further changes required by the Department to improve renewal outcomes for the precinct and to ensure that future development in the precinct is consistent with the vision and objectives of Blackwattle Bay under the PPPS and sub-precinct master plans.

5.1 Built Form

5.1.1 Issue

The issue raised most in submissions received, including submissions from Alex Greenwich MP and Jamie Parker MP, were concerns about the built forms proposed for the precinct. Specifically, the following was raised:

- the height of buildings is too high and does not respond to surrounding development in the area, the local character in Pymont or the waterfront setting
- the overshadowing impacts of future buildings to public space and neighbours and poor wind conditions making the precinct unattractive to future residents, workers, and visitors
- the visual impacts of new development, especially the proposed towers
- the density of development could not be supported by infrastructure, was inappropriate for the area and did not meet sustainability objectives
- the planning controls would allow too much flexibility leading to larger development with more density in the future than intended by the scheme (addressed in **Section 5.7**).

Council raised similar concerns and considered the built form should be revised to lower scale "campus-style" buildings to better complement Pymont, address potential overshadowing and wind impacts and ensure it can comply with the Apartment Design Guideline.

Following exhibition of the scheme the Department's assessment letter recommended INSW investigate adjustments to the built form to:

- test alternate building heights, massing and site configurations to improve sun access to public space and transition height across the site
- address concerns about the foreshore promenade width (refer **Section 6.2** below)
- consider increased podium setbacks to ensure appropriate wind conditions in the Precinct
- ensure new residential development can meet the Apartment Design Guideline (ADG) including building separation.

5.1.2 INSW Response

In response to the built form issues raised in submissions, INSW revised the precinct layout (see **Figure 10**), reduced building heights and the lower the density of development across the precinct to achieve improved design, public space and amenity outcomes. These changes include:

- a reduction in height of some buildings and the removal of Building 07 (see Table 1)
- a reduction in the density of development from a total gross floor area of 234,175 m² to 199,576 m², which is equivalent to a 15% reduction (or 840 residents and 260 workers less)
- increased tower separation to a minimum of 24 m meeting the requirement under the ADG to improve sun access and reduce visual impacts
- on the private sites - increased colonnade height to 9 m and podium setbacks to 6 m

Table 1: Height and density amendments in the revised precinct plan (Source: RtS and supplementary information)

| Building | Exhibited height* | RtS height* | Change (m) | Exhibited GFA** | Revised GFA** | Change |
|-----------------|-----------------------|------------------------|------------|-----------------------|-----------------------|------------------------|
| 01 | RL 21 4 storeys | RL 32.9 6 storeys | +11.9 | 7,200 m ² | 7,132 m ² | -68 m ² |
| 2/2A | RL 120 35 storeys | RL 110 27 storeys | -10 | 38,200 m ² | 20,407 m ² | -17,730 m ² |
| 2B (new) | n/a | RL 37.5 8 storeys | +37.5 | n/a | 4,262 m ² | 4,262 m ² |
| 03 | RL 156 45 storeys | RL 141 35 storeys | -15 | 51,400 m ² | 46,926 m ² | -4,474 m ² |
| 04 | RL 110 30 storeys | RL 106 26 storeys | -4 | 39,100 m ² | 37,896 m ² | -1,304 m ² |
| 5/5A | RL 37.5 8 storeys | RL 37.5 8 storeys | nil | 12,950 m ² | 7,131 m ² | -5,819 m ² |
| 5B (new) | n/a | RL 37.5 8 storeys | +37.5 | n/a | 6,584 m ² | 6,584 m ² |
| 06 | RL 37.5 8 storeys | RL 37.5 8 storeys | nil | 8,600 m ² | 6,085 m ² | -2,515 m ² |
| 07 (removed) | RL 21 4 storeys | nil | -21.0 | 4,675 m ² | nil | -4,675 m ² |
| PLO1-1 | RL 65 18 storeys | RL 54.4 13 storeys | -10.6 | 23,250 m ² | 19,881 m ² | -3,369 m ² |
| PLO1-2 | RL 75.5 20 storeys | RL 81.4 20 storeys | +5.9 | | | |
| PLO2 | RL 91.5 25 storeys | RL 100.4 25 storeys | +8.9 | 16,250 m ² | 13,179 m ² | -3,071 m ² |
| PLO3-1 | RL 91.5 25 storeys | RL 70.4 17 storeys | -21.5 | 13,300 m ² | 9,615 m ² | -3,685 m ² |
| PLO3-2*** | RL 72 19 storeys | RL 54.4 13 storeys | -17.6 | 19,150 m ² | 18,654 m ² | -496 m ² |

Table notes:

*Height in storeys are estimates only and subject to building design

** GFA = Gross Floor Area

*** INSW advised the RtS incorrectly stated the revised GFA for PLO 3-2 was 20,415 m² when it should be 18,654 m². This was due to double counting the amount of proposed retail floor space (1,761 m²).



Figure 10: Revised Precinct Layout (source: *Urban Design Statement Addendum, FJMT, June 2022*)

5.1.3 Assessment

5.1.3.1 Building height

While many submissions were concerned about the height and appearance of new development in the precinct, including tall towers; many people were also concerned about the potential impact of the proposed building heights on the character of Pyrmont.

The RtS has reduced the height of most buildings in the precinct resulting in improved solar access to the precinct's ground plane, including the new parks and the public promenade, and has ensured that the built form will be of scale compatible with the development to the east of the site on the other side of the Western Distributor.

The principle of permitting tall buildings in this location is considered to be consistent with the expectation of the PPPS, which recognises Blackwattle Bay precinct as one of four key sites that is expected to accommodate taller buildings. As also outlined in the PPPS this scale of development was to be supported only if key public benefits such as the foreshore promenade and new public open spaces. The revised proposal provides these outcomes alongside the proposed buildings for the precinct.

This approach of development with public domain balances new growth and the desired future character set by the PPPS with the heritage and amenity of the broader Pyrmont area.

In this context, the Department considers the RtS scheme adequately addresses key concerns about building height and has moderated the overall density of development. Specifically, the reasons for this view are that:

- the proposed scale of buildings when compared to the Sydney CBD, existing development in the Pyrmont Peninsula and other foreshore areas such as Barangaroo show that the future scale of buildings in the Blackwattle Bay precinct are lower in height (see Figure 11);
- The precinct seeks to read as part of the western edge of the city that has some scale to signal this function, while also stepping down to transition to lower density development to the other side of the bay (see **Figure 12**); and
- The scale of buildings are lower in the northern part of the precinct, which will ensure that the Anzac Bridge will retain its visual prominence, while also reflecting more closely the existing building heights and the escarpment at nearby Distillery Hill (see **Figure 13**).

INSW has also increased building separation to meet the minimum requirement in the Apartment Design Guide (ADG), which has reduced the visual appearance of a wall of tall buildings clustered together. This has minimised impacts on views, increases the opportunity for view sharing from new and existing development, increases views to the sky and provides a sense of openness from the precinct and local area (see **Figure 14** and **Figure 15**).

The variance in building heights across the precinct will ensure that that the precinct will not only contribute to the city's interesting skyline but will help to identify this unique part of the city as Blackwattle Bay and will complement the new Fish Market development.

It is noted that the exhibited scheme demonstrated new development would not result in overshadowing to the Glebe foreshore between 9am and 3pm at mid-winter or to Wentworth Park between 10am and 2 pm at mid-winter. Whereas, the RtS scheme has lower building heights which will ensure that solar protection would be maintained and improved (see Figure 16).

On this basis the Department is satisfied the proposed building heights and envelopes have considered and would provide adequate solar access to future public space (see **Section 5.2.3.2**) and have been adjusted to consider solar access to neighbours (see **Section 5.1.3.2**).

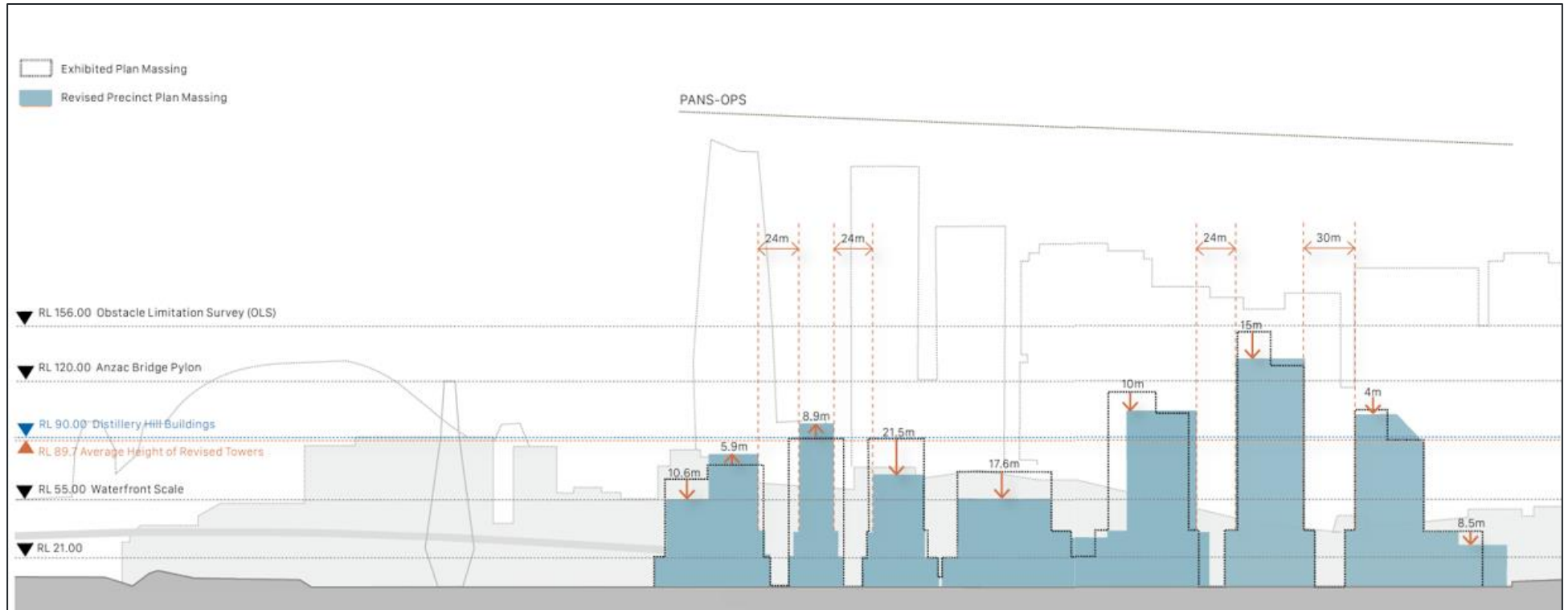


Figure 11: Height and massing comparison (source: *Urban Design Statement Addendum, FJMT, June 2022*)

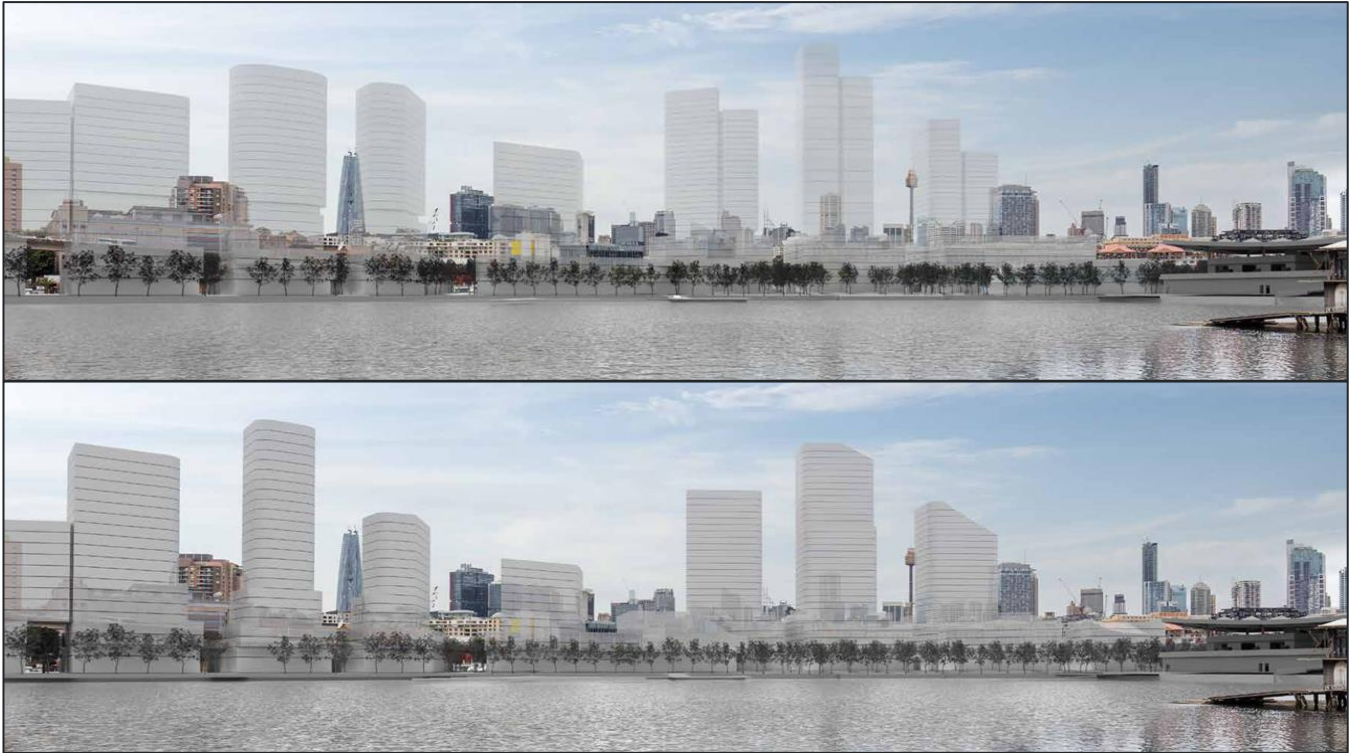


Figure 12: Photomontage of exhibited precinct plan (above) and revised precinct plan (below) shown from Glebe foreshore at Blackwattle Bay Park (Source: *Landscape Character and Visual Impact Assessment Addendum*, Clouston Associates, June 2022)

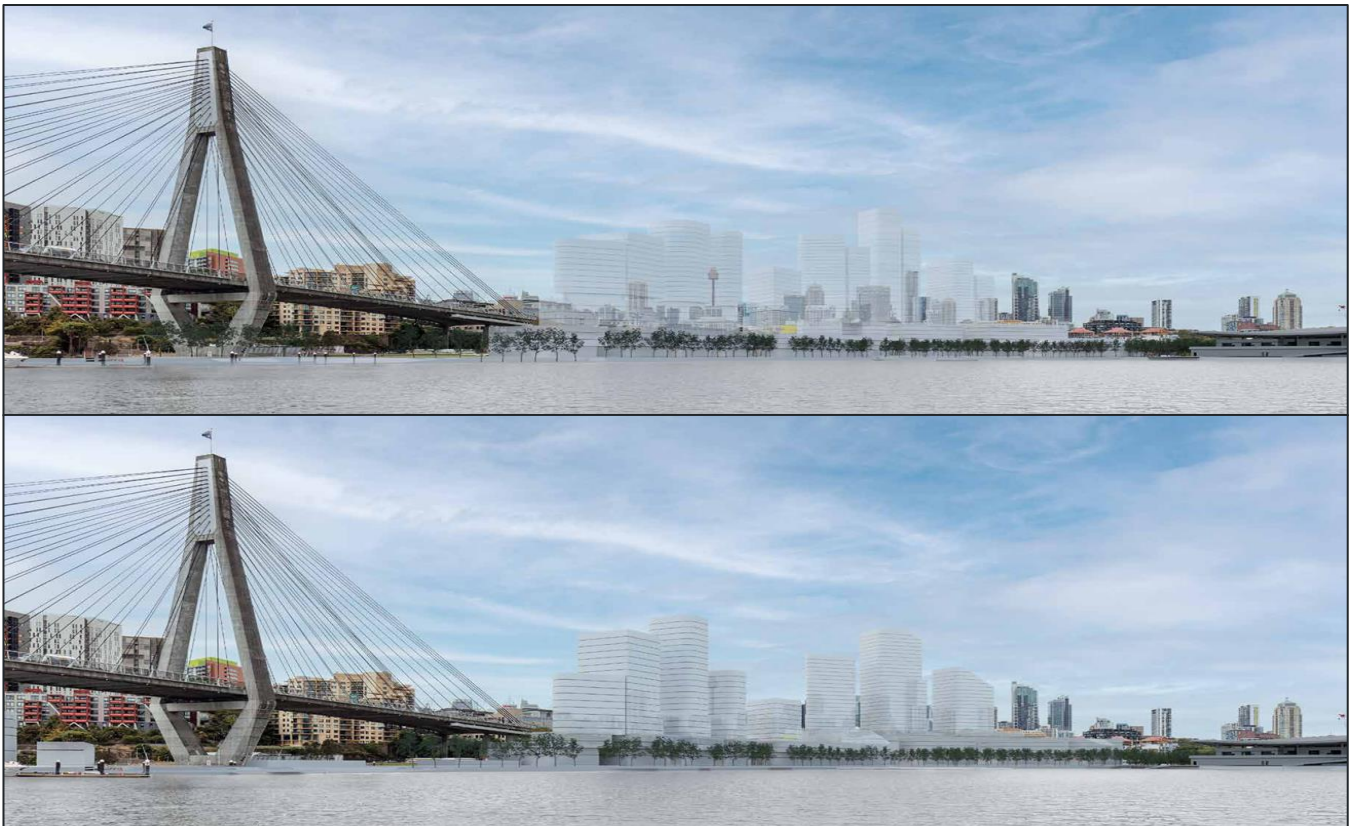


Figure 13: Photomontage of exhibited precinct plan (above) and revised precinct plan (below) shown from Glebe foreshore near Blackwattle Bay Wharf (Source: *Landscape Character and Visual Impact Assessment Addendum*, Clouston Associates, June 2022)

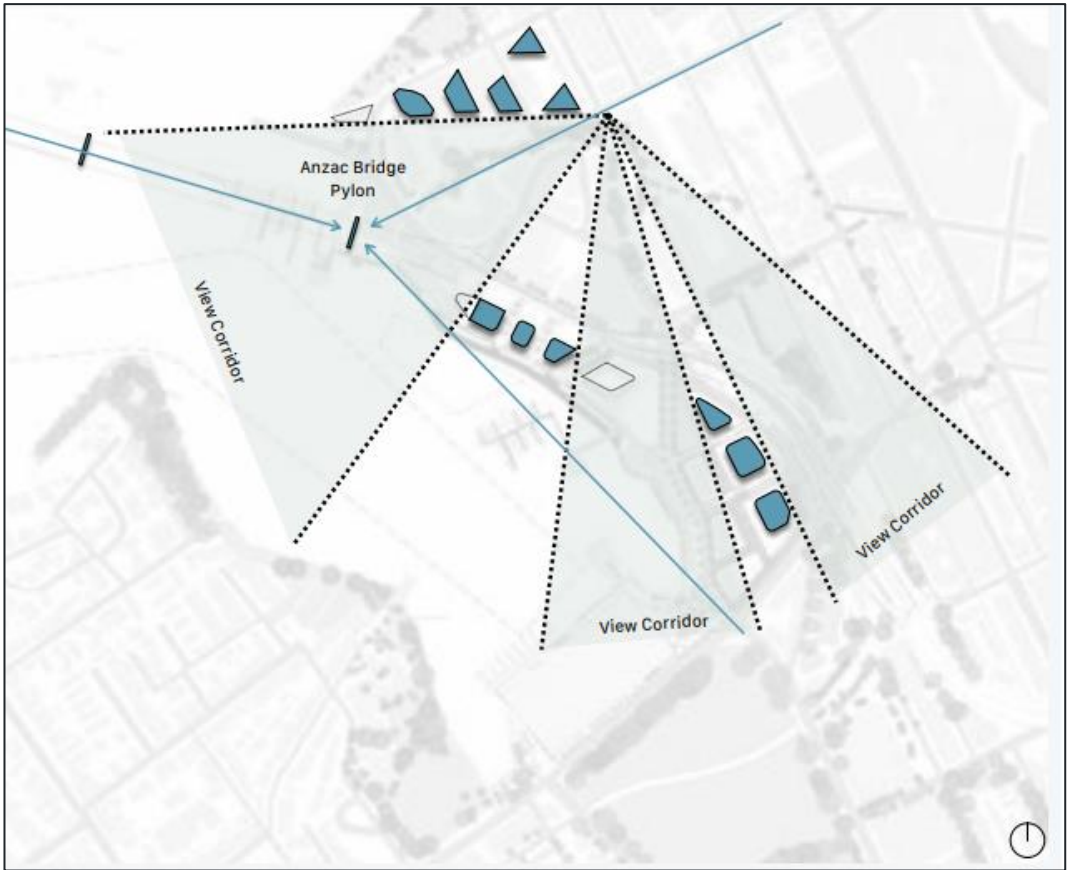


Figure 14: Views between buildings from near Distillery Drive and John Street (Source: RtS Attachment 3)

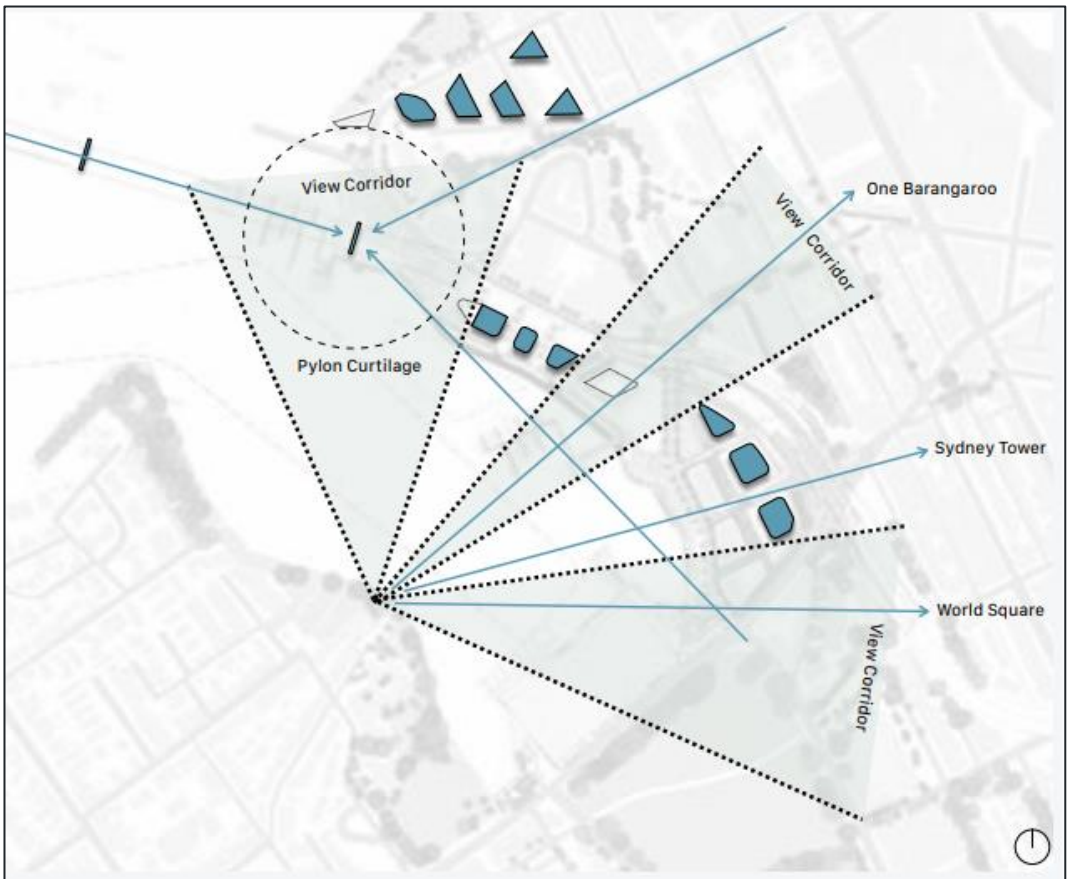


Figure 15: Views from Glebe foreshore toward Blackwattle Bay (Source: RtS Attachment 3)



Figure 16: Revised precinct plan building envelope shadows at 9 am, 12 pm and 3 pm at mid-winter (INSW Supplementary information, November 2022)

5.1.3.2 Design

The Council’s submission to apply its Competitive design process is supported. INSW had proposed an alternate policy. Despite this, the Department has formed the view that application of Council’s process is better suited to ensure buildings will be of a high-quality design that demonstrates design excellence in accordance with existing requirements for tall buildings in the LGA. These provisions will require new development in the precinct to follow competitive design processes for any buildings over 25m in building height or with a CIV over \$100 million.

It is recommended the usual bonus of up to 10% additional height and/or floor area that applies where new development demonstrates design excellence not apply to any development in the precinct. This approach is consistent with recent rezonings of key sites in Pyrmont and will ensure new development does not further increase in height or density contemplated as part of the assessment of the SSP proposal, while still ensuring that good quality design outcomes can be achieved.

To further support and accommodate good quality design outcomes for the precinct, there is some flexibility in the building envelope controls under the Design Guidelines. These will not compromise the intension of the key controls for height, floor plates and solar access outcomes.

Section 7 of the Design Guidelines has also been further revised by the Department to support good design outcome through:

- Revisions to the objectives to address overshadowing and solar access, visual impacts, building separation, wind, noise and air quality considerations and integration with the public space and ground level
- Deletion of INSW's proposed alternate design excellence scheme so that the design excellence provisions of the existing LEP apply consistent with other sites in the LGA
- Including a requirement that new development addresses overshadowing and amenity considerations and provides the foreshore promenade (as relevant to the site)
- Including a requirement that links building envelopes with maximum floor plate sizes to control the bulk and scale of new development and clarified maximum floor plate size relates to gross building area
- introducing a requirement that new development comply with easements for access and maintenance to the Western Distributor
- Requiring development to comply with other built form controls such as requiring tall slender towers and building separation requirements
- Including new provisions requiring minimum solar access to public spaces and residents

Overall, the RtS has adequately addressed the issues as they relate to building height and that new development will complement and enhance existing development in the Pyrmont Peninsula.

5.1.3.3 Solar access to neighbouring properties

The exhibited plan proposed building envelopes on the existing Fish Market site that would overshadow neighbouring residents located to the south of the site at 1 Wattle Crescent and 2-26 Wattle Crescent (refer **Figure 17**).



Figure 17: Excerpt of Revised Precinct Plan showing location of Wattle Crescent apartments (source: DPE)

Overshadowing of these existing apartment developments was raised in several submissions, including Council’s submission. These requested that detailed studies demonstrate the objectives and requirements of the ADG could be met, or that changes would be required to minimise overshadowing to these developments.

In considering the impact of the proposal on neighbouring apartments it is important to note that:

- proposal involves establishing broad building envelopes at the rezoning stage and compliance with the ADG will be further considered in the building design and assessment process to follow. This is recognised in the advice of the PRP discussed below; and
- Some of these buildings do not currently meet minimum sun access requirements under the ADG in their existing state. For example, only 42% of existing apartments (or 96 out of 224) receive a minimum of two hours sunlight at mid-winter between the hours of 9 am and 3 pm at 2-26 Wattle Street. The ADG seeks a minimum of 70%. This is due to the existing siting, design and orientation of the building.

In response to advice from the PRP, the Department clarified the application of the ADG with INSW to confirm that the RtS scheme needed to demonstrate how it had minimised overshadowing of neighbouring buildings. The PRP considered this could involve additional rearrangement of building envelopes and identified the need to establish provisions in the Design Guidelines to require overshadowing be further minimised as part of development applications.

Supplementary information from INSW demonstrated further improvements in sun access to residents at 1 Wattle Crescent by reducing height on part of the proposed envelope of Building 03,

the tallest tower (see **Figure 18**). These further adjustments to the RtS scheme have led to a reduction in the total number of apartments impacted at 1 Wattle Crescent from 20 to 11. Of those impacted at 1 Wattle Crescent, five of the 11 apartments would be within 5-10 mins of achieving the minimum two hours of solar access sought by the ADG. This leaves a further six apartments not achieving the 2 hours of solar access, with one other apartment receiving no sunlight between 9 am and 3 pm during mid-winter (see living areas outlined in red in Figure 19). Sun access to 2-26 Wattle Crescent is also improved in this scenario (see living areas outlined in green in **Figure 20**).

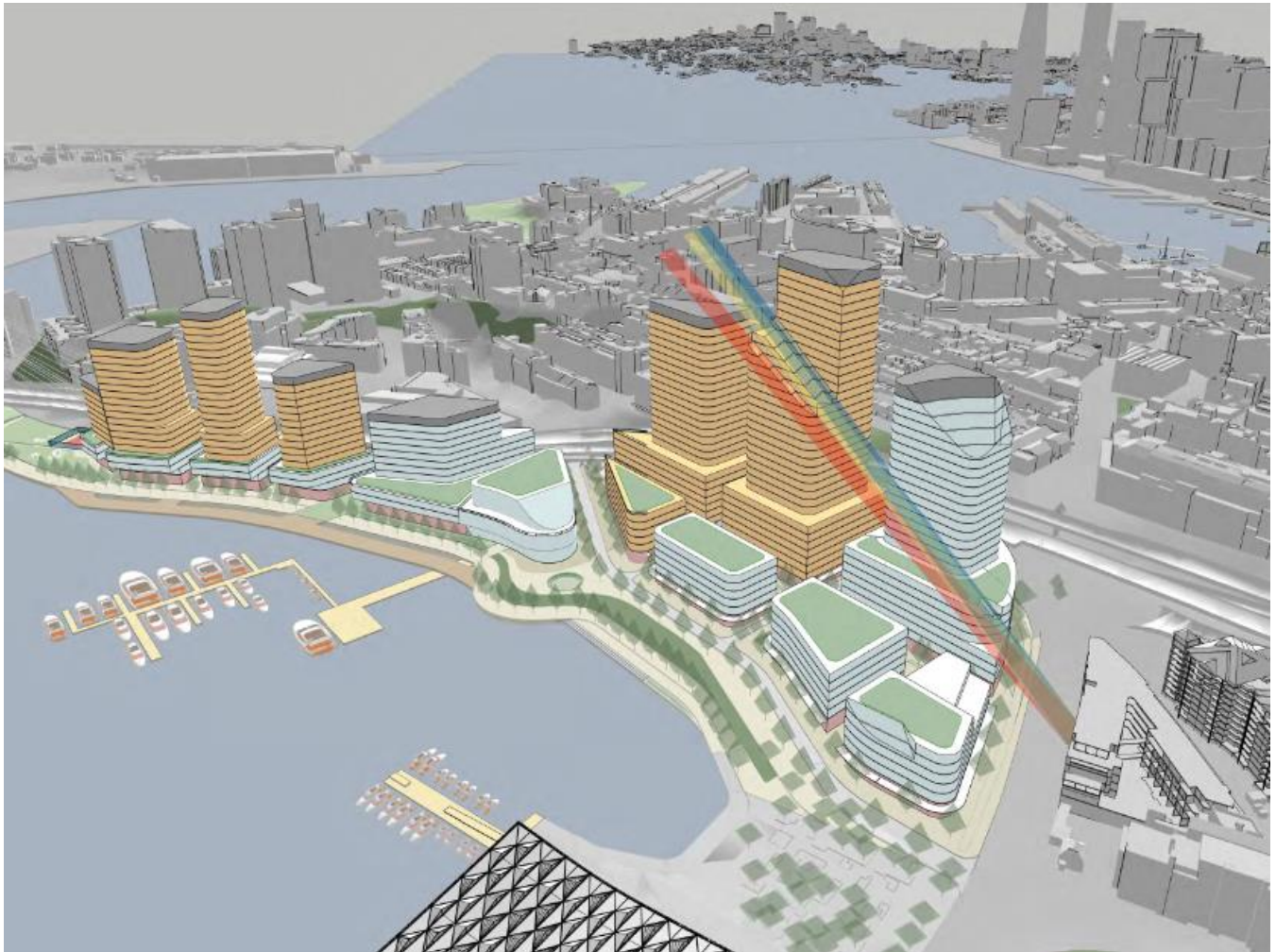


Figure 18: Reduction in height of part of Building 03 to improve solar access to 1 Wattle Crescent (source: INSW supplementary information)

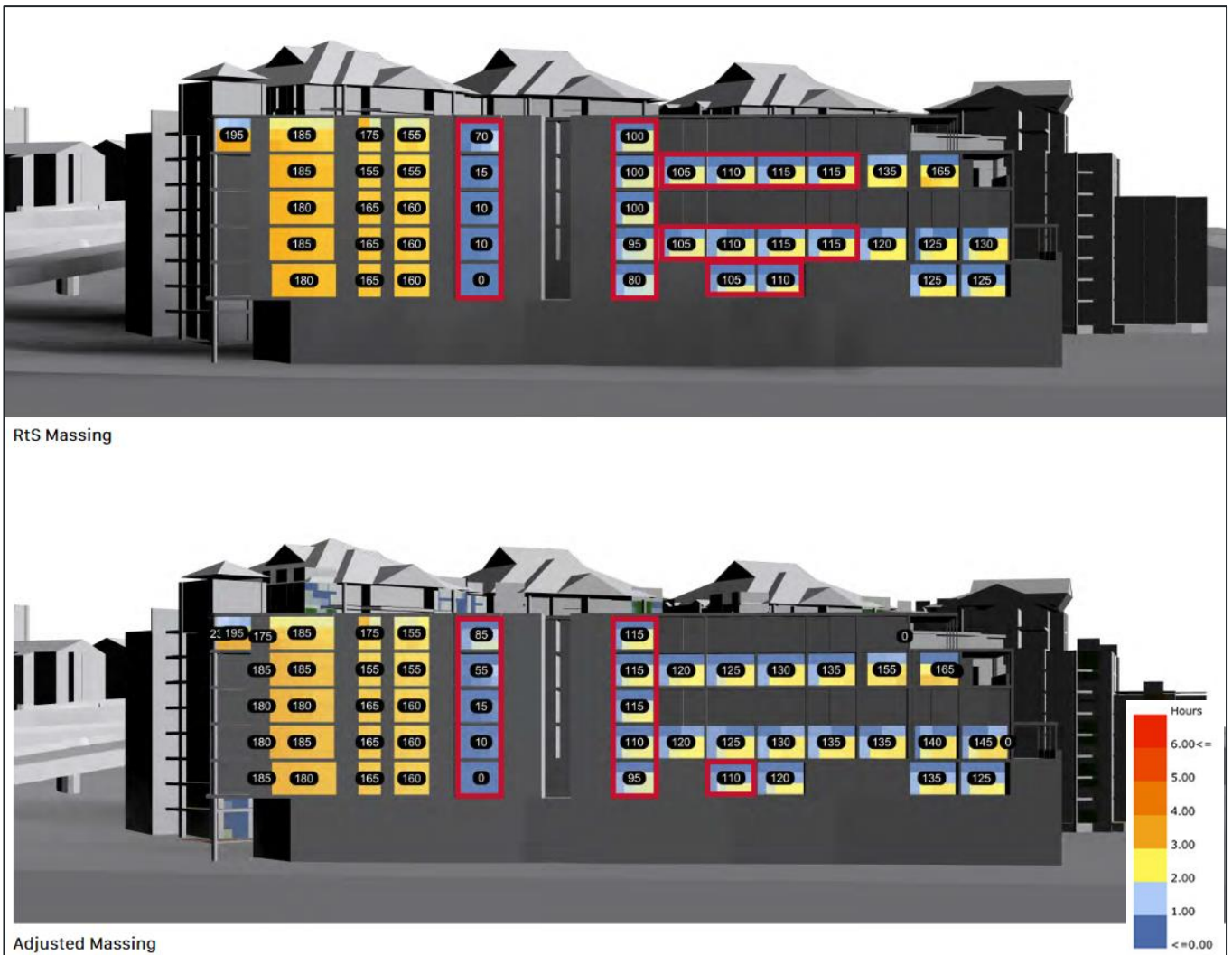


Figure 19: Solar Access to 1 Wattle Crescent (source: INSW supplementary information – Amendments Improving Sunlight to Public Space and Neighbours, 11 October 2022, FJMT)

As part of design excellence and detailed building design processes as noted in **Section 5.1.3.2** above and with the ADG continuing to apply, it is anticipated that further improvements to solar access are likely to be achieved as part of the detailed design phase of development for the Blackwattle Bay precinct.

The PRP’s advice was to consider rearrangement of building envelopes for the Blackwattle Bay precinct to result in further minimising potential impacts on solar access to these adjoining sites. This was tested, however while it improved solar access for some/all residents that currently already receive more than two hours sunlight between 9 am and 3 pm at mid-winter, it would have resulted in greater overshadowing of new public spaces, including the foreshore promenade within the precinct.

On balance while it is noted that this building at 2-26 Wattle Crescent does not currently comply with ADG solar access provisions and a number of existing apartments at 1 Wattle Crescent are also not currently achieving these standards for solar access; additional Design Guidelines provisions have been included to seek to minimise overshadowing impacts to these two adjoining developments.

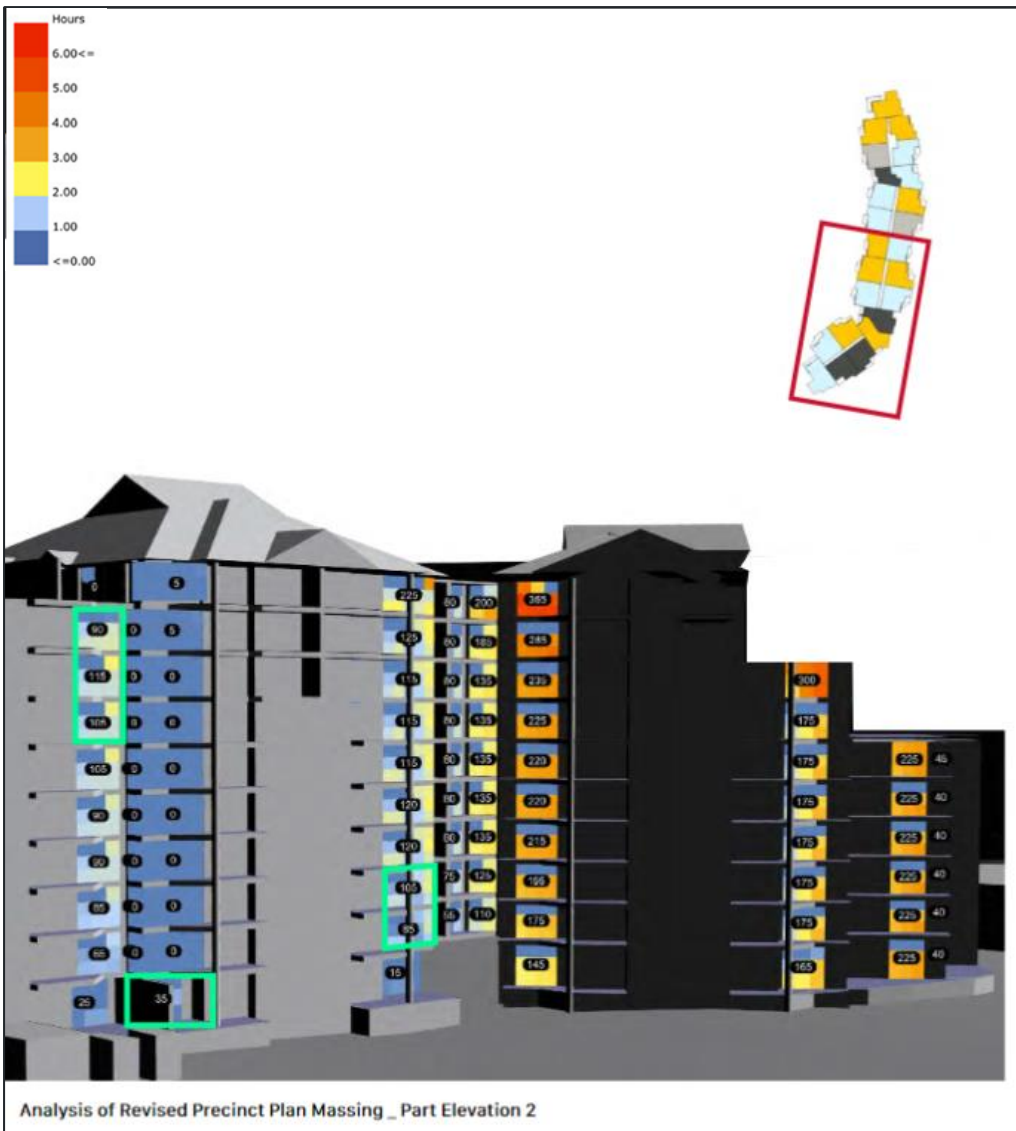


Figure 20: Identification of six apartments to receive a marginal improvement in solar access at 2-26 Wattle Street (source: INSW supplementary information)

5.1.3.4 Visual impacts of new development

Submissions identified concerns regarding view impacts from the Glebe foreshore and beyond Pyrmont Peninsula to the Sydney CBD.

The photomontages below identify the view of the exhibited precinct plan (**Figure 21**) and the revised precinct plan (**Figure 22**) when viewed from the Glebe Foreshore on the other side of the bay.



Figure 21: Photomontage of exhibited precinct plan shown from Glebe foreshore near Glebe Rowing Club (Source: *Landscape Character and Visual Impact Assessment Addendum*, Clouston Associates, June 2022)



Figure 22: Photomontage of revised precinct plan shown from Glebe foreshore near Glebe Rowing Club (Source: *Landscape Character and Visual Impact Assessment Addendum*, Clouston Associates, June 2022)

On comparison of these schemes, the increased building separation and reduced building heights for many of the buildings has helped to moderate the apparent height of buildings. Additionally, when viewed from various points the buildings also appear slimmer (see **Figure 23** and Figure 24).



Figure 23: Photomontage of exhibited precinct plan shown from Carmichael Park (Source: *Landscape Character and Visual Impact Assessment Addendum*, Clouston Associates, June 2022)



Figure 24: Photomontage of revised precinct plan shown from Carmichael Park (Source: *Landscape Character and Visual Impact Assessment Addendum*, Clouston Associates, June 2022)

The view into the precinct as viewed from the intersection of Bridge Road, Pyrmont Bridge Road and Wattle Street has allowed for a more open and landscaped public domain entry, helping to visually open up the precinct (see Figure 25Error! Reference source not found.).



Figure 25: Photomontage of exhibited precinct plan shown from Wattle Street (Source: *Landscape Character and Visual Impact Assessment Addendum*, Clouston Associates, June 2022)

While the building envelopes presented in the montages above are the maximum extent of envelopes, these buildings will undergo detailed design and will be the subject of a design excellence process to ensure that these buildings will show case high quality design and finishes. The Design Guidelines also includes provisions for tall slender towers and maximum floor plate sizes to ensure that the buildings achieve the slender forms intended by the scheme. In combination this will ensure the visual impact of the precinct’s future development will be regulated.

5.1.3.5 Density of Development

Many submissions raised concern with the density of development proposed, including that there was insufficient infrastructure, and the proposal would not be sustainable.

INSW’s reduction in the overall density of development by 36,323 m² (or 15%) represents an appropriate reduction in response to these concerns while still ensuring the site plays its role as a key site capable of delivering strategic change envisaged under the PPPS.

This reduction has enabled the RtS scheme to achieve improvements across several outcomes, such as maximising solar access to public spaces and neighbours, increasing the size and quality of new public space, increasing the proportion of residential to non-residential development, reducing traffic and parking impacts and others discussed in this report.

Appropriate mechanisms will be in place when the rezoning takes effect to ensure infrastructure delivery is secured to support the density and future occupants of all new development (refer

Section 5.5.1). In addition, the precinct will target the delivery of a net-zero precinct outcome by 2041, which is 9 years sooner than originally proposed. This will be achieved through LEP controls requiring achievement of high Green Star Building ratings for Energy Use to be achieved and Design Guidelines provisions that require new development to achieve higher than currently required sustainability criteria (refer **Section 5.4.1** below).

5.2 Public Space

5.2.1 Issues

A key issue raised in approximately 40% of submissions (and also in submissions received on the RtS, from Jamie Parker MP and Alex Greenwich MP) was concern with the quantity, amenity, and delivery of public and open space in the precinct. Specific issues raised included:

- whether there would be sufficient public and open space provided
- whether public space would receive sunlight to be attractive to users and for tree growth
- that the proposed 10 m wide foreshore promenade in the northern part of the precinct was insufficient and should be increased
- that there is insufficient space for movement, particularly cycling and walking along a 10 m wide foreshore promenade in the northern part of the precinct and this may conflict with retail and commercial uses, such as dining tables and chairs.

Council raised similar issues and presented its design review indicating how an alternate built form and layout could achieve improved public space across the precinct. Council also raised concerns about:

- public spaces lacking sunlight with poor wind conditions that would be unattractive to users and fail to deliver a world-class foreshore
- the need for new development to enable sufficient sunlight to enable a continuous row of trees along the foreshore promenade
- the need for a small park located where a promontory reflects the original Blackwattle Bay shoreline providing better solar access
- the need for a minimum of 20 m for the foreshore promenade with 30 m where possible
- the inadequacy of the narrow waterfront promenade for the envisaged uses including additional landscaping, exercise equipment, places for groups to pause, areas for outdoor dining, and more separation of movement paths.

The Department requested INSW investigate alternate building envelope configurations to improve solar access to public space, remove Building 07 to improve the size of public space and undertake further testing to demonstrate sufficient size and quality of public space would be provided in response to issues raised. INSW was also asked to investigate a larger foreshore promenade width of between 16-20 m with an adjacent colonnade of a further 6-7 m and whether options such as site amalgamation and/or extension of the promenade over water could achieve a wider foreshore promenade in the narrower, northern end of the precinct. The exhibited scheme is shown in **Figure 26**.



Figure 26: Public space proposed in the SSP Study 2021 (Source: *Urban Design Statement Volume 2, FJMT, June 2021*)

5.2.2 INSW Response

The key changes made by INSW in response to submissions included:

- an increase in the size of public open space from 3ha to 3.37ha (or from about 30% to 32.5% of total site area)
- removal of Building 07 to increase the promenade width and size of public space at the south of the precinct
- changes to building envelopes to improve solar access to part of public space, including the foreshore promenade at the south of the precinct, including:
 - building 2A (formerly building 02) repositioned, floor plate size reduced, and height reduced by 10 m
 - building PLO3-2 height reduced by 17.6m
- addition of a 10 m permanent over water boardwalk to increase promenade width at the north of the precinct to a total of 26m, including a 6m colonnade.
- increase the height of the colonnade which is part of the foreshore promenade (north) from approximately 6m to 9m, however with a reduction in width from 7m to 6m
- information to show how the revised promenade widths deliver space for walking, cycling, sitting, and dining and activation
- information to demonstrate most areas of the foreshore promenade at the south of the precinct would receive four hours sunlight, or more during mid-winter; including the proposed Bank Street Park, 40% tree canopy cover would be achieved, on average and Design Guidelines provisions to protect sunlight to nearby public spaces, such as the proposed Sydney Fish Market Urban Park.

5.2.3 Assessment

The Department has considered INSW's changes, the issues raised in submissions and the advice of the PRP in evaluating the appropriateness of the size, solar access to public open space, and delivery of public space, including the foreshore promenade.

5.2.3.1 Size of public open space

The PPPS sets an objective to establish and maintain a network of high quality, diverse and restorative public open spaces which enhance the overall experience of the Peninsula, are inclusive, accessible and safe, and cater for active and passive recreation and social interaction. These spaces are expected to reduce the urban heat island effect and improve the local microclimate, achieve an overall target of 40% tree canopy on public and private land and deliver green walking and cycling links.

The scheme submitted as part of the RtS (Figure 27) will deliver public and open space in line with the PPPS and the Blackwattle Bay sub-precinct master plan. This is achieved through the delivery of a 1 ha Regional Park at Bank Street in Stage 1 and by providing one of the final connections of the foreshore promenade to connect the new Sydney Fish Market with Glebe, Darling Harbour and Sydney CBD.

The total public space to be provided in the precinct is also 3.37ha is more than the minimum amount of 1.56ha required to support the proposed population density, while still maintaining 40% average tree canopy cover as proposed under the exhibited plan.

On this basis the revised precinct plan will deliver a significant amount of public space that would benefit residents, workers, visitors to the area resulting in an important public benefit obtained through the renewal of the precinct. The revised plan also provides a key accessible foreshore connection between Pyrmont and Glebe, which will connect foreshore land from Rozelle Bay to Woolloomooloo Bay spanning a length of 15 km. This approach adequately addresses the issues raised in submissions as it is more than the amount of open space required to support the proposed population density, seeks to contribute additional new public and open space in the area and better connect existing open spaces.



Figure 27: Public space proposed in revised precinct plan (Source: *Urban Design Statement Addendum, FJMT, June 2022*)

5.2.3.2 Solar access to public open space

A key issue raised in submissions about public space was the amount of solar access likely to be received to existing and new public domain areas as a result of the orientation, bulk and scale of buildings proposed by the exhibited scheme.

Specifically, concern was raised that the length of shadows cast by new development and whether sufficient solar access would be afforded to the foreshore promenade and new public spaces so as to be attractive to future users and ensure tree growth. Council was also concerned that public spaces along the foreshore would also be subject to uncomfortable wind conditions, which together with shadows would make the area unattractive to users.

INSW retested the RtS scheme and reconsidered and quantified these potential impacts, which confirmed that:

- no overshadowing of the Glebe foreshore between 9 am and 3 pm at mid-winter or Wentworth Park between 10 am and 2 pm at mid-winter
- no overshadowing to the proposed Sydney Fish Market Urban Plaza between 12 pm and 2 pm at mid-winter and no overshadowing of Bank Street Park between 10am and 2 pm at mid-winter in accordance with the PPPS and sub-precinct master plans
- part of the foreshore promenade at the northern end would experience very low levels of sunlight at mid-winter due to overshadowing by new development with more solar access at other times of the year
- changes to the configuration and height of building envelopes (refer above) has improved the amount of sunlight to the foreshore promenade at the southern end of the precinct (see **Figure 28**).

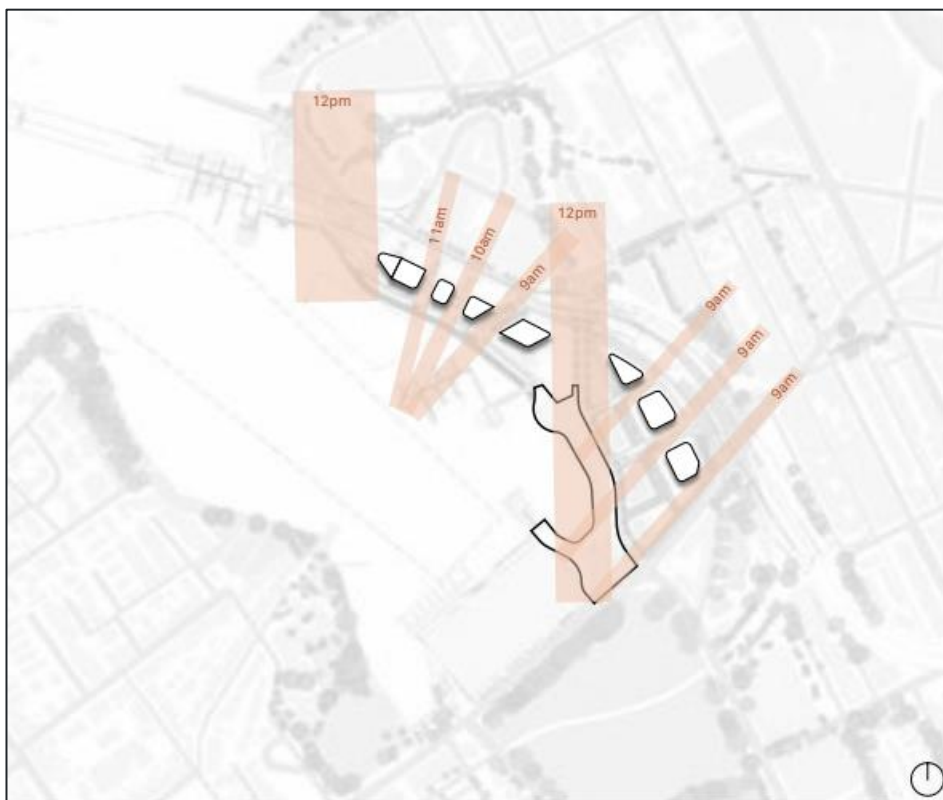


Figure 28: RtS scheme solar access to public space (Source: *Urban Design Statement Addendum, FJMT, June 2022*)

The PRP recommended additional Design Guidelines provisions apply to ensure minimum solar access outcomes could be achieved by including the following Guideline provisions that require:

- sunlight be provided to the foreshore promenade (north) for a minimum of two hours between 9 am and 3 pm at the equinox to support amenity and the viability of the continuous row of trees
- the provision of deciduous trees where solar access at mid-winter is limited
- achievement of a of a minimum four-hours of sunlight that is provided to at least 50% of the proposed promontory park between 9 am and 3 pm at mid-winter.

INSW has tested these requirements and found solar access for a minimum of two hours is likely to be limited to about 70% of the foreshore promenade (north) at equinox between extended hours of 8 am and 4 pm (refer Figure 29: Analysis of the northern promenade showing areas receiving greater than 2 hours solar access between 8am and 4pm at equinox (Source: *Amendments Improving Sunlight to Public Space and Neighbours*, 11 October 2022, FJMT)Figure).

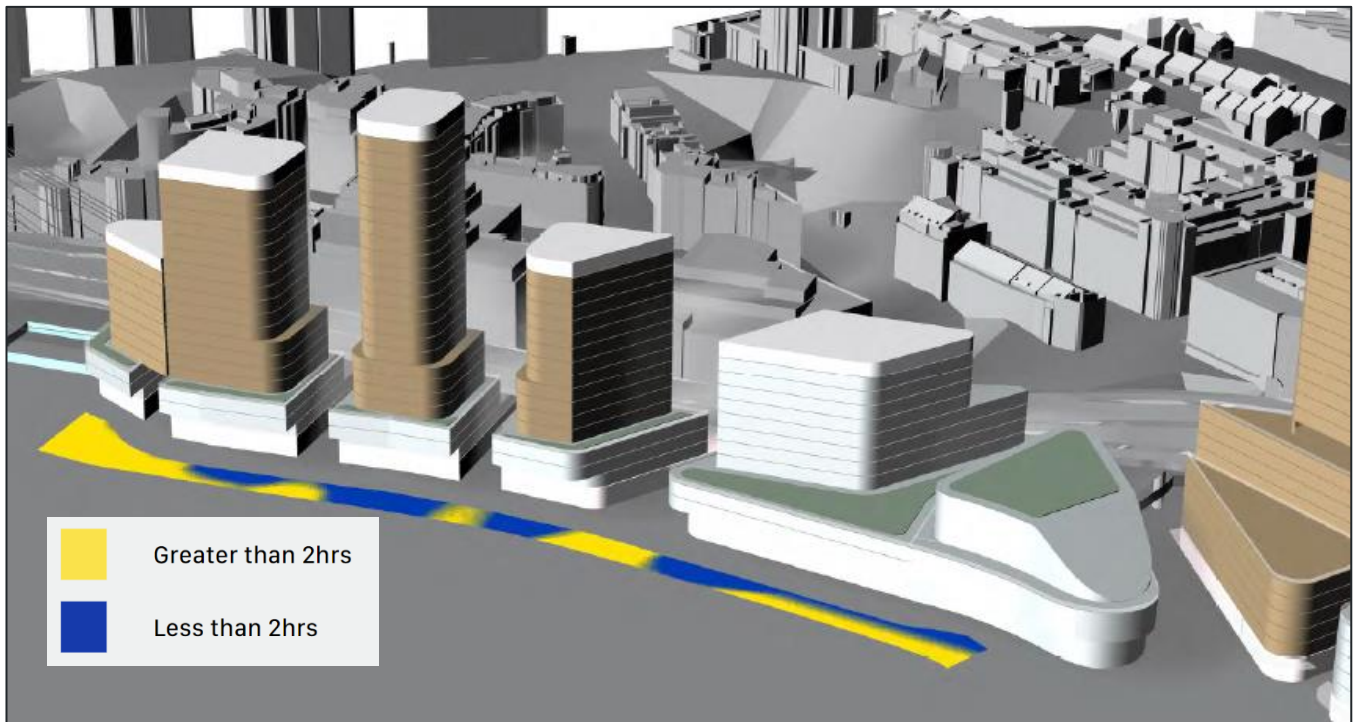


Figure 29: Analysis of the northern promenade showing areas receiving greater than 2 hours solar access between 8am and 4pm at equinox (Source: *Amendments Improving Sunlight to Public Space and Neighbours*, 11 October 2022, FJMT)

It should be noted that testing confirmed that even with development on the foreshore promenade (north) as low as 2-3 storeys in height, this still resulted in overshadowing of the promenade during mid-winter due to the orientation of the precinct (northwest to southeast). And while a larger on-land promenade in the northern part of the precinct would increase the setback to development and allow for improved solar access as suggested in Council’s Design Review, this was thought to make the development at this part of the precinct unfeasible, thereby inhibiting the renewal of these sites due to the narrowness of the land between the foreshore and Banks Street. This outcome was expected by INSW to put at risk the delivery of the broader foreshore promenade.

To resolve this issue, additional provisions in Section 3.3 of the Design Guidelines have been included to reflect INSW testing. These will require a minimum of two hours solar access at the equinox to be provided to 70% of the foreshore promenade (north), except where greater solar

access can be achieved due to building and tower separation for amenity and tree growth. This will require future development to maximise the amount of solar access to the foreshore promenade through measures including designing slender towers, increasing building separation and orientation of tower floor plates, such as has been done in existing development at Distillery Hill in Pymont.

It is noted that public areas through the precinct will be subject to windy conditions due to the precinct's foreshore location. However, development will be required to address this via the Design Guidelines through detailed wind modelling and testing to ensure it does not exacerbate these conditions. There may also be opportunities for landscaping and other detailed design techniques to further address this issue within public spaces. This matter is further addressed in **Section 5.4.2.3** below.

5.2.3.3 Width of the foreshore promenade (north)

INSW's further investigations, as set out in Appendix 3 of the RtS, explored whether alternate options, such as amalgamation of privately-owned land and/or extension of the foreshore promenade over water can increase the minimum promenade width to 30 m.

The result of these investigations confirmed that due to the narrow width between the water's edge and the Western Distributor (ranging from 40-60 m), including easements and setbacks for maintenance and access, that a larger foreshore promenade over existing land would reduce the feasibility of development on private land at the ground plane.

INSW's RtS proposal for 10m of the promenade as an over water boardwalk is appropriate solution in the context of the site constraints (**Figure 30**), however still only sought to provide 16m on land.

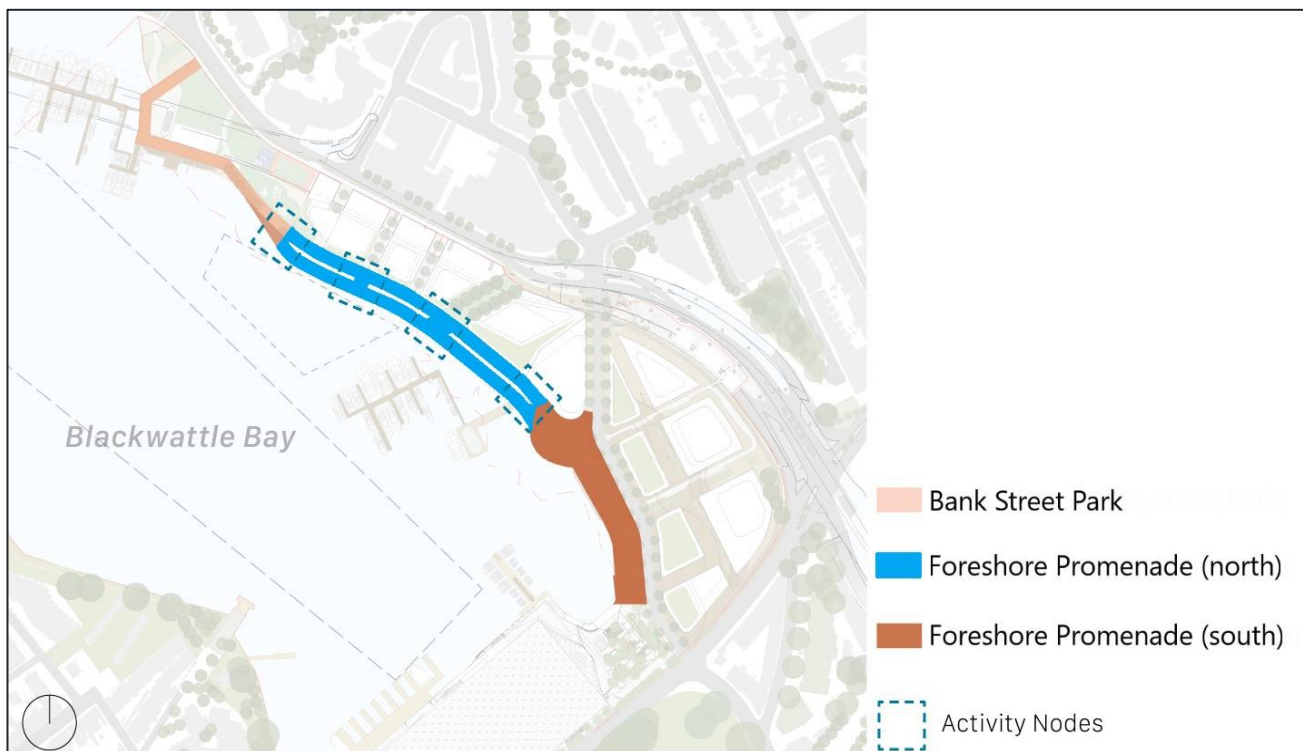


Figure 30: Areas of the Foreshore Promenade (Source: *Urban Design Statement Addendum, FJMT, June 2022*)

The PRP also considered the RtS and supported the proposed 10 m boardwalk over water subject to certain requirements to address concerns about ownership and maintenance of the promenade

(refer Table 2). Many of these matters are addressed in Design Guidelines supporting the precinct’s development.

Table 2: Summary of Project Review Panel requirements to support over water boardwalk

| Requirements of the PRP | DPE Response |
|--|--|
| Secure in perpetuity via statutory planning arrangements | Matters relating to ownership are not matters for statutory planning to address, however the approaches below will ensure the perpetuity of the promenade. INSW has committed to the delivery of the over water boardwalk. This is proposed to be secured in a draft Voluntary Planning Agreement. Details on design of the boardwalk are outlined in the Design Guidelines. Place Management NSW has confirmed it intends to own and manage public space in Blackwattle Bay once developed. |
| Does not deliver a negative impact on foreshore ecology | Design Guidelines provision requires the design and delivery of the boardwalk to avoid and minimise impacts to foreshore ecology and to consider opportunities to provide habitat or improved environment for marine species. |
| Tree planting occurs on land and with adequate sunlight | Design Guidelines provision requires continuous row of trees along foreshore promenade on land. |
| Implementation of boardwalk ensures continuous promenade link prior to redevelopment of private land (ie. early delivery) | Timing of delivery secured in Voluntary Planning Agreement and in the first stage of development in the staging plan in Design Guidelines. |
| Any shortfall in the minimum 10 m width for the over water boardwalk to be made up in on land promenade | Design Guidelines provision included to require consideration of this as development progresses. |

The PRP also supported the provision of a 30m and not a 26m wide promenade, with an increased colonnade width from 6 m to 10 m. This was thought to resolve concerns about the usability and quality of the foreshore promenade (see **Figure 31**).

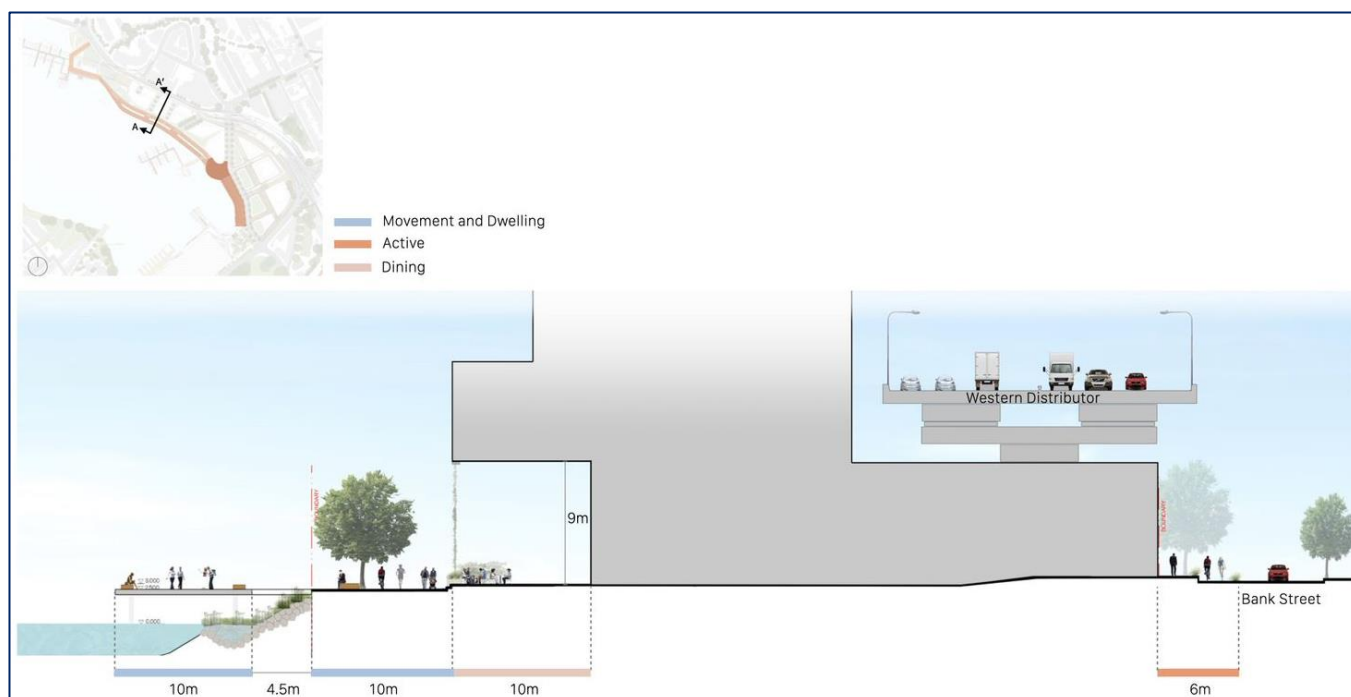


Figure 31: Section showing foreshore promenade (north) (Source: *Blackwattle Bay Design Guidelines*)

The outcome is appropriate for the precinct as it:

- allows for consistent foreshore promenade width for the full length of the precinct;
- it retains feasible development outcome on private land in the northern portion of the precinct;
- in combination the provision of connected and new open spaces in the precinct will encourage active lifestyles for those living and working in the precinct; and
- the 10m wide overwater boardwalk can be delivered ahead of the fuller width of the promenade being delivered as part of future development, thereby providing the benefit of connections to other parts of the harbour foreshore sooner.

5.3 Land use

5.3.1 Issue

Several submissions, including from Council requested that the precinct include a higher proportion of commercial development to realise the PPPS vision that it be a predominantly commercial precinct. Another reason was the reconfiguration to prioritise (or increase) commercial floor space would better support future workers and ensure a vibrant night-time economy, as suggested in its Design Review.

Conversely it was noted that some submissions in response to the published RtS scheme fully supported more residential development for the precinct as this contributed to much needed new housing.

5.3.2 INSW Response

The RtS scheme was adjusted based on a land use appraisal commissioned by INSW to consider an appropriate revised land use mix and commercial market demand at Blackwattle Bay. This included reducing the overall density of the precinct while increasing the proportion of floor space for non-residential land uses (51%) to residential uses (49%) (see Table 3).

Table 3: Land use breakdown between exhibited and RtS schemes

| Land use type | Exhibited scheme* (m ² GFA) | RtS scheme* (m ² GFA) | Change between exhibited and RtS scheme (m ² GFA) |
|--|---|-------------------------------------|---|
| Commercial, retail and other | 111,225 | 100,320 | -10,905 |
| Residential | 122,850 | 97,432 | -25,418 |
| Total | 234,075 | 197,752 | -36,323 |
| Non-residential / residential % | 47.5% / 52.5% | 51% / 49% | n/a |

*Note: excludes 26,751 m² for the new Sydney Fish Market

Source: Tables 9 and 10 from SSP study and INSW supplementary information

- has appropriately designed and located this future floor space to be attractive to the market
- is whether the approach taken is consistent with the strategic planning context for the area.

The PRP considered that the RtS plan did not adequately prioritise commercial floor space and did not address all the key recommendations of INSW’s land use appraisal report.

INSW provided a RtS scheme that maintains a higher proportion of non-residential (51%) to residential (49%) floor space mix, reflecting the recommended land use appraisal assessment that accompanied the RtS. INSW considers this would provide for the forecast demand (up to 67,000 m² net lettable area (NLA) (or around 78,825 m² GFA) over the anticipated development period to 2036.

This approach is appropriate based on the information presented and noting the proposed LEP amendments will require a *minimum* non-residential floor space to be delivered in the precinct. This ensures new development seeks to prioritise commercial floor space in pursuit of the vision for the area as a mixed-use precinct and in line with the PPPS. The proposed LEP amendment minimum commercial floor space requirement does not prevent a proponent from providing a larger commercial floor space outcomes based on market demand.

As shown in Table 4 there is a jobs target under the PPPS for the Blackwattle Bay sub-precinct, which includes 5 other sites capable of change located adjacent to the precinct that can also play a role in delivering new homes and jobs in pursuit of the vision under the PPPS (see Figure 6 in the [Pymont Peninsula Finalisation Report](#) of sub-precinct master plans and rezoning). Table 4 shows that efforts have been made to reduce the environmental impacts generated by the built forms through reduced building height and density now proposed by the RtS scheme, this has had the consequence of reducing resultant and likely jobs numbers. Despite this, the expected quantum of jobs that can be generated by the RtS scheme is on par with that expected by the PPPS.

Table 4: Comparison of the exhibited and RtS schemes against the job targets under the PPPS for Blackwattle Bay sub-precinct.

| Blackwattle Bay Sub-precinct target (PPPS) | | Exhibited Scheme | | RtS Scheme | |
|--|----------|------------------|----------|---------------|----------|
| New residents | New jobs | New residents | New jobs | New residents | New jobs |
| 2,055 | 5,770 | 2,854 | 5,907 | 2,014 | 5,645 |
| 26% | 74% | 33% | 67% | 26% | 74% |

In relation to whether the the RtS scheme has been appropriately designed and located to be attractive to future tenants, INSW considers that the RtS scheme has improved the allocation of non-residential uses across the Precinct by:

- reducing non-residential floor space to landowners at the northern part of the precinct, recognising that smaller non-residential floor area in podiums can be more appropriate for retail and smaller scale commercial uses
- clustering commercial floor space uses in and around the southern part of the existing Sydney Fish Market site closer proximity to the future Pymont Metro Station and other transport links on Harris Street

- providing opportunities for a range of floor plate sizes within the ranges recommended in the land use appraisal, due to the varying built form envelopes and building heights afforded by the scheme
- including additional provisions in the Design Guidelines requiring new development to be carefully designed to effectively manage land use conflicts between residential and non-residential uses in the precinct.

It is agreed that these outcomes provide an optimal allocation of commercial uses based on the land use appraisal, having regard to the other issues requiring resolution and the delivery of public space and infrastructure funded by the development.

Additionally, this approach has the capacity to make a significant contribution to the jobs targets to be achieved for the broader Pyrmont peninsula and is generally consistent with the forecasted new jobs set out in the PPPS (see Error! Reference source not found.).

To support this approach and expected outcomes, the following proposed for the LEP provisions and Design Guideline requirement have been sought:

- A minimum non-residential floor space requirement in LEP 2012 to secure the required non-residential floor area to deliver the strategic planning objectives, including prioritising commercial uses and supporting the productivity of the Eastern Harbour CBD
- adjusted objectives and provisions in the Design Guidelines to:
 - encourage new commercial land uses are clustered to create commercial activity in core zones in the precinct
 - include provisions to implement INSW's land use appraisal recommendations:
 - clarify podiums for new development in the northern part of the precinct are suitable for non-residential uses
 - confirm non-residential uses in the northern part of the precinct are most suitable for small-scale commercial, restaurant or retail uses
 - identify retail, food and bevel and entertainment uses should be located on ground floor levels to activate streets and laneways
 - ensure the careful design and consideration of potential land use conflicts between residential and non-residential development

5.4 Environment

5.4.1 Sustainability

5.4.1.1 Issue

Submissions raised concerns regarding a lack of sustainability measures for the precinct. Council's submission considered that the exhibited scheme was inconsistent with and/or lacked adequate commitment to the sustainability opportunities and performance criteria outlined in the PPPS.

Further, the sustainability provisions and targets outlined in the exhibited SSP Study and draft Design Guidelines were not considered to be sufficiently ambitious as the targets included in the

PPPS and there were no specific precinct scale mechanisms to give effect to good sustainability outcomes. Alex Greenwich MP also called for the highest sustainability standards.

As part of its RtS approach INSW were requested by the Department to further investigate precinct-scale sustainability outcomes to achieve energy and water efficiency targets, requirements for future buildings to achieve minimum energy and water targets and consider precinct-scale stormwater detention and re-use. The EPA also requested more detail on the waste, resource recovery and circulate economy provisions in the Design Guidelines.

5.4.1.2 INSW Response

The RtS commits to and includes updated sustainability responses including commitments to:

- the delivery of a Net Zero precinct target, and accelerating its delivery from 2050 to 2041
- the requirements for all new buildings to achieve a 5-Star Green Star Buildings rating
- addition of stretch targets with increased BASIX and Green Star ratings to encourage greater sustainability performance and the adoption of 6-star NABERS rating.
- updated provisions in the Design Guidelines to address the EPA's submission for more detail on waste, resource recovery and circular economy
- provisions for new buildings to have green roofs and ensuring areas of deep soil for trees
- a target of 100% recycled irrigation water for public open space with provisions for recycled water to be possible, subject to future investigations and funding in new development in Blackwattle Bay.

The RtS also includes the potential to deliver 'multi-utility hubs' as envisioned in the PPPS and precinct-scale management of utilities and services across the precinct. The updated Design Guidelines include a new provision requiring the investigation into precinct-scale services, such as microgrid and grid-scale battery storage, water recycling system, food organic waste facilities, precinct parking and electric vehicle charging.

5.4.1.3 Assessment

These new commitments adequately address matters raised in submissions in relation to the sustainability performance of the precinct. It is noted that Council also considers the overall RtS scheme and commitments to sustainability as being adequate also. These measures will be supported and ensured through the following provisions:

- inclusion of the requirement for all new buildings to achieve a minimum 5-Star Green Star rating.
- including targets in the Design Guidelines to ensure the delivery of energy and water efficient buildings, and also requiring recycled irrigation water for public open space and provision for future installation in new development.
- requiring the provision of unbundled parking in the Design Guidelines to ensure that his parking is adaptable to future needs to meet the intent of multi-utility hubs.

On 1 October 2023, the *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) will commence and apply to all new development in the precinct also. The SEPP

also sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

The SEPP will support the sustainability measures for Blackwattle Bay, which are generally consistent with the higher standards proposed, or where there is an inconsistency, the SEPP will apply.

Other sustainability measures, such as providing for electric vehicle charging infrastructure, committing to an investigation of recycled water infrastructure and precinct-wide microgrid and decoupled or unbundled parking are additional to the SEPP and required in the Design Guidelines.

5.4.2 Air Quality

5.4.2.1 Issue

Submissions raised concerns regarding whether future residential dwellings within the precinct would be able to achieve appropriate air quality amenity given the proximity of the precinct to the Western Distributor. Concern was also raised regarding what potential air quality impacts Hymix's operations may have to all forms of development in the precinct.

5.4.2.2 INSW Response

The RtS did not supply any new information in response to issues raised in submissions but rather sought to further explain how the submitted Air Quality Impact Assessment (dated 2021) (AQIA) addresses concerns raised in submissions. However, during the Department's post RtS evaluation of the proposal INSW submitted additional air quality modelling which is discussed below.

5.4.2.3 Assessment

All air quality studies and modelling submitted by INSW were additionally peer reviewed. In June 2021 these studies were submitted for assessment, at the same time as the National Environment Protection (Ambient Air Quality) Measure 2021 (NEPM) was released. Hence, the reports had not considered these updates.

NEPM provides the air quality standards for nitrogen dioxide (NO₂), of which a key source is from car and truck exhaust, noting that high levels of NO₂ can affect human health. The updated NEPM 2021 standard provides more stringent air quality standards for NO₂.

Advice from the EPA (August 2022) was the new NEPM standards would be in force imminently and therefore the precinct plan should be assessed against the new criteria.

INSW remodelled the precinct plan against the new criteria and has provided an addendum to the AQIA (October 2022) and considered:

- The updated, more stringent NO₂ standards from the 2021 NEPM.
- Buildings and receptors consistent with the revised precinct plan.
- Updated traffic volumes, associated with the revised precinct plan.
- Updated meteorological model, for a three-year period 2017 to 2019.

Based on the results presented in the AQIA and addendum, air quality impacts at the precinct can be summarised as below:

- NO₂ impacts at sensitive locations are the result of vehicle exhaust emissions from the Western Distributor, where exceedances of the NO₂ criteria are predicted at less than 2% of residential receptors and approximately 15% of public outdoor areas.
- Particulate matter impacts at sensitive locations are the result of elevated background concentrations, vehicle exhaust emission from the Western Distributor and concrete batching emissions from the Hymix operation. Particulate matter impacts are most significant if Hymix remains in operation.
- Odour emissions from the new Sydney Fish Market, are not expected to lead to odour impacts at residential locations, due to design, construction and operation of exhaust treatment, the expected implementation of operational odour control measures as part of that development, and distances between the new market and future residential development. It is noted also that this development will be regulated in this regard by the condition of the SSD approval that applies to the new market.

In relation to these predicted impacts predicted NO₂ impact to residential uses are very small, being 2% of the total residential floor space proposed. Furthermore, if it cannot be demonstrated in future development applications that the design and management of a building can satisfy relevant air quality criteria including the NEPM, then less sensitive non-residential land uses would need to be considered.

It is noted also that Hansons has indicated it will continue to operate the Hymix concrete batching plant in the precinct for some time to come. Like the approach for considering the predicted NO₂, development applications for development adjoining Hymix operations will be required to demonstrate particulate matter impacts can be appropriate and/or mitigation measures to protect future residents or consider less sensitive land uses until such time as the concrete batching plant ceases operation.

Hansons has indicated it will not relocate its operations unless the planning controls for their site are introduced to facilitate its proposal for an integrated concrete batching plant with residential tower above. The Department considers this approach as being inappropriate as this does not align with the NSW Government's future vision as a new urban quarter and mixed-use precinct, which does not contemplate retention of industrial activities, such as a concrete batching plant.

In relation to potential air quality impacts to public space from road uses on the Western Distributor, the submitted Human Health Risk Assessment (June 2021) found lower pollution exposures were anticipated to occur in the precinct on average relative to other residences and commercial properties nearby and would be an acceptable outcome. It is also anticipated that despite increases in vehicle numbers in the area, ambient air quality is expected to continue to improve into the future as it has done over recent decades due to improvements in vehicle engine performance, cleaner fuels, and growth of electric vehicles. Finally, public space can be designed to minimise exposure for any areas that are identified to be of concern as a result of further detailed air quality modelling. This may include, for example, planted or garden areas rather than seating to minimise the duration of exposure.

The air quality controls in the Design Guidelines as submitted with the RtS were broadly adequate and were expected to lead to the relevant amenity design objectives being achieved. However,

based on the above updated information, the Department has inserted additional and revised controls into the Design Guidelines to:

- ensure future development considers key design principles and guidance to enable land use conflicts to be managed
- require air quality assessments to accompany development applications where users of the proposed development will be exposed to emissions from neighbouring high-volume roads and existing industrial activities, and
- propose design measures where it is determined air quality standards will be exceeded.

These controls will require development to demonstrate future users and visitors can be adequately protected from air quality impacts.

5.4.3 Noise

5.4.3.1 Issue

Submissions raised concerns about whether future residential dwellings in the precinct would be able to achieve appropriate noise amenity and mitigate noise generated by the Western Distributor. Concern was also raised regarding noise generated from public events and entertainment uses within the precinct.

5.4.3.2 INSW Response

The RtS did not supply any new information in response to issues raised in submissions but rather it explained how the submitted Noise and Vibration Study (June 2021) addresses concerns raised in submissions. The report, however, did recommend that noise modelling be revised and updated during detailed design stages to assess noise impacts on the proposed residential and commercial areas.

Where this future modelling predicts significant noise impacts at proposed residential facades, this could be mitigated through facade and ventilation system design, building layout, and the proposed habitable/non-habitable uses on each level and area. These measures could include some or all of the following:

- Facades set at oblique or perpendicular angles to the primary noise source, with shielded ventilation openings
- Reorienting and reducing the number of habitable spaces (particularly bedrooms) facing the Western Distributor
- Provision of attenuated natural ventilation measures e.g. partially or fully enclosed balconies with solid balustrades and acoustic absorption, offset window openings or acoustic plenums for habitable spaces.

5.4.3.3 Assessment

INSW's assessment has been peer reviewed, the results of this are summarised below and consultant recommendations for mitigations incorporated in the Design Guidelines.

The Department's evaluation was made on whether future development can achieve compliance with applicable noise policy – *Development Near Rail Corridors and Busy Roads Interim Guidelines (NSW Department of Planning, 2008)* and *Child Care Planning Guidelines (NSW Planning and Environment, 2017)*.

The three main areas that the Department considered were:

1. **Transport noise levels** – whether there would likely be no exceedances of noise criteria under the Transport and Infrastructure SEPP for habitable rooms and bedrooms, while also meeting the natural ventilation objectives in the ADG.

Based on the RtS, the majority of apartment bedrooms facing the Western Distributor are not expected to comply with the natural ventilation requirements of the ADG and also meet noise requirements under standard modelled building floor layouts.

The design of residential buildings with facades facing the Western Distributor will need to consider suitable orientation of dwelling windows, alternative noise mitigations and ventilation mechanisms to ensure best outcome and compliance with the noise policy and the ADG. Design consideration of how noise and air quality criteria can be satisfied will be required as part of the DA process. For example, the Council's design review considered building layouts that face windows and living areas toward the bay with internal access and circulation located adjacent to the Western Distributor, which minimises window openings and provides a buffer to noise. A similar design outcome could be explored by individual building designs. This is enabled in the recommended planning controls and design guideline provisions.

Development in other areas of the precinct is expected to be able to meet the relevant noise criteria.

2. **Land use conflicts** – Given the various uses to be included in the precinct including the temporary retention of the Hymix facility, offices, retail, food and drink premises, and future entertainment venues, these present potential conflicts with residential land uses with respect to noise emissions.

The development of the precinct will occur in stages and along with staging to match the provision of infrastructure, the staging of land uses may need to occur. For example, if the Hymix facility remains on site for a time, noise emissions from these has the potential to be intrusive to new adjoining and nearby residential developments. And while the mixed use precinct will have entertainment noise, the types of uses (restaurants, nightclubs etc) and their location will be need to be considered in relation to residential development.

With mitigation and design response these conflicts can be resolved as outlined below.

3. **Suitable mitigations** - where land use conflicts cannot be avoided by separation alone (issue 2), suitable controls are needed in the planning instruments to ensure compatibility.

The noise study submitted by INSW considers mitigations to address noise sources from road traffic, industrial and commercial uses, and outdoor dining areas. These include first setting internal noise targets for non-road traffic noise impacts (separate to traffic noise which is addressed under issue 1 above) to inform the mitigation required. These will assist in the building design of noise-sensitive land uses when considering the potential for high levels of

external noise (industrial, commercial and entertainment noise) in the precinct. This may involve locating less sensitive land uses, such as non-residential in levels of new buildings most affected by noise, or other measures such as shielding openings from noise sources, reorienting or reducing the number of habitable spaces facing the Western Distributor, double glazing, locating ventilation intakes away from noise impacted facades and other measures. Importantly, the final layout and design of measures must be informed by detailed noise modelling of an individual building design.

Overall, the Department considers the precinct can accommodate a range of new uses, while supporting retention of others, while being able to meet relevant noise standards. This is subject to detailed noise modelling to inform the location, design of development and implementing measures to avoid, minimise and mitigation impacts from the noise sources identified and ensuring that there is a precinct-wide approach to managing noise in future operations.

Consequently, the Design Guidelines have been updated to include a requirement that a Precinct Noise Management Plan (NMP) be prepared by INSW prior to the lodgement of the first residential or commercial development application within the precinct. The NMP is to identify achievable numerical targets for both noise sensitive and noise generating development (existing and future) and consider cumulative noise impacts and mitigations to be implemented. This will inform the building layout and design of mitigation measures to protect health and amenity of occupants.

5.4.4 Wind

5.4.4.1 Issue

Public submissions raised concerns regarding the wind impacts associated with tall buildings, including the effects of wind on the amenity of the public domain. Council noted that the submitted Pedestrian Wind Environment Study (June 2021) highlights parts of the precinct will fail wind safety limits and parts of the precinct will fail walking criteria.

The Department's preliminary assessment indicated that major roads do not currently meet walking criteria and the wind assessment throughout the precinct is based on the walking criteria only, not standing or sitting criteria. Council's submission to the exhibited precinct plan noted that walking criteria in some parts of the precinct could not be met without devices, eg awnings on the street.

The Department recommended the wind assessment be revised to ensure application of appropriate criteria and analysis of the modelled wind conditions resulting from the proposal to inform if the wind conditions achieved will support the expected use of areas of public domain, e.g. sitting, standing, walking. It was also noted that built form amendments may be required where the proposal is unable to achieve the criteria for sitting, standing or walking.

5.4.4.2 INSW Response

The RtS advised that the INSW design team had worked with the INSW's wind consultants to improve the wind performance of the revised precinct plan. Key design responses included:

- increased tower separations for wind paths
- stepped building envelopes towards the water's edge
- reduced tower heights

- locations of awnings on buildings.

A new pedestrian wind environment study and a wind comfort seasonal analysis was undertaken for the RtS scheme, taking into account these modifications. A total of 40 wind study points were considered across the precinct as part of the modelling to assess future wind conditions and comfort factors to consider sitting, standing and walking.

The results indicated that at a strategic level, the precinct can provide suitable wind conditions for a variety of different activities to occur at different times of the year. The foreshore promenade also performs well with standing or walking criteria achieved throughout most of the year.

Further analysis and treatment will be undertaken at the detailed design stage to further improve the wind environment for specific activities like outdoor dining, where landscape design and other elements can provide further wind protection.

5.4.4.3 Assessment

It should be noted that the precinct is located on the harbour foreshore and so is naturally a windy area, with or without buildings.

The Department reviewed and had peer reviews undertaken of all material submitted by INSW as well as considering further advice from Council. The submitted material has demonstrated that the precinct can meet wind criteria with specific mitigation measures to be considered at the detailed design stage.

Future designs for individual buildings will be subject to quantitative wind effects reports (including wind tunnel testing) which can detail specific mitigation measures which could include:

- tapered towers
- stepped podiums towards the Western Distributer
- horizontal protection over through site links
- awnings
- vegetation plantings.

The final design and detail of these mitigation measures and any treatments required to manage wind impacts to achieve appropriate wind performance criteria at ground level will be required in subsequent design excellence processes and/or development applications based on individual building designs and further wind tunnel testing.

The Design Guidelines have been amended to ensure all development must be subject to a quantitative wind effects report (originally it stated only buildings over 55m). The remaining standards and controls as proposed are considered satisfactory.

5.5 Planning and Process

5.5.1 Infrastructure Contributions

5.5.1.1 Issue

Public submissions identified the need for local and State infrastructure planning. Council's submission expressed the importance to align infrastructure planning with the Pyrmont Peninsula Infrastructure Delivery Plan (final published July 2022).

Preliminary assessment by the Department indicated the infrastructure, public open space and community facilities proposed by INSW did not sufficiently align with infrastructure opportunities identified in the PPPS.

The Department wrote to INSW (December 2021) on infrastructure issues, at which time the Pyrmont Peninsula Infrastructure Delivery Plan and the Pyrmont Special Infrastructure Contribution (SIC) had only just been placed on public exhibition as part the Pyrmont Peninsula sub-precinct master plan work.

5.5.1.2 INSW Response

The RtS acknowledged the proposed infrastructure framework for the Pyrmont Peninsula (which includes the Blackwattle Bay Precinct) to rely upon:

- the Pyrmont SIC
- the draft proposed Regional Infrastructure Contribution (RIC)
- affordable housing contributions via the Council's proposed update to the City of Sydney Affordable Housing Program
- a local contributions levy via an update to Council's relevant local contributions plan.

5.5.1.3 Assessment

Since the submission of the RtS, several changes have occurred in response to the infrastructure contributions regime:

- the Pyrmont SIC is now in place
- the RIC is not proceeding
- Council is yet to update its affordable housing scheme or local contributions plan.

In relation to the Government-owned land, INSW will enter into a voluntary planning agreement (VPA) with the Minister for Planning to cover a range of items related to the Government owned land. The VPA is proposed to cover a range of developed related and infrastructure contributions, including but not limited to:

- delivery of the foreshore promenade on Government land
- the over water boardwalk
- delivery of Bank Street Park, including landscaping and community facilities

- Pyrmont Bridge Road cycleway extension between the new fish market and the southern end of Bank Street
- roads, footpaths and intersection works
- new fish market urban park
- a 3% monetary contribution to Council for local contributions based on the cost of carrying out the development in the precinct (less the cost of the items above)
- a 7.5% contribution to affordable housing.

The proposed VPA will be placed on public exhibition and development cannot commence on site until the VPA has been executed.

In relation to privately owned land in the precinct, development for these sites is proposed to be subject to an amended Pyrmont SIC, and a 7.5% affordable housing contribution via LEP 2012. Council is also preparing an update to their contributions plan to fund local infrastructure. Until then, Council's existing infrastructure plan applies. Infrastructure contributions will be considered and negotiated if these sites lodge development applications This will include the delivery of the foreshore promenade on these sites.

An update to the Pyrmont SIC is required to establish the infrastructure contribution mechanism for these sites in lieu of a regional infrastructure contribution, which is not proceeding at this time. The amended Pyrmont SIC will be placed on public exhibition and development cannot commence on these sites until the updated SIC has been finalised. This enables landowners, community and others to have a say about the amended Pyrmont SIC, including updated rate.

The commencement of the amending planning instrument will be six (6) months after it is published on the NSW legislation website. This is to ensure the execution of the VPA as discussed above and the exhibition of a proposed amended SIC for the Pyrmont Peninsula. The amended SIC is proposed to cover more than a contribution to construction of the Pyrmont Metro Station and will consider such items as bus lanes, cycleways, intersection works, footpath widenings and open space.

Council's updated local contributions plan is expected to be exhibited in 2023.

Subject to the above, the Department is satisfied appropriate mechanisms will be in place to secure infrastructure to support new development and public benefits.

5.5.2 Social and Affordable Housing

5.5.2.1 Issue

Public submissions raised concerns regarding the lack of affordable housing proposed within the precinct. Many requested an increase beyond the proposed 5% of residential floor space or noted general concerns regarding lack of social and affordable housing.

A submission from a community housing provider identified challenges in the delivery of affordable housing and that the precinct should identify a clear pathway for delivery of affordable housing including the dedication of land for an affordable housing development.

5.5.2.2 INSW Response

The RtS increased the affordable housing contribution from 5% of residential floor space to 7.5% of both residential and non-residential floor space. Based on the RtS scheme this equates to 14,963m² of affordable housing floorspace. This contribution complies with the District Plan target of 5-10% of residential floor space.

INSW has advised the monetary contribution proposed equates to around \$158.4 million, based on the RtS and the indexed rate specified in the City of Sydney Affordable Housing Program, which is currently \$10,588 per square metre.

5.5.2.3 Assessment

Council queried the change from residential floor space to residential and commercial floor space and asked that INSW revisit its proposal to not dedicate floor space within the precinct for affordable housing. INSW has confirmed the increased 7.5 contribution applies to residential and commercial floor space and that it would be possible under the Council's affordable housing policy for a monetary contribution or dedication of floor space on site.

Overall, the increase from 5% residential to 7.5% residential and commercial floor space for affordable housing contribution was supported by DPE, Council and other stakeholders.

5.6 Movement

5.6.1 Transport and Traffic, Intersections and Development Staging

5.6.1.1 Issue

Traffic impacts was a key issue raised in about 29% of submissions received during the exhibition of the original scheme in 2021. A key concern expressed in those submissions was that precinct's additional proposed development would only further congest an existing road network that was already congested. This was particularly a concern for peak periods and that this was added to the traffic generated by the Sydney Fish Market.

Some submissions, including from School Infrastructure NSW also raised concern with ensuring safe travel to schools for students, the cumulative impact of additional traffic congestion in the area and how the precinct would connect to new public transport, such as the Pyrmont Metro Station. The other concern was what impact the precinct's development would have on the existing public transport system, which was considered either at capacity (light rail), or inadequate (more bus stops needed). Other submissions suggested the precinct should be provided with public transport such as a relocated metro station and/or closer ferry terminal.

TfNSW also provided advice to INSW on the Transport Management and Accessibility Plan (TMAP) submitted with the proposal. This included the need for:

- more information on the transport infrastructure required to support the development, including infrastructure prioritisation and funding
- a combined loading and servicing plan to meet freight and service demands in the precinct, including consideration of a combined loading dock

- reduced car parking rates to support the mode share target of 85% active and public transport
- the need for a new primary school within or near the Pyrmont Peninsula to meet demand and avoid an increase in private vehicle trips for education purposes.

The Department's assessment letter to INSW post the first exhibition requested clarification on the information that informed the modelling supporting the TMAP assessment and additional evidence that proposed strategies would support the mode share target.

5.6.1.2 INSW Response

The key changes made by INSW in response to submissions include:

- reduced the overall density of development by 15%, or about 36,323 m² of gross floor area, which is equivalent to approximately 840 fewer residents and 265 fewer workers
- a revised the precinct plan to improve improved pedestrian and cycling links through the precinct and better utilisation of the public domain areas to support these links
- a redesigned primary road connection by removing Building 07, to provide direct alignment and connection with the existing intersection at Wattle and Bridge Road
- the capacity for a 'mid-block intersection' to connect the precinct to Bank Street, to serve as another road connection option to address concerns about the existing operation of the Hymix concrete batching plant and increases in vehicles and pedestrians accessing the intersection at Bank and Miller Street
- a precinct target for a high mode share of 85% active and public transport and 15% private vehicle use through strategies and actions to avoid and minimise the potential for increased trip demand to contribute to traffic congestion
- reducing the number of expected car parking spaces in the precinct by 25% (or 365 car parking spaces) fewer car parking spaces than that for the exhibited scheme (this is discussed further at **Section 5.6.2**)

The RTS also included an addendum statement from INSW's transport consultant AECOM, which responded to the specific comments and advice from TfNSW, Council and the Department's assessment letter (refer to link [found here](#)).

5.6.1.3 Assessment

Most of the transport and traffic issues raised have been adequately addressed by INSW. The reduction in the precinct's density by 15% is predicted to result in a consequential reduction in the number of car trips during the key morning peak period (8:00 – 9:00 am) by 25%.

To further assist in minimising impacts beyond that proposed in the RtS scheme, it is recommended that the commercial parking rates be further reduced (discussed in **Section 5.6.2**). This is expected to further reduce the demand for private vehicle trips to and from the site, minimise traffic generation and support the precinct to achieve a mode split of 85%/15%.

These changes together with the proximate access to Metro West via the Pyrmont Metro Station and the mode share strategies, including reduced car parking and contributions proposed in the

VPA to improve to local walking and cycling infrastructure, will support the precinct to achieve the targeted mode share split of 85% public and active transport use in an area that already has high rates of public and active transport use and low rates of private vehicle use.

With regard to intersections and routes into the precinct, the Department has worked closely with TfNSW and Council to consider the existing and future proposed transport network. Key issues are whether the traffic implications of the rezoning are acceptable, and the street network integration can provide safe and reliable access, particularly when considering the potential longer term operation of the Hymix concrete batching plant.

The RtS proposed three intersections for access to the precinct at (Figure 34):

1. Wattle Street/ Pymont Bridge Road (proposed)
2. Bank Street/ Miller Street (existing)
3. A new mid-block intersection off Bank Street south east of the existing Miller/Bank intersection.



Figure 34: Proposed new and upgraded intersections (INSW Design Code, Response to Submissions report)

The adequacy of these intersections is outlined in more detailed assessment below.

Wattle Street/ Pymont Bridge Road

There are a number of considerations that need to be taken into account, such as the close proximity of this intersection to the Western Distributor interchange, the proposed upgrade of Bridge Road as part of the new Sydney Fish markets, limitations on any right turn movements from Pymont Bridge Road into the site, amongst others, that will need to be considered at detailed

design stage supported by appropriate traffic modelling, and considering the wider traffic network. The safety of all users of the intersection will need to be considered which includes pedestrian and cyclists.

The Department has revised the Design Guidelines provisions to reflect the need for this further approval along with which stages of the development this intersection should serve (discussed below).

Bank Street/ Miller Street

Hansons has indicated it will continue to operate the Hymix concrete batching plant in the precinct for some time further. The Hymix site is accessed via an existing driveway as part of this existing intersection and directly adjacent to the access to the existing fish markets site.

This existing intersection is located beneath the Western Distributor and between pylons meaning there is limited space to reconfigure the access arrangement. Increasing vehicle, pedestrian and cyclist movements through this intersection along with retaining concrete truck movements presents potentially conflicting and dangerous access risks.

To minimise and resolve risk it is recommended that until a safe intersection for all movements at this location is designed and approved by TfNSW, development applications within Stages 3 and 4 of the precinct's development that rely on this intersection for vehicle access cannot be approved.

The Department has revised the Design Guidelines to set out the need for this staged approach and the considerations to inform the further design, modelling and assessment of an intersection in this location. These include demonstrating the safety, reliability, performance and access to the network for all users and accommodate the different servicing requirements for all vehicles accessing the intersections.

Mid-block intersection

The mid-block intersection was investigated post exhibition and included in the RtS. However, further consideration and work with TfNSW plus the intentions for change sought by the Review of Environmental Factors (REF) for the Western Distributor Road Network Improvements (Oct 2022) means that this intersection is no longer appropriate.

Given the proximity of this intersection to both the Western Distributor interchange and the Bank Street / Miller Street intersection and constraints arising from insufficient sight distances and presence of the Western Distributor support columns, there is a significant risk that any queuing at this intersection will negatively impact on the Pymont interchange (see Figure 34), which is one of the intersections that is proposed to be improved as part of the proposed Western Distributor works. In addition, given the need for good active transport links in the area, any intersection in this location, regardless of it being signalised or not, will encourage people to attempt to cross Bank Street. Given the limited pedestrian space and lack of a cycling network on the northern side of Bank Street, any active transport crossings at this location are not supported.

Consequently, all references to this intersection have been removed from the Design Guidelines in line with advice from Transport for NSW.

Development staging

Due to the intersection issues raised above, it is recommended that delivery of development in the precinct be staged. This is outlined in more detail in the Design Guidelines, summarised here and shown in Figure 35. It is proposed that Stages 1 and 2 (excepting the private landowner site and open space in the north, which will have direct access to Bank Street) will use the Wattle Street/Pyrmont Bridge Road intersection.

Development in Stages 3 and 4 that will use the Bank Street/ Miller Street intersection cannot proceed until the design and operation of the intersection is approved by TfNSW. This does not apply to development in Stages 3 and 4 that has or can obtain suitable direct access to Bank Street without the need for an intersection.

The Department and TfNSW are satisfied that, subject to the requirement that INSW undertake further work to demonstrate suitable safety, access, performance and other matters for the intersection at Bank and Miller Street before Stages 3 and 4 can progress. This will be required to be satisfied before the Stages 3 and 4 of the development that rely on this intersection can proceed.

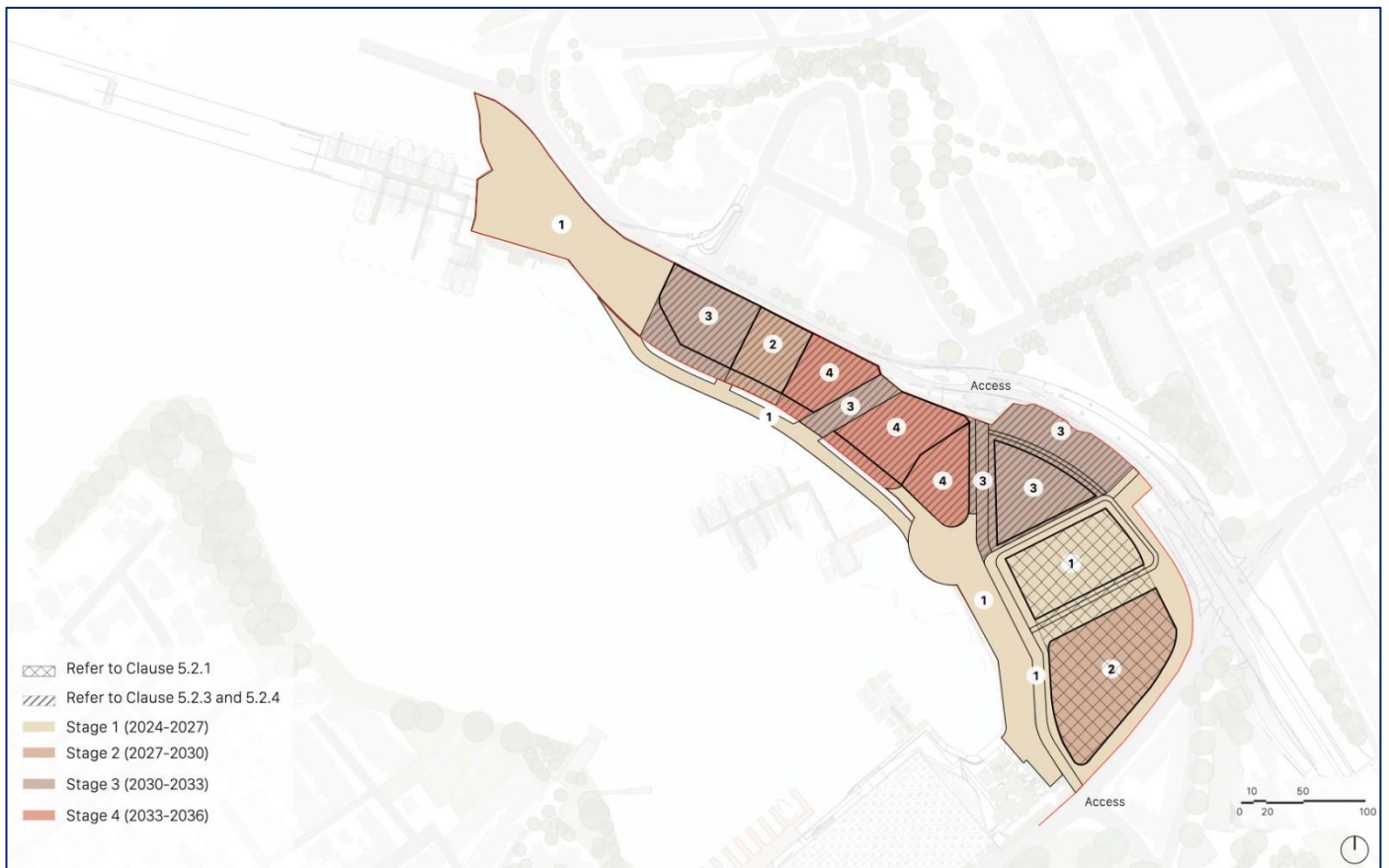


Figure 35: Proposing staging and timeframes (Source: *Blackwattle Bay Design Guidelines*)

5.6.2 Parking

5.6.2.1 Issue

Parking was a key issue raised in about 14% of public submissions received in relation to the exhibited plan. Submissions raised concerns regarding what impacts the precinct's development

may have on the availability of on-street parking and impacts on the availability of on-street parking resulting from the new development and the ongoing Sydney Fish Market visitors.

Council stated as the precinct is highly accessible to the new Pyrmont Metro Station, a near zero-parking precinct should be targeted in which parking for private vehicles is not provided except for carers, the disabled, visitors, and car share.

The Department requested INSW provide evidence that more people travelling to and from the precinct would use public and active transport rather than private vehicles, consider parking rates in other similar precincts and whether decoupled parking could be implemented.

5.6.2.2 INSW Response

INSW considered Central Park, Sydney was the most appropriate case study for benchmarking car parking rates as it has a comparable geographic context and proposed similar mode share targets (80% walking, cycling and public transport) to what is proposed at Blackwattle Bay (85% walking, cycling and public transport). The exhibited plan proposed the application of Category D parking rates under Land Use and Transport Integration within LEP 2012 for commercial development, which equates to 420 spaces. INSW proposed a revised maximum car parking rate of one space per 300m² for commercial development. This reduces the 420 spaces proposed in the exhibited plan to 306 spaces (a reduction of 114 spaces) in the RtS scheme. For comparison, Central Park has a maximum car parking rate of one space per 244m².

The exhibited plan proposed the application of the same Category A parking rates under Land Use and Transport Integration within LEP 2012, and the RtS scheme retained Category A parking rates. The parking rates for residential development, as per clause 7.5(1)(a) of the LEP 2012 are as follows:

- 0.1 spaces per studio
- 0.3 spaces per 1 bedroom unit
- 0.7 spaces per 2 bedroom unit
- 1 space per 3 or more bedroom unit

The parking rate for retail development, as per clause 7.7(2)(c) of the LEP 2012, is 1 space per 90m².

The RtS scheme has also retained Category D under Public Transport Accessibility Level within the LEP 2012 for retail premises and accommodation parking. Accessible parking spaces of up to 180 spaces (as part of the total 710 parking spaces) are proposed to be allocated within the residential parking rates.

The Design Guidelines include provisions requiring INSW or developer to investigate the potential for decoupled and/or unbundled parking prior to the lodgement of the first development application on Government owned land.

The Updated Transport Assessment submitted with the RtS outlines bicycle parking provisions will be made in accordance with the Sydney DCP 2012. The DCP requires 1 space per residential dwelling (1,203 spaces) and 1 visitor space per 10 dwellings (120 spaces), which equates to 1,303 bicycle parking spaces. INSW outline the provision for bicycle parking spaces will be made at the detailed design stage.

5.6.2.3 Assessment

The reduction of 222 residential car parking spaces is the result of a reduction in density, rather than the application of more stringent parking rates.

The proposed parking rates remain high considering the limited strategies proposed to support the high public and active transport mode share of 85%, which does not adequately consider the proposed Pyrmont Metro Station. TfNSW and Council requested a reduction in car parking rates further than proposed to help ensure mode target of 85% is achieved. TfNSW also note that freight parking is also required to be addressed.

The Project Review Panel, including Transport for NSW considered car parking rates proposed for other precincts in similar stage of planning. These included Central Station State significant precinct, which is proposing a rate of 1 space per 2,000 m² for commercial floor area and Bays West, which is proposing a rate of 1 space per 1,100 m² for commercial floor area.

The PRP supported the proposed parking rates for residential uses in the RtS. However, the PRP advised parking rates for commercial uses should be based on a maximum rate of 1 space per 1,100 m² of commercial floor area to achieve a further reduction in car parking within the precinct. The PRP also noted fewer commercial car parking spaces would minimise trips generated by workers travelling to employment during peak periods. TfNSW noted this was consistent with and would support INSW proposing to target 15% private vehicle mode share target in the precinct.

The PRP noted that Pyrmont is an area in Sydney that has a very low rate of car use and a high rate of public and active transport use with existing bus, light rail and pedestrian connections to the Sydney CBD and new Metro Station. Additionally, the PRP noted less parking would likely result in less traffic and improved amenity outcomes, and for this reason, lower rates are considered appropriate within Blackwattle Bay. Provisions included in the Design Guidelines will also assist in achieving the target 15% mode share. This includes requiring INSW or developers to investigate decoupled, unbundled and/or consolidated parking, upgrade and reconfigure intersections to optimise pedestrian safety, provide bicycle parking and deliver bicycle infrastructure that accommodates and separates recreational and commuter users.

Transport for NSW considered this rate would be appropriate on the basis that:

- application of this rate is consistent with the ambitious 15% private vehicle mode share target for the precinct
- it is an effective strategy to influence travel behaviour
- aligns with the transport and sustainability objectives of the Blackwattle Bay SSP
- is consistent with other commercial car parking rates proposed for precincts in the Eastern City, including Bays West, Central Station and Redfern North Eveleigh

Table 5 shows applying a rate of 1 space per 1,100 m² for commercial development will reduce parking from 1,440 in the exhibited scheme to 855 spaces under the Department's recommended planning controls. This represents a reduction of about 40% between the exhibited and final planning controls.

Table 5: Exhibited and final parking rates

| Land Use | Exhibited Parking Spaces | RtS Parking Spaces | Difference between exhibited and RtS | DPE Final Parking Spaces | Total Reduction from RtS Plan |
|--------------|--------------------------|---------------------------|--------------------------------------|-----------------------------|-------------------------------|
| Residential | 932 spaces | 710 spaces | -222 spaces | 710 spaces | No change |
| Commercial | 420 spaces | 306 spaces | -114 spaces | 86 spaces | -220 spaces |
| | | 1 space/300m ² | | 1 space/1,100m ² | |
| Retail | 88 spaces | 59 spaces | -29 spaces | 59 spaces | No change |
| Total | 1,440 spaces | 1,075 spaces | -365 spaces | 855 spaces | N/A |

The advice of the PRP is supported and it recommended that the planning amendments include the provision of 1 car parking space per 1,100m² for commercial development. As the parking controls are located within the Sydney LEP 2012, these provisions have been removed from the Design Guidelines.

5.7 Other issues

This section outlines other issues that were raised in submissions and throughout the precinct planning process. See Table 6.

Table 6: Other issues raised in submissions and throughout the precinct planning process

| Issue | DPE Consideration |
|--|--|
| <p>Connecting with Country</p> <p><i>The PWG considered the Design Guidelines could be improved to address and better prioritise Connecting with Country objectives.</i></p> | <p>The Design Guidelines provided with the RtS contains Connecting with Country objectives and provisions informed by INSW's 'Murawin report' and consultation with Aboriginal stakeholders.</p> <p>The Design Guidelines are supported as they enable ongoing consultation and engagement with the Aboriginal community as the precinct is developed over time.</p> |
| <p>Delivery and maintenance of public spaces, including over-water boardwalk</p> <p><i>Submissions, including from Council and advice from the Project Review Panel raised concerns about the delivery, maintenance, and ongoing ownership of proposed public spaces, including the over-water boardwalk.</i></p> | <p>INSW has confirmed future public space, including the over-water boardwalk would be delivered by the NSW Government and owned and managed by Place Management NSW.</p> <p>The delivery will be secured as part of the VPA being negotiated for the site and required to be finalised before the planning controls come into effect.</p> |

| Issue | DPE Consideration |
|--|--|
| | <p>Additional stages of the foreshore promenade on private land will be required to be delivered in for public access to access the uplift under the proposed planning amendments.</p> |
| <p>Public Transport</p> <p><i>Submissions raised concerns with existing and future transport modes noting the Pyrmont Metro station may present challenges for connection with the precinct.</i></p> | <p>INSW updated the draft Design Guidelines to include provisions for establishing a process for developers to work with TfNSW to resolve detailed requirements to:</p> <ul style="list-style-type: none"> • enable future ferry provision at concept development application stage. • facilitate easy, efficient and safe connectivity to existing and proposed public transport. <p>The amendments to the Design Guidelines are adequate, as it has addressed concerns raised in submissions.</p> |
| <p>Freight Servicing</p> <p><i>INSW had not adequately addressed the forecast freight servicing demand. Submissions raised concern with congestion, servicing and access.</i></p> | <p>The Department has amended the Design Guidelines to incorporate feedback from TfNSW to provide sufficient off-street access and parking facilities that accommodate the freight servicing demand of the precinct.</p> |
| <p>Pedestrian and cycle network</p> <p><i>Concerns were raised in some submissions about whether there was sufficient capacity and/or infrastructure for walking and cycling demand and safety at the proposed Bank and Miller Street intersection.</i></p> | <p>INSW further analysis indicates the key period of congestion is morning peak along Pyrmont Bridge Road, which is part of the State road network.</p> <p>Transport for NSW is preparing a Pyrmont-Ultimo Transport Plan, which will continue to investigate and plan necessary transport infrastructure upgrades required across the Peninsula. This includes pedestrian and cycleways throughout.</p> |
| <p>Flexibility of planning controls</p> <p><i>Some submissions raised concern regarding the proposed planning controls and design guidelines providing too much flexibility, which could result in larger buildings and greater density of development.</i></p> | <p>The proposed LEP amendments, Design Guidelines and further amendments to these Built Form provisions clearly set out how the development should be implemented. While there is some flexibility, limitations have been set for floor space, height and solar access controls that will ensure development outcomes don't compromise or impact the public domain or escalate the appearance of the development.</p> <p>To support this the existing LEP bonus of up to 10% additional height and/or floor area that applies for new development where development demonstrates</p> |

| Issue | DPE Consideration |
|--|---|
| | <p>design excellence will not apply to development in this precinct. .</p> <p>This will ensure certainty in the maximum building heights of new development and will assist in mitigating impacts. Overall, the department considers the planning controls provide an optimal balance between certainty and flexibility noting design processes are to follow.</p> |
| <p>Greater height and density for private land</p> <p><i>Poulos Brothers and Celestino made submissions calling for greater height and floor space to ensure development and renewal of the private land is feasible.</i></p> <p><i>Hymix's submission stated it had no intention of renewal and proposed an alternate scheme involving a concrete batching plant within the podium of a mixed-use tower.</i></p> | <p>it is noted INSW has engaged with the three private landowners to ensure the proposed planning controls and Design Guidelines provisions enable renewal.</p> <p>For the reasons stated in this report, the proposed planning amendments provide an optimal development outcome for the precinct.</p> <p>It is considered that INSW has appropriately considered feasibility of development and the planning amendments enable the renewal of this precinct to begin.</p> <p>In relation to Hymix's proposed integrated concrete batching plant within a mixed use tower, this approach is not consistent with the vision and objectives of the strategic planning context or the precinct plan.</p> <p>See Appendix C for more of the Department's consideration of these submissions</p> |

6. Consistency with State and local policies

6.1 State Policies

Greater Sydney Region Plan – A Metropolis of Three Cities

A Metropolis of Three Cities – the Greater Sydney Region Plan (Plan) is the NSW Government’s 40-year strategy and coordinates the approach to infrastructure and collaboration, liveability, sustainability and productivity across Greater Sydney. The vision of three connected cities, the Eastern Harbour City, the Western Parkland City and the Central River City, integrates land use and infrastructure across the three cities, with the aim of providing greater access to jobs and public services within 30 minutes of homes.

The Plan seeks to build on the recognised economic strength of the Eastern Harbour City. With half a million jobs and the largest office market in the region, the Eastern Harbour City provides a focus for further economic development while also addressing opportunities to improve liveability and sustainability.

Blackwattle Bay is situated within the Eastern Harbour City. The proposed planning amendments are consistent with the goals set out under the Plan as they promote great public spaces, social opportunities and growth in jobs and housing.

Eastern City District Plan

The District Plan sets out how the Greater Sydney Region Plan will apply to the Eastern Harbour City coordinating the supply of housing with jobs growth and the delivery of supporting infrastructure. The District Plan identifies planning priorities and associated actions to deliver a more innovative and globally competitive city, increasing the existing concentration of knowledge intensive jobs.

The proposed planning amendments are consistent with the goals set out under the Plan as they promote:

- more homes and jobs within 30-minute access to a metropolitan centre by public transport
- access to public open space and community facilities for the existing and future community
- increased walkable access to local centres, and
- increased jobs in metropolitan centres.

See **Appendix A** for an assessment of the proposed planning amendments against the District Plan.

Future Transport 2056

The Future Transport Strategy prepared by TfNSW sets out a 40-year vision for integrating land use and transport throughout NSW. The strategy was prepared collaboratively with agencies to coordinate investment in infrastructure and delivery on priorities such as the 30-minute city.

The proposed planning amendments of Blackwattle Bay support many of the priorities in Future Transport Strategy 2056:

- Successful places – the precinct will provide safe and easy access to public spaces by walking, cycling and public transport encouraging people to be more physically active increasing social interactions and opportunities for recreation.
- A strong economy – Blackwattle Bay will benefit from the new Pymont metro station and attract new workers and visitors to the area.
- Sustainability – the precinct will reduce overall transport demand through integrated land use planning by locating new development close to public transport infrastructure such as the Pymont metro station and light rail and lowering vehicle emissions by targeting 85% of trips being generated by active and public transport.

NSW State Infrastructure Strategy 2018-2036

The NSW State Infrastructure Strategy 2018–2038 sets out the NSW Government’s vision to provide infrastructure that meets the needs of a growing population and economy. The Blackwattle Bay precinct is consistent with the strategy as it would deliver an integrated land use and infrastructure planning outcome.

Pymont Peninsula Place Strategy and Pymont Urban Design Report

The PPPS was endorsed by the Minister for Planning and Public Spaces in December 2020 and was shaped by the strategic vision of the *Greater Sydney Region Plan* and the *Eastern City District Plan*.

The PPPS sets out 10 Directions addressing matters of strategic economic, social and environmental significance in the Pymont Peninsula to guide growth and change to 2041.

The PPPS identified five Big Moves to help realise the vision:

1. A world-class harbour foreshore walk
2. A vibrant 24-hour cultural and entertainment destination
3. Connect to metro
4. Low carbon, high performance precinct
5. More, better and activated public space.

A structure plan identified areas most appropriate for growth and change. The Blackwattle Bay sub-precinct (an area larger than the Blackwattle Bay SSP) was one of the four sub-precincts identified as a place of transformation and renewal that can accommodate more growth and change than other parts of the Peninsula.

The PPPS also identified Infrastructure NSW’s Blackwattle Bay SSP as one of four key sites that had the capacity to deliver strategic growth and change subject to delivering public benefits and considering special considerations for master planning.

The Blackwattle Bay sub-precinct master plan identified the final planning controls for Blackwattle Bay would be determined at the completion of the State significant precinct process. It therefore

did not set out planning and design parameters requiring detailed assessment (refer to Appendix B for more information).

6.2 Local Plans and Policies

Local Strategic Planning Statement (City Plan 2036)

Council's Local Strategic Planning Statement (LSPS), City Plan 2036, sets out the land use planning context and 20-year vision for positively guided change towards the City's vision for a green, global and connected city. The planning priorities and actions in the LSPS provide a framework to achieve the vision.

The proposed rezoning of Blackwattle Bay is consistent with the following actions:

- deliver diverse, suitable, and well-designed spaces and places to support City Fringe's contribution to the economic diversity, affordability and resilience of the City and District, with a focus on knowledge-intensive sectors.
- ensure a genuine mix of uses to support lively and thriving village economies within City Fringe, including residential development provided it does not compromise commercial or enterprise uses.

Sustainable Sydney 2030

Sustainable Sydney 2030 is Council's strategic plan establishing a vision for a green, global and connected city. The strategy sets 10 strategic directions including planning for a globally competitive evolving city. The proposed rezoning supports the objectives of the strategy in the following ways:

- the creation of a global and competitive city, by enhancing tourism infrastructure and providing commercial office space in a well-connected location
- the provision of housing for a diverse population
- the creation of a safe and attractive walking and cycling network linking streets, parks and open spaces

Appendix A - Consistency with the Eastern City District Plan

| Relevant Planning Priority and/or Action | Consideration |
|---|---|
| <p>Planning Priority E1 Planning for a city supported by infrastructure</p> <ul style="list-style-type: none"> • <i>Action 3. Align forecast growth with infrastructure</i> • <i>Action 4. Sequence infrastructure provision using a place-based approach</i> | <p>The renewal of Blackwattle Bay is supported by the following city shaping infrastructure projects including Westconnex, the Western Harbour Tunnel, Sydney Metro West and the new Sydney Fish Market.</p> |
| <p>Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities</p> <ul style="list-style-type: none"> • <i>Action 10. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities</i> • <i>Action 14. Facilitate opportunities for creative and artistic expression and participation</i> | <p>The renewal of Blackwattle Bay would deliver:</p> <ul style="list-style-type: none"> • a new publicly accessible foreshore walk • a new park (Bank Street) • additional public open space for recreation • reconnect people to the water's edge • create new opportunities for creative and artistic expression through public art, public space development and entertainment uses |
| <p>Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</p> | <p>The proposed planning amendments enable approximately 1,200 new homes with access to jobs and services in Pyrmont and the Sydney CBD and public transport options, including bus, light rail and future metro services. Housing affordability is addressed through an increased 7.5% affordable housing contribution on new development.</p> |
| <p>Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage</p> <ul style="list-style-type: none"> • <i>Action 18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places</i> | <p>The Blackwattle Bay precinct plan has been developed through a place-based and collaborative process involving input from the local community and stakeholders, Council and government agencies. The SSP study has addressed. The planning amendments to implement the precinct plan would create and renew an industrial foreshore area into a new mixed-use urban quarter based around public space and access.</p> |
| <p>Planning Priority E7 Growing a stronger and more competitive Harbour CBD</p> <p><i>Action 24. Strengthen the international competitiveness of the Harbour CBD and grow its vibrancy.</i></p> | <p>The Blackwattle Bay precinct supports the economic competitiveness of the Harbour CBD through proposed planning amendments that allow around 128,832 m² of employment floor space (about 5,600 new jobs), including the new Sydney Fish Market.</p> |
| <p>Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor</p> <ul style="list-style-type: none"> • <i>Action 26. Facilitate an innovation corridor that is affordable, attractive to businesses, connected and active.</i> | <p>The Blackwattle Bay precinct plan has all the elements to support the innovation corridor and the planning amendments would enable a high quality and attractive mixed-use urban quarter.</p> |

| Relevant Planning Priority and/or Action | Consideration |
|---|---|
| <p>Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city</p> <ul style="list-style-type: none"> <i>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 and South West, CBD and South East Light Rail and Westconnex as well as other city shaping projects.</i> | <p>The Blackwattle Bay proposed planning amendments integrate land use and transport planning and support a 30-minute city by locating new housing and jobs close to existing and future planned transport infrastructure including Westconnex and the Western Harbour Tunnel, Sydney Metro West and existing light rail.</p> |
| <p>Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres</p> <ul style="list-style-type: none"> <i>Action 38. Provide access to jobs, goods and services in centres</i> | <p>The planning amendments enable new floor space to attract investment in employment activities close to an existing City fringe location and in the Innovation Corridor.</p> |
| <p>Planning Priority E14 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterway</p> | <p>The proposed planning amendments have been supported by detailed technical studies that outline measures to ensure the renewal of Blackwattle Bay precinct protects and improves the health and enjoyment of Sydney Harbour and waterways.</p> |

Appendix B - Consistency with the PPPS & Urban Design Report

| PPPS Directions | Consideration |
|--|--|
| Direction 1 Jobs and Industries of the Future | Up to 5,600 new jobs are facilitated under the proposed planning amendments and deliver on Direction 1. |
| Direction 2 Development that complements or enhances the area | Subject to the considerations and recommendations set out in Section 5 of this report, the Department considers the proposed planning amendments would enable new development that complements and enhances the area. |
| Direction 3 Centres for residents, workers and visitors | The proposed planning amendments for Blackwattle Bay enable a mixed-use quarter for residents, workers and visitors. |
| Direction 4 A unified planning framework | The proposed planning amendments are consistent with this direction to locate planning controls for the area in the Sydney LEP and to rationalise and streamline State planning policies that then become redundant. |
| Direction 5 A tapestry of greener public spaces and experiences | The proposed planning amendments enabled new green public and open spaces with appropriate zoning for parks in the precinct and protect solar access to these areas in accordance with the PPPS for Bank Street Park, Wentworth Park and the Sydney Fish Market Urban Park. |
| Direction 6 Creativity, culture and heritage | The proposed planning amendments allow for community, cultural, First Nations and European heritage outcomes in line with Direction 6 and as described in the RtS report. |
| Direction 7 Making it easier to move around | The Blackwattle Bay precinct plan and proposed planning amendments integrate land use and transport planning and support a 30-minute city by locating new housing and jobs close to existing and future planned transport infrastructure including Westconnex and the Western Harbour Tunnel, Sydney Metro West and existing light rail. |
| Direction 8 Building now for a sustainable future | The proposed planning amendments enshrine requirements for new buildings to adopt minimum sustainability ratings that contribute to the precinct target of net zero by 2041. Other significant measures are required in the Design Guidelines. |
| Direction 9 Great homes that can suit the needs of more people | The proposed planning amendments allow for about 1,200 apartments delivered across the precinct and secure affordable housing contributions equivalent to 7.5% of total floor space within the precinct, which is significantly greater than the existing requirement. |

| PPPS Directions | Consideration |
|--|--|
| <p>Direction 10 A collaborative voice</p> | <p>The proposed planning amendments have been developed with input and advice from local community and stakeholders, government agencies and Council since 2020. Council, TfNSW and the NSW Government Architect have also provided advice and input during this time through their role in the Project Review Panel and working group. The proposed planning amendments, as considered in this report have been adjusted to reflect and address the input, advice and submissions received by the Department.</p> |
| <p>Pyrmont Peninsula Urban Design Report, incl. sub-precinct master plans</p> <ul style="list-style-type: none"> • Peninsula wide objectives • Peninsula height strategy • Blackwattle Bay sub-precinct master plan <p><i>Note: as the Blackwattle Bay precinct is a State-significant precinct the sub-precinct master plan identified the final planning and design controls would be determined at the completion of the SSP process.</i></p> | <p>The proposed planning amendments for Blackwattle Bay are consistent with and would deliver the Peninsula-wide objectives by:</p> <ul style="list-style-type: none"> • enabling Country-centred design and prioritise First Nations knowledge of Country • supporting the realisation of an upgraded movement network that is aligned and coordinated to growth and change and maximises the use of public and active transport over private vehicles • delivers one of the final links of the harbour foreshore walk • provides new public and open space including a new park at Bank Street • allows for the co-location of new community facilities and services with public and open space <p>The proposed planning amendments are further consistent with the height strategy by maintaining views from existing public spaces towards the harbour and foreshore areas, subject to detailed design and assessment. The proposed amendments also ensure new building heights are consistent with the height strategy, respect solar access planes and transition heights across the precinct.</p> <p>The proposed planning amendments enable the outcomes sought under the Blackwattle Bay sub-precinct master plan, including opportunities to further investigate publicly accessible through site links in new development and views from existing public spaces between buildings.</p> |

Appendix C - Response to Agency & Private Landowner Submissions

The following section summarises the issues raised in submissions received in 2021 and 2022.

Civil Aviation Safety Authority and Sydney Airport

| Summary of Submissions | Action / response |
|---|--------------------|
| No objections. Crane heights to be considered in future stages, once known. | No action required |

City of Sydney Council

| Summary of Submissions | Action / response |
|--|---|
| The proposal is not aligned with infrastructure as required under the Greater Sydney Region Plan and Eastern City District Plan and fails to deliver the Blackwattle Bay sub-precinct place priority for the project. | As discussed in Section 5 of this report, there will be adequate infrastructure and/or contributions toward infrastructure to support the development. The planning amendments would not commence until mechanisms to secure infrastructure and contributions are in place. |
| <p>The planning and infrastructure framework for Blackwattle Bay must secure:</p> <ul style="list-style-type: none"> • A world class foreshore walk or promenade • Public streets, parks and places • A significant cultural facility • Private cultural facilities • Contributions towards the upgrade of existing local community and recreation facilities • Contributions towards the renovation and repurposing of Glebe Island Bridge, and • Contributions towards the return of Wentworth Park as public green open space. | <p>The Department has worked with Council to resolve issues relating to the foreshore promenade, open space, community facilities and infrastructure contributions. The Department is satisfied appropriate infrastructure contributions have been proposed.</p> <p>Investigations into the use of Glebe Island Bridge are being led by TfNSW and are ongoing. The Department is also investigating the return of Wentworth Park to the community as public open space, under the PPPS.</p> |
| <ul style="list-style-type: none"> • The proposal is inconsistent with Planning Priority E7 and E8 of the District Plan. • Floor space and jobs from the new Sydney Fish Market should be excluded from calculating the contribution from the BWB precinct. • Plan for productive business floor space and less sensitive residential floor space. • The EIE and draft Design Guide are inconsistent with and lack any commitment to deliver on the actions of the District Plan, including to provide access to affordable employment spaces. | <p>Overall, the proposed planning amendments suitably allow development that is consistent with the <i>Eastern City District Plan</i>. See Appendix A.</p> <p>The Department's assessment in Section 5 identifies where figures include or exclude floor space and jobs associated with the new Sydney Fish Market.</p> |

| Summary of Submissions | Action / response |
|---|---|
| <p>The proposal:</p> <ul style="list-style-type: none"> is inconsistent with Direction 2 of the PPPS as it fails to complement or enhance the area and is incongruent with the surrounding Pyrmont context fails to address the place priorities identified for the Blackwattle Bay sub-precinct overall, presents a poor urban outcome with unacceptable impacts to future residents and users future residents' health and wellbeing will suffer as they are exposed to noise and air pollution adverse wind impacts make uncomfortable and unsafe public spaces for users and insufficient solar access is provided to public spaces for good tree and grass growth The public space, particularly the narrow waterfront promenade and the streets, is inadequate for people who will use it. It is not a reflection of Key Move 1 of the PPPS for a "world class harbour foreshore walk". Requirement for 5% of residential floor area as affordable rental housing is inadequate. Stronger connection with Country secured through planning controls is required. | <p>The built form, as adjusted in the RtS and subsequent amendments, including through the Design Guidelines will enable development in line with the PPPS and sub-precinct master plans (see Section 5.1 and Appendix B).</p> <p>Appropriate amenity criteria can be applied to the development to require building design to be required to protect the health of future occupants, through detailed modelling and consideration of how to design to avoid, minimise and mitigate impacts (see Section 5.3).</p> <p>The assessments by INSW demonstrate that the precinct can be designed to ensure an adequate wind environment (see Section 5.4.4) and applied new Design Guideline provisions to protect solar access to public space (see Section 5.2)</p> <p>Further amendments to the RtS now require the full 30m wide foreshore promenade for the full length of the precinct, including part 10 m wide over water boardwalk for the northern portion (see Section 5.2).</p> <p>Affordable housing contributions were increased to 7.5% of all new floor space, which exceeds the existing policy requirement.</p> <p>Objectives requiring the ongoing implementation of Connection with Country recommendations have been applied.</p> |
| <p>The proposal is inconsistent with Direction 8 of the PPPS and does not adequately address:</p> <ul style="list-style-type: none"> Multi-utility hubs Green Streets and Active Streets High Performance New Buildings Offsetting to deliver a Net Zero Outcome. | <p>INSW has brought forward the target for a net zero precinct from 2050 to 2041. This is considered appropriate as the planning amendments secure this outcome and allow for further detailed investigations into the delivery of multi-utility hubs. Added to this INSW has proposed suitable outcomes consistent with green and active streets and high-performance new buildings.</p> |
| <p>The proposal is inconsistent with the purpose and intent of Direction 4 of the PPPS which seeks a unified planning framework for Pyrmont.</p> | <p>This proposal has the positive impact of transferring and consolidating planning controls from State Environmental Planning Policies to Sydney LEP 2012.</p> |
| <p>The proposal seeks to declare future development applications 'State significant' and bypasses Council's established and proven design excellence processes.</p> | <p>The Department has required Council's Design Excellence – Competitive design process to apply. No change to the existing State significant development threshold is proposed other than making the Council</p> |

| Summary of Submissions | Action / response |
|--|--|
| | the consent authority for development up to a CIV of \$10 million (refer Section 2.3.2.3). |
| Council objects to proposed inclusion of BWB as a 'Public Authority Precinct' due to uncertainty of implications to public space and events. | Place Management NSW will own and manage the future public space in the precinct. The Department is satisfied the proposed amendments to State Environmental Planning Policies (see Section 2.3) establish a planning framework that enables consistency across other foreshore precincts owned and managed by Place Management. |
| Council's submission to the RtS: | |
| A new promontory park, provided a minimum four hours of continuous sunlight in mid-winter to most of Promontory Park its area for grass to grow and people to sit in sunshine. | This requirement has been included in the Design Guidelines, secure this outcome, including a minimum area of the Promontory Park. |
| A foreshore promenade north of the park, with a minimum two hours of continuous sunlight at the equinox to support a continuous row of trees for summer shade | This requirement has been included in the Design Guidelines and adjusted based on INSW testing indicating this can occur to up to 70% of the foreshore promenade to the north and alternate tree species suitable for more shady conditions are considered for the remainder. |
| A revised Miller Street intersection that provides safe and direct entry for people walking, even if Hymix and its concrete trucks remain, and a new intersection on Bank Street for vehicles connecting to the existing fish market site. | The Department has resolved with TfNSW that development in the precinct should be staged so that development reliant on the proposed upgraded Miller and Bank Street intersection does not occur until an intersection design is agreed with TfNSW. |
| Maximum planning envelopes that protect future residents from the air and noise pollution of the Western Distributor and Hymix facility. | The Department is satisfied provisions have been included in the Design Guidelines to apply appropriate amenity criteria for future residents. |
| A quantum and arrangement of commercial uses on site that will attract and sustain commercial tenants. | See Section 5.3 . |
| Planning controls deliver affordable rental housing on government land within the precinct. | The planning amendments secure 7.5% affordable housing contribution levied across all new floor space. This exceeds the current requirement. |
| A revised street layout with fewer, wider streets to enable a new connection to Bank Street, clear separation of commercial and residential buildings and better arrangements for servicing and car parking. | Subject to the adjustments required by DPE and TfNSW in the Design Guidelines, the precinct will deliver an appropriate street layout and access arrangements. |
| More certain controls for less carbon intensive and sustainable buildings. | The proposed planning amendments and Design Guidelines contain relevant standards and requirements for sustainability. |
| the proposed building envelopes extend into and over land required for the Anzac Bridge and its approach and must be adjusted to be clear of these | These matters have been confirmed with INSW and incorporated into the Design Guidelines. Future developers will be required to ensure they satisfy |

| Summary of Submissions | Action / response |
|---|--|
| requirements and separated to allow maintenance of new buildings and bridge infrastructure. | separation and maintenance distances with TfNSW as building designs are progressed. |
| the proposed gross floor area calculations need to be revised as the model submitted exceeds the City's calculations of the space available, it does not match the model used in the wind analysis and it includes area occupied by infrastructure outlined above (ie. the WD). | The Department has required adjustments to the Design Guidelines to adequately ensure the gross floor area proposed relates to the proposed built form provisions. |

Environment and Heritage Group

| Summary of Submissions | Action / Response |
|--|--|
| <p>EHG raised several issues in relation to flooding, including:</p> <ul style="list-style-type: none"> • flood modelling was insufficient and additional durations should be added to the events modelled • the proposal appeared to potentially increase the area of land subject to high hazard (H5) flooding) • the proposal has not provided mitigation for potential adverse impacts • the proposal should be reconsidered in light of sea level rise and effect of future tidal flooding • SES should be contacted regarding shelter in place recommendation <p>EHG also made a comment about the microbat habitat features at the new Sydney Fish Market, which is subject to a separate development consent (SSD 8924)</p> | <p>INSW provided additional information that:</p> <ul style="list-style-type: none"> • clarified modelling anomalies to resolve flood modelling issues, and updated impact assessment, including for additional duration events • provided a mitigation option to demonstrate potential for an increase in off-site flooding at Bank Street could be mitigated through new and upgraded drainage infrastructure • removed the recommendation for shelter in place as flood free evacuation is possible from the site • confirmed the duration of flooding to parts of the site were limited to less than 0.5 hours under the 1% AEP flood and less than 2 hours under the PMF flood • noted climate change and sea level rise had been considered and further longer-term projections were not considered feasible. <p>In response to this information, EHG subsequently advised that despite a lack of detailed information about the mitigation option, EHG supports progression of the proposal if they are consulted on a precinct-wide flood risk and impact assessment. EHG noted this assessment should consider additional duration flood events, emergency response, considerations under Ministerial Direction 4.1 and be prepared with their consultation and engagement.</p> <p>Consultation with the SES was also recommended in relation to the emergency management recommendations. INSW has provided further review that shelter in place is no longer required on the basis that flood free evacuation is possible and the short duration of flooding. The removal of Building 07</p> |

| Summary of Submissions | Action / Response |
|------------------------|---|
| | <p>reduces the amount of development located closest to areas that are expected to be flooded in the PMF flood at Wattle Street and Bridge Road. As INSW will be required to undertake a precinct-wide Flood Risk and Impact Assessment in which further advice and/or recommendations about emergency management are expected to be considered, the SES can be consulted as part of this further work</p> <p>INSW provided EHG with additional information of the proposed mitigation option, including the size and location of the pit and pipe details of new and upgraded drainage infrastructure that could mitigate the potential for any off-site increases in flooding on Bank Street.</p> <p>Based on this advice, the Department has included new Design Guidelines provisions to require a precinct-wide flood risk and impact assessment amongst other provisions to address the EHG advice. This information is to be provided before development occurs in the precinct. The Department has also considered a response from INSW to Ministerial Direction 4.1 (refer Appendix E).</p> |

Environment Protection Authority

| Summary of Submissions | Action / Response |
|--|---|
| Update reference to the 2016 version of the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales</i> . | The reference is now correct in the Design Guidelines. |
| Noise monitoring data does not meet the standards is not suitable to inform performance objectives | See Section 5.4.3 . |
| Consider how existing and future commercial and industrial noise sources may affect receivers. | Based on peer review advice of INSW's analysis, the Department has ensured appropriate amenity criteria will apply. The Design Guidelines have been amended to include these provisions. |
| Further consider traffic noise impacts and operational impacts from Glebe Island and White Bay Port | Further to the above comment, which captures consideration of traffic noise impacts, the Department notes INSW's analysis indicated there was a low level of concern in relation to potential Noise impacts from a new ferry wharf and/or nearby precincts. |
| Clarify the Transport and Infrastructure SEPP (Clause 2.120) applies to noise sensitive development adjacent to major roads (annual average daily traffic volumes of 20,000 or above). | Based on peer review advice, the Department has recommended provisions for the Design Guidelines to ensure a suitable level of acoustic amenity can be achieved at residential apartments facing the Western |

| Summary of Submissions | Action / Response |
|--|---|
| | Distributor. Alternatively, future developers will need to consider non-residential land uses in these parts of new buildings, which is possible under the proposed planning controls. |
| <p>Comments on the draft Design Code:</p> <ul style="list-style-type: none"> Strengthen section 8.3 to include requirement for a Noise and Vibration Impact Assessment with criteria. Water sensitive urban design (WSUD) provisions to be further developed in design stages to meet NSW Water Quality Objectives include an additional provision included requiring a NSW EPA accredited site auditor where necessary to manage remediation consider staging to manage land contamination risks as development proceeds include provisions to apply EPA's Better Practice Guide for Resource Recovery in Residential Development and NSW Government's Waste and Sustainable Materials Strategy 2041 | Section 8 of the Design Guidelines have been amended to strengthen requirements for noise and vibration impact assessment, require further design of WSUD, include additional provisions regarding remediation of contaminated land and waste management. |

Greater Cities Commission

| Summary of Submissions | Action / Response |
|--|--|
| <p>Concern around the timing and delivery of the intensification of the precinct through this proposal that will need to be supported by appropriate infrastructure sequencing. It is essential that the growth in the area be coordinated by identifying place-based infrastructure priorities.</p> | <p>As discussed in Section 5 of this report, the Department considers there would be adequate infrastructure and/or contributions toward infrastructure to support the development. The planning amendments would not commence until mechanisms to secure infrastructure and contributions are in place.</p> |
| <p>Strongly recommend the Department proceed with the preparation of an Infrastructure Delivery Plan ahead of the finalisation of any rezoning. This would lead to the development of a Strategic Infrastructure Compact. This should occur in close consultation with Council.</p> | <p>The Pyrmont Peninsula Infrastructure Delivery Plan was finalised in July 2022 and has informed the consideration of infrastructure contributions in INSW RtS. Council has been closely consulted as part of its role on the working group and PRP.</p> |
| <p>GCC sees likely issues with relying on Satisfactory Arrangements clauses to effectively deliver the necessary infrastructure in a coordinate and timely way.</p> | <p>Satisfactory arrangements clauses are not proposed to be utilised.</p> |

Heritage NSW

| Summary of Submissions | Action / Response |
|--|---|
| Further assessment should be undertaken to determine the significance of the 'Wharf-front warehouse' at 1-3 Bank Street, Pyrmont and inform potential listing and management measures. | The Planning Amendments and Design Guidelines do not preclude potential listing of the 'Wharf-front warehouse'. |

Inner West Council

| Summary of Submissions | Action / Response |
|---|--|
| Proposed reinstatement of Glebe Island Bridge as an active transport link. | The future role of Glebe Island Bridge is being investigated by TfNSW. |
| It is recommended that the composition and servicing roles of the existing and planned public community facilities within the adjoining areas of City of Sydney and the Inner West are evaluated before any firm decisions are made on the public community facilities to be provided within the Blackwattle Bay SSP Study. | The City of Sydney Council is reviewing its local infrastructure contributions plan for the Pyrmont Peninsula. Any coordination of local infrastructure contributions planning should occur as part of this process. |

NSW Department of Primary Industries (Fisheries)

| Summary of Submissions | Action / Response |
|--|---|
| <p>The NSW DPI provided the following advice:</p> <ul style="list-style-type: none"> consider acid sulfate soils, soil contamination impacts and erosion and sediment impacts to aquatic environment new or existing seawalls designed for environmentally friendly seawall methods WSUD features incorporated over-water structures allow light to penetrate to water to allow food-chain ecology fit artificial reef and/or statues to improve fish habitat | The Department has included relevant provisions in the Design Guidelines. |

NSW Health and Sydney Local Health District

| Summary of Submissions | Action / Response |
|---|--|
| The Design Excellence process should not be optional for this site. | The Design Excellence provisions in the Sydney LEP 2012 will apply to development within the precinct. |
| The amended plan does not address concerns about walking and cycling access to the surrounding neighbourhood. | The Department is satisfied the planning amendments and Design Guidelines, including the staging of development can be managed to ensure an appropriate movement network to enable safe and efficient access based on the proposed mode share split. |

| Summary of Submissions | Action / Response |
|---|--|
| The amended plan does not include the reopening of the Glebe Island Bridge, though this has been referenced in the Bays West Precinct Plans. | The future use of Glebe Island Bridge is being investigated by TfNSW. |
| A 15% affordable housing contribution is recommended with a significant social housing component be considered for this publicly owned site. There should be no option for monetary contribution. | The RtS has increase the contribution to 7.5% of all gross floor area, which exceeds current policy. Monetary contributions in lieu of on-site provision is allowed for under current local policies. See Section 5.5.2 . |
| Reduction in vehicle space of 37% is supported, however further review of private vehicle reliance is recommended noting the proposed car parking will generate additional traffic and associated noise, air pollution and road trauma. | The Department has further reduced the commercial car parking component resulting in a further reduction of 220 car spaces. |
| Noise modelling has not been updated and the apartments butting the Western Distributor will require significant mitigation measures. | See Section 5.4.3 of this report. |
| Further investigation of air quality is recommended to ensure mitigation strategies support health and wellbeing for residents and workers. Further investigation of baseline air pollution within Blackwattle Bay is recommended. | The Department has conducted further modelling on air quality impacts. The Design Guidelines have been amended to include further provisions relating to amenity and air quality impacts. |

Port Authority of NSW

| Summary of Submission | Action /Response |
|---|---|
| Consult the Port Authority and Harbour Master in relation to any lighting and signage on any proposed wharf or jetty in relation to safe navigation. | This matter is appropriately addressed when a development application proposing a new maritime structure is submitted to the consent authority. |
| A navigation impact analysis is required for any new maritime structure at development application stage. Consultation with the Prot Authority and Harbour Master is recommended. | As above. |

School Infrastructure NSW

| Summary of Submissions | Action / Response |
|---|---|
| SINSW requests that the transport studies for the precinct also consider additional actions to promote greater active and sustainable travel. | The proposed planning amendments align infrastructure with growth by locating new residential and commercial development close to existing public transport (light rail and future Pyrmont metro station) and with contributions towards infrastructure upgrades. The precinct plan is proposing to target a high mode split of 85% public and active transport use and 15% private vehicles. The Department has further reduced the allowed on-site commercial car parking by 220 spaces. These actions ensure the renewal will promote greater active and public transport trips. |
| Consider potential construction and amenity impacts on surrounding schools within the Design Code. | Future Development Application's will consider and assess construction impacts. |
| SINSW recommends that any potential future contribution framework for Blackwattle Bay considers school related infrastructure. | Schools Infrastructure has not advised the Department or INSW of any education infrastructure requirement. |
| SINSW note the Department of Education is not the only education provider in the vicinity of the precinct, and recommend that other education providers are consulted as part of this rezoning. | The renewal of Blackwattle Bay has been publicly notified since 2017 and more recently at key project milestones in 2020, 2021 and 2022. Notification is outlined in Section 3 of this report. |
| SINSW seek to prevent any reductions in amenity and/or safety to the schools surrounding the SSP and request that these matters be reflected in the Draft Design Code prior to finalisation. | The Department is satisfied that appropriate amenity criteria will apply to the renewal of the precinct and that future public and open space will be attractive, sunlit at some parts of the year and useable. |

Sydney Water

| Summary of Submissions | Action / Response |
|---|---|
| <p>The Blackwattle Bay Study should consider:</p> <ul style="list-style-type: none"> • preparing an integrated water management plan • recycled water and purple pipe plumbing provisions if any • planning for Sydney Water's stormwater (heritage listed) assets leading to Blackwattle Bay and any potential impact including restoration work underway at Johnson Creek. • WSUD principles • appropriate sewer connections | Provisions that enable the investigation of recycled water are included in the Design Guidelines. |

| Summary of Submissions | Action / Response |
|---|--|
| To include controls related to sewerage and water services included in any new clause into Sydney LEP requiring the Planning Secretary's approval of any proposed approach to delivery of infrastructure prior to approval of significant development (see clause 51 of the WSA SEPP) | This requirement has been included in the new site specific clause for the Blackwattle Bay Precinct in Sydney LEP. |

Water NSW

| Summary of Submissions | Action / Response |
|---|---------------------|
| No objections raised. Water supply works approvals may be required in the future. | No action required. |

Private landowners in the Precinct

Celestino (31-35 Bank Street, Pyrmont)

| Summary of Submissions | Action / Response |
|---|--|
| Celestino supports the overarching vision and principles for Blackwattle Bay State Significant Precinct: <ul style="list-style-type: none"> The goal of developing a world class waterfront promenade and development; The principles for the heights of buildings; The principle of a mixed-use precinct. | Noted |
| Celestino outline their vision for the site which is a mixed use tower comprising activated ground floor retail, podium with a Sydney Science Park Satellite Innovation Hub, and high quality residential living above. | The Department considers it is possible for Celestino's vision to be realised in the proposed planning amendments and Design Guidelines, subject to design and assessment processes. |
| The proposed suite of planning controls is unfeasible and will stymie urban renewal of the Blackwattle Bay waterfront. | The Department has assessed the planning controls and considers it will provide an optimal outcome for the precinct which achieves an appropriate balance between enabling a renewal opportunity on the site while securing public space, amenity and infrastructure contribution outcomes that are consistent with government policy and/or called for in submissions on the project or proposed by INSW. |
| Building envelope controls and more onerous than City of Sydney controls and limit the potential for design innovation. | The Department has recommended planning controls which mitigate impacts to the surrounding area. Future development applications will assess the detailed design, and Council's Design Excellence Policy will apply. |

| Summary of Submissions | Action / Response |
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| <p>The maximum 520sqm floor plate restriction is significantly less than City of Sydney control on maximum floor plate size for residential towers of 750 sqm and should be removed from the Design Code altogether and instead the ADG applied, which will enable greater scope for design innovation to achieve the objectives for building separation and visual privacy.</p> | <p>The proposed floor plate sizes have been designed and textured to suit the constraints and opportunities of Blackwattle Bay. The Apartment Design Guide will continue to apply and be considered at development application stage.</p> |
| <p>There is scope for greater building height whilst remaining consistent with the height of building principles established in the SSP Study and Pyrmont Peninsula Place Strategy.</p> | <p>The Department supports INSW's amendments made in the RtS scheme to reduce building height and density in response to submissions. The Department also supports the requirement for commercial development in the precinct to ensure it delivers on the vision and Directions of the PPPS (See Appendix B). The Department considers these changes have been made based on reasonable planning and design grounds and in response to submissions from members of the local community, local MPs, Council, government agencies and other stakeholders.</p> |
| <p>A feasible development is possible, optimising development contributions towards local, regional and State infrastructure, if the Apartment Design Guide (ADG) is applied and the overly restrictive maximum floor plate, and building setbacks are removed.</p> | <p>As above.</p> |
| <p>For Celestino to contribute to the future vision and principles of Blackwattle Bay, the following four key areas should be addressed in the final planning framework.</p> | |
| <p>1. Building height: A maximum building height of RL120 AHD should be introduced for the site.</p> | <p>The Department supports INSW's amendments made in the RtS scheme to reduce building height and density in response to submissions. The Department considers these changes have been made based on reasonable planning and design grounds and in response to submissions from members of the local community, local MPs, Council, government agencies and other stakeholders.</p> |
| <p>2. Density: A maximum GFA of 20,271m² can be accommodated on the site based on design testing that accompanies this submission, which equates to an FSR of 6.82:1.</p> | <p>As above</p> |
| <p>3. Non-residential floor space: it is requested that a non-residential GFA of 3,000 sqm is applied to the site.</p> | <p>The Department considers the proposed minimum non-residential floor area of about 4,000 m² to be appropriate based on the RtS and land use appraisal.</p> |

| Summary of Submissions | Action / Response |
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| <p>4. The Design Code should align with SEPP 65 and the Apartment Design Guide. Specifically:</p> <ul style="list-style-type: none"> • Maximum floor plate restriction of 520sqm should be removed and compliance to ADG applied. • Proposed setback to Western Distributor of 6m should be reduced to 3m. • Non-residential floor plates at lower levels below RL21 should be reduced increasing solar amenity to foreshore promenade. | <ul style="list-style-type: none"> • Required to ensure solar access is maximised to foreshore areas and visual impacts are minimised (see Section 5.1) • Setbacks required for residential amenity (see Section 5.4) and access and maintenance to the Western Distributor • it is open to a proponent to investigate this in design and assessment processes |
| <p>Celestino are seeking the adoption of the current City of Sydney contributions rates for affordable housing in Central Sydney and on residual land.</p> | <p>The Department supports the proposed affordable housing contribution of 7.5% applicable to both residential and commercial floor space.</p> |

Hymix (41-45 Bank Street, Pyrmont)

| Summary of Submissions | Action / Response |
|---|--|
| <p>Hymix is supportive of the NSW Government's vision for the Blackwattle Bay Precinct to build an inclusive and iconic waterfront destination comprising a mixed use quarter with new waterfront promenade and public open space to celebrate innovation, diversity and community.</p> | <p>Noted.</p> |
| <p>The concrete batching plant has been unacceptably and constantly overlooked in the planning for Blackwattle Bay. The continued operation represents a significant risk to the delivery of the vision and undermines the amenity outcomes that will underpin the success of the precinct.</p> | <p>The Department notes INSW has engaged over a long period of time with the private landowners to ensure the proposed planning amendments would enable a feasible development based on industry standard assumptions.</p> |
| <p>The plant has no restrictions by way of production limits, hours of operation or noise limits. In the past, the plant has operated at night on occasions. There is no proposed change to the operating arrangements and is authorised to and intends to continue supplying concrete on this basis into the future.</p> | <p>Noted</p> |
| <p>The new land uses proposed adjacent and in close proximity to the Hymix site are not compatible with the existing operation of the plant.</p> | <p>The Design Guidelines include provisions for amenity, including air quality and noise impacts (See section 5.4). Any future development application on the site will assess amenity impacts.</p> |
| <p>It is perplexing the two closest buildings remain allocated as predominantly residential buildings as opposed to commercial.</p> | <p>Refer comment above</p> |
| <p>Visual amenity and urban design implications of the continued operation of the plant have not been addressed.</p> | <p>Appropriate provisions have been included in the Design Guidelines to mitigate these impacts.</p> |

| Summary of Submissions | Action / Response |
|---|---|
| There has been no consideration of the management of truck traffic along Bank Street. | The Department considers a staged approach to the development that requires Transport for NSW to be satisfied of the traffic considerations and future consent authority of amenity considerations can appropriately manage the operation of the concrete batching plant. |
| It does not appear the new scheme takes into account acoustic or other amenity impacts of the concrete plant. | Based on peer review advice of INSW's analysis, the Department has ensured appropriate amenity criteria will apply. The Design Guidelines have been amended to include these provisions. |
| Hymix has developed a concept proposal for the site, which is an urban integrated facility, and requests the rezoning make provision for a mixed use scheme that permits a concrete batching plant on the site. | The Department notes Hymix's intention to continue to operate concrete batching plant at the site. As the ongoing industrial operation is inconsistent with the future vision and objectives for the area as a mixed-use precinct, the Department has not made provision for an integrated concrete batching plant and residential development. |
| Hymix recommends that the residential floor space mix for the two Hymix sites (i.e. PLO3-1 and PLO3-2) be similar of proportions to the floor space mix prescribed for the PLO1 and PLO2 sites. | The Department notes Hymix is seeking a higher proportion of residential floor area. The Department considers INSW's allocation of floor area across the precinct is appropriate (see Section 5.3) |
| The buildings on the Hymix site are now substantially lower than all surroundings buildings, and removes the feasibility incentive for renewal of the site and undermines the achievement of the urban renewal objectives for the precinct. All reasons for the reduced height (namely solar access, view corridors and building height diversity) are all arbitrary. | The Department supports INSW's amendments made in the RtS scheme to reduce building height and density in response to submissions. The Department also supports the requirement for commercial development in the precinct to ensure it delivers on the vision and Directions of the PPPS (See Appendix B). The Department considers these changes have been made based on reasonable planning and design grounds and in response to submissions from members of the local community, local MPs, Council, government agencies and other stakeholders. |
| Hymix requests DPE ensures the rezoning makes it economically viable for Hymix to make the significant capital investment required to deliver the integrated facility, by maximising height and floor space provisions that reflect Hymix's vision for the site, and maximising future residential land uses within the towers. | As the ongoing industrial operation is inconsistent with the future vision and objectives for the area as a mixed-use precinct, the Department has not made provision for an integrated concrete batching plant and residential development. |

Poulos Bros (21-28 Bank Street, Pyrmont)

| Summary of Submissions | Action / Response |
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| The current scheme and supporting Design Guide (subject to amendments) is supported. | Noted and acknowledged. |

| Summary of Submissions | Action / Response |
|--|--|
| Do not support any reduction in building height, building footprint or reduction in residential uses in any reconfiguration of the INSW scheme. | The Department supports INSW's amendments made in the RtS scheme to reduce building height and density in response to submissions. The Department considers these changes have been made based on reasonable planning and design grounds and in response to submissions from members of the local community, local MPs, Council, government agencies and other stakeholders. |
| This stage of the process should provide flexibility. Air and noise related issues, solar access and impacts that may or may not determine land use mix at the site should be left to DA stage | Based on peer review advice of INSW's analysis, the Department has ensured appropriate amenity criteria will apply. The Design Guidelines have been amended to include these provisions. Amenity impacts will also be assessed at development application stage. |
| Explanation of Intended Effects: | |
| Agree and support the direction listed in Section 1.3 Summary of proposed planning instrument amendments that identifies the key Sydney LEP amendments | Noted. |
| Question the specificity of percentage of GFA used for non-residential development mindful that clause 4.6 does not apply. | Clause 4.6 will apply for future development applications. |
| The 10m foreshore promenade on land is supported. This is particularly pertinent to the Poulos Site which has reduced site depth from the Western Distributor making redevelopment more difficult. Any reduction in this would jeopardise redevelopment | Noted. The Design Guidelines provide a minimum requirement for the foreshore promenade being 10 m on land and a 10 m colonnade section. |
| Poulos Bros have not prepared detailed concepts for the site based on the revised controls so cannot be assured that the solar access requirements to Bank Street Park are acceptable. Considering the concessions given to the Sydney Fish Market Urban Park, there is adequate justification to apply the similar Times of Protection of 12 - 2pm to the Bank Street Park. | Noted. The Planning Amendments and Design Guidelines include requirements relating to solar access to open space. |
| Seek confirmation of Council 7.11 or 7.12 contributions, and request that the infrastructure funding and delivery is a deferred matter until agreement can be sought between State and Local Government. | The planning amendments will be deferred for 6 months while the infrastructure contribution mechanisms are secured. |
| Design Code: | |

| Summary of Submissions | Action / Response |
|---|--|
| <p>Section 1.5: Relationship to the Sydney LEP 2012, Sydney DCP 2012 and other policies: Poulos Bros support this however request that supplementary documents to the Pyrmont Peninsula Place Strategy are not referenced in the future planning instrument.</p> | <p>Noted.</p> |
| <p>Question the validity and enforceability of the Staging and delivery clause in the Design Guideline and seek its deletion.</p> | <p>The staging is to be generally in accordance with the Design Guidelines, which provides some flexibility noting that some stages may not proceed until intersections are resolved to TfNSW's satisfaction (see Section 5.6).</p> |
| <p>Sun access is not consistent between the Design Guideline and the EIE which states 10am-2pm on 21 June. Poulos Bros see it amended to 12-2pm which is the peak lunchtime period for adjoining workers.</p> | <p>The Department notes the inconsistency and has updated the Design Guidelines to reflect the solar access requirements in the EIE.</p> |
| <p>Seek clarification the foreshore promenade is 10m on land and 10m over water, and Poulos Bros assume the concept has been tested with RMS.</p> | <p>The foreshore promenade will be minimum 10 m on land and 10 m permanent over water boardwalk. These provisions have been included in the Design Guidelines.</p> |
| <p>Poulos Bros support the ground floor/first floor layout for future development, shown in Figure 13 (Section showing foreshore promenade adjacent to private landowner sites and Bank Street).</p> | <p>The Department notes further detailed design will be assessed at the development application stage.</p> |
| <p>Community and cultural uses: the section requires 'tighter' wording that identifies the land to which the clause relates as its first point.</p> | <p>The Department considers there is opportunity to provide these uses throughout the precinct.</p> |
| <p>Do not agree the Built Form Objective (i) "Ensure the height of future buildings complement existing landmarks including the pylons of the Anzac Bridge and provide an appropriate context for the new Sydney Fish Market".</p> | <p>The Department considers the provision identifies the context of the site appropriately.</p> |
| <p>Question the intent of Section 7.4 Variations to building envelope controls.</p> | <p>The Department has deleted these provisions from the Design Guidelines.</p> |
| <p>Do not support DPE seeking to 'micro' control land use based on noise / air modelling at this stage of the planning process. This can be dealt with at the DA stage – as it is across all sites in the LGA. Further, we cannot predict the air / noise levels that may result from the Western Distributor in, say, 5 years' time at a future DA with the advent and proliferation of electric vehicles.</p> | <p>The Department has applied relevant amenity criteria so that future development applications can demonstrate through detailed modelling and evidence how they ensure an adequate amenity to future occupants.</p> |

Appendix D - Consistency with applicable SEPPs

The proposed amendments are consistent with and will not contradict or hinder application of the following applicable SEPPs.

| Relevant Aims and Objectives | Response |
|--|--|
| SEPP No 65 – Design Quality of Residential Apartment Development | |
| Ensure that residential apartment development contributes to sustainable development by providing socially and environmentally sustainable housing. | Future development will be required to demonstrate in assessment processes high levels of sustainable development outcomes, in line with relevant criteria and standards and will support more sustainable transport by minimising provision of parking to reduce reliance on private vehicle transport. The proposed affordable housing provisions will also meet this aim. |
| Achieve better built form and aesthetics of buildings and of the streetscapes and public spaces they define. | The proposed planning amendments continue the application of existing design excellence processes to ensure that the aesthetic qualities of future built form will be carefully considered through future development approval processes. The proposed amendments have also been assessed in terms of wind impacts and solar access to ensure that the interface between the proposed built form and existing and future public spaces provides amenity as well as aesthetics. |
| SEPP (Biodiversity and Conservation) 2021 | |
| Increase, maintain and improve public access to and along the foreshore, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation. | The proposed planning amendments enable an uninterrupted foreshore walk providing public access to and along the foreshore connecting existing waterfront access from Woolloomooloo to Glebe. The SSP Study considered urban and marine ecology and the planning controls include measures to preserve and enhance local ecosystems. |
| Maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores. | The proposed planning amendments respond to the height strategy of the PPPS ensuring that development is located sensitively balancing the need for growth with the preservation of local character and the character of the Harbour. |
| Encourage provision and use of public boating facilities along the waterfront | The revised precinct plan includes public boating facilities within Bank Street Park which are enabled through the Design Guidelines and precinct plan subject to future assessment and development consent. |
| SEPP (Exempt and Complying Development Codes) 2008 | |
| Identify types of development that are of minimal environmental impact that may be carried out without the need for development consent or subject to a complying development certificate. | The proposed planning controls are consistent with the aims of the Codes SEPP and will not inhibit the application of the SEPP. |

| Relevant Aims and Objectives | Response |
|---|--|
| SEPP (Housing) 2021 | |
| Encourage the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability. | The proposed planning amendments include provision for affordable housing contributions equivalent to 7.5% of total floor space. Future development assessment will determine the appropriate requirements for adaptable design in accordance with relevant criteria. |
| Ensure new housing development provides residents with a reasonable level of amenity. | Detailed analysis of the proposed planning amendments demonstrates that reasonable amenity can be achieved for future residential buildings in the revised precinct plan. Future assessment of detailed designs will be required to ensure this is implemented. |
| Promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services. | The proposed planning amendments will enable the delivery of approximately 1,200 homes with access to a range of community facilities, public open space and transport options including the planned Pymont metro station. |
| SEPP (Planning Systems) 2021 | |
| Identify development that is State significant development. | Development with a capital investment value (CIV) of \$10 million or more would continue to be State significant development. |
| SEPP (Precincts – Eastern Harbour City) 2021 | |
| Facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State. | <p>The Eastern Harbour City SEPP makes provisions for State Significant Precincts. The proposed planning amendments, including the disapplication of the Port and Related Employment Lands provision, have been prepared in accordance with the State Significant Precinct process and will facilitate the orderly development of the Blackwattle Bay SSP consistent with the SEPP provisions.</p> <p>The Minister will no longer be the consent authority for Development with a capital investment value (CIV) less than \$10 million carried out by a public authority.</p> |

Appendix E - Consistency with applicable Section 9.1 Directions

The proposal has been assessed against relevant Directions under Section 9.1 of the EP&A Act as follows.

| Thematic Focus Area | Title and Comment | Consistent? |
|---|---|-------------|
| <p>Planning Systems</p> | <p>1.1 Implementation of Regional Plans</p> <p>The planning amendments are consistent with the relevant aims, objectives, and provisions of the Region Plan (refer Appendix A)</p> <p>1.3 Approval and Referral Requirements</p> <p>The planning amendments do not include concurrence, consultation, or referral provisions or identify any developments as designated development.</p> <p>1.15 Implementation of the Pyrmont Peninsula PPPS</p> <p>This Direction is directly applicable to the amendment package. It requires planning proposals be consistent with the PPPS and Urban Design Report, which contains the Blackwattle Bay sub-precinct master plan.</p> <p>This rezoning is considered as it is a planning proposal and the consistency of the rezoning against the PPPS and sub-precinct master plan has been considered in Appendix B.</p> | <p>Yes</p> |
| <p>Biodiversity and Conservation</p> | <p>3.2 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects, and places of environmental heritage significance and Indigenous heritage significance.</p> <p>The planning amendments do not contain provisions that contradict or would hinder application of this direction.</p> | <p>Yes</p> |
| <p>Resilience and Hazards</p> | <p>4.1 Flooding</p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>INSW has provided additional information addressing this direction advising that:</p> | <p>Yes</p> |

| Thematic Focus Area | Title and Comment | Consistent? |
|---------------------|---|-------------|
| | <ul style="list-style-type: none"> • the Water Quality, Flooding and Stormwater Study (flood study) provided by INSW was undertaken in accordance with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual • Sydney LEP Clause 5.21 will apply to the site and includes detailed planning provisions for development in flood prone land requiring consideration of potential flood impacts both on and off the subject land. • The <i>Considering flooding in land use planning guideline 2021</i> was released after the flooding assessment for Blackwattle Bay. INSW has reviewed this guideline and considers the flood assessment to be generally consistent with the guideline. • The flood study was prepared based on the Blackwattle Bay Catchment Flood Study and Floodplain Risk Management Study. INSW advises this was considered on the advice of the Council as its updated 2020 modelling was not available at the time of assessment. INSW notes, however, the main conclusions from the updated modelling indicate: <ul style="list-style-type: none"> ○ it has typically resulted in lower estimates of flood risk throughout the catchment with reductions in peak flood level in the order of 0.3 m to 0.4 m throughout the lower catchment for the 1% AEP flood ○ the modelled flood levels and flows are generally reduced primarily due to updated information about design rainfall intensity and temporal patterns ○ the revised modelling alters flood levels slightly, reducing the affectation of some properties slightly while some other properties are have slightly higher affectation due to revisions to sampling locations • the planning amendments do not rezone Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zone • the planning amendments would allow an extension of Gipps Street to provide a continuous overland flow path to the bay for a floodway area • INSW has provided a mitigation option to avoid significant flood impacts to other properties • Residential development is not proposed in high hazard areas • The planning amendments enable an increase in development and density in line with endorsed NSW Government strategies (refer Appendix A and B). INSW considers the allocation of land uses, | |

| Thematic Focus Area | Title and Comment | Consistent? |
|------------------------------|---|-------------|
| | <p>extent and orientation of development and alignment of roads have been carefully analysed and designed to ensure that they will not result in flood impacts, adversely affect the flow of flood waters across the site or result in risks to human life or property and evacuation routes are available.</p> <ul style="list-style-type: none"> The planning amendments do not propose new development without consent opportunities, is unlikely to result in a significant increased requirement for government spending on emergency management or flood mitigation and does not propose to permit hazardous industries or hazardous storage in the precinct. <p>Overall, the Department is satisfied the planning amendments would not contradict or hinder the application of this direction.</p> <p>4.4 Remediation of Contaminated Land</p> <p>The objective this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The provisions in these planning amendments would result in the intensification of land uses in Blackwattle Bay. Based on INSW's Environmental Site Assessment, Site Wide Remedial Concept Plan and Site Audit Report, it is considered the area can be made suitable for the range of intended uses proposed. This includes through common and readily available remediation and/or management techniques. Specific responses to the presence of any contamination on any site can be addressed through the development application process.</p> <p>The planning amendments do not contain provisions that contradict or would hinder application of this direction.</p> <p>4.5 Acid Sulfate Soils</p> <p>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.</p> <p>Specific responses to the presence of acid sulfate soils can be addressed by site through the development application process.</p> | |
| Transport and Infrastructure | <p>5.1 Integrating Land Use and Transport</p> <p>The objectives of this direction are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following:</p> <ol style="list-style-type: none"> improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport and reducing dependence on cars, and | Yes |

| Thematic Focus Area | Title and Comment | Consistent? |
|--------------------------------|---|-------------|
| | <ul style="list-style-type: none"> c. reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d. supporting the efficient and viable operation of public transport services, and e. providing for the efficient movement of freight. <p>The proposal is consistent with the objectives of this direction as it will enable delivery of housing and employment within proximity to the new Pymont Metro Station. The proposal also seeks to target 15% private vehicle mode share and low car parking provision, particularly for commercial development.</p> | |
| Housing | <p>6.1 Residential Zones</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a. encourage a variety and choice of housing types to provide for existing and future housing needs, b. make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c. minimise the impact of residential development on the environment and resource lands. <p>The proposed planning amendments are consistent with the objectives of this direction because it will enable housing while making use of existing and new services.</p> | Yes |
| Industry and Employment | <p>7.1 Business and Industrial Zones</p> <p>The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The proposed planning amendments are consistent with this direction as they give effect to the objectives of this direction by introducing new commercial and retail floor space in an area that will soon become redundant because of the relocation of the new Sydney Fish Market.</p> <p>The introduction of residential uses alongside commercial uses is consistent with the future vision and direction of the Pymont Peninsula Place Strategy and the sub-precinct master plans approved by the Minister for Planning and Public Spaces in 2020 and the Minister for Planning and Housing in 2022, respectively.</p> <p>It is considered the planning amendments are not inconsistent with this direction.</p> | Yes |