

# Submission to Blackwattle Bay State Significant Precinct Study





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# Executive summary

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

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

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

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

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

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

**a disconnected project-based approach that fails to realise precinct-wide and quality public domain outcomes through place-based planning<sup>1</sup>.**

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

It celebrates Aboriginal and Torres Strait Islander culture through illustrations, but fails to adequately respond to or secure what this community stated they would like to see within the precinct: housing for Aboriginal and Torres Strait Islander people; an Aboriginal Cultural and Innovation Centre; a precinct Retail Strategy that incorporates First Nations food, fishing and cultural sectors; the retention of existing and accommodation of new First Nation businesses, community organisations; and cultural institutions, dual naming, a cultural levy and processes for Designing for Country<sup>3</sup>.

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

<sup>1</sup> Western Harbour and Pyrmont Planning Framework Review Report, Greater Sydney Commission, September 2019

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

<sup>3</sup> Aboriginal Cultural Advice and Community Engagement Findings Report, Murawin Consulting, 5 March 2020



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

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

At every opportunity the City of Sydney (the City) has advocated for INSW's work on Blackwattle Bay to be placed on hold whilst the Department of Planning, Industry and Environment's (the Department) finalises their draft sub-precinct master plans and Infrastructure Delivery Plan for the Pyrmont peninsula, and these documents are firstly exhibited for public comment. This is the logical and sensible path and aligns with GSC's recommendations for precinct wide place-based planning<sup>4</sup>:

In response to the Blackwattle Bay public exhibition and serious concerns with the proposal, Council on the 26 July 2021 requested the City to undertake a design review of the proposal, identifying improvements that can be made to this renewal project<sup>5</sup>.

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

### **Recommendation**

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

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

<sup>4</sup> Overview of the Western Harbour and Pyrmont Planning Framework Review, September 2019

<sup>5</sup> Council Resolution, 26 July 2021, Blackwattle Bay Redevelopment

## Key issues

### Infrastructure

The proposed satisfactory arrangements approach:

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

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

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

The planning and infrastructure framework for Blackwattle Bay must secure:

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

### Productivity

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

The proposal fails to give effect to the District Plan.

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

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

## **Liveability**

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

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

The key liveability issues include:

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

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

## **Sustainability**

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

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

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

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

## Governance and implementation

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

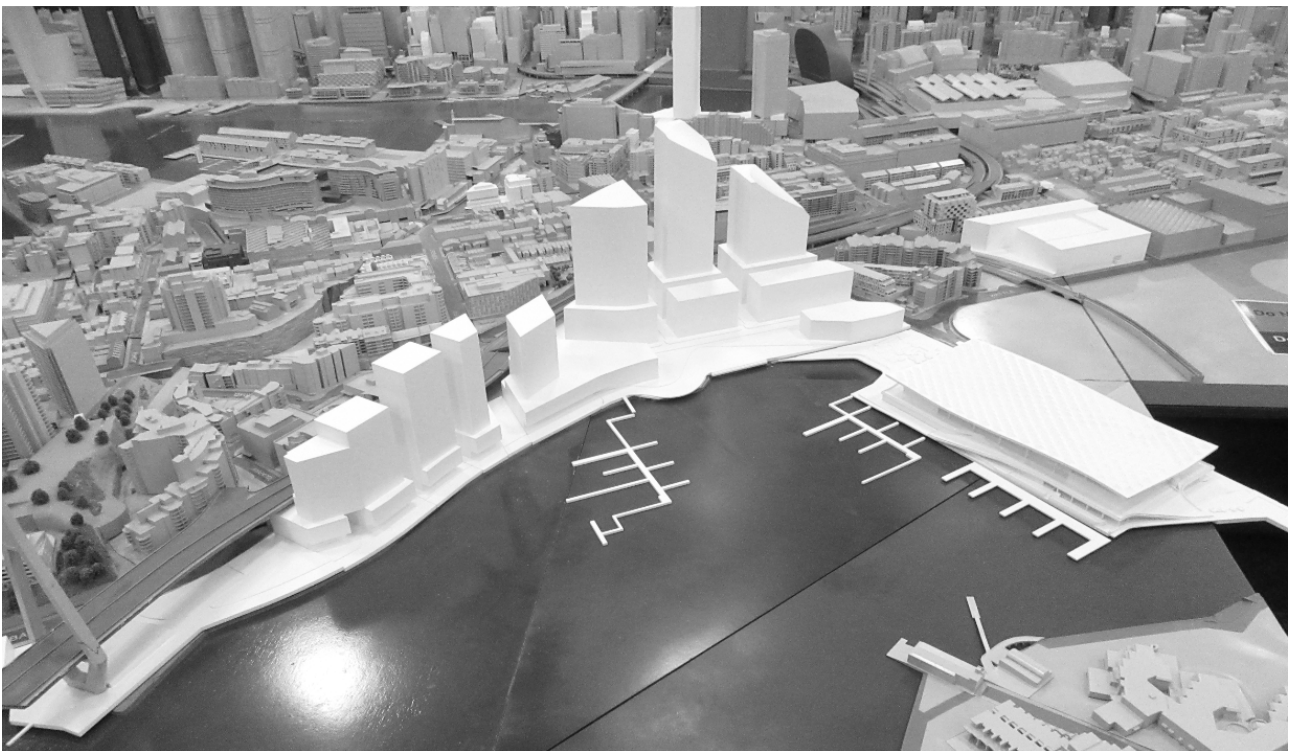
The proposal seeks to declare future development applications 'State significant' and erodes the benefit of incorporating the sites into Sydney LEP 2012 in the first place and bypasses the City's established and proven design excellence processes.

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

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## Figure 1. Proposed building envelopes, looking east

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





## Figure 2. Visual Impact Assessment

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



Infrastructure NSW Precinct & Visual Impact Analysis - Existing View



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



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

# Introduction

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

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

## **Eastern City District Plan 2018**

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

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

### **Infrastructure**

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

### **Liveability**

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

### **Productivity**

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

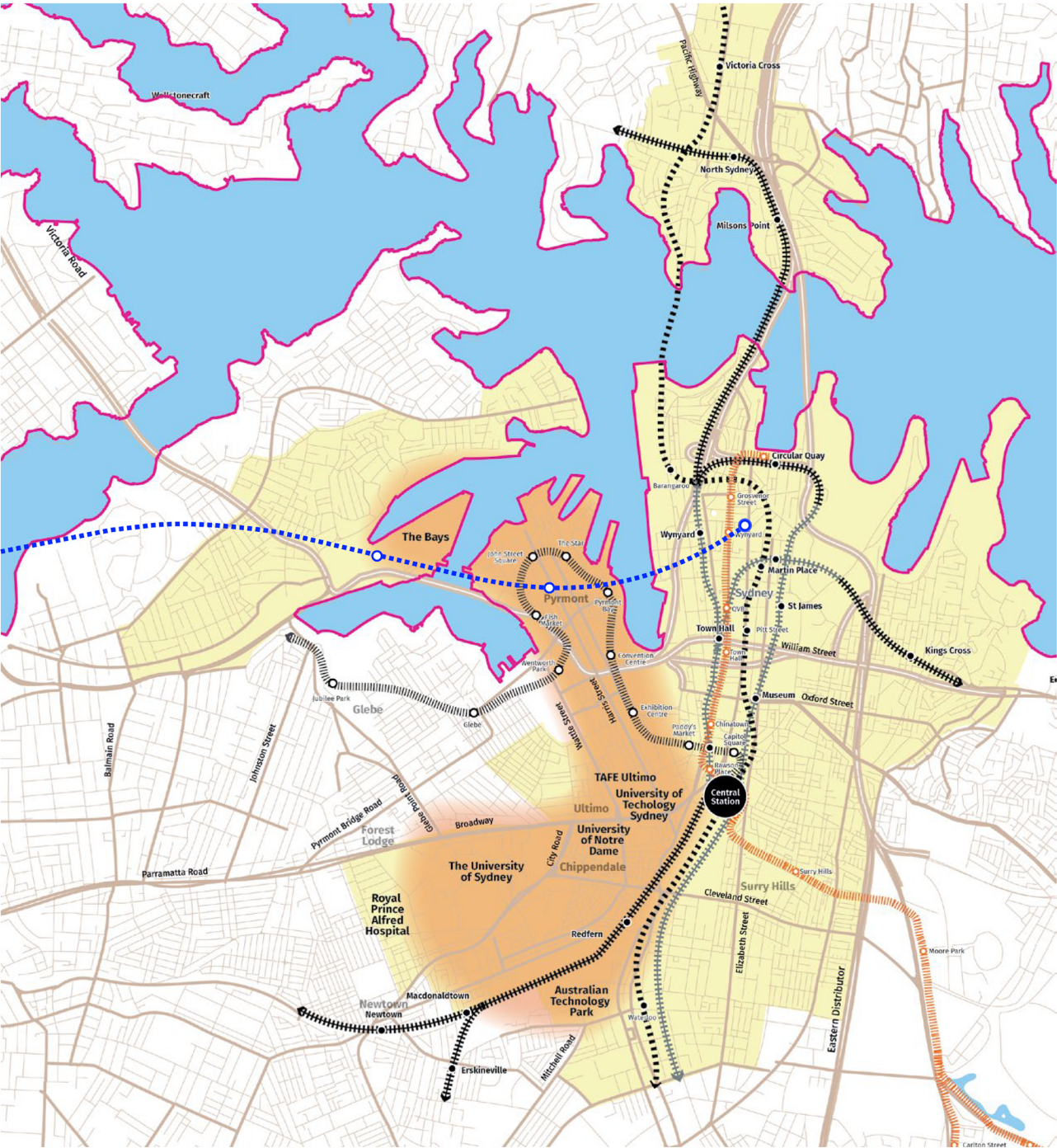
### **Sustainability**












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



# Figure 3. the Harbour CBD and Innovation Corridor

Source: Adapted from the Eastern City District Plan, 2018



	Highway		Train Station
	Local Road		Underground Train Station
	CBD & South East Light Rail & Stations currently under construction		Waterway
	Inner West Light Rail		Harbour CBD
	Future Metro Station		Innovation Corridor
	Sydney West Metro & Stations		



Greater Sydney Commission Review, 2019

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

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

The GSC’s review found:

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

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

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

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

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

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

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

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

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

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

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

#### **Infrastructure**

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

#### **Liveability**

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

#### **Productivity**

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

#### **Sustainability**

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

**Revitalising Blackwattle Bay May 2020**

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

**Figure 4. INSW 'Revitalising Blackwattle Bay' scenarios**

Source: Revitalising Blackwattle Bay, May 2020

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

**Outcomes<sup>7</sup>**

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

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

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

### **Pymont Peninsula Place Strategy December 2020**

The NSW Government approved the final PPPS in December 2020. The PPPS was prepared in response to the GSC's 2019 review. It is supported by a Ministerial Direction which requires any future planning proposal, whether led by the City or NSW Government, within the Pymont peninsula to<sup>8</sup>:

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

The objectives of the Ministerial Direction are to:

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

### **The Blackwattle Bay sub-precinct and place priorities**

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

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

<sup>8</sup> Section 9.1 Ministerial Directions

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

### **Development that complements or enhances the area**

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

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

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

Direction 2 states:

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

The Pymont Peninsula Economic Development Strategy states:

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

### **Jobs and industries of the future**

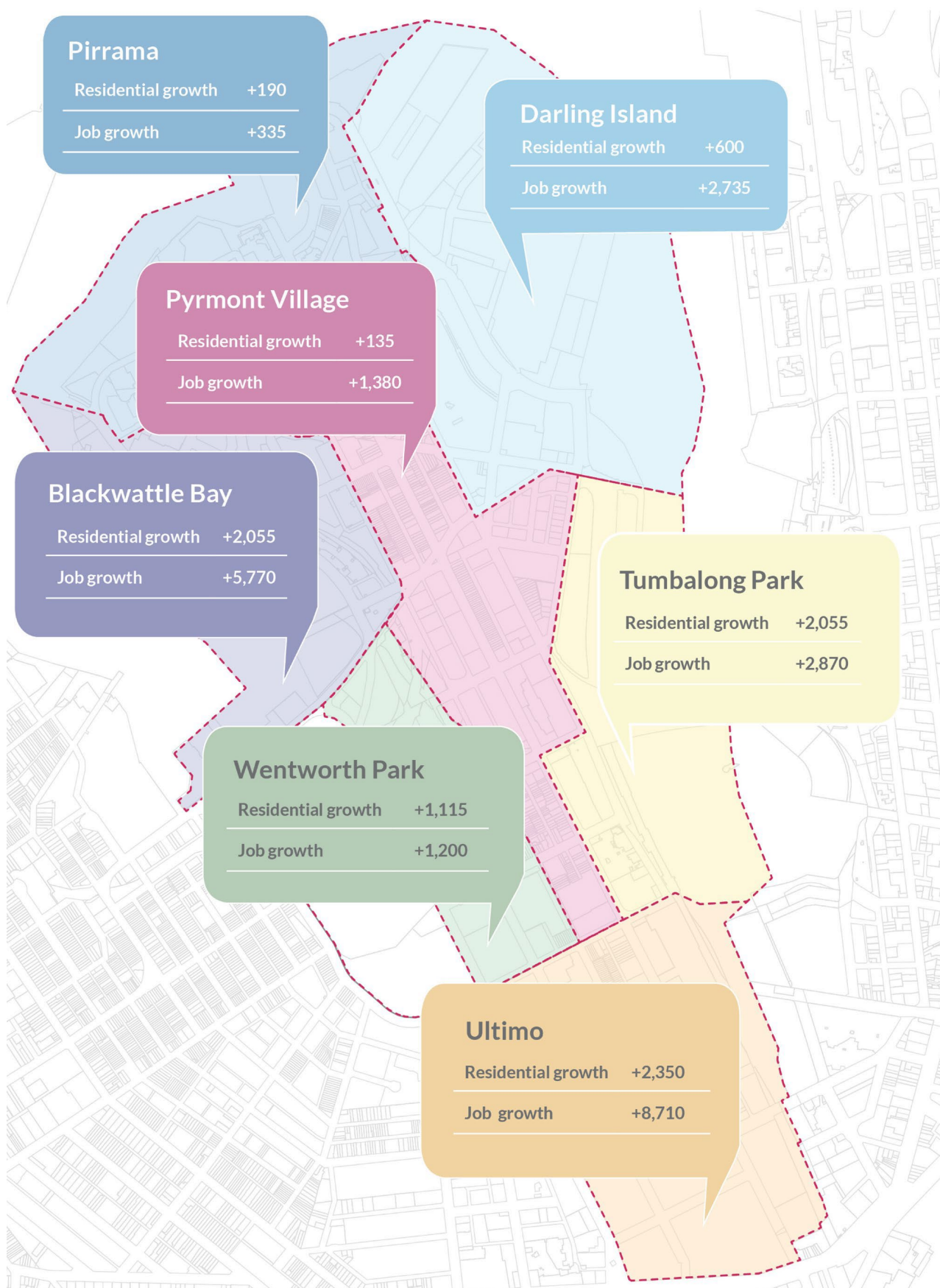
Direction 1 seeks the delivery of new major employment floor space capacity at Blackwattle Bay:

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

<sup>9</sup> Pymont Peninsula Economic Development Strategy, October 2020

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

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



### **Affordable workspace for creatives**

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

### **Great homes that can suit the needs of more people**

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

### **World class harbour foreshore walk**

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

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

### **Low carbon, high performance precinct**

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

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

### **Glebe Island Bridge**

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



## Figure 6. Visual Impact Assessment

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



Infrastructure NSW Precinct & Visual Impact Analysis - Existing View



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



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

# Infrastructure

The Region Plan states:

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

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

- Draft sub-precinct master planning and a draft Infrastructure Delivery Plan must be exhibited with sufficient time for public comments before they are finalised.
- The community and the City should be involved in Infrastructure Delivery Plan development.
- Infrastructure NSW must align progress and outcomes of the master plan for Blackwattle Bay with the finalisation of the Pyrmont Peninsula Place Strategy and sub-precinct planning.
- The Place Strategy and the Infrastructure Delivery Plan could be supported by a Ministerial Direction requiring any growth to be aligned with infrastructure delivery<sup>10</sup>.

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

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

*While the infrastructure delivery strategy for Blackwattle Bay is being finalised, it is critical that development does not proceed without ensuring that a mechanism is in place to provide for contributions towards State public infrastructure. To ensure that developers also make an appropriate contribution towards public infrastructure, the Planning Secretary’s approval of any proposed approach to delivery of infrastructure would be required prior to approval of development.*

*To ensure that arrangements to contribute to infrastructure are in place prior to development, it is proposed that a new clause be inserted into Sydney LEP requiring the Planning Secretary’s approval of any proposed approach to delivery of infrastructure prior to approval of significant development.*

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

- State and regional roads
- Bus interchanges and bus lanes
- Land required for regional open space, include land required for the foreshore promenade
- Embellishments or connections to regional open space
- Social infrastructure and facilities”<sup>11</sup>

<sup>10</sup> City of Sydney Submission to the draft Pyrmont Peninsula Place Strategy, September 2020

<sup>11</sup> Explanation of Intended Effect, Blackwattle Bay State Significant Precinct proposal, June 2021

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

This approach is not consistent with the Region Plan, particularly as the satisfactory arrangements only apply to State infrastructure. The City is also concerned that the complete lack of detail on proposed infrastructure funding arrangements means infrastructure funding within the precinct and greater Pyrmont Peninsula is susceptible to the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 currently being considered, and in particular the introduction of a region-based infrastructure levy, where contributions captured within the area are potentially spent outside the City area on regional infrastructure<sup>12</sup>.

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

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

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

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

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

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

## Community and cultural facilities

The City supports the following commitments of the proposal:

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

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

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

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

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## Open space and recreation facilities

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

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

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

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

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

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

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

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

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## Transport infrastructure

The proposal seeks to amend Sydney LEP 2012 to:

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

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

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

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

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

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



# Liveability

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

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

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

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

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

## Figure 7. Visual Impact Assessment

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



Infrastructure NSW Precinct & Visual Impact Analysis - Existing View



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



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



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

The key issues include:

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

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

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## Development that complements or enhances the area

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

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

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

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

## Ameliorating wind impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

### Park Street

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

### Gipps Lane

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

### Bank Lane

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

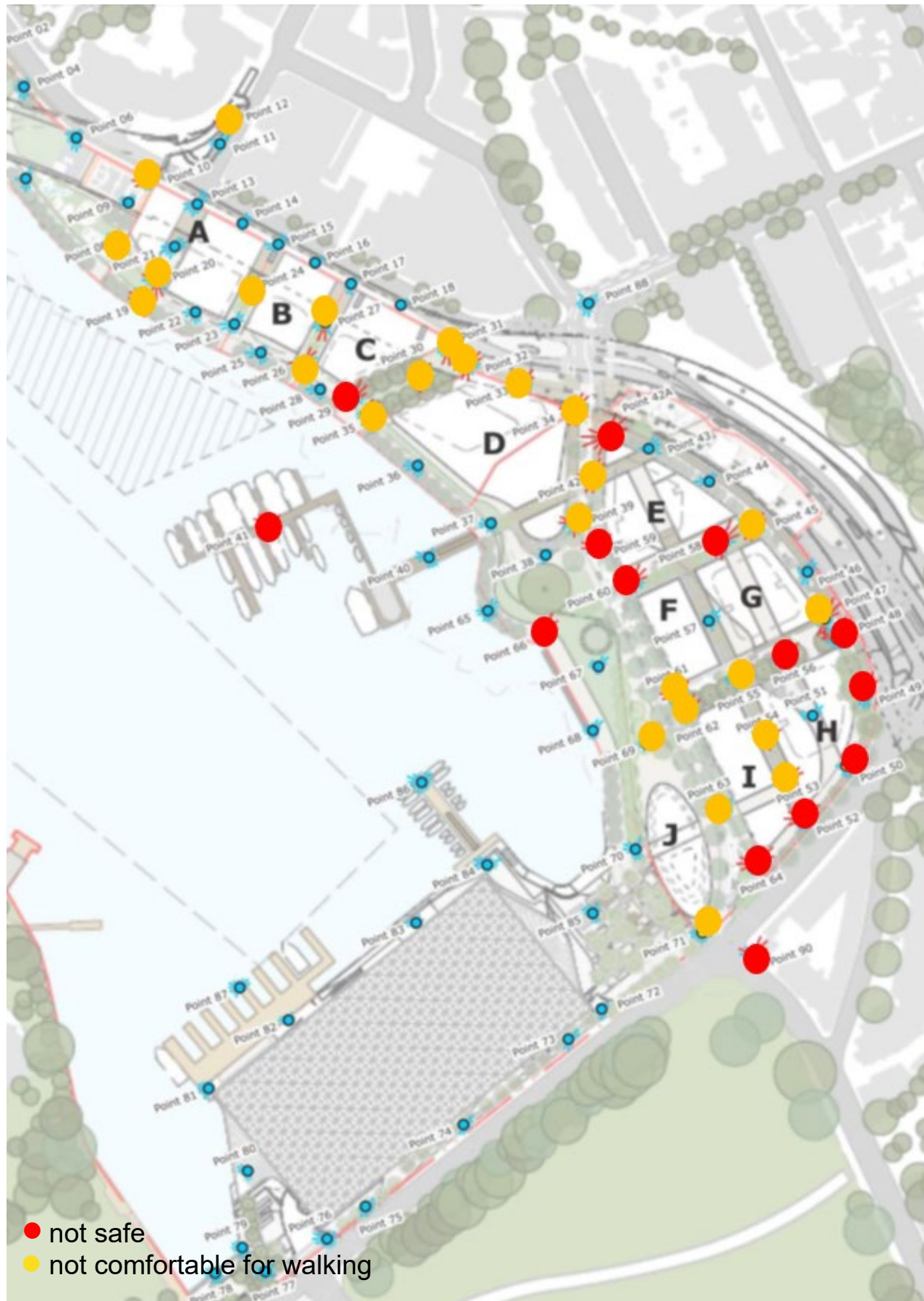
### Waterfront Promenade

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

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

## Figure 8. Wind Tunnel Results

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



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

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

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

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

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

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

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



## Protecting sunlight to public open spaces

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

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

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

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

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

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

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

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## High-quality life and well-being

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

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

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

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

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

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

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

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

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

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

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

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

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

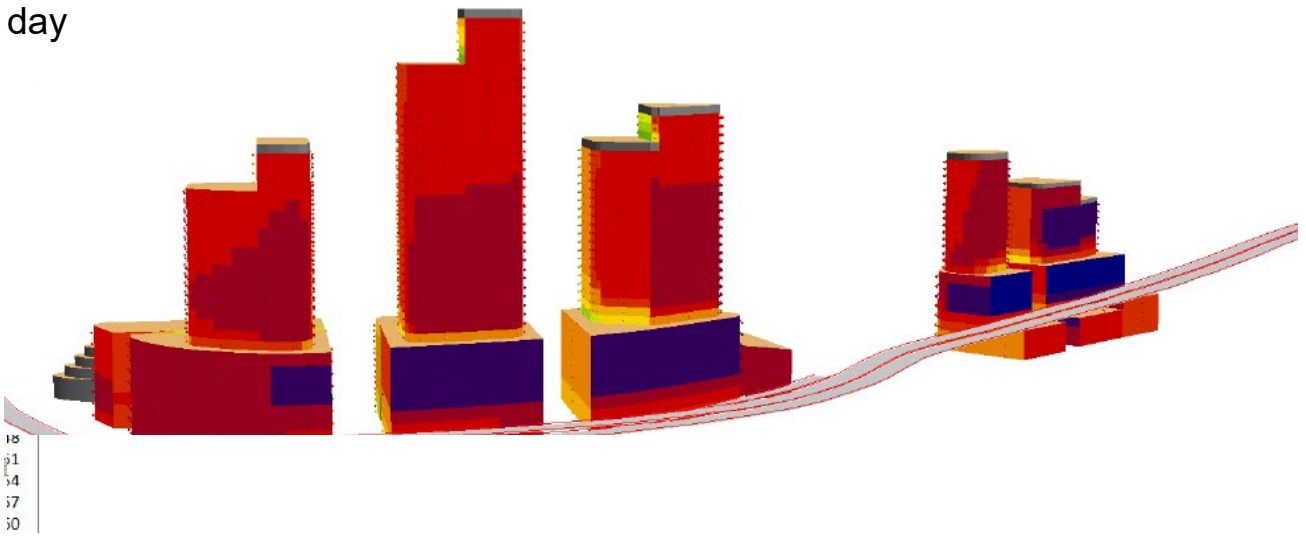
The redesign must meet the objectives and design criteria of the Apartment Design Guide to demonstrate minimum amenity standards for people living in apartment buildings are met. Better design would provide building envelopes that allow and encourage exceedance of the minimum design criteria. The Urban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



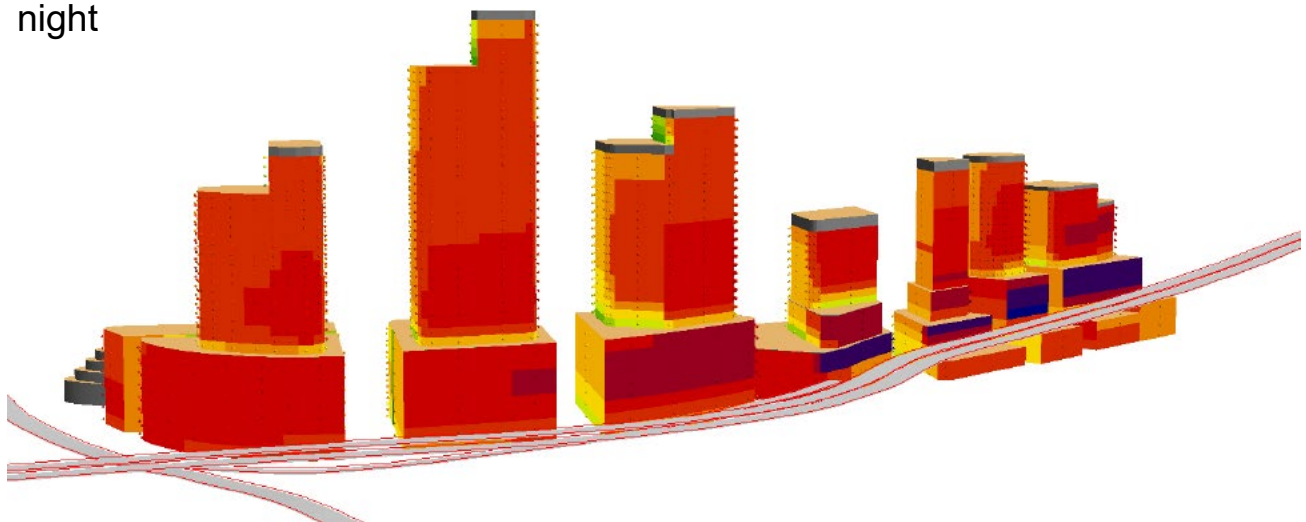
## Figure 9. North-eastern road traffic noise map

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

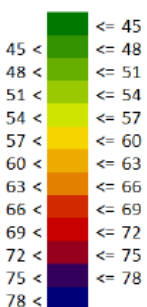
day



night



Noise level  
LAeq (15hour)  
in dB(A)



Colour code	Predicted Facade Noise Levels (dBA) Night-time LAeq(9hour)	Required Facade Noise Reduction (natural ventilation) (dB)	Facade mitigation to permit natural ventilation <sup>1</sup>	Required Facade Noise Reduction (closed windows) (dB)	Indicative Facade Glazing
Green	< 57	< 12	Louvres/screens, balcony absorption	< 22	Standard single or double glazing
Yellow	57 to 60	12 to 15	Enclosed balcony	22 to 25	Upgraded glazing
Orange	60 to 66	15 to 21	Enclosed balcony with attenuated ventilation path	25 to 31	Upgraded glazing
Red	66 to 72	21 to 27	Natural Ventilation not advised	31 to 37	Upgraded glazing
Violet	72 to 75	27 to 30	Natural Ventilation not advised	37 to 40	Upgraded glazing

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

### **Building separation**

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

### **Residential floorplate size**

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

### **Natural cross-ventilation**

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

### **Solar access**

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

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

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

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## **Affordable housing**

The proposal seeks to amend Sydney LEP 2012 to:

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

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

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

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

## Aboriginal and Torres Strait Islander engagement and response

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

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

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

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

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

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

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

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

### **Affordable Rental Housing for Aboriginal and Torres Strait Islander people**

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

### **Economic opportunities**

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

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

## Fishing Economy and Industry

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

## Maritime Usage

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

## Aboriginal Culture Centre and Innovation Hub

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

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

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## Public Art

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

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

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

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

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

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

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

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

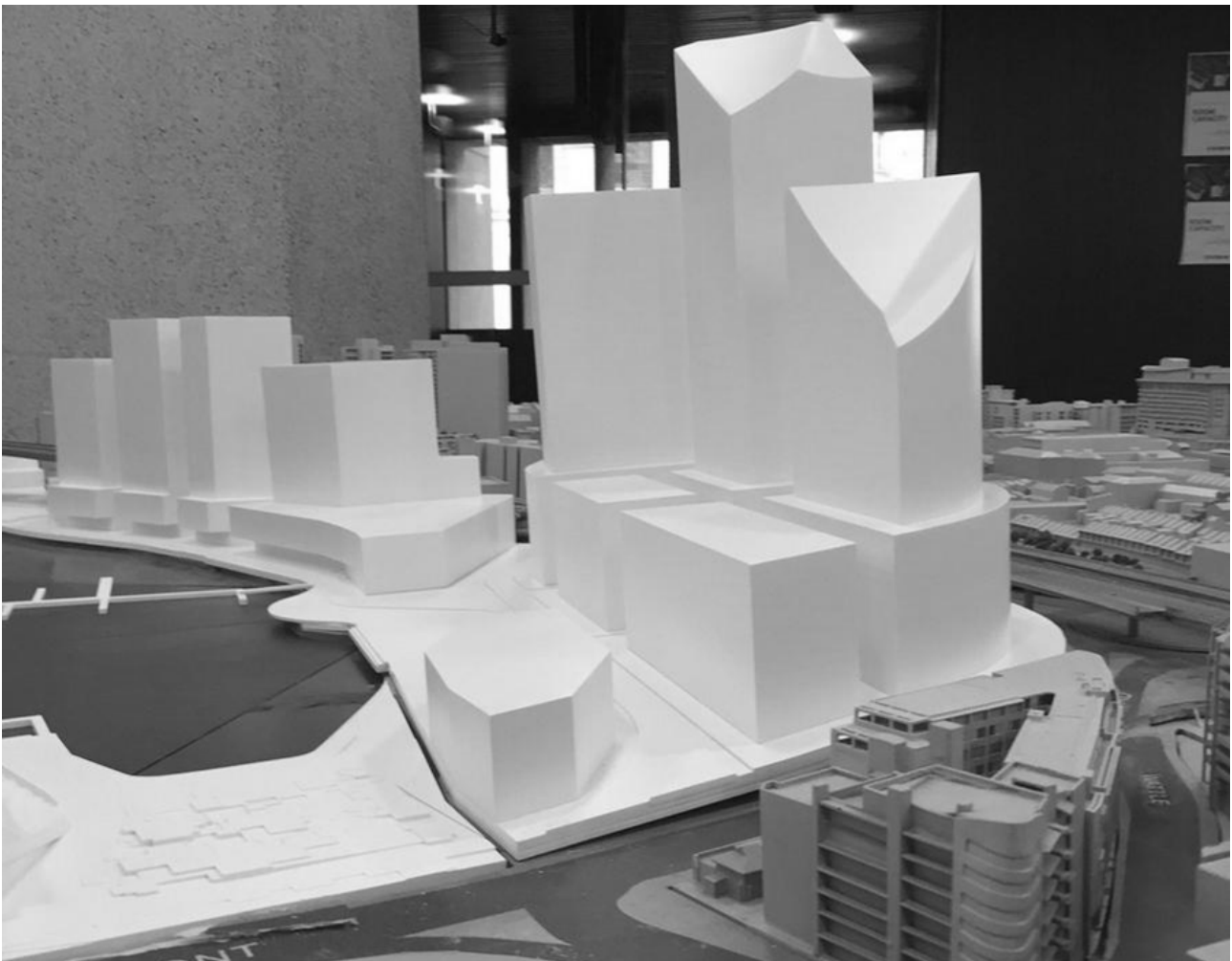
*Develop an overarching precinct wide Public Art and Cultural Plan in response to the Arts and Cultural Strategy for the precinct. A ~~Blackwattle Bay Public Art Strategy~~ Blackwattle Bay Public Art and Cultural Plan that guides developers of future sites within the precinct. This ~~strategy~~ plan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

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

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## Figure 10. Proposed building envelopes, looking north

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





# Productivity

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

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

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

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

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

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

The SSP asserts:

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

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

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

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

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

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

### **Land Use Mix**

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

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

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

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

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

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

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

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

### **Opportunities for an innovation precinct for target industries**

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

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

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

### **Tourism, entertainment and a 24-hour precinct**

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

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

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

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

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

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## Figure 11. Proposed building envelopes, looking south-west

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



# Sustainability

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

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

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

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

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

## **Multi-utility hubs as precinct infrastructure**

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

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



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

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

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

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

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

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

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

## **Water Sensitive Urban Design (WSUD)**

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

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

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

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

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

## **Green Streets and Active Streets**

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

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

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

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

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

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

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

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

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

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

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

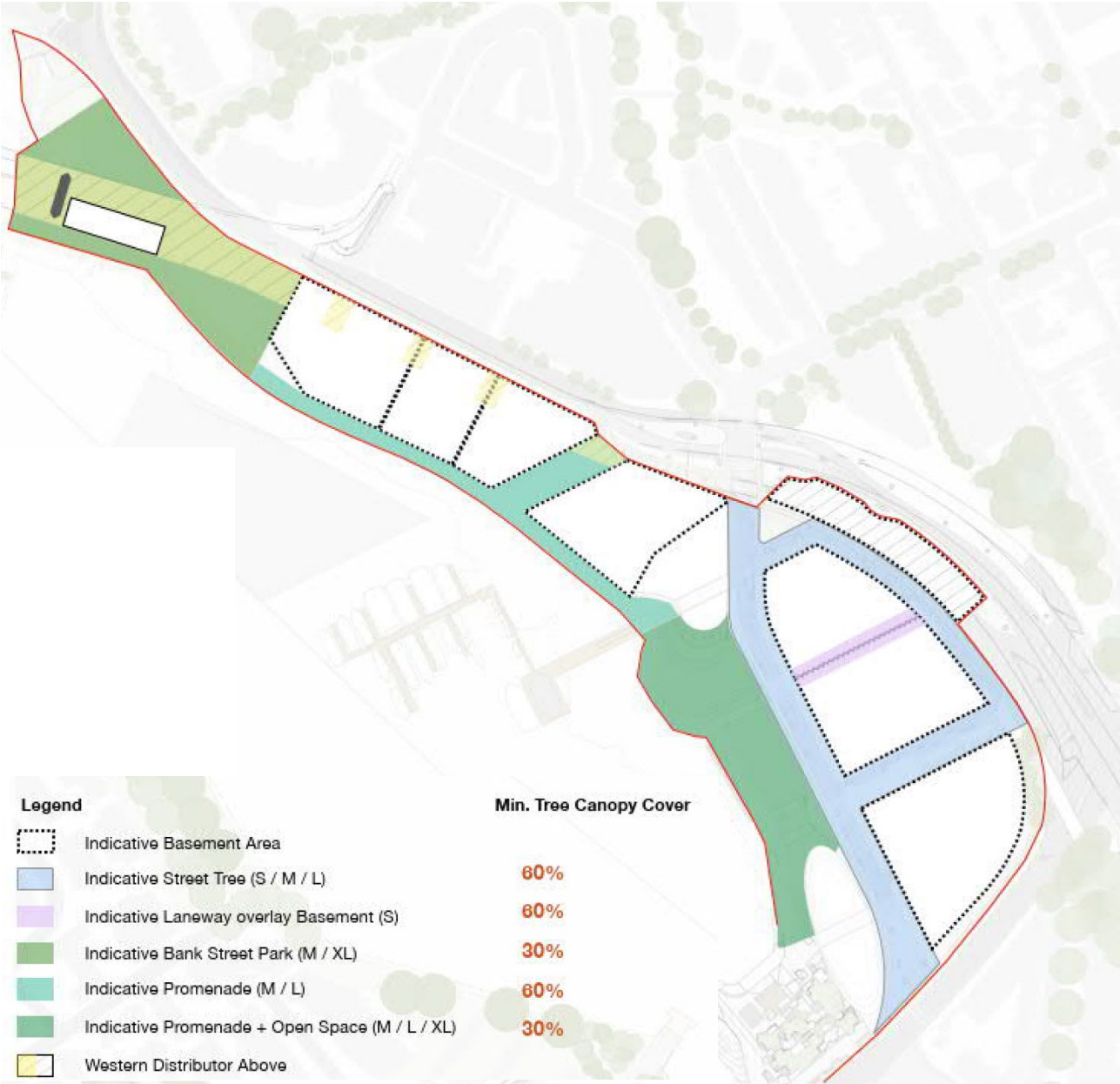
- The *preference of indigenous planting* needs to be deleted or updated to focus on understory planting. The tree species within this largely altered urban landscape and impacted by the size and scale of the built form will require the most appropriate species regardless of its origin. In many situations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

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

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

# Figure 12. Urban Forest Strategy Plan

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



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

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

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

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

### **Water Quality**

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

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

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

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

### **High Performance New Buildings**

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



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

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

### Offsetting to deliver a Net Zero Outcome

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

Given lead times before any vertical construction commences, the City recommends that the City's Net Zero Buildings Strategy be applied to all new mixed use, office, hotel and residential development within the precinct<sup>13</sup>. This set of performance standards, which are identified in Appendix B of the AECOM ESD Report, aligns well with the Net Zero precinct ambition already expressed in the SSP documentation and the standards that the City has developed recognise that off-site renewables will be part of the pathway for achieving Net Zero outcomes. The State government is a logical partner in delivering individual building energy and carbon performance to this standard.

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## Figure 13. Proposed building envelopes, looking south-east

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



<sup>13</sup> [City of Sydney Net Zero Energy Performance Standards](#)

# Governance and implementation

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

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

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

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

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

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

## **Sydney LEP 2012**

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

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

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

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

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

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

### **State Environmental Planning Policy (Infrastructure) 2007**

The proposal seeks to nominate Blackwattle Bay as a Public Authority Precinct so that certain works in the public domain carried out by public authorities, such as landscaping, public art and children’s playgrounds, can be undertaken as exempt development.

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

### **State Environmental Planning Policy (State and Regional Development)**

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

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

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

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

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

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

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

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



