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# Attachment 1 – Revised Explanation of Intended Effects

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Blackwattle Bay

Response to Submissions

July 2022



# Revised Explanation of Intended Effect

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Blackwattle Bay State Significant Precinct

July 2022

Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Revised Explanation of Intended Effect

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## Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1.0 INTRODUCTION

Infrastructure NSW has led a detailed master planning process for the Blackwattle Bay Precinct (formerly referred to as Bays Market District) in consultation with the Department of Planning and Environment, the City of Sydney Council, Government Architect NSW, Transport for NSW, other Government agencies, landowners and stakeholders. This Explanation of Intended Effect (EIE) has been developed as part of a State Significant Precinct investigation and forms a revised version of the document following exhibition of the original version in accordance with Clause 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) from 2 July to 20 August 2021.

The July – August 2021 exhibition comprised a comprehensive suite of planning documents to guide the future development of the Precinct. In response a total of 855 individual submissions, 38 submissions from government and non-government organisations, and 1513 proforma submissions were received.

Subsequently all submissions were thoroughly reviewed and analysed and generally fell into the key themes of built form, place, environment, movement and planning. Further investigations were undertaken to determine an appropriate response to the issues raised and any required amendments to the Precinct Plan. In addition, further information was also considered including the City of Sydney urban design review of the Precinct Plan, and the newly released draft Pyrmont Peninsula Precinct Strategy (PPPS) Sub-precinct Masterplans. Ongoing interagency meetings were held including with the PPPS team, Bays West team, Transport for NSW (Metro, Roads as well as Maritime) and Place Management NSW. Meetings with private landowners and the Sydney Fish Market were also held.

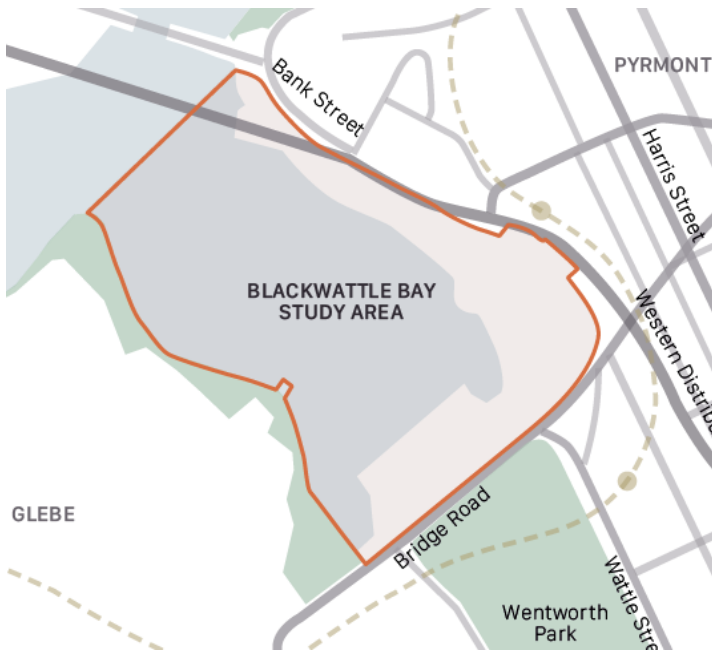
Following resolution of key design matters in the updated Precinct Plan, supporting consultants have undertaken assessments of the changes to inform the development of updated planning provisions, a revised Design Code, and the Response to Submissions report.

This Revised EIE sets out the proposed planning controls in accordance with the Blackwattle Bay Urban Design Statement (June 2022) incorporating the revised Precinct Plan. It outlines the changes in planning controls for the Blackwattle Bay Precinct (shown in Figure 1), which are to be primarily contained in *Sydney Local Environmental Plan 2012* (Sydney LEP). Other changes are also proposed to:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP)
- *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP)
- *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* (Eastern Harbour City SEPP), and
- *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP).

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

Any specific wording of provisions in this EIE should be considered a draft and subject to change following the legal drafting process and further review by the Department and the Parliamentary Counsel's Office.



**Figure 1:** Blackwattle Bay Precinct

## 1.1 Blackwattle Bay State Significant Precinct

Blackwattle Bay and Bays West together make up The Bays State Significant Precinct. Under *State Environmental Planning (Planning Systems) 2021*, the Minister for Planning can nominate precincts that have planning significance to the State of NSW. The State Significant Planning (SSP) process provides for a proponent, in this case Infrastructure NSW (INSW), to investigate a precinct for potential rezoning and redevelopment through a SSP study.

Study requirements for the SSP study for Blackwattle Bay were issued by the Department of Planning and Environment in April 2017. The study requirements set out the scope and approach to investigations and matters to be addressed by a planning instrument and Design Code that will control and enable development in the Precinct. A SSP Study and Design Code for Blackwattle Bay have now been prepared by INSW and are available at the Blackwattle Bay webpage of the NSW Planning Portal.

## 1.2 Purpose

This Revised EIE has been prepared to set out the proposed planning controls for the Blackwattle Bay Precinct. The proposed planning controls will enable the delivery of:

- New homes, jobs and services close to the CBD including:
  - approximately 5,645 jobs
  - approximately 2,014 residents or 1,203 dwellings
- The staged delivery of a continuous waterfront promenade – the missing link in an otherwise 15km foreshore walk from Woolloomooloo to Rozelle
- New active transport connections to bring the neighbourhood closer to the harbour through new and improved pedestrian and cycling links
- Improved public transport options and minimised vehicle usage strategies including:
  - Minimising car parking spaces with limited on-street parking
  - Ferry wharf
  - Opportunity for buses to service through site link
  - Improved connections to the existing light rail
  - Access to the future Sydney Metro West Station in Pyrmont

- New parks and green space with 30,000 square metres of open space, and
- New Sydney Fish Market at the heart of Blackwattle Bay.

The planning framework is intended as a tool to achieve design excellence and a built form outcome that is appropriate within the context of the broader vision for the Pyrmont peninsula, as outlined in the Pyrmont Peninsula Place Strategy and sub-precinct master plans. The Pyrmont Peninsula Place Strategy (December 2020) and sub-precinct master plans can be found on the NSW Department of Planning, Industry and Environment's website at <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Pyrmont-Peninsula>.

## 1.3 Summary of proposed planning instrument amendments

A new SEPP is proposed to be prepared to amend Sydney LEP which will contain the main planning controls to guide development in the Blackwattle Bay Precinct. The SEPP will also amend the Biodiversity and Conservation SEPP, the Transport and Infrastructure SEPP, the Planning Systems SEPP, the Eastern Harbour City Precinct SEPP and the Codes SEPP. The proposed SEPP amendment will apply to the Blackwattle Bay Precinct as mapped in Figure 1.

To implement the Precinct Plan, it is proposed to amend Sydney LEP by:

- Including the entirety of the approved new Sydney Fish Market site in the area to which the LEP applies
- Rezoning land to B4 Mixed Use, RE1 Public Recreation and SP1 Special Activities (new Sydney Fish Market)
- Amending the maximum height and floor space controls via maps and site specific clause amendment
- Amending the foreshore area and foreshore building line map to identify the precinct and protect the future foreshore walkway on privately owned allotments
- Amending the solar access protection map to protect sunlight to key public spaces
- Introducing new site specific provisions under Part 6, Division 5, including:
  - requiring consideration of the Design Code to inform future development of the precinct.
  - requiring design excellence
  - providing maximum GFA limits for government allotments
  - requiring that development has regard to sustainability principles and achieve a minimum 5 Green Star Buildings rating or equivalent
  - setting a minimum percentage of non-residential development (including office, retail, community, and cultural uses) for development sites
  - excluding the application of clauses 4.6, 7.6, 7.13 and 7.20 and Division 4 Design Excellence
  - continuing to prohibit general industries within the precinct consistent with the current zoning
  - providing a precinct specific car parking maximum for commercial (office and business) floor space
  - requiring a contribution to affordable housing, equivalent to 7.5 percent of the total residential and commercial GFA being developed, to be provided as floor space or as a monetary contribution, and
  - requiring essential public utility infrastructure is available for proposed development prior to the granting of consent, and
  - requiring the concurrence of the Planning Secretary upon consideration of the impact of proposed development on existing state public infrastructure and the need for additional designated state public infrastructure before consent can be granted for residential and commercial development within the precinct.
- Defining the competitive design process to be applied for Design Excellence at Blackwattle Bay



- Allowing additional floor space (above the existing mapped FSR) to the maximum illustrated in the Revised Precinct Plan on privately owned allotments where the foreshore promenade is delivered as part of any development (Note: without this the permitted floor space will remain as existing)
- Associated amendments to fully implement the above.

Sydney LEP maps to be amended are as follows:

- Amendment to the Land Application Map (LAP\_001) to include the entirety of the new Sydney Fish Market site
- Amendments to the Locality and Site Identification Map, Foreshore Building Line Map (CL1\_007 AND CL1\_008) to:
  - include the Blackwattle Bay precinct
  - designated the Foreshore Area and Foreshore Building Line on privately owned allotments, and
  - remove the site boundary which refers to Schedule 1
- Amendments to the Land Zoning Map (LZN\_007 and LZN\_008) to zone the land B4 Mixed Use, RE1 Public Recreation and SP1 Special Activities (Sydney Fish Market)
- Amendments to the Height of Building Map (HOB\_007 and HOB\_008) to:
  - include maximum height of building controls in RLs for all development sites
- Amendments to the FSR Map (FSR\_007 and FSR\_008) to:
  - identify land where a maximum GFA applies as stipulated in a site specific clause, and
  - identify land subject to additional FSR where the foreshore promenade is provided as part of any development.
- Amendments to the Solar Access Protection Maps (SAP\_007 and SAP\_008) to:
  - identify protected places to which clause 6.18 will apply.
- Amendments to the Land Use and Transport Integration Map (LUT\_007 and LUT\_008) to:
  - change the LUTI category from C to A
- Amendments to the Public Transport and Accessibility Level Map (PTAL\_007 and PTAL\_008) to:
  - change the PTAL category from F to D.

Further explanation of the proposed Sydney LEP provisions and amendments is provided in Section 2.1 below.

To implement the new planning provisions for Blackwattle Bay it is also necessary to amend several SEPPs that currently apply. While the majority of the future planning controls for the Precinct will be contained within Sydney LEP, amendments to the SEPPs will ultimately simplify the existing planning process and ensure consistency with other similar public authority precincts.

Amendments to SEPPs include:

- **Biodiversity and Conservation SEPP**
  - Removing the requirement to prepare a master plan for Blackwattle Bay as part of the City Foreshores Area (clause 10.39)
  - Amending the SREP Zoning Map by removing that part of the new Sydney Fish Market site that is currently zoned W1 Maritime Waters and that is proposed to be incorporated into the Sydney LEP and zoned SP1 Special Activities (Sydney Fish Market) (Map- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Zoning Map (Amendment 2016)).
- **Transport and Infrastructure SEPP**
  - Nominating 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 (clause 2.69).
- **Eastern Harbour City Precinct SEPP**
  - Removing the Minister as the consent authority for development carried out on certain land in Blackwattle Bay with a capital investment value (CIV) of not more than \$10 million noting that

the Minister will remain the consent authority for development over \$10 million through application of the SRD SEPP (clause 2.8(4))

- Repealing the provisions which currently zone part of the new Sydney Fish Market site 'Waterfront Use' and apply other provisions relating to master planning, matters for consideration in determining development applications to this part of the Blackwattle Bay Precinct (clause 4.13 Part 3, clause 4.48, clause 4.60 and Map – Sydney Regional Environmental Plan No. 26 City West (Amendment No. 7 – Bays Precinct Map 1, Map 2 Sheet 3 Land use zones, Map 3 Sheet 3 Master Planning)
- Removing the designation of development with a CIV of not more than \$10m carried out by a public authority on certain land in Blackwattle Bay as development that does not require consent (clause 2.9).
- **Planning Systems SEPP**
  - Retaining the designation of development in Blackwattle Bay with a CIV over \$10 million as State Significant Development and adjusting the State Significant Development Sites Map – Bays Precinct to reflect the boundary of the new Sydney Fish Market site (Schedule 2 clause (2)(a) and Map - State Environmental Planning Policy (State and Regional Development) 2011 State Significant Development Sites Map – Bays Precinct sheet SSDS\_001).
- **Codes SEPP**
  - Including Blackwattle Bay as a 'major event site' to facilitate the holding of events in the public domain (subdivision 10 section 2.125 and 2.126).

Further explanation of the proposed SEPP amendments is provided in Section 2.2.1 – 2.2.5.

SEPP map amendments will include:

- Biodiversity and Conservation SEPP
  - Removal of that part of the new Sydney Fish Market that is zoned W1 Maritime Waters from the SREP Zoning Map
- Planning Systems SEPP
  - Amendment to the boundary of Blackwattle Bay on the *State Significant Development Sites Map – Bays Precinct* to reflect new Sydney Fish Market site
- Eastern Harbour City Precinct SEPP
  - Removal of the Blackwattle Bay Precinct from the SREP 26 boundary map, Land Use Zones map and Land Subject to Master Planning map.

## 1.4 Objectives or intended outcomes

The Blackwattle Bay SSP planning process adopts a place-based approach to urban renewal, using and optimising government-owned land to deliver economic outcomes and provide homes near jobs and amenities. The proposed rezoning seeks to align with the Pyrmont Peninsula Place Strategy, providing jobs and industries of the future by delivering approximately 2.8 new jobs to every one new resident. The proposed rezoning will also enable the delivery of development that complements or enhances the area with significant precinct-wide benefits including a new foreshore promenade, quality urban and open spaces, high public amenity and the celebration of Aboriginal and European heritage.

The intended outcome of the proposed SEPP is primarily to amend Sydney LEP as well as to make changes to a number of other planning instruments. These changes are intended to give effect to the statutory controls recommended within the SSP Study for the Blackwattle Bay Precinct and as refined following consideration of submissions received as a result of the public exhibition.

The proposed SEPP rationalises, as far as practicable within the existing framework, the number of planning instruments that apply to Blackwattle Bay as suggested by the Greater Sydney Commission.

The proposed planning framework for Blackwattle Bay will simplify consent authority pathways for development in the precinct. The Minister for Planning will remain the consent authority for development with

a CIV over \$10 million (State Significant Development) but will no longer be the consent authority for other development. Instead, the City of Sydney will be the consent authority for all other development requiring consent under Part 4 of the EP&A Act.

A design excellence process as outlined in the Design Code will apply not only to the future buildings but also to the public domain and will include community and stakeholder engagement over and above that which applies under the statutory planning approval process. Post the initial DA approval of the public domain, to facilitate activation and enhancement of the public domain, development such as landscaping, pedestrian pathways, public art and the like, as well as activities such as community events and markets, are to be 'exempt development'. This means that these activities may be undertaken without the need for development consent or assessment subject to meeting appropriate amenity and other criteria. Place Management NSW, which currently has responsibility for managing areas such as The Rocks, Barangaroo, and Darling Harbour where the same exemptions apply, has confirmed its intention to take over responsibility for management of the public domain at Blackwattle Bay.

## 2.0 EXPLANATION OF PROVISIONS

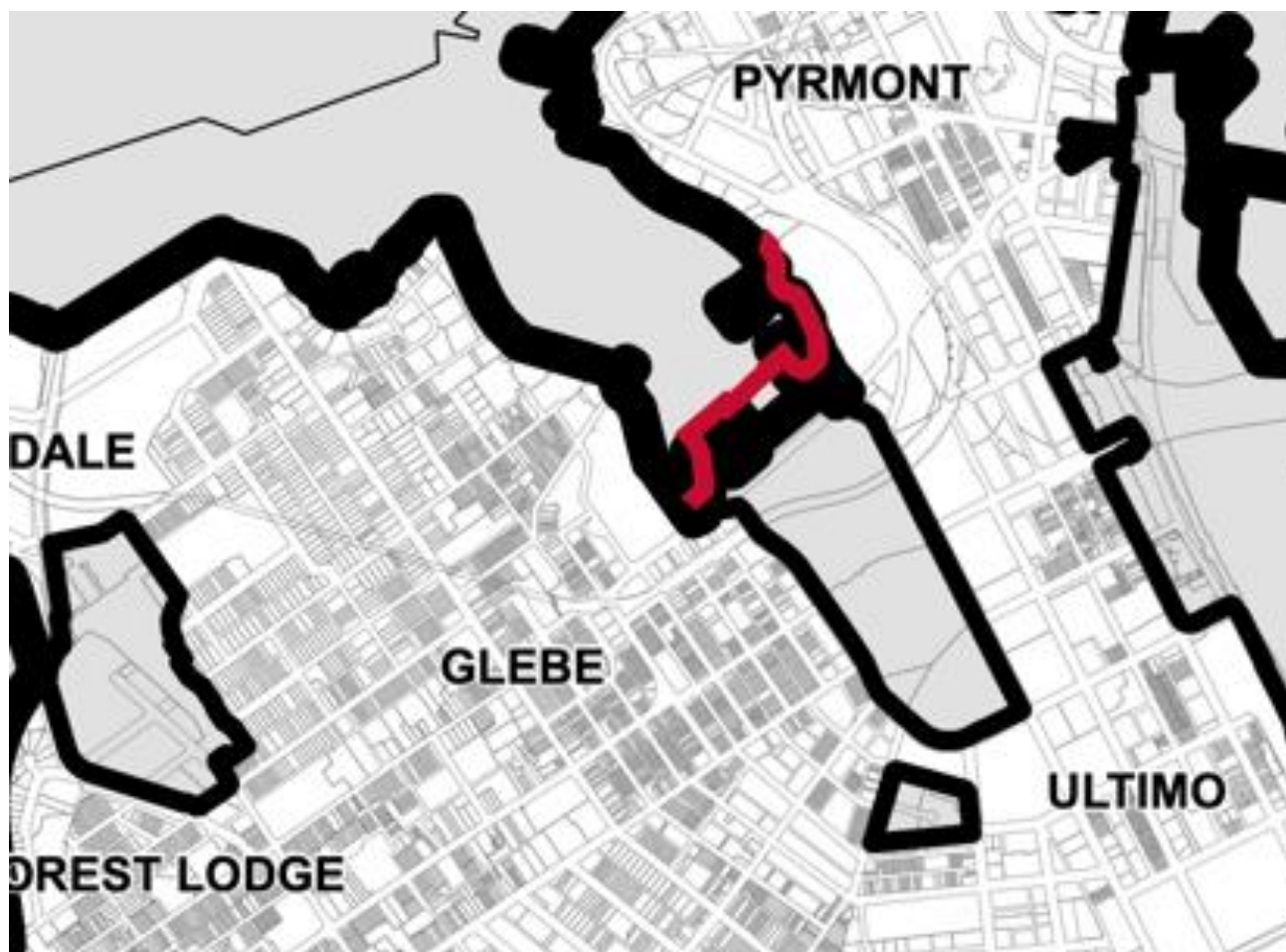
The current planning framework applying to Blackwattle Bay is complex, with controls contained within several different planning instruments. It is proposed that the primary planning controls applying to the Blackwattle Bay Precinct will be contained within Sydney LEP. The proposed amendments to Sydney LEP are set out in Section 2.1 below.

Changes are also required to several SEPPs. These changes are outlined in Section 2.2. Some of these changes are needed to incorporate the new Sydney Fish Market (SFM) into the Sydney LEP. Other SEPP amendments are aimed at facilitating an attractive and vibrant public domain, similar to other SSPs. Ultimately, the proposed SEPP amendments will simplify the existing planning framework and help deliver the aspirations for the Precinct.

### 2.1 Sydney Local Environmental Plan 2012

#### 2.1.1 Land Application

It is proposed to amend the Sydney LEP land application map (LAP\_001) to include the new SFM site to ensure that a consistent statutory framework applies to the entirety of the Blackwattle Bay Precinct.



**Figure 2:** Amendment to Land Application Plan

**Post exhibition amendment:**

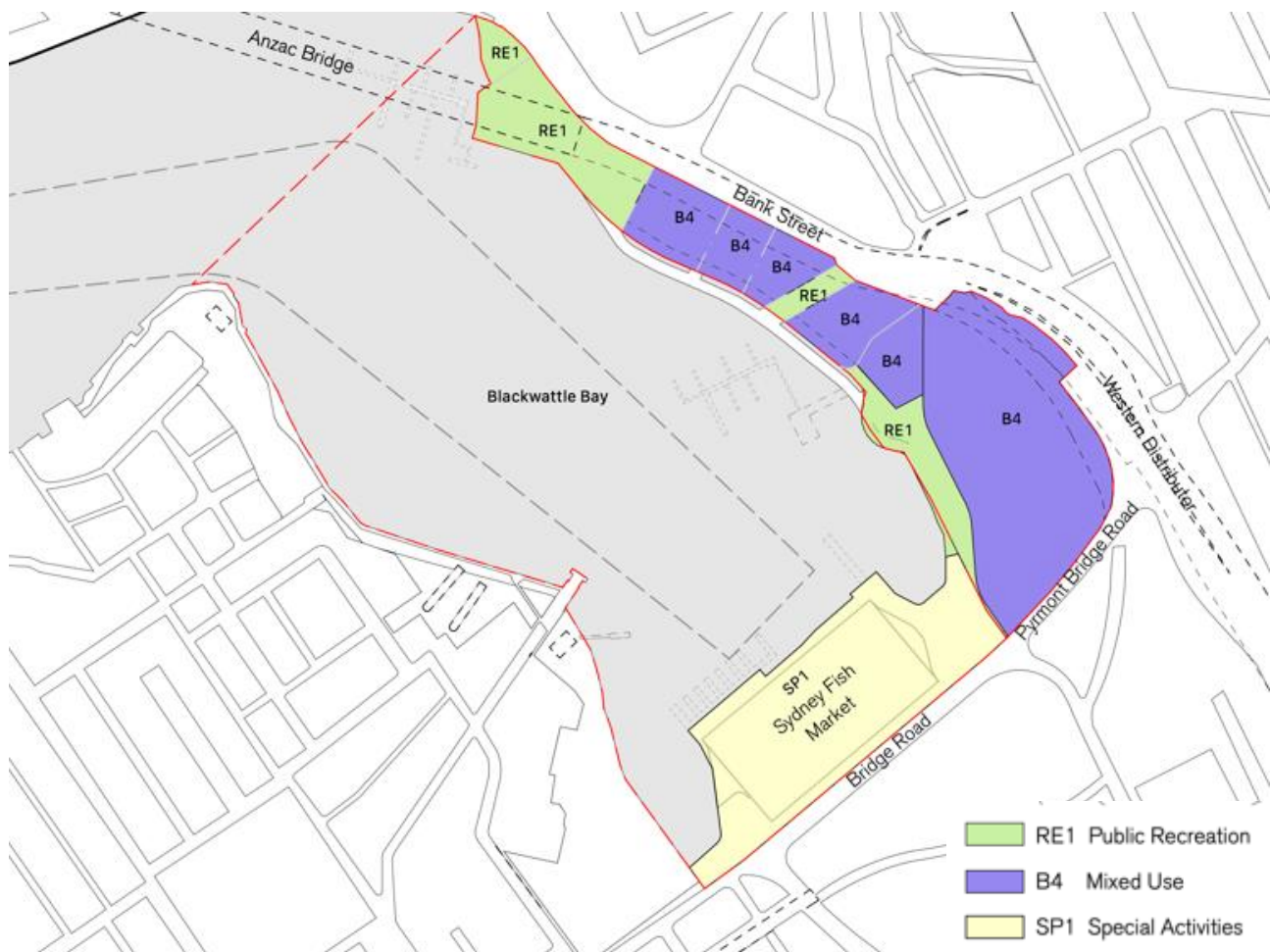
*New SFM site to be included in land to which Sydney LEP applies.*

## 2.1.2 Land Use Zones

The Precinct Plan provides that Blackwattle Bay will transition from a remnant industrial and working harbour area to providing a mix of high quality commercial, residential, recreation and entertainment uses located close to public transport and Sydney's CBD. To support this, the land use zones that apply to the precinct are proposed to be as follows:

- 1-3 Bank Street & 5-19 Bank Street – no change to existing RE1 zoning
- Privately owned land along Bank Street – rezone land from B3 Commercial Core to B4 Mixed Use and retain existing RE1 zoning
- Government owned land and Waterside Park (former Sydney Fish Market site) – rezone land from B3 Commercial Core to B4 Mixed Use and RE1 Public Recreation
- New Sydney Fish Market – rezone from Waterfront Use (under the Eastern Harbour City Precinct SEPP) and W1 Maritime Waters (under the Biodiversity and Conservation SEPP) to SP1 Special Activities (Sydney Fish Market)
- Water – adjust W1 zone to reflect boundary of new Sydney Fish Market.

Draft land use zoning maps, which will amend *the Land Zoning Map* (Sheets LZN\_007 and LZN\_008) have been prepared to reflect these zoning changes (Annexure 1). The proposed changes to land zoning for the precinct are illustrated in Figure 3.



**Figure 3:** Proposed zoning

It is proposed that development consent for the purposes of general industry cannot be granted to development within the Blackwattle Bay Precinct, or to include matters that the consent authority must be satisfied with before granting consent to development of this type within the precinct. The Department is



currently considering options to achieve the intent such as by including a site-specific clause in the Sydney LEP or to amend the relevant land use table under the Sydney LEP.

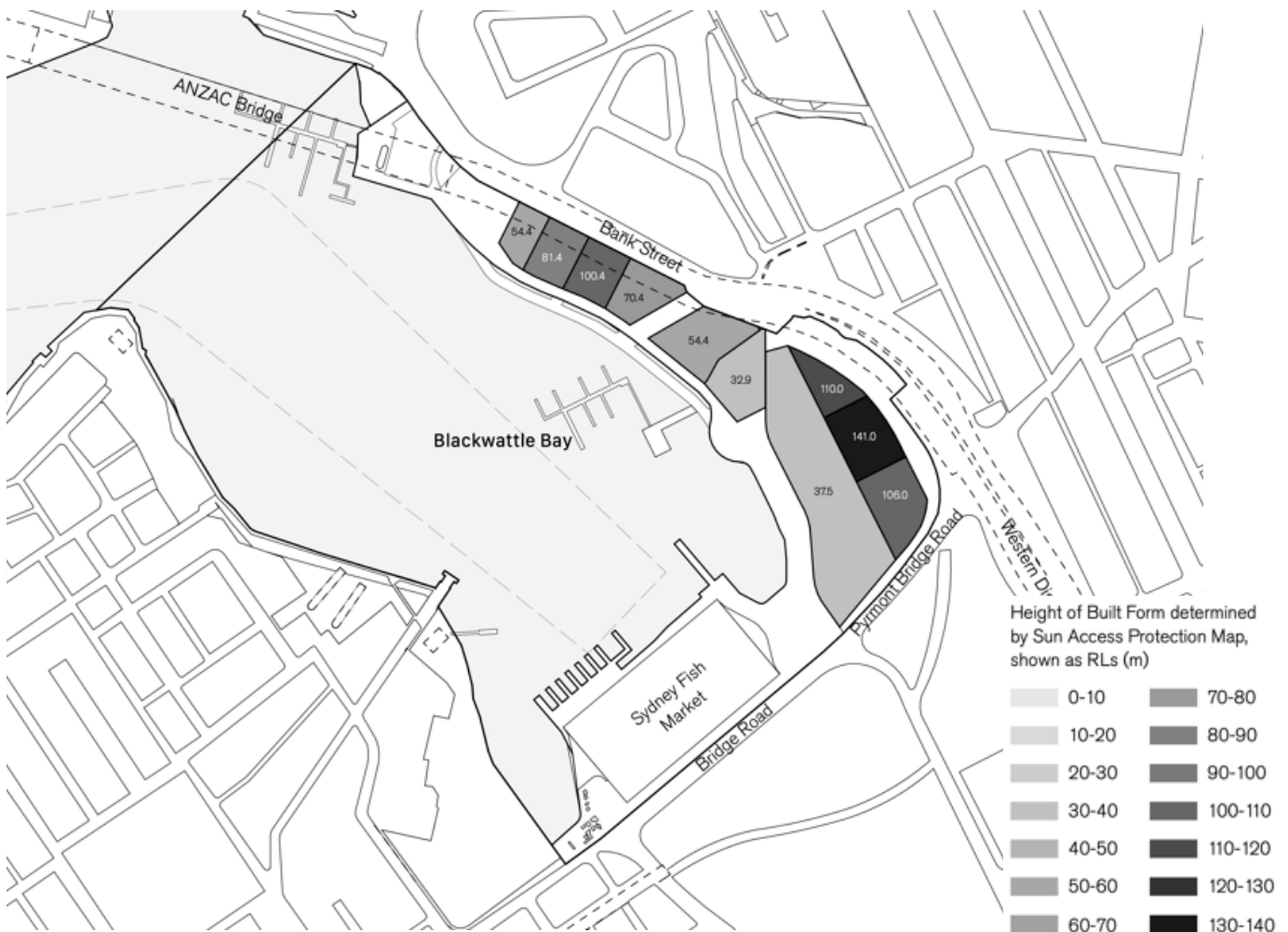
**Post exhibition amendment:**

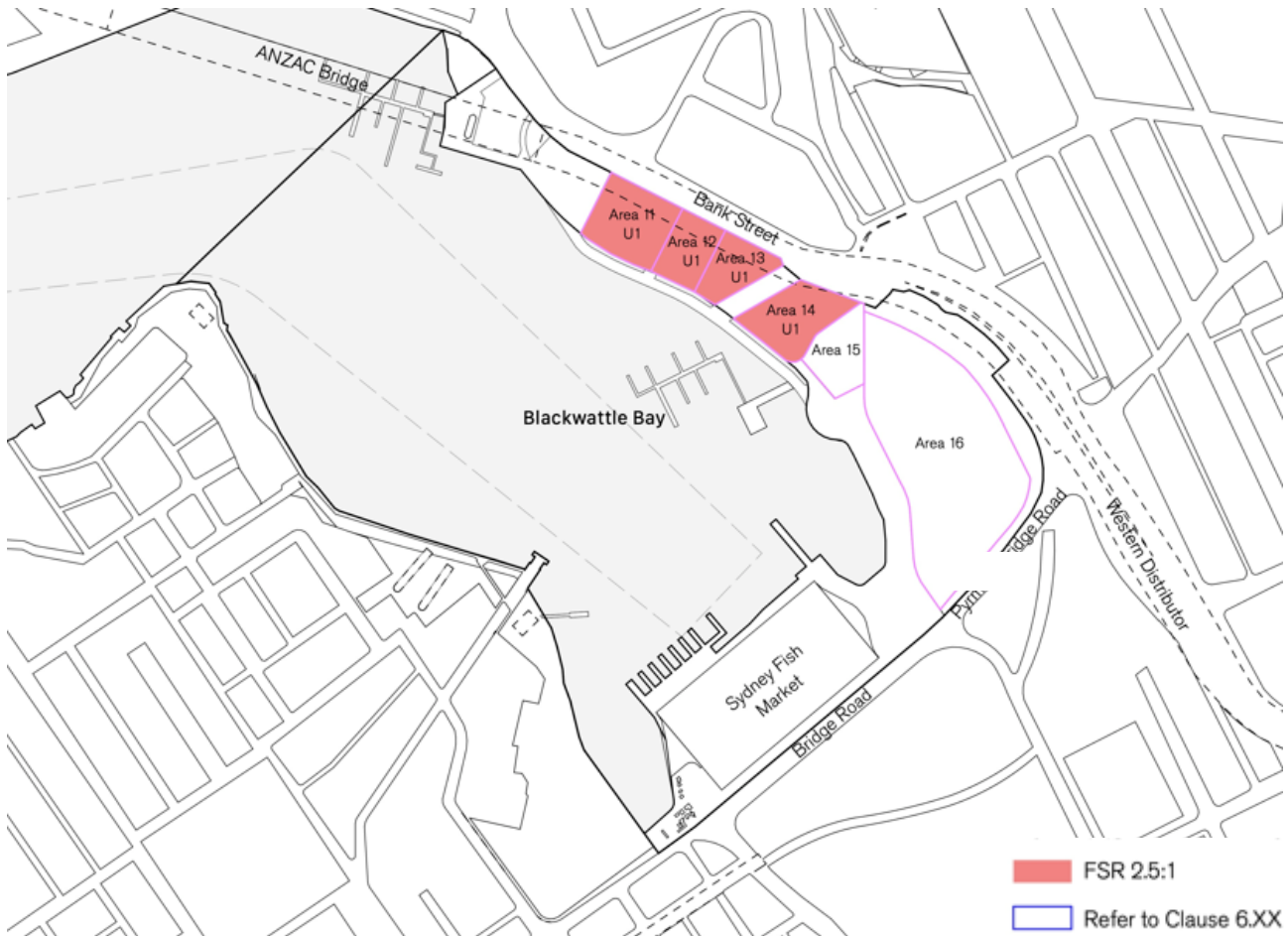
*The proposed zoning of part of the former Sydney Fish Market site (in the south west immediately adjacent to the new SFM) has been amended from proposed B4 to RE1. Further the alignment of the B4 zone has been amended to allow flexibility in the future layout of the precinct subject to compliance with the Blackwattle Bay Design Code requirements.*

## 2.1.3 Maximum height and floor space

The maximum building heights and floor space ratio for the land is proposed to be amended as shown in Figures 4 and 5 through amendments to the *Height of Building Map* (Sheets HOB\_007 and HOB\_008) and *Floor Space Ratio Map* (Sheets FSR\_007 and FSR\_008). The proposed maximum heights and FSRs are in accordance with the Blackwattle Bay Precinct Plan which has been revised in response to issues arising from the public exhibition.

The FSR controls applying to privately owned sites have been retained as existing on the map. It is proposed for a site specific clause to be included in the Sydney LEP to allow for an additional FSR on these lands (identified as Areas 11, 12, 13 and 14) where the foreshore promenade is provided as part of any development. The bonus FSR will be in addition to the base FSR shown on the FSR map. Refer *clause 6.xx Foreshore Promenade at Blackwattle Bay* at section 2.1.5 below for further detail.



**Figure 4:** Proposed Height of Buildings**Figure 5:** Proposed Floor Space Ratio**Post exhibition amendment:**

To ensure transparency and clarity the amended Sydney LEP height of building map will clearly illustrate the maximum future heights in RLs for land within the Precinct. The FSR map retains the existing maximum FSR for privately owned land. Site specific provisions will be introduced to allow bonus FSR on privately owned land where the foreshore promenade is provided as part of development of these sites. Further the allowable maximum GFA on government land will be controlled via a site specific provision.

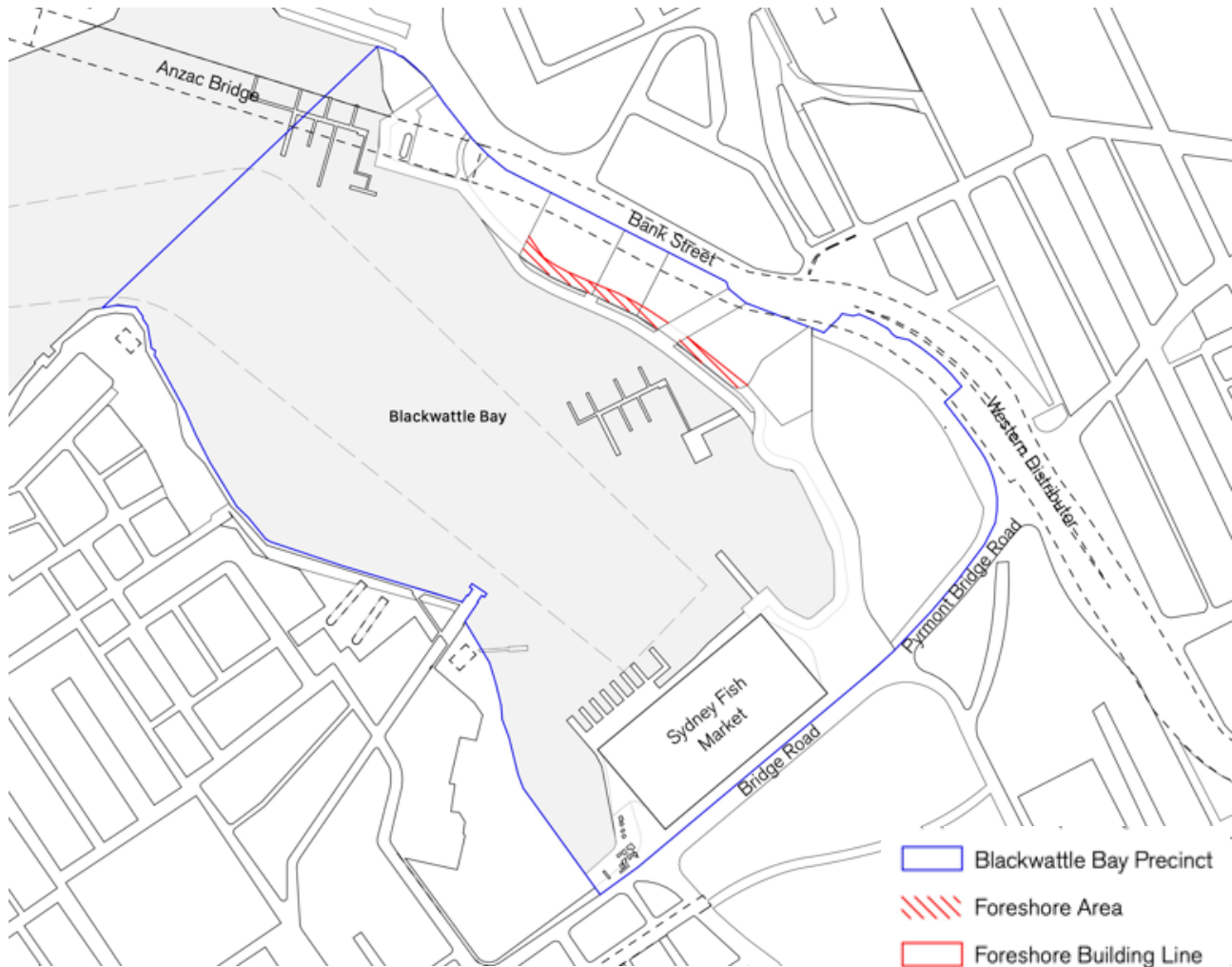
### 2.1.4 Locality and Site Identification, Key Sites and Foreshore area

Clause 7.10 of Sydney LEP relates to foreshore areas and includes provisions aimed at protecting these areas from incompatible development. Foreshore area includes land between the foreshore building line and the mean high water mark of the nearest bay or river.

Land in the foreshore area under government ownership will be zoned RE1 Public Open Space and will therefore be protected for its intended purpose as a major public access and recreation corridor. On privately owned lots the Foreshore Area will be retained by amending the *Locality and Site Identification, Key Sites and Foreshore Building Line Map* (Sheets CL1\_007 and CL1\_008) to include the proposed foreshore promenade (as shown on the revised Precinct Plan) and any other necessary amendments to the Sydney LEP. The area will therefore be protected.

This map will be amended to identify the Blackwattle Bay Precinct to which the site specific provision in section 6 of the LEP will apply.

An incidental amendment to the map is also proposed to remove the existing designation which refers to Schedule 1 – Additional Permitted Uses for land known as 56–60 Pyrmont Bridge Road, Pyrmont (being Lot 1, DP 74155, Lots 1 and 2, DP 125720, Lot 1, DP 734622, Lot 2, DP 827434, Lot 1, DP 836351 and part of Lot 1, DP 835794). Clause (4) currently allows development for the purposes of charter and tourism boating facilities, jetties, port facilities and water recreation structures on the subject land with development consent notwithstanding the zoning. This provision will no longer be required as these uses will be permissible with consent under the new zoning.



**Figure 6:** Proposed *Locality and Site Identification, Key Sites and Foreshore Building Line Map*

**Post exhibition amendment:**

*The foreshore area on government land will be zoned RE1 Public Open Space and will therefore be protected for its intended purpose as a major public access and recreation corridor. On privately owned land the foreshore area designation will be retained to protect that part of these sites that is to form part of the proposed foreshore promenade.*



## 2.1.5 Site specific provisions

In addition to map amendments, new site-specific provisions for the Blackwattle Bay Precinct are proposed to be inserted into Division 5 – Site Specific Provisions of Sydney LEP. It is proposed to include four new clauses which apply to the ‘Blackwattle Bay Precinct’ as indicated on the *Locality and Site Identification, Key Sites and Foreshore Building Line Map*.

The proposed amendments and provisions are set out below. We note the drafting of these provisions are indicative only and will be finalised after consideration of submissions received during the exhibition of this EIE and determined by the NSW Parliamentary Counsel’s Office.

### Blackwattle Bay Precinct

- (1) This clause applies to the land identified as “Blackwattle Bay Precinct” on the Locality and Site Identification Map (the **Blackwattle Bay Precinct**).
- (2) Development consent must not be granted to development in the Blackwattle Bay Precinct unless the consent authority is satisfied that:
  - (a) the proposed development has taken into consideration any guidelines made by the Planning Secretary relating to the design and amenity of the Blackwattle Bay Precinct
  - (b) The maximum gross floor area of a building on the following land identified on the Floor Space Ratio Map is—
    - (i) Area 15— 7,132 m<sup>2</sup>,
    - (ii) Area 16— 129,291m<sup>2</sup>.
  - (c) the proposed development will achieve a minimum 5 Green Star Buildings rating or a standard the consent authority is satisfied is equivalent
  - (d) the percentage of the gross floor area of the proposed development that will be used for **non-residential development** complies with the following minimum percentages specified for the Area—
    - (i) Area 11— 35%,
    - (ii) Area 12— 30%,
    - (iii) Area 13— 41%,
    - (iv) Area 14— 100%,
    - (v) Area 15— 100%
    - (vi) Area 16— 43%
  - (e) public utility infrastructure that is essential for the development is available, or the public utility infrastructure will be available when required.
- (3) Clause 4.6, Division 4 Design Excellence and clauses 7.6, 7.13 and 7.20 do not apply to the land to which this clause applies.
- (4) the maximum number of car parking spaces for office premises or business premises on land to which this clause applies is 1 space per 300m<sup>2</sup> GFA of office premises or business premises.
- (5) In this clause—
  - (a) **Green Star buildings rating** means a certified sustainability rating given by or on behalf of the Green Building Council of Australia.
  - (b) **public utility infrastructure** includes infrastructure for the following—
    - (i) the supply of water,
    - (ii) the supply of electricity,
    - (iii) the disposal and management of sewage

### Blackwattle Bay Precinct - affordable housing

- (1) This clause applies to land identified as “Blackwattle Bay Precinct” on the Locality and Site Identification Map.

The consent authority may, when granting development consent to development on land to which this clause applies, impose a condition requiring a contribution equivalent to 7.5% of the total floor area of commercial and residential development for the purposes of affordable housing.

- (2) A condition imposed under this clause must satisfy the affordable housing levy contribution—
  - i) by way of a dedication in favour of the Council of land comprising one or more dwellings (each having a total floor area of not less than 35 square metres and not more than 90 square metres) with any remainder being paid as a monetary contribution to the Council, or
  - ii) by way of a monetary contribution to the Council.
- (a) The rate at which a monetary contribution is to be taken to be equivalent to floor area for the purposes of this clause is to be calculated in accordance with the City of Sydney Affordable Housing Program adopted by the Council on 24 August 2020.
- (b) For the purposes of this clause, **total floor area** has the same meaning as clause 7.13(6) of this instrument.

### Blackwattle Bay Precinct – Design Excellence

- (1) This clause applies to development on land identified as “Blackwattle Bay Precinct” on the Locality and Site Identification Map.
- (2) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design in the Blackwattle Bay Precinct
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (4) In considering whether development to which this Division applies exhibits design excellence, the consent authority must have regard to the following matters—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
  - (c) whether the proposed development detrimentally impacts on view corridors,
  - (d) how the proposed development addresses the following matters—
    - (i) the suitability of the land for development,
    - (ii) the existing and proposed uses and use mix,
    - (iii) any heritage issues and streetscape constraints,
    - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
    - (v) the bulk, massing and modulation of buildings,
    - (vi) street frontage heights,
    - (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
    - (viii) the achievement of the principles of ecologically sustainable development,
    - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,

- (x) the impact on, and any proposed improvements to, the public domain,
  - (xi) the impact on any special character area,
  - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
  - (xiii) excellence and integration of landscape design.
- (5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development and the design of the building, or the design of an external alteration to the building, is the winner of the competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence —
- (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than 25 metres,
  - (b) development having a capital investment value of more than \$100,000,000,
  - (c) development for which the applicant has chosen such a process.
- (6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development—
- (a) involves only alterations or additions to an existing building, and
  - (b) does not significantly increase the height or gross floor area of the building, and
  - (c) does not have significant adverse impacts on adjoining buildings and the public domain, and
  - (d) does not significantly alter any aspect of the building when viewed from public places.
- (2) For the purposes of this clause:
- (a) *capital investment value* has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.
  - (b) *competitive design process* means an architectural design competition carried out in accordance with any guidelines made by the Planning Secretary relating to the design of the Blackwattle Bay Precinct.

### **Blackwattle Bay Precinct - Foreshore promenade**

- (1) The objectives of this clause are as follows—
  - (a) to allow greater densities where the Blackwattle Bay foreshore promenade is provided
  - (b) to ensure that such greater densities reflect the desired character of the locality and minimise adverse impacts on the amenity of the locality,
  - (c) to provide for an intensity of development that is commensurate with the capacity of planned infrastructure.
- (2) The consent authority may consent to development that results in additional floor space in accordance with subclause (4) if the development includes the Blackwattle Bay foreshore promenade.
- (3) In deciding whether to grant development consent, the consent authority—
  - (a) must be satisfied that the public Blackwattle Bay foreshore promenade will have a minimum width of 10m on land, and
  - (b) must be satisfied that the development is consistent with the objectives of this clause, and
  - (c) must take in to account the nature of the Blackwattle Bay foreshore promenade and its value to the Blackwattle Bay Precinct.

- (4) Under subclause (2), a building on land in an Area specified in paragraph (a), (b), (c) or (d) is eligible for an amount of additional floor space determined by the consent authority but no more than that which may be achieved by applying the floor space ratio specified in the relevant paragraph to the building—
- (a) Area 11— 1.42:1
  - (b) Area 12— 1.94:1
  - (c) Area 13— 0.68:1
  - (d) Area 14— 1.87:1.

- (5) In this clause—

**Area** means an Area shown on the Floor Space Ratio Map.

**Blackwattle Bay foreshore promenade** means development on land identified as “Foreshore Area” on the Locality and Site Identification Map for the purposes of a new public foreshore promenade.

### **Blackwattle Bay Precinct —Concurrence of Planning Secretary**

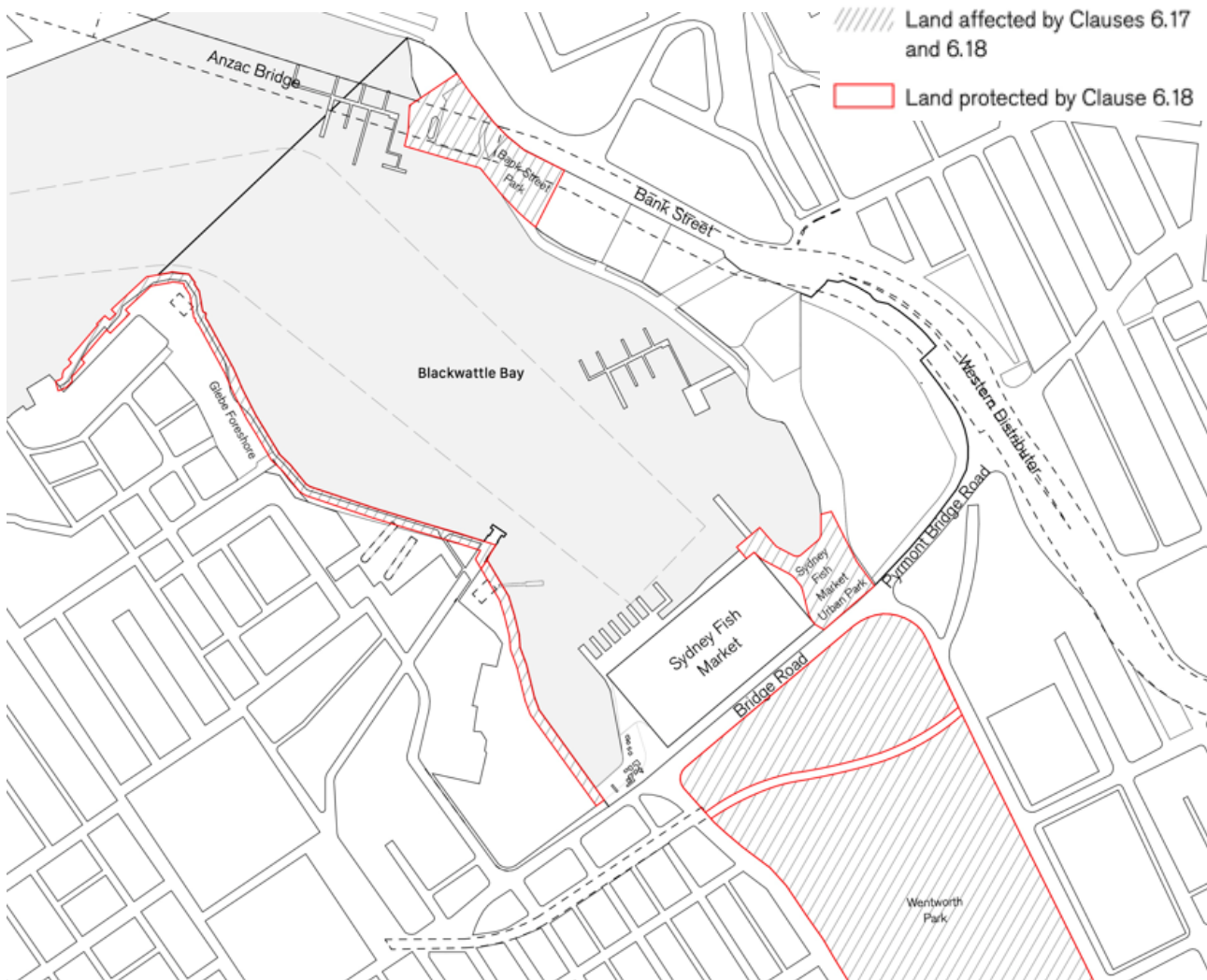
- (1) This clause applies to development for the purposes of residential accommodation and commercial premises on land identified as “Blackwattle Bay Precinct” on the Locality and Site Identification Map.
- (2) Development consent to development to which this clause applies must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.
- (3) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
  - a. the impact of the development on—
    - i. existing designated State public infrastructure, and
    - ii. the need for additional designated State public infrastructure,
  - b. the cumulative impact of the development with other development that has been, or is likely to be, carried out in surrounding areas on—
    - i. existing designated State public infrastructure, and
    - ii. the need for additional designated State public infrastructure,
  - c. the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.
- (4) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.
- (5) In this clause—
  - a. designated State public infrastructure means the following kinds of public facilities or services that are provided or financed by the State or, if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State—
    - i. State and regional roads,
    - ii. bus interchanges and bus lanes,
    - iii. rail infrastructure and land,
    - iv. regional parks and public space,
    - v. social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

but does not include infrastructure related to the Pymont Metro Station.

In addition, the following amendments will be made to existing provisions within Sydney LEP:

- 2) Amend existing clause 6.18 **Overshadowing of certain public places** to include the following in subclause (2):

| Place                         | Period of Protection | Times of Protection |
|-------------------------------|----------------------|---------------------|
| Bank Street Park              | 21 June              | 10 – 2pm            |
| Sydney Fish Market Urban Park | 21 June              | 12 - 2pm            |
| Wentworth Park                | 21 June              | 10 – 2pm            |
| Glebe Foreshore               | 21 June              | 9 – 3pm             |



**Figure 7:** Proposed Sun Access Protection Map

Further rationale for these provisions, as required, is provided under topic heading below.

**Post exhibition amendment:**

An alternative approach has been taken to include site specific provisions for Blackwattle Bay Precinct in Sydney LEP. Any guideline prepared by the Secretary (including the Blackwattle Bay Design Code) is to be a key consideration for development and design excellence is required. Notably clause 4.6 has been disallowed to ensure certainty with maximum heights and FSRs. Minimum requirements have been set for non-residential floor space, arts and cultural uses and sustainability. A site specific design excellence provision has been applied modelled on the City of Sydney's Competitive Design Policy. Affordable Housing and State public infrastructure requirements have also been included. A community infrastructure type

*provision has also been applied to allow additional floor space on privately owned allotments where the foreshore promenade is provided as part of any development. Further certain general provisions of LEP have been disapplied where site specific provisions prevail and solar protection provided to key public places.*

### 2.1.6 Design Code

The proposal includes a Design Code that will form a guideline made by the Planning Secretary and that has been prepared to inform and guide future development within the Blackwattle Bay Precinct.

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

The Design Code has been revised to address issues raised in submissions.

The proposed site specific LEP provision for the Blackwattle Bay Precinct will reference the Design Code (as a guideline made by the Planning Secretary) and will require that consent must not be granted unless that consent authority is satisfied that a development has regard to the requirements of the Design Code including provisions relating to:

- Public domain and connectivity
- Building separation and setback requirements
- Site layout, built form and design
- Building use
- Noise, air quality and wind impacts
- Active frontages
- Heritage
- Vehicular access and parking
- Solar access
- Stormwater management
- Sustainability
- Public Art

The Design Code has been prepared in lieu of a site specific DCP and will adopt relevant provisions of Sydney Development Control Plan 2012.

**Post exhibition amendment:**

*Extensive changes have been made to the exhibited Design Code in response to comments received during the exhibition period and as a result of further consultations and investigations. The Design Code has also been made a mandatory consideration when determining a development application within the Blackwattle Bay Precinct.*

### 2.1.7 Design excellence

Mandating design excellence in both the public and private domain is one of the urban design principles underpinning development at Blackwattle Bay. New buildings will be required to adhere to design excellence provisions as specified in a site specific clause and the Competitive Design Process outlined in the Design Code which is modelled on the City's process. Notably a design competition will be required for buildings which are over 25m in height, \$100,000,000 in capital investment value or where the developer chooses to hold a competition. No bonus height or floor space will be available for development at Blackwattle Bay that demonstrates design excellence. Rather, this will be a prerequisite of development in the precinct.



The detailed design excellence and competitive design process requirements that will apply will be set out in the Design Code. The Design Code will also mandate the preparation of a design excellence strategy for the public domain.

**Post exhibition amendment:**

*New development will be required to follow a Competitive Design Process and to achieve design excellence in accordance with site specific design excellence provisions modelled on the City of Sydney's Competitive Design Policy. A design competition will be required for all buildings which are over 25m in height, \$100,000,000 in capital investment value or where the developer chooses to hold such a competition. Design excellence is to be a prerequisite of development within the precinct and no height or FSR bonuses will apply.*

## 2.1.8 Sustainable development

The introduction of sustainable utilities infrastructure is supported at Blackwattle Bay to ensure sustainable development and improved water and energy efficiency in the precinct. This is also consistent with the Pyrmont Peninsula Place Strategy which seeks to achieve an adaptive, sustainable and resilient built environment across the broader Pyrmont precinct.

A new site specific provision is proposed to set a very high sustainability target by requiring the achievement of a 5 star Green Star Buildings target for all buildings.

Further detailed sustainability provisions will also be provided in the Design Code to provide further guidance for implementation.

**Post exhibition amendment:**

*A requirement has been included in Sydney LEP that all buildings are to achieve a minimum 5 star Green Star Buildings target. This represents a very high sustainability target. Previously the exhibited EIE proposed a requirement that development was to have regard to the principles of sustainable development considering a range of matters. The proposed provision reflects a more stringent approach to this critical consideration.*

## 2.1.9 Non Residential Floor Space

A key objective of the development of Blackwattle Bay is to provide for a land use mix that is in line with the priorities set out in the Pyrmont Peninsula Place Strategy for non-residential and residential land uses whilst retaining flexibility for increased commercial use should market forces support higher levels of workplace accommodation. Accordingly, a minimum percentage of non-residential uses is to be mandated on a block-by-block basis. As it is anticipated that the former Sydney Fish Market site will be developed for a number of buildings, some of which may be suited to being wholly commercial or residential, it is anticipated that any development application on this land will be required to demonstrate how the minimum requirement will be achieved across the whole block. This will be stipulated as a DA requirement in the Design Code.

**Post exhibition amendment:**

*A minimum non-residential floor space provision is to be included requiring a minimum percentage of non-residential floor space on a block by block basis to ensure a balance between housing and employment within the precinct. This change responds to concerns raised in submissions.*

### 2.1.10 Affordable housing

At present, the City of Sydney has an inclusionary zoning in place for Ultimo Pyrmont via the Sydney LEP which enables an affordable housing contribution as follows:

- 0.8 per cent of the total floor area of the development that is intended to be used for residential purposes; and
- 1.1 per cent of the total floor area that is not intended to be used for residential purposes.

Clause 7.13 of Sydney LEP is to be switched off for the Blackwattle Bay precinct and a new provision included that would enable the consent authority to impose a condition requiring a contribution towards the provision of affordable housing. The contribution would be equivalent to 7.5 percent of the total floor area of residential and commercial development for the purpose of affordable housing. The contribution would be made by way of a dedication of affordable dwellings within the precinct and/or paid as a monetary contribution.

It is proposed to calculate the equivalent monetary contributions at the indexed rate specified in the City of Sydney Affordable Housing Program (\$10,588/sqm).

#### **Post exhibition amendment**

*An affordable housing contribution of 7.5% of total floor space of residential and commercial development will be required within the Precinct. This has been increased from the exhibited requirement of 5% of residential floor space to ensure that development of the precinct provides a significant contribution towards housing affordability.*

*It is also proposed to calculate the equivalent monetary contributions based on the City of Sydney Affordable Housing Program (\$10,588/sqm). This is a substantial increase from the rate specified in the City West Affordable Housing Program, which currently applies to the site (\$32.13/sqm of the total residential floor area + \$46.16/sqm of the total non-residential floor area).*

### 2.1.11 Foreshore Promenade

The Blackwattle Bay Precinct Plan has a core objective of providing for a continuous waterfront promenade – the missing link in an otherwise continuous 15km public foreshore walk from Woolloomooloo to Rozelle. Part of the walk is proposed to be on boardwalk and part on the land of the existing waterfront sites. To encourage private land owners to provide the new foreshore promenade on their land a community infrastructure type provision is proposed which provides for an additional FSR where the promenade is provided as part of a development.

The Government owned former Sydney Fish Market site will deliver a 30m wide public foreshore walkway.

The Design Code will require that remediation and embellishment works are to be consistent with the public domain design excellence strategy and reviewed by the Blackwattle Bay Design Excellence Panel.

The consent authority must be satisfied that the foreshore walkway will be provided on affected sites prior to the granting of any development consent which incorporates a bonus floor space.

#### **Post exhibition amendment:**

*Site specific provisions will allow additional FSR on privately owned allotments where the foreshore promenade is provided as part of a development.*

### 2.1.12 Solar Access Protection

Solar access to the existing and new parks and open space has been a key consideration of the Precinct Plan and future planning controls. The key spaces to be protected include:



- Bank Street Park
- Sydney Fish Market Urban Park
- Wentworth Park, and
- Glebe Foreshore.

Consistent with Sydney LEP's approach to preventing overshadowing of key public places, it is proposed to amend the solar access protection map to include these key spaces and require that no additional overshadowing occur at the winter solstice (21 June) to the Bank Street Park between 10am and 2pm, approved Sydney Fish Market Urban Park between 12pm and 2pm, Wentworth Park between 10am and 2pm and Glebe Foreshore between 9am and 3pm. Notably this is consistent with the recommendations of the Pyrmont Peninsula Precinct Strategy: Urban Design Framework.

Further solar access protection to specific areas of the foreshore walkway will also be provided through the Design Code.

**Post exhibition amendment:**

*The existing provisions within Sydney LEP which prevent overshadowing of specified public places are proposed to be expanded to include key public places to be provided at Blackwattle Bay in addition to the existing Glebe Foreshore.*

### 2.1.13 Infrastructure funding and delivery

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, Department of Planning and Environment, 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. The Planning Secretary's concurrence of any proposed approach to delivery of infrastructure would be required prior to approval of development. In deciding whether to grant concurrence, the Planning Secretary would be required to consider matters such as:

- the impact of the development on—
  - (1) existing designated State public infrastructure
  - (2) the need for additional designated State public infrastructure
- the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—
  - (3) existing designated State public infrastructure
  - (4) the need for additional designated State public infrastructure
- the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.

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 concurrence of the Planning Secretary upon consideration of the impact of proposed development on existing state public infrastructure and the need for additional designated state public infrastructure before development consent can be granted for residential and commercial development within the precinct. Similar clauses apply to the Waterloo Metro Quarter (clause 6.46 of Sydney LEP) and the Western Sydney Aerotropolis (clause 50 of Western Sydney Aerotropolis SEPP).

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.

The clause would not apply to public infrastructure associated with the Pyrmont Metro Station for which a separate State Infrastructure Contribution is proposed.

Arrangements to contribute towards infrastructure can be made under Planning Agreements. These agreements are negotiated between a developer and a planning authority, securing an agreed developer contribution towards a public purpose.

In addition, a standard clause is required to ensure that essential public utility infrastructure is, or will be available, prior to the granting of development consent. This includes public utility infrastructure for the supply of water, electricity and the disposal and management of sewage,

**Post exhibition amendment:**

*The satisfactory arrangements clause has been replaced with a clause requiring the concurrence of the Planning Secretary. This is an updated way to ensure appropriate arrangements are made in providing contributions towards State public infrastructure.*

### 2.1.14 Car parking

Part 7, Division 1 of Sydney LEP contains provisions relating to car parking. It identifies the maximum number of car parking spaces that may be provided to service particular uses of land depending on the site's location. Clauses 7.4 to 7.9 of Sydney LEP set out the relevant car parking rates by land use for land shown as Categories A to C on the Land Use and Transport Integration Map (LUTI Map) and Categories D to F on the Public Transport Accessibility Level Map (PTAL Map).

The current land categories that nominate car parking rates in Blackwattle Bay, as shown on the LUTI Maps (Sheets LUT\_007 and LUT\_008) and PTAL Maps (Sheets TAL\_007 and TAL\_008) are as follows:

- Category B - LUTI Map
- Category F - PTAL Map

Blackwattle Bay is targeting a mode share of 80% sustainable transport and 20% vehicles with a more ambitious stretch target of 85% sustainable transport and 15% vehicles. Key strategies to help achieve these targets include improving cycle and pedestrian connections and infrastructure while providing for new and improved public transport in and around the Blackwattle Bay precinct. A further critical factor which influences travel behaviour is the availability, or lack thereof, of car parking. Limiting the amount of car parking that is available will help to achieve the sustainable transport objectives for the precinct. Therefore, it is proposed to restrict the number of car park spaces in the precinct by changing the Land Use and Transport Integration category classification which applies to residential parking from Category B to Category A. Moving from Category B to Category A reduces the maximum number of residential parking spaces permitted by approximately 15%.

In terms of Public Transport Accessibility (non-residential parking) it is proposed to reclassify the Precinct from Category F to Category D which will result in an approximate reduction of 40% in retail car parking.

However, in terms of commercial parking provision (including office and business premises) it is proposed to apply an even more restrictive non-residential maximum parking rate of 1 space per 300m<sup>2</sup> commercial GFA which is intended to minimise car use in favour of more sustainable travel modes. This parking provision is more ambitious than the previously proposed Category D parking rates under Public Transport Accessibility in Sydney LEP. Accordingly, a site specific provision is proposed that would apply to commercial parking

notwithstanding the site's amended Category D PTAL classification. A reduction of 35% in commercial parking provision is estimated when compared with the Category D PTAL rates.

Amended LUTI and PTAL Maps are included at Annexures 4 and 5.

**Post exhibition amendment:**

*The exhibition draft proposed reclassification of the site LUTI category from Category B to Category A for residential parking provision and PTAL Category F to Category D in respect of non-residential parking provision. These rates were identified as being too high in a number of submissions. Reductions in the revised Precinct Plan yield has resulted in significant reductions in potential car parking provision for both residential and non-residential development. Further an amendment is proposed to apply a maximum commercial development rate (office and business premises) of 1 space per 300m<sup>2</sup> GFA to minimise car parking in favour of more sustainable travel models. This will be applied via a site specific provision. Clause 7.6 will also be disapplied to the Precinct.*

## 2.2 State Environmental Planning Policies

### 2.2.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 2.3, Division 11, Clauses 2.69 and 2.70 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) enable public authorities to undertake certain works as exempt development within identified 'public authority precincts'. The public authority precincts are currently Barangaroo, Darling Harbour, Sydney Olympic Park and The Rocks.

Development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in a public authority precinct:

- roads, cycleways, pedestrian bridges, at grade car parks, ticketing facilities and viewing platforms
- recreation facilities (outdoor), other than grandstands
- amenity facilities, including toilets, change rooms and food preparation and related facilities for persons using public spaces within the site
- information boards and other information facilities (except visitor centres)
- lighting if the lighting minimises light spill and artificial sky glow
- maintenance depots used solely for the maintenance of the land or structures within the site
- environmental management works
- landscaping, including landscape structures or features and irrigation systems (Christmas trees)
- demolition of certain buildings.

Similar to Barangaroo, Darling Harbour and The Rocks, and with the development of the new Sydney Fish Market and Foreshore Promenade, Blackwattle Bay will be a major tourist and recreational attraction with access to the harbour foreshore. These other waterfront precincts are also managed by Place Management NSW, which will manage Blackwattle Bay. It is therefore proposed to include Blackwattle Bay as a public authority precinct under the Transport and Infrastructure SEPP. This will enable any public authority to undertake improvements along the foreshore and in the parks as exempt development, thereby helping to facilitate the efficient and timely delivery of public infrastructure. The improvements that could be undertaken as exempt development would be the same as those listed above.

### 2.2.2 State Environmental Planning Policy (Exempt and Complying Codes) 2008

Part 2, Division 3, Subdivision 10, Clauses 2.125-2.126 of *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP) enable community and commercial events to be undertaken in

certain state significant precincts as exempt development subject to meeting appropriate development standards. These precincts are currently Circular Quay, The Rocks, Darling Harbour, Barangaroo and Sydney Olympic Park.

Clause 2.125 of the Codes SEPP allows development of temporary uses in the public domain, including development for the following purposes, as exempt development:

- a community event
- a commercial event (such as a product launch and sampling)
- trading for retail or other commercial purposes (such as providing a temporary dining and drinking area)
- associated storage areas and truck lay-by areas and the like.

Clause 2.126 stipulates a number of development standards that, along with general exempt development criteria, must be met for the above activities to be undertaken as exempt development. They include matters relating to:

- The maximum period and maximum number of days per year over which events may be held
- The hours of operation as well as the set up and end times and cleaning
- Pedestrian and emergency vehicle access.

Clauses 2.125 and 2.126 apply to events in the public domain only and do not extend to private sites (refer clause 2.125(2)).

The establishment of new entertainment, events and cultural spaces is integral to the redevelopment of Blackwattle Bay as an entertainment and cultural precinct, alike to the other precincts to which this clause applies. The holding of events in the public domain is an important element of this ambition. All these precincts are also managed by Place Management NSW who run events across the various precincts, supported by rigorous management policies. It is therefore proposed to add the Blackwattle Bay Precinct to the list of state significant precincts in Clause 2.125 to enable events to be undertaken in the public domain as exempt development, subject to compliance with the development standards set out in Clause 2.126.

## 2.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

### **Incorporate new Sydney Fish Market site into Sydney LEP**

The site of the new Sydney Fish Market is currently zoned part W1 Maritime Waters under the Biodiversity and Conservation SEPP and part W1 Waterfront Use under the Eastern Harbour City SEPP. The new Sydney Fish Market is approved State Significant Development and is partly permissible with consent, partly permissible without consent and partly prohibited under the various planning controls that apply.

Following an extensive and rigorous environmental impact assessment process the Minister for Planning and Public Spaces approved the development, relying on section 4.38(3) of the *Environmental Planning and Assessment Act 1979* to approve that part of the development that is not permitted under the existing planning controls.

The introduction of a new planning framework for Blackwattle Bay provides the opportunity to rationalise the controls that apply to the new Sydney Fish Market, ensuring that the planning aligns with the approved development.

It is therefore proposed that the site be removed from the relevant land zoning maps under the Biodiversity and Conservation SEPP, and the Eastern Harbour City Precincts SEPP and the boundary of the Sydney LEP extended to include this area. It is proposed that the site would be rezoned to SP1 Special Activities (Sydney Fish Market).

**Remove requirement for Master Plan**

The Biodiversity and Conservation SEPP also identifies Blackwattle Bay as part of the 'City Foreshores Area' Strategic Foreshore and requires a master plan be prepared for the area (clause 10.39). The future development of Blackwattle Bay has been subject to the detailed master planning process as part of the Blackwattle Bay State Significant Precinct and therefore it is proposed to remove the requirement to prepare a master plan for the precinct.

## 2.2.4 State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021

**Incorporate new Sydney Fish Market site into Sydney LEP**

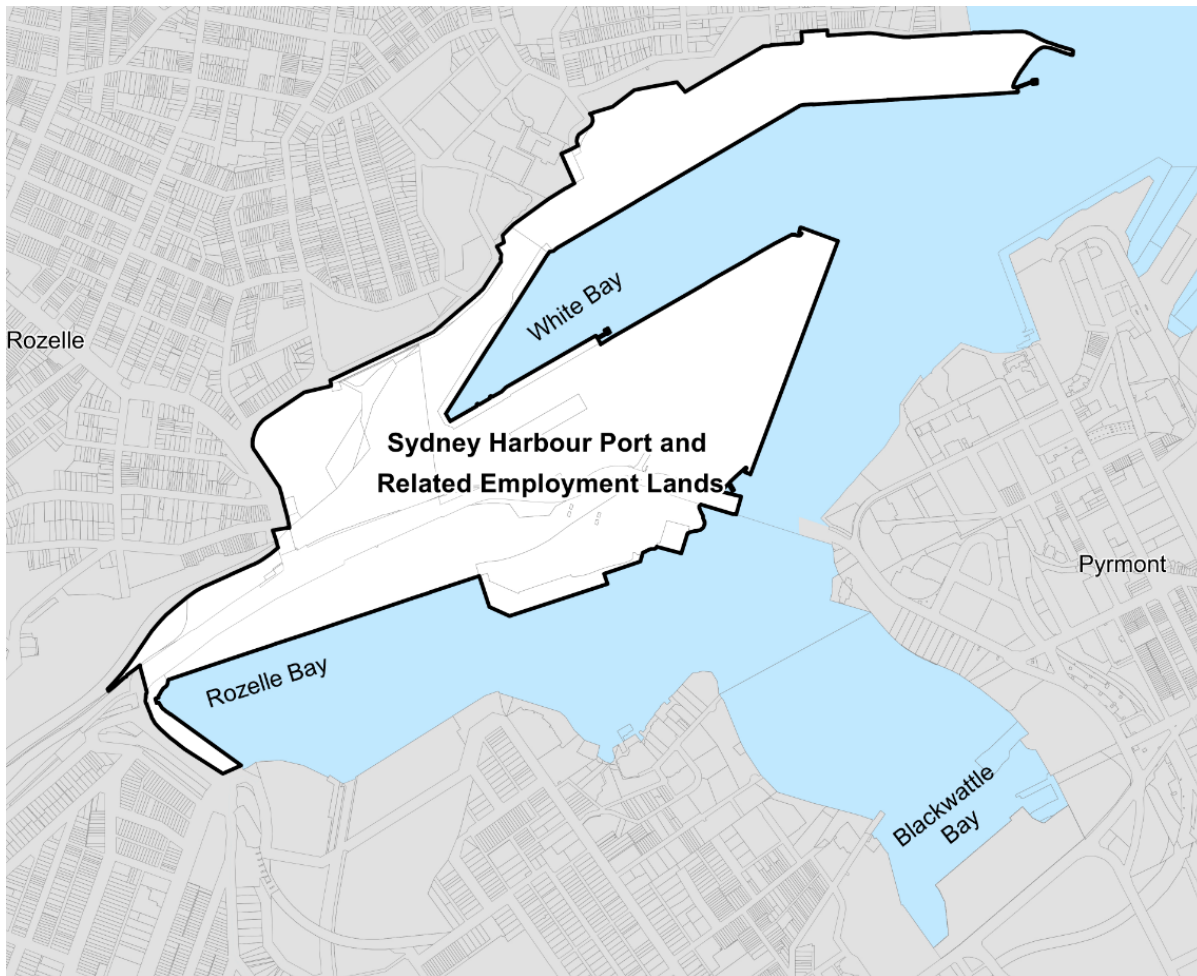
As noted above, part of the Blackwattle Bay site in the vicinity of the new Sydney Fish Market currently comprises land that is zoned Waterfront Use under the Eastern Harbour City Precincts SEPP (formerly the Sydney Regional Environmental Plan No 26 – City West). It is proposed to amend the relevant SEPP maps by removing the new Sydney Fish Market site from their application and instead incorporating the site into Sydney LEP. The Land Application Map and Land Zoning Map in Sydney LEP would be amended together with relevant maps in the Eastern Harbour City Precinct SEPP.

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

Clause 2.8(4) of the Eastern Harbour City Precincts SEPP provides that the Minister for Planning is the consent authority for development with a CIV of not more than \$10 million carried out by a person other than a public authority on land identified on the Sydney Harbour Port and Related Employment Lands Map. Clause 2.9 further provides that development with a CIV of not more than \$10 million carried out by a public authority on the same land is development that does not require consent. The area in Blackwattle Bay affected by these two provisions is the site of the new Sydney Fish Market.

With the introduction of a new planning regime for Blackwattle Bay and the SSD approval in place for the new Sydney Fish Market, the provisions in the Eastern Harbour City Precincts SEPP are no longer required. It is therefore proposed to remove the Blackwattle Bay designated area from the Sydney Harbour Port and Related Employment Lands Map, thereby removing the applicability of clauses 2.8(4) and 2.9 to the precinct. This is shown in Figure 8.





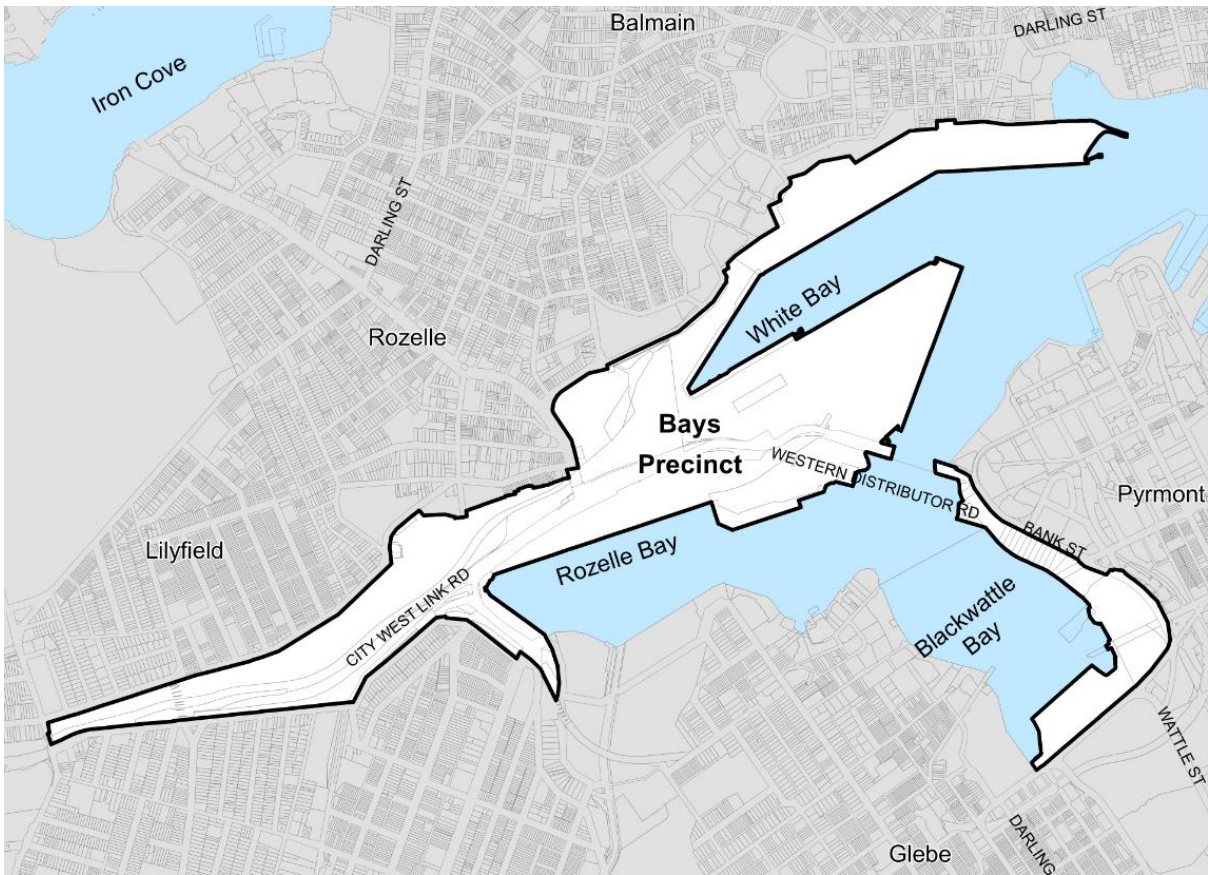
**Figure 8:** Proposed amended Eastern Harbour City Precinct SEPP Sydney Harbour Port and Related Employment Lands Map

## 2.2.5 State Environmental Planning Policy (Planning Systems) 2021

### State Significant Development at Blackwattle Bay

The State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) declares certain forms of development as State Significant Development (SSD) including specified development within identified State significant sites (Schedule 2). Currently development with a CIV greater than \$10 million within the Bays Precinct site is declared to be SSD.

Given Blackwattle Bay's nomination as a State Significant Precinct it is considered appropriate that development with a CIV over \$10 million should continue to be designated and assessed as SSD. No change is therefore proposed to the Planning Systems SEPP apart from adjusting the State Significant Development Sites Map – Bays Precinct to reflect the boundary of the new Sydney Fish Market site. This is shown in Figure 9.



**Figure 9:** Proposed amended Planning Systems SEPP map - Bays Precinct

# **ANNEXURES – PROPOSED SYDNEY LEP MAPPING AMENDMENTS**

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

Annexure 1 – Land Application Map

Annexure 2 – Land Use Zoning Map

Annexure 3 – Height of Buildings Map

Annexure 4 – FSR Map

Annexure 5 - Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map

Annexure 6 – Sun Access Protection Map

Annexure 7 – Land Use and Transport Integration Map




Annexure 8 – Public Transport Accessibility Level Map





**Sydney  
Local Environmental  
Plan 2012**

**Land Application Map -  
Sheet LAP\_001**

-  LGA Boundary
- Land Application - Included**
-  LEP Included
- Cadastral**
-  Cadastre 10/07/2015 © City of Sydney

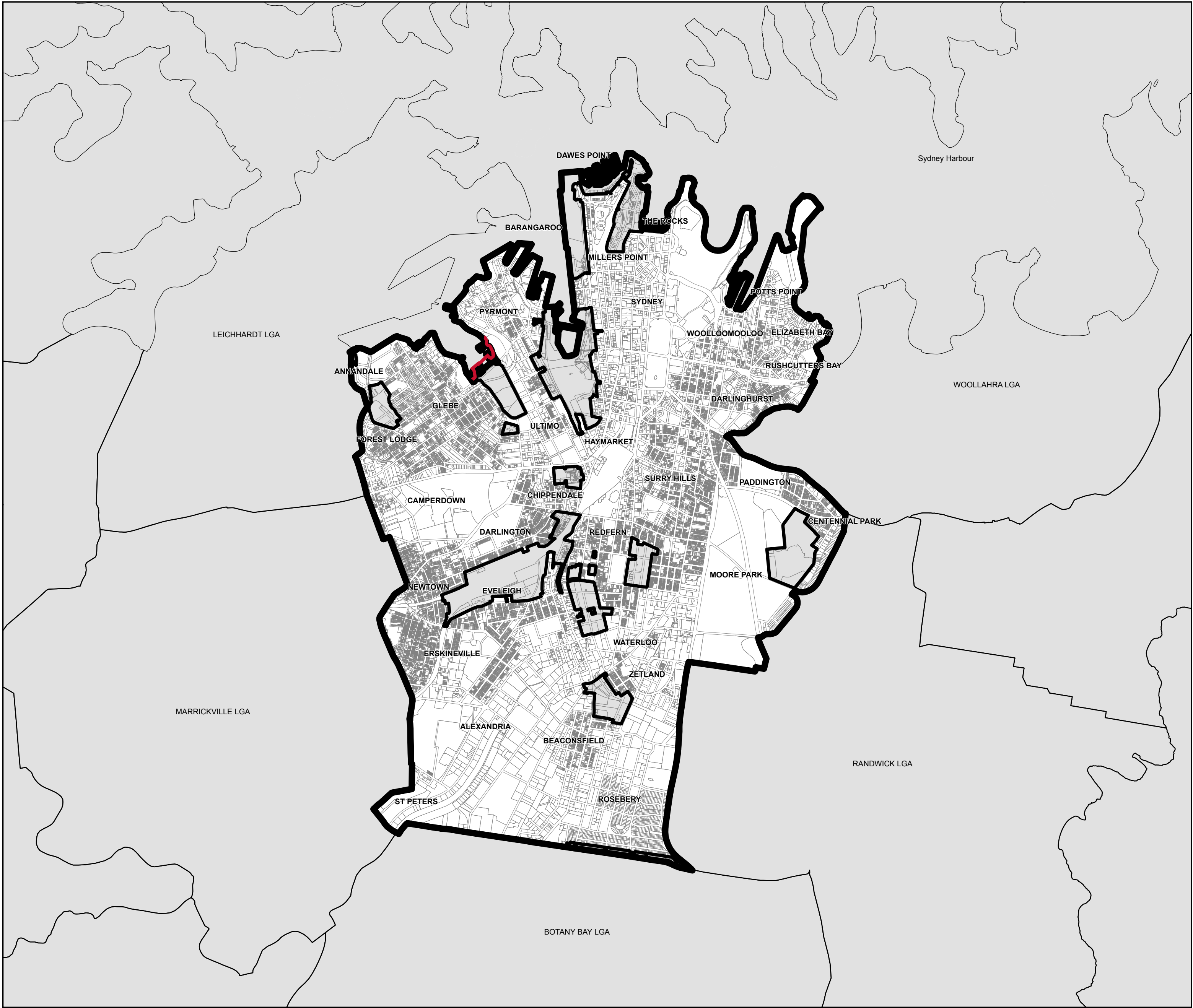


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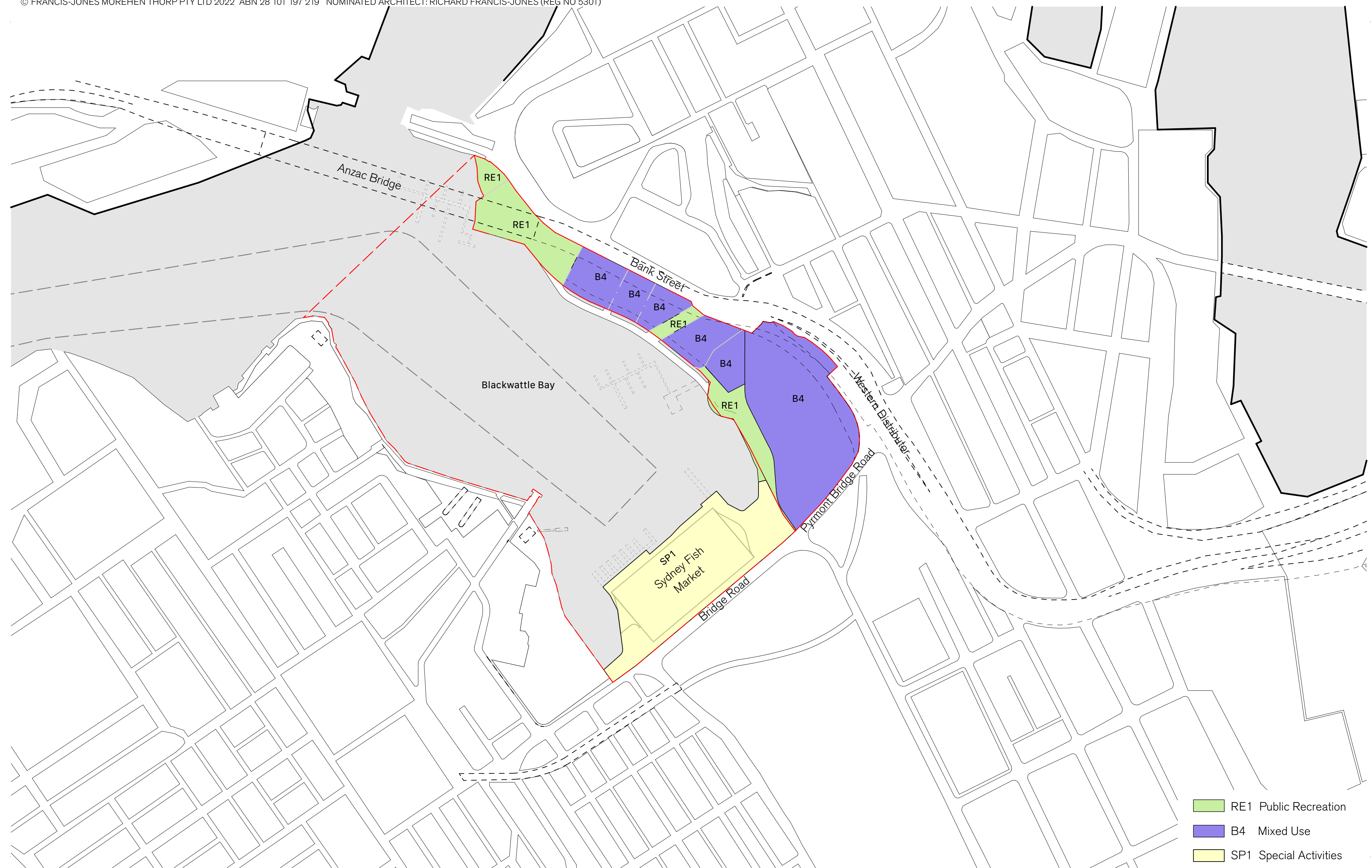
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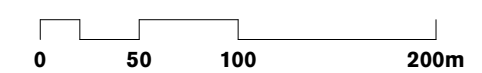






**LEP Zoning Map | 1:5000**

INSW - Blackwattle Bay Precinct Plan



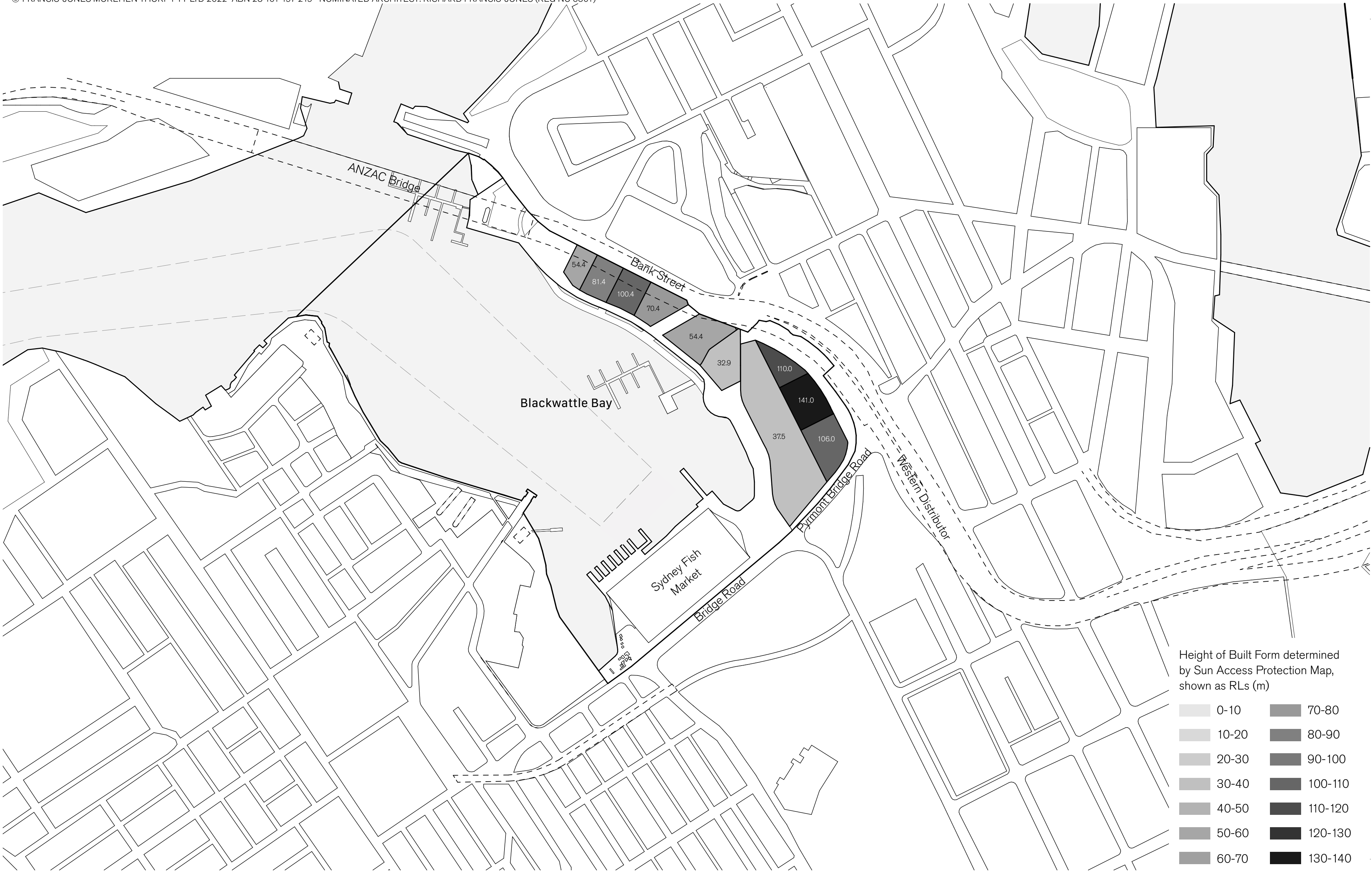
1:5000 @ A3



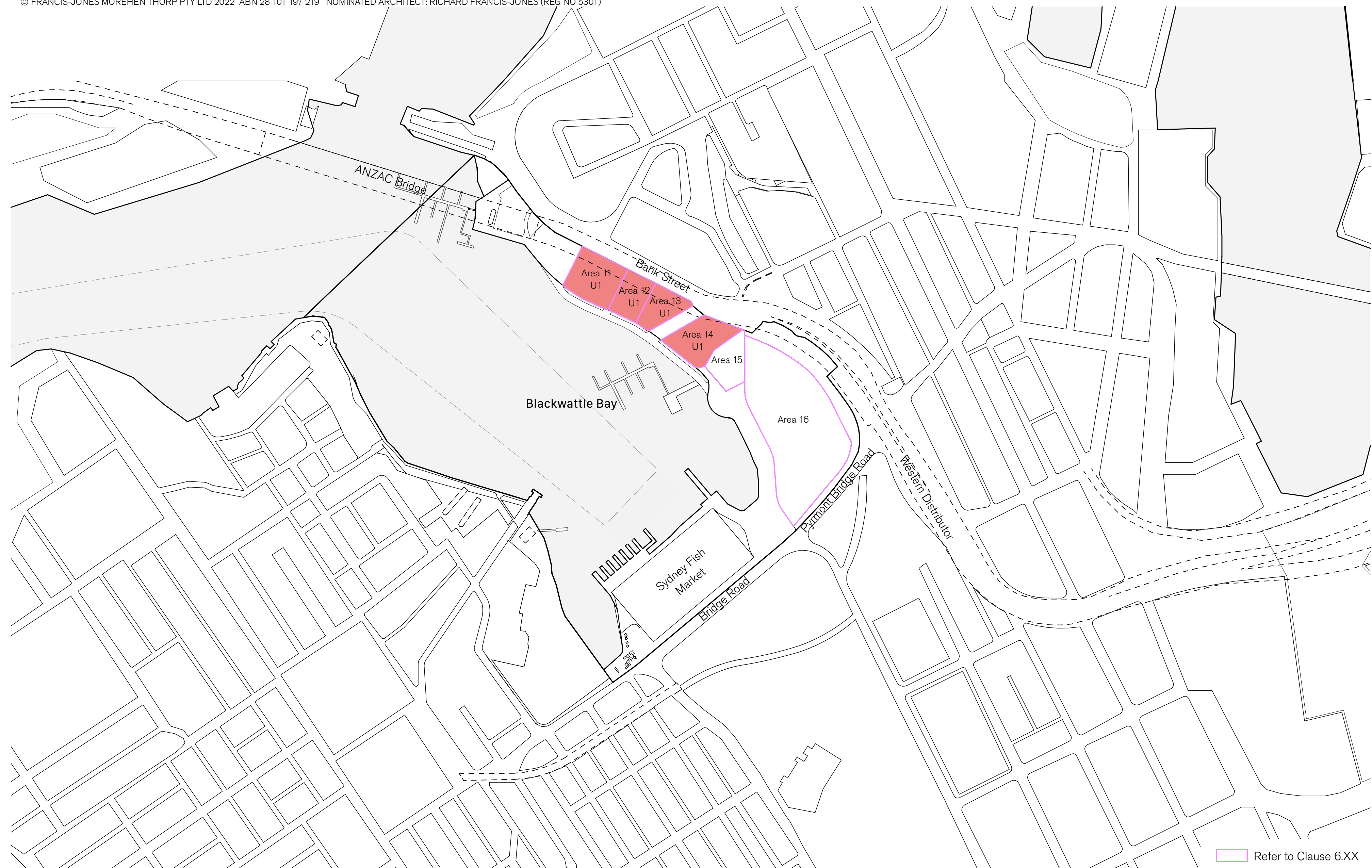
9/6/22

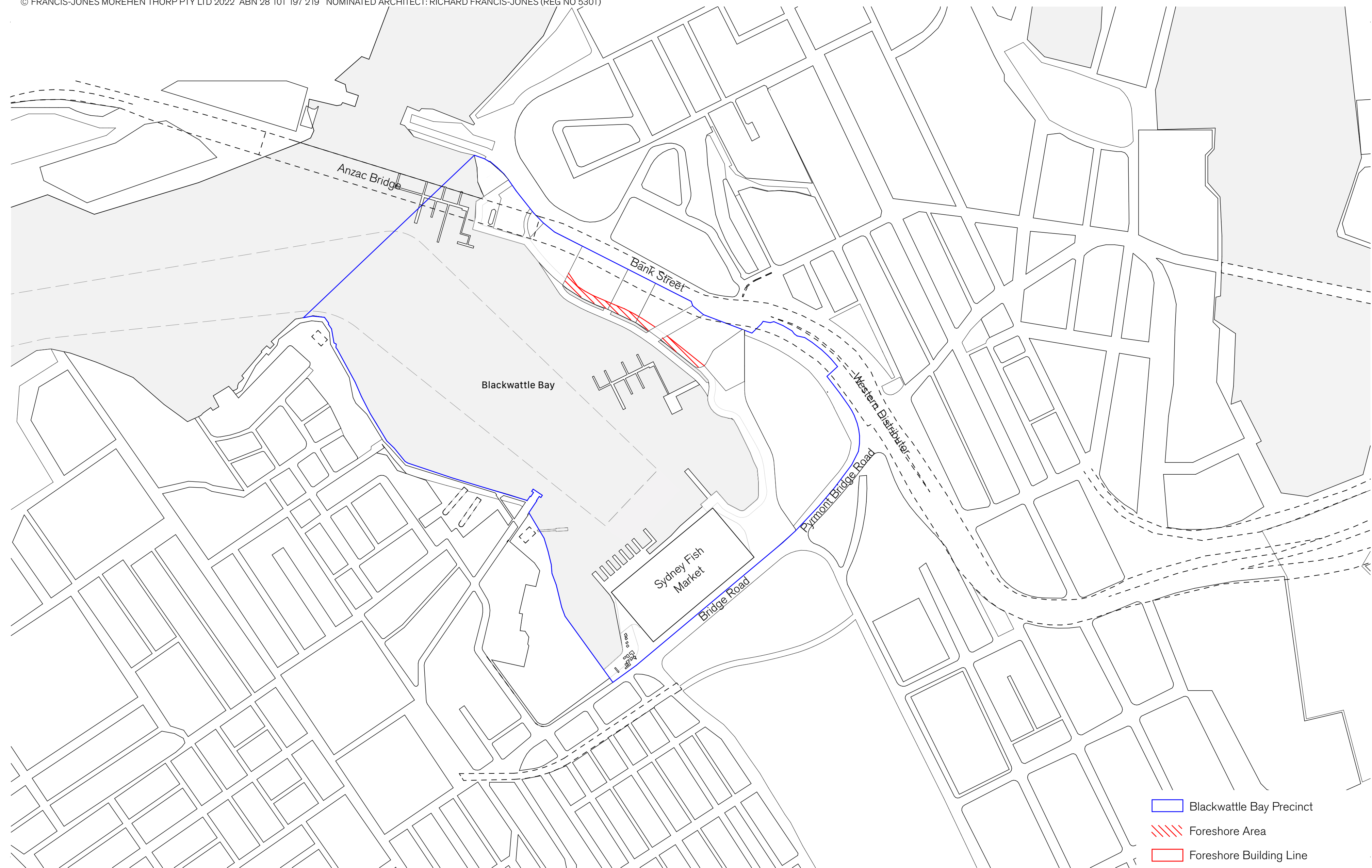
For Information

**SK-106**












### Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map

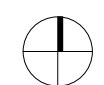
INSW - Blackwattle Bay Precinct Plan

-  Blackwattle Bay Precinct
-  Foreshore Area
-  Foreshore Building Line

0 50 100 200m

1:5000 @ A3

For Information



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**SK-107**



