
Attachment 2 – Revised Draft Design Code

Blackwattle Bay

Response to Submissions

June 2022

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1. INTRODUCTION

1.1 Design Code name and commencement

This document is the Blackwattle Bay Design Code. It commences on the day on which it is endorsed by the Planning Secretary.

1.2 Purpose of this Design Code

The purpose of this Design Code is to provide detailed provisions for the redevelopment of Blackwattle Bay.

1.3 Land to which this plan applies

This Design Code applies to the land identified within the red boundary line on **Figure 1** Blackwattle Bay Precinct Land Application Plan.

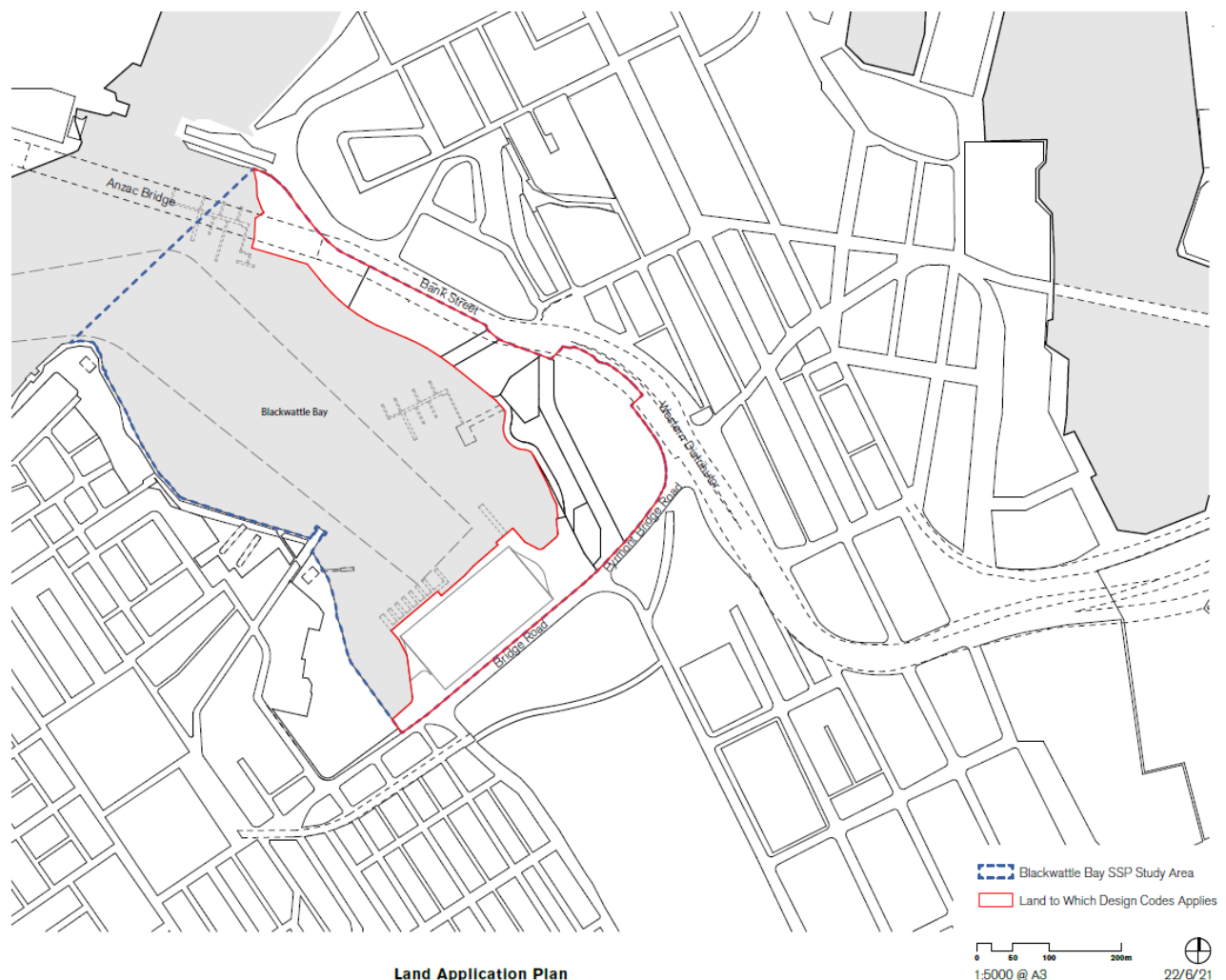


Figure 1 Blackwattle Bay Precinct Land Application Map

1.4 Objectives of this Design Code

The objectives of this Design Code are to ensure:

- a. The future redevelopment of Blackwattle Bay will result in a model example of sustainable urban renewal.
- b. Development of a fine grain, diverse, attractive and inviting precinct that is a place to live, work and visit.
- c. Delivery of a high quality public domain to be used by the local community as well as visitors to the Precinct for active and passive recreation, living and working.
- d. New development showcases “Connecting with Country” design and consultation approaches, acknowledging and respecting Country as well as the social and cultural history of Tjerruung Blackwattle Bay.
- e. New buildings achieve design excellence and maximise the amenity of occupants and the overall environmental performance of the Precinct.
- f. New buildings respond in an appropriate manner to their context.
- g. The street network provides attractive tree-lined streets with an emphasis on pedestrian and bicycle priority, access to public transport and ‘water-sensitive urban design’ elements.
- h. New development responds appropriately to alleviate the impact of climate change and sea level rise.

1.5. Relationship to the Sydney LEP 2012, Sydney DCP 2012 and other policies

This Design Code sets out specific guidance to inform future development within the Precinct. Development within the Precinct will need to have regard to this Code as well as the relevant provisions in the SLEP 2012 and other relevant Environmental Planning Instruments.

Where appropriate, this Code also adopts provisions in SDCP 2012. In the event of an inconsistency between this Code and the SDCP 2012, this Code prevails to the extent of the inconsistency.

References in this Design Code to SLEP 2012 or SDCP 2012 are also references to any replacement of those plans.

1.6 Interpretation

Where this Design Code uses terms that are defined in SLEP 2012, the definitions in the LEP are adopted. Other terms used throughout this Design Code are defined either in this Design Code or in Schedule 3 Glossary of Terms in SDCP 2012.

A reference in this Design Code to any Australian Standard, legislation or policy includes a reference to any amendment or replacement as made.

1.7 Amendments to the Design Code

Any amendments to this Design Code must be approved by the Planning Secretary.

1.8 How to use this Design Code

This Design Code provides design guidelines for development within the Blackwattle Bay Precinct. It comprises a hierarchy of objectives and provisions to guide the future development of the Precinct both within the public domain and development blocks. Each topic area is structured to provide the user with:

- Objectives that describe the desired design outcomes for the Blackwattle Bay Precinct.
- Provisions that illustrate how the objectives can be achieved through appropriate design responses.

Proposed development is to demonstrate how it meets all relevant objectives. The provisions indicate how the objectives can be achieved. They do not represent the only way the overarching objectives can be achieved. Where alternate solutions are proposed it must be demonstrated that the alternative solution achieves the objective/s and results in a similar or improved outcome.

2. DESIRED FUTURE CHARACTER

This Section contains the locality statement and supporting principles for development. The locality statement is place-specific and draws on the unique qualities of Blackwattle Bay and provides an important direction for the development controls and built form guidelines. The statement is also supported by a number of principles that help reinforce and enhance the character of the locality.

Development is required to be consistent with the locality statement and supporting principles for the locality area, in addition to the requirements within other sections of this Design Code.

2.1 Locality Statement

This Country is tucoerah/tuggorah, where two waters and their unique environments meet. It is here that nattaigalo (fresh or sweet water) rises from underground springs and travels in streams across the land. Thick forests of Tjerruing (callicoma serratifolia or blackwattle) protect the freshwater as it flows into garigalo (saltwater) Country on the rocky sandstone shorelines of what is now known as Blackwattle Bay. These two diverse environments create the fertile wetlands and swamps of biddigalo (bitter or sour water) that are home to Dahl'wah (casuarina) and the stories of our women.

For thousands of generations, this Country has been carefully protected in a reciprocal relationship with eora (local custodians) including the D'harawal, Dharug, Eora, Gai-maragal, Gundungara and Guringai peoples. We pay our respects to the Ancestors and Elders, past, present and emerging and honour their unique Ancestral connections to Country, story and knowledge.

Country here has provided for these local communities in great abundance for countless generations. It will be through honouring the enduring spirit of Country as a provider, healer and vital connection to culture that we can create a future whereby many diverse communities can continue to prosper connected to, and united by, Country.

Shannon Foster
Registered Sydney Traditional Owner and D'harawal Knowledge Keeper

The character and identity of Blackwattle Bay is drawn from its topography, the pre-colonial history, local industries and employment and from the cultures of the people of Pyrmont, Ultimo and Glebe. From a fishing place of First Peoples, through timber merchantry to fish markets, wholesalers, commercial berths and concrete batching, the bay has provided for local and regional communities.

The redevelopment of Blackwattle Bay offers an exciting opportunity to reconnect the harbour, its surrounding neighbourhoods and the city; to showcase Sydney's living culture and stories of Country; to build an inclusive and iconic waterfront destination that celebrates innovation, diversity and community.

The existing fish market site and land between the Anzac Bridge approaches and the harbour will be renewed into a mix of community facilities, parks and open spaces, as well as retail, commercial and residential uses. Relocating the current Sydney Fish Market will enable the foreshore to be returned to the public, enabling the provision of a continuous, accessible and open waterfront promenade for a range of uses connecting Glebe to Pyrmont and extending to Woolloomooloo Bay.

A ribbon of parks and open spaces with distinct characters linked by the waterfront promenade and street network will provide places for active and passive recreation, gatherings, performances, children's play and relaxation.

The renewal of Blackwattle Bay will prioritise the pedestrian and cyclist networks by providing shared ways, shared paths and dedicated cycleways, limiting vehicle movements within the Precinct. A well-designed fine grain network comprising street, laneways and through-site links, will enhance the accessibility of the waterfront and permeability of the Precinct. Clear and direct connections and wayfinding to the light rail stations, new Metro Station and to a potential future ferry stop will be integrated in the new local street system.

The renewal of Blackwattle Bay will make a significant contribution to employment and dwelling needs in the Eastern City. Campus-style workplaces, culture and entertainment functions, retail, local services and residential will achieve a balance of uses and complement the broad visitor appeal of the new Sydney Fish Market. Located above the employment uses that frame and activate the streets and public spaces by day, the residential apartments will ensure the evening and weekend vibrancy of Blackwattle Bay. Land uses will be positioned and designed sensitively in relation to access, noise, air quality, wind and solar amenity.

The new fish market facility will substantially expand and improve the offering whilst retaining its essential Sydney character. The new purpose designed building will enhance the connection to the water and public engagement in the seafood sale process.

Landscape design and the character of streetscapes, open spaces, plazas and roadways will be guided by the principles of water sensitive urban design. Careful water management of inflows to the bay with new urban forest canopy, wetlands and marine ecology supporting sea walls will contribute to improved water quality and marine life.

Development in the Precinct will target net zero emissions. Building electrification (removing carbon fuels), world standard building efficiency, integrated solar, and green roofs will reduce the environmental footprint of buildings in Blackwattle Bay and address the heat island effect. Integrated electric vehicle infrastructure, integrated servicing, centralised water management and micro-grids will also be a feature of the redevelopment.

2.2 Vision

Blackwattle Bay offers an extraordinary opportunity to reconnect the harbour, its surrounding neighbourhoods and the city; to showcase Sydney's living culture and stories of Country; to build an inclusive and iconic waterfront destination that celebrates innovation, diversity and community.



Figure 2: Illustrative Precinct Plan

2.3 Principles

Open space and amenity	Principle 1:	Improve access to Blackwattle Bay, the foreshore and water activities for all users.
	Principle 2:	Minimise additional shadowing to Wentworth Park and Glebe Foreshore (in mid-winter) and create new places with comfortable conditions for people to enjoy.
	Principle 3:	Maintain and enhance water uses and activities.
Sustainability	Principle 4:	Pursue leading edge sustainability outcomes including climate change resilience, improved water quality and restoration of natural ecosystems.
	Principle 5:	Deliver development that is economically, socially, culturally and environmentally viable
Culture and place	Principle 6:	Expand the range of recreational, community and cultural facilities.
	Principle 7:	Plan for the future community's education, health, social and cultural needs.
	Principle 8:	Embed and interpret the morphology, heritage and culture of the site to create an authentic and site responsive place
	Principle 9:	Foster social and cultural understanding and respect to heal and grow relationships.
Transport	Principle 10:	Prioritise movement by walking, cycling and public transport.
	Principle 11:	Balance diverse traffic movement and parking needs for all users.
	Principle 12:	Link the Blackwattle Bay Precinct to the City, Glebe Island and White Bay and other surrounding communities and attractors.
Built form	Principle 13:	Mandate Design Excellence in the public and private domain
Mixed use precinct	Principle 14:	Integrate housing, employment and mixed uses to create a vibrant, walkable, mixed use precinct on the city's edge.
	Principle 15:	Allow for co-existence and evolution of land uses over time.
	Principle 16:	A place for everyone that is inviting, unique in character, socially inclusive and affordable.

2.4 Structure Plan

Development within Blackwattle Bay will be generally in accordance with the Structure Plan illustrated in **Figure 3** Structure plan.

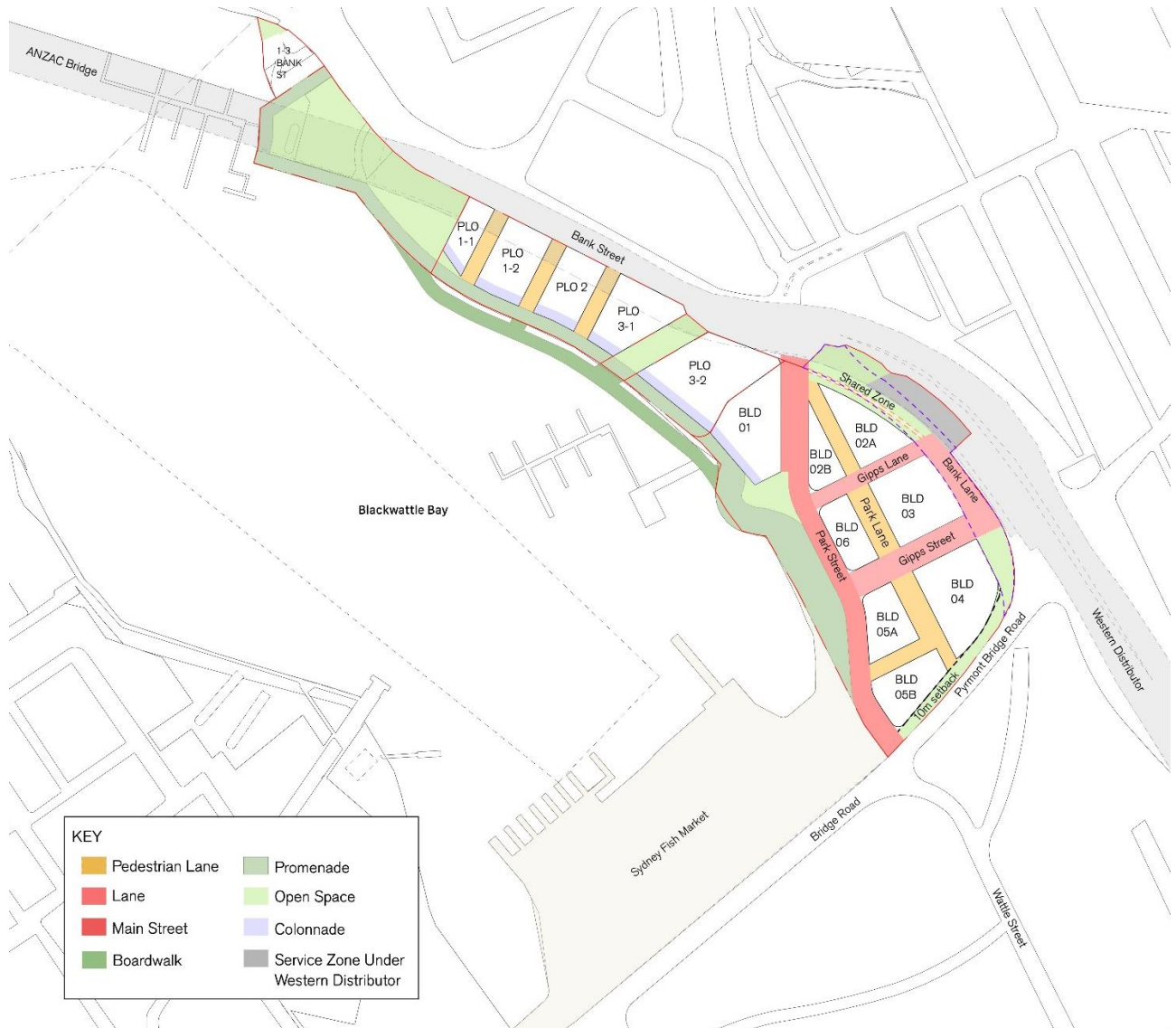


Figure 3 Structure plan

2.5 Staging and delivery

The redevelopment of the Blackwattle Bay State Significant Precinct is anticipated to take place over a period of around 10 years (up to about 2035). This will depend on a number of factors, including the future development plans of private landowners within the precinct.

The redevelopment will result in a substantial increase in the number of people living and working at Blackwattle Bay and a careful approach to staging is required to ensure it is coordinated and delivered in an orderly manner. It is essential the required public infrastructure, facilities and services that are needed to support the population are provided as the site is developed.

Objectives

- a. Ensure the redevelopment of Blackwattle Bay is planned and delivered in an orderly manner.
- b. Ensure the delivery of supporting public infrastructure, including utilities, parks, streets, public art and community facilities as the population increases.
- c. Ensure stormwater and other services are planned and implemented prior to works for the construction of new buildings so that land is made suitable for its intended use and adjacent areas are not adversely affected.
- d. Ensure that the development of sites can occur independently to the greatest extent possible.
- e. Manage conflicts associated with existing land uses while the precinct transitions.

Provisions

- 1 New building lots are to be established generally in accordance with **Figure 3** Structure plan.
- 2 Building lots are to facilitate:
 - a. a generally consistent street wall height and setback
 - b. diversity in architectural character and building facades
 - c. multiple entries from buildings onto streets
 - d. where practical, the sharing of basement car parking and freight servicing.
- 3 All building lots are to have frontage to, and be accessible from, a public road.
- 4 Stormwater management solutions and decontamination and remediation works are to be coordinated across each stage of development so that:
 - a. land is suitable for its intended use prior to works commencing; and
 - b. development of a building lot does not unreasonably impact on the ability of other proximate building lots to develop.
- 5 Development staging is to occur generally in accordance with Figure 4 Staging plan. Alternative staging may be considered where it is demonstrated that:
 - a. development is undertaken in a coordinated and orderly manner
 - b. the required public infrastructure, facilities and services that are needed to support the alternative staging can be delivered
 - c. development is otherwise compliant with this Design Code.
- 6 Development staging is to occur generally in accordance with **Figure 4** Staging plan, however stages may be constructed simultaneously if otherwise compliant with this Design Code.
- 7 New streets, street widenings and open space (including the foreshore promenade) on Government owned sites are to be retained in government ownership and managed by Place Management NSW.
- 8 New streets and street widening on privately owned sites are to be constructed and dedicated to Place Management NSW.
- 9 Any required upgrades to existing streets are to be provided in conjunction with adjacent development.
- 10 Public open space (including the foreshore promenade) on privately owned sites is to be embellished and dedicated to Place Management NSW. Embellishment of the public open space is to be undertaken to a standard consistent with the Design Code and as agreed by Place Management NSW.
- 11 Through-site links are to be provided as an easement on title.
- 12 Depending on the final location (to be determined through detailed design), the required community facilities are to be provided before, or as part of, Stage 3.

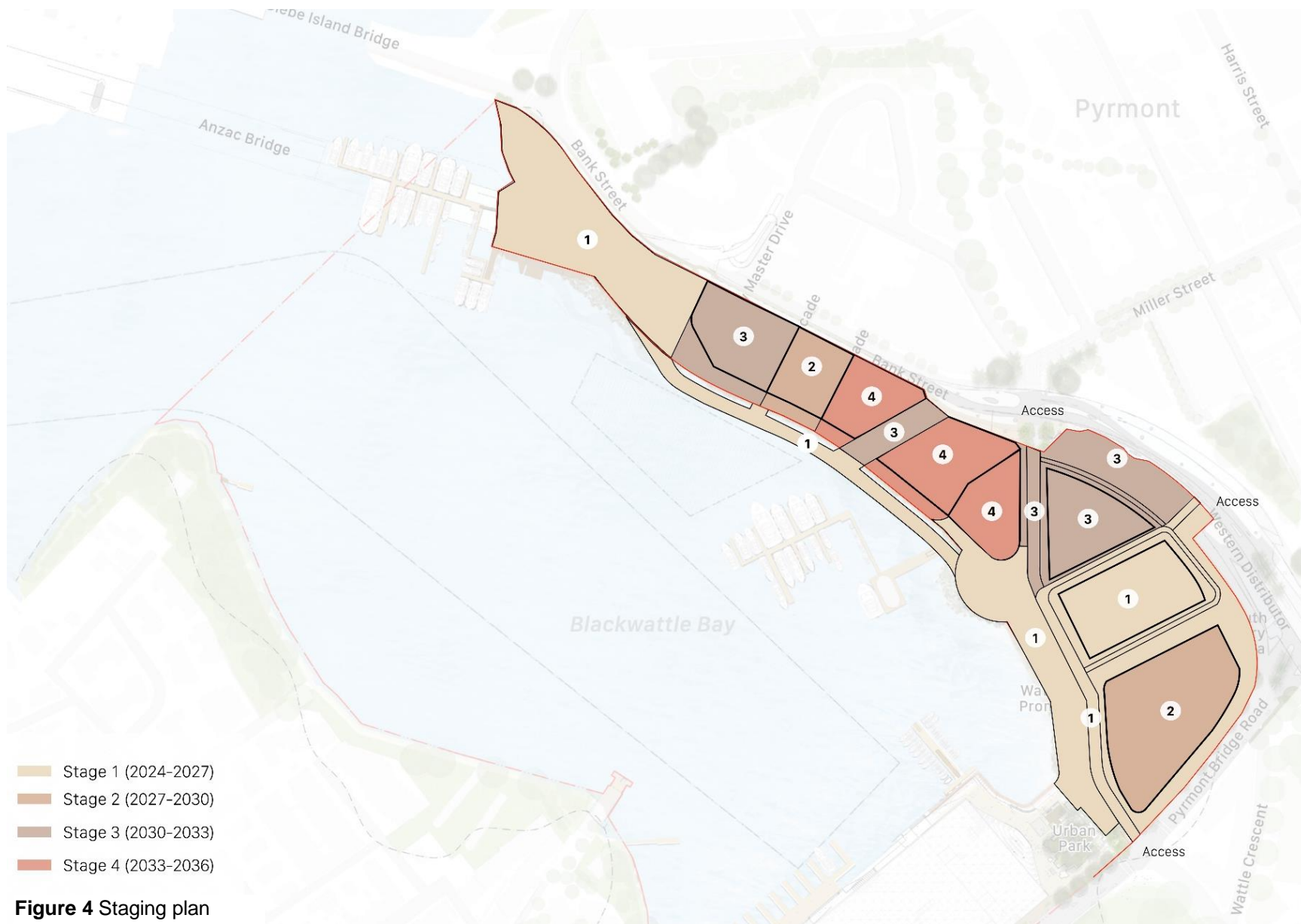


Figure 4 Staging plan

3. PUBLIC DOMAIN

Objectives

General

- a Provide a high quality, integrated, permeable and multifunctional public domain that caters for movement, recreation and social interaction and that:
 - i. ensures that the waterfront is accessible from surrounding streets and public places and that promotes public and active transport and low car ownership
 - ii. contains spaces that are flexible and adaptable for a variety of public and community uses
 - iii. provides opportunity to collaborate with First Nations in both programmed and flexible spaces
 - iv. draws inspiration from the existing landscape and pre-colonial origins and provides opportunities for heritage interpretation.
 - v. directly connects to the existing foreshore walks in Glebe and Pyrmont
 - vi. provides opportunities for suitable public and community uses which may include built structures and unenclosed areas for outdoor dining
 - vii. maximises open space that supports a functional and elegant solution to level changes across the site.
- b Ensure that open space and public domain facilitate the effective future integration of the Precinct with the city and the adjacent areas.
- c Ensure that the public domain achieves design excellence.
- d Achieve an adaptable public domain capable of accommodating a broad range of uses and events (including major events), experiences and activities.

Design excellence

- e Ensure a high quality public domain through the adoption of design excellence principles
- f Encourage variety and character in the urban design and landscape at Blackwattle Bay to provide a fine grain which enriches and enlivens the Precinct's public realm.

Sun access

- g Protect existing and future open spaces from overshadowing impacts and ensure adequate solar amenity for these open spaces.

Trees and landscaping

- h Ensure development of the Precinct is undertaken in a way that:
 - i. increases the urban tree canopy
 - ii. connects to concept of place
 - iii. creates an appropriate microclimate
 - iv. adheres to safety by design principles
 - v. considers with the City of Sydney Street Tree Master Plan.
 - vi. comprises endemic vegetation species wherever practicable and appropriate.

Open space

- i Provide for a variety of open spaces to accommodate a broad range of uses, events, experiences and activities, both active and passive and cater to the community's needs.
- j Provide for landscaping of open spaces that enhances urban biodiversity and green infrastructure for habitat and ecological health.
- k Achieve desirable public spaces with high levels of amenity addressing safety, climate, activity, circulation, seating and enclosure.
- l Ensure public space provides a pleasant, comfortable and welcoming environment, with sunlight, greenery and plentiful places to sit.

Foreshore promenade

- m Ensure the delivery of a high quality foreshore promenade along the water's edge directly connected to the existing foreshore walks in Glebe and Pyrmont.
- n Ensure the design of the promenade:
 - i. maximises accessibility to and from the surrounding street network and key locations
 - ii. provides flexible and adaptable spaces
 - iii. connects to the former Glebe Island Bridge as a possible future active transport connection to Bays West
 - iv. connects to the existing foreshore walks in Glebe and Pyrmont
 - v. optimises its use by the surrounding community
 - vi. explores opportunities for the co-location of synergistic uses.

Wayfinding

- o Develop a legible public domain that encourages people to walk with comfort and confidence within the Precinct and to connect to key destinations outside the Precinct.
- p Ensure the wayfinding framework provides for consistent wayfinding components and information to direct people to their desired destinations.

Provisions

3.1 General

- 1 Future development of the public domain is to be in accordance with the Public Domain Plan in **Figure 5: Public domain plan**.
- 2 Development of the public domain is to showcase 'Connecting with Country' approaches and comply with the provisions detailed in Section 9.1 of this Design Code.
- 3 The future design of parks is to be developed through a process of community consultation, including providing opportunities for the community to comment on park designs.
- 4 Pedestrian/bicycle facilities, public open space and public recreation facilities and public domain areas are to meet universal access guidelines.
- 5 Vehicular movements through parks, plazas and reserves are to be generally restricted except for public transit, emergency vehicles, servicing and vehicular drop-off, and special events.



Figure 5: Public domain plan

3.2 Design excellence in the public domain

- 1 The design excellence process for public domain will include:
 - a. two rounds of community engagements:
 - b. a competitive tendering process to procure a high-calibre design team, and
 - c. regular design presentations to the Blackwattle Bay Design Excellence Panel.
- 2 Initial embellishment of the public domain will be subject to a statutory planning approval process.

3.3 Sun access

- 1 Buildings must not result in any additional overshadowing of Bank Street Park, Wentworth Park or the Glebe foreshore between 9am and 3pm on 21 June.

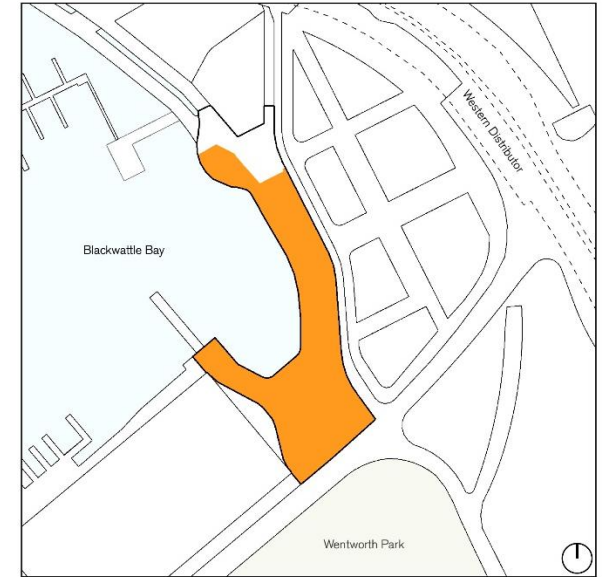
- 2 Direct sunlight is to be achieved to the Foreshore Promenade at the southern end of the bay between 12 midday and 2pm on 21 June, generally consistent with **Figure 6** Sun access.
- 3 Protection within parks from direct sun is to be available on 21 December for a minimum of 20% of the area used for passive recreation
- 4 Two hours of sunlight is to be achieved to new streets to promote tree growth.



Winter Solstice - 12pm



Winter Solstice - 1pm



Winter Solstice - 2pm

Figure 6 Sun access

3.4 Tree canopy, street trees and landscaping

- 1 Development is to be undertaken in accordance with **Figure 7** Urban Forest Strategy.
- 2 A minimum canopy cover of 60% to streets, 30% to parks and 30% to private property is to be achieved.
- 3 As far as possible, development is to seek to retain existing mature trees in good condition. Possible trees for retention are shown in **Figure 8** Tree retention plan.
- 4 Street tree planting is to be generally in accordance with the species outlined in **Figure 9** Indicative street tree planting and have regard to the City of Sydney Street Tree Master Plan. However, a detailed review of the species will be required as the design is developed and refined. Species selection will be subject to expert review during design development.
- 5 When selecting tree species for planting, species that are both resilient to high winds, and have a strong tolerance to future rainfall/drought conditions are to be prioritised. Tree placement can also seek opportunities to provide wind mitigation effects.
- 6 Where appropriate, new vegetation should consist of species endemic to Blackwattle Bay, especially acknowledging the Tjerruing (*Callicoma serratifolia*) and Dahl'wah (*Causarina glauca*) as important species, in consultation with Aboriginal people.
- 7 Aboriginal stakeholders should be included in endemic species selection and landscape management to contribute to health and wellbeing of Country
- 8 Tree height, radial crown spread and number of trees to be planted are to generally in accordance with **Table 1** Recommended tree size and distribution.
- 9 Soil volumes and depths are to be based on the Apartment Design Guide (2015) of 800mm+ drainage layers for small trees, 1000mm + drainage layers for medium trees and 1200mm+ drainage layers for large trees.
- 10 Street trees sizing, spacing and soil volumes are to comply with **Table 2** Street tree specifications.
- 11 Planting pits below pavements are to be linked to form continuous trenches to meet soil volumes set out in **Table 2**.
- 12 Tree species that can thrive under the site conditions, particularly having regard to wind conditions, should be selected.
- 13 Low shrubs and hedges are to be provided along roads (for example, under trees) to help protect pedestrians from vehicle pollution and reduce air pollution entering buildings.
- 14 Articulation of the public realm design during design development should ensure that landscape elements (such as trees) do not overly obstruct valued sight lines (such as water views).

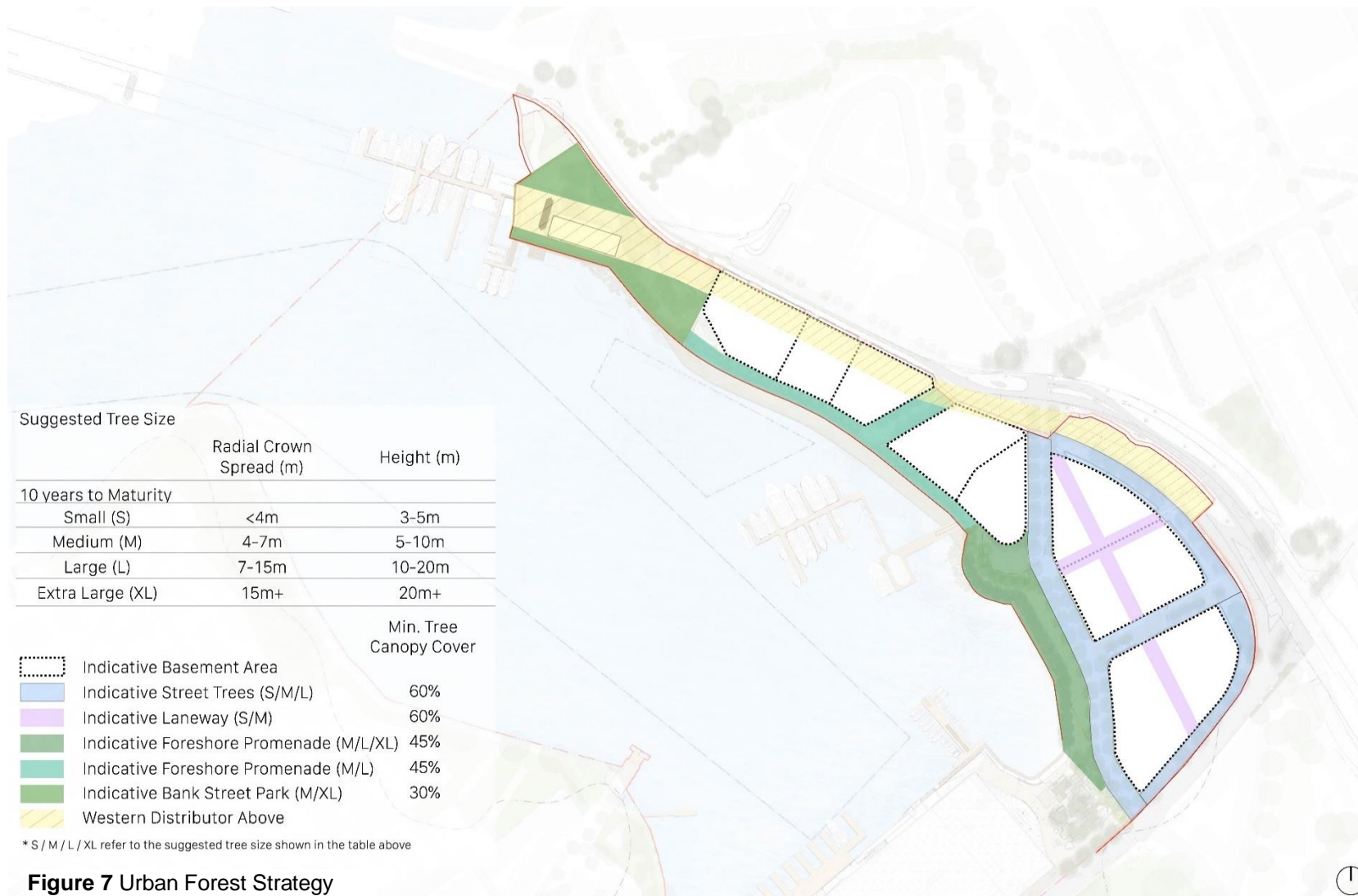


Figure 7 Urban Forest Strategy



Figure 8 Tree retention plan

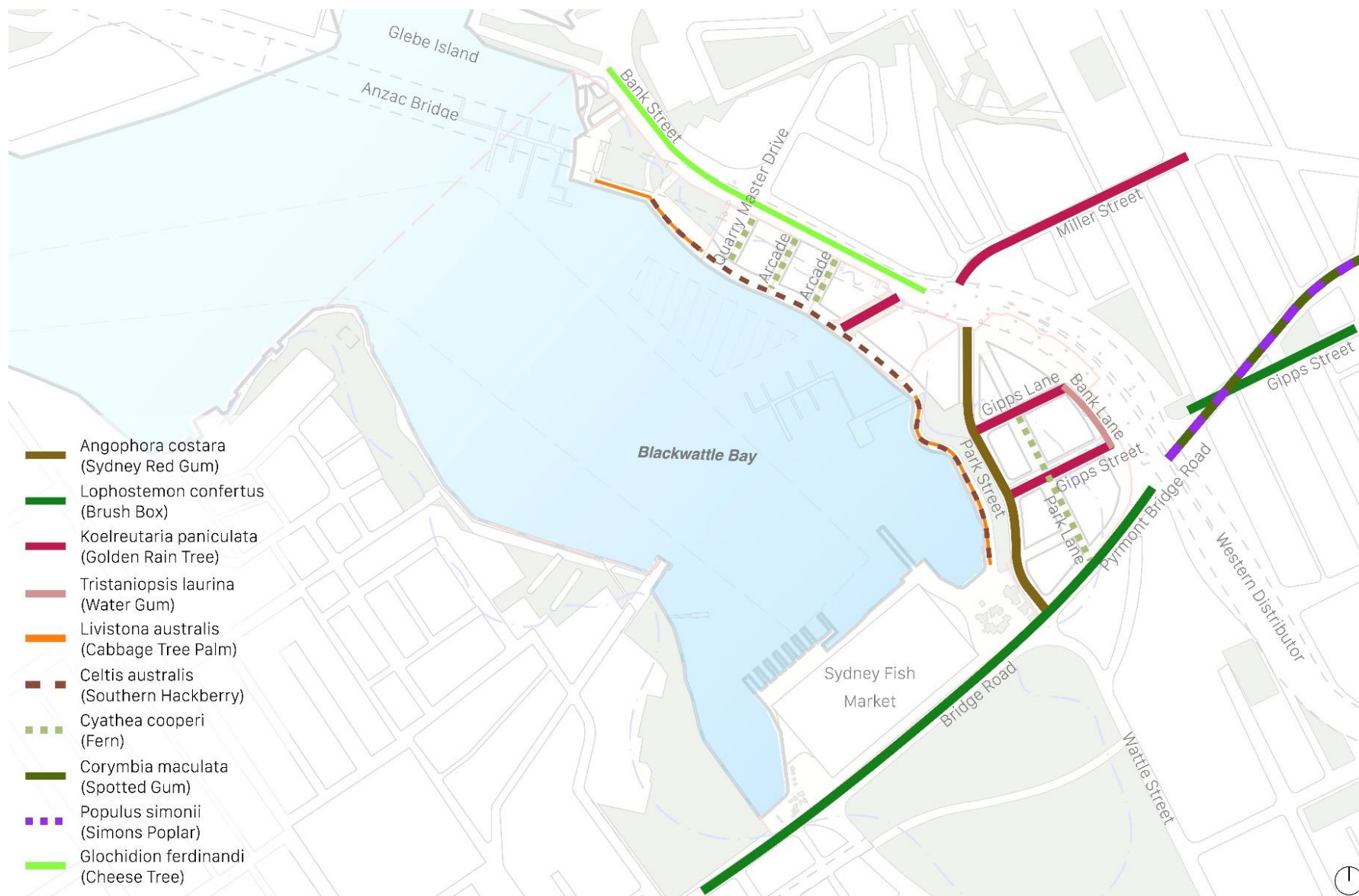


Figure 9 Indicative street tree planting

Table 1 Recommended tree size and distribution

	Radial crown spread (m)	Height (m)	Distribution %
10 years to maturity			
Small	<4m	3-5m	10
Medium	4-7m	5-10m	45
Large	7-15m	10-20m	35
Extra large	15m+	20m+	10

Table 2 Street tree specifications

Typology	Tree size	Nominal radial crown width (m)	Spacings	Soil volume
Promenade	Medium	4.5m	8.5m	35m ³
Gipps Lane	Medium	4m	8.5m	35m ³
	Large	7m		80m ³
Gipps Street	Large	7m	12.7m	80m ³
	Medium	4m		35m ³
Bank Lane	Medium	4m	8.5m	35m ³
Park Street	Medium	4m	8.5m	35m ³
	Large	7m		80m ³ +

3.5 Open space

- 1 Future development of the open space network is to be in accordance with the Open Space Plan in **Figure 10: Open space plan**.
- 2 Landscaping and design of public open space is to be of high quality, creating interest, consistency and character through thoughtful site planning, adaptable spaces, generous amenities, extensive canopy tree planting, biodiverse planting, well integrated public art, and quality materials and furniture.
- 3 Landscape design is to acknowledge the original foreshore and integrate First Nations perspectives and connection to the landscape in the design.
- 4 Public open space is to be designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). In particular, the design should provide for:
 - a. open sightlines and landscaping that allows high levels of public surveillance
 - b. a clear distinction between private and public open space
 - c. lighting in accordance with the City of Sydney's *Lighting Design Code* and designs out any potential 'hiding spots'
 - d. legible entrances to encourage public use of the open space.
- 5 Open space is to provide for deep soil planting and must not have car parking or access located underneath.
- 6 Shading and seating arrangements are to consider climate change projections, particularly those related to extreme heat and the number of hot days.
- 7 The public domain is to be designed to facilitate emergency responses and services for vulnerable community members.



Figure 10: Open space plan

3.5.1 Foreshore promenade

- 1 Provide a high quality foreshore promenade along the water's edge directly connected to the existing foreshore walks in Glebe and Pyrmont.
- 2 The overall minimum width of the foreshore promenade between the promontory and private landowners' sites is to be 20m inclusive of the boardwalk, as shown at **Figure 11** Foreshore promenade, noting that delivery of the full width promenade may need to be staged having regard to land ownership and development constraints.
- 3 The minimum width of the foreshore promenade between the promontory and Urban Park is to be 30m as shown on **Figure 12** Foreshore promenade south.
- 4 The foreshore promenade is to be designed generally in accordance with the typical cross-sections shown in **Figure 13** to **Figure 15**.
- 5 The design of the promenade is to maximise accessibility from surrounding streets and for the full range of users.
- 6 The character of the foreshore promenade is to be consistent with the character of the locality as identified in **Figure 11** and **Figure 12**.



Figure 11 Foreshore promenade (adjacent to private landowner sites) – preliminary design and character statement



Character

Connection to water, all ages friendly, inviting, diverse and universally accessible space with clear line of the site. Connection to the new Sydney Fish Market.

Modes

- Amphitheatre / performance area
- Suitable seating for users and supervisors
- Informal space suitable for 'bring in' play event
- Shade trees

Microclimate

South West facing well connected to Pymont grid. Broad connection to the water.

Planting Strategy

Large fig trees. Native Eucalyptus and Anaphora. Provision of shade through advanced trees and shade structures.

Hardscape strategy

- High quality, durable hard landscape finishes to walls, paving suitable for intensive public use
- Furniture – bench seats, bins, bike racks, drinking fountain
- Universal access table settings, tap, bin
- Lighting for safety and security to relevant Australian Standards
- Accessible pedestrian paths to relevant Australian Standards
- Streetscape treatments to extent of public roads including street trees, furniture and paving.

Infrastructure / furniture

Wayfinding / feature lighting / public art / service provision as required to all facilities / picnic shelter with electric BBQ / publicly accessible toilets, shade structures.

Figure 12 Foreshore promenade (south) – preliminary design and character statement

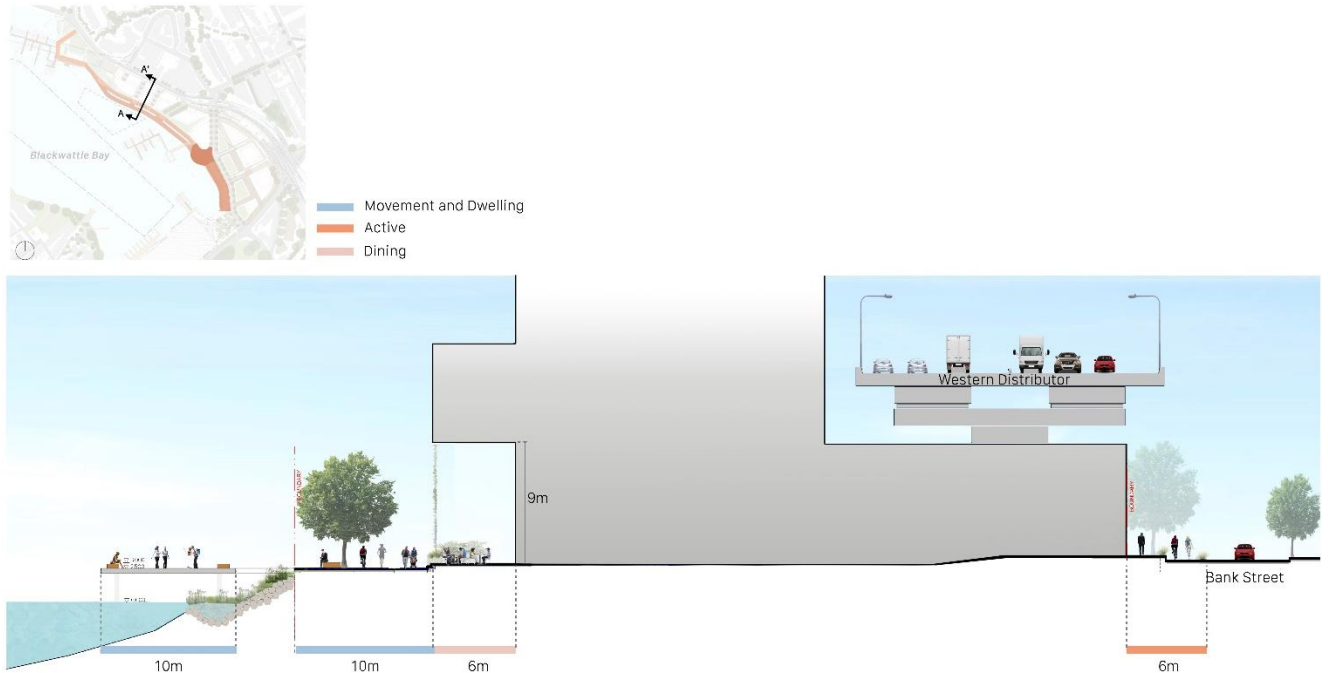


Figure 13 Section showing foreshore promenade adjacent to private landowner sites and Bank St

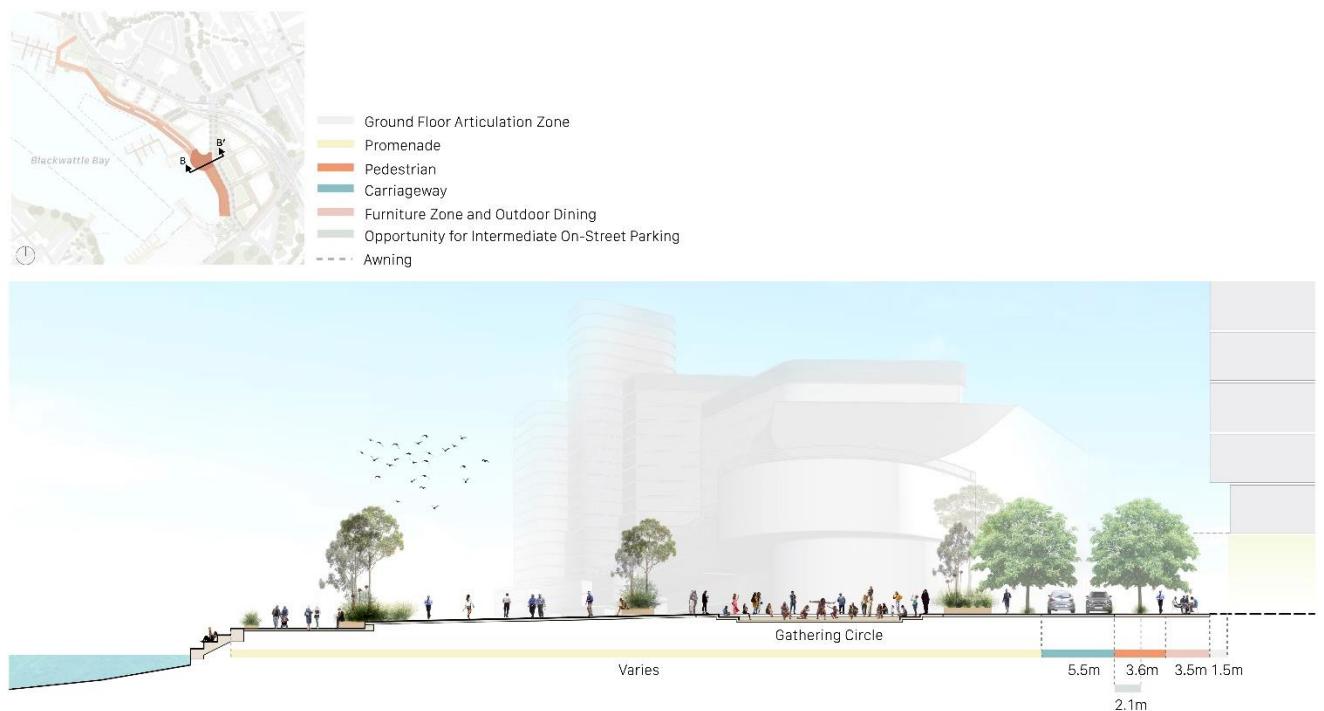


Figure 14 Section of foreshore promenade in vicinity of the Promontory open space



Figure 15 Section of foreshore promenade south

3.5.2 Parks, plazas and reserves

- 1 The design of the parks, plazas and reserves is to be guided by the preliminary designs and character statements in **Figures 16 to 19**. The primary parks, plazas and reserves are:
 - a. Bank Street Park (incorporating 1-3 Bank Street)
 - b. Miller Street Reserve
 - c. Promontory Open Space
 - d. North Entry Plaza
- 2 The buildings at 1 to 3 Bank Street may be redeveloped for uses permitted in the RE1 Public Recreation zone such as community and/or cultural facilities and will be subject to the appropriate planning approvals.



Character

All age friendly, active, sheltered and inviting landscape space. Clear line of site and connection to the water for recreation. Provision of support facilities for watercraft.

Modes

- Public exercise equipment/ gym
- Games including equipment suitable for use by all ages persons
- Off leash dog park
- Adolescent play equipment / skate ramp and equipment to allow scooters and skateboards
- Multi-purpose court
- Suitable seating for users and supervisors
- Informal space suitable for 'bring in' play event

Microclimate

South West facing, shaded by Anzac Bridge

Planting Strategy

Shade tolerant indigenous rainforest and fern species.
Provision of shade through advanced trees, shade structures.
Landscape planting embellishment, lawn areas, advanced shade trees and mass planting beds.

Hardscape Strategy

- Ramps, handrails, tactiles and balustrades for disabled access
- High quality, durable hard landscape finishes to walls, paving suitable for intensive public use
- Hard paved plaza suitable for large gatherings
- Street furniture – Bench seats, bins, bike racks, drinking fountain
- Universal access table setting, tap, bin
- Lighting for safety and security to relevant Australian Standards
- Accessible pedestrian paths to relevant Australian Standards
- Streetscape treatments to extent of public roads including street trees, furniture, paving and landscaping.

Infrastructure / Furniture

Feature lighting / Public Art / Service provision as required to all facilities / Picnic shelter with electric BBQ / Publicly accessible toilets / Structured bicycle parking

Figure 16 Bank Street Park

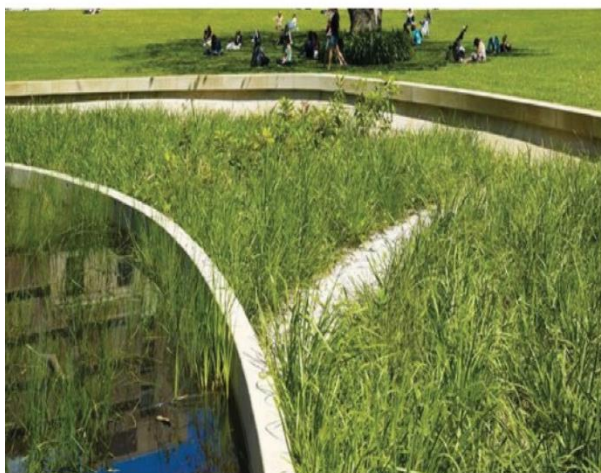


Figure 17 Miller Street Reserve

Character

Permeable space showcasing WSUD principles, sheltered, shaded, links between Miller Street to the water.

Modes

- Seating for all abilities, users and supervisors
- Lunchtime activity

Microclimate

Open to water and city framed by urban forms. Shaded, presence of water as part of WSUD system.

Planting Strategy

WSUD planting including littoral plants and native grasses such as *Iomandra spec*, *Isolepsis*.

Infrastructure / Furniture

WSUD stormwater devices, lighting.



Figure 18 North Entry Plaza

Character	Planting Strategy
Well connected, permeable space.	Green walls, moss walls vertical gardens
Modes	Infrastructure / furniture
<ul style="list-style-type: none"> Public Art Skate park Gathering areas Events Marquee Seating 	Lighting, public art Marquee infrastructure
Microclimate	
North Facing, heavily shaded by Western distributor.	



Figure 19 Promontory Open Space

3.6 Events in the public domain

- 1 A Blackwattle Bay Outdoor Events Policy is to be prepared to provide guidance on the use, care, operation and management of permissible temporary events in the public domain.
- 2 The Events Policy is to have regard to best practice measures to minimise noise impacts on surrounding receptors, including existing and future residential receivers.
- 3 The public domain is to be designed to:
 - a. accommodate a range of experiences and activities including space for outdoor performances, events and temporary art installations
 - b. include design elements, furniture and fixtures to facilitate temporary events, both small and large scale.

3.7 Wayfinding

- 1 A Precinct-wide wayfinding strategy is to be prepared which:
 - a. ensures connectivity and legibility for visitors, residents and workers
 - b. provides a flexible and future-proofed wayfinding framework centred on a cohesive information system with a clear relationship to recognisable elements in the public realm
 - c. co-ordinates with the wayfinding systems of the City of Sydney
 - d. integrates with wayfinding initiatives being developed for Pyrmont as outlined in the Pyrmont Peninsula Place Strategy.
- 2 The wayfinding strategy is to provide clear guidance for visitors to connect to the New Sydney Fish Market, Foreshore Promenade and public transport, including the Pyrmont Metro Station and other key destinations outside the Precinct.
- 3 The wayfinding strategy should not only relate to signage but also consider other elements such as public art, digital information, environmental graphics and buildings.
- 4 Interpretive education about Aboriginal Culture is to be incorporated into signage, maps and wayfinding material.

4. ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY

Objectives

Energy and carbon

- a Establish benchmarks to help deliver a net-zero carbon precinct by 2041
- b Maximise on-site renewable energy generation
- c Reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.

Water management

- d Reduce potable water use and incorporate rainwater use where feasible
- e Ensure an integrated approach to water management through the use of water sensitive urban design principles.
- f Manage stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.
- g Ensure that development above the flood planning level as defined in the SLEP 2012 will minimise the impact of stormwater and flooding on other developments and the public domain both during the event and after the event.
- h Ensure that flood risk management addresses public safety and protection from flooding.

Waste

- i Minimise waste generation
- j Set high standards and targets for waste diversion from landfill and commence the path towards a circular economy.

Climate change and sea level rise

- k Mitigate identified risks of climate change and sea level rise
- l Ensure the health, safety and comfort of people in streets and buildings by minimising the heat island effect from buildings.

Ecology and landscape

- m Ensure that the amenity of residents, workers and visitors is enhanced by high quality, biodiverse landscaping, and private and common open space.
- n Encourage green roofs and podiums in developments to improve amenity and aesthetic quality of the urban environment as well as ambient air temperature and bird habitat,
- o Enhance terrestrial and marine ecology within the Precinct.

Contamination

- p Ensure that the Precinct can be made suitable for the range of intended uses as proposed and that the risks posed by contamination can be managed in such a way as to be adequately protective of human health and the environment.

Provisions

4.1 ESD targets and net zero pathway

- 1 Buildings are to incorporate sustainability measures and initiatives that contribute to achieving net zero emissions by being highly efficient and maximising on-site renewal energy generation.
- 2 Development is to be designed, constructed and operated to meet the targets set out in **Table 3 Sustainability targets for Precinct.**
- 3 Where feasible, buildings should aim to meet the stretch targets in **Table 3.**

Table 3 Sustainability targets for Precinct

Target	Minimum goal	Stretch target	Target source*	Comment (where required)
Green Star Communities precinct rating	5 star			Version 1.1
Green Star Buildings	5 star		GSC	Version 1
BASIX energy targets			BASIX SEPP, SSP, CoS	BASIX targets are expressed as a percentage reduction over NSW benchmarks
• High rise (6 storey units or higher)	25	40	Stretch Targets: PPPS and SSP	
• Mid rise (4-5 storeys)	35	45		
NABERS energy rating for office and retail buildings	6 star		CoS PPPS	
Office and retail buildings: base building energy use	45kWh/yr/m ² or Certified Green Star Buildings rating with a 'credit achievement' in Credit 22: Energy Use		CoS DCP	
Office and retail buildings: Renewable energy procurement	Equivalent to 'net zero energy' or a maximum of 45 kWh/yr/m ² of GFA		CoS DCP	
Hotels: whole building energy use	240 kWh/yr/m ² or 4 star NABERS Energy CA + 10% or Certified Green Star Buildings rating with a 'credit achievement' in Credit 22: Energy Use or Equivalent		CoS DCP	
Hotels: Renewable energy procurement	Equivalent to 'net zero energy' or a maximum of 240 kWh/yr/m ² of GFA		CoS DCP	
Net zero carbon precinct	100% by 2041			% reduction in carbon emissions (baseline to be determined)
Precinct powered by renewable energy	50%		SSP	% of total estimated demand provided by renewable energy from off-site and/or on-site sources
NABERS water rating for office and retail buildings	5 star			
BASIX water targets	40	60	BASIX SEPP, CoS	BASIX targets are expressed as a percentage reduction over NSW benchmarks
• Residential buildings other than high-rise			Stretch targets SSP	
• High-rise residential				
Public open space	Irrigation 100% recycled water			

*Abbreviations:

BASIX SEPP – BASIX State Environmental Planning Policy

PPPS – Pyrmont Peninsula Place Strategy

GSC – Green Star – Communities v1.1

SSP – State Significant Precinct Study Requirements

CoS – City of Sydney requirement and/or target

4.2 Precinct scale utilities

- 1 A feasibility investigation is to be undertaken into potential precinct-scale facilities, including:
 - a. Microgrid and grid-scale battery storage
 - b. water recycling system.
 - c. food organic waste facilities.
 - d. precinct parking
 - e. electric vehicle charging, grid-scale battery storage.

4.3 Urban and marine ecology

- 1 Section 3.5 Urban Ecology of Sydney DCP 2012 applies to development in Blackwattle Bay as relevant.
- 2 The consent authority may require the preparation of an impact assessment (Biodiversity Assessment Report (BDAR) and Marine Impact Assessment) where terrestrial and/or marine ecology is likely to be adversely affected by development. The impact assessment should measure loss and calculate biodiversity offsets and include targeted micro-bat surveys around built structures.
- 3 Aquatic habitat enhancement opportunities, summarised in **Table 4** Aquatic habitat enhancement opportunities, should be considered during the detailed design of the public domain.
- 4 Terrestrial habitat features are to be incorporated into landscape plans and building designs. This should aim to provide both micro-habitats, stratified habitats and improve connectivity along existing or broken habitat corridors wherever practicable.

Table 4 Aquatic habitat enhancement opportunities

Location/environment	Opportunity
Subtidal sand (>2 m depth)	▪ Install 'oyster reefs' to provide colonisation and refuge for marine fauna.
Subtidal sand (1-2 m depth)	▪ Subject to boat safety considerations, install scattered rubble to connect macroalgae habitat.
Macroalgae (dense <i>Sargassum linearifolium</i>)	▪ Plant/transplant native macroalgae and/or increase rocky rubble to improve continuity and width.
Intertidal rocky rubble seawalls	▪ Construct water retaining features and increase structural complexity of intertidal or subtidal zones of seawalls.
Vertical and sloped smooth seawalls	▪ Replace with gentle grade wall and/or retrofit with horizontal features like flowerpots, water retaining features and complex hard surfaces.
Vertical rough seawalls	▪ Retrofit with horizontal features like flowerpots.
Sloped stepped seawalls	▪ Increase macroalgae habitat at base through planting and/or additional rubble.
Future boardwalks, wharves and jetties	▪ Design to allow light penetration to water and suspend fish aggregation devices.
Future floating boardwalks (temporary)	▪ Add benthic habitat features to improve fish shelter and connectivity.
Piles	▪ Select products with rough surface and/or attach rough material for macroalgae attachment.

4.4 Waste management

- 1 Waste management systems for developments are to be designed in accordance with:
 - a. NSW EPA *Better practice guide for resource recovery in residential developments*
 - b. City of Sydney's *Guidelines for Waste Management in New Developments*.
- 2 Design waste management systems for public spaces in accordance with the NSW Government *Better Practice Guide for Public Place Recycling*.
- 3 Construction and demolition waste is to be managed in accordance with the City of Sydney's *Guidelines for Waste Management in New Developments*.
- 4 Circular economy principles are to be applied to material selection, waste management plans, and waste system design, including the waste management hierarchy – *reduce, re-use, recycle, recover, disposal*.
- 5 Waste management systems are to demonstrate how the targets set out in **Table 5** Waste targets are to be achieved. Where feasible, waste management systems should aim to meet the stretch targets set out in **Table 5** Waste targets.
- 6 Investigate the feasibility of precinct-scale waste facilities having regard to
 - a. the City of Sydney's existing food scraps recycling services
 - b. future plans for community gardens within Blackwattle Bay
 - c. NSW EPA resource recovery orders and exemptions.

Table 5 Waste targets

Waste type	Target	Stretch target
Construction and demolition waste	80% construction and demolition waste diverted from landfill	
Operational waste	80% operational waste diverted from landfill	90% operational waste diverted from landfill
Single use plastics	To be phased out by 2025	
Food and organic waste	All households to be provided with access to food and organic waste recycling.	

4.5 Urban heat management and reflectivity

- 1 Urban heat island effects are to be reduced through:
 - a. meeting canopy coverage targets in **Section 3.4** Tree canopy, street trees and landscaping of this Design Code.
 - b. introducing water sensitive urban design features into landscape and streetscape where practical
 - c. providing shading and arranging seating to allow visitors to seek respite from heat during hot weather
 - d. providing shade to active transport routes and public transport connections.
- 2 Shading and seating arrangements are to consider climate change projections, particularly those related to extreme heat and the number of hot days.
- 3 A Reflectivity Report that analyses potential solar glare from the proposed building design is to be provided with development applications for new buildings.
- 4 Light reflectivity from building materials used on facades is not to exceed 20%
- 5 All new buildings are to be designed to incorporate suitable self-shading elements to minimise undesirable summer afternoon solar gain and improve the passive sustainability performance of buildings.
- 6 Building materials are to be selected having regard to minimising urban heat island effect.
- 7 The selection of building equipment and materials is to cater to higher operating temperatures and extreme heat events to reduce local occurrence of interruptions.

4.6 Flood planning and sea level rise

- 1 Development is to comply with the Water and Flood Management provisions in SDCP 2012 except where varied below.
- 2 Minimum ground floor podium and site levels are to be set at 3.0m AHD elevation, with non-critical areas designed at 2.5m AHD to account for future sea level rise.
- 3 The foreshore promenade is to be designed at 2.5m AHD, including the over water boardwalk.
- 4 Where access to the water is appropriate, a stepped embankment between the promenade and water is to be provided to ensure access to water is maintained regardless of sea level.

4.7 Water management

- 1 A water sensitive urban design (WSUD) Strategy is to be implemented for the Precinct generally in accordance with **Figure 20** WSUD Strategy to deliver:
 - a. Best practice quality / quantity targets including specifically a total area of 3,100m² for bio retention. Water quality treatment measures are to be incorporated into the development to meet this bio filtration area requirement noting that this area could be reduced/ substituted / offset during detailed design where additional measures such as green roofs, stormwater harvesting etc. are pursued.
 - b. A reduction in post-development baseline (i.e. proposed development without any water quality treatment) annual pollutant loads of:
 - Gross Pollutants (GP) (litter and vegetation >5 mm) 90%
 - Total Suspended Solids (TSS) 85%
 - Total Phosphorus (TP) 65%, and
 - Total Nitrogen (TN) 45%.
- 2 WSUD measures are to include:
 - a. Filtration devices such as cartridge systems within building footprints, tree pits within road reserves, small raingardens in road reserves or open spaces, larger bioretention basins in open spaces
 - b. gross pollutant traps (GPTs) as end of pipe systems
 - c. potential harvesting of rainwater from roofs for potable or non-potable purposes within buildings
 - d. potential harvesting of stormwater to reuse for irrigation or other non-potable purposes.”
- 3 WSUD measures are to be incorporated into streets where practicable.
- 4 Public open space is to be irrigated with recycled water
- 5 On-site water capture and reuse is to be provided where practicable.
- 6 Opportunities to reuse water in the landscape through WSUD are to be maximised.



Figure 20 WSUD Strategy

Bla

4.8 Contamination

- 1 The processes outlined in the *Site Wide Remedial Concept Plan – Blackwattle Bay Study Area*, (JBS&G Australia Pty Ltd, 12 January 2021) are to be implemented, including:
 - a. a Remediation Environmental Management Plan (REMP), to document the monitoring and management measures required to control the environmental impacts of the works and ensure the validation protocols are being addressed
 - b. a Work Health and Safety Management Plan (WHSP) to document the procedures to be followed to manage the risks posed to the health of the remediation workforce.
- 2 Each REMP and WHSP should address the potential for a range of chemical contaminant conditions in soil in addition to groundwater, ground gas/vapour and sediment in various areas of the Precinct, in addition to the potential occurrence and storage / handling of asbestos contaminated soils on the Precinct.
- 3 Upon completion of the works, validation reports and on-going Environmental Management Plans (EMPs) for residual impacted materials as may be retained beneath the specific area footprints will be required to be submitted to the consent authority documenting that the applicable footprint is considered suitable for the proposed use(s), subject (where applicable) to implementation of the relevant ongoing EMP.
- 4 Any development is not to activate polluted sediments by disturbance.
- 5 Strategies for extraction, capture and disposal are to 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.

5. TRANSPORT, MOVEMENT AND PARKING

Objectives

- a Ensure that the demand for transport generated by development is managed in a sustainable manner.
- b Provide a legible movement network of pedestrian and cycle links and new streets that prioritises public and active transport as a mode of transport over private motor vehicles.
- c Ensure the streets contribute to the network of public space, where people can live healthy, productive lives, meet each other, interact, and go about their daily activities.
- d Ensure the streets are enhanced by transport and have the appropriate space allocation to move people and goods safely and efficiently and connect places together.
- e Ensure legible pedestrian access to key public transport nodes of the new Pyrmont Metro Station, Wentworth Park and Fish Market light rail stations, and bus stops, with through-block permeability, active frontages on key pedestrian routes, sight-lines and wayfinding.
- f Deliver an extensive network of cycle ways as part of the development of the site that caters to various users and that supports active transport and the accessibility of the site to and from surrounding areas.
- g Ensure that bike parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking.
- h Ensure that the design promotes the use of through-site links by having a public character, being safe, well lit, highly accessible and having a pleasant ambience.
- i Design vehicle access and basement layouts and levels to maximise pedestrian safety and create high quality ground level relationships between the building and the public domain.
- j Ensure the demand for freight movement in the Precinct is accommodated within the development and does not rely on on-street loading and servicing.
- k Plan to connect to a future pedestrian and cycling connection at the Glebe Island Bridge.

Provisions

5.1 Street network

- 1 Streets are to be designed in accordance with:
 - a. **Figure 21** Road hierarchy.
 - b. **Figure 22** Street alignment
 - c. the standards set out in **Table 6** Indicative street specifications
 - d. the indicative street cross-sections at **Figures 23 to 31**
 - e. the City of Sydney Public Domain Manual (or any replacement of that document)
 - f. the City of Sydney Streets Design Code and Technical Specifications as they apply from time to time.
- 2 Street furniture is to be consistent with the Sydney Streets Design Code and relevant Council public domain plans.

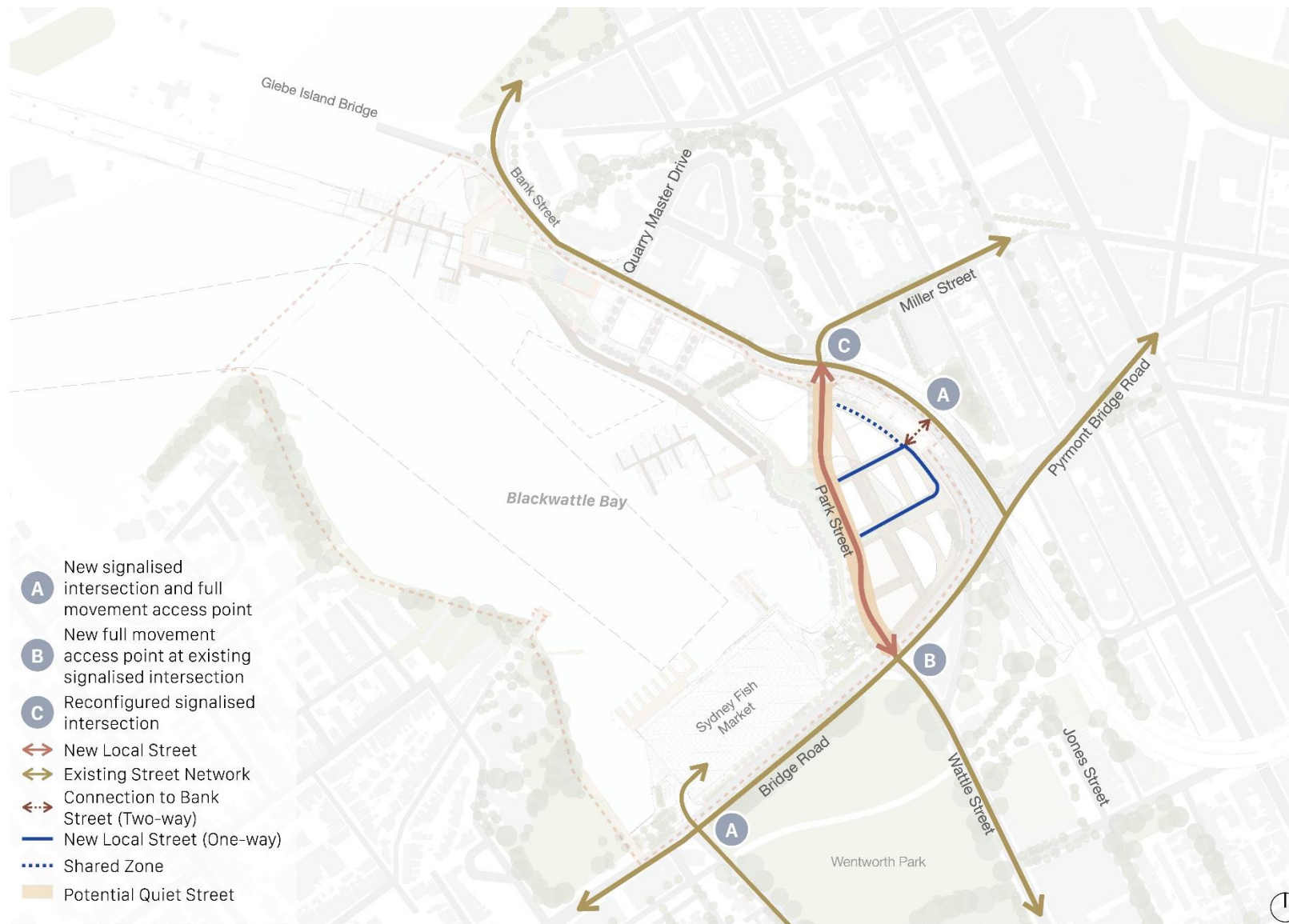


Figure 21 Road hierarchy

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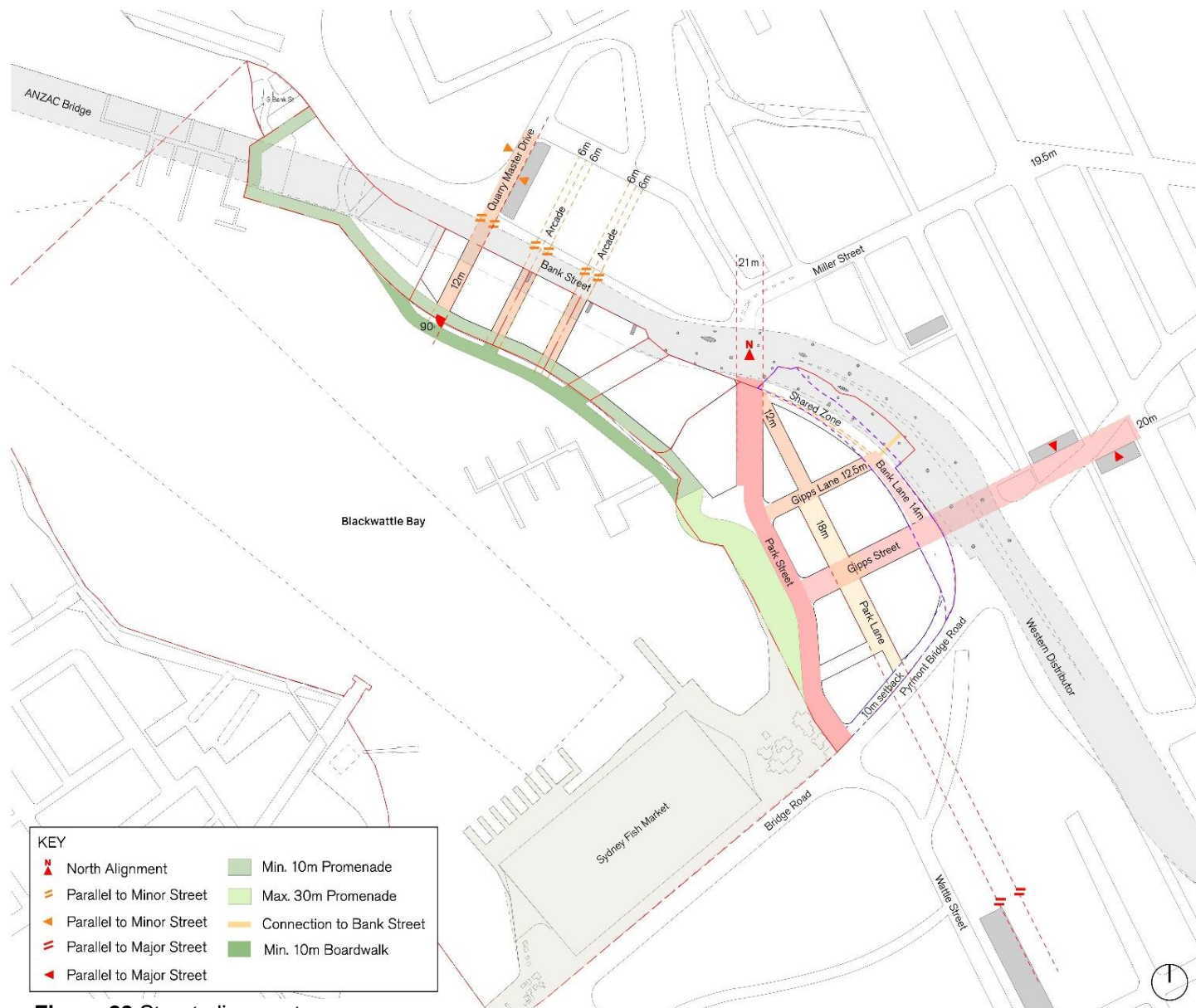


Figure 22 Street alignment

Blackwattle Bay Design Code

Table 6: Indicative street specifications

Street Name	Street Type	Reservation width	Traffic direction	Primary traffic lane width	Public Domain Furniture Zone	Continuous Accessible Path of Travel
Park Street*	Main street	12.6m	1 lane, both directions	2 x 2.75m	Min. 1.25m	Min. 3.0m
Gipps Street*	Local (mid-high activity street)	20m	1 lane, one direction	3.0m	Min. 1.25m	Min. 2.3m
Gipps Lane*	Local (low-mid activity street)	12.5	1 lane, one direction or 1 lane both directions	3.0m one direction, or 2 x 2.75m both directions	Min. 0.6m	Min. 1.6m + 0.6m passing zone
Bank Lane North	Shared zone	14m	1 lane, one direction	-	Min. 1.25m	Min. 2.8m
Bank Lane South*	Local (low-mid activity street)	14m	1 lane, one direction	3.0m	Min. 0.6m	Min. 1.6m + 0.6m passing zone

* If proposed, on-street parking to be no wider than 2.1m

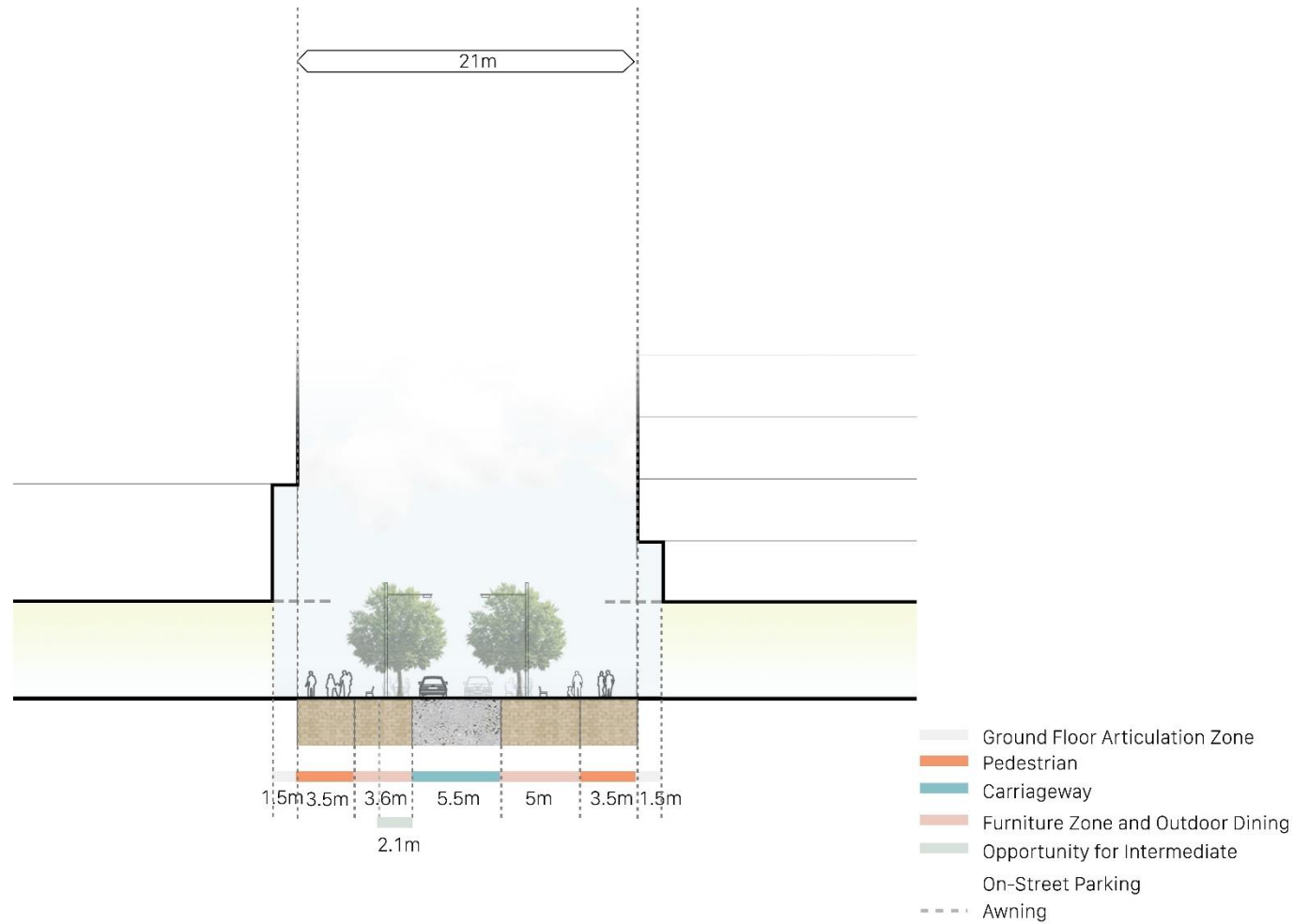
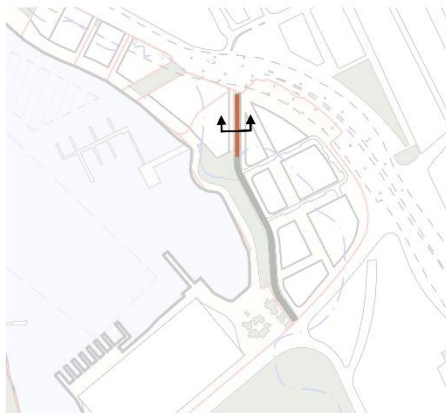


Figure 23 Park Street North



Figure 24 Park Street South

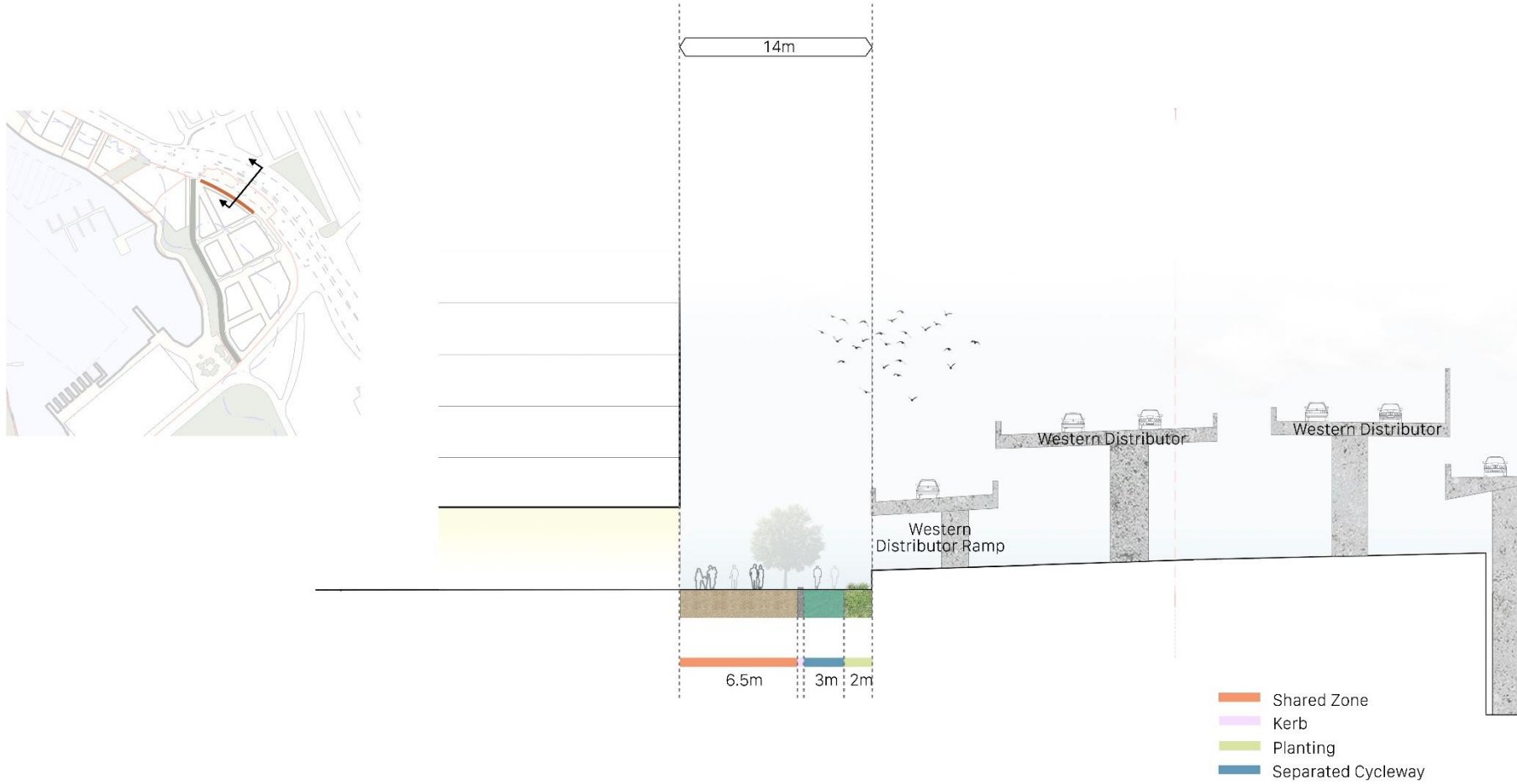


Figure 25 Bank Lane North

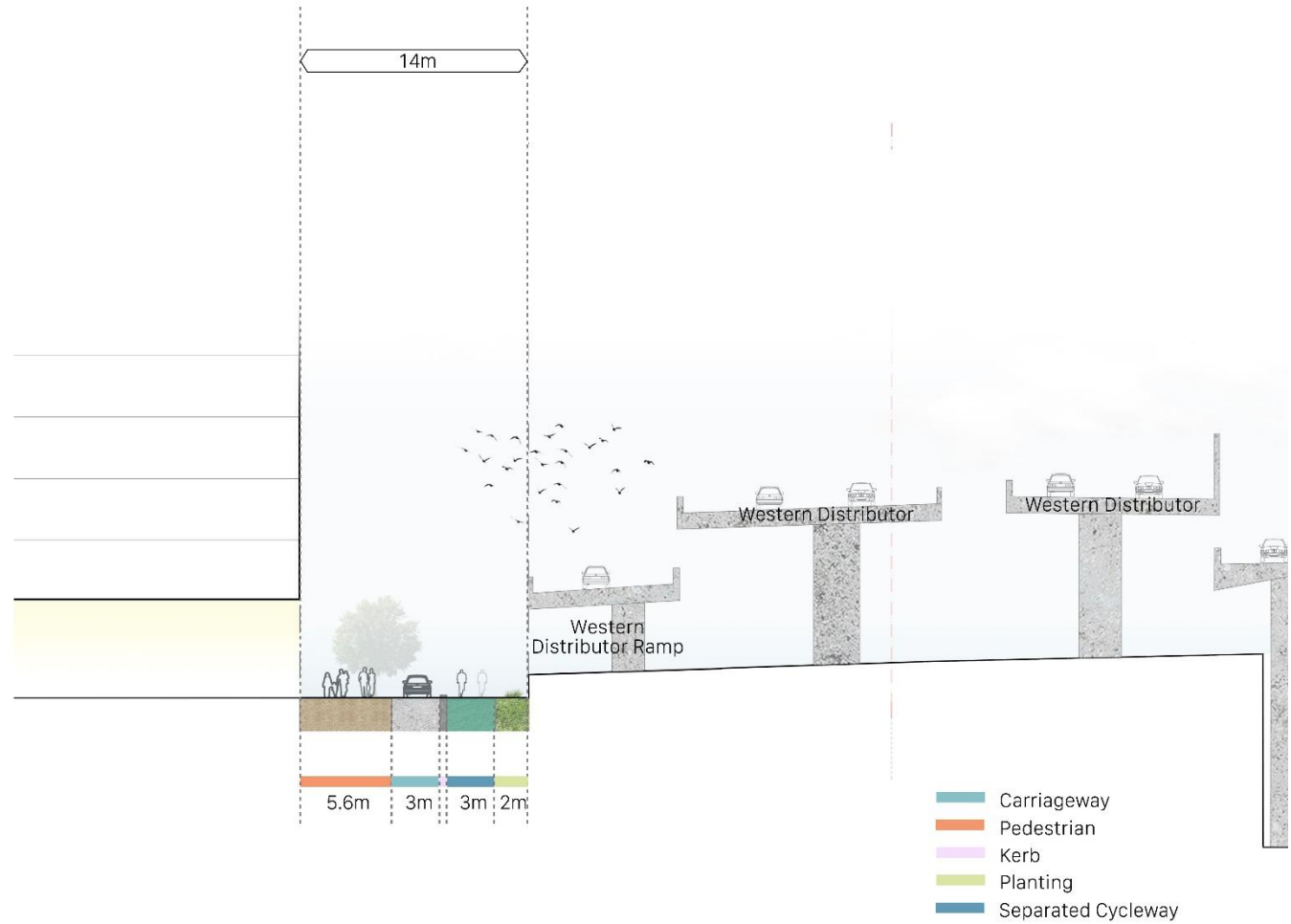
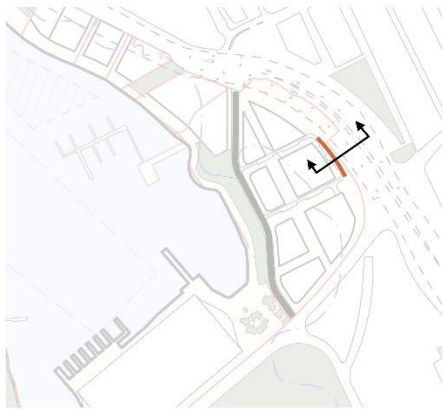
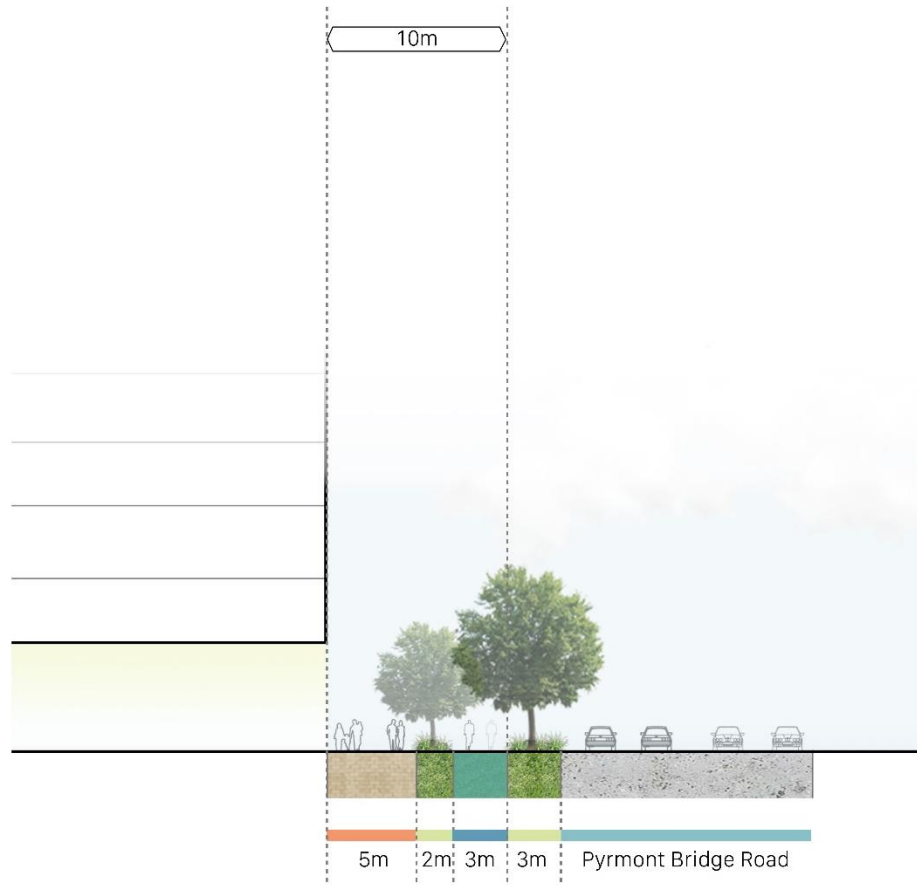
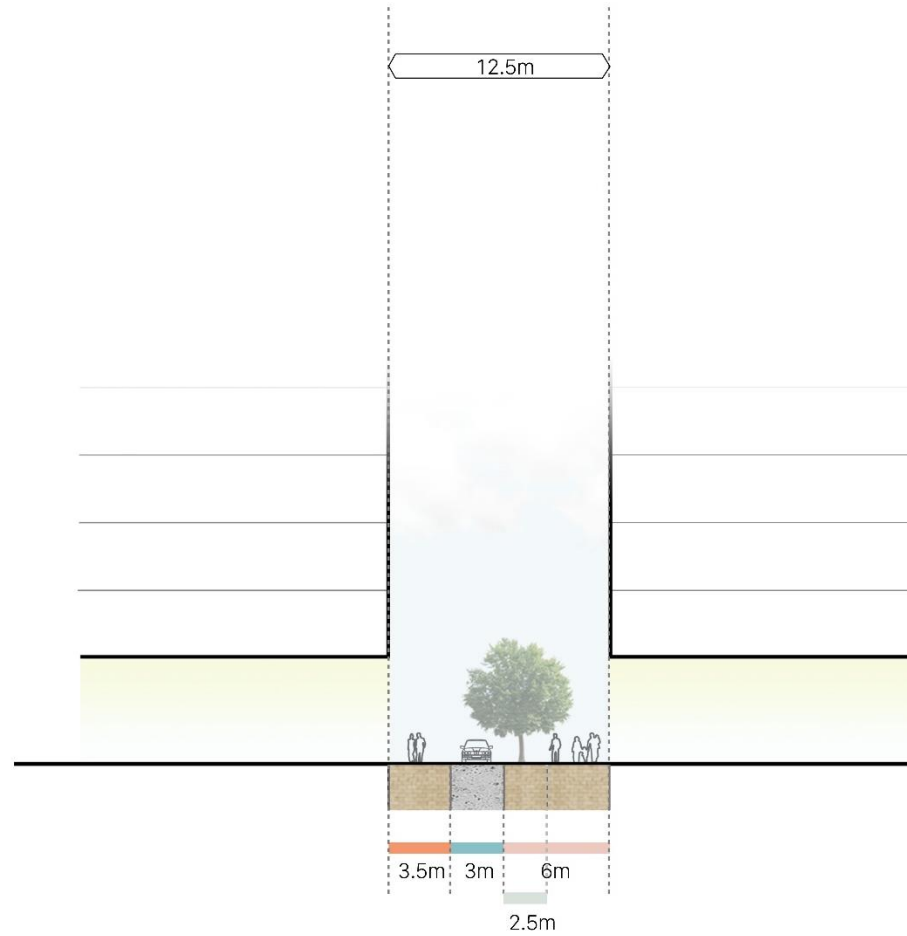


Figure 26 Bank Lane South



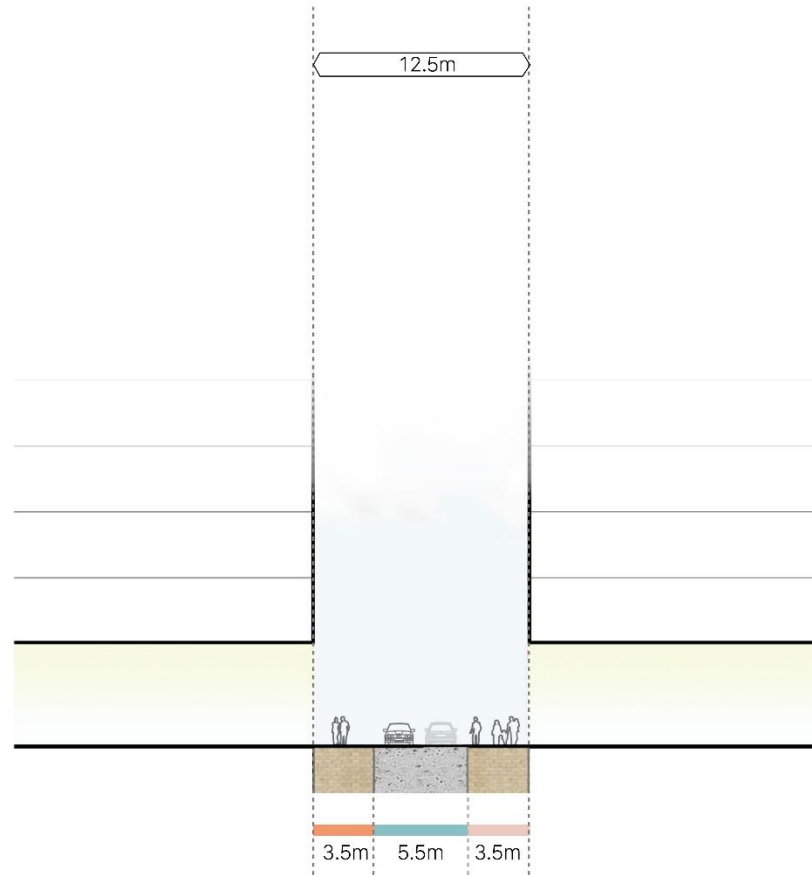
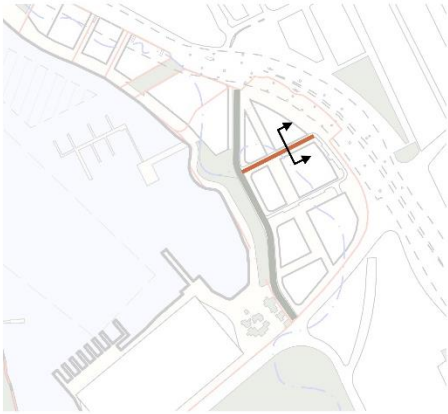
- Pedestrian
- Carriageway
- Planting
- Separated Cycleway

Figure 27 Pyrmont Bridge Road



- Pedestrian
- Carriageway
- Furniture Zone
- Opportunity for Intermediate On-Street Parking

Figure 28 Gipps Lane



- Pedestrian
- Carriageway
- Pedestrian and Furniture Zone
- Opportunity for Intermediate On-Street Parking

Figure 29 Gipps Lane – two way

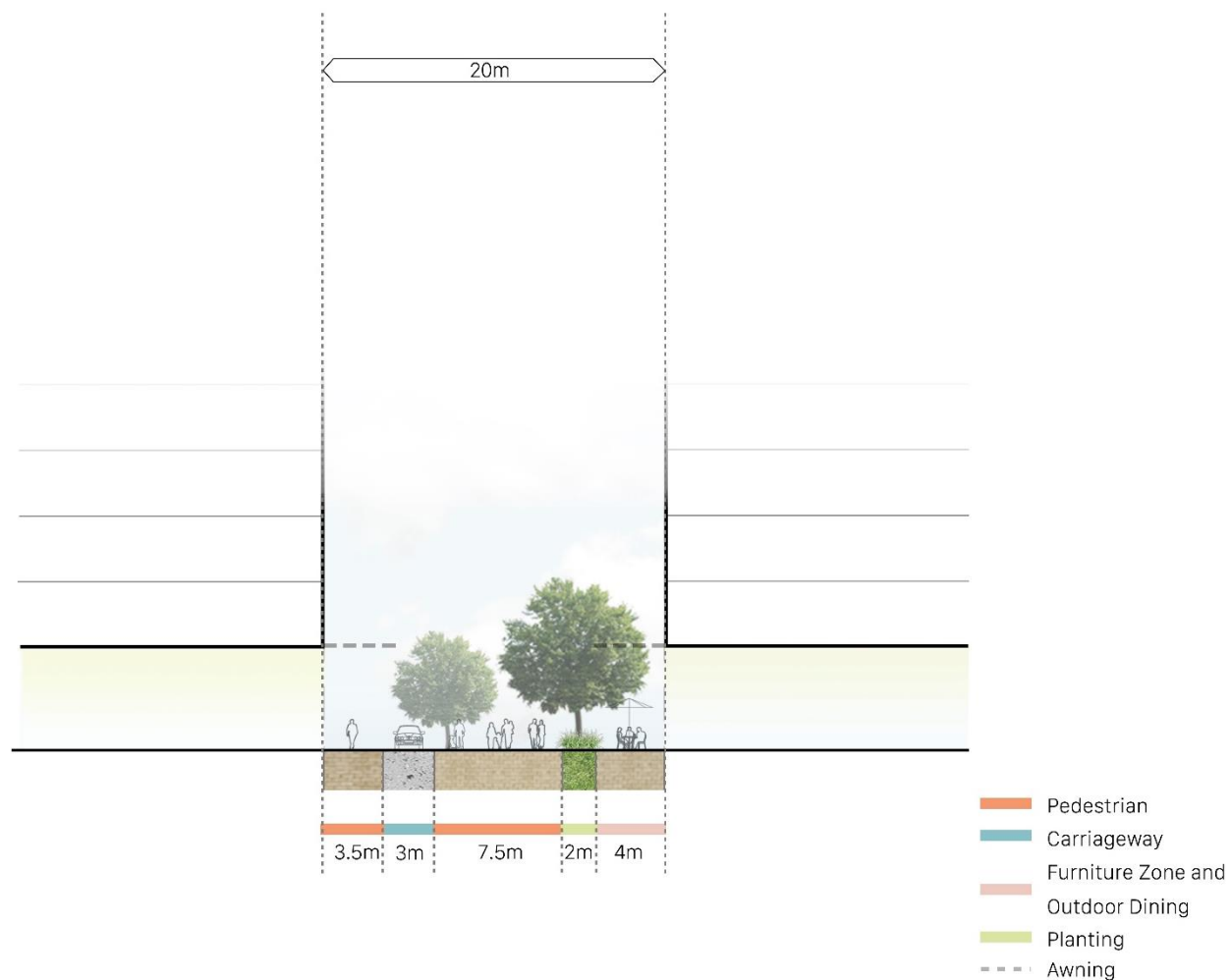
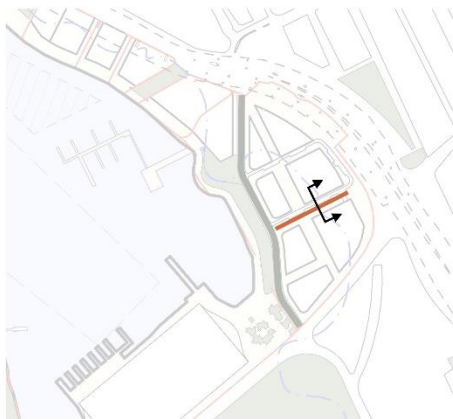


Figure 30 Gipps Street

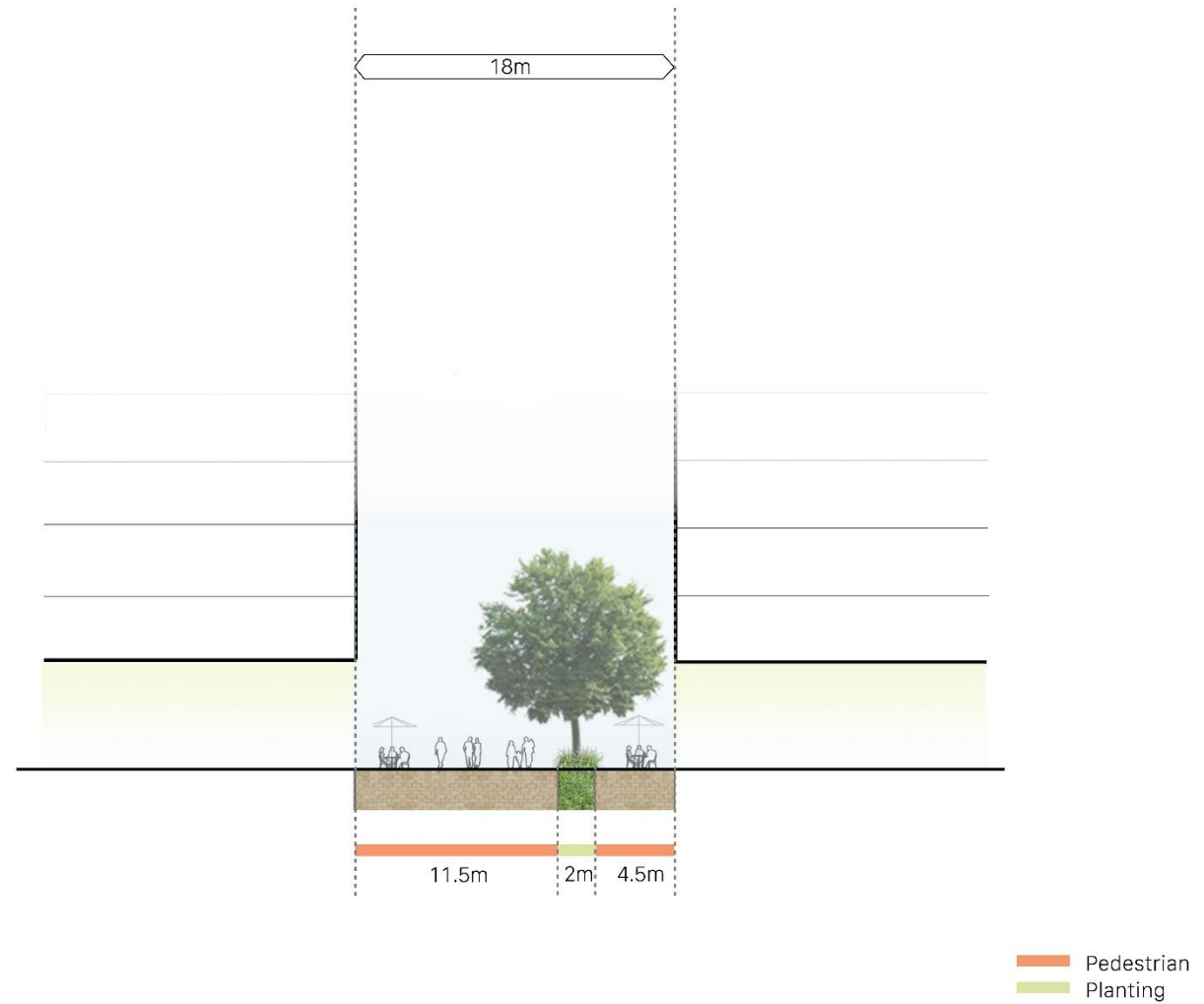
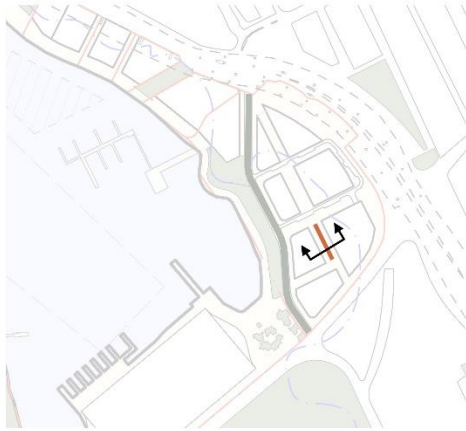


Figure 31 Park Lane

5.2 Pedestrian footpaths, walkways and crossings

- 1 The pedestrian network is to be designed in accordance with **Figure 32** Active transport and the following principles:
 - a. *Easy to cross* – facilities which make it easy for pedestrians of all abilities and ages to cross roads
 - b. *Shade and shelter* – ample urban greening provides cover along pathways to ensure good amenity and comfortable use in all seasons
 - c. *Places to stop and rest* – shaded spaces for pedestrian to stop during journeys, in particular for people with restricted mobility
 - d. *Not too noisy* – pedestrians can hold conversations while walking on footpaths adjacent to roads
 - e. *People feel safe* – the environment is and feels safe for pedestrians to ensure all users, including those of different ages and mobility levels, feel able to walk comfortably at all times
 - f. *Quick and direct* – pedestrian access to and from locations is uninterrupted to ensure timely travel over shorter distances
 - g. *Ample provision of space and distance between pedestrians on footpaths* – wide enough to accommodate all users at a safe distance
 - h. *Variety* – the walking environment is interesting for pedestrians through the presence of urban greenery, active frontages and activated Places
- 2 Footpath layout, design and width is to cater for the anticipated high pedestrian flows within and to and from the Precinct.
- 3 Low shrubs and hedges to reduce air pollution should be considered along roads (for example, under trees) to help protect pedestrians from vehicle pollution and reduce air pollution entering buildings.
- 4 Existing intersections at Bridge Road & Wattle Street and Bank Street & Miller Street are to be upgraded and reconfigured to optimise pedestrian, and where relevant, cyclist crossing legibility and safety.
- 5 A series of access points to the water are to be provided from Bank Street through arcades and lanes between built form generally aligned to the Pyrmont grid to optimise visual connections.
- 6 Marked pedestrian crossings are to be provided at the Bridge Road & Wattle Street and Bank Street & Miller Street intersections.

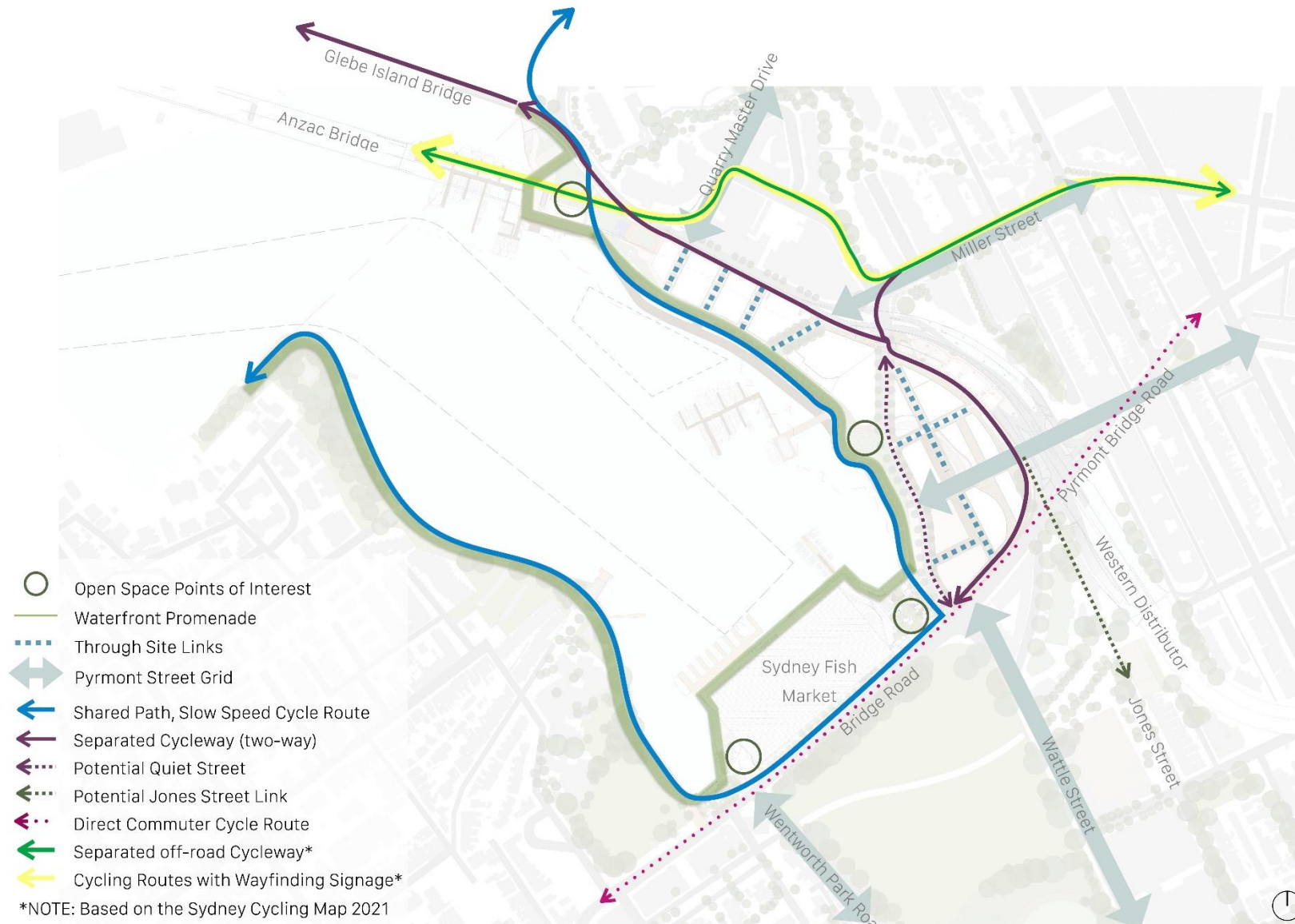


Figure 32 Active transport

5.3 Bicycle network and infrastructure

- 1 The cycle network within the Precinct is to be generally in accordance with **Figure 32** Active transport.
- 2 Public bicycle parking facilities are to be provided in the public domain with convenient access to commuter and recreational cycleways in the Precinct.
- 3 Bike parking and associated facilities within developments are to be provided in accordance with the requirements of SDCP 2012.

5.4 Public transport

- 1 Development is to be designed to facilitate easy, efficient and safe connectivity to existing and proposed public transport. Transport for NSW is to be consulted during the design development stage in this regard.
- 2 Transport for NSW is to be consulted regarding any proposals to provide for a ferry wharf in Blackwattle Bay.



Figure 33 Public transport

5.5 Vehicle parking and access

5.5.1 General

- 1 Provisions relating to 'Transport and parking' in SDCP 2012 apply to the Blackwattle Bay Precinct, except where varied below.

5.5.2 Vehicle parking and access

- 1 The rate of car parking provision for residential development is to comply with SLEP 2012 as well as SDCP 2012 in respect of Category A (*Land Use and Transport Integration*).
- 2 The rate of car parking provision for retail development is to comply with SLEP 2012 as well as SDCP 2012 in respect of Category D (*Public Transport Accessibility Level*).
- 3 In accordance with clause xx of SLEP 2012, the rate of car parking provision for the purposes of office and business premises is not to exceed one space per 300m² of commercial GFA.
- 4 The rate of car parking provision for residential development is to include one accessible parking space per adaptable dwelling.
- 5 Accessible parking is not required where a parking service is provided and direct access to any of the car parking spaces is not available to the general public or occupants.
- 6 Notwithstanding maximum car parking rates in SLEP 2012 and SDCP 2012, minimised provision of parking for all land uses is encouraged to capitalise on the proximity of Blackwattle Bay to the Light Rail, the proposed Pymont Metro Station and active transport opportunities provided by improved pedestrian and cyclist networks.
- 7 All required private car parking is to be provided at basement level.
- 8 Pedestrian access to residential apartments is to be separated from the commercial/retail uses.
- 9 The provision of car parking (including driveways and ramps) is not to result in the underachievement of deep soil requirements.
- 10 Vehicle driveway widths are to be minimised and be designed to give priority to pedestrians and cyclists by continuing the type of footpath material and grade (i.e. continuous footpath pavement at all car park basement entry points).
- 11 Buildings are to be equipped with sufficient electricity supply to enable future electric vehicle charging for all vehicle parking in the development.
- 12 Opportunities for decoupled and/or unbundled parking should be considered where feasible.

5.5.3 Freight management

- 1 The feasibility of a combined loading dock for the Precinct (excluding the new Sydney Fish Market) which services residential, commercial and retail uses is to be investigated during the detail design phase.
- 2 Service vehicle parking is to be provided in accordance with the requirements of SDCP 2012.

5.6 Through site links and publicly accessible rights-of-way

- 1 Through-site links are to be provided as an easement for public right of way as per **Figure 34** through-site links.
- 2 Through-site links are to:
 - a. be accessible to pedestrians 24 hours a day
 - b. be designed to ensure pedestrian safety through the limiting of vehicular access (other than temporary maintenance or emergency vehicles) and by bollards (which may be retractable) at intersections with public roads
 - c. provide a safe environment, including appropriate lighting and clear straight sightlines

- d. provide a legible, unobstructed pedestrian footway for their entire length without fencing or gates that restrict pedestrian access
- e. allow sufficient space for users to move around each other comfortably and safely, with a preferred pathway width of at least 3 metres and an absolute minimum at any point of 1.8 metres
- f. be activated and surveyed through the design of the ground floor and upper levels of adjoining buildings. This can be achieved through active uses, retail frontages and entries, communal courtyards and apartment entries, egress paths that draw people through the through site link, and windows and balconies overlooking the through site link;
- g. be designed to be accessible for people of all abilities
- h. be open to the sky.

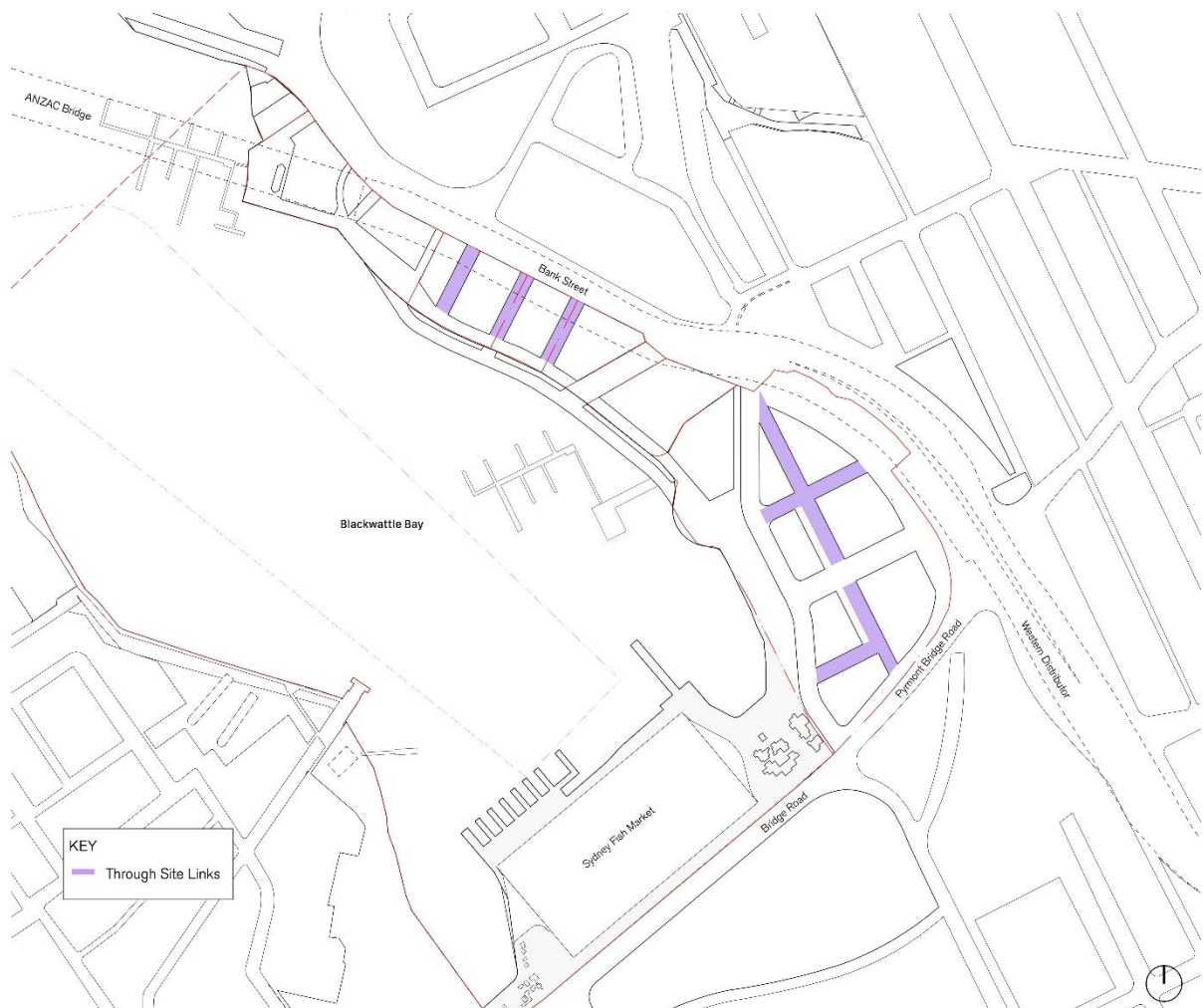


Figure 34 Through-site links

5.7 Awnings and colonnades

- 1 Awnings and colonnades are to be provided in accordance with **Figure 35** Awnings and colonnades.
- 2 Provisions relating to 'Awnings' and 'Colonnades' in SDCP 2012 apply in the Blackwattle Bay Precinct.

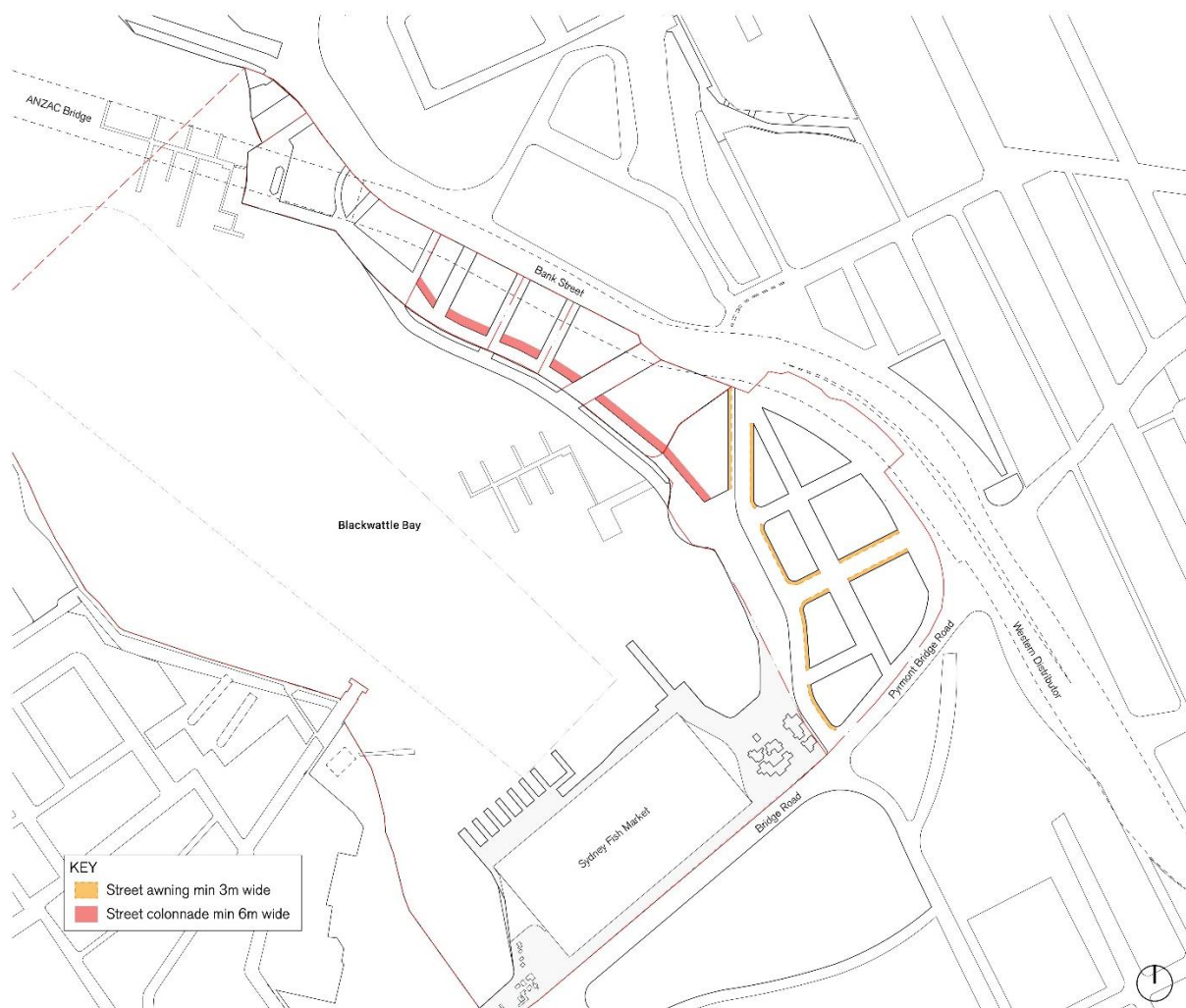


Figure 35 Awnings and colonnades

6. LAND USE

Objectives

Land use mix

- a Redevelop Blackwattle Bay into a vibrant new urban quarter focused on knowledge-based jobs, 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.
- b Provide for a land use mix that is generally aligned with the Pymont Peninsula Place Strategy, providing for jobs and industries of the future as well as other non-residential and residential uses, whilst retaining flexibility for increased commercial uses should market forces support higher levels of workplace accommodation.
- c Ensure orderly urban renewal can occur in accordance with Government objectives and policy.

Commercial uses

- d Deliver a range of workplace building typologies including a range of different sized floorplates.
- e Encourage diverse retail and services to meet the needs of communities.
- f Create opportunities for a range of complementary active uses on the ground level - such as food and beverage, outdoor dining and retail - that will enhance and activate the public domain.
- g Encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in Blackwattle Bay as well as people who visit the Precinct.
- h Encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night.
- i Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.
- j Ensure that a commitment is made by operators of late night trading premises to good management through the monitoring and implementation of robust plans of management.

Land use conflicts

- k Ensure new development is designed to minimise land use conflicts with existing industrial uses in the short to medium term.
- l Locate residential uses to minimise impacts from activation in the public domain.
- m Ensure that occupiers of future residential apartments and non-residential tenancies are made aware regarding noisy activities in the public domain.
- n Ensure that late night trading premises are managed to have regard to the amenity of residential or other sensitive land uses.

Residential uses

- o Provide residential development 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.
- p Ensure a mix of dwelling sizes and tenures are provided, and that housing is flexible, encourages diversity, and caters for the needs of the existing and future resident population.
- q Help meet demand for housing close to amenity, transport, services and jobs.

Community uses

- r Provide community facilities and spaces that cater for the needs of the future Blackwattle Bay community and encourage social interaction and cohesion.

Waterway uses

- s Ensure that access to and from the waterway is improved and maintained for public recreational purposes
- t Make provision for public boating facilities along the waterfront.
- u Allow for future water-based public transport (such as ferries).
- v Ensure a prosperous working harbour and an effective transport corridor.

- w Ensure the safe coordination of commercial and recreational vessels within the bay

Active frontages

- x Ensure ground floor frontages are pedestrian oriented, of high design quality to add vitality to streets and public domain and to encourage outdoor dining and activation both day and night.
- y Allow for active frontages in other non-identified locations to contribute to the amenity of the streetscape.
- z Encourage frequent building entries that face and open towards the street.

Signage

- aa Encourage well designed and suitably located signs which:
 - i. (i) achieve a high level of design quality;
 - ii. (ii) complement the architectural design and use of buildings, and the character of streetscapes;
 - iii. (iii) do not contribute to a cumulative visual clutter on and around buildings; and
 - iv. (iv) do not detrimentally impact on streetscape and residential amenity.
- bb Require an integrated approach for multiple signs on new buildings

Provisions

6.1 Location of land uses

- 1 Land uses should generally be located in accordance with **Figure 2: Illustrative Precinct Plan**.
- 2 Land uses within the Precinct are to have consideration to site constraints and should respond accordingly, harnessing the opportunities for outlook and amenity in the upper portions of the built form and maximising activation of the public domain.

6.2 Land use conflicts

6.2.1 Future residential development

- 1 Residential apartments are to be adequately separated from lower floor active uses and events within the public domain to help reduce the likelihood of noise disturbance. Suitable facade attenuation measures are required to be incorporated into all future residential developments within the Precinct.
- 2 Prospective purchasers and occupiers of future residential apartments and non-residential tenancies are to be made aware that:
 - a. the development is in a vibrant entertainment and recreation precinct that will be subject to cultural and community events
 - b. events in the precinct may result in significant noise, light emissions, vibration and temporary changes to access arrangements over multiple 24 hour cycles throughout the year.
- 3 Future Development Application(s) within the precinct must include details of strategies and/or mechanisms which can be secured through the development consent or other legal agreement to ensure prospective purchasers and occupiers are made aware of the matters outlined in cl.6.2.1(2) above.

6.2.2 Development in the vicinity of existing industrial uses

- 1 Development must demonstrate consideration of existing industrial operations and impacts on the proposed development
- 2 Cumulative noise impacts must be considered within the Precinct, taking into account the contribution of existing (and making allowance for future) industrial and commercial noise sources.
- 3 Measures such as buffers and barriers, as well as other measures detailed in Section 8.3 Noise of this Code, are to be implemented to ensure that residences or other sensitive receiving environments are not adversely affected by noise, dust, odour, chemicals, or the like from existing operations.
- 4 New development is to be designed to minimise impact on existing industrial traffic movements, having particular regard to avoiding conflicts between industrial traffic and pedestrians/cyclists.

6.2.3 Noise generating land uses

- 1 Late night trading venues are to comply with the provisions set out in Section 6.3 of this Design Code.
- 2 High noise-generating uses (such as licensed premises) are to be grouped together and away from residential receptors. Cumulative impacts from these uses are to be considered.
- 3 Non-residential development should be positioned to shield residential areas from noise wherever practicable.

6.3 Late night trading

- 1 Provisions relating to 'Late Night Trading' in the SDCP 2012 apply to the Blackwattle Bay Precinct.
- 2 Blackwattle Bay Precinct is categorised as 'City Living Area' for the purposes of applying the late night trading provisions under SDCP 2012.

6.4 Residential and mixed use development

6.4.1 Dwelling mix

- 1 Development of 20 dwellings or more is to provide dwellings within the following proportional ranges:
 - a. Studio dwellings - 5 to 10% of total dwellings
 - b. 1-bedroom dwellings - 10 to 30% of total dwellings
 - c. 2-bedroom dwellings - 40 to 75% of total dwellings
 - d. 3-bedroom dwellings or larger - 10 to 30% of total dwellings.
- 2 The maximum percentage of 1 bedroom dwellings may be increased above 30% provided the numbers of studio dwellings and 1 bedroom dwellings combined does not exceed 45% of the total dwellings proposed.

6.4.2 Flexible design and adaptable housing

- 1 New development is to include a variety of internal designs that will allow adaptation to different uses over time by:
 - a. providing internal walls that can easily be removed without affecting structural integrity
 - b. locating services so that they do not impede the future conversion of the unit into a different configuration
 - c. incorporating the ability to separately occupy parts of individual dwellings.

- 2 Dwellings comprising two or more bedrooms may be configured as two adjacent apartments provided:
 - a. both apartments are accessed from a shared private lobby or have dual-key access
 - b. where a strata plan exists, both apartments are contained within a single strata unit.
- 3 Communal rooms and creative live-work spaces are encouraged in new residential developments.
- 4 20 per cent of the total apartments are to incorporate the *Liveable Housing Guideline's* silver level universal design features.
- 5 Adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes.
- 6 Adaptable dwellings are to be provided in all new development in accordance with the rates in **Table 7** Provision of adaptable dwellings.

Table 7 Provision of adaptable dwellings

Total number of dwellings	Number of adaptable dwellings to be provided
Between 0 and 7	Nil
Between 8 and 14	1 dwellings
Between 15 and 21	2 dwellings
Between 21 and 29	3 dwellings
30 or more	15% of total dwellings

Note: Adaptable housing is designed to enable easy modification in the future for occupation and visitation by people with a disability or people who may acquire a disability gradually as they age. Design criteria for adaptable housing are set out in the relevant Australian Standards.

6.4.3 Affordable housing

- 1 Affordable housing is to be provided in accordance with the following principles:
 - a. affordable housing is to be provided so that a socially diverse residential population, representative of all income groups, is created
 - b. affordable housing is to be made available to a mix of households on very low to moderate incomes and rented at no more than 30% of gross household income
 - c. affordable housing is to be used for affordable rental housing in perpetuity
 - d. residents of affordable housing are to have equal access to shared facilities to private dwellings, such as communal open space
 - e. affordable housing is to provide a high level of amenity for residents and be constructed to a standard which, in the opinion of the Consent Authority, is consistent with other dwellings in the Precinct
 - f. affordable Housing is to be owned and/or managed by government or a Tier 1 or Tier 2 community housing provider.
- 2 Where built by a developer, other than that which will be the end owner and/or manager of the social or affordable housing, the end owner and/or manager is to be consulted in the design of the building and preparation of any development application.
- 3 Where required by any end owner and/or manager of affordable housing, the following is to be incorporated:
 - a. communal space for resident meetings, training and events and the like
 - b. office space for the housing provider
 - c. any other non-residential space that may be required.

6.4.4 Housing for Aboriginal and Torres Strait Islander peoples

- 1 For any affordable housing provided on site, 10% or more of the total number of affordable housing dwellings is to be provided for Aboriginal and Torres Strait Islander housing.
- 2 Aboriginal and Torres Strait Islander housing is to be culturally appropriate housing.
- 3 The design of Aboriginal and Torres Strait Islander housing is to be informed by an Aboriginal or Torres Strait Islander architect with experience in designing culturally appropriate housing.

6.5 Community and cultural uses

- 1 Development is to include floorspace that is suitable for community facilities as follows:
 - a. approximately 1,200 square metres (GFA) of space for cultural and creative uses.
 - b. a community centre space of a minimum of 400 square metres (GFA) in a location that enables its use as a boat house/club house. The facility should accommodate existing dragon boat, kayak and canoe paddlers as well as be available for use as general multipurpose community meeting and activity space.
- 2 Future community and/or cultural facilities may be located in 1 to 3 Bank Street and Building 1.
- 3 Place Management NSW is to be consulted on the design and development of cultural and creative spaces.

6.6 Retail, commercial and other non-residential uses

- 1 A diverse range of commercial and business land uses are encouraged within the Precinct.
- 2 Consideration should be given to tightly clustering commercial office uses in close proximity to public transport and services.
- 3 A mix of large and smaller floorplates are to be provided to attract a mix of commercial and business activities.
- 4 Up to 10,500 square metres gross leasable area (GLA) of convenience-based retail offering may be provided in the Precinct to serve residents, workers and visitors.
- 5 Buildings are to be designed to enable flexibility in future commercial land use mix
- 6 A variety of uses should be provided at street level, which contributes positively to economic and social vitality.
- 7 Proposals are to provide an assessment to demonstrate there is adequate provision of childcare facilities to support the development

6.7 Active frontages

- 1 Active frontages are to be provided in accordance with **Figure 36** Active frontages.
- 2 For the purposes of this control, an active street frontage is not required for any part of a building to be used for any of the following:
 - a. entrances and lobbies (including as part of mixed use development),
 - b. access for fire services,
 - c. vehicular access.
- 3 Loading access should generally not occur where active frontages are nominated.

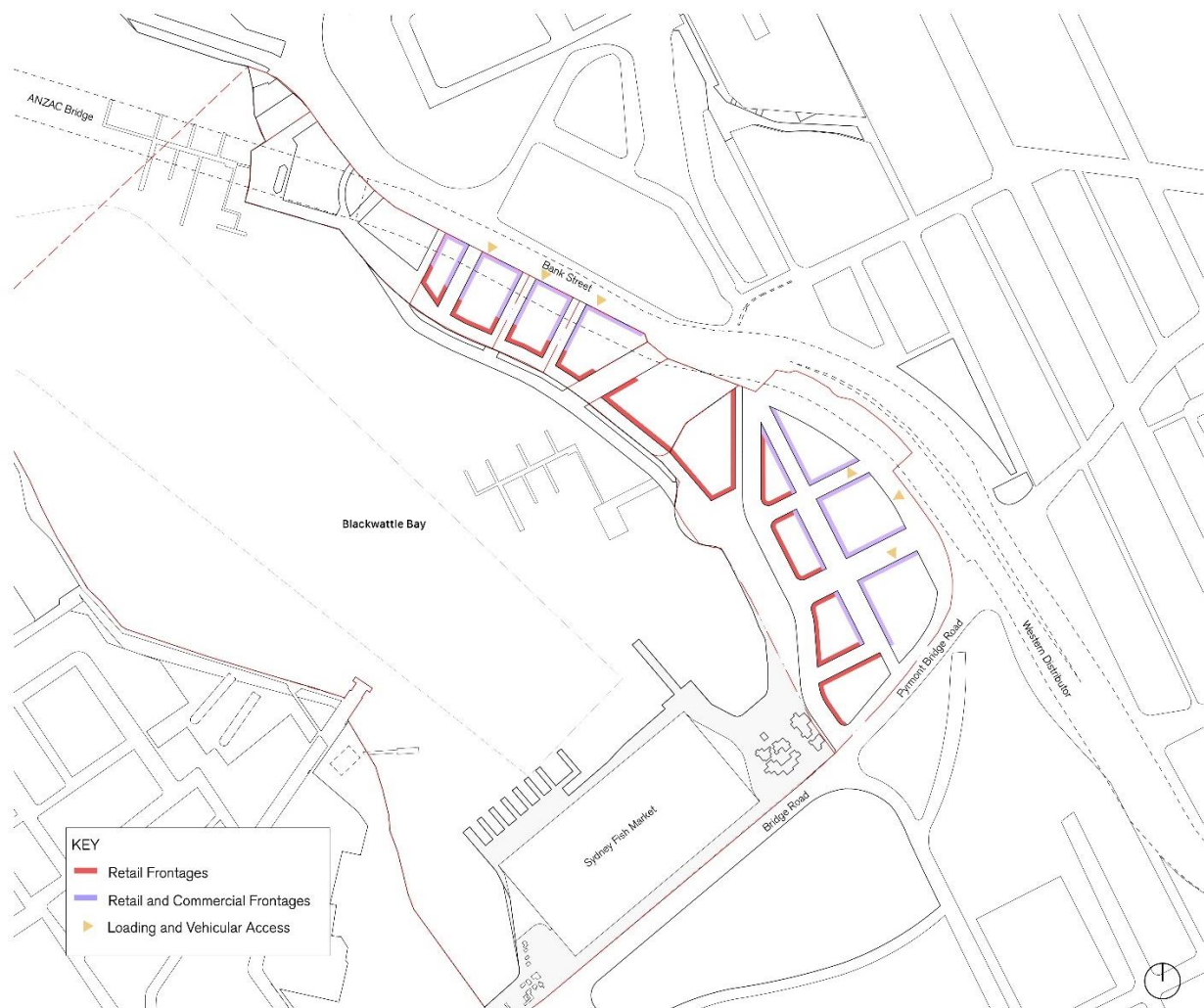


Figure 36 Active frontages

6.8 Waterway uses and management

- 1 Infrastructure for recreational boat launching and storage is to be provided in the Bank Street open space.
- 2 Chapter 10 *Sydney Harbour Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies to development at Blackwattle Bay.
- 3 Any future proposals to increase the number of vessels will be subject to assessment to ensure recreational uses are not impacted.
- 4 A Marine Traffic Management Plan is to be prepared at development application (DA) stage, where the development relates to changes in marine traffic. The Marine Traffic Management Plan is to be submitted to and approved by Transport for NSW and the Harbour Master.
- 5 A Navigation Impact Analysis is to be prepared with any proposed marine structure.

6.9. Signage

- 1 Provisions relating to 'Signage and Advertisements' in SDCP 2012 apply to the Blackwattle Bay Precinct, except with respect to wayfinding signage which is subject to the provisions in Section 3.7 Wayfinding of this Code.

7. BUILDING LAYOUT, FORM AND DESIGN

Objectives

Design excellence

- a Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.
- b Ensure development individually and collectively contributes to the architectural and overall urban design quality of Blackwattle Bay.
- c Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens Blackwattle Bay's public realm.
- d Provide for a design excellence process that delivers cohesive precinct outcomes and seamless integration with the public domain.

Built form

- e Ensure the built form contributes to the evolving character of Pyrmont.
- f Provide a range of building heights, types and architectural styles to create diversity and visual interest whilst protecting solar access to the new waterfront promenade, public domain and open space areas.
- g Minimise overshadowing and overlooking of existing and proposed buildings.
- h Ensure a high level of solar access to new and existing public open space and public domain.
- i Ensure the height of future buildings complement existing landmarks including the pylons of the Anzac Bridge and provide an appropriate context for the new Sydney Fish Market.
- j Provide maximum street wall heights that reflect the existing morphology of the area and ensure a human scale to the public domain and open space areas.
- k Locate taller buildings setback from the public domain and open space areas to preserve the amenity of the public domain and open space areas.
- l Ensure heights comply with the Obstacle Limitation Survey and other aeronautical requirements.
- m Ensure that buildings contribute to the physical definition of the public domain and provide appropriate separation between the public domain and private development.
- n Maximise a sense of openness within the site and adjacent areas.
- o Ensure that plant and lift overruns are designed as simple compact forms that are visually unobtrusive.

Provisions

7.1 Design excellence

7.1.1 General

- 1 In accordance with clause xx of the Sydney LEP 2012 any of the following development in the Precinct is subject to a competitive design process:
 - a. buildings with a height greater than 25m
 - b. development having a capital value of more than \$100,000
 - c. development for which the applicant has chosen such a process.
- 2 For the purposes of clause xx of Sydney LEP 2012 a building demonstrating design excellence means a building where the design of the building (or the design of an external alteration to the building) is the winner of an architectural design competition and the consent authority is satisfied that the building or alteration exhibits design excellence.
- 3 The competitive design process must be undertaken in accordance with the Blackwattle Bay Competitive Design Policy. The Blackwattle Bay Competitive Design Policy is provided at

- 4 The competitive design process is to be undertaken in accordance with a Design Excellence Strategy approved by the Blackwattle Bay Design Excellence Panel and as set out in the Blackwattle Bay Competitive Design Policy.
- 5 The competitive design process is to be undertaken before the detailed Development Application is submitted.

7.1.2 Design Excellence Panel

- 1 A Design Excellence Panel, to be known as the Blackwattle Bay Design Excellence Panel, is to be constituted for the purpose of overseeing the design excellence process and for ensuring design excellence is achieved at Blackwattle Bay.
- 2 The Blackwattle Bay Design Excellence Panel is to comprise a minimum of four (4) members and a maximum of six (6) members.
- 3 Members of the Design Excellence Panel are to comprise:
 - a. representatives selected from the State Design Review Panel.
 - b. one member nominated by Place Management NSW as an independent representative.
- 4 Place Management NSW may also nominate one observer to the Design Excellence Panel.
- 5 The members of the Design Excellence Panel are permanent appointments (for a period of up to 5 years).
- 6 Design Excellence Panel members must:
 - a. represent the public interest
 - b. be appropriate to the type of development proposed
 - c. include only persons who have expertise and experience in the design and construction professions and industry
 - d. include registered architects and landscape architects with urban design expertise.
- 7 In the event that a member of the Design Excellence Panel has a pecuniary interest in the development proposal or involvement in approval processes, the member must step down and an alternate member must be appointed for the competition.

7.1.3 Types of competitive design processes

- 1 A developer can undertake:
 - a. an 'open' architectural design competition
 - b. an 'invited' architectural design competition
- 2 The 'competitive design alternatives' option is not available for buildings at Blackwattle Bay.

7.1.4 Design Excellence Strategy

- 1 A Design Excellence Strategy is to be prepared by the developer and approved by the Blackwattle Bay Design Excellence Panel prior to the commencement of each competitive design process.
- 2 The Design Excellence Strategy is to define:
 - a. the location and extent of each competitive design process, where each competitive design process is to be limited to a single development site or street block
 - b. the type of competitive design process(es) to be undertaken: an open or invited architectural design competition
 - c. the number of designers involved in the process(es)
 - d. how fine grain and contextually varied architectural design is to be achieved across large site
 - e. provision of floor space for child care centres, health services, cultural and creative uses
 - f. the target benchmarks for ecologically sustainable development.

7.2 Building envelopes

7.2.1 Building layout

- 1 Buildings are to be located within the sites nominated in **Figure 37** Development Sites.
- 2 The layout of buildings within the development sites is to ensure:
 - a. buildings address the street and align with streets to form broken perimeter blocks with building breaks where appropriate
 - b. full height gaps are provided between buildings for solar access and visual connections between street and private open spaces within blocks.

7.2.2 Building alignments and setbacks

- 1 Building alignments and setbacks must generally be in accordance with **Figures 38 to 47**.
- 2 Basements must generally not be located under public open space or other public domain areas. Basements may only be located under public open space and other public domain areas where it can be demonstrated that soil volume and depth requirements set out in **Section 3.4** Tree canopy, street trees and landscaping of this Code can be met and utilities can be accommodated.
- 3 Where the topography of the land or other constraints result in basement car parking projecting above ground, it must be sleeved by commercial, residential or other active uses.

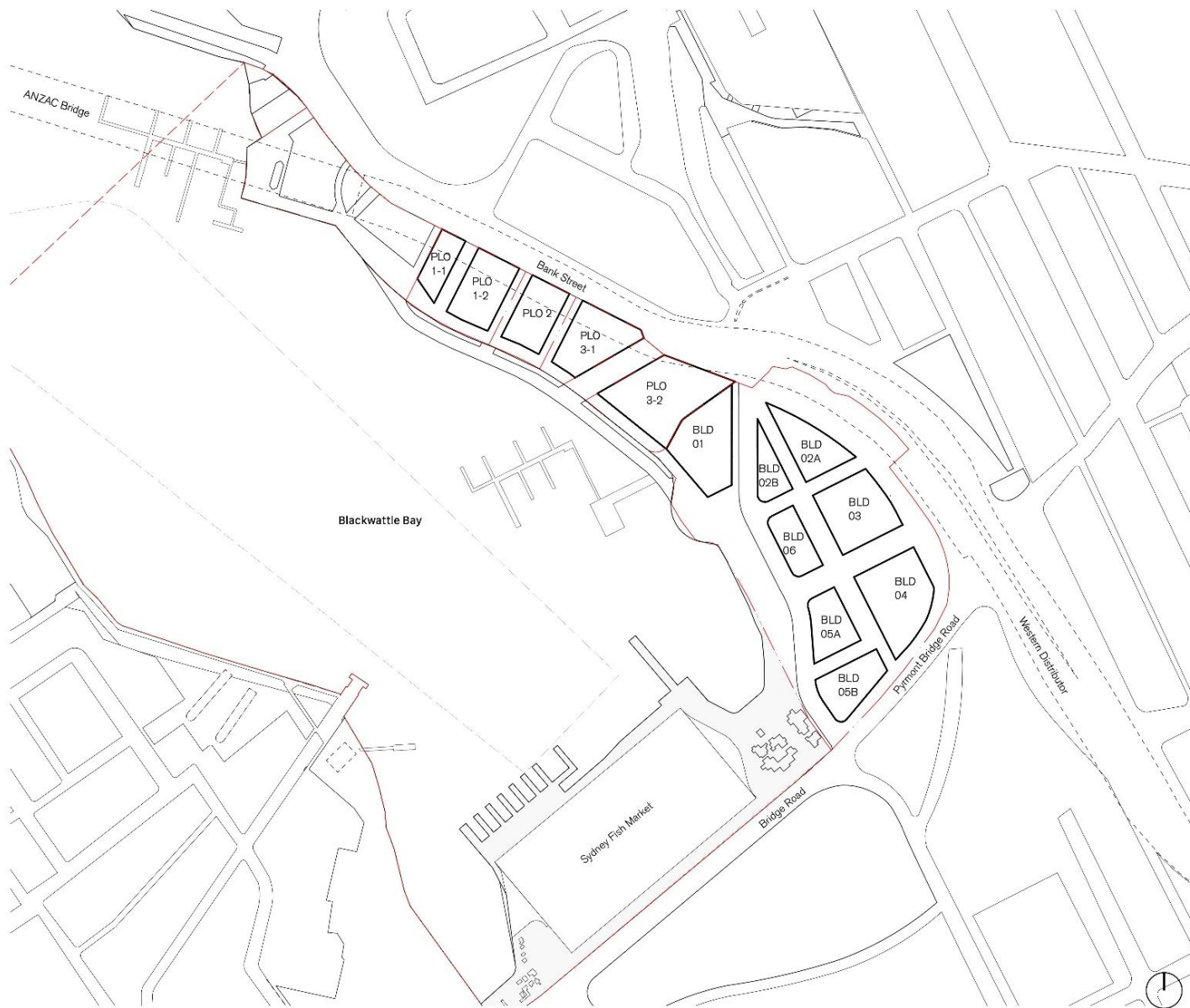


Figure 37 Development sites



- ▲ Site Access
- Tower setback alignment @ CL of PLO 02
- Podium setback alignment
- Min. 3m setback from Western Distributor
- Min. 3m setback above AHD 21.0
- Min. 6m setback above AHD 21.0
- Min. 6m setback above AHD 35.6
- Pivot Marker
- Quarry Master Alignment
- ▨ Min. 10m Waterfront Promenade
- ▨ Min. 6m setback from boundary
- ▨ Additional promenade setback to Bank St Open Space transition
- ▨ Quarry Master Drive continuation void up to podium height

PLO 1.1 + PLO 1.2

Podium Height (AHD)
21.00m

Max. GFA (m²)
19,880

PLO 1.1

Max. Height (AHD)
54.4m

PLO 1.2

Max. Height (AHD)
81.4m

* Max Height AHD Irrespective of Solar Plane

Figure 38 Block PLO1-1 and PLO1-2 Controls

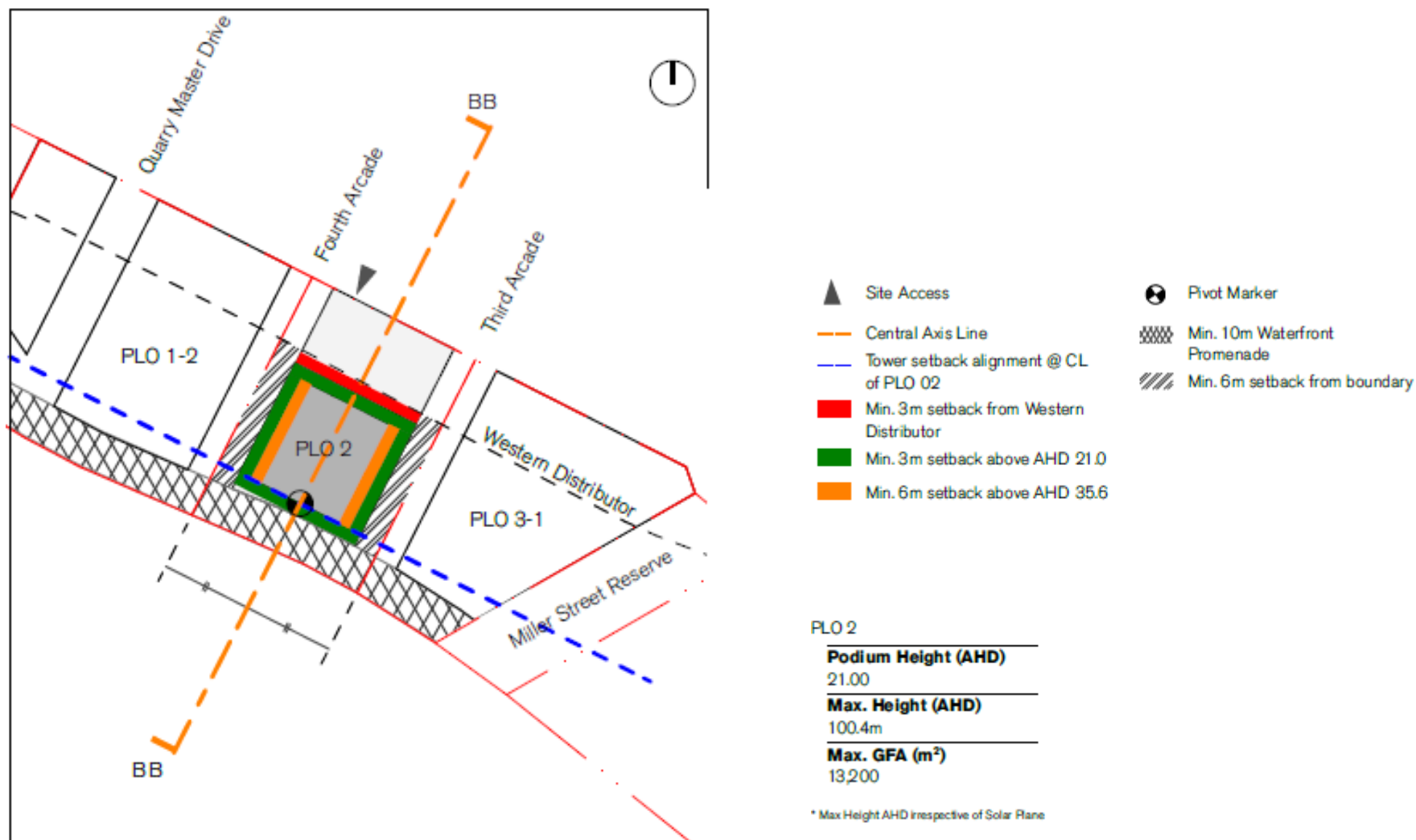


Figure 39 Block PLO 2 Controls

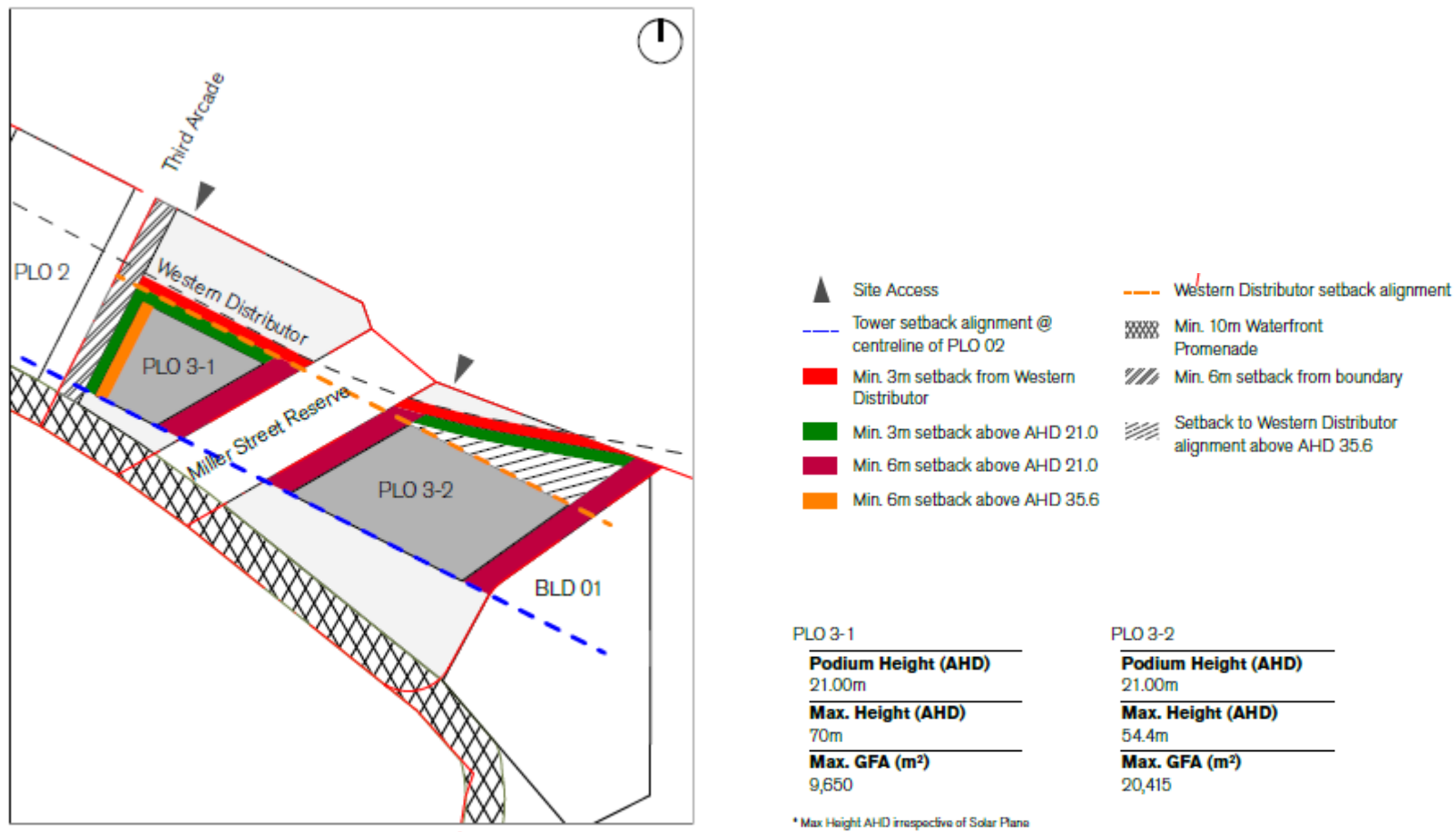


Figure 40 Block PLO 3-1 and PLO 3-2 Controls

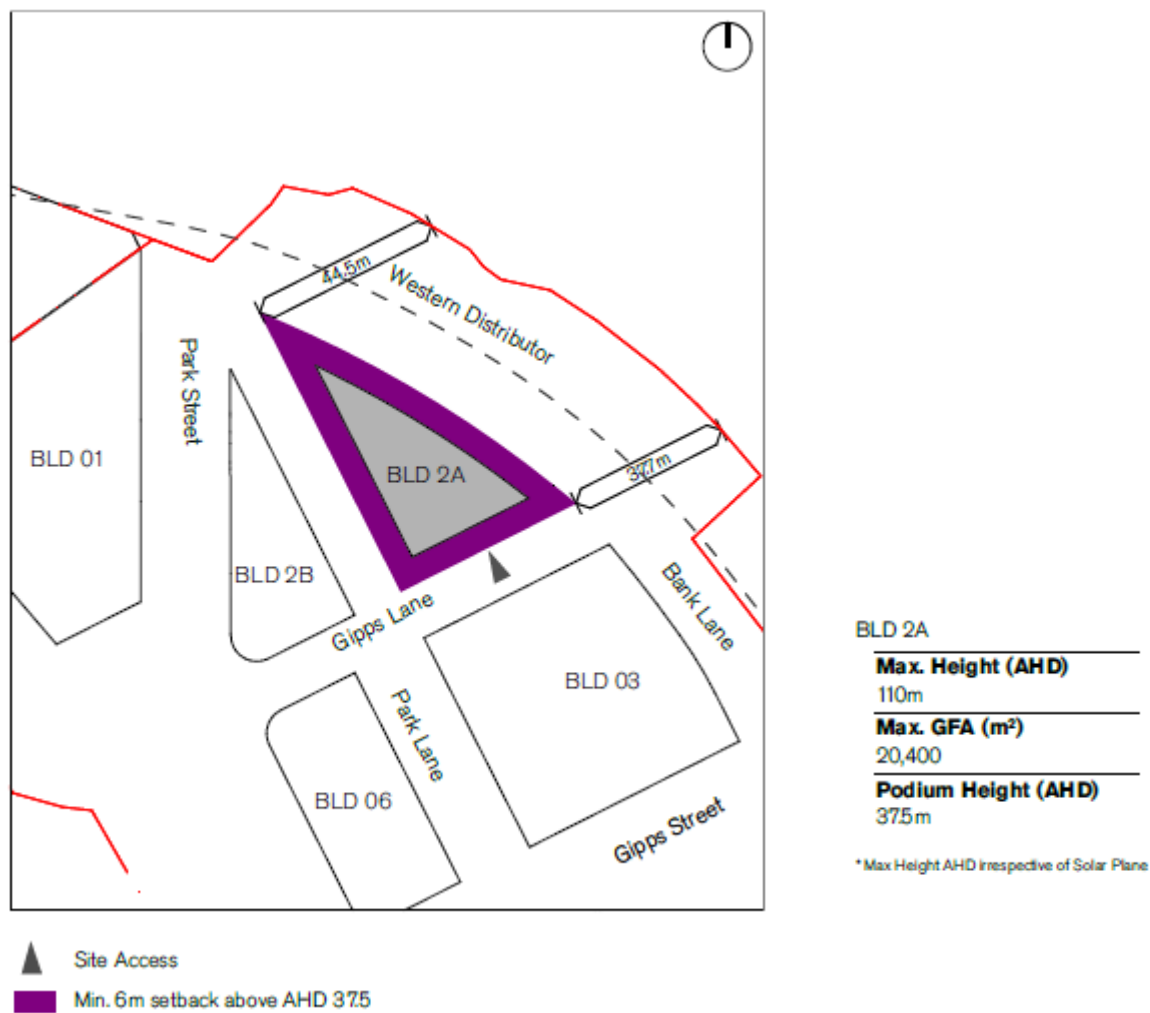


Figure 41 Block BLD 2A controls

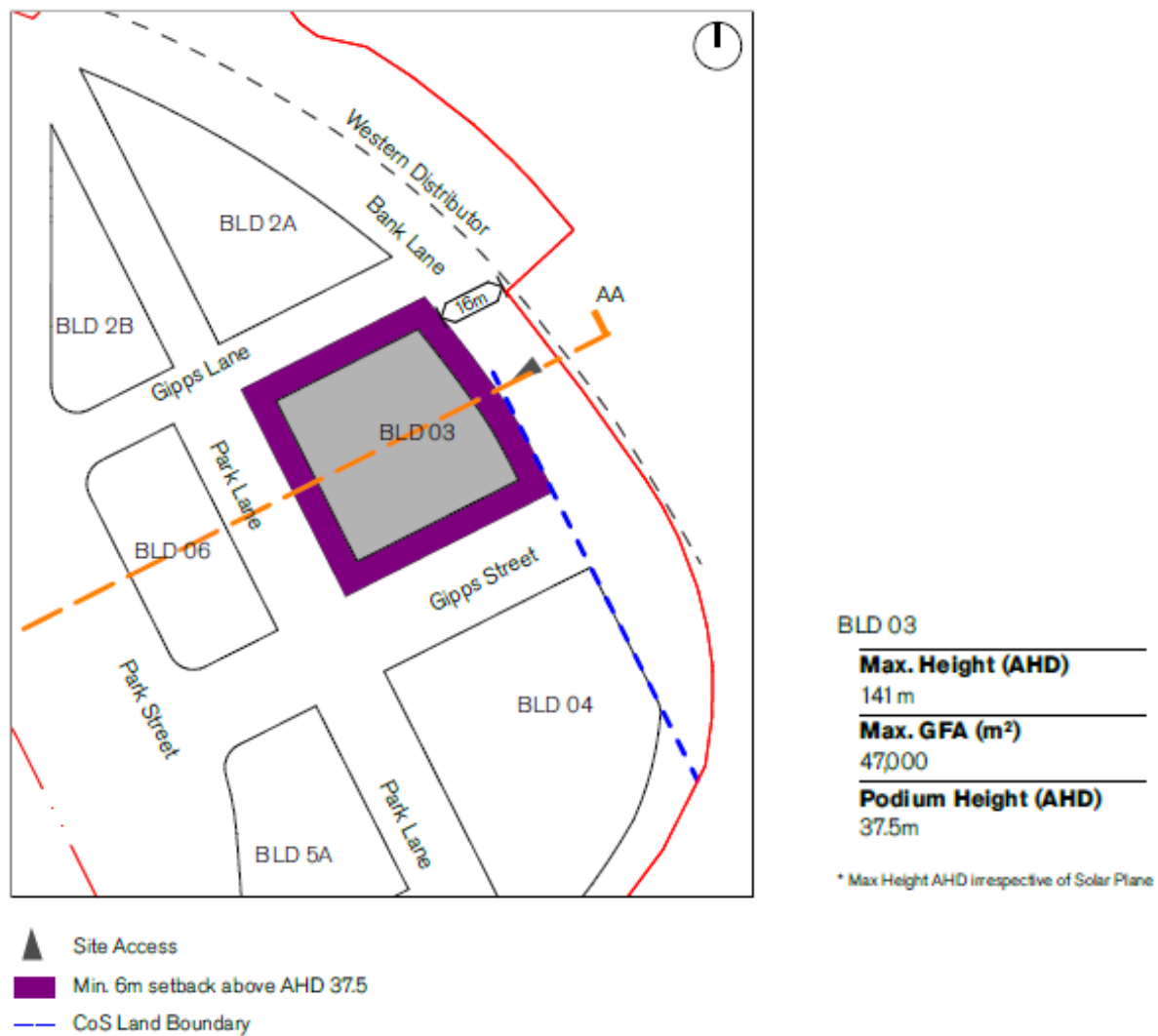


Figure 42 Block BLD 03 controls

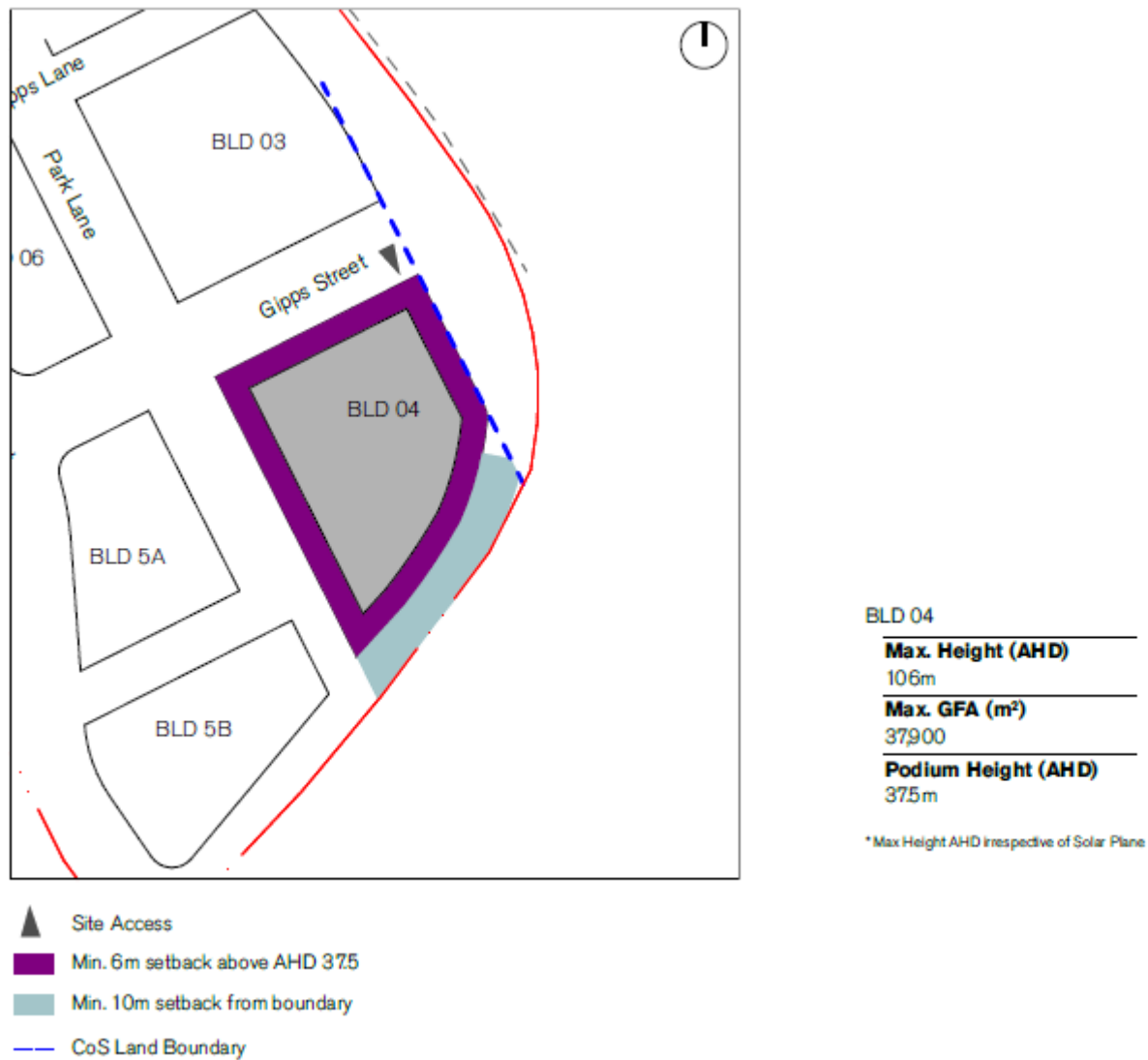


Figure 43 Block BLD 04 controls

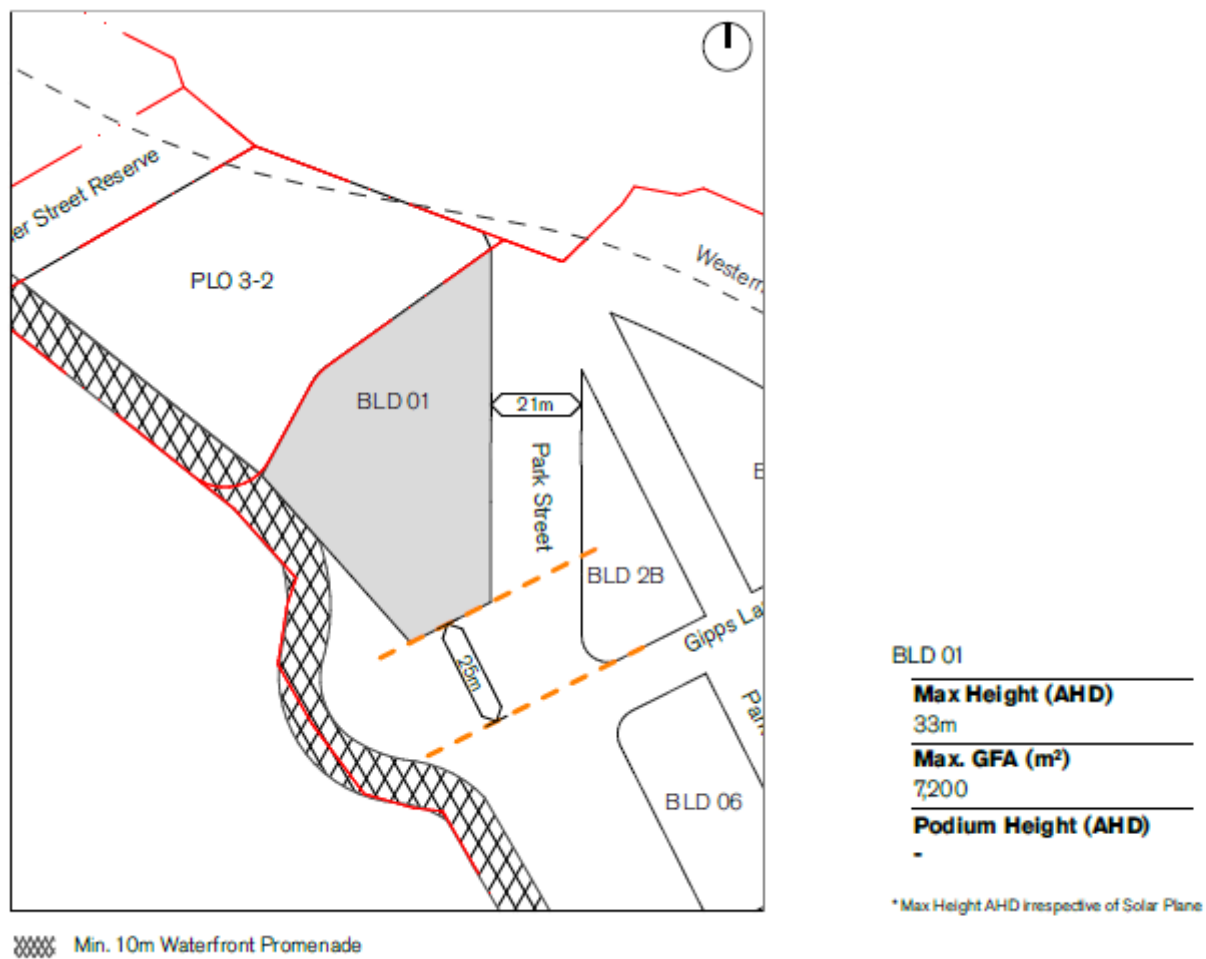


Figure 44 Block BLD 01 controls

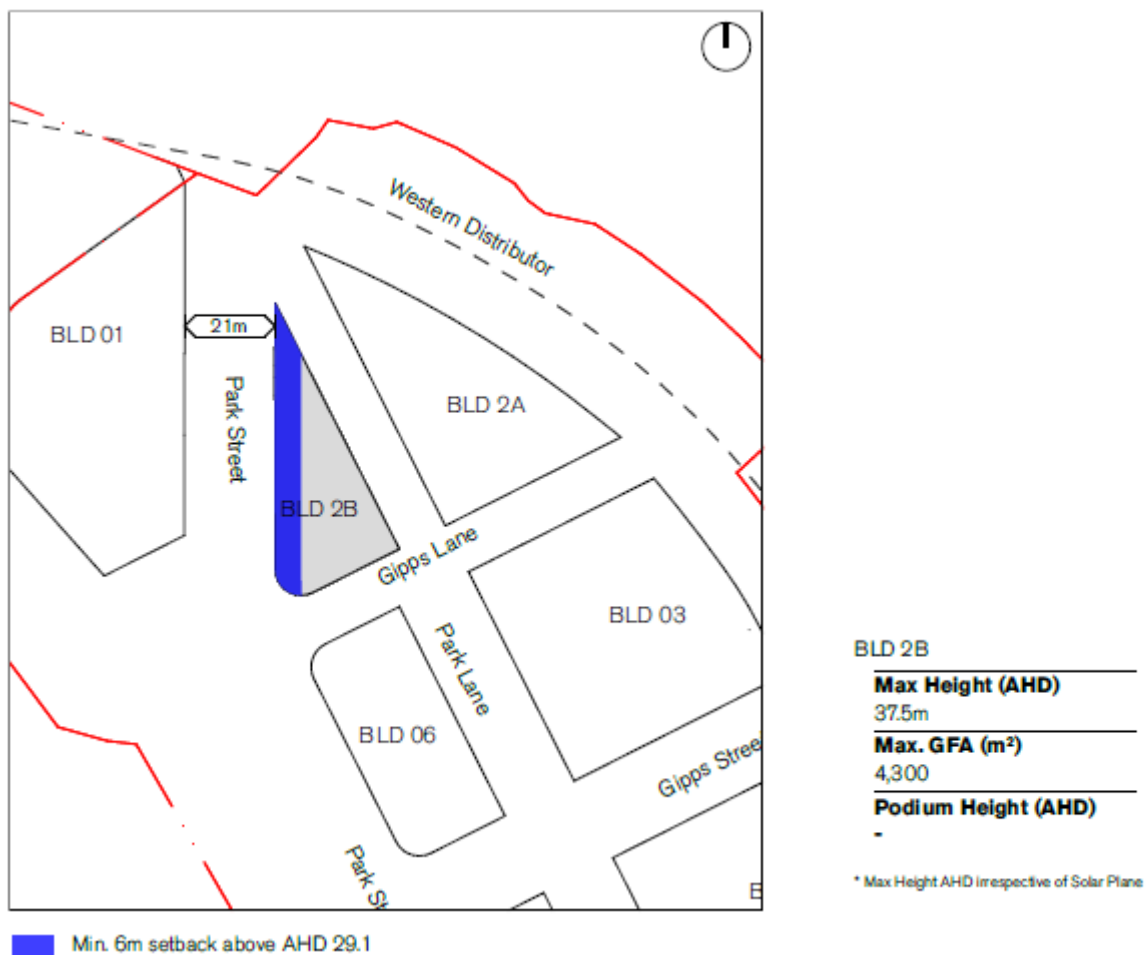


Figure 45 Block BLD 2B controls



BLD 06

Max Height (AHD)

37.5m

Max. GFA (m²)

6,100

Podium Height (AHD)

-

* Max Height AHD irrespective of Solar Plane

Figure 46 Block BLD 06 controls



Figure 47 Blocks BLD 5A and 5B controls

BLD 5A
Max Height (AHD)
37.5m
Max. GFA (m²)
7,200
Podium Height (AHD)
-

* Max Height AHD irrespective of Solar Plane

BLD 5B
Max Height (AHD)
37.5m
Max. GFA (m²)
6,600
Podium Height (AHD)
-

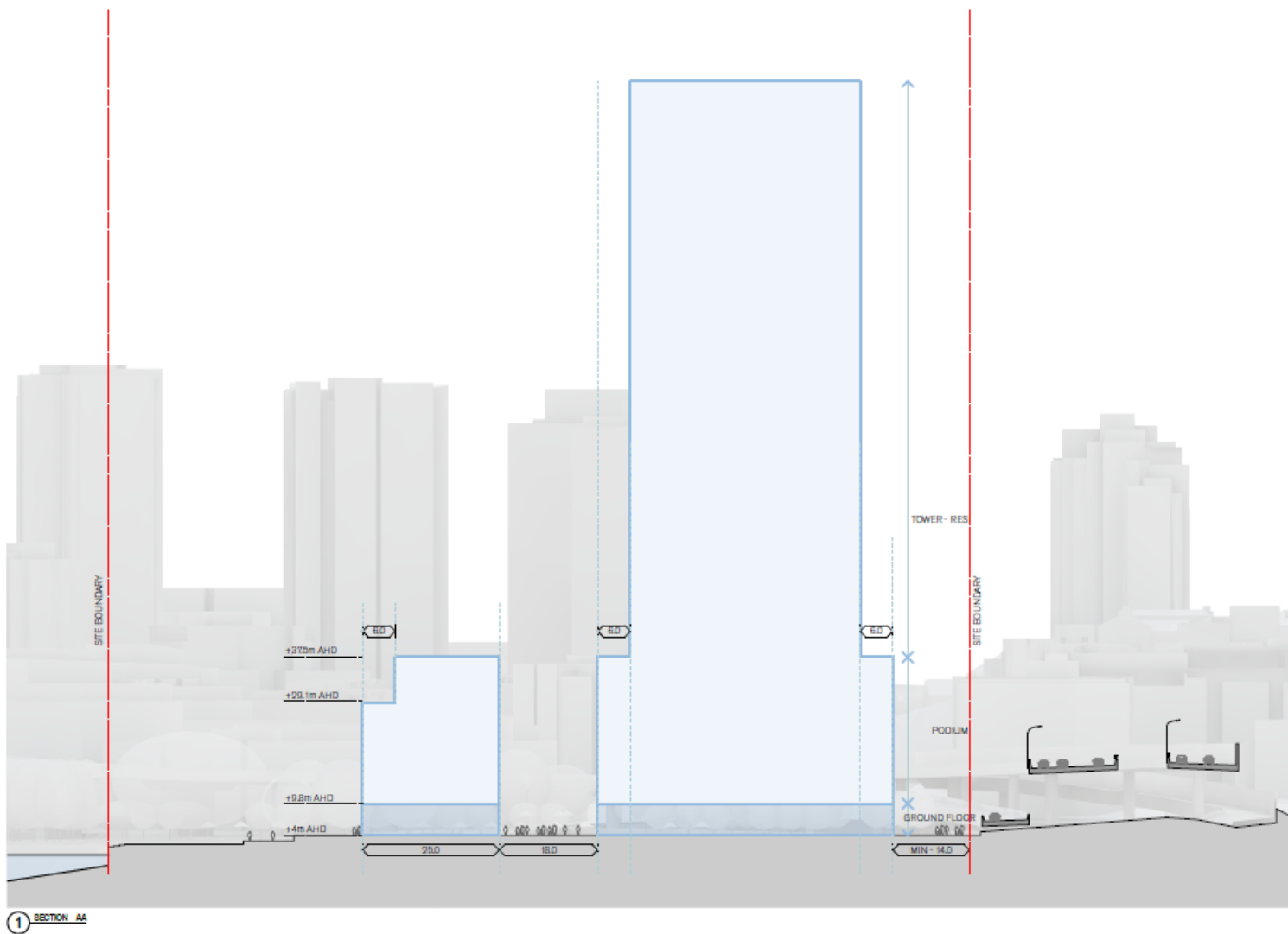


Figure 48 Section through BLD 03 (refer Figure 42)

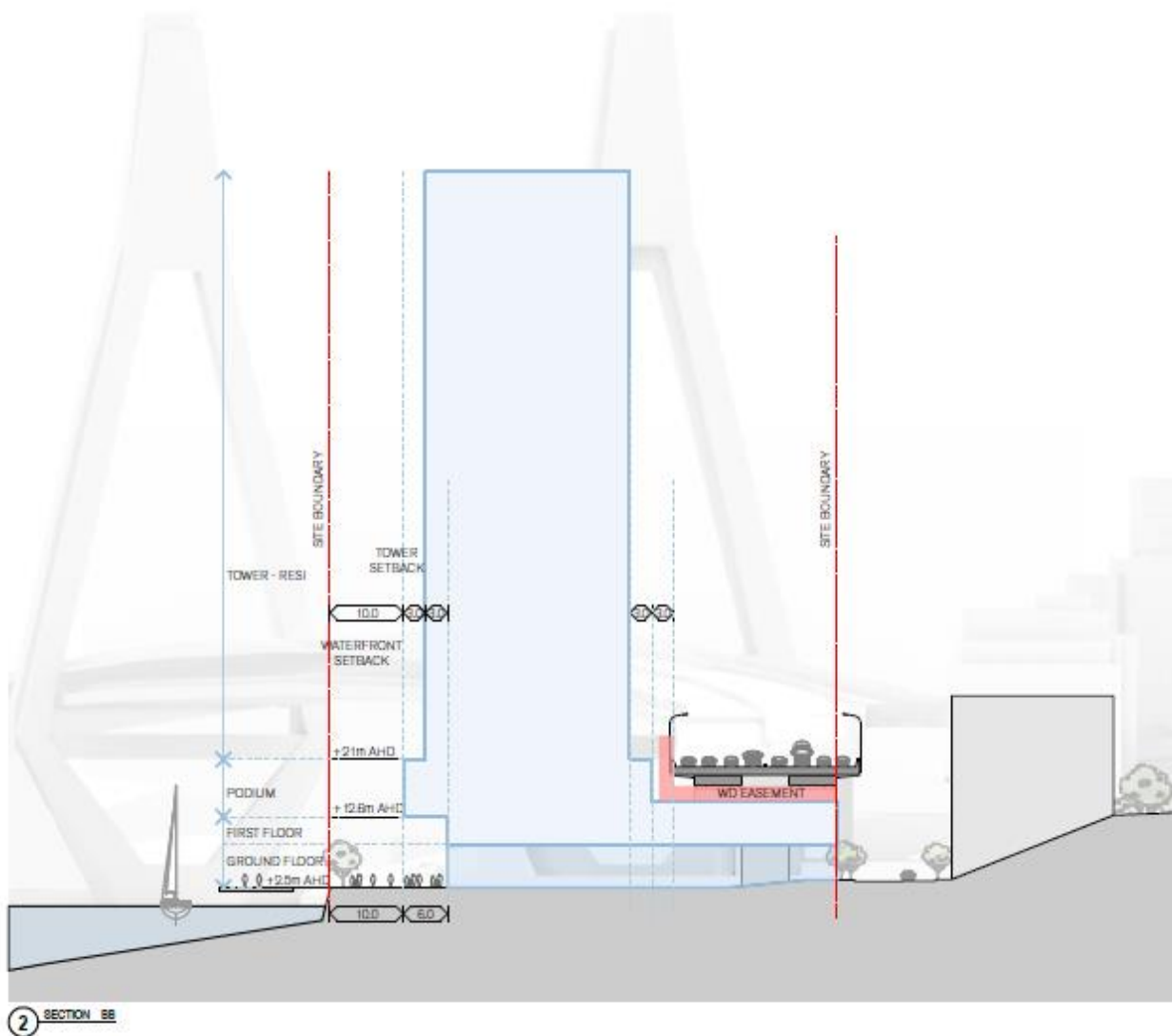


Figure 49 Section through PLO 2 (refer Figure 39)

7.2.3 Building height

- 1 Floor to floor and floor to ceiling heights are to be in accordance with **Table 8**: Minimum and maximum floor-to-floor and floor-to-ceiling heights.
- 2 Maximum buildings heights in SLEP 2012 includes communal open space, including shade structures and lift access.
- 3 Except where required to achieve a minimum freeboard above a Flood Planning Level (FPL), the ground floor level above the ground level of the adjacent public domain is to be a maximum of 0.15 metres.
- 4 Where part of a commercial or retail tenancy adjacent to the public domain is designed with flood resistant construction and there is no risk to life, then that part of the tenancy may be below the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF).

Table 8: Minimum and maximum floor-to-floor and floor-to-ceiling heights

Use	Floor to floor height in metres		Floor to ceiling height in metres
	Minimum	Maximum	Minimum
Retail	5	6.5	3.6
Commercial	3.8	-	2.7
Residential	3.2	3.3	2.7*
Community	3.6	-	3.0

*Habitable 2.7m/Non Habitable 2.4m (as per ADG)

7.2.4 Roof form

- 1 Plant and lift overruns are to be incorporated into the roof form, where possible.
- 2 Plant and lift overruns are to be setback by a minimum of 6 metres from the extent of the floor below to all frontages (X and Y) (refer **Figure 50** Location for plant and lift overruns).
- 3 Non-compliance with the above plant and lift overrun setbacks may be acceptable where the plant and lift overrun is designed to be architecturally integrated with the building and the sun access to surrounding buildings, development sites and the public domain is not reduced.

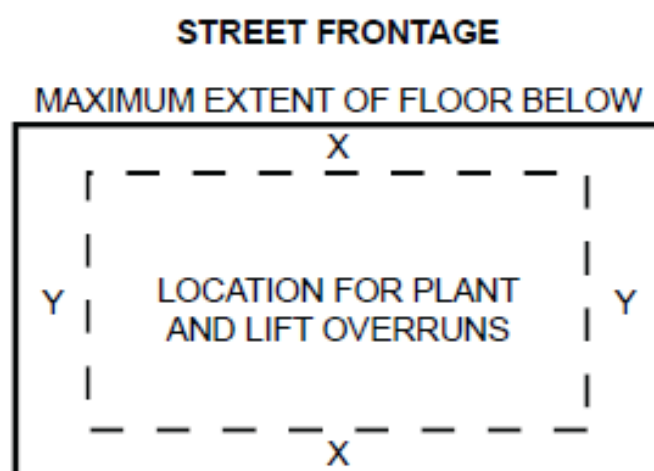


Figure 50 Location for plant and lift overruns

7.2.5 Maximum floorplate of tall buildings

- 1 The component of a building that is above 40m AHD is to have a maximum average floorplate (including balconies and voids) within 5% of the area indicated in **Table 9** Maximum average floorplate for buildings over 40m AHD.

Table 9 Maximum average floorplate for buildings over 40m AHD

Maximum average floorplate for buildings over 40m AHD	
Development Site	Maximum Floorplate (sq m)
PLO 01	1,075
PLO 02	520
PLO 03	540
PLO 03	930
Building 2A	700
Building 03	1,360
Building 04	1,200

7.2.6 Overshadowing

- 1 In accordance with clause xx of SLEP 2012, no additional overshadowing is to occur at the winter solstice (21 June) to the Bank Street Park between 10am and 2pm, proposed Sydney Fish Market Urban Park between 12pm and 2pm, Wentworth Park between 10am and 2pm and Glebe Foreshore between 9am and 3pm.
- 2 Consolidated areas of direct sunlight must be achieved each hour between 12 midday and 3pm on 21 June generally consistent with the location and size indicated in **Figure 6** Sun access.

7.3 Apartment Design Guide compliance

- 1 The State Environmental Planning Policy No 65 - Design Quality and Residential Apartment Development (or any replacement of that policy) applies to residential flat buildings, shop top housing and mixed use development with a residential accommodation component in the Precinct.
- 2 Where the strict adherence to the provisions of SEPP 65 and the Apartment Design Guide cannot be achieved, development should demonstrate that alternative solutions to ensure high levels of amenity are provided, in particular in terms of access to natural light and ventilation.

7.4 Variations to building envelope controls

- 1 A site-specific amendment to this Design Code will be required where variations to the building envelope controls in this section are proposed.
- 2 Any site-specific amendment to this Design Code is to be approved by the Planning Secretary before an application for development can be submitted on the associated land. Alternatively, a proponent may choose to prepare a Concept Development Application in lieu of an amendment to the Design Code.
- 3 The site-specific Design Code or Concept Development Application must:
 - a. clearly demonstrate compliance with the objectives of this Design Code

- b. detail the reasons why the control/s should be varied
 - c. demonstrate that the variation(s) will result in better outcomes
 - d. clearly demonstrate that the variation sought will not adversely impact on the local amenity
- 4 Variations to the built form should not have a detrimental effect on the quality or quantity of greening and open space.
- 5 The above provisions do not apply to minor variations (less than 10%) to building envelope controls however any minor changes to the building envelope controls should still be accompanied by an assessment in relation to the matters set out in cl. 7.4.3 above.
- 6 As provided for under SLEP 2012, no variation to the maximum height and GFA controls is permitted.

7.5 Landscape

- 1 For new development, a landscape plan prepared by a suitably qualified Landscape Architect is to be submitted with the development application that shows the:
 - a. levels adjacent to the public domain
 - b. planting schedule with numbers and species of plants (botanical and common name/s)
 - c. number and name (botanical and common name/s) of mature trees on site
 - d. type and detail of paving, lighting and other details of external areas of the site.
- 2 All development proposals are to be designed to minimise the impact upon street trees and trees on adjoining land.
- 3 Landscaping should give precedence to species with low water needs and that are best suited to the environmental conditions, with trees and shrubs selected and positioned to maximise control of sun and winds.
- 4 Where possible, green roofs and podiums are encouraged, balanced with other competing sustainability and operational objectives such as solar PV.
- 5 Green roofs and podiums should be planted out with suitable plants (Australian native or endemic to the Sydney region where possible).

8. AMENITY

Objectives

- a Ensure potential air quality impacts emissions from high volume roads and existing industrial activities within or in close proximity to the Precinct are considered in the assessment of a development.
- b Ensure that land uses within the site, particularly sensitive uses such as residential, child care centres and health facilities, are appropriately sited and designed to mitigate impacts from vehicle emissions.
- c Ensure development creates an appropriate amenity for the proposed future use and incorporates suitable mitigation measures to address the existing inherent noise constraints of the site.
- d Ensure streets and other public places have wind conditions that are safe and comfortable for walking and to encourage conditions that are comfortable for sitting.
- e Ensure new developments mitigate adverse wind effects.
- f Provide wind climate data that can be applied consistently for assessing new developments.
- g Encourage appropriate external lighting of buildings that adds to the architectural character of the building.
- h Minimise light spill to the sky.

Provisions

8.1 General

- 1 The following policies are to be considered when siting and designing sensitive development:
 - a. Development Near Rail Corridors and Busy Roads Interim Guidelines (NSW Department of Planning, 2008)
 - b. Child Care Planning Guidelines (NSW Planning and Environment, 2017)
- 2 Residential development near busy roads should be built with private open space, living rooms and bedrooms facing away from busy roads, so to provide amenity, and relief and separation from air and noise pollution,

8.2 Air quality

- 1 An Air Quality Impact Assessment is to accompany development applications where emissions from neighbouring high volume roads and existing industrial activities have the potential to impact on the occupants of proposed development.
- 2 The Air Quality Impact Assessment is to:
 - a. be prepared by a suitably qualified person in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales, published by the Department of Environment and Climate Change in 2005
 - b. identify the predicted concentration of Nitrous Oxide and particulates at all sensitive receptors.

Note: A sensitive receptor means a location where people are likely to work or reside and may include a dwelling, school, hospital, office or public recreational area. An air quality impact assessment should also consider the location of known or likely future sensitive receptors
- 3 Where an Air Quality Impact Assessment indicates that exceedances to air quality standards may occur, the following design measures are to be considered to minimise impacts:
 - a. the careful siting and orienting buildings to ensure appropriate separation distances between sensitive uses and the freeway as well as existing industries

- b. reducing the number of apartments facing the Western Distributor by designing building cores to the east
 - c. providing mechanical ventilation for apartments facing the Western Distributor with fixed glazing to the east and operable windows to non-impacted facade
 - d. designing dwellings so that private open space, living rooms and bedrooms face away from busy roads
 - e. minimising the formation of urban canyons that reduce dispersion
 - f. taking into account microclimates to help support the sustainable design of buildings that capitalises on natural ventilation and minimise the risk of canyoning
 - g. siting mechanical ventilation air inlet ports to maximise the distance from road and industry to reduce inflows of air pollutants.
 - h. considering exemplar approaches set out in the Parramatta Road Corridor Urban Transformation Strategy Planning and Design Guidelines (2016).
- 4 Where windows must be kept closed, the adopted ventilation systems must meet the requirements of the Building Code of Australia and Australian Standard 1668 – *The use of ventilation and air conditioning in buildings*.
- 5 The measures in the NSW Child Care Planning Guideline (2017) to protect children from adverse air quality impacts are to be adopted for new child care centres.
- 6 The lower floors of buildings located closest to the Hymix facility are to be developed for commercial/retail uses. This requirement is not applicable once the Hymix facility is no longer operational.

8.3 Noise

- 1 A detailed noise and vibration assessment is required to be submitted with any development application for a new mixed use, residential or commercial development, or a use which the consent authority considers is likely to be sensitive to or create noise.
- 2 Careful consideration is to be given to the internal layout and configuration of residential dwellings to ensure that the noise requirements of the Apartment Design Guide can be achieved.
- 3 Other appropriate measures to mitigate noise and provide suitable internal acoustic amenity are to be incorporated into the design of future residential developments where required. These may include (but are not limited to):
- a. setting the façade at oblique or perpendicular angles to the primary noise source, with shielded ventilation openings
 - b. reorienting and reducing the number of habitable spaces (particularly bedrooms) facing the Western Distributor
 - c. increased glazing specifications
 - d. locating ventilation intakes (where required) along a non-noise impacted façade
 - e. incorporating attenuated natural ventilation measures such as partially or fully enclosed balconies with solid balustrades and acoustic absorption, offset window openings or acoustic plenums for habitable spaces.
- 4 The provisions in **Section 6.2 Land use conflicts** of this Code relating to noise and land use conflicts must also be considered for new development.

8.4 Wind

- 1 A quantitative wind effects report is to be submitted with a development application for development over 55m in height as measured from the lowest ground level to the highest structure.
- 2 Development subject to a quantitative wind effects report must not:
- a. cause a wind speed that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking except where the existing wind speeds exceed the standard

- b. worsen, by increasing spatial extent and/or frequency and/or speed, an existing wind speed that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking
- 3 Development subject to a quantitative wind effects report must take all reasonable steps to create a comfortable wind environment that is consistent with the Wind Comfort Standards for Sitting and Standing related to the use of the public place. For example, the Standing criteria should be achieved at bus stops or other places where people wait and the Sitting criteria should be achieved where outdoor dining is located.

For the purposes of complying with 8.4.1 to 8.4.3 above:

- *Wind Safety Standard* is an annual maximum peak 0.5 second gust wind speed in one hour measured between 6am and 10pm Eastern Standard Time of 24 metres per second.
- *Wind Comfort Standard for Walking* is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time (i.e. 5% of those hours) of 8 metres per second.
- *Wind Comfort Standards for Sitting and Standing* is hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of; 4 metres per second for sitting; and 6 metres per second for standing.

Note: 292 hours is 5% of all hours between 6 am and 10 pm each day (16 hours per day) over a year (365 days).

8.5 Light spill

- 1 When designing outdoor lighting, to minimise any adverse effect of the light installation, the following general principles should be used during the detailed lighting design phase (as set out in AS4282-2019 Control of the Obtrusive Effect of Outdoor Lighting):
 - a. Direct lights downwards as much as possible
 - b. Use luminaries that are aimed to minimise light (eg full cut luminaries where no light is emitted above the horizontal plane)
 - c. Do not waste energy and increase light pollution by over-lighting
 - d. Keep glare to a minimum by keeping the main beam angle less than 70 degrees
 - e. Wherever possible use floodlights with asymmetric beams which permit the front glazing to be kept at or near parallel to the surface being lit
 - f. Direct precinct lighting away from sensitive receivers
 - g. Position precinct lighting as far away from precinct boundaries as practicable.
- 2 Quantitative modelling to determine the extent of light spill should be undertaken as more detailed lighting design plans are generated, with mitigation measures to ensure compliance with AS 4282-2019.

9. HERITAGE AND CULTURE

9.1 Connecting with Country

The *Connecting with Country Framework for Tjerruing Blackwattle Bay*¹ prepared by D'harawal Knowledge Keeper Shannon Foster, Jo Kinniburgh and Roger Miranda Navarro (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 presence of deep cultural awareness in the planning and design phases has the potential to translate to spatial and place-based experiences, including an enriched sense of connection to place and belonging for the people who live, work, visit and care for this place in the future. Connecting to Country must continue in every phase of development at Tjerruing Blackwattle Bay.

Tjerruing Blackwattle Bay Country has always been cared for and protected by local Aboriginal people. A place where people can come to celebrate the enduring spirit of this Country, its/her features and foods, as well as its/her people and cultures. The layered histories of this place must be acknowledged and remembered. We need to consider how the cruel imbalances and desecration can be rectified and past wrongs to Country and its custodians addressed with what we do.

To correct the colonial record, local Sydney Traditional Owners and their Aboriginal Elders and Knowledge Keepers need to have opportunities to share their deep Ancestral knowledges of this place with all of the peoples who come to Tjerruing Blackwattle Bay to live, work or visit - enriching the identity of this place for everyone both culturally and spatially.

Acknowledgements-of and welcomes-to Tjerruing Blackwattle Bay Country will be inclusive of all peoples of this place, and language naming and storytelling from all of these peoples will proudly permeate the public spaces, streets and places of Tjerruing Blackwattle Bay. This place will acknowledge all of the people of the kinship system, never just one or two.

Tjerruing Blackwattle Bay is a highly modified site given the successive colonial interventions here, but the spirit of Country has endured. As much as possible development at Tjerruing Blackwattle Bay should make positive contributions to caring for Country, augmenting habitats and improving damage that has already been done. In caring for Country, unnecessary further damage or disruption to the established ecologies must be avoided and opportunities for contributing to revitalising the health of Country and to protecting access for ongoing enactment of culture need to be prioritised.

Connecting with Country will be integral to every phase of development at Tjerruing² Blackwattle Bay. The presence of deep cultural awareness in the planning and design phases has the potential to translate to spatial and place-based experiences, including an enriched sense of connection to place and belonging for the people who live, work, visit and care for this place in the future.

Note: Indigenous Cultural and Intellectual Property (ICIP) means the rights that Indigenous people have, and want to have, to protect their traditional arts and culture. ICIP includes but is not limited to the following rights:

¹ *Connecting with Country Framework for Tjerruing Blackwattle Bay*, Shannon Foster, Jo Kinniburgh, Roger Miranda Navarro (Bangawarra), 9 March 2021

² Tjerruing Blackwattle Bay Country is known and named for Tjerruing (*Callicoma Serratifolia*) which grew prolifically along the creekline. and was given the common name 'blackwattle' by British colonists. Despite the English misnomer, Tjerruing is not a wattle. Tjerruing has played an important role in the lives of local Aboriginal peoples for millenia, including providing hard wood for tools and equipment and the blossoms of Tjerruing are a culturally important source of nectar blooming in the season of the Parradowee (October/November).

- *right to protect traditional knowledge and sacred cultural material*
- *right to ensure that traditional laws and customary obligations are respected*
- *right to be paid for use of ICIP*
- *right to full and proper attribution or naming of the community connected with the ICIP*
- *right to prevent insulting, offensive and misleading uses of ICIP in all media*
- *right to control the recording of cultural customs and expressions, and language which may be essential to cultural identity, knowledge, skill, teaching about Indigenous culture.*

More information about ICIP is available from the Arts Law Centre of Australia website.

Objectives

- Provide opportunities for collaboration and co-leadership with Aboriginal and Torres Strait Islander peoples in major development.
- Maintain and enhance the social, cultural and economic presence of Aboriginal and Torres Strait Islander peoples, organisations and businesses in the area.
- Ensure development maintains and contributes to the Precinct having a place of belonging and pride for Aboriginal and Torres Strait Islander peoples.
- Design public spaces to acknowledge Country and create opportunities for local Sydney Traditional Owners to share their stories of Country with visitors.

Provisions

9.1.1 General

- Development is to consider Indigenous inclusion, comfort and access in the design and operation of publicly accessible areas, including building forecourts, through-site links, retail spaces and hospitality venues.
- Development is encouraged to consider opportunities for acknowledging and celebrating Aboriginal and Torres Strait Islander living cultures through art, performance, architecture, landscaping and other creative expression involving the engagement of suitably qualified Indigenous practitioners and respect for ICIP.
- Development is to identify potential impacts, such as displacement, on Aboriginal and Torres Strait Islander people and organisations.
- Where impacts are identified, development is encouraged to consult with the affected community with an aim to ameliorating or reducing impacts.

9.1.2 Public domain

- Public domain design is to be informed by the *Connecting with Country Framework for Tjerruing Blackwattle Bay*.
- The public domain is to be designed to create opportunities for local Sydney Traditional Owners to share local stories of Country and culture through interpretation and design in the public domain.
- Languages of Country and Aboriginal names are to be used for streets, parks, promenades, plazas, in consultation with Aboriginal people
- Interpretive education about Aboriginal Culture is to be incorporated into signage, maps and wayfinding material.
- Identifiably local Aboriginal visual expressions of culture through public art, graphic design, materiality and the like are to be provided in prominent spaces.

- 6 The unique stories of Tjerruing Blackwattle Bay as a women's space are to be incorporated into the public domain, and opportunities to promote women's activities investigated.
- 7 Investigate the following opportunities for the public domain:
 - a. highlighting outcrops and peninsula highpoints as ceremonial spaces.
 - b. including a Makarrata circle within the Precinct.
 - c. telling stories of Aboriginal involvement in the working harbour and fishing for food.
 - d. incorporating Aboriginal narratives that intersect with geological and topography features.

9.1.3 Consultation

- 1 The approach to Aboriginal stakeholder engagement as set out in the Aboriginal Cultural Advice and Community Engagement Findings Report (Murawin Consulting, March 2020) is to guide all consultation activities with the Aboriginal and Torres Strait Islander communities.
- 2 Consultation activities are to involve Indigenous-owned consultation advisors or organisations with Indigenous consultation experience.
- 3 For major development, targeted consultation with the Aboriginal and Torres Strait Islander community is required to seek community views:
 - a. on whether the proposed development impacts on existing or recent spaces or activities on the site, or on surrounding properties, that are important for Aboriginal and Torres Strait Islander communities
 - b. on whether consider the proposed development impacts on the wider context of the Precinct being a place of belonging and pride for Aboriginal and Torres Strait Islander people
 - c. on how the development may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living cultures.
- 4 Development applications for major development are to include an Aboriginal and Torres Strait Islander consultation report, detailing pre-lodgement consultation activities, the outcomes of consultation, and measures to address issues and concerns raised in consultation. Any ICIP is to be respected and acknowledged in the report.

9.2 Heritage

Objectives

- a. Conserve, protect and enhance the Precinct's heritage values and significance and ensure appropriate interpretation.
- b. Facilitate the development of the site in an integrated manner that relates to the surrounding context, with particular regard to the area's heritage qualities.
- c. Protect Aboriginal archaeological resources within and within close proximity of the area and ensure appropriate interpretation.
- d. Recognise that although the Precinct has been found to be of low to nil Aboriginal archaeological potential it is in a foreshore location that was highly utilised by local Aboriginal people and therefore has high associated cultural values not limited to archaeological potential.
- e. Protect maritime archaeological resources and ensure appropriate interpretation.

Provisions

9.2.1 Aboriginal cultural heritage

- 1 The recommendations of the Blackwattle Bay State Significant Precinct Study Heritage Interpretation Strategy/Plan prepared by City Plan (February 2021) with respect to Aboriginal cultural heritage, as set out in Section 9.3 of this Design Code, are to be taken into account:
 - a. in the detailed design of the public domain and open space network.
 - b. in future development applications.
- 2 Aboriginal architects/designers/artists are to be engaged at an early stage in developments to work with the architectural team to develop integrated interpretive elements/designs within the new buildings and public spaces that reflect Aboriginal cultural heritage, with a focus on maritime and fishing practices, the natural environment and on Aboriginal culture being a living culture.
- 3 Ongoing consultation is to be undertaken with knowledge holders, Registered Aboriginal Parties and/ or Metropolitan Local Aboriginal Land Council over the interpretive approach and the details of content of any Aboriginal heritage interpretive elements. This consultation should be guided by the approach outlined in the Aboriginal Cultural Advice and Community Engagement Findings report (Murawin, 2020).
- 4 Development is to preserve view lines between PAD Jackson Landing Shelter 45-6-2960 (shown on **Figure 51** Potential Aboriginal Deposits) and Port Jackson and is not to direct potentially damaging public attention to the shelter itself.
- 5 Conditions of consent are to be imposed on any development application within the Precinct requiring that an unexpected finds policy be implemented.
- 6 Prior to any development which has the potential to affect PAD01 45-6-3339 or PAD02 45-6-3338 a detailed archaeological assessment is required to be undertaken to assess their archaeological potential and potential impacts. This assessment is to include as a minimum:
 - a. Direct inspection of ground surfaces that were previously not accessible for survey, particularly in 1 Bank Street
 - b. Greater analysis of evidence from geotechnical reports
 - c. Non-invasive remote sensing techniques such as Ground Penetrating Radar (GPR). GPR may assist in detecting areas of potential preservation or disturbance. Even if only at a broad scale, GPR is suited to detecting variations in underlying soil strata, large scale soil disturbance, built objects, and water table levels.
 - d. If further analysis of available geotechnical information and possible GPR testing indicates that it is highly unlikely for preserved soils to be present, then the status of these areas as PADs should be revised and these areas should be treated in common with the remainder of the investigation area
 - e. If locations of potential buried preserved natural soils are identified within these PADs and would be impacted by the proposed works, archaeological management is to be required. An Aboriginal Archaeological Management Plan should be prepared that will provide management measures including archaeological testing and potentially salvage of identified Aboriginal archaeological values. Results of this testing would be provided as an Aboriginal Test Excavation Report.
- 7 Any proposed development or any ground disturbing works located within the extent of PAD 45-6-3338 or PAD 45-6-3339 must carry out and complete subsurface archaeological investigations in accordance with the *National Parks and Wildlife Act 1974* including Aboriginal community consultation, and provision of reporting prior to commencement of any works.
- 8 Aboriginal sites identified through subsurface archaeological investigations or otherwise, must not be impacted without an Aboriginal Heritage Impact Permit (AHIP) issued by under Section 90 of the *National Parks and Wildlife Act 1974*.

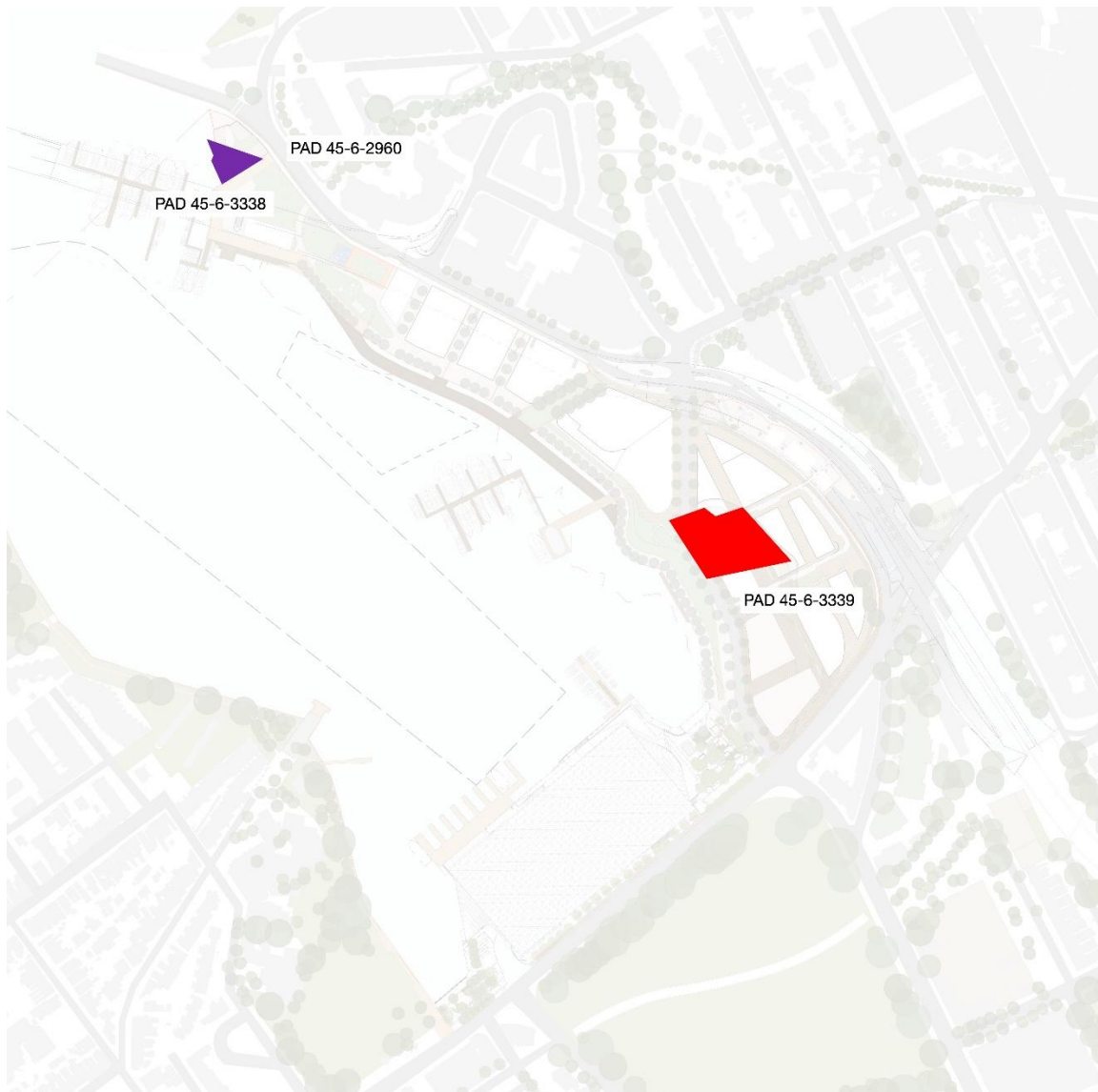


Figure 51 Potential Aboriginal Deposits

9.2.2 Heritage impact and historic archaeology

- 1 The recommendations of the Blackwattle Bay State Significant Precinct Study Heritage Interpretation Strategy/Plan prepared by City Plan (February 2021) are to be taken into account in the detailed design of the public domain and open space network. These include the following heritage interpretation measures:
 - a. Interpretation by fabric and design
 - b. Acknowledgement of Country
 - c. History walk (as a part of wider precinct walk)
 - d. Internal interpretation within new buildings
 - e. Play equipment for children exploring key heritage themes
 - f. Using landscaping as a means for interpretation
 - g. Public art
 - h. Interpretation in paving, including using paving to illustrate the original foreshore alignment

- i. Non-physical interpretation, such as including information on websites, within brochures, walking Apps and naming strategies.
- 2 Provisions should be made for revision to the Heritage Interpretation Plan if Aboriginal cultural heritage values are newly identified within or near the Precinct.
- 3 Future development applications are to be consistent with the recommendations of the Heritage Interpretation Strategy/Plan.
- 4 Consideration is to be given to the potential for adaptive re-use of existing buildings and sites along the same principles as their historic uses particularly with respect to existing buildings within the site is of 1-3 Bank Street. The site has high potential for adaptive reuse, incorporating new structures into the existing Inter-War building. Further consideration should be given to the reinstatement of the former timber wharf that was previously located adjacent to 1-3 Bank Street.
- 5 A detailed archaeological impact assessment in accordance with the requirements of the *Heritage Act 1977* is to be prepared and submitted with any development application that involves disturbance of the ground surface within areas of archaeological potential as described in **Table 10** Areas of archaeological potential and shown in **Figure 52** Areas of archaeological potential.

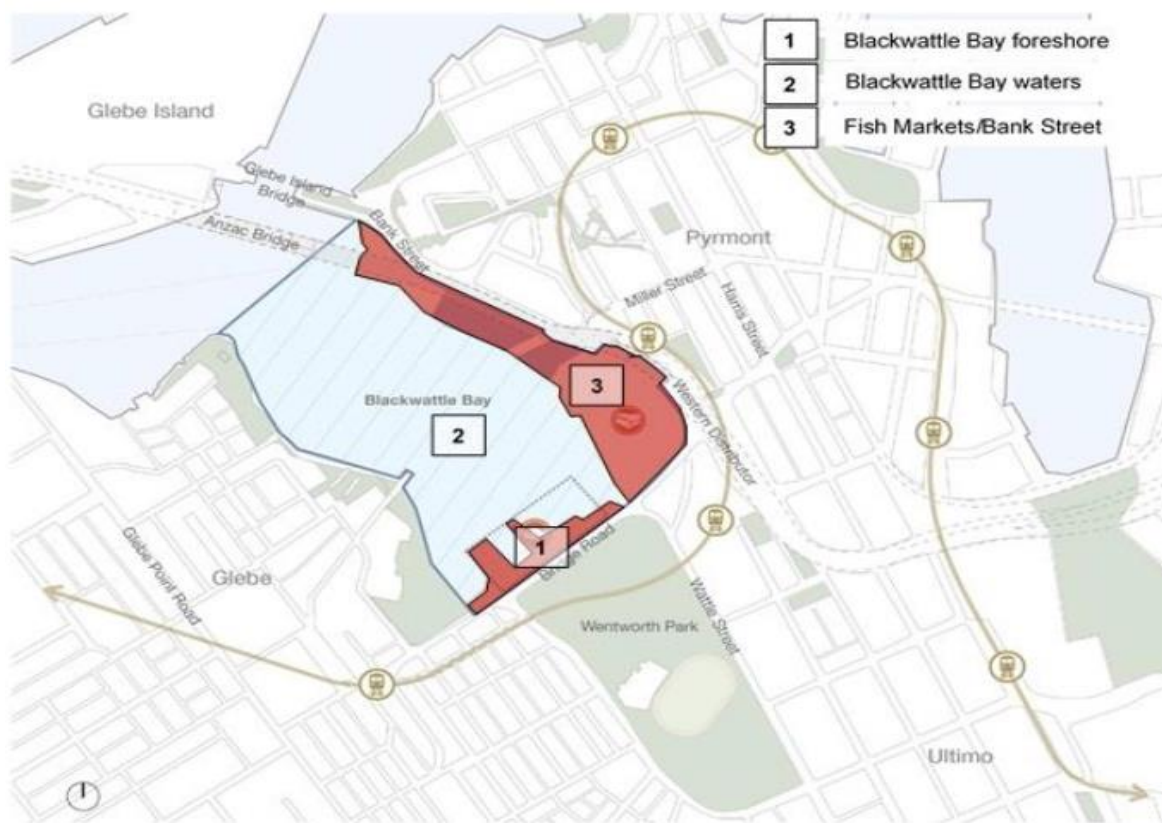


Figure 52 Areas of archaeological potential

Table 10 Areas of archaeological potential

Map reference	Location	Nature of deposit
1	Blackwattle Bay foreshore (Pyrmont Bridge Road)	Potential for extant: Causeway Sea walls and pilings Coal depot Timber wharves
2	Blackwattle Bay waters	Potential for extant: Sea walls Pilings for wharves
3	Fish market site and Bank Street	Potential for archaeology related to early industrial activities

9.2.3 Maritime archaeology

- 1 The remains of the sandstone seawall at the former F Buckle & Sons site, located at the northern end of the current Sydney Fish Market car park and just south of the lightweight marina jetty, should undergo conservation works and be included in the presentation and interpretation of the eastern foreshore.
- 2 Any proposed impacts on the existing sandstone seawalls or the stone foundations of the small wharf off the end of Cook Street, Glebe should be subject to archaeological assessment.
- 3 Archaeological investigations should precede any construction or other ground disturbance works in the vicinity of:
 - The former dock at the end of Gipps Street
 - The early wharf at the end of Miller Street.
- 4 Conditions of consent are to be imposed on any development application within the Precinct requiring that an unexpected finds policy be implemented.

9.3 Public art

Objectives

- a Ensure that public art is an integrated and cohesive part of Blackwattle Bay
- b Promote the visibility of local Aboriginal and Torres Strait Islander community through public art.
- c Facilitate co-ordination between the City of Sydney's Eora Journey Harbour Walk and major public art commissions in the Precinct.
- d Encourage public artworks in private developments.
- e Ensure that public art is an integrated and cohesive part of new development.
- f Promote sustainability through public art in new development.
- g Deliver essential infrastructure in creative and innovative ways through the use of public art.
- h Recognise former uses through interpretive public art.

Provisions

9.3.1 Public art in the public domain

- 1 An overarching precinct wide Public Art Plan is to be prepared in response to the Blackwattle Bay Arts and Cultural Strategy for the Precinct that guides development of the public domain as well as future development sites within the Precinct.

- 2 The Public Art Plan is to be prepared with close regard to:
 - a. the City of Sydney's Public Art Strategy and Public Art Policy
 - b. Guidelines for Public Art in Private developments and Guidelines for Acquisitions and Deaccessions
 - c. Create NSW Public Art Toolkit (when available)
- 3 Aboriginal artists are to be engaged to produce artworks for interpretive elements or public artworks that focus on Aboriginal cultural heritage.
- 4 Consideration should be given to the incorporation of historic fabric within interpretive artwork.
- 5 Historical themes to be explored for public art include:
 - *Aboriginal occupation and recourse use*
 - *Occupying the land*
 - *Establishing transport infrastructure*
 - *Reclaiming land*
 - *Establishing industries*
 - *Transporting and storing goods*
 - *Establishing utility infrastructure*
 - *Providing building materials*
 - *Establishing and maintaining leisure facilities*
 - *Supplying food*
 - *Defending Australia.*
- 6 Reflecting the Aboriginal, pre-colonial heritage of the local area and surrounds, and acknowledging Country through design, landscaping, on-structure planting and/or public art overrides non-Indigenous heritage to the extent of any inconsistency.

9.3.2 Public art in private developments

- 1 Any development application for new buildings within the Precinct is to be accompanied by a Public Art Strategy consistent with the Public Art Plan for the Precinct.
- 2 Buildings are encouraged to incorporate formal public art commissions by Aboriginal and Torres Strait Islander

SCHEDULE 1 GLOSSARY OF TERMS AND ABBREVIATIONS

AEP means Annual Exceedance Probability

AHD means Australian Height Datum

Consent authority means the Minister for Planning in the case of State Significant Development and the City of Sydney in the case of local development.

Design Review Panel means the Blackwattle Bay Design Review Panel

EMP means environmental management plan

FPL means Flood Planning Level

GFA means gross floor area

GLA means gross leasable area.

ICIP refers to Indigenous Cultural and Intellectual Property which means the rights that Indigenous people have, and want to have, to protect their traditional arts and culture. ICIP includes but is not limited to the following rights:

- right to protect traditional knowledge and sacred cultural material
- right to ensure that traditional laws and customary obligations are respected
- right to be paid for use of ICIP
- right to full and proper attribution or naming of the community connected with the ICIP
- right to prevent insulting, offensive and misleading uses of ICIP in all media
- right to control the recording of cultural customs and expressions, and language which may be essential to cultural identity, knowledge, skill, teaching about Indigenous culture.

Planning Secretary means the Planning Secretary appointed under Section 2.2 of the *Environmental Planning and Assessment Act 1979*

PMF means Probable Maximum Flood

Precinct means the Blackwattle Bay Precinct, as delineated on the plan at **Figure 1** Land application map.

Public domain refers to areas of the Precinct in which access to and use of is available for any member of the public. Public domain typically includes parks, plazas, footpaths and streets. Public domain elements of the Precinct are to be controlled by Place Management NSW (or its successor).

REMP means Remediation Environmental Management Plan

SDCP 2012 means Sydney Development Control Plan 2012

SLEP 2012 means Sydney Local Environmental Plan 2012

WHSP means Work Health and Safety Management Plan

WSUD means water sensitive urban design

SCHEDULE 2 BLACKWATTLE BAY COMPETITIVE DESIGN POLICY

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PURPOSE OF THIS POLICY

1. The Blackwattle Bay Competitive Design Policy establishes the processes an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process.
2. Clause xx of the Sydney Local Environmental Plan 2012 specifies the types of development that are required to undertake a competitive design process.
3. Clause xx of the Sydney Local Environmental Plan 2012 states that consent must not be granted to those types of development specified unless the proposed development is the result of a 'competitive design process'.
4. Competitive design process means either:
 - a. an 'open' architectural design competition
 - b. an 'invited' architectural design competition
5. The 'competitive design alternatives' option is not available for buildings at Blackwattle Bay.
6. A competitive design process must be undertaken in accordance with an approved Design Excellence Strategy.

OBJECTIVES OF THIS POLICY

- a. Establish the steps an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process.
- b. Ensure that the competitive design process works within the framework of an approved Design Excellence Strategy.
- c. Establish a competitive design process brief that ensures:
 - i. the Consent Authority's design excellence requirements are balanced with the developer's objectives; and
 - ii. procedural fairness for competitors.
- d. Set out the requirements for architectural design competitions.
- e. Detail the approach for assessment, decision-making and dispute resolution within the competitive design process.
- f. Ensure that design excellence integrity is continued into detailed development proposals.

PROVISIONS

1. Demonstrating a competitive design process

1. An applicant is to demonstrate that a competitive design process required by the Sydney Local Environmental Plan 2012 has been achieved by undertaking an architectural design competition.
2. The competitive design process is to be undertaken prior to the detailed development application stage (Stage 2 Development Application).

2. Design excellence strategy

1. The competitive design process is to be undertaken in accordance with a Design Excellence Strategy approved by the Blackwattle Bay Design Excellence Panel.
2. The Design Excellence Strategy is to define:
 - a. the location and extent of each competitive design process, where each competitive design process is to be limited to a single development site or street block
 - b. the type of competitive design process(es) to be undertaken: an open or invited architectural design competition
 - c. the number of designers involved in the process(es)
 - d. how fine grain and contextually varied architectural design is to be achieved across large site
 - e. provision of floor space for child care centres, health services, cultural and creative uses
 - f. the target benchmarks for ecologically sustainable development.

3. Types of competitive design processes

1. A developer can undertake:
 - a. an 'open' architectural design competition; or
 - b. an 'invited' architectural design competition.
2. In an 'open' competition, the developer is to publicly notify the architectural design competition and call for expressions of interest. All respondents are then supplied with the competitive design process brief and invited to participate.
3. The call for expressions of interest for an 'open' competition is to state:
 - a. the form and purpose of the competition;
 - b. any prizes to be awarded; and
 - c. the minimum submission requirements.
4. In an 'invited' architectural design competition, the developer invites a minimum of five (5) competitors to participate in the competition and supplies each with the competitive design process brief.
5. Each competitor in a competitive process must be a person, corporation or firm registered as an architect in accordance with the *NSW Architects Act 2003* or, in the case of interstate or overseas competitors, eligible for registration with their equivalent association.
6. The competitive design process must allow the competitors at least 28 days to complete their designs.

4. Documentation requirements and costs

1. To ensure probity, the applicant is to ensure that the documentation of the process is sufficient to enable an audit to be carried out by an independent person or body such as the Australian Institute of Architects if required by the consent authority.
2. The architectural design competition is to be paid for by the developer.

5. The competitive process brief

1. All details about the conduct of the competitive process brief are to be contained within the competitive design process brief and no other document.
2. The competitive design process brief is to be reviewed and endorsed by the consent authority prior to its distribution to competition entrants.
3. The competitive process brief is to be in accordance with the Blackwattle Bay Model Competitive Design Process Brief.
4. The competitive design process brief is to include a disclaimer stating that the Design Excellence Panel's decision will not fetter the discretion of the Consent Authority since the Consent Authority will not form part of the judging process.
5. If the proposed competitive design processes brief is not approved by the consent authority, the consent authority is to give its reasons within 14 days of the lodgement of the brief.
6. The competitive design process brief must clearly set out the fees and/or prizes offered to participants in the competition.

6. Blackwattle Bay Design Excellence Panel

- 8 The Blackwattle Bay Design Excellence Panel ('the Panel') is to be constituted for the purpose of overseeing the design excellence process and for ensuring design excellence is achieved at Blackwattle Bay.
- 9 The Panel is to comprise a minimum of four (4) members and a maximum of six (6) members.
- 10 Members of the Panel are to comprise:
 - c. representatives selected from the State Design Review Panel.
 - d. one member nominated by Place Management NSW as an independent representative.
- 11 Place Management NSW may also nominate one observer to the Panel.
- 12 The members of the Panel are permanent appointments (for a period of up to 5 years).
- 13 Panel members must:
 - e. represent the public interest
 - f. be appropriate to the type of development proposed
 - g. include only persons who have expertise and experience in the design and construction professions and industry
 - h. include registered architects and landscape architects with urban design expertise.
- 14 In the event that a member of the Panel has a pecuniary interest in the development proposal or involvement in approval processes, the member must step down and an alternate member must be appointed for the competition.

7. Assessment and decision

- 1 A minimum of five (5) competitive submissions must be considered.
- 2 At least a week prior to the Panel meeting a copy of the submissions will be distributed to Panel members and a site inspection will be carried out for them.

- 3 The competitors must present their entry to the Panel in person. The presentation must be no longer than 30 minutes followed by questions from the Panel.
- 4 Each competitor's submission may be graded (i.e. 1st, 2nd, 3rd, etc) by the Panel according to the assessment criteria.
- 5 The Panel's decision will be via a majority vote. Unanimous agreement is not required.
- 6 The decision of the Panel will not fetter the discretion of the consent authority in its determination of any subsequent development application associated with the development site that is the subject of the competition.
- 7 In the event that a winner is not selected, the Panel may recommend that further refinements be made to one or more of the submissions. For these submissions they will list the design issues for the first and second ranked scheme and request they redesign their entry and represent the entry within 21 days of the initial presentation. Upon completion of the second presentation to the Panel, the Panel will rank the competition submissions (first and second).
- 8 The Panel may decline to declare a winner of the architectural design competition if none of the entries exhibit design excellence. If the Panel declines to declare a winner, the Panel may recommend that none of the entries exhibit design excellence and accordingly end the process.

8. Architectural Design Competition Report

- 9 Following its determination, the Panel is required to prepare a report (to be referred to as the Architectural Design Competition Report) detailing:
 - a. the competition process and incorporating a copy of the competition brief;
 - b. the Panel's assessment of the design merits of each of the entries;
 - c. the rationale for the choice of preferred design which must clearly demonstrate how it best exhibits design excellence in accordance with the provisions of Clause xx of the Sydney Local Environmental Plan 2012 and the approved Design Excellence Strategy; and
 - d. an outline of any further recommended design amendments or proposed conditions of development consent that are relevant to the achievement of design excellence.
- 10 The Panel is expected to reach a decision on whether to request a redesign within 14 days and will submit a Panel report (referred to as the architectural design competition report) to the developer and the consent authority, within 14 days of its decision.
- 11 Following the Panel's decision, the consent authority may require the developer to hold a public exhibition of the design competition entries.

9. Procedure where there is an outstanding resolution of a preferred design

- 1 In the event that:
 - a. the Panel does not reach a decision,
 - b. the developer is not satisfied with the nomination,
 - c. the developer wishes to make a substantive modification,
 - d. the consent authority considers the project submitted for approval (or as subsequently modified) to be substantially different, or
 - e. the Consent Authority indicates it will not grant consent to the design nominated either the developer or the Consent Authority may request that the Panel reconvene and make a recommendation as to what further competitive processes or requirements would be necessary to permit an alternative or revised design to satisfy the design excellence provisions.
- 2 The Panel shall make such recommendations within 28 days of a request.
- 3 The cost of such review is to be borne by the developer.

- 4 In the event that the developer decides not to proceed with the architect of the winning entry. The developer will -
 - a. provide the consent authority with written reasons for this decision and,
 - b. restart the Architectural Design Competition.

10. Completion of the architectural design competition process

- 1 The Sydney Local Environmental Plan 2012 requirement that an architectural design competition be held in relation to a proposed development is deemed to be satisfied upon:
 - a. the issue of a report by the Panel, or
 - b. the completion of any further competitive processes recommended by the Panel following a requested review, or
 - c. should the Panel make no further recommendations, 28 days after such a request for review is made, in which case the competition requirement is considered discharged.

11. Design integrity

- 1 The designer of the winning scheme (as chosen via the 'competitive design process') is to be appointed as the Design Architect to:
 - a. prepare a Development Application for the preferred design;
 - b. prepare the design drawings for a construction certificate for the preferred design;
 - c. prepare the design drawings for the contract documentation; and
 - d. maintain continuity during the construction phases to the completion of the project.
- 2 The winning architect may work in association with other architectural practices but is to retain a leadership role over design decisions.

12. Design integrity assessment

- 1 Where a competitive design process winning scheme is subsequently developed or modified a Design Integrity Assessment (DIA) will be required to be submitted to the Consent Authority with the application.
- 2 The purpose of the Design Integrity Assessment (DIA) is to inform the consent authority on whether the proposal (development application or Section 4.55 modification) is equivalent to, or through design development, an improvement upon the design excellence qualities of the winning competition scheme.
- 3 The DIA will be prepared by the Panel.
- 4 Where a continuation of design integrity has not occurred, the Panel will make a recommendation as to what further competitive processes or requirements would be necessary to permit an alternative, or revised design to satisfy the design excellence provisions.
- 5 The Panel shall make such recommendations within 28 days of a request.
- 6 The cost of such review is to be borne by the consent authority.