

Response to Submissions

Blackwattle Bay State Significant Precinct

July 2022



ACKNOWLEDGEMENT OF COUNTRY

In revitalising Blackwattle Bay, we pay our respect to the traditional custodians of the land and waters of Blackwattle Bay – the Wangal and the Gadigal people.

Their collective story is a strong one of water and how every part of their existence was connected to the broader landscape of Sydney Harbour within which Blackwattle Bay is located. These stories have and will continue to influence our approach to urban renewal.



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1 INTRODUCTION

1.1 Purpose

This report has been prepared by Infrastructure NSW to address matters raised during the formal exhibition of the Blackwattle Bay State Significant Precinct Study (SSP Study), proposed Precinct Plan and draft planning controls. The SSP Study was publicly exhibited over a seven-week period from 2 July to 20 August 2021.

The purpose of this Response to Submissions (RTS) is to:

- identify key issues raised in submissions from the community, council, and government agencies
- respond to the issues raised in the submissions
- provide details of additional investigations that have been undertaken since the public exhibition
- outline changes to the proposal resulting from submissions and design development, and
- outline changes to the proposed planning and infrastructure framework.

Over 2,400 submissions were received during the exhibition. These comprised 855 individual submissions, 37 submissions from government and non-government organisations, and 1,513 proforma submissions. A Summary of Submissions Report has been prepared by the Department of Planning and Environment (the Department or DPE) and can be found on the Blackwattle Bay SSP Study webpage within the NSW Planning Portal, together with the submissions received.

The Department has also undertaken a preliminary assessment of the SSP Study which reaffirmed many of the key issues raised in submissions, notably built form, the foreshore promenade and open space. The Department's assessment makes specific recommendations, setting out the actions and evidence required by Infrastructure NSW in progressing the rezoning to determination stage.

1.2 Response structure

Infrastructure NSW and its consultant team have considered all issues raised in the submissions and the Department's preliminary assessment and prepared a detailed response in this report and the accompanying documents. In responding to and addressing the range of issues raised by the Department, the community, the City of Sydney and state government agencies and authorities, Infrastructure NSW has made a number of changes to the precinct plan and further refined aspects of the project design. These

changes, further investigations and the responses to the issues raised and submissions are outlined in each of the subsequent chapters of this report and supported by the attachments. Each of the chapters contribute to the response as follows:

- **Chapter 2 Changes to the proposal:** Provides an overview of the proposed changes to the Blackwattle Bay Precinct Plan and planning framework from what was exhibited.
- **Chapter 3 DPE assessment:** Describes the matters raised by the Department in their preliminary assessment and provides Infrastructure NSW's response to each.
- **Chapter 4 Response to submissions:** Summarises the community, organisation and Council submissions received in the public exhibition into themes and topic areas and Infrastructure NSW's response to each. It is important to note that some of these themes and issues have cross over with the Department's preliminary assessment in chapter 3, and others differ. There is therefore some cross referencing as part of the responses of this chapter.
- **Chapter 5 Private landowner submissions:** Summarises the submissions received from the private landowners within the Blackwattle Bay precinct and Infrastructure NSW's response to each.
- **Chapter 6 Agency submissions:** Summarises the agency submissions and Infrastructure NSW's response to each.
- **Chapter 7 Clarifications and other considerations:** Provides commentary on other relevant matters and clarifications required to the response.

The response also includes the following amendments to the proposal, attached to the report:

- Revised Explanation of Intended Effects (**Attachment 1**)
- Revised Draft Design Code (**Attachment 2**)

In addition to this there are a range of attachments of updated supporting documentation and expert advice.

1.3 Background

1.3.1 Blackwattle Bay State Significant Precinct Study

Blackwattle Bay is being investigated for its urban renewal and public benefit potential. Blackwattle Bay presents a rare opportunity for new housing, employment and harbourfront community spaces located less than 1km from the western edge of the Sydney CBD. Spanning approximately 10.4 hectares, the site is one of the largest opportunity precincts in the Eastern Harbour City. Together with the new world-class Sydney Fish Market, this new mixed-use precinct will complement the established and evolving commercial, residential and entertainment industries that define Pyrmont.



Figure 1 - Blackwattle Bay study area (Source: FJMT)

In 2016 the then Minister for Planning declared the urban renewal of The Bays Precinct a matter of state planning significance and determined that The Bays Precinct should be considered a potential State Significant Precinct (SSP). The Minister also identified Blackwattle Bay (then referred to as Bays Market District) as one of two investigation areas for rezoning within The Bays Precinct, the other being White Bay which is now part of a broader area referred to as Bays West.

Study requirements for the Blackwattle Bay SSP study were issued by the Department of Planning and Environment in collaboration with the City of Sydney in April 2017. Infrastructure NSW (formerly UrbanGrowth NSW) has since spent several years undertaking extensive investigation and stakeholder and community consultation in support of the SSP Study and the new Sydney Fish Market.

A comprehensive urban design vision and strategy together with the Blackwattle Bay Precinct Plan have been developed to guide the future development of the precinct. The vision, strategy and Precinct Plan are detailed in the Urban Design Statement prepared by FJMT which was publicly exhibited together with the SSP Study and Draft Design Code.

1.3.2 Overview of Exhibited Precinct Plan

Key characteristics of the exhibited Blackwattle Bay Precinct Plan include:

- New homes, jobs and services close to the CBD with the potential to accommodate:
 - approximately 5,600 jobs
 - approximately 1,550 dwellings
- A continuous waterfront promenade – the missing link in an otherwise 15km foreshore walk from Woolloomooloo to Rozelle
- New active transport connections to bring the neighbourhood closer to the harbour through new and improved pedestrian and cycling links
- Improved public transport options and minimised vehicle usage strategies including:
 - Minimising car parking spaces with limited on-street parking
 - Potential ferry wharf
 - Opportunity for buses to service through site link
 - Connections to the existing light rail
 - Access to the future Sydney Metro West Station in Pyrmont
- New parks and green space with 30,000 sqm of new open space
- New Sydney Fish Market at the heart of Blackwattle Bay.

The exhibited Precinct Plan and character areas map (for reference) are provided at Figure 2 and Figure 3.

Blackwattle Bay supports multiple key government policies and strategies by delivering:

- Economic development through urban renewal outcomes that attract investment
- Job creation through the provision of land for new offices, shops and residences, as well as supporting the NSW fishing industry in regional coastal areas
- Liveable cities through a place-based approach to urban renewal, using and optimising government-owned land to provide homes near jobs and amenities and deliver economic outcomes
- A world-class destination, that will increase visitor length of stay and expenditure in NSW.

INTRODUCTION / Background

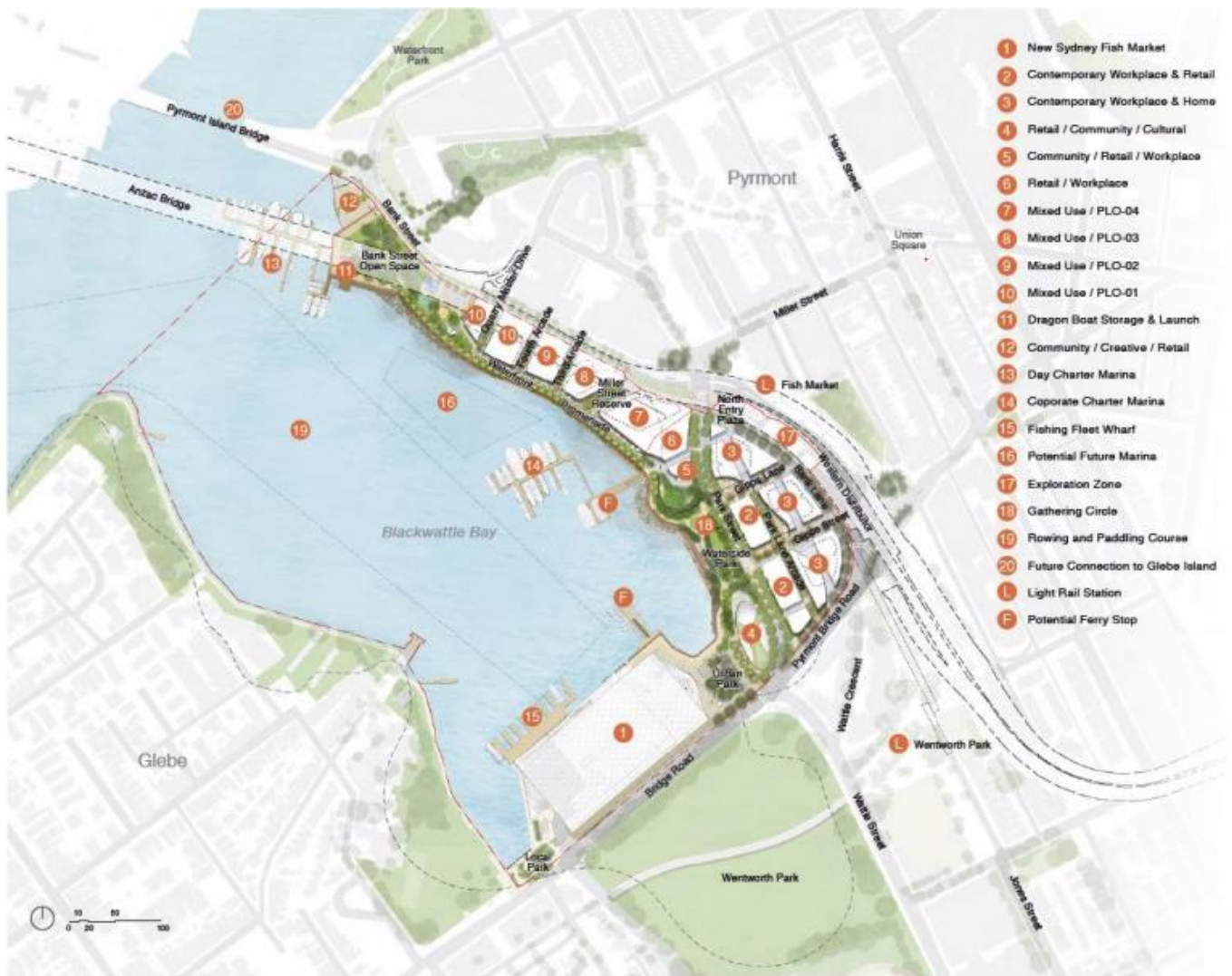


Figure 2 – Illustrative Precinct Plan – Exhibited Plan

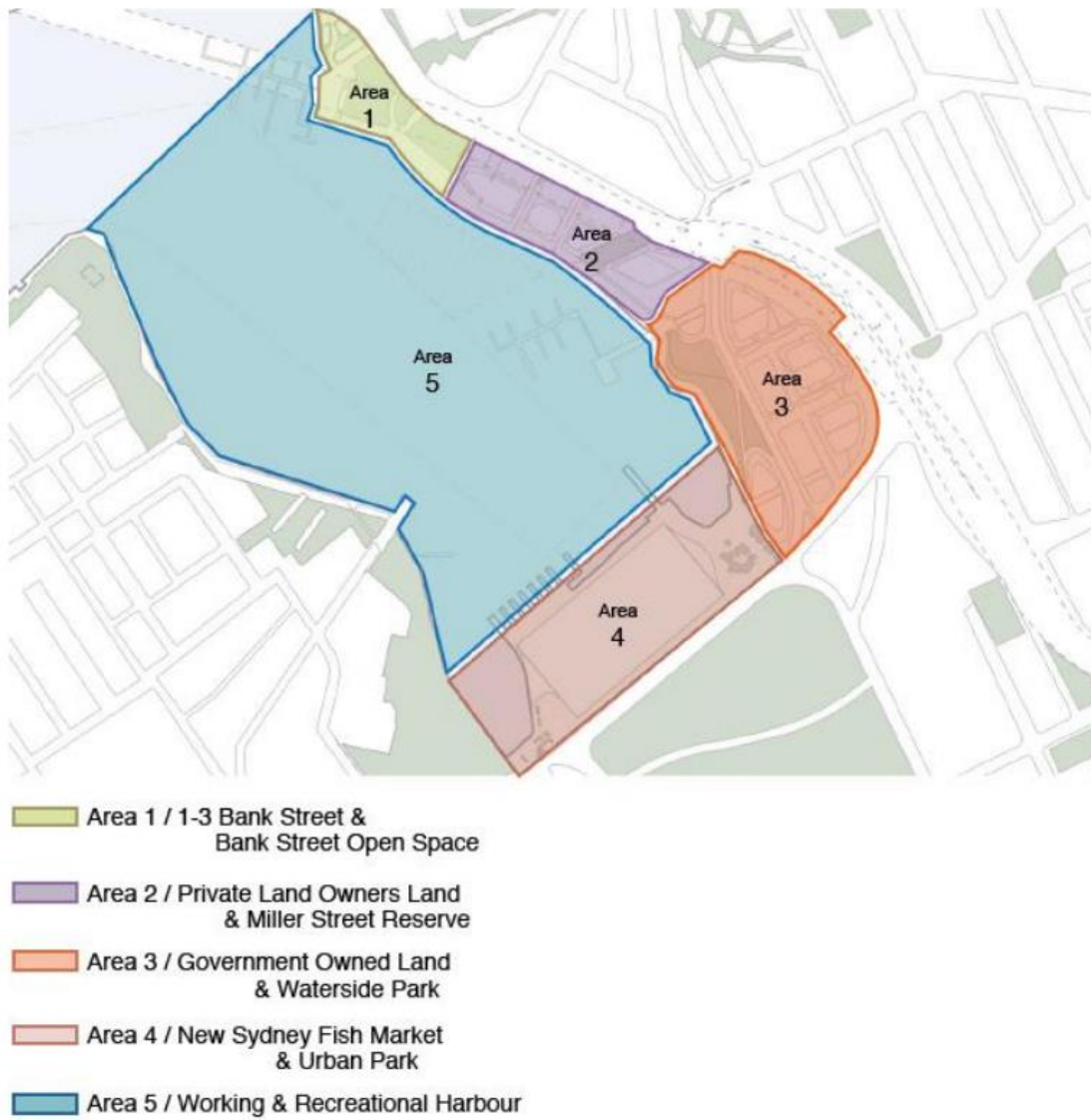


Figure 3 – Precinct Plan character areas

2 CHANGES TO PROPOSAL

2.1 Summary of changes

Changes have been made to the Blackwattle Bay SSP Study proposal in response to the public, organisation and government agency comments and submissions received. Key changes include:

- Reductions in building heights and mass
- Reduction in density by 15% with approximately 34,500sqm less gross floor area
- Reduction in new residents by 29% (840 fewer residents from exhibited plan)
- Revisions to land use mix to align with Pyrmont Peninsula Plan Strategy (PPPS) job and resident targets
- Revision of open space strategy, including widened foreshore promenade and permanent boardwalk
- Commitment to provision of supporting infrastructure and more affordable housing
- Adoption of progressive sustainability targets and initiatives
- Strengthened commitment to Aboriginal culture and designing with Country
- Reduction in private vehicle reliance, with 37% fewer car parking spaces
- Refinements to built form, improving sunlight access and wind performance to public domain
- Commitment to Design Excellence for built form and public domain
- Additional mitigation measures to improve amenity for residents and workers, and maritime safety
- Strengthened role as vibrant and diverse urban quarter supporting a 24 hour economy, with cultural, entertainment, arts and leisure activities, consistent with the PPPS.

The revised proposal still achieves the other key commitments and characteristics of the submitted SSP Study:

- The staged delivery of a continuous waterfront promenade – the missing link in an otherwise 15km foreshore walk from Rozelle Bay to Woolloomooloo Bay
- New parks and green space with more than 30,000 square metres of open space
- New Sydney Fish Market at the heart of Blackwattle Bay

- New active transport connections to bring the neighbourhood closer to the harbour through new and improved pedestrian and cycling links
- Improved public transport options and minimised vehicle usage strategies including:
 - Minimising car parking spaces with limited on-street parking
 - Provisions of a ferry wharf
 - Opportunity for buses to service through site link
 - Connections to the existing light rail
 - Access to the future Sydney Metro West Station in Pyrmont

These and further amendments, are reflected in a Revised Precinct Plan, updated planning framework and revised Draft Design Code, discussed in the following sections. The Revised Precinct Plan is shown in



Figure 4, Figure 5, and Figure 6 below.



Figure 4 – Revised Precinct Plan

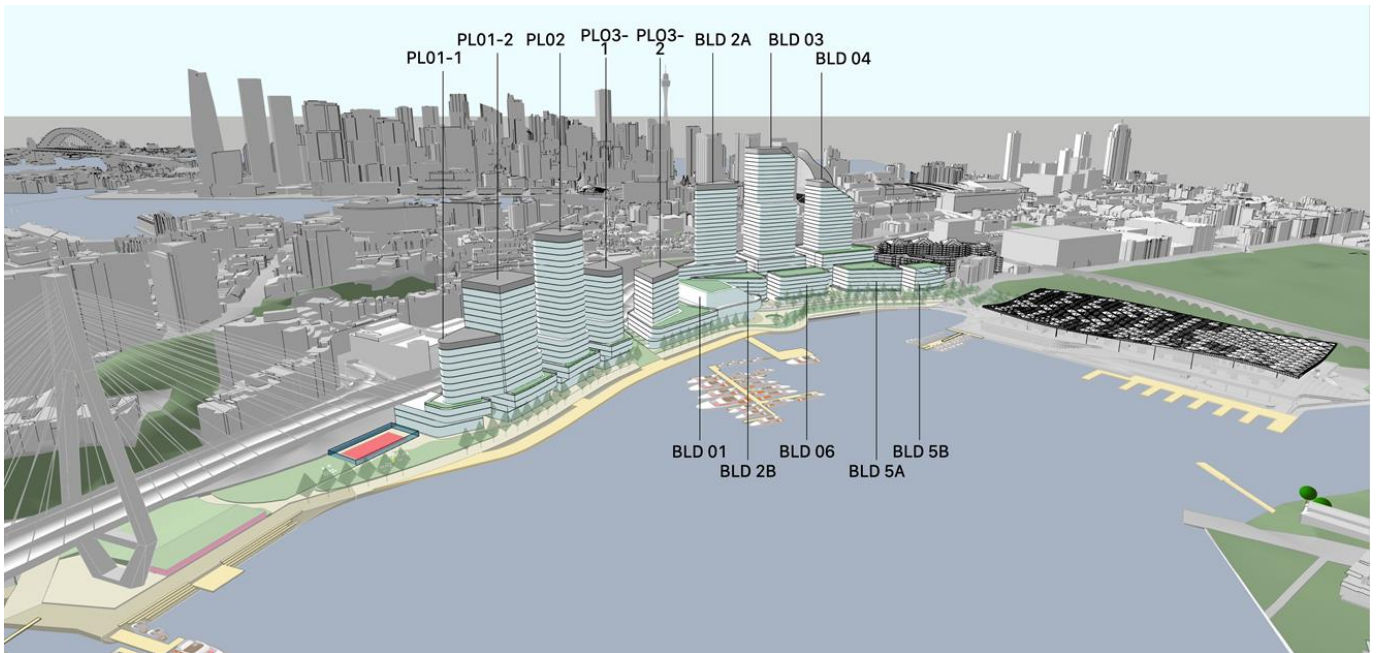


Figure 5 – Revised Precinct Plan – Building Massing

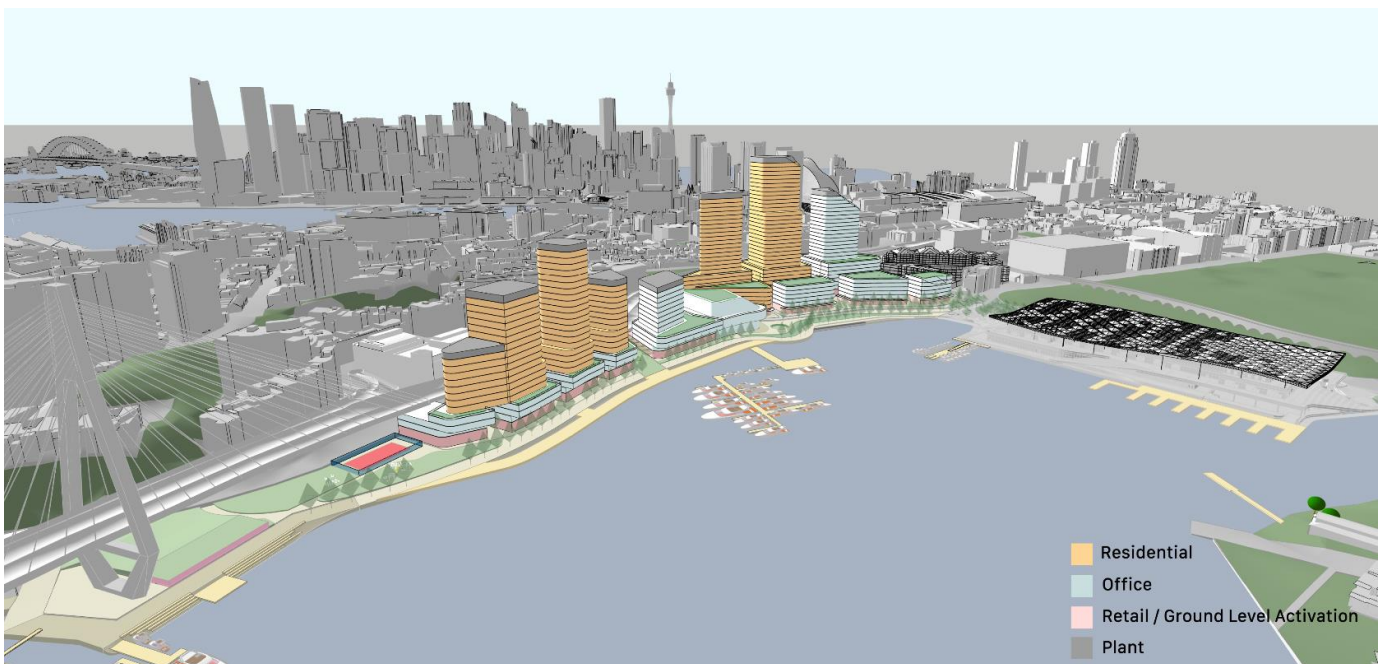


Figure 6 – Revised Precinct Plan – Land Use Distribution

Built form and density

An overall reduction in built form and density is proposed with the following amendments:

- Reduction in building heights of 5 towers up to 21.5m as follows (refer to Figure 5 for Building numbers):
 - Building 2A: -10m

- Building 03: -15m
- Building 04: -4m
- Building PLO 3-01: -21.5m
- Building PLO 3-02: -17.6m
- Adjustment to heights of PLO 1 Building with the northern portion of the building closest to the Anzac Bridge reduced by 10.6m and the southern increased by 5.9m.
- Height of PLO 2 building increased by 8.9m while reducing floorplate size and GFA.
- Adjusted building footprints to Buildings 2A, 03, 05A, 05B and 06 resulting in improved public domain amenity outcomes.
- Reduction in floor space by approximately 15% to 226,264 square metres of GFA. The revised floor space includes:
 - 107,572sqm commercial office GFA
 - 21,259sqm retail GFA
 - 97,432 sqm residential GFA
- Gross floor area is reduced by approximately 14% across the private landowner sites and 16% on the government owned land at the existing Sydney Fish Market site. A breakdown of the resulting GFAs is provided at Table 1 below.
- Approximately a 29% reduction in new residents (840 fewer residents from exhibited plan)
- Approximately a 4% reduction in new workers (260 fewer jobs from exhibited plan)
- Proposed building footprints have also been moved out of City of Sydney land parcel adjacent to the Western Distributor.
- Removal of Building 07 (elliptical building) to improve waterfront open space continuity.
- Confirmation of the expected staging of the redevelopment has also been provided in the revised Draft Design Code

Open space

Adjustments have been made to the proposed open space and foreshore promenade as follows:

- Increase in the overall area of open space to 33,765sqm or 32.5% of the site.
- Permanent 10m wide boardwalk over water along the length of the private landowner sites (previously noted as temporary in the exhibited proposal):
 - Allowing additional dwelling (sitting and relaxing) enjoyment opportunities, interaction with the foreshore and activity notes where the boardwalk meets the land.
 - Separated from the sea wall to allow natural light into the marine environment at the bays edge and an ecological zone.
- A widened Foreshore Promenade as shown in the Urban Design Statement, refer to **Attachment 3**, and the revised Draft Design Code, refer to **Attachment 2**:
 - 30m+ wide along from the new Sydney Fish Market to the private landowner sites with the reclassification of Waterside Park to Foreshore Promenade.
 - 20m cumulative width along the length of the private landowner sites comprising a 10m wide permanent boardwalk over the water (previously noted as temporary in exhibited proposal) and 10m wide promenade on land at the water's edge.

- Additional 6m width in the form of a colonnade along the private landowner sites with an increased height of 9m.
- Built form design amendments have been made such as reduced building heights and increased building separation, and additional provisions proposed to further optimise the quality of the proposed open space. This results in:
 - Improved solar access to the foreshore promenade, with sunlight access protected on 30m foreshore promenade zone from 12-2pm during the winter solstice (in addition to sun plane controls for Sydney Fish Market Urban Park)
 - Improved wind performance within public spaces

Public domain

The key changes to the public domain include:

- Increase in public domain area to 55.5% of the site resulting from building and road adjustments.
- Place Management NSW will take on the responsibility for the ongoing ownership, operation and management of the public domain at Blackwattle Bay (refer to section 333.5.3 for more details).

Land use

The revised proposal maintains a mix of uses with adjustments as follows:

- A commercial focused precinct with an increased proportion of workers to residents. The resulting population breakdown is 76% workers and 24% residents, or 3 workers for every resident.
- Retention of residential on the private landowner sites with a lower proportion of commercial, with the exception of the PLO 3-02 parcel which is entirely non-residential. A breakdown of the proposed GFA and land uses for each site is provided in Table 1.
- The removal of the Elliptical building (Building 7) is proposed however, community, art and cultural uses will still be able to be delivered at Building 1 and 1 to 3 Bank Street.
- Provisions added to require the preparation of a Public Art Plan.

Table 1 – Revised Precinct Plan - Land Use Floorspace, Mix of Uses, and Indicative new Apartments, Jobs and Residents

BLACKWATTLE BAY - Rts REVISED PRECINCT PLAN - 26 May 2022							
	New SFM	PLO 1	PLO 2	PLO 3-01	PLO 3-02	Existing SFM	TOTAL
Retail GFA	11,105m2	1,379m2	830m2	1,129m2	1,761m2	5,055m2	21,259m2
Office GFA	15,646m2	5,612m2	3,209m2	2,839m2	18,654m2	61,613m2	107,572m2
Hotel / Serviced Apartments GFA		0m2	0m2	0m2	0m2	0m2	0m2
Residential GFA		12,890m2	9,140m2	5,647m2	0m2	69,755m2	97,432m2
Indicative No. of Apartments *	0	159	113	70	0	861	1,203
Total GFA	26,751m2	19,881m2	13,179m2	9,615m2	20,415m2	136,423m2	226,264m2
Site Area ****	38,450m2	5,073m2	2,971m2	3,024m2	4,667m2	41,863m2	96,048m2
Residential GFA as % of total	0%	65%	69%	59%	0%	51%	43%
Employment GFA as % of total	100%	35%	31%	41%	100%	49%	57%
No. of New Jobs (FTE) **	136	357	205	193	1,110	3,644	5,645
No. of New Residents ***	0	266	189	117	-	1,441	2,014
Source: * Based on an assumed average apartment size of 81m2 GFA							
Source: ** Assumes 32m2 GLAR per worker in retail (assuming 60% of GLAR is food, groceries and food services) and 16m2 GLA per worker in the office space (sourced from City of Sydney Floor Space and Employment Survey 2017). Also includes jobs in hotel at 0.75 per room and serviced apartment at 1 job per 3.5 rooms.							
Source: *** Assumes 1.9 residents per apartment (Forecast.ID) and 88.1% occupancy (Census 2016)							
Source: **** Does not include lands currently zoned RE1 within Study Area							

Amenity

A range of provisions have been added to the revised Draft Design Code to improve amenity such as solar access, noise, air quality, existing industrial land uses and maritime safety.

Transport and access

Key changes relating to transport and access include:

- The maximum parking provision has been reduced by 532 spaces (or 37%)
- Realignment of Park Street and Bridge Road/Wattle Street intersection
- Several additions to the revised Draft Design Code including:
 - wayfinding provisions for access to public transport
 - loading dock and service vehicle provisions
 - consideration of decoupled car parking.
- Updated street design to align with the City of Sydney Street Design Manual

Environment and sustainability

Infrastructure NSW has made stronger commitments to sustainability in the LEP and revised Draft Design Code provisions including:

- Bringing forward the net zero precinct target from 2050 to 2041
- 5 Star Green Star Buildings ratings required for all buildings
- Addition of stretch targets with increased BASIX & Green Star ratings
- Investigations for precinct-wide utilities including:
 - microgrid and grid-scale battery storage
 - water recycling system
 - food organic waste facilities
 - precinct parking
 - electric vehicle charging, grid-scale battery storage
- New waste and resource recovery targets
- Addition of provisions for green roofs, deep soil and disposal of polluted sediments
- Target of 100% recycled irrigation water for public open space

Some updates relating to tree canopy provisions for indigenous and deep soil planting.

Design Excellence

Changes have been made to the approach to design excellence including:

- A Design Excellence Panel will be established made up of eminent design professionals selected from the State Design Review Panel and one representative from Place Management NSW, to ensure design excellence is achieved consistently across the precinct.
- The revised Design Code also includes provisions aimed at ensuring that the public domain exhibits design excellence. Designs for the public domain will be reviewed by the Design Excellence Panel and be subject to community consultation and statutory planning approval.

Connecting with Country

The renewed precinct will recognise and celebrate the traditional custodians of the land and waters of Blackwattle Bay – the Wangal and the Gadigal people. The revised Draft Design Code includes initiatives to ensure this through collaboration and co-leadership with Aboriginal and Torres Strait Islander peoples, initiatives to ensure this will include:

- Languages of Country and Aboriginal names will be used for streets, parks, promenades, plazas.
- Interpretive education about First Nations culture will be incorporated into signage, maps and wayfinding material.
- New developments within the precinct, including the public domain, will consider opportunities for acknowledging and celebrating Aboriginal and Torres Strait Islander living cultures through art, performance, architecture, landscaping and other creative expression.
- New developments will also 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.

Affordable housing

It is proposed to increase the required affordable housing contribution from 5% of *residential* floor space, to 7.5% of *residential and commercial* floor space. Based on the current precinct plan, this will result in 14,963 sqm of affordable housing floorspace.

Infrastructure contributions

The proposed approach to infrastructure contributions has been amended to reflect the new contributions framework proposed for the Pyrmont Peninsula.

The proposed new framework includes:

- Special Infrastructure Contribution (SIC) to fund the Pyrmont Metro Station:
 - \$15K per dwelling
 - \$200/sqm new commercial GFA
- Regional Infrastructure Contribution (RIC), including:
 - Base charges of \$10K per apartment plus \$30/sqm new commercial GFA
 - Transport Project Component (transitioned SIC, rates as per above).
- Affordable Housing Contribution, in accordance with the City of Sydney Affordable Housing Program (refer section 3.5.4 and 4.8).

It is also understood that the City of Sydney is proposing a 3% section 7.12 levy to cover the Peninsula.

Future development in the Precinct would be subject to this new contributions framework once it is in force. In relation to affordable housing, a site specific clause is proposed, to increase the affordable housing contribution from 5% of *residential* floor space to 7.5% of *residential and commercial* floor space.

Planning framework

The proposed planning framework has been amended in response to submissions received and having regard to the Revised Precinct Plan. The key features of the revised planning framework are as follows:

- Changes to the building heights and floor space ratios (FSRs) to reflect the revised built form
- Maintaining the existing 2.5:1 FSRs under Sydney Local Environmental Plan 2012 (Sydney LEP 2012) for the privately owned development sites, with the opportunity provided for additional floor space subject to the dedication of land designated for the foreshore promenade

- Removing the application of clause 4.6 of Sydney LEP 2012 so that the maximum heights and FSR shown on the Height of Building (HOB) and FSR maps cannot be varied
- Requiring new development within the Precinct to comply with the design excellence provisions in Sydney LEP 2012, with added provisions included in the revised Draft Design Code aimed at delivering cohesive precinct outcomes and seamless integration with the public domain
- Requiring all new major development achieve the 5-star Green Star Buildings target
- Specifying the minimum percentage of gross floor area that must be developed for non-residential development on certain sites
- Specifying the minimum percentage of gross floor area that must be developed for cultural purposes
- Requiring that 7.5% of the total gross floor area of new development be provided as affordable housing or an affordable housing contribution be made equivalent to this amount
- Reducing the maximum car parking rate for commercial development to 1 space per 300m², to encourage adoption of more sustainable travel modes.
- Expanding provisions in the Sydney LEP 2012 which prevent overshadowing of specified public places to include key public places to be provided at Blackwattle Bay in addition to Wentworth Park and the Glebe Foreshore
- continuing to prohibit general industries within the precinct consistent with the current zoning
- Making minor adjustments to the proposed new zones to reflect changes in the updated Precinct Plan.

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

3 DPE ASSESSMENT

3.1 Preliminary Assessment

The Department has undertaken a preliminary assessment of the SSP Study, which can be found on the Blackwattle Bay page of the NSW Planning Portal. The preliminary assessment is intended to assist with the preparation of this response to submissions and to inform amendments to the master plan. It also makes specific recommendations, setting out the actions and evidence required by Infrastructure NSW in progressing the rezoning to determination stage.

The Department's preliminary assessment identifies primary and secondary considerations. The Department notes that the primary matters may require significant changes to the proposal, and the secondary matters are technical matters which may not result in significant changes, but are critical to informing the evidence base to support the rezoning. They are as follows:

1. Primary considerations

- Built form
 - Height and building massing
- Place
 - Foreshore promenade
 - Public open space
- Wind conditions
- Planning and process
 - Design excellence
 - Infrastructure contributions
 - Planning framework
 - Social and affordable housing

2. Secondary matters

- Built form
 - Land use mix
- Place
 - Connecting with Country
- Environment
 - Sustainability
- Movement
 - Public transport
 - Freight servicing
 - Traffic
 - Parking
 - Pedestrian and cycle network

Infrastructure NSW's response to the Department's preliminary assessment is provided below.

3.2 Built form

3.2.1 Height and building massing

Issues

- The proposed built form unreasonably impacts on the quality and amenity of the open space and foreshore promenade.
- The configuration of properties north of the Miller Street alignment limits opportunities for meaningful public space and their built form height does not allow for a proper transition to the waterfront as envisaged in the Pyrmont Peninsula Place Strategy (PPPS).
- Development should step down towards the foreshore to ensure that a high amenity foreshore promenade is delivered.
- Building heights should respond to the existing and future built form.
- The minimum proposed waterfront setback of 10 metres and 7 metre colonnade does not provide sufficient publicly accessible space or generous experience expected of a world-class harbour foreshore
- The proposed podium setbacks of 3-5 metres are unlikely to be effective in mitigating wind downwash from towers.
- Several residential buildings do not appear to meet the amenity requirements of the Apartment Design Guide (ADG), particularly with respect to building separation and solar access.
- Air quality and noise impacts from the concrete batching plant on Bank Street and the Anzac Bridge/Western Distributor traffic may not provide an environment conducive to residential use.
- Improving the built form on the private sites to achieve improved amenity outcomes raises challenges
- Redesigning development on the private sites to improve ADG alignment comes with challenges for the viability of these sites being redeveloped, particularly in the short term. Consideration should be given to alternate approaches to the building massing for the private sites such as site amalgamation(s) or reconfiguration.

The Department concludes that the proposed heights on the existing Sydney Fish Markets and southern part of the Precinct are generally consistent with the PPPS height strategy. However, it considers that changes to the proposal are required for the sites north of Miller Street to achieve a better resolution of foreshore and amenity issues. It recommends that:

Department's Recommendations

- *Investigate alternate built form options and undertake testing of alternate site configurations, in particular for the narrower northern end of the precinct to provide a better foreshore promenade experience. This should include master planning of one or more of the privately owned sites based on different lot configuration of one or more allotments, requiring amalgamation of sites to provide more lot configurations that better respond to the constraints of this part of the precinct. This should also include an improved transition to the waterfront including the use of podiums and increased setbacks from the water edge.*
- *Consider the height transition from Miller St and what benefits / challenges this delivers if heights were reduced. This should include testing of heights as low as RL52 at the Bank Street Park interface stepping up to RL 90 at the north side of the Miller Street alignment. This combined with any potential site amalgamation or reconfiguration would need to be carefully managed to ensure that a 'wall' of*

buildings is not created along the foreshore. To the south side of the Miller Street alignment maximum heights are to be controlled by the Sun Access Plane protecting sun access to Wentworth Park between 10am and 2pm and capped at the Obstacle Limitation Surface of RL156.

- Provide further justification of the proposed colonnade height and depth, demonstrating that this will result in a sufficiently open and well-proportioned component of the foreshore promenade. Consider the potential benefits of increasing the clear height of the colonnade from 6 up to 9 metres.*
- Consider if more feasible development can be achieved by adopting more innovative design approaches for buildings at the northern end of the precinct, adjacent to Western Distributor motorway, whilst addressing the issues raised in this section and Section 2.1 Foreshore Promenade. Engagement with other stakeholders including other parts of government and private land owners should be undertaken throughout the investigation process.*
- Demonstrate the ability to achieve alignment with ADG, including building separation and solar access for both future residential uses within the site and existing surrounding residential flat buildings.*
- Adopt design refinements or provide further justification for the siting and design of residential components of the proposed rezoning to address amenity concerns, especially in the northern end of the precinct where development abuts the Western Distributor. This could include non-residential land uses and a minimum setback of 3m from the western distributor at podium and 6m at tower levels.*

Response

The building height and massing has been adjusted in the Revised Precinct Plan, resulting in both reduced building heights and gross floor area across the precinct. Buildings on the existing Sydney Fish Market site have been reduced, including the tallest by 15m, as well as adjustments on the private landowner sites to achieve improved amenity outcomes.

The Department concludes above that the proposed heights on the existing Sydney Fish Markets and southern part of the Precinct are generally consistent with the PPPS height strategy, and that changes to the proposal are required for the private landowner sites. While built form amendments have been made across the precinct, the response below relates to the northern private landowner sites. Details of the revised massing and investigations undertaken is provided in the Urban Design Statement Addendum at **Attachment 3**, and further discussed in section 4.2.1 and chapter 5 of this report.

The design team investigated a series of alternate built form options and site amalgamation configurations, ranging from complete amalgamation of the three privately owned sites north of Miller Street to the amalgamation of two of the smaller privately owned sites north of Miller Street. The resulting alternate built form options were able to provide for a similar amount of new floorspace in an arrangement that provided minor amenity improvements – slightly more sunlight access to the waterfront promenade through increased building separation. These investigations were shared both with the Project Working Group (PWG) and the private landowners. While the alternate options were generally supported in principle by the PWG. They were not supported by the private landowners. Critical risks identified through the investigation were the added complexity of aligning renewal objectives of the private landowners to trigger site amalgamation, as well as the likely long delay this would have on delivering key public benefits such as the waterfront promenade and new jobs and homes. Ultimately, it was determined the Revised Precinct Plan should work with the existing ownership arrangement while making changes to the exhibited precinct plan that can provide for a better foreshore promenade experience.

The design team investigated height transitions of the private landowner sites from Miller St north to the Anzac Bridge, as well as height transitions of the private landowner sites from Miller St south to the existing Sydney Fish Market site. The investigation determined that by both increasing the building separation between the private landowners to 24m, and stepping the heights down from the middle to the north and to the south, improvements could be made to:

- public domain amenity (in particular sunlight access to the foreshore at midwinter)
- through site view corridors with increased building separation
- the contextual integration of the built form, with the average heights of the revised towers are

approximately the same absolute height of the buildings on Distillery Hill at Jacksons Landing

The design team also investigated height as it related to the positions and datums suggested in the PPPS Sub-Precinct Masterplans. The approach highlighted an outcome that resulted in a built form that was loosely clustered, like the recognised pattern established by the Distillery Hill built form. The location of the clusters is also informed by the ownership patterning and defined at the edges by land and water features, increased sunlight access to public domain and foreshore, wider view corridors that frame views to landmarks, and improved seasonal wind considerations.

Finally, in response to the submissions received, the design team investigated lower heights across the precinct. Instead of a uniform reduction in heights, the design team sculpted the built form to create a dynamic mid-scale skyline which reinforced the above-mentioned amenity improvements. The heights have generally been lowered across the precinct and gross floor areas have been reduced by 15% on average.

The height of the colonnade has also been increased from 6m up to 9m, as per the Department's recommendation.

The design team investigated more innovative design approaches for foreshore promenade and buildings at the northern end of the precinct and determined that a permanent over-water boardwalk could not only double the width of the waterfront promenade but also be implemented with relying staged urban renewal of all of the private landowners sites which may not occur within the next 10 years. The boardwalk could be delivered well ahead of any urban renewal of the private landowners sites. This concept has been presented to the private landowners and other parts of government and has in principle support from Maritime division of Transport for NSW. More details on the proposed boardwalk and widened foreshore promenade are provided in section 3.3.1.

The revised built form has been tested to ensure that ADG will be capable of being complied with at the detailed design stage. Heights and form of the buildings proposed on the existing Sydney Fish Market site have been adjusted and refined to minimise overshadowing impacts to the photo-voltaic panels on the roof of the new Sydney Fish Market as well as the existing neighbouring properties located south of Pyrmont Bridge Road.

The Revised Precinct Plan proposes the retention of residential on the private landowner sites with a lower proportion of commercial, excluding the PLO 3-02 parcel which is entirely non-residential. Advice from Atlas Urban Economics was obtained in relation to the exhibited proposal (refer to Land Use Appraisal at **Attachment 4**). The advice identified:

- a preference for commercial office uses to be tightly clustered together rather than spread across the precinct
- that the private landowner sites lend themselves to retail and smaller scale commercial uses, and
- these sites could face difficulty in securing and sustaining commercial occupier interest in a dispersed layout.

They recommended the quantum of commercial floor space be reduced from what was exhibited while still allowing for small scale boutique commercial at the ground plane.

The revised proposal reflects this, with commercial concentrated on the existing Sydney Fish Market site and adjacent the PLO 3-02 parcel to the south of Miller Street Reserve. The private landowners also expressed a preference for residential uses on their sites for feasibility to enable urban renewal. The planning framework does not preclude them from proposing a greater proportion of non-residential on their sites at the detailed design stage should it be required.

3.2.2 Land use mix

Issues

- There is a need to further demonstrate consistency with directions and Place Priorities in the PPPS particularly Direction 1 of the PPPS which calls for investment and innovation to boost jobs, creativity, tourism and night life and which seeks delivery of new major floor space capacity within Blackwattle Bay through a range of building typologies including towers.
- Commercial and retail space is only proposed within podium levels and this departure from the PPPS is not addressed in the SSP Study.

Department's Recommendations

- *Land use mix including the potential for major commercial towers should be aligned to the PPPS Economic Development Strategy and future expectations for development in the Peninsula and Eastern City as a whole. Provide further analysis of demand for proposed types of commercial floor space and how this aligns with the PPPS commercial land uses focussed on knowledge-based jobs including consideration for appropriateness of taller office towers.*

Response

The Revised Precinct Plan is aligned to the *Pymont Peninsula Place Strategy* (PPPS) and the *Pymont Peninsula Economic Development Strategy* (EDS) in delivering the right quantum and type of floor space needed to achieve the intended outcomes for Blackwattle Bay.

Direction 1 of the PPPS is to drive jobs and industries of the future for Pymont. It is informed by the EDS which identifies the numbers of jobs that could be expected and the types of spaces that could accommodate new space for jobs and industries of the future. Infrastructure NSW engaged Atlas Economic Urban to prepare a Land Use Appraisal to inform the changes to the Revised Precinct Plan, having regard to land use mix and commercial market demand at Blackwattle Bay, while considering the PPPS and EDS. Their report is provided at **Attachment 4**.

A diverse urban quarter and entertainment precinct

Direction 1 identifies the sub-precincts that will prioritise commercial, tourism and cultural development, including the Blackwattle Bay Sub-Precinct. Land use place priorities for the Blackwattle Bay Sub-Precinct include:

- Redevelop Blackwattle Bay into a new urban quarter focused on knowledge-based jobs and supplemented with cultural and entertainment, visitor and tourism, retail and residential uses, connected to public transport, including the Pymont Metro station and anchored by the new Sydney Fish Market. 2. Prioritise commercial floor space for knowledge-based jobs to support the Innovation Corridor
- Investigate the establishment of new entertainment, events and cultural space in the redevelopment of Blackwattle Bay to support a vibrant 24-hour entertainment and cultural precinct.
- Providing residential development, including affordable housing without compromising commercial development and the attractiveness of Blackwattle Bay for a range of cultural, entertainment, arts and leisure activities supporting a diverse and vibrant 24- hour economy.

The Revised Precinct Plan achieves these land use outcomes. At a macro scale, it both reduces the overall density of the site, and the proportion of residents to jobs. The resulting population is very much jobs focused with 76% workers and 24% residents. Knowledge based jobs will be supplemented with cultural and entertainment, visitor, tourism and retail uses, as well as residential to make a truly vibrant and diverse precinct. Table 2 below demonstrates the exhibited and proposed Revised Precinct Plan population breakdown, looking at new jobs creation, in alignment with the PPPS targets for new population in the Blackwattle Bay Sub-Precinct.

Table 2 – New Residents to New Jobs Alignment with PPPS Blackwattle Bay (BWB) Sub-precinct Targets

PPPS BWB Sub-precinct Targets		BWB SSP - Exhibited		BWB SSP - RtS	
New Residents	New Jobs	New Residents	New Jobs	New Residents	New Jobs
2,055	5,770	2,854	5,907	2,014	5,645
26%	74%	33%	67%	26%	74%

Capacity and demand for jobs

The EDS identified that jobs are Forecast to increase in Pyrmont by 20,000-23,000 by 2041. The PPPS took this forecast and divided the jobs growth between the identified sub-precincts of Pyrmont, including Blackwattle Bay. Blackwattle Bay Sub-precinct was shown to potentially have capacity to accommodate 5,770 new jobs to 2041. This Sub-precinct covers a larger area than the Blackwattle Bay SSP Study Area, including several sites marked as sites ‘capable of change’ on the eastern side of Bank Street known as the City West Office Park. The 5,770 jobs growth spans across the entire Sub-precinct, including these sites.

Infrastructure NSW has a strong vision for the urban renewal of Blackwattle Bay to take place between 2025 and 2036. It is critical that the period of construction is minimised and the public benefits of complete renewal of the existing Sydney Fish Market site are delivered to the community. This is particularly important being on the doorstep of one of Sydney’s most iconic new attractions, with the opening of the new Sydney Fish Market at the head of the bay planned for 2024.

Atlas Urban’s market demand assessment revealed that to 2036 there would be demand for 67,000sqm NLA office space in Blackwattle Bay (equivalent of 78,825sqm GFA and 4,483 jobs). Together with the provision of 10,154sqm of new retail GFA (excluding the new SFM), there would be demand for 88,979sqm of new commercial space or 4,763 jobs. The report notes that with an Investment Attraction Strategy (similar to State Government’s investment strategy at Tech Central) this number could be higher, however there this is not something that has been committed to for Blackwattle Bay by State Government. At Tech Central, Investment NSW is funding a \$48.2 million kickstart program for the precinct, which will go towards things like affordable space for start-ups and scale ups over a 5-year period.

The Revised Precinct Plan exceeds the identified market demand found by Atlas Urban, with 5,645 new jobs, equalling 98% of the growth for the Sub-precinct. A further 1,000 or so jobs could be achieved in the Blackwattle Bay Sub-precinct through the renewal the City West Office Park site which the PPPS suggests could increase in height up to RL 90, with a focus on delivering jobs. The site is currently commercial and has three eight storey buildings containing media tenants including Network Ten and Nova Radio. It is also reasonable noting the renewal timeframe being 5 years sooner than the EDS forecasts. Therefore by 2041, it is expected that over 6,600 new jobs could be created in the Blackwattle Bay Sub-Precinct, exceeding the number of jobs targeted by 15 per cent.

Types of jobs and buildings

The EDS identifies a future industry mix for Pyrmont more geared towards the knowledge industries, albeit with growth in many of the associated industries for which Pyrmont is currently recognised such as professionals, media, IT, tourism and entertainment. It expects the Professional Services sector to drive demand for office floorspace moving forward, accounting for 33%-34% of demand. The Media (13%-15%) and Information Technology (~8%) sectors are also anticipated to be key sources of demand.

Atlas Urban Economics have advised:

- A critical population mass (residents, workers, visitors) is essential for successful mixed-use precincts such as Blackwattle Bay, particularly retail and hospitality uses and local service businesses. Similarly, a critical mass of commercial occupiers is essential for successful commercial precincts as businesses gravitate to areas of high activity, providing opportunities to locate proximate customers, suppliers and retail amenity.

- A critical mass of residents and visitors can support a diverse mix of retailers and hospitality businesses, which in turn are a key attractor for local office workers who value a high-quality retail and urban amenity offering.
- Successful office precincts comprise a mix of office buildings with a variety of floorplates sizes.
- Office floorspace at Blackwattle Bay will likely draw demand predominantly from the historical TAMI market (technology, advertising, media, information technology), though as the future Pymont metro station nears completion a ramp-up in demand could be observed from a broader mix of professional services.
- It is challenging to isolate the floorplate sizes required by different industries as this is more a function of organisation size rather than industry. Accordingly, providing a mix of office floorplates is appropriate.
- In order for Blackwattle Bay to establish itself, market investigations suggest that some larger floorplates (1,800sqm to up to 2,500sqm NLA) be provided in the early years in order to attract anchor occupiers. Smaller floorplates (800sqm to 1,200sqm NLA) should also be provided in order to attract the mix of industries and business sizes needed for an office precinct to be economically sustainable over the longer term.

Following receiving this advice, the arrangement of non-residential uses has been improved in the Revised Precinct Plan to allow for better clustering of commercial uses, and full commercial buildings with a variety of building types and commercial floor plates. The resulting floorplate sizes are outlined in the Workplace section of the Built Form chapter in the Urban Design Statement at **Attachment 3**.

3.3 Place

3.3.1 Foreshore promenade

Issues

- The foreshore promenade does not fully achieve the delivery of a world-class harbour foreshore walk as proposed by the PPPS.
- The south-westerly orientation of the site and narrow lots at the northern end of the precinct create challenges for the promenade design.
- The 17 metre promenade width at the narrower northern end and the need to fit building envelopes within existing site ownership boundaries means that the quality and amenity of the space is sub-optimal.
- Further design options need to be investigated to ensure the foreshore promenade is of sufficient width.

Department's Recommendations

- *The foreshore promenade should include opportunities for:*
 - *Movement - people walking along the foreshore;*
 - *Dwelling - people sitting and relaxing;*
 - *Dining / activation - people eating and shopping along the front of buildings adjacent to the foreshore promenade.*
- *Investigate development of options for wider foreshore promenade at the narrower, northern end of the precinct - increasing from the 17m in the exhibition scheme.*
- *Consider foreshore promenade widths of 16-20m width with an adjacent colonnade of 6-7m.*

- *Undertake further investigations into alternatives for foreshore access (boardwalks in the water) in the event that the northern sites do not develop in the short to medium term.*

Response

The foreshore promenade has been modified to meet the Department's recommendations, including:

- Achievement of a 20m cumulative width along the length of the northern private landowner sites, including a 10m over-water boardwalk
- Additional 6m width in the form of a colonnade along the northern private landowner sites
- Allowing opportunities for movement, dwelling and dining/activation.

In addition to these, the government land between the new Sydney Fish Market and the private landowner sites will now deliver a foreshore promenade 30m wide and greater in part, with more than 55m at the Promontory. For reference, Barangaroo's Wulugul Walk also varies in size from roughly 10m to 25m.

The revised foreshore promenade is more amenable, functional and flexible. It will have the ability to accommodate high visitor numbers and flexibility for a variety of gatherings and events. It has improved amenity outcomes, it is broader, sunnier and more protected from prevailing winds. Further design details, including sections of the revised foreshore promenade are provided in the Urban Design Statement Addendum at **Attachment 3**.

Over-water boardwalk

The previously proposed temporary over-water boardwalk along the private landowner sites is now also proposed to be a permanent 10m wide boardwalk to ensure that the foreshore promenade can still be delivered should any of the private landowners delay or choose not to renew their land. Together with the 10m landside component, and 6m colonnade, the foreshore promenade width along the private landowner sites will be 26m.

The boardwalk will provide additional dwelling (sitting and relaxing) enjoyment opportunities, interaction with the foreshore and activity nodes where the boardwalk meets the land. It will be separated from the sea wall to allow natural light into the marine environment at the bays edge and an ecological zone. It will also not impact the rowing course (which will be a 4.5m or more away from its edge) or other proposed maritime activities.

It is further noted that Infrastructure NSW has consulted with the Maritime division within Transport for NSW on several occasions in relation to the proposed over-water boardwalk. A summary of their comments is as follows:

- From Maritime's point of view the solution is sound.
- Opening up a route around the bay is important for revitalisation and connectivity. A boardwalk solution to allow access simultaneously with redevelopment is therefore a good option. Keeping the boardwalk in the long term plus the final wide public thoroughfare on land, caters for movement around the bay as well as stopping points. Setting back the boardwalk to allow light to the edge of the bay is also best practice.
- It is suggested that the final design cater sufficiently for recreationally boating access to and from the harbour particular kayaking which is popular in the area.
- Durability and longevity should be a key consideration in the final design with expert input into selection of the hardest strongest timbers for the environment.

Delivery of landside component

The private landowners are also now being encouraged to provide the new 10m landside component of the foreshore promenade on their land through a community infrastructure provision. This only allows the FSRs represented in the Revised Precinct Plan to be achieved where the 10m foreshore promenade is provided on their site and as part of a redevelopment. This will be facilitated through a VPA. Without providing the promenade, the private landowners will only be able to achieve the current FSRs on their land.

World-class harbour foreshore walk

Big move 1 of the PPPS is to deliver a world-class harbour foreshore walk at Blackwattle Bay. The promenade will complement the new world-class Sydney Fish Market at the head of the bay and together draw millions of visitors to the precinct each year.

In revising the foreshore promenade strategy, FJMT undertook further analysis to consider what constituted a 'world-class harbour foreshore walk' looking at local and international case studies (**Attachment 3**). They found that the foreshore promenade would need to be characterised by a range of these attributes:

- Continuous and accessible
- Harbour-edge
- Destinations
- Connected with country
- Engage with natural setting
- Working harbour
- Diverse
- Activated
- Integrated
- Scaled and amenable
- Gatherings and events
- Recreation and relaxation

Many of these were already achieved in the exhibited proposal, and the amendments with the widened promenade, boardwalk and nodes have enhanced the ability to provide diverse and activated outcomes, places to gather and connect with the natural setting.

3.3.2 Public open space

Issues

- Preliminary assessment identifies the importance of delivering high quality open space whilst ensuring a reasonable degree of development potential on the site.
- The PPPS aims to establish and maintain a high quality open space network with significant tree canopy and green walking and cycling links.
- While it is proposed to allocate approximately 30% of the site as green open space, this space does not achieve the City of Sydney requirement for sun access of four continuous hours to 50% of parks.
- Wind impacts due to the orientation of the site also reduce comfort level of park users.
- Options to achieve superior solar access on the site should be explored, including changes in the scale of built form or a reconfiguration of open spaces.

Department's Recommendations

- *Provide more detailed analysis beyond the winter solstice ensuring that the precinct provides spaces capable of supporting lawn and planted areas.*
- *Investigate alternate site and building envelope configurations which improve solar access to open spaces. Open spaces are to be contiguous, connected open spaces that achieve the programming intentions of the PPPS including spaces for major events and visitors, walking and cycling links particularly the foreshore promenade, and sport, exercise, recreation and relaxation spaces for workers and resident. This could include testing a reduction in height for BLD 02 to improve solar access to the open space.*
- *Investigate the proposed elliptical building (BLD 07) to improve greater quantum and connectivity of open space. This could include either the deletion of the building and relocation of uses into other locations throughout the precinct, or amendments to the built form such as location, size and scale.*
- *Undertake further testing to consider and/or demonstrate:*

- a. *Ability to deliver a minimum of 3ha of public open space. This should include testing of a 1ha open space area capable of achieving greater than 4 hours of continuous sun access between 9am and 3pm throughout the year.*
 - b. *Ability deliver 40% canopy cover across the SSP (requiring 2 hours of continuous sun access throughout the year).*
 - c. *Whether a reduction in the width of the current proposed Waterside park to allow for an increase in the eastern adjacent buildings could result in an improved public domain across the precinct through provision of a more continuous scaled space terminating in a larger park at the south (larger park subject to adopting changes to scale of BLD 07 as noted above).*
 - d. *Provide further solar access analysis of the foreshore promenade and open spaces throughout the year including times outside of 9am and 3pm and not only at the winter solstice.*
- *Consider amending built form to ensure solar access to adjoining public open space.*

Response

A significant amount of review and testing was undertaken to the open space to address each of the Department's recommendations above. The outcomes of these were worked through in sessions with the Project Working Group or PWG (including the Department, City of Sydney and Government Architect NSW and Transport for NSW). The revised open space strategy generally adopts the Department's recommendations above and is discussed below and in the Urban Design Statement Addendum at **Attachment 3**.

Reconfigured open space

The revised open space strategy results in approximately 3.8 ha or 32.5% of the site being open space. This is more than what was proposed in the exhibited proposal.

The open space on the Government owned land of the existing Sydney Fish Market site has been amended involving the removal of the Elliptical Building (Building 07) and Waterside Park to allow for a broadened foreshore promenade with generous tree canopy above a flexible ground plan stepping down to the water's edge. The reimagined design will ensure the delivery of a world-class promenade with the ability to accommodate high visitor numbers and flexibility for a variety of gatherings and events. With this, connected to a further generous promenade along the private landowners, the continuous linear open space will then terminate at a larger 1ha park at Bank Street Park. This approach to date has been supported by the City and broader PWG, citing a preference for a 'great promenade over a poor park' in that location.

This revised open space approach is both consistent with the open space provisions of the PPPS for the precinct and continues to deliver well in excess of the required amount from the resulting demand of the proposed population.

The PPPS and draft sub-precinct masterplans envisage a 1ha regional park at Bank Street being connected to the new Sydney Fish Market via a foreshore promenade, with Wentworth Park to the south. There is no identified need for another park within Blackwattle Bay within the PPPS.

Additionally, WPS (previously Elton) have provided comments on the revised proposal (**Attachment 5**) noting the open space caters for beyond the population proposed with demand generated by the site being 15% of the site area or 1.56ha, and more than double this is proposed.

Solar access

Solar access performance to open space is improved with the Revised Precinct Plan, balancing increased sunlight amenity in winter, with shade and shelter for the summer months. FJMT provides an assessment at **Attachment 3**.

Sunlight access to the promenade is improved as a result of building height reductions. In particular, to a large portion of the promenade at the Promontory to the Sydney Fish Market Urban Park, with Design Code provisions now proposed to protect sunlight to this zone from 12pm to 2pm during the winter solstice. The orientation of the site makes it challenging to achieve sunlight during the winter solstice to the promenade zone along the private landowners even if the built form along these sites was a much lower scale. FJMT's

analysis shows that during the equinox in summer, the promenade receives a generous amount of sunlight with most of the areas receiving in excess of 4 hours, and along the private landowners receiving 2 or more hours.

FJMT also confirms the 40% average tree canopy cover of the Exhibited Plan, calculated from the urban forest strategy percentages applied to the respective areas, is maintained.

Bank Street Park will continue to achieve 4 hours of sunlight with the proposed LEP provision to not allow any additional overshadowing to the park between 10am and 2pm, consistent with the PPPS.

3.3.3 Connecting with Country

Issues

- There is a need to address the recommendations from the Aboriginal Cultural Engagement Report consistent with the Designing with Country framework.

Department's Recommendations

- *Identify opportunities to incorporate recommendations of the Murrawin Aboriginal Cultural Advice and Engagement report and how these will be captured throughout the renewal of the precinct.*

Response

The Design Code has been revised to include a section on Connecting with Country with new provisions aimed at:

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

The Designing with Country provisions in the revised Draft Design Code identify the importance of engaging with, and being guided by, recognised knowledge holders and the Aboriginal community more broadly. 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. Consultation activities are to be designed and led by Indigenous-owned consultation advisories or by organisations with Indigenous consultation experience.

In addition to the consultation framework, the Design Code includes a number of other provisions to ensure development of both the public and private domain is guided by the Connecting with Country Framework for Tjerru Blackwattle Bay (Bangawarra, March 2021). For example, languages of Country and Aboriginal names are to be used for streets, parks, promenades, plazas, in consultation with Aboriginal people and interpretive education about Aboriginal Culture is to be incorporated into signage, maps and wayfinding material. The revised Draft Design Code also includes provisions requiring that new development, including the public domain, consider opportunities for acknowledging and celebrating Aboriginal and Torres Strait Islander living cultures through art, performance, architecture, landscaping and other creative expression. It also requires that development 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. Further detail is provided in the revised Draft Design Code at **Attachment 2**.

3.4 Environment

3.4.1 Sustainability

Issues

- While the proposed sustainability provision and targets are supported, they do not align with PPPS targets and are absent of specific mechanisms applied on a precinct scale.
- Similarly, Water Sensitive Urban Design (WSUD) initiatives are proposed but precinct scale sustainability measures, such as precinct-scale stormwater detention and reuse, have not been included.
- The NABERS and beyond BASIX commitments are supported but energy and water targets outlined in the PPPS Sustainability Report are higher.
- Sustainability ambitions for the precinct indicate 100% net zero carbon emissions by 2050, which is consistent with relevant policies.
- Opportunities to address targets set out in the Ecologically Sustainable Development report are not addressed in the SSP Study and proposed masterplan.
- Infrastructure NSW has not addressed the PPPS recommendation to investigate a multi-utility hub for sustainable precinct-scale solutions such as integrated parking, electric vehicle charging, battery storage, recycled water and organic waste systems, or bike facilities.

Department's Recommendations

- *Further investigate how precinct scale sustainable outcomes, such as multi-utility hubs can be implemented through the masterplan and planning framework to deliver the nominated targets for Energy and Water efficiency.*
- *Update the EIE and Design Code to require future buildings to achieve the minimum energy and water targets (including relevant NABERS and beyond BASIX commitments) outlined in the PPPS Sustainability Report.*
- *Provide details of such precinct-scale stormwater detention and reuse.*

Response

The sustainability response has been reviewed and updated addressing the matters raised in both the LEP provisions and revised Draft Design Code. The response was informed by advice from Aecom provided at **Attachment 6**.

Higher sustainability performance

The revised response results in stronger sustainability targets including:

- Bringing forward the net zero precinct target from 2050 to 2041
- 5 Star Green Star Buildings ratings required for all buildings
- Addition of stretch targets with increased BASIX and Green Star ratings

Mandating high Green Star, NABERS and BASIX targets will drive the development of buildings with superior sustainability outcomes. To drive sustainability in new buildings for the precinct, Aecom advised to focus on the Green Star scheme which encompasses a comprehensive set of sustainability issues and has a clear path to achieve net zero.

The adopted approach goes above and beyond for both BASIX and NABERS. BASIX stretch targets have been added to the Design Code to encourage greater sustainability performance and the adoption of a 6 star NABERS rating. Where buildings achieve 6 star NABERS ratings, they meet the requirements to achieve the 'exceptional performance' level under the GSB Energy Use credit. Further noting this exceeds the City of

Sydney Draft Development Control Plan Performance Standards for Net Zero Energy Buildings 2021, which seeks a NABERS Energy CA rating of 4 stars (2023 to 2025) and 5 stars (2026 onwards).

Multi-utility hubs and precinct-scale initiatives

Further investigations have been undertaken into precinct-scale sustainable outcomes including investigating the practicalities of co-locating services within a multi-utility hub, as recommended in the PPPS supporting Sustainability Scoping Report.

Aecom found that other outcomes, such as organic waste systems, community gardens, residential EV charging and end-of-trip facilities, are more appropriately located closer to the users that the systems service (i.e. in buildings or public open spaces). These outcomes are more appropriately achieved dispersed throughout the Blackwattle Bay precinct, as co-location through a multi-utility hub could lead to sub-optimal outcomes such as underutilised organic waste facilities or community gardens without sufficient solar access. Considering the precinct plan is able to achieve the same sustainability outcomes as multi-utility hubs, Aecom suggests that multi-utility hubs would be better addressed through investigations for precinct-scale management of utilities and services. Infrastructure NSW has discussed this approach with the PPPS team at DPE who expressed support for this approach.

Various precinct-scale initiatives have been included in the Design Code and provision is available for co-location. Many outcomes, including precinct parking, electric vehicle charging, grid-scale battery storage, and recycled water factories, may be located within the currently government-owned land, with some components able to be located underneath the Western Distributor, subject to feasibility from utilities constraints.

Water Sensitive Urban Design (WSUD)

Cardno have provided a letter response at **Attachment 11**, further discussing the adopted approach to WSUD. They outline that while modelling was undertaken for a particular scenario to demonstrate that the development could meet Council's water quality targets, it is not considered appropriate at this point in the design process to prescribe any single approach and hence why a range of potential options have been identified for further consideration.

Additional measures included in Design Code

Further targets have been added to the Design Code to improve sustainability performance including:

- New waste and resource recovery targets
- Addition of provisions for green roofs, deep soil and disposal of polluted sediments
- Target of 100% recycled irrigation water for public open space

3.4.2 Wind conditions

Issues

- Major roads do not meet walking criteria and the wind assessment throughout the precinct is based on the walking criteria only, not standing or sitting criteria.
- Wind conditions are unlikely to promote the desired place character or range of land uses.
- The wind assessment needs to consider the desired quality and intended uses of spaces being created, requiring the application of a combination of standing, sitting and walking criteria across the precinct.

Department's Recommendations

- *The wind assessment is to be revised to ensure application of appropriate criteria and achievement of appropriate wind conditions based on expected use of areas of public domain, e.g. sitting, standing, walking. This needs to include identifying areas appropriate for sitting within new open spaces and*

along new streets. built form amendments may be where the proposal is unable to achieve the criteria for sitting, standing or walking. Design interventions such as covers or awnings may not be appropriate as a universal solution and their use requires design justification in all circumstances.

Response

The design team has worked collaboratively with wind consultants, Windtech, to improve the wind performance of the Revised Precinct Plan. Design responses in the Revised Precinct Plan include:

- increased tower separations for wind paths
- stepped building envelopes towards waters edge
- reduced footprint and revised location for Building 2A
- reduced tower heights, and
- location of awnings on buildings.

Windtech have undertaken an assessment of the Revised Precinct Plan in a new Pedestrian Wind Environment Study provided at **Attachment 7**. This assesses the safety and walking comfort criteria. A further Wind Comfort Seasonal Analysis has been undertaken (**Attachment 8**) with each of the 40 study points assessed against the comfort criteria listed in Table 3 below. The results demonstrate that the precinct has the ability to achieve suitable wind conditions, particularly considering the nature of the location as an exposed waterfront destination.

The Wind Comfort Seasonal Analysis looked at the 40 study points highlighted in green in Figure 7 below. The comfort level is calculated for each month in 3 hourly intervals looking at five criteria as shown in Table 3 below. This includes sitting, standing and walking criteria.

Table 3 – Description of Wind Comfort Criteria (source: Windtech Wind Comfort Seasonal Analysis)

Abbreviation	Criteria	Classification as per the Draft Sydney DCP 2012	Wind Speed (m/s)
LE	Long Exposure	Sitting	4 (at 5% exceedance)
SE	Short Exposure	Standing	6 (at 5% exceedance)
CW	Comfortable Walking	Walking	8 (at 5% exceedance)
EC(<2)	Exceeds CW Criteria (by < 2m/s)	-	-
EC(>2)	Exceeds CW Criteria (by > 2m/s)	-	-

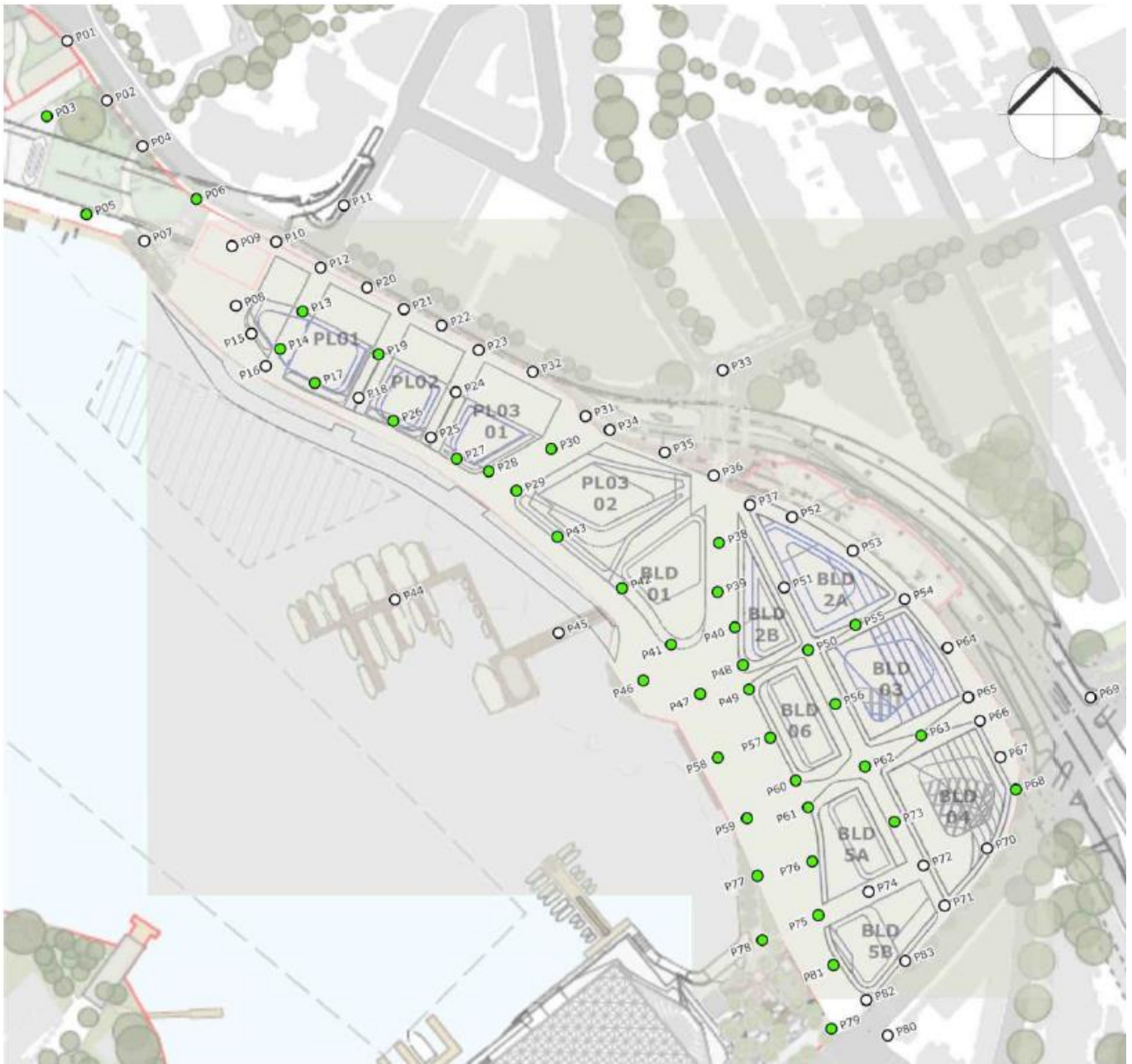


Figure 7 – Study Point locations for seasonal analysis – Assessed Points in Green (source: Windtech Wind Comfort Seasonal Analysis)

The results indicate at a broad level that the precinct provides suitable wind conditions for a variety of different activities to occur within the precinct at different times of the year. Further analysis and treatment will be undertaken during the detail design stage to further improve the wind environment for specific activities like outdoor dining, where landscape design and other elements can provide further wind protection.

The full extent of the foreshore promenade performs well considering its exposed waterfront location. The majority of the points along the promenade identified in the seasonal analysis achieve either the standing or walking criteria for most of the time throughout the year. There are points where the comfortable walking criteria is slightly exceeded (by less than 2m per second) but this is mostly within the warmer summer months of the year. This is expected due to the waterfront location, and more welcomed by users as it offers a cooling effect during warmer weather. These results are also without the effect of any vegetation, and its inclusion throughout the precinct is expected to significantly improve the wind conditions.

Points around the edge of Bank Street Park are shown to achieve mostly comfortable standing and walking outcomes, with some possible further exceedances at the northern point. This is an improved result from the submitted wind tunnel assessment of the current performance at Bank St Park. It is exposed to the direct winds coming from the west and south over the bay. Again, these results are without consideration of structures and vegetation that will improve the wind conditions. It is further noted that the annual average is within the 5% probability of exceedance, which means the wind speed will be less than the identified exceedance for 95% of the time.

The wind tunnel testing indicates that tree planting, in particular to the foreshore promenade, Bank Street Park, Promontory, Sydney Fish Market Urban Park, Bank Street and Pyrmont Bridge Road can be confidently delivered without additional wind mitigation.

In the exhibited Precinct Plan there were several points where the wind safety criteria was exceeded. The Revised Precinct Plan has only one point that exceeded the safety criteria, Point 61. Windtech recommend that it can be mitigated with localised screening.

The Urban Design Statement Addendum (**Attachment 3**) identifies the mitigation strategies that assisted in improving the wind performance across the precinct including:

- tapered towers
- stepped podiums towards the Western Distributer
- horizontal protection over private landowner through site links, and
- awnings.

At the next stage of detailed design, the wind mitigation measures and potential architectural forms and features will be able to be further tested and resolved to optimise the local wind environment.

3.5 Planning and process

3.5.1 Design excellence

Issues

- The starting point of any design excellence process should be that Council's approach continue to apply to future development within the Precinct rather than the proposed approach which would allow for either a process mirroring the Council's approach or a process adopted by the NSW Government Architect.

Department's Recommendations

- *Provide further justification, including addressing the issues raised in submissions, for the disapplication of Sydney LEP 2012 Design Excellence Clause. If this justification cannot be supported the existing Sydney LEP Design excellence provisions will be adopted.*

Response

Infrastructure NSW is committed to ensuring that new buildings in Blackwattle Bay achieve the highest quality of design. In light of issues raised in submissions, it is now proposed that the design excellence provisions in Sydney LEP 2012 will be mirrored in the site specific provisions Blackwattle Bay. It is proposed that buildings in Blackwattle Bay will adhere to the Blackwattle Bay Competitive Design Policy, attached to the revised Draft Design Code. This has been prepared to be generally consistent with City of Sydney's Competitive Design Policy with some modifications:

- to provide for the establishment of the Blackwattle Bay Design Excellence Panel which will have responsibility for overseeing and assessing design competitions for new buildings in the Precinct and ensuring a cohesive and coordinated approach to design excellence across both the public and private domains
- to limit the types of design competitions that can be held to either an 'open' or 'invited' architectural design competition. The 'competitive design alternatives process' offered in the City's Competitive Design Policy is not considered appropriate at Blackwattle Bay given the State significance of the Precinct.
- Requiring the preparation of a Design Excellence Strategy by the developer to be approved by the Blackwattle Bay Design Excellence Panel prior to the commencement of each competitive design process.

Given the extent and detail contained in the Design Code, it is considered that there would be no need for the preparation of a development control plan as required by clause 7.20 of Sydney LEP 2012. It is therefore proposed to remove the application of this clause to development at Blackwattle Bay.

3.5.2 Infrastructure contributions

Issues

- The infrastructure, public open space and community facilities proposed by INSW do not yet sufficiently align with infrastructure opportunities expected to be delivered in the Blackwattle Bay Key Site by the PPPS.
- It is acknowledged that the NSW Government has been undertaking a review of the contributions approach which will introduce a Regional Infrastructure Contribution (RIC). The RIC will provide funding towards critical state and regional infrastructure, including in Pyrmont. The RIC will consist of a low, broad-based charge, a strategic biodiversity charge and a transport project component.
- Infrastructure investment will be aligned with land use planning and forecast growth, ensuring the right infrastructure proposals are developed and delivered at the right time.
- A base RIC contribution rate is expected to apply to the site in addition to any transport project component.

Department's Recommendations

- *Note contributions for the local infrastructure and state and regional infrastructure will be payable at the updated rate.*
- *Pursue infrastructure contributions aligned with the PPPS including implementation of a multi-utility hub and provide justification where PPPS infrastructure opportunities have not been adopted.*
- *Update the SSP Study to note the proposed Glebe Island Bridge active transport link is being investigated by TfNSW.*
- *Revise the infrastructure delivery plan to respond to the SIC framework which is expected to be exhibited later this month as part of the PPPS and the RIC currently on exhibition*

Response

Contributions

Since the SSP Study was lodged in 2020, the Pyrmont Peninsula Place Strategy (PPPS) Sub Precinct Master Plans have been exhibited and a new contributions framework for the Pyrmont Peninsula proposed.

The exhibition documentation made recommendations for a new contributions framework for the peninsula, which included:

- Special Infrastructure Contribution (SIC) to fund the Pyrmont Metro Station:
 - \$15K per dwelling
 - \$200/sqm new commercial GFA
- Regional Infrastructure Contribution (RIC), including:
 - Base charges of \$10K per apartment + \$30/sqm new commercial GFA
 - Transport Project Component (transitioned SIC, rates as per above).
- Affordable Housing Contribution, in accordance with the City of Sydney Affordable Housing Program (refer section 3.5.4).

It is also understood that the City of Sydney is proposing a 3% section 7.12 levy to cover the Peninsula.

Future development in the Precinct would be subject to the new contributions framework once in force, noting a site-specific clause for affordable housing is proposed (refer section 3.5.4).

PPPS Infrastructure

The Sub-Precinct Master Plans also included an updated Infrastructure Delivery Plan (IDP), which identified the proposed infrastructure to support the Pyrmont Peninsula.

Infrastructure NSW has been working with DPE as they refine the IDP based on submissions received during exhibition. The infrastructure identified in the IDP has largely been incorporated into the revised proposal, with updated planning controls (Design Code or LEP) identified to ensure delivery. Table 5 in Section 4.9 outlines the relevant infrastructure for Blackwattle Bay as identified in the IDP, as well as additional infrastructure proposed in the Precinct, and the mechanisms to ensure its delivery.

A clause requiring the concurrence of the Planning Secretary is also proposed in the LEP to ensure adequate provision of State infrastructure prior to development commencing.

3.5.3 Planning framework

Issues

There is a need to demonstrate consistency with the Direction in the PPPS to establish a unified planning framework. The proposed planning framework is also inconsistent with the Greater Cities Commission's (GCC) review of the Pyrmont Peninsula as it does not deliver a streamlined, user-friendly planning approach but rather consists of a complex layering of planning controls and disapplies certain provisions of the Sydney LEP 2012.

The amendment to the State and Regional Development SEPP map to reflect the boundary of the new Sydney Fish Market is not yet adequately justified. The new Sydney Fish Market is currently under construction and there may be challenges with rezoning land that may be subject to ongoing approvals or planning applications.

The proposal to nominate the precinct as a major event site under the Codes SEPP allowing community and commercial events to be undertaken in certain state significant precincts as exempt development requires further justification to exclude the reasonable possibility of typical development approval processes applying.

The EIE proposes to nominate the precinct as a public authority precinct under the ISEPP to enable public authorities to undertake certain works as exempt development within identified 'public authority precincts'. This proposed drafting is considered to complicate the planning framework and it is not clear why typical development application processes should not apply.

Department's Recommendations

- *Further justification required regarding the need for 'public authority precinct' provisions in the Infrastructure SEPP and appropriateness of the proposed exemption from DA requirements for major events.*
- *Further justify amending the SRD SEPP map to include the new Sydney Fish Market (noting the SSD consent has been issued) and for continued inclusion of the remainder of the precinct.*
- *The SSP Study is also to further investigate whether the rezoning of the land adjacent to and surrounding the Sydney Fish Market creates issues with any existing / forthcoming planning approvals required to support delivery of the new Sydney Fish Markets.*

Response

Government management of the public domain

The existing planning framework at Blackwattle Bay comprises a complex array of different planning instruments, zones and planning controls. The proposed planning framework (**Attachment 1**) is intended to provide for a more streamlined and user-friendly approach by:

- incorporating the primary planning controls for the precinct into the Sydney LEP 2012.
- amending the Sydney LEP boundary to include the new Sydney Fish Market site
- rationalising the consent authority arrangements within the precinct by
 - making the City of Sydney the consent authority for development with a capital investment value (CIV) under \$10 million
 - making the Minister for Planning the consent authority for State Significant Development with a CIV over \$10 million

It is intended that the Sydney LEP 2012 will be the primary planning instrument applying to the site. However, there are certain planning provisions that the NSW Government has put in place that supplement the provisions in a council's planning controls which are specifically for the purpose of facilitating government activities and initiatives. In the case of Blackwattle Bay, the NSW Government will be responsible for developing and managing the public domain over the long term. Place Management NSW (PMNSW), which currently has responsibility for managing several key precincts including The Rocks and Darling Harbour, has confirmed that it will also take on the responsibility for the ongoing ownership, operation and management of the public domain at Blackwattle Bay.

PMNSW manages its existing activities within its key and comparable precinct areas under two key planning instruments – the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP) and the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP).

Activities in the public domain undertaken by other councils and other public agencies are also facilitated through the provisions in the TISEPP. Management of key public precincts by PMNSW is facilitated by the 'public authority precincts' provisions under Part 2.3, Division 11 of the TISEPP which allow for a range of routine activities to be undertaken as exempt development. The management of public precincts by PMNSW is undertaken in close cooperation with the City of Sydney and having regard to the City's design and operational objectives.

Not allowing these same provisions to apply at Blackwattle Bay when PMNSW will be the responsible agency would be illogical. Requiring PMNSW to submit development applications for public works would be onerous, time consuming and increase costs to government and is therefore not in the public interest. The need to reduce the complexity of the planning framework is acknowledged but this is a separate issue to the need to ensure the timely and cost-effective delivery of services to the public domain.

It is important to note that in the first instance Infrastructure NSW will be responsible for the design of the open space. As outlined in the revised Draft Design Code, the future design of the open space is to be developed through a process of community consultation and will be subject to a statutory planning approval process.

Events in the public domain

Similar to the TISEPP that facilitates management of the public domain by public authorities, the Codes SEPP includes provisions to encourage events in 'Major Events Sites', including Barangaroo, The Rocks, Darling Harbour and Sydney Olympic Park. Under the Codes SEPP, community and commercial events within Major Events Sites are identified as exempt development and subject to meeting certain development standards.

PMNSW is responsible for managing events in Darling Harbour and The Rocks and it is intended that this same responsibility will be extended to Blackwattle Bay. The types of events they manage in their other precincts involve larger annual events such as Vivid and Australia Day to smaller events such as markets, NAIDOC and yoga in the park. PMNSW has extensive experience in managing events and has put in place a detailed operational framework to guide the programming and holding of events. This framework includes:

- an Outdoor Events Policy (2017) which provides prescriptive conditions for the use, care, operation and management of permissible temporary events on identified sites.
- an Events Manual 2018 to guide event organisers to deliver temporary outdoor events in PMNSW precincts
- an Operational Readiness Framework which sets out best practice criteria the Event Organisers need to submit to PMNSW, to demonstrate the planning and resources allocated for their event.

PMNSW works closely with City of Sydney and other key agencies to ensure public domain events run smoothly and minimise disruption as far as is practicable and reasonable.

Provisions have also been included in the revised Draft Design Code to guide the holding of events in the precinct and to minimise the potential for land use conflicts. In particular, it is proposed that prospective purchasers and occupiers of future residential apartments and non-residential tenancies would be advised that Blackwattle Bay is a vibrant entertainment and recreation precinct that will be subject to many cultural and community events that may result in significant noise, light emissions, vibration and temporary changes to access arrangements over multiple 24-hour cycles throughout the year. Development Applications will be required to include details of strategies and/or mechanisms to notify prospective purchasers/occupiers, to be secured through the development consent or other legal agreement. A similar approach has been taken to other residential developments located in the vicinity of major public domain precincts where events are held.

It is the government's clear intention that Blackwattle Bay will be a 24/7 mixed use precinct offering a range of recreational, entertainment and cultural experiences. The PPPS economic strategy highlights that there is a need to *strengthen and communicate the unique proposition of the Peninsula's 24-hour economy with globally significant events, arts, entertainment and recreation, pop-ups and cultural events*. This is supported by the PPPS Place Priority for Blackwattle Bay to *investigate the establishment of new entertainment, events and cultural space in the redevelopment of Blackwattle Bay to support a vibrant 24-hour entertainment and cultural precinct*.

It is therefore critically important that an appropriate planning framework is in place to support the Government's stated objective for Blackwattle Bay to become a pre-eminent events and culture precinct. The need for such a planning framework has been acknowledged for other similar precincts by introducing the Major Events Sites provisions in the Codes SEPP, and these provisions should appropriately be extended to Blackwattle Bay where the same imperatives apply.

State Significant Development

At present, development within Blackwattle Bay with a capital investment value (CIV) over \$10 million is State Significant Development (SSD) and the Minister for Planning (or his delegate) is the consent authority. The Minister is also nominated as the consent authority for development in Blackwattle Bay undertaken by a private developer with a CIV of \$10 million or less.

It is considered that development over \$10m in Blackwattle Bay should continue to be SSD given the strategic significance of the precinct. Blackwattle Bay comprises a large area of land, most of which is in public ownership and which will be managed by the State Government over the long term. It is of State

importance in achieving Government policy objectives, particularly having regard to the principles and objectives of the PPPS and in increasing the delivery of housing and jobs. There is also a need to ensure coordination and integration with the new Metro station at Pyrmont, the new Sydney Fish Market and the future Bays West Precinct, which is part of Inner West Council LGA.

The complexities of developing land in government ownership and the extent of government investment required to realise the vision for Blackwattle Bay mean that this is not 'business as usual'. The development of Blackwattle Bay must be supported by an appropriate planning framework, including appropriate consent authority arrangements which reflect its significance to the State.

However, now that there is a clear planning framework in place to guide future development at Blackwattle Bay, there is no longer a need for the Minister for Planning to be the consent authority for private development under \$10 million. It is therefore proposed that the City of Sydney will be the consent authority for development with a CIV under \$10 million.

Zoning of new Sydney Fish Market and surrounds

At present, the area of the new Sydney Fish Market is partly zoned 'Waterfront Use' under the *State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021* and partly W1 Maritime Waters under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. This is not only complex and confusing but does not reflect the strategic intent for this site. Further, the new Sydney Fish Market development was required to rely on the 'partly prohibited' provisions for SSD to overcome the prohibition of the use in the W1 zone.

The Blackwattle Bay SSP process offers an opportunity to rectify this situation and to introduce a zone more appropriate to the long-term use of the site. It is therefore proposed to amend Sydney LEP to include the new Sydney Fish Market site within its boundary and to zone the site SP1 Special Activities – 'Sydney Fish Markets'. This zoning reflects the unique nature of the development and ensures that future uses on the site are consistent and aligned with the development as approved and the vision for Blackwattle Bay. The proposed zoning will not impact on the development as approved.

The introduction of the B4 zone on land to the east of the new Sydney Fish Market will allow for a wide range of uses, including residential development. The submitted Noise and Vibration Assessment undertaken by SLR for the SSP Study concluded that no significant noise impacts from the approved operation of the new Sydney Fish Market were predicted within the study area. Notwithstanding, the Design Code has been revised to incorporate a range of additional measures to ensure that potential land use conflicts are appropriately addressed. These include making sure that future residents are made aware that Blackwattle Bay will be a vibrant recreation and entertainment precinct with significant noise and other impacts likely. This same approach has been adopted for the Harbourside Shopping Centre Redevelopment at Darling Harbour.

Amendment to SSD boundary

The proposed amendment to the SSD boundary is a 'housekeeping' change, intended to reflect the changed development footprint of the new Sydney Fish Market. Leaving the SSD boundary in its current configuration is confusing, following as it does the outline of the old wharves and not reflecting the reconfigured site boundary as it will be realised on the ground. While it would be possible to continue to rely on the 'partly prohibited' provisions under Section 4.38 of the EP&A Act if future SSD were to be undertaken in this location, it would seem to be poor planning practice to not take the opportunity to update this boundary to remove the anomalous zoning.

3.5.4 Affordable housing

Issues

A range of local and strategic policies for provision of affordable housing apply to the precinct, including the *Eastern City District Plan*, the revised City West Affordable Housing Program for Ultimo-Pyrmont and the

City of Sydney's *Local Housing Strategy and Local Strategic Planning Statement*.

Direction 9 of the PPPS identifies the need for the unified planning framework for the Peninsula to reconcile the *revised City West Affordable Housing Program* with the City of Sydney's affordable housing approach.

As a unified planning framework for affordable housing has not yet been identified, the District Plan target of 5-10% of residential floor area as affordable housing should be provided, subject to viability.

Department's Recommendations

- *Provide further justification that the proposal meets the Eastern City District Plan target for affordable rental housing of 5-10% subject to viability.*
- *Identify pathway for delivery of affordable housing and whether the precinct should dedicate land for an affordable housing development.*

Response

Summary of changes

It is proposed to increase the required affordable housing contribution from 5% of *residential* floor space, to 7.5% of *residential and commercial* floor space. Based on the current precinct plan, this will result in 14,963 sqm of affordable housing floorspace.

This approach will exceed the District Plan target of 5-10% of residential floor space (based on the proposed land use mix) and will ensure a consistent amount of affordable housing will be provided even if the land use mix changes over time. It will also result in a greater affordable housing contribution than would be levied under the City of Sydney Affordable Housing Program, if it were to be applied to the site. Consistency is an important consideration that will allow for certainty when planning for the delivery of the affordable housing strategy across the Pyrmont-Ultimo peninsula.

It is proposed to calculate the equivalent monetary contributions at the indexed rate specified in the City of Sydney Affordable Housing Program (currently \$10,588/sqm), which is substantially more than the current rate in the City West Affordable Housing Program. Based on the current precinct plan, this equates to \$158.4m in monetary contributions.

The proposal will also deliver significant public benefits in addition to providing contributions towards affordable housing, including a world-class foreshore promenade, cycleways and other public domain improvements. These broader public benefits are an important consideration when determining an appropriate and feasible affordable housing contribution for the precinct.

Context and overview

The PPPS Sub-Precinct Master Plans included documentation recommending that the City of Sydney Affordable Housing Program be expanded to cover the Pyrmont Peninsula. It is understood that the City of Sydney intends to implement these changes in 2022. This would replace the existing City West Affordable Housing Program, which currently applies and ensures a unified planning framework for affordable housing in the area.

The City of Sydney Affordable Housing Program requires the following contributions:

- 3% of residential floor space
- 1% of non-residential floor space
- Value uplift component, which is determined at the planning proposal stage. An estimate of 12% is identified, with the final amount negotiated with the City of Sydney depending on the value of other public benefits being offered. The aim is to capture 50% of land value uplift associated with a planning proposal for public benefit (including affordable housing).

For the Blackwattle Bay SSP area, a site-specific clause is proposed for the provision of affordable housing within the precinct (both Government and private land), requiring a contribution equivalent to 7.5% of *residential and commercial* floor space for affordable housing. This represents an increase on the 5% of

residential floor space proposed under the exhibited SSP Study.

Equivalent monetary contributions would be calculated in line with the indexed rate specified by the City of Sydney Affordable Housing Program (currently \$10,588/sqm), rather than the rates specified in the City West Housing Affordable Housing Program (which are substantially lower).

The 7.5% has also been determined based on a consideration of the City of Sydney's Affordable Housing Program, and an estimate of the value of public benefits associated with the proposal. A conservative estimate shows that the value of the public benefits for the Blackwattle Bay SSP proposal exceeds 50% of the land value uplift resulting from the rezoning. If the City of Sydney's Affordable Housing Program was applied, it is likely that the proposal would only be subject to the 3% residential and 1% non-residential floor space contribution, and not the value capture component. This is because the value of other public benefits being provided already exceeds 50% of the land value uplift.

A site-specific clause is considered appropriate, given the unique nature of the precinct and the fact that it is a State Significant Development Site largely in Government ownership. It will result in a greater contribution rate than would be provided through the City of Sydney's Affordable Housing Program (refer above).

It is not proposed to dedicate a specific parcel of land within the precinct for affordable housing, given the lack of a suitable site. A meeting was held with City West Housing on 14 September 2021 to discuss potential options, and the outcome from that discussion was that the only suitable sites were those currently identified for non-residential development in the precinct plan, and these would not provide sufficient amenity or solar access. It is likely that monetary contributions paid to City West Housing at the development application stage will be the primary mechanism for delivering affordable housing.

3.6 Movement

3.6.1 Public transport

Issues

- The Transport Management and Accessibility Plan (TMAP) should include consideration of the capacity of existing and planned light rail and bus services to support planning for pedestrian connections between public transport stops and key destinations.
- Provision of new ferry wharves (including use of wharves or overnight ferry berthing) suitable for low-wash ferry vessels is supported.

Department's Recommendations

- *Provide additional detail of pedestrian access paths to light rail and locations for wayfinding features and include appropriate provisions in the Design Code.*
- *Include appropriate provisions in the Design Code establishing a process for developers to work with TfNSW to resolve detailed requirements to enable future ferry provision at concept DA stage.*
- *Include appropriate provisions in the Design Code establishing a process for developers to work with TfNSW to resolve detailed requirements to ensure the most effective connectivity between public transport modes.*

Response

The draft Design Code has been updated to include these three provisions (**Attachment 2**), including new wayfinding provisions and the requirement for TfNSW to be consulted during the design stage.

3.6.2 Freight servicing

Issues

- TfNSW has raised the issue of freight and servicing noting that the extent of freight servicing has not been addressed in the TMAP and that the proposal warrants provision of parking to facilitate freight and servicing.
- TfNSW recommends a single basement for site 2 (the existing fish market site) to provide for a loading dock servicing residential and commercial uses.

Department's Recommendations

- *Address servicing for commercial and residential towers in the masterplan noting that the development is expected to generate 835 freight vehicle arrivals.*
- *Consider and explore need for a combined loading dock, including necessary provisions within the draft Design Code.*

Response

Aecom have prepared the Updated Transport Assessment which assesses the freight trip generation of the Revised Precinct Plan, identifying the need for 37 freight parking spaces to accommodate the anticipated peak demand. It recommends the feasibility of a combined loading dock for the entirety of 'Site 2' which services residential, commercial and retail uses is to be investigated during the detail design phase. This is included in the revised Draft Design Code (**Attachment 2**).

3.6.3 Traffic

Issues

- The TMAP does not clearly identify if the traffic modelling used to assess the impact of the proposal on the road network takes account of major new transport infrastructure initiatives as well as uplift in employment and residential land use and densification proposed under Pyrmont Peninsula Place Strategy and Bays West Strategy.
- The TMAP sets the mode share target for walking and cycling at 29%, public transport at 56% and private vehicle at 15%. The non-private vehicle mode share is considered high for proposed plans for the precinct and preliminary assessment has found insufficient evidence regarding how this will be achieved.

Department's Recommendations

- *Provide evidence to demonstrate that measures to place downward pressure on private vehicle mode share and measures to increase active and public transport mode share will enable the target mode share split.*
- *The TMAP should be updated to identify and confirm modelling and assumptions.*

Response

Section 3.5 of the Updated Transport Assessment confirms the modelling approach and assumptions, as well as the list of major new transport infrastructure initiatives that have been included in the traffic model.

Aecom have undertaken further investigations into how the mode share target in Blackwattle Bay could be achieved and have provided recommendations. The Precinct Plan has been amended accordingly.

While the set mode share target of 80% active/public transportation and 20% private transportation for Blackwattle Bay is high, it is in the context of an area that currently has a high mode share without any major

transport intervention (Metro). Pyrmont currently has a mode share split of 74% / 26% for active and public transport to private car for residents travelling to work. The TMAP submitted with the SSP Study included nine recommendations to achieve the mode share targets, including Government's commitment to the Pyrmont Metro Station. The Updated Transport Assessment at **Attachment 9** includes two more 'big shifts' to further reinforce the mode share targets including:

- Big Shift 1: The maximum parking provision has been reduced by 532 spaces (or 37%) as part of the revised Blackwattle Bay SSP Study.
- Big Shift 2: The Eastern Harbour City Strategic Cycle Corridors have been announced.

The revised car parking has been based on both reduced development yields and benchmarking against more stringent commercial parking rates which have been used at Central Park. This has resulted in a 37% reduction in proposed carparking, from 1,440 parking spaces in the exhibited plan to 908 parking spaces in the revised plan.

The Central Park Concept Plan recognised the precinct's strategic location on the fringe of the Sydney city centre, and the need to minimise car use in favour of more sustainable travel modes, identifying a mode share aspiration of 80% of city trips to be by modes other than car. It proposed approximately one parking space per 244 square metres of commercial GFA. The Revised Precinct Plan has a higher mode share aspiration than the Central Park Concept Plan and as such, a more ambitious commercial parking maximum is proposed.

The resulting car parking rates in the LEP include (refer to **Attachment 1**):

- In terms of Public Transport Accessibility (non-residential parking) it is proposed to reclassify the Precinct from Category F to Category D which will result in an approximate reduction of 40% in retail car parking.
- For commercial, one parking space per 300 square metres of commercial GFA. This is more ambitious than the Category D parking rates under Public Transport Accessibility in the Sydney LEP 2012, and is applied through a site specific provision.
- For residential parking moving from Category B to Category A on the Land Use and Transport Integration category reducing the maximum number of residential parking spaces permitted by approximately 15%.

3.6.4 Parking

Issues

- The application of standard City of Sydney LEP parking rates does not align with the ambitious targeted private vehicle mode share or with the provision of the Metro station.

Department's Recommendations

- *Provide evidence to demonstrate that measures to place downward pressure on private vehicle mode share and measures to increase active and public transport mode share will enable the target mode share split.*
- *Benchmark against other precincts such as Barangaroo, Rhodes Peninsula or other precincts with similar mode share targets.*
- *Provide response to PPPS place priority to provide decoupled parking.*

Response

The first recommendation is a repeat and responded to in section 3.6.3 above.

Benchmarking against other precincts have been considered in the Updated Transport Assessment. It was

found that Central Park was the most appropriate case study due to its comparable geographic context and mode share targets (80% walking, cycling and public transport). Central Park proposed one space per 244 sqm of commercial GFA. The revised Precinct Plan has a slightly higher mode share aspiration than Central Park and consequently a more ambitious maximum commercial parking provision is now proposed of one space per 300sqm of commercial GFA. Aecom's position is that mode share targets and geographical context of Barangaroo and Rhodes are not comparable to use as benchmarks.

Additional research was undertaken to investigate the benefit of decoupled parking in reducing private vehicle mode share. Aecom found that while decoupled and/or unbundled parking are not required to achieve the mode share, there could be benefits to providing it if it was deemed appropriate at the detailed design stage and could be implemented as conditions of consent for individual Development Applications. A provision has been included accordingly in the revised Draft Design Code (**Attachment 2**).

3.6.5 Pedestrian and cycle network

Issues

- There is insufficient evidence to demonstrate that the surrounding pedestrian and cycle network provides sufficient capacity to accommodate the expected number of pedestrian and cycle trips, to ensure the safety and comfort of pedestrians and cyclists and to promote desired place outcomes.

Department's Recommendations

- *Update the TMAP to identify and confirm that there is sufficient capacity of major pedestrian routes between the precinct, especially the new Sydney Fish Market, and the Pyrmont Metro station.*
- *Provide additional detail of pedestrian access paths to light rail and locations for wayfinding features and ensure that these features are incorporated into the draft Design Code.*

Response

The Updated Transport Assessment includes a detailed capacity analysis of Pyrmont Bridge Road to accommodate a significantly higher number of pedestrians walking between Blackwattle Bay and Pyrmont Station. It concludes:

- The application of the TfNSW Guide shows the generally narrow footpath corridor along Pyrmont Bridge Road adversely impacts the observed Level of Service for walking performance, even for existing conditions.
- The Revised Precinct Plan results in a marginal deterioration in Level of Service in the morning peak hour (8:00am to 9:00am), without a reallocation of road space to widen the northern footpath on Pyrmont Bridge Road.
- The reallocation of road space is consistent with the vision and objectives established in the Pyrmont Peninsula Place Strategy (PPPS). The PPPS provides the strategic context to undertake the reallocation of road space on Pyrmont Bridge Road.
- TfNSW are responsible for the development of the Pyrmont Ultimo Transport Plan, to holistically consider and respond to the needs of the Pyrmont Peninsula to accommodate the new population growth identified in the PPPS. This Transport Plan will explore the potential reallocation of road space in more detail.

The provision of a new through-site link will simplify pedestrian access paths between Blackwattle Bay, the new Sydney Fish Market and the light rail stations. The Design Code has also been updated to incorporate wayfinding features.

4 RESPONSE TO SUBMISSIONS

4.1 Summary of issues

The SSP Study, Explanation of Intended Effect (EIE) and Draft Design Code were exhibited from 2 July to 20 August 2021.

The Department of Planning and Environment's review of the submissions has determined a total of 2409 submissions were received including:

- 855 individual submissions from the community
- 13 submissions from community groups
- 83 proforma submissions from the Bays Water Club Collective and the owners of 120 Saunders Street, Pyrmont
- 1430 proforma submissions via the website of Jamie Parker MP, Member for Balmain
- 11 submissions from NSW Government agencies
- A submission from City of Sydney Council
- A submission from Inner West Council
- A submission from Jamie Parker MP, Member for Balmain
- Submissions from the three private landowners within the precinct
- 11 submissions from non-government organisations and industry bodies.

The Department's review is provided in the Summary of Submissions Report which can be found on the Blackwattle Bay page of the NSW Planning Portal. It includes a detailed analysis of community submissions to identify and numerate the issues raised. This review of the submissions identified key themes used to categorise the submissions - Built Form, Environment, Planning and Process, Movement, and Place.

The top ten issues raised in the 855 community submissions include:

1. Bulk and Density – 59% of submissions
2. Height – 58% of submissions
3. Solar Access to the Public Domain – 38% of submissions
4. Amount of Open Space – 36% of submissions
5. Traffic and Roads – 29% of submissions
6. Infrastructure Contributions – 28% of submissions
7. Potential Benefit from Public Land – 27% of submissions
8. Foreshore and Promenade – 25% of submissions
9. Social and Affordable Housing – 22% of submissions
10. Place Character – 21% of submissions.

Before the Department issued their Summary of Submissions Report in December 2021, Infrastructure NSW had undertaken its own collation and analysis of the submissions and commenced the preparation of the response. Infrastructure NSW's approach identified 14 key issue categories as shown in Table 4 below. Some of the key issue categories included several sub-issues. While categorised slightly differently to the Department's approach, the primary findings are closely aligned, particularly the key issues.

Table 4 – Summary of key community issues raised

Key issue category	Sub-issue	Frequency raised
1. Built form	Height and scale	High
	Overshadowing and solar access	High
	Local character and design	High
	Visual impact and views	Medium
2. Open space	Open space provision and access	High
	Open space quality and facilities	High
3. Foreshore promenade	Promenade width	Medium
	Design and functionality	Low
4. Transport	Parking and traffic	High
	Road and street design	Low
	Public transport	Medium
	Active transport	Low
5. Land use and mix	Land use type and mix	Medium
	Density and population	High
6. Amenity	Air pollution	Medium
	Noise and vibration	Low
	Wind	Low
	Construction impacts and staging	Low
7. Affordable housing	Quantity of affordable housing	High
8. Infrastructure	Infrastructure funding and delivery	Medium
	Community and recreation facilities	High
	Education	Low
	Arts and culture	Low
9. Environment	Sustainability and climate change	Low
	Impacts on ecology	Low
	Water quality and contamination	Low

	Urban tree canopy and vegetation	Low
10. Culture and heritage	Heritage and culture	Medium
11. Consultation	Disingenuous consultation	Low
	Lack of consultation	Low
12. Water quality	Water recreation	Medium
	Impacts on working harbour	Low
13. Public interest	Development of government-owned land	Medium
	Project drivers and objectives	High
14. Planning policy	Planning policy	High
	Economic and market demand	Low
	Other	Low
	Unrelated to project	Low

4.1.1 Structure of response

The sections below respond to the key issues categories and sub-issues in the Table 4 above. The responses address the submissions received from the public, including community and organisations, and Council submissions.

Responses to issues raised in submissions received from Sydney Fish Market and private landowners are provided in chapter 5.

Responses to issues raised in government agency submissions are provided in chapter 6.

4.1.2 Informational consultation by Infrastructure NSW

Informational consultation was also undertaken during the public exhibition to help further inform the response to submissions and design development of the Revised Precinct Plan. This has involved:

- A summary Guide to the SSP Study document highlighting what was proposed and a step guide on how to navigate the technical assessments
- Postcards outlining exhibition and engagement activities
- ‘How to make a submission’ flyer was produced and hosted on the Infrastructure NSW website and included in all outgoing communications to help readers navigate the documents on exhibition, and how to ‘Have your say’
- Infrastructure NSW website included a link to the DPIE website, the webinar videos and Questions and Answers raised in the webinars
- Two email alerts to the project distribution list of 2,380 subscribers advising of the exhibition, where to view the documents, and how to make a submission
- Four online webinars covering an overview of the Precinct Plan and documents on public exhibition followed by a moderated Question and Answer session, held on 20 July 2021. Technical information sessions and Questions and Answer sessions were held:
 - Traffic, Transport and Harbour Uses, held on 22 July 2021
 - Community Heritage and Culture, held on 26 July 2021
 - Environmental Considerations, held on 27 July 2021.
- Call-back service to respond to questions following the public following webinars, available Monday to Friday over two weeks, advertised on the project website and email alerts. And

- Stakeholder briefings including the Community Reference Group, City of Sydney Councillors and local Members of Parliament.

Extensive consultation has occurred since 2015 in developing the draft Precinct Plan. Infrastructure NSW undertook additional non-statutory consultation in May to June 2020 prior to submitting the SSP, the outcomes of which are summarised in the SSP Study and supporting document, Revitalising Blackwattle Bay: Community and Stakeholder Engagement - Outcomes Report.

4.1.3 Feedback supporting the exhibited Precinct Plan

While the focus of the response to submissions is providing feedback on, and addressing submissions requesting changes to the proposal, a range of submissions supported the proposed changes at Blackwattle Bay. The range of supportive themes ranged as follows:

- Support for creating housing supply and thereby affordability
- Support for infill development in this location noting it's close location to the new Metro, active transport links and proximity to the CBD.
- General support for investment in, and integration of, active transport and connectivity in the Precinct.
- Support for embedding Aboriginal culture within the Precinct.
- Support for the land use balance with some submissions noting the land use balance of commercial and residential is ideal.
- General support to create retail
- and hospitality activations at street level.
- Built form comments of support:
 - Optimal height and density for the location
 - General support for the land use mix of residential and commercial
 - Comments supporting taller slender towers to minimise overshadowing
 - Support for the design excellence process to ensure quality built form for the Pyrmont area
- Support for the sustainability benefits of density in quality locations such as Blackwattle Bay
- Support for community benefits, particularly spacious public open space and the new park
- Support for the retention of a dragon boat home at Blackwattle Bay
- Support for retaining recreational water users at Blackwattle Bay to ensure active water use by the community
- General support for revitalisation and evolving the Sydney skyline to reflect its status as a world city
- Support for a 24 hour economy enabled by the proposal and a safer environment
- General support for the renewal and improved amenity at Blackwattle Bay.

4.2 Issue 1: Built form

This section addresses matters relating to the height and scale of the built form, impact on solar access and extent of overshadowing, the design of the built form and the visual impact and loss of views.

4.2.1 Height and scale

Summary of submissions

The majority of comments in relation to height and scale raised concerns that the proposal was too high in terms of:

- amenity impacts (wind, traffic, solar, views, aesthetics)
- surrounding built form (Pymont/Glebe)
- relationship with Anzac Bridge, the new Sydney Fish Market, Western Distributor and Blackwattle Bay.

Some comments also raised concerns that the proposal was an overdevelopment of the site. Others questioned the allocation of height across the precinct and that the heights were not consistent with the PPPS.

There were suggestions that building heights should step up away from the water, with lower heights closer to the foreshore and taller buildings on higher ground. There was also a suggestion that towers should be slimmer and be more dispersed across the site.

Many submissions recommended alternative height limits for the site, primarily in the 15-20 storey range and often using Jacksons Landing heights as a guide. There was a comment that using heights in the CBD as a marker was inappropriate. There were also some suggestions that heights should be lower than the Western Distributor.

Some respondents were supportive of the proposal, stating that it provided a balanced approach with appropriate heights and building envelopes which will contribute to an evolving skyline.

Response

The building envelopes have been refined in response to community and stakeholder submissions. The adjusted massing reduces building heights and increases solar amenity to public spaces and neighbouring residential.

The revised approach to height and built form responds to the opportunity to 'position Pymont and the Bays as the western extension of the Harbour CBD', to extend the Innovation Corridor and to harness the access and movement potential of the Pymont Metro station now under construction.

The revised height and scale also respond to the evolving local character of Pymont which features low scale heritage fabric, warehouse scale workplace and residential buildings and clusters of mid-rise towers which frame views through to the harbour, landmark elements such as the Anzac Bridge pylon and the city skyline.

The Revised Precinct Plan reduces height to improve amenity in a way that balances considerations of activation, space for jobs, homes and delivery of a high-quality public domain amenity.

Height reductions range from 4m and 21.5m, with an average reduction of 8m. The average height of the towers (all building heights greater than 50m AHD) in the Revised Precinct Plan is now approximately 90m AHD, or approximately the same absolute height of the cluster of buildings on Distillery Hill in Jacksons Landing.

Further detail on the explanation of the approach to height and building massing response is provided in section 3.2.1.

Further information about the approach to the revised heights, scale and massing or the proposed building envelopes can also be found in the Built Form chapter of the Urban Design Statement Addendum in **Attachment 3**.

4.2.2 Overshadowing and solar access

Summary of submissions

A number of submissions were concerned about the impacts future development of the site would have on solar access to existing and proposed open space including the foreshore promenade, surrounding suburbs of Glebe and Pyrmont, adjacent residential apartments and the Blackwattle Bay Secondary College. Some submissions also were concerned future development would overshadow the solar panels proposed for the new Sydney Fish Market.

There were some concerns raised that the shadow diagrams provided in the SSP Study were not adequate to assess the extent of solar impacts. There were suggestions that more intervals, times and locations should have been assessed.

A number of submissions raised concerns that the future residential development on the site would be unable to achieve compliance with the SEPP 65 and the Apartment Design Guidelines, and that the analysis did not address the impacts sufficiently.

Response

Solar access to the foreshore promenade, Sydney Fish Market Urban Park, and neighbouring residential has been further investigated and analysed to minimise overshadowing impacts. Built form massing and heights have been adjusted to deliver improved public and private amenity. The repositioning of BLD02A and reduction of height to PLO3-2 has improved solar outcomes for the Promontory, the foreshore promenade and the Urban Park. Building envelope adjustments in position and height also support alignment with the Apartment Design Guide (ADG) for solar access to neighbouring properties.

Additional solar diagramming, solar heat mapping, was undertaken to understand sunlight access at other times of the year. Solar heat map analysis at the Equinox illustrates how much sunlight the public domain will receive on average throughout the year, while the solar heat map analysis at the Winter Solstice illustrates how much sunlight the public domain will receive during the shortest day of the year. Each of the maps can be viewed Public Open Space section in the Place chapter of the Urban Design Statement Addendum in **Attachment 3**.

4.2.3 Local character and design

Summary of submissions

The primary concern raised in relation to local character and design was that the proposal was not sympathetic to the existing character of Pyrmont (and to a lesser extent, Glebe). This was raised particularly with regard to the heritage, working class history and lower scale density of the suburbs. There were also concerns that the proposal would result in a division between Pyrmont and Blackwattle Bay.

There was some misinterpretation that the Precinct Plan building envelopes were actual building designs, and therefore some raised issues with the perceived architectural design of the proposal.

There was also some support for the proposal in its current form, given the central location, site characteristics and proximity to existing and future public transport.

The City of Sydney raised specific concerns in relation to the proposed subdivision pattern and suggested that a larger number of smaller development parcels would promote greater diversity in built form. They also requested that non-compliance with the Apartment Design Guidelines for the following issues be addressed:

- Building separation
- Residential floorplate size
- Natural cross ventilation

- Overshadowing of neighbouring buildings.

Response

The character of the Pyrmont peninsula is evolving. This is best highlighted in the suite of documents that comprise the Pyrmont Peninsula Place Strategy. For Blackwattle Bay, it is further reinforced by the submission from the City of Sydney, where it is stated that the City sees “*the potential of the precinct as the western extension of the Harbour CBD.*” The design team has sought to strike a balance between a built form that is contextually inspired and sympathetic to the existing character of Pyrmont and a renewal outcome that delivers world-class jobs focused mixed use precinct that’s supported by robust active and public transport infrastructure. While Blackwattle Bay is clearly positioned as part of the evolving character of Pyrmont, the urban fabric of the precinct is an extension of the historical lot and block patterning that defines the peninsula. This has been purposely done to ensure the precinct integrates seamlessly, minimising the existing physical and visual barrier of the Western Distributor while increasing access to the bay and through the precinct.

The lot and block arrangement with the precinct optimises parcel sizes ensuring a high degree of built form diversity. ADG alignment has been tested and confirmed. Further verification of ADG alignment will be done at the next stage of detail design (Development Application).

4.2.4 Visual impact and views

Summary of submissions

There were concerns raised that the proposal would impact views from existing developments and vistas in the area, and also impact on the visual privacy of existing development. A small number of respondents were concerned that there would be impacts on the value of their properties.

Specific issues included:

- A reduction in views and property values in Glebe, Annadale and Pyrmont. In particular, views from Pyrmont to the water and Glebe were raised.
- Impacts on views from Glebe and Glebe foreshore.
- Impacts on skyline views of Sydney (specific reference to Australia Tower)
- Impacts on views to Anzac Bridge and new Sydney Fish Markets.

There were also concerns that the overall visual impact of the proposal was unacceptable, given the prominent location on Sydney Harbour. A small number of submissions raised specific issues with the Visual Impact Assessment and whether it adequately addressed the impacts.

Response

A hierarchy of views was established in the design phase of the Precinct Plan that informed the way in which view corridors and precinct views were structured. This took into account a contextual analysis of the existing site and the importance of specific vistas and was broken down into Local Landmark Views, Framed Vistas, Upper Level Glimpses and Broad Views to the Bay. These have continued to be considered in the updates to the Precinct Plan, with major view corridors protected as set out in the Urban Design Statement Addendum at **Attachment 3**. The primary views identified in the exhibited PPPS Sub-Precinct Masterplans Urban Design Report have also been considered and, where appropriate, accommodated.

A Visual Impact Assessment was prepared and submitted with the SSP Study, and an Addendum has been prepared to assess the revised scheme. It can be found at **Attachment 10**. Elements to note:

- Importantly, the VIA notes that the assessment has been undertaken against the maximum building envelopes and that ongoing design refinement has the potential to reduce the viewpoint ratings outlined in the report.
- There are points along Glebe and the Glebe foreshore where certain buildings of the CBD cityscape will be obstructed, however there are generous gaps between buildings to allow prominent and landmark buildings such as Sydney Tower to also be revealed along the way.
- Views to the Anzac Bridge have been left largely unobstructed.
- Where long distance views of the Study Area are possible, it generally forms a component of a wider urban skyline comprised of varying architectural styles and scales, and does not appear at odds with the wider skyline which helps to mitigate the scale of the precinct

The revised precinct plan increases the separation distances between many of the taller building forms which increases view corridor widths between the proposed building envelopes. In some instances, building heights have been reduced allowing for views over the proposed building envelopes. In both instances, these changes will improve views from private properties as well as views from various points within the public domain, whether it's standing on the Glebe side looking east to the CBD, or on the Pyrmont side looking west.

4.3 Issue 2: Open space

This section addresses matters relating to the amount of public open space, its quality and proposed recreation facilities.

4.3.1 Open space provision and access

Summary of submissions

A number of submissions raised concerns that the quantity of open space provided was insufficient and that it catered only for new residents and not the existing community. The requirements of the *NSW Recreation and Open Space Planning Guidelines for Local Government* was referenced, which refer to 2.83 ha open space per 1000 persons. An existing shortfall of open space in Pyrmont was raised as an issue in a number of responses, as was COVID and the importance of open space and the ability to socially distance.

Some submissions suggested that the entire site should be open space, or that high quality public domain should be the focus. Barangaroo was cited as a benchmark in a number of cases, with a view that 50% of the overall area should be provided as public space. There were also concerns that the 30% open space proposed in the Precinct Plan included land that had already been zoned for recreation and therefore did not constitute new open space.

There appeared to be some confusion that the new Sydney Fish Market had been included in the open space calculations.

A number of recommendations were made with regards to the location and nature of the open space, including that it should be relocated to Area 2 and that the public should be able to access the surrounds of the new Sydney Fish Market.

Response

The revised open space strategy results in 8 ha or 32.5% of the site being open space, and 55% of the site as public space. A detailed response to the revised strategy and quantum of open space is provided at section 3.3.2.

The revised quantum of public domain is proportionately now slightly larger than Barangaroo. The provisioned open space is well in excess of the demand requirements and meets the PPPS. The NSW

Recreation and Open Space Planning Guidelines for Local Government has informed the identified demand requirements for Blackwattle Bay. The 15% of site area is derived from the *City of Sydney Open Space, Sports and Recreation Needs Study 2016* benchmark standard for urban renewal areas, with 9-15% depending on density. The benchmark standards are said to have used these Local Government Guidelines as the main source of input.

Access to the foreshore is being significantly improved by the proposal, including the new Sydney Fish Market which also provides waterfront access.

4.3.2 Open space quality and facilities

Summary of submissions

The quality of the proposed open space was questioned in a number of submissions, and in particular the level of solar access that would be achieved. In particular, the City of Sydney was concerned about the level of sunlight to Waterside Park, which was primarily in shade during mid winter, and also open space proposed under the Western Distributor. Council recommended that plans were redesigned to provide at least the minimum required amount of solar access in the winter solstice between 9am and 3pm as follows:

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

Council also recommended that future design of parks should occur through a process of community consultation and analysis of needs/opportunities prior to commencing any design proposal.

Some submissions provided recommendations for design and facilities, including:

- a mix of hard and soft spaces should be provided
- more green space and gardens
- trees to provide protection from the western sun
- public toilets, BBQs, playgrounds, offleash dog areas
- lighting & security needs to be addressed, including for Bank Street Park
- Dragon boat facilities (specific facilities and requirements).

Response

The quality of the open space has been improved with the Revised Precinct Plan, with improved solar access and wind protection as discussed in detail in sections 3.3.2 and 3.4.2.

Infrastructure NSW is now proposing a design excellence process for the public domain in the revised Draft Design Code (**Attachment 2**). These will include consideration of important environmental conditions such as water quality, urban tree canopy, solar access and urban ecology. The initial embellishment of the public domain will also undergo a consultation process.

The listed design feature recommendation will all be considered in the future open space, many of which are provisioned for in the Draft Design Code. For example, Figure 8 below, which outlines the proposed features of Bank Street Park. This will be supplemented with more detail at the detailed design stage with community consultation.



Figure 8 – Bank Street Park

4.4 Issue 3: Foreshore promenade

This section addresses matters relating to the design, width and function of the foreshore promenade.

4.4.1 Promenade width

Summary of submissions

A number of submissions have suggested that the width of the promenade is inadequate for its intended purpose, and that it would not deliver on Key Move 1 of the PPPS, to deliver a 'world-class harbour foreshore walk'. The proposed 10 metres proposed on the private landowner sites was specifically raised by some, with a view that it would not provide sufficient amenity.

A number of alternative scenarios were put forward, ranging from 15-30 metres. It was noted that the Blackwattle Bay foreshore walk was 15 metres in all other foreshore reserves, with a 2.5 metre shared path.

The City of Sydney recommended a minimum width of 20m and, wherever possible, widening the foreshore to 30m to allow additional landscaping, exercise equipment, places for groups to pause, areas for outdoor dining, and more separation of the movement paths.

Response

The width of the foreshore promenade has been increased along the extent of both the government land and private landowners to more than 30m and 20m respectively. This is discussed in detail in section 3.3.1 and the Urban Design Statement Addendum at **Attachment 3**.

4.4.2 Design and functionality

Summary of submissions

There was general support for the promenade and providing the missing link of the harbour foreshore walk between Annandale and Woolloomooloo.

Various issues were raised in relation to the design and functionality of the promenade. The key issue was that the promenade should allow for both passive and active recreation and accommodate all users safely. There was a recommendation that the promenade could be built over water to achieve the optimum width, and a specific comment that consideration should be given to a boardwalk over the water behind the Blackwattle Bay Marina.

The City of Sydney raised concerns with the design and functionality of the promenade, primarily that the Urban Design Strategy has not properly considered the minimum spatial requirements, which would result in overcrowding. They state that there is a lack of separation, the spaces are too narrow to provide for landscaping and space for essential furniture such as lights, signs, bins and private property access steps in the public space. They provided the following breakdown of generally accepted minimum space requirements, which equates to 18.5m (noting they recommend a minimum of 20m).

There was a view that the promenade should reflect the design along Glebe foreshore, which is a more natural design. Some submissions also suggested that shared paths were not appropriate and unsafe.

A number of submissions raised concerns about public access to the foreshore, that the design didn't capitalise on the opportunity to improve this access or would result in a permanent reduction in the level of access. There was a perception that private retail was being prioritised over public access (presumably in relation to the new Sydney Fish Market) and that the promenade was being diverted through retail in places.

There was some concern raised in relation to the timing of the foreshore promenade on the private land, and how this would impact delivery of the overall promenade.

Response

The revised foreshore promenade provides additional space to better accommodate the various users in separate movement, dwelling, dining and active zones. A minimum of 20m is now proposed along the private landowners and more than 30m on the existing Sydney Fish Market site, enabling the provisions of the essential furniture and space requirements. The addition of the boardwalk enables the foreshore promenade to be linked despite the timing of private landowner redevelopment. Further details are provided in section 3.3.1, the Urban Design Statement Addendum at **Attachment 3**, and the foreshore promenade sections in the revised Draft Design Code which identify the furniture proposed for each area.

4.5 Issue 4: Transport

This section addresses matters relating to transport, including parking impacts, traffic congestion, adequacy of public transport, pedestrian connectivity and cycling network and facilities.

4.5.1 Parking

Summary of submissions

A number of submissions raised concerns about impacts on existing on-street parking in both Pyrmont and Glebe, and that the proposal should consider providing additional parking to offset the impacts. There were specific concerns raised about the availability of disabled parking, as well as for dragon boat users.

There was concern that the argument that lower car parking rates improved housing affordability was an excuse for not providing adequate parking.

Alternative views were that cars should be discouraged from the precinct, through a reduction in car parking. The City of Sydney have suggested that precinct should be targeting a near zero-parking precinct, in which parking for private vehicles is only provided for certain uses (such as carers, disabled, visitors and appropriately scaled car share). This was seen as supporting Key Move 4 of the PPPS, to provide multi-utility hubs as precinct infrastructure to reduce the need for on-site parking.

There were views that parking should also include bicycle, scooter and motorcycle parking.

Response

An oversupply of car parking encourages the use of private transportation, which further impacts the congested roadway network within Pyrmont and Glebe. Therefore, car parking has been reduced in the Revised Precinct Plan to better achieve the proposed mode share target of 85% walking, cycling and public transport. This target is appropriate for the precinct with the infrastructure being provided and proximity to the CBD, and to minimise impact on local congestion. This has resulted in a 37% reduction in proposed carparking, from 1,440 parking spaces to 908 parking spaces. Further detail is provided in the Updated Transport Assessment at **Attachment 9**. Disabled parking will still be available and the quantity provided will be in line with the recommended and required rates. Dragon boaters will be able to use the improved active and public transport infrastructure or on-street and public off-street car parking facilities.

Provision for bicycle, scooter and motorcycle parking will be made at the detailed design stage.

4.5.2 Traffic

Summary of submissions

There were various submissions which raised concerns regarding the capacity of the existing road network, including key intersections (such as Bank Street and Pyrmont Bridge Road) to cater for additional traffic. Some submissions identified road safety as an issue, and specifically how street traffic would be safely managed.

Some submissions queried elements of the traffic modelling and assessment, including:

- Currency of data, given COVID-19 changes to peak hours, and the age of the data (2017)
- Bank Street modelling has not been included
- The assumption of 10-20% car ownership is not supported by other Government motorway projects (e.g. WestConnex), which make car ownership a long term proposition.
- Assumptions are unrealistic, as people are unlikely to rely on public or active transport, particularly visitors to the new Sydney Fish Market.
- Modelling doesn't address cumulative impact of the new Sydney Fish Markets.
- Assessment doesn't seem to take into account detailed traffic movements.
- Transport modelling doesn't account for new Sydney Fish Market and residents.

Some queries were also raised in relation to the traffic and parking associated with the new Sydney Fish

Market, including where public bus facilities were to be located and how tourist coaches would be managed.

Response

Impacts on the existing road network are being minimised by:

- Reducing population numbers and car parking rates as set out in the previous section,
- Targeting a high mode share, achievable with the support of a range of initiatives, as discussed in Section 3.6.

Table 3.3 of Aecom's Updated Transport Assessment at **Attachment 9** addresses specific queries relating to the modelling and its scope.

4.5.3 Road and street design

Summary of submissions

There were a number of recommendations made in relation to road and street design, of both existing and proposed roads and streets.

The City of Sydney noted that the proposal should seek to achieve a reconfiguration of road capacity to reduce traffic capacity and provide more capacity for other travel modes on Pyrmont Bridge Road. This would involve a reduction in travel lanes between Wattle Street and Darling Drive.

The City of Sydney also raised concerns that the proposed streets do not conform to their Street Design Manual. They have made a series of detailed comments, including:

- Park street is incorrectly described as a shared street. As an activity street, its combined footpath and furniture zone's preferred width is 5 metres. A width of 2.6 metres is provided on its western side and is considered inadequate. The 6-metre space for a footpath, furniture zone and outdoor dining needs to be wider to provide sufficient space for the intended extent of outdoor dining.
- Gipps Lane is a local street. A combined footpath and furniture zone with a width of 3.5m is preferred. However, only 2.4 metres is provided on one of its sides and is considered inadequate. The vehicle lane should be 3 metres and not 3.5 metres. This space should be reallocated to landscaping, footpath or furniture zones. The central furniture zone is misplaced as one of its purposes of a furniture zone is to separate the footpath from moving traffic. The 5-metre space for footpath, furniture zone and outdoor dining needs to be wider otherwise the width of the outdoor dining area may be limited to 1 metre.
- Bank Lane is a local street. Its combined footpath and furniture zone's preferred width is 3.5 metres. However, an inadequate width of only 2.5 metres is provided. The vehicle lane should be 3 metres not 3.5 metres, this space should be reallocated to landscaping, footpath or furniture.

Other comments in relation to street and road design included:

- Further resolution is needed for motorway leading up to Anzac Bridge. Improving the area around the motorway is key to a successful outcome.
- Bridge Road/Wentworth Rd intersection should be signalised
- There is concern that road widening along Bridge Road will impact Wentworth Park
- Pedestrian and traffic lights should be included as part of new Sydney Fish Market, and provided before it is built.

Response

Updates have been made to the road design to address the City's concerns in relation to their Street Design Manual, outlined in the Urban Design Statement prepared by FJMT at **Attachment 3**.

4.5.4 Public transport

Summary of submissions

A number of submissions raised concerns that existing public transport, particularly light rail, is already at capacity. There were views that there are insufficient bus stops and other services will be required. It was identified that some of the bus routes quoted in the SSP Study did not service the site, and that there was a lack of clarity around bus services generally.

Submissions stated that new public transport should be provided within the site, and that the location for the potential ferry wharf should be closer to the residential area. Some suggestions were made with regards to alternative locations for the Pyrmont Metro, with a view that the current location is too far from the precinct.

Response

Blackwattle Bay will have an excellent level of public transport accessibility. The Pyrmont Metro Station will be located within an 800 metre walk of the Blackwattle Bay SSP study area. The southern area of the precinct is within 400 metre walk of Pyrmont Station, light rail stops and bus stops, and potentially a future ferry stop. With a reinstated crossing to Glebe Island Bridge to Bays West, the precinct will have further connectivity to public transport options.

Park Street is also proposed to be realigned and will be able to service buses connecting Bridge Road, Wattle Street, Miller Street and Bank Street. The realigned intersection increases flexibility for turn movements for buses and shorter crossing distances for pedestrians (refer to Urban Design Statement Addendum at **Attachment 3**).

Aecom have also provided further analysis of the of light rail loading and recommend increasing L1 Dulwich Hill line frequencies (refer to Section 3.1 of their analysis at **Attachment 9**).

4.5.5 Active transport

Summary of submissions

A number of submissions identified active transport as an issue. Some noted that further consideration was required in terms of connections to surrounding areas, and that the proposed cycling connections were not well thought through.

There was a view that shared paths do not work, and that the cycling route along the promenade was dangerous and should be separated from pedestrians. Pyrmont Bridge Road was identified as a particular concern, with insufficient footpath space. There were suggestions that a lane of traffic should be reclaimed and that the temporary Bridge Road cycleway was made permanent. There was also a specific recommendation that the cycleways should be more direct, wider and built to AUSTRROADS standards, and that cycle parking was provided (including as part of dragon boat facilities).

There was a view that active transport should be prioritised over vehicles, and some suggested that residential streets should be car free to encourage this.

A number of submissions, including both City of Sydney and Inner West Council, noted that the Glebe Island Bridge connection should be included as part of the proposal. Pedestrian tunnels under Bank Street and Bridge Road, with potential connections to the Pyrmont Metro station, were suggested to improve pedestrian safety and comfort.

Response

Public streets, public spaces and service lanes are planned within the Blackwattle Bay SSP study area to ensure equitable mobility for all, and to enable loading/servicing functions.

Recommendations to improve walking, cycling and public transport accessibility and connectivity (including

the capacity of Pyrmont Bridge Road) are discussed in Section 3.6.

A pedestrian tunnel connection to the new metro station was contemplated however it was found that street level connections were the most viable outcome. Street level connections provide safety and user benefits. Reallocation of road space (particularly on Pyrmont Bridge Road) will be explored in the Pyrmont Ultimo Transport Plan, as part of the PPPS. A Glebe Island Bridge connection is addressed in the recently released Bays West Stage 1 Draft Masterplan as Big Move 2, to create more convenient and direct transport connections across the Bay. This future connection is being considered by TfNSW.

4.6 Issue 5: Land use and mix

This section addresses matters relating to future land uses in the precinct, including the quantum of residential and non-residential commercial uses, land use density and population.

4.6.1 Land use type and mix

Summary of submissions

Submissions relating to land use mix and type were varied. Some noted that the entire precinct should be a park, others did not support residential, while others stated that commercial was no longer viable due to COVID, proximity to Tech Central and the declining and decentralised demand of office space. Some noted that the proposed employment density was ambitious, given the fringe location and impacts from COVID, while others stated restaurants/shopping precincts were inappropriate for the site.

There was also support for the proposed land use mix.

There was a view by some that there was insufficient evidence to support the land use mix and anticipated population. There was also a suggestion that the proposal did not consider the long-term public benefit and longevity of employment uses on the site.

The City of Sydney suggested that the SSP Study was inconsistent with the priorities identified in the PPPS and District Plan, including not provisioning for access to affordable and scalable employment spaces. There was a view that commercial development should be increased to support the Innovation Corridor identified in the District Plan. The City of Sydney makes recommendations that further investigations should:

- include consideration of the types of buildings or space requirements for target industries
- highlight the real opportunity of the Blackwattle Bay site's connectedness to the waterfront;
- consider the value of the night time economy and the opportunity

A number of submissions made specific suggestions for alternative land uses, including childcare, community and cultural facilities, short term accommodation, car parking stations, food/entertainment and a return to working harbour uses. Providing multi-purpose buildings was an opportunity identified.

There was a view that the promenade should be zoned RE1, including the private land, and that the buildings at 1 to 3 Bank Street should be removed to allow for more open space.

Response

Several of the City's comments on land use above were also raised by DPE and are addressed in detail in section 3.2.2. As discussed in that section, the proposed land use mix meets the land use Place Priorities, the new residents and new jobs targets of the PPPS as a new urban quarter focused on knowledge-based jobs and supplemented with cultural and entertainment, visitor and tourism, retail and residential uses. The Revised Precinct Plan results in a population made up of 76% workers and 24% residents, and has been supported by further evidence in a Market Appraisal Report by Altas Urban at **Attachment 4**.

The Revised Precinct Plan provide a measured balance of community and cultural uses, open space,

residential, commercial and a major tourist destination with the new Sydney Fish Market. The entirety of the foreshore is being returned to the public for enjoyment, with generous open space, and well connected to Wentworth Park. The precinct's connectedness to the bay, to the mixed-use neighbourhood of Pyrmont, to the CBD is central to, and highlighted within the arrangement and structure of the precinct plan.

Furthermore, the Design Code outlines provisions for ensuring the precinct will be a vibrant employment focused, mixed use, entertainment, and tourist precinct with a valuable night time economy. The Design Code has also been updated to incorporate minimum floor space for cultural/entertainment and includes the CoS Late Night Economy provisions.

The proposed B4 Mixed Use zoning will allow for a range of the potential uses include childcares, short term accommodation, and food and entertainment.

A combination of controls is proposed to ensure the waterfront promenade will be delivered as public open space along the edge of the bay.

4.6.2 Density and population

Summary of submissions

There was a view that the Precinct Plan was an overdevelopment of the site, and that the site was too small to accommodate the scale of development proposed. There was a view Pyrmont was already overpopulated and that the proposal would exacerbate these issues. Medium density, or a mix of high and low density, was considered to be more appropriate, and would be more in keeping with the City of Sydney's "City of Villages" character. Pyrmont was not seen as an extension of the CBD, but rather a village.

Concerns were raised that the number of residents estimated for the Precinct exceeded the PPPS forecast by 29% (2,800 vs 2,055), and that the cumulative impacts with Bays West had not been considered.

There was also support for the proposed density and housing, with comparisons made to other urban renewal precincts in Sydney including Darling Square and Jacksons Landing. Some suggested that the density should be increased, to reflect the public infrastructure investment occurring.

Response

Over time, Pyrmont has evolved from its industrial heritage to a mixed residential neighbourhood, with areas of high density, fine-grain and mixed use communities. DPE has set the strategic direction for the future of the precinct through the adoption of the Pyrmont Peninsula Place Strategy (PPPS), and the Minister's Forward states:

"Some say that Pyrmont is a village, some say it is an extension to the CBD. I reckon Pyrmont is both of these things, and more. Our plans for Pyrmont protect its past, and direct where change is going to occur, along with the public benefits that are necessary to ensure that as Pyrmont grows, it will become an even better place for more people to work, live and play."

The vision of the PPPS is for Pyrmont's growth to be an essential element of a Global Sydney. Growth will be supported by new infrastructure needed throughout the precinct including government's decision to invest in a Sydney Metro Station in Pyrmont. Blackwattle Bay will be providing a significant amount of new infrastructure to support the growth of both its own population and the wider area.

The Revised Precinct Plan reduces the number of residents to 2,014. The PPPS contemplated that Blackwattle Bay sub-precinct could potentially accommodate 2,055 residents and 5,770 jobs, noting these are not maximums. The cumulative impact of growth and demand on infrastructure has been considered by DPE, who are also preparing the growth strategy for Bays West.

4.7 Issue 6: Amenity

This section addresses matters relating to the air, noise and wind impacts of the proposal on both existing and future land uses in the area.

4.7.1 Air pollution

Summary of submissions

There were concerns raised that proposed residential development in the vicinity of the Western Distributor and other major roads would have poor amenity and health impacts. There was also concern that there would be poor air quality in future workplaces in the precinct and that these impacts would be exacerbated by an increase in traffic over time. The City of Sydney has suggested that sites to the north and next to elevated roadway were only suitable for non-residential uses.

It was noted that impacts to sensitive receivers would need to be considered if the concrete batching plant continued to operate. Dust and air emissions from construction was also identified as a concern.

One community submission raised concerns regarding the methodology used for the air quality assessment and the City of Sydney requested that Development Near Rail Corridors and Busy Roads Interim Guidelines be addressed.

Response

SLR have provided a detailed response in relation to the air quality concerns raised provided at **Attachment 12**.

Conservative assumptions and methods were used in the Air Quality Impact Assessment submitted with the SSP Study. Additionally, a Human Health Risk Assessment was prepared by SLR to statistically quantify the risk to human health from potential exposure to pollutants.

The assessments found lower pollution exposures to were anticipated to occur in the Study Area on average looking at PM2.5, PM10, and NO2, relative to other residences and commercial properties south, southeast, and north of the Study Area. Furthermore, despite increases in vehicle numbers, ambient air quality is expected to continue to improve into the future as it has done over recent decades due to improvements in vehicle engine performance, cleaner fuels, and growth of electric vehicles.

Particulate emissions from the concrete batching plant were addressed in the air quality assessment and associated air dispersion modelling study. Off-site contribution impacts will be able to be effectively managed through best practice dust suppression techniques.

Further detail, a response to Development Near Rail Corridors and Busy Roads Interim Guidelines and detailed justification of the methodology can be found at the SLR Air Quality response at **Attachment 12**.

4.7.2 Noise and vibration

Summary of submissions

There were a range of concerns raised in relation to noise, including:

- impacts of traffic noise on the proposed development
- potential for new buildings to deflect noise across the harbour
- noise impacts of major events in the precinct.
- Land use conflicts with the concrete batching plant

Some submissions identified issues with the noise assessment, including:

- impacts to Bank Street Park were not assessed
- Inadequate noise monitoring (with a range of technical issues raised)
- construction noise impacts not considered.

The City of Sydney raised a number of items and concerns including:

- ‘Development Near Rail Corridors and Busy Roads Interim Guidelines’ should be considered
- A reference scheme should have been prepared, to provide evidence that the proposal could be approved under relevant controls (e.g. Apartment Design Guide).
- the full height of every building facing the Anzac Bridge approach is unable to permit natural ventilation at night to apartments due to noise
- habitable rooms including bedrooms have been shown facing the Anzac Bridge approach.
- the privately owned sites to the north and next to elevated roadway should remain suitable for non-residential uses only
- the Precinct Plan should be redesigned to ensure protection for people's health and wellbeing from the impacts of noise and air pollution, by the placement of apartment buildings away from the noise sources.

Response

SLR have provided a detailed response in relation to the acoustic concerns raised provided at **Attachment 13**. It is supported by their Noise and Vibration Assessment provided with the SSP Study.

Some of the key concerns raised by CoS and the community were the impact of noise pollution to proposed apartment buildings, being subject to traffic noise, concrete batch noise and potential major events. The new buildings of the Blackwattle Bay precinct will be subject to some level of noise from time to time, whether it be an annual major event facilitated by Place Management NSW such as Vivid, hospitality venues, or traffic along the Western Distributor. The Precinct is located in a dense urban environment on the fringe of the Sydney CBD. It has been identified in the PPPS as becoming an ‘urban quarter and entertainment precinct’ of Pyrmont (refer to section 3.2.2 for further discussion). It shares many of the characteristics of other vibrant waterfront areas of inner Sydney such as Darling Harbour, Cockle Bay, Barangaroo and the Rocks, where residential uses are an important component in the creation of a vibrant mixed-use outcome, and where residential uses co-exist with commercial, cultural and entertainment uses. The noise impacts to the receivers (residents) can be reduced and mitigated in a number of different ways, as SLR identifies in their attached letter. Furthermore, SLR recommends modelling be revised and updated at the detailed design stage and where noise impacts are required to be addressed through façade treatment, ventilation system design, and/or building layout (including habitable/non-habitable uses) the following measures should be further considered:

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

It is also important to address noise attenuation and demonstrate acceptable amenity to apartments to ensure the residential use does not compromise the tourism and entertainment function of the precinct.

Place Management NSW has a suite of public domain and events management policies and manuals that have been developed in consultation with the City of Sydney. A Blackwattle Bay Precinct Events Policy would be developed and include noise mitigation and best practice measures to minimise noise impacts on surrounding receptors, including existing and future residential receivers. This would include measures such as event siting and hours of operation, crowd management, location and orientation of public

address/amplified sound systems. Place Management NSW have also referenced unique Development Application conditions that have been applied within their other precincts such as on the recent Harbourside development at Darling Harbour to assist in ensuring future residents are aware they will be living within a vibrant entertainment precinct.

The Design Code has been updated accordingly, including noise mitigation measures including acoustic façade design and site-specific noise criteria can be implemented in future DA(s) to protect residential amenity.

With these measures, the identified potential noise impacts, including those resulting from traffic noise and continued concrete batching operations, can be mitigated to appropriate levels for the receivers. Providing the option for both natural and mechanical ventilation to accommodate the varied acoustic outcomes (subject to concrete batching and ad hoc events for example) acknowledges that while assessment criteria typically assumes external windows could be open, this is not a 'typical' area, i.e. a vibrant mixed use inner city entertainment precinct. Furthermore, providing the individual receivers with the ability to control their living environment will result in a greater sense of empowerment.

Other concerns including with the noise assessment are addressed in detail in SLR's letter at **Attachment 13**.

4.7.3 Wind

Summary of submissions

Concerns were raised that the proposal would result in "wind tunnels" and unsafe/unpleasant pedestrian comfort. Comparison was made to the wind conditions at Barangaroo. One submission was concerned that the wind testing would be incorrect.

The City of Sydney suggested that wind impacts should not be managed through architectural features, but addressed in the design of building envelopes. Although advised above, wind consultants warn that colonnades when extensive, and open at corners, as shown in the Precinct Plan, can increase wind discomfort. They also raised concerns that tree growth would be inhibited and future landscaping could not be relied on to provide a comfortable environment in poor wind conditions.

The City of Sydney suggested a range of amendments to the precinct plan to manage wind, as well as updates to the wind assessment, including:

- Place lower buildings in front of tall buildings on wind exposed sides
- Increase the setbacks between the street wall and tower forms to at least eight to ten metres or more
- Further rounding of tower forms
- Reduction in tower floor plate size
- Increasing the separation of towers
- Coordinate awnings with street design requirements
- Assessment should include additional points on bicycle lanes, footpaths opposite buildings with awnings and at street crossing points and in colonnades
- Assessment should provide summary diagrams for standing comfort at street crossings and likely building entry points, sitting comfort where sitting is proposed, and should test solutions.

Response

Refer to response at section 3.4.2 which provides a detailed response of the design refinements made to improve the wind performance and the results of the wind tunnel testing of the Revised Precinct Plan.

4.7.4 Construction impacts and staging

Summary of submissions

There were some concerns raised with regards to the impacts of construction, and that a Construction Management Plan was needed. Clarification was sought in relation to timing for construction, noise impacts and road closures. There were some concerns relating to the physical impacts of construction on adjacent buildings and the quality of future construction.

The dragon boat community wanted to ensure they were provided with facilities during the construction period.

Some sought clarification on the proposed staging, with concern that the project staging would mean residents were exposed to construction impacts over a long period.

Response

Further details relating to staging have been provided and outlined the revised Draft Design Code at **Attachment 2**. Infrastructure NSW is planning to deliver the urban renewal of Government land over a 10-year period.

During construction, noise & vibration emissions will be managed by an effective Construction Noise & Vibration Management Plan (CNVMP). The CNVMP would be developed once more detailed information becomes available concerning likely construction techniques and equipment, construction program and staging. Noise and vibration mitigation and management measures are widely used in the construction industry and it is expected that off-site impacts will be able to be minimised as far as practicable.

4.8 Issue 7: Affordable housing

This section addresses matters relating to the provision of affordable and social housing within the precinct and the contribution towards affordable and social housing outside the precinct.

Summary of submissions

The majority of submissions relating to affordable housing thought that 5% was insufficient, and that more should be provided. Recommendations primarily ranged from 10-30%, and the City of Sydney recommended as a minimum:

- 10% of residential floor area on private land
- 25% of residential floor area on government owned land

Other submissions did not support provision of any affordable housing on the site and others considered the proposed 5% was sufficient.

There was a view in some submissions that monetary contributions in lieu of on-site provision should not be supported. There was a concern that monetary contributions would not ensure affordable housing was provided in the local area. Some had the view that affordable housing should be provided in locations where it is needed most, and consideration should be given to locating it where greatest quantity can be provided for the amount of money.

Provision of on-site social housing and housing for First Nations people was also identified as an issue in some submissions. The City of Sydney recommended 10% of all affordable housing be provided as culturally appropriate Aboriginal and Torres Strait Islander housing.

There was also some confusion regarding the difference between social and affordable housing.

City West Housing provided a number of recommendations including:

- a target of 10% of all residential gross floor area for Affordable Housing.

- a cash contribution equivalent to the fair market apartment value for the suburb is levied on all residential development in the study area with the contribution provided to City West Housing
- a land lot is identified and dedicated for development into fit for purpose Affordable Housing to City West Housing
- not repealing the application of Sydney Regional Environmental Plan No 26 – City in favour of a new provision in the Sydney LEP until a clear monetary contribution rate has been determined and a process for in-kind development is developed.

They also state that the SSP Study did not:

- reference analysis of compliance with ADG in regard to solar, ventilation and acoustic requirements for the residential dwellings.
- Confirm whether, if the existing AHRSEPP was to be utilised, that the maximum heights could include all of the density bonus, noting that the AHRSEPP does not allow for increased height, only increased density.

Response

Affordable housing is also discussed in Section 3.5.4. Refer to that section for further detail.

It is proposed to increase the affordable housing contribution rate applying to the site from 5% of residential floor space to 7.5% of residential *and commercial* floor space. Given the land use mix proposed across the site, this will result in an increase in affordable housing contributions generated by future development.

In addition, equivalent monetary contributions are proposed to be calculated in line with the indexed rate specified by the City of Sydney Affordable Housing Program. This is currently \$10,588/sqm, which is substantially higher than the current rates applying to the site under the City West Affordable Housing Program.

Whilst the City of Sydney have suggested a rate of 25% of residential floor space should be applied to government owned land, this needs to be considered in the context of the other public benefits. There are substantial public benefits being delivered in this particular location as part of the proposal, including the 'World-class' foreshore promenade, 30,000 square metres of open space (well above the demand created by development), dedicated cycleways, 10m setback along Bridge Road to increase the width of that active transport corridor and other valuable public domain works. An estimate of public benefits proposed for the site show that they exceed 50% of land value uplift created through the rezoning of the government owned land.

When considered holistically, the public benefits being delivered across the site are generous. The proposed affordable housing contribution is in line with the District Plan target and is appropriate in the context of other public benefits being delivered.

In response to other specific issues raised by City West Housing:

- This Revised Plan proposes to increase the affordable housing target and equivalent monetary contribution rate, generally in accordance with City West's recommendations and in the context of public benefits being delivered.
- A land parcel is not proposed to be dedicated based on discussions with City West Housing that concluded there was unlikely to be a suitable location within the precinct.
- Compliance with ADG is addressed in the Urban Design Statement Addendum in **Attachment 3**.
- The AHRSEPP could be applied to future proposals and would need to be assessed considering the location and with a detailed design.

4.9 Issue 8: Infrastructure

This section addresses matters relating to the provision, funding and delivery of infrastructure, including community and recreation facilities, education and arts and culture within the precinct. Transport infrastructure is addressed under Issue 4 in section 4.5.

4.9.1 Infrastructure funding and delivery (including contributions)

Summary of submissions

There have been concerns raised by the community and City of Sydney with regards to how infrastructure will be funded in the precinct. The City of Sydney has suggested that there is no clear guidance on how supporting essential infrastructure will be funded, delivered, maintained and managed. The “satisfactory arrangements” clause proposed in the SSP Study was not supported by the City of Sydney, because it lacked certainty and clarity. There was a concern raised that delivery was ambiguous, and it was unclear what was being delivered through works in kind and would be subject to a cash contribution.

There was a suggestion that a holistic Bays infrastructure contribution scheme and/or a Special Infrastructure Contribution should be considered (noting the latter was not proposed at the time of exhibition). Some suggested that a collaborative approach to infrastructure planning would be beneficial.

Inner West Council suggested that infrastructure provision within Blackwattle Bay should also consider the needs of that LGA, to ensure that infrastructure provision was not duplicated given the close proximity of the Precinct to parts of the Inner West (and specifically Bays West). They have suggested that the White Bay metro station area could readily service Blackwattle Bay and may be a better location for some services (e.g. a combined library, community and cultural facility).

There was a view that contributions and the procurement of public domain should be confirmed prior to rezoning, or that “activation of the new zoning” could be tied to the dedication of land (for the foreshore promenade) to government.

There was a view put forward that there was insufficient infrastructure to service the precinct and not enough consideration had been given to the pressure on existing services. Some submissions were concerned that contributions would either not be levied for future development, or that they would end up with State Government rather than the City of Sydney.

The City of Sydney identified the key items that they feel should be secured through the planning and infrastructure framework, which include:

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

The City of Sydney also stated that it does not support offsetting infrastructure delivered within the precinct against local contributions that may be payable.

They are also of the view that the Infrastructure Delivery Plan (PPPS) should form a matter of satisfaction under the Section 9.1 (7.13) Implementation of the Pyrmont Peninsula Place Strategy Ministerial Direction.

Response

As outlined in Section 3.5.2, a new contributions framework has now been proposed for the Pyrmont Peninsula. Future development within the Precinct will be subject to the new framework, once it is in force.

The revised framework includes a SIC, RIC and section 7.12 levy. The SIC and RIC have both been exhibited, and it is understood that Council proposes to introduce a section 7.12 levy in 2022/23. It should be noted that local infrastructure likely to be covered by the proposed section 7.12 levy was included in the PPPS IDP.

The Design Code and LEP have been updated to ensure delivery of a range of other infrastructure within the Precinct. Table 5 summarises the infrastructure identified in the PPPS IDP as being required in the Blackwattle Bay Precinct, the mechanism for ensuring its delivery and the responsibility for delivering. A concurrence clause is now proposed in the LEP (in lieu of a satisfactory arrangements clause) to ensure development does not proceed unless appropriate State infrastructure has been provided or there is a plan for its timely deliver.

The proposed infrastructure and new contributions framework will ensure that there is sufficient infrastructure to service the existing and future communities in Pyrmont.

It is noted that the majority of the infrastructure identified by the City for Sydney has been included in the Revised Precinct Plan and supporting documentation. Their request for the IDP to form a matter of satisfaction under the Section 9.1 (7.13) Ministerial Direction *Implementation of the Pyrmont Peninsula Place Strategy* is a matter to be resolved by DPE and not Infrastructure NSW.

Public domain infrastructure will be designed generally in accordance with the City of Sydney guidelines and policies, however Place Management NSW will be responsible for the ongoing ownership, place management and maintenance of the public domain in the Precinct.

Table 5 – Blackwattle Bay Infrastructure and Proposed Delivery Mechanism

PPPS ID	ITEM	Delivery Mechanism	
Transport			
T13	Blackwattle Bay commuter cycleway – Pyrmont Bridge/ Bank St to Miller St / Saunders St	Design Code	Developer
T14	Foreshore promenade	LEP (zoning and dedication) Design Code (design)	State Government
n/a	Road upgrades: <ul style="list-style-type: none">▪ Bridge Road and Wattle Street intersection upgrade▪ Bank Street and Miller Street intersection upgrades	Design Code	Developer
Open space			
01 07 014 05	New district park at Bank St, including: <ul style="list-style-type: none">▪ Inclusive play space - as part of new Bank St Park▪ At least 1 new outdoor fitness station – active transport loop – loop subject to further investigation (Outdoor fitness to be provided at Bank Street Open Space)▪ Landing sites for passive craft - Blackwattle Bay and Banks St (700 sqm of dragon boat amenities and associated infrastructure)	Design Code	State Government
08	Playful elements - along active transport loop (subject to further investigation)	Opportunities for play will be incorporated into the Bank Street Park.	Developer
012	Use rooftops in major public and private development e.g. for public recreation	Not included as part of revised project. Significant open space in the precinct is	Developer

PPPS ID	ITEM	Delivery Mechanism	
		already proposed. Use of rooftop space can be encouraged a part of a design competition at DA stage, if desired.	
016	Transform area under Western Distributor overpass	Design Code requiring plazas and identifying area for precinct scale facilities.	State Government
Community and cultural facilities			
C2	Communal rooms in residential development	Design Code encourages investigation of communal rooms in residential development. This can be included as part of a design competition at DA stage, if desired.	Developer
C3	Contributions to new/additional library floor space	Local contributions will be paid to contribute to library floorspace elsewhere in the area. This approach is supported by the City of Sydney.	City of Sydney
C5	Ground-level creative and cultural spaces in private development	Space for cultural or community facilities within the precinct is being mandated through a Design Code requirement (refer C10 below). Space as part of private development can be encouraged as part of a design competition at DA stage, if desired.	Developer
C7	Creative live/work spaces in new residential development	This can be encouraged as part of a design competition at DA stage, if desired.	Developer
C8	Work-based childcare in large commercial development	Design Code requires consideration of adequacy of childcare provision as part of future applications. Childcare can also be encouraged as part of a design competition at DA stage, if desired.	Developer
C9	New medical centre in a major development	This can be encouraged as part of a design competition at DA stage, if desired.	Developer
C10	Blackwattle Bay State Significant Precinct community facility opportunities	Design Code requirement for minimum 1,200sqm creative/cultural space in precinct, to be based on needs analysis and consultation with Place Management NSW.	Developer
Green infrastructure			
G1	Multi-utility hubs	Design Code requirement encouraging precinct scale management of utilities. Location under Western Distributor identified as one potential location.	Developer
G2	Green streets, increased canopy – park tree planting and street tree planting	Design Code requirement for minimum tree canopy cover	Developer
G3	Green buildings (energy and water)	Design Code requirement that buildings demonstrate 5 star Green Star rating	Developer
n/a	Other sustainability initiatives identified in sustainability report	Design Code	Developer
A1	Affordable housing	LEP	Developer

The proposed contributions framework for the Pyrmont Peninsula was developed by DPE in consultation with relevant stakeholders. It is understood that Inner West Council made a submission to DPE as part of the PPPS exhibition, and their comments would have been taken into consideration as part of that process.

4.9.2 Community and recreation facilities

Summary of submissions

A number of submissions noted the importance of providing community facilities on-site, including a museum, library and dragon boat facilities. There was a view that local infrastructure was already insufficient to support existing communities in Pyrmont.

The City of Sydney, however, did not support a new library, community or recreation facility at Blackwattle Bay due to the proximity of existing services in Pyrmont, Ultimo, Glebe and Darling Exchange. Council's preference was for contributions to be paid towards upgrading existing library, community, or recreation facilities in these locations to service existing and new communities. This was considered a more cost-effective and efficient approach.

There was some concern that the proposal did not provide sufficient information with regard to how and what social infrastructure would be provided. A number of submissions suggested the proposal should include returning the part of Wentworth Park that is currently leased and a functioning Glebe Island Bridge to public use.

A number of submissions also provided support for the social infrastructure proposed, with a view that it was significantly more than Darling Square and Central Park.

Detailed requests for the provision of dragon boating and outrigger facilities were provided by these groups, including appropriate lighting and security. Other submissions identified the desire for a boat ramp, boat parking area, kayak launch site and storage areas.

Response

Provision of community and recreation facilities has been a commitment of the Blackwattle Bay Precinct Plan. The proposal provides in excess of the demand and the components of infrastructure were supported by City of Sydney in their submission. As outlined in WSP's response at **Attachment 5**, the revised proposal creates the need for approximately 208sqm of community facility floorspace.

The Design Code has been updated to include provisions relating to the delivery of social infrastructure within the precinct, including 1,200sqm of GFA for arts and creative uses and a minimum 400sqm community centre space. As outlined in the above section, contributions are also being made towards a library, consistent with City of Sydney's request.

The opportunity to provide future recreational boating related facilities such as rowing and paddle craft storage, change room facilities, showers, toilets, and other amenities is noted and will be further considered during the next phase of detailed design for Bank Street Park and other public domain areas within Blackwattle Bay.

4.9.3 Education

Summary of submissions

There were concerns raised in some submissions that there was a lack of educational facilities in the area, with existing schools at capacity and Blackwattle Bay Secondary College catering only to years 11 and 12.

Some also suggested a school should be built within the precinct.

Response

The proposal has been informed by consultation with Schools Infrastructure NSW. Feedback has been that a new school is not required within Blackwattle Bay and will consider asset and non-asset improvement solutions such as intake area boundary adjustments, additional temporary and permanent teaching spaces on existing school sites and upgrades to existing schools. This is further discussed in section 6.10.

Additionally, it is noted that the Revised Precinct Plan proposes to reduce the number of residents by 840 people which will reduce demand.

4.9.4 Arts and culture

Summary of submissions

There were a number of submissions which discussed the opportunity to deliver cultural and creative facilities within the precinct.

The City of Sydney supported commitments made towards provision of the following infrastructure, however noted that it should be specifically identified within a planning instrument or enforceable design code:

- ground level cultural spaces for participation/exhibition as part of private development.
- production and rehearsal space to support local creative and performing arts.
- affordable creative live/workspaces within residential developments.
- 'cultural production' space of approximately 1,200 square meters (noting that the City is unlikely to own or manage this space).

A number of submissions suggested there should be an authentic and permanent indigenous presence on site, potentially through the inclusion of a specific First Nations museum or cultural facility.

Other submissions suggested history should be the focus of the precinct, with the maritime and working harbour past (including Tribal Warrior) influencing the development of the precinct.

The City of Sydney recommended the Public Art Strategy was implemented immediately with the Sydney Fish Market. They have also suggested that a detailed Public Art Plan be prepared, rather than a strategy (refer 5.5 Public Art of the Design Code).

Response

In response to the arts and culture comments raised, the revised Draft Design Code has been updated to:

- specify the provision of cultural spaces,
- include a list of historic themes to guide public art
- require the preparation of a Public Art Plan.

Suggestions for a specific First Nations museum or cultural facility are noted and will be considered. The details of cultural facilities will be established in future detailed design stages.

The revised Draft Design Code provides provisions for considering Designing with Country with reference to the Connecting with Country Framework for Tjerruing Blackwattle Bay (Bangawarra, 2021) and Aboriginal Cultural Advice and Community Engagement Findings reports (Murawin, 2020). The Heritage Interpretation Strategy prepared by CityPlan also sets out considerations for maritime and working harbour influences in the design of the public domain.

Provisions for preparing a detailed Public Art Plan are set out in Section 9.3.1 of the revised Draft Design Code.

4.10 Issue 9: Environment

This section addresses matters relating to sustainability, climate change and resilience, site contamination, impacts on existing ecology, and water pollution.

4.10.1 Sustainability and climate change

Summary of submissions

There were varied comments relating to sustainability within the precinct, including some submissions providing support for the range of sustainability measures proposed.

Some submissions suggested that there should be environmental and sustainability KPIs developed for the precinct. There was also a suggestion that the proposal should include incentives for developers to adopt sustainable, low carbon, approaches beyond the minimum standards outlined in the SSP Study. There were views that the future buildings should conform to sustainable building standards.

Urban heat was raised as a concern, and that the proposal would result in an increase in heat effects to surrounding areas. There was a suggestion that there should be more trees and less hardstand throughout the precinct.

One submission suggested the Sustainability Assessment was dated and didn't address emissions. Queries were also raised as to whether the proposal had considered flooding and sea level rise.

The City of Sydney submission noted that the opportunities identified in the ESD report were not carried through to the draft planning controls and should be in order to ensure they are delivered. The submission has recommended that the proposal should:

- identify suitable parcels of land for the ideal location of multi-utility hubs
- rectify inconsistencies between the Water, Riparian Land, Flooding and Stormwater Report, prepared by Cardno and the ESD report which identifies the opportunity for WSUD features in the precinct
- pursue opportunities to convey harvested water from the Precinct to Wentworth Park
- include the green roofs described in the Urban Forest Strategy in the draft Design Code
- incorporate provisions to ensure setbacks achieve deep soil and canopy cover outcomes unimpeded by driveways, basement car parking and other structures
- apply the City of Sydney Net Zero Buildings Strategy to all new mixed use, office, hotel and residential development
- ensure polluted sediment remains undisturbed and that strategies for extraction capture and disposal of the most polluted sediments are developed.

Additionally, the City makes a number of comments on the ESD report relating to Passive design for buildings, building electrification, renewable energy and PVs, BASIX energy and water targets, embodied energy in construction materials and offsetting a net zero outcome. It also comments on alignment with the Cardno Water, Riparian Land, Flooding and Stormwater Report submitted with the SSP Study and the lack of development of a precinct scale Water Sensitive Urban Design (WSUD) Strategy.

Response

Both in response to the submissions and recent advancements in sustainability policy, Infrastructure NSW are proposing both a stronger climate change and sustainability response. These are reflected in changes to the Design Code and LEP provisions and include:

- Bringing forward the net zero precinct target from 2050 to 2041
- Developments targeting 5 Star Green Star Buildings ratings

- Add stretch targets with increased BASIX ratings
- New waste and resource recovery targets
- Investigations for precinct-wide utilities as detailed in section 3.4.1.
- Addition of provisions for green roofs, deep soil and disposal of polluted sediments
- Target of 100% recycled irrigation water for public open space

Further details of the changes and a detailed response to the City's comments are outlined in the ESD Response letter prepared by Aecom at **Attachment 6**. Aecom identify that the proposed sustainability targets both exceed the NABERS and Green Star rating targets in the CoS Draft DCP and go beyond business as usual practice in applying Green Star 5 Star targets for all building developments. This sets the precinct up to achieve its net zero ambitions.

Cardno have provided a letter response at **Attachment 11**, further discussing the adopted approach to WSUD. They outline that while modelling was undertaken for a particular scenario to demonstrate that the development could meet Council's water quality targets, it is not considered appropriate at this point in the design process to prescribe any single approach and hence why a range of potential options have been identified for further consideration. It is also expected that a range of options will be considered for water reuse and recycling to meet 100% public domain demands at the next level of design.

4.10.2 Impacts on ecology

Summary of submissions

Some submissions identified concerns that the proposal would result in a loss of aquatic habitat, damage to the natural environment and have an impact on wildlife. There were specific concerns raised regarding the birds (rainbow lorikeets and pelicans) that roost under the Western Distributor. Some suggested that the proposal did not adequately address impacts to wildlife and that a BAM should have been prepared as part of the rezoning.

There was a suggestion that the foreshore should be rehabilitated to a natural state (e.g. rocky sloping beds).

Response

An assessment of the urban and marine ecology was undertaken by Eco Logical as part of the SSP Study. It found:

- The aquatic habitat is in slightly poorer condition than nearby Bays and identified opportunities to improve the habitat which should aim to increase the abundance and diversity of sessile and less-mobile marine organisms that support a localised food web and improve ecological complex.
- The Study Area is mapped as supporting a Biodiversity Corridor. Given the urban context and the type of habitat provided (mostly landscape plantings and street trees) is primarily to highly mobile species such as birds and bats. There is opportunity to connect fragmented habitat by strategic placement of habitat nodes or linear connections, and incorporate habitat in the landscaping and built form.

The revised Draft Design Code includes provisions reflecting the above and the recommendations of the report, with the objective to enhance the urban and marine ecology of the precinct. More detailed assessments will be undertaken at the detailed design stage.

4.10.3 Water quality and contamination

Summary of submissions

There were some concerns raised that impacts to the harbour had not been appropriately considered, and that

the proposal would result in a reduction in water quality and general degradation of Blackwattle Bay. The impact of moorings on water quality was specifically identified.

There were concerns raised regarding the contaminated sediment in Blackwattle Bay and that the contamination assessment had not adequately considered the issue.

Some suggested that environmental plans should be implemented to protect the harbour.

Response

Cardno's response at **Attachment 11** outlines that at a minimum, given the Study area's history of industrial uses and no treatment of runoff, it is expected that the proposed development, with the inclusion of a range of Water Sensitive Urban Design (WSUD) elements, would contribute to a significant improvement to water quality when compared to existing conditions

Rainwater or stormwater harvesting systems are expected to significantly reduce stormwater discharge from the precinct, including any associated pollutants. Further the treatment of flows from external catchments through end of line treatment devices (eg; Gross Pollutant Traps) on the trunk stormwater lines which would again likely provide a significant improvement relative to existing conditions.

Provisions in the revised Draft Design Code have also been added to adopt WSUD including treatment of pollutants and water recycling and reuse.

4.10.4 Urban tree canopy and vegetation

Summary of submissions

A number of suggestions were made in relation to urban canopy and vegetation within the precinct, including:

- Vegetation should be indigenous, provide shade, absorb rainfall and showcase the distinctive landscape of Blackwattle Bay
- Trees should be planted close to the water, to protect from the western sun

The City of Sydney Submission notes that the Urban Forest Strategy, prepared by Tree IQ, is well explained and has the appropriate level of detail at this stage. It also acknowledges the PPPS target of 25% canopy cover across the peninsula. They note that the proposed canopy cover meets the SSP Study requirements, however, more recently the City has developed new targets in a Greening Sydney Strategy including 50% target for open space tree canopy and 70% to pocket parks. They acknowledge while the Code largely meets the City's requirements, with a few requested amendments:

- update references to a *preference of indigenous planting* to focus on understory planting. The tree species within this largely altered urban landscape will require the most appropriate species regardless of its origin.
- Delete reference to the proposed extension of the species from the Sydney Street Tree Master Plan into the new streets, which is not required at this stage. A detailed review of the species will be required as the design is developed.
- Make provision for deep soil areas
- Select species that thrive under site conditions.

Response

The SSP Study Requirements (Section 15 Urban Forest) outlines that the project should address the City of Sydney Urban Forest Strategy 2013 canopy targets of 60% to streets, 30% to parks and 30% to private properties. The proposed Urban Forest Strategy in the revised Draft Design Code (**Attachment 2**) reflects these targets and significantly exceeds the PPPS target. The Foreshore Promenade minimum 45% tree canopy cover target is also just shy of the City's new 50% target. Updates have also been made to the revised

Draft Design Code to incorporate the listed amendments requested above.

4.11 Issue 10: Culture and heritage

This section addresses matters raised relating to Culture and Heritage.

4.11.1 Aboriginal engagement and integration

Summary of submissions

There were some concerns raised that indigenous heritage was not adequately or genuinely addressed in the Precinct Plan, and that there would be no authentic indigenous presence in the Precinct once developed.

There were some suggestions that an indigenous or historical cultural facility or learning centre could be provided within the precinct.

There were questions raised with regards to the level of engagement with First Nations people during the Precinct Planning process. The Tribal Warrior and Tranby Aboriginal College were identified as key stakeholders that should be consulted in an ongoing way. Provision of social and/or affordable housing for Aboriginal people within the precinct was identified.

The City of Sydney provided a number of detailed comments, as outlined below, and that these be secured through the proposed planning controls:

- Recommendations of the Connecting with Country Framework appear to be unaddressed and stronger connection with Country secured through planning controls is required.
- Affordable rental housing for Aboriginal and Torres Strait Islander people should be required/secured via the planning framework within the precinct.
- There is a need to accommodate a cultural levy as a way of ensuring ongoing generations benefit.
- A Retail Strategy should be required that builds on the opportunity identified to re-ignite engagement in the commercial and recreational fishing sectors for Aboriginal people and traditional affiliation with water Country
- Given the significant use of the waters connected to Blackwattle Bay by Aboriginal people and the fact that the Tribal Warrior and Deerubin boats are Indigenous-owned boats working on the harbour, providing both boats a permanent mooring and headquarters would be of great social and economic benefit.
- The need for an Aboriginal and Torres Strait Islander Cultural Centre and Innovation Hub where children, young people and families can go and learn about and celebrate Aboriginal cultures, story, history, performance and knowledges.

Response

Indigenous heritage and Connecting with Country have been key considerations in the SSP Study and Revised Precinct Plan and Design Code updates. Connecting with Country will be integral to every phase of development at Tjerruing 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.

The Design Code has a new Connecting with Country chapter which includes new provisions as detailed in section 3.3.3. Additionally:

- Infrastructure NSW are working to secure a more permanent tenure for Tribal Warrior in Blackwattle Bay.
- It is proposed to increase the required affordable housing contribution from 5% of *residential* floor space, to 7.5% of *residential and commercial* floor space. Refer to section 3.5.4. 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. This is outlined in the revised Draft Design Code.
- Provision for cultural/community/entertainment space is being made in Building 1 which could include an Indigenous community centre. It will be adjacent to The Promontory and Gathering Circle within the public domain.
- A provision is provided in the Design Code ensuring developments investigate how they may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living cultures.
- Blackwattle Bay will have a place activation fund with a rate levy. Opportunity for an Indigenous representative on the Panel is being investigated.

4.11.2 Non-Indigenous Heritage

Summary of submissions

Some submissions raised concerns that there would be a lack and loss of culture, and impacts to heritage, because of the proposal. There were also suggestions in a small number of submissions, including the National Trust, that the heritage impacts had not been adequately addressed in the SSP Study. Specific reference was made by the National Trust of a need to consider:

- items of potential local level heritage significance, the Pyrmont ash handling depot and the Shell Oil Company historic tunnel system (noting they support identification of 1 to 3 Bank Street as a potential heritage item)
- impact to adjacent heritage conservation areas
- impact of the tower height on the landmark values of the Anzac Bridge.

Some submissions suggested that maritime and industrial heritage should be a focal point for the precinct, integrated into open space and the public domain.

There was also a suggestion that rowers and the Glebe Rowing Club should be specifically acknowledged in the heritage report.

Response

Heritage and culture, including maritime and industrial heritage, are important placemaking considerations for Blackwattle Bay and will continue to be in the future detailed design stages of development.

A European Heritage Assessment and Impact Statement was prepared to provide an overarching assessment of likely heritage impacts, suitable for this rezoning stage of the urban renewal process. Heritage significance and conservation will continue to be assessed at the detailed design development stage, when building and public domain design is further resolved. This includes the Pyrmont Heritage Conservation Area which is buffered by the Western Distributor, interrupting the views and topography towards the Blackwattle Bay.

View towards Anzac Bridge are most significant from the southern shores of Blackwattle Bay, which will be protected, noting that the Pyrmont Peninsula Place Strategy does not identify Anzac Bridge as a landmark view from the Pyrmont Peninsula.

The current Heritage Interpretation Strategy is an overarching framework that would be required to be detailed once the detailed design of the buildings, public art strategies, public domain and landscape plans for the Precinct in order to tailor the stories, interpretive signage and interpretive media, graphic designs etc. The Sydney Rowing Club and Glebe Rowing club will be integrated into the site-specific heritage interpretation strategy and plan as part of the detailed design stages.

A further detailed response prepared by City Plan is provided at **Attachment 14**.

4.12 Issue 11: Consultation

This section addresses matters relating to extent and adequacy of consultation.

4.12.1 Consultation process

Summary of submissions

Some submissions were concerned with the nature and style of consultation undertaken throughout the proposal. There were concerns that it was sporadic, insufficient, informative (rather than being proper engagement) and disingenuous. Some felt the options presented during consultation were all unacceptable and therefore consultation was not meaningful.

There were a number of submissions that felt community issues raised during consultation had not been adequately considered in the final precinct plan, and that this had discouraged further community participation during the exhibition phase. There was a suggestion that the State-led rezoning process was not a democratic process or subject to the same transparency as a local process.

There were some concerns regarding the quality and accessibility of the exhibition material, that it was hard to read and that the artist's impressions were not realistic. There was a question raised about the availability of a physical model and whether there was a user-friendly guide available.

Some submissions suggested the exhibition period was insufficient, and that more consultation was needed.

Response

It is considered that the consultation undertaken by Infrastructure NSW satisfies, if not exceeds, the minimum requirements set by the DPE and the Study Requirements for consultation.

This consultation was a continuation of extensive consultation completed since 2015, as discussed in the State Significant Precinct Study, including the Call for Great Ideas competition, designing Precinct Development Principals and early consultation on the Precinct Plan where community provided feedback on the scenarios presented during the Revitalising Blackwattle Bay public engagement session in mid 2020.

Infrastructure NSW reviewed all submissions individually, and categorised comments into themes, as presented throughout this report. In response to the feedback raised in submissions, the built form was revised and technical assessments completed.

As a result of the SSP Study consultation, Infrastructure NSW have now proposed a range of amendments to the Precinct Plan, planning framework and Design Code as set out in chapter 2.

Community consultation will continue to be important in development of the precinct and creating the Bank Street Park. Community consultation is integral in the Design Excellence outcomes for the open space, and has been incorporated in the revised Draft Design Code (see **Attachment 2**).

Any new buildings on site will also be subject to a State Significant Development application, including a Design Excellence process involving extensive community and stakeholder input. This phase will determine the appearance of the buildings and construction program.

4.13 Issue 12: Water use

This section addresses matters relating to the use of the harbour, including water use conflicts, opportunities for water recreation, and impacts on the working harbour.

4.13.1 Water recreation

Summary of submissions

There were a number of concerns raised that the proposal would result in additional harbour traffic, which would impact recreational water users, including rowers and dragon boats. There were also concerns that private water users had been prioritised over public users and that there were now too many encroachments into Blackwattle Bay.

There were a number of suggestions made in relation to the provision for additional water recreation infrastructure, including boat ramps, access points and storage for kayaks, as well as outrigger and dragon boat facilities. There was also a view that the dragon boats should be relocated to Rozelle Bay.

Response

The Precinct Plan for the waterway area primarily involves the relocation of existing vessels within the Bay, that have been displaced by the new Sydney Fish Market development. Any future proposals to increase the number of vessels will be subject to assessment to ensure recreational uses are not impacted. The Draft Design Code has also been updated to require that a Marine Traffic Management Plan would be prepared at development application (DA) stage, where the development relates to changes in marine traffic. This document would be submitted to and approved by Transport for NSW and the Harbour Master. A Navigation Impact Analysis would also be required to be prepared with any proposed marine structure.

The Precinct Plan allocates areas for recreational use by the community including:

- embayments created on each side of the new Sydney Fish Market
- area in the vicinity of the dragon boat launching ramp, and
- rowing and paddling course.

Under the adopted Pyrmont Peninsula Place Strategy, TfNSW will also be preparing a plan of management for recreational water use in Blackwattle Bay.

The encroachment of the indicative structures on the eastern foreshore is consistent with that of existing structures, including Giddens Jetty, and the Northern Mooring Jetty and Main Concrete Jetty at the Sydney Fish Market. The Revised Precinct Plan also proposes to convert the temporary over-water promenade to a permanent one to ensure the world-class foreshore promenade can be delivered.

The opportunity to provide future recreational boating related facilities such as rowing and paddle craft storage, change room facilities, showers, toilets, and other amenities is noted and will be further considered during the next phase of detailed design for Bank Street Park and other public domain areas within Blackwattle Bay.

A further detailed response prepared by Royal HaskoningDHV is provided at **Attachment 15**.

4.13.2 Impacts on working harbour

Summary of submissions

There were a number of submissions which suggested there needed to be a more comprehensive plan to manage maritime safety and navigation impacts.

There were some suggestions that working harbour and other land uses needed to be integrated in the precinct. The need for additional berthing capacity to support the working harbour was suggested.

Response

As noted in the above response, the Design Code has been updated to require that a Marine Traffic Management Plan and Navigation Impact Assessment be prepared with future proposals, which would improve maritime safety.

The Precinct Plan has been prepared considering the integration of land uses with working and recreational harbour.

Area for additional berthing capacity is provided in the Precinct Plan for potential future growth along the eastern foreshore of the Bay.

A further detailed response prepared by Royal HaskoningDHV is provided at **Attachment 15**.

4.14 Issue 13: Public interest

4.14.1 Project drivers and objectives

Summary of submissions

Many raised concerns that private interests were being prioritised over the community. There were suggestions that the proposal did not reflect what the community wanted or what future generations needed, and that it would benefit a few wealthy groups (primarily landowners and developers) at the community's expense. Some were of the view that the proposal failed to achieve its identified vision.

Some thought that the proposal did not provide sufficient public benefits, and that the project was driven by profit. There were some concerns raised that the project was driven by the business case for the new Sydney Fish Market, and the need to fund its construction. Some local residents did not feel that Pyrmont should be impacted by a development that would serve the broader community of Sydney and NSW.

Response

The renewal of the Sydney Fish Market and Blackwattle Bay has been planned for over three decades; different masterplans have been created and approved for the land but none have come to fruition.

Moving the Sydney Fish Markets to the head of the bay unlocks approximately 10.4 hectares of harbourside land, making the site one of the largest opportunities for urban renewal in the Eastern Harbour City. It presents a rare opportunity for new housing, employment and harbourfront community spaces located less than 1km from the Sydney CBD.

The opportunities were identified in *The Bays Precinct Sydney Transformation Plan* in 2015 and further recognised and developed in the *Pyrmont Peninsula Place Strategy* (PPPS) in 2020. The Revised Precinct Plan is also aligned with relevant strategic policies, including:

- *The Greater Sydney Region Plan*
- *Eastern City District Plan*
- *Pyrmont Peninsula Economic Development Strategy*

The above plans manage the needs of the State across a 20-year vision for the Eastern City District and local area to manage growth and change in the context of social, economic and environmental matters. The Bays Precinct in which Blackwattle Bay is located was identified in these plans as a key Urban Renewal Corridor.

Local voices have influenced plans for the precinct since planning began in 2015. The surrounding communities of Pyrmont, Ultimo and Glebe have been actively engaged with the Bays Precinct for over 7

years.

Infrastructure NSW has also worked closely for over 5 years with the Project Working Group which is made up of the Department of Planning and Environment, the City of Sydney, Transport for NSW and the NSW Government Architect.

This close collaboration between state government, local government and the community has helped Infrastructure NSW balance technical considerations with community views to create a plan that delivers a successful urban renewal and ensures key transport, social, cultural and urban infrastructure is delivered for communities now and into the future.

This has culminated in the Precinct Master Plan and State Significant Precinct Study that was publicly exhibited in 2021, and now the Revised Precinct Master Plan. The SSP represents 8 years of considered planning. It responded to over 200 Study Requirements issued by the Secretary of the Department in 2017, and included over 30 technical studies.

It is well-known and understood that successful mixed-use precincts require a critical population mass of residents, workers, visitors and in particular, retail and hospitality uses and local service businesses. Similarly, a critical mass of commercial occupiers is essential for vibrant precincts as businesses gravitate to areas of high activity, providing opportunities to locate proximate customers, suppliers and retail amenity. In addition, successful precincts comprise a mix of office buildings with a variety of floorplate sizes.

This balance of land use has been carefully considered and is reflected in the Revised Precinct Plan. Importantly, more than 50% of the precinct will become public domain.

The renewal of Blackwattle Bay will deliver high levels of public benefit including but not limited to:

- New parks and green spaces including 30,000 square metres of green space on the harbour front
- A harbour front promenade, which will become the final piece in the 15-kilometre harbour foreshore walk from Rozelle to Woolloomooloo Bay
- Pedestrian and cyclist links
- New homes, jobs and services close to the CBD, and to public transport.

The renewal of Blackwattle Bay will deliver new retail, commercial, community and residential uses around a new foreshore promenade, new public open spaces, and new public domain in the form of streets and laneways. These will be active and safe places, improving connections and amenity to the surrounding neighbourhoods.

The NSW Government is committed to continuing to work with the community in developing the Precinct as demonstrated in the significant involvement to date. It is considered that the community benefits being delivered by the proposal, considerably exceed the requirement for the new community created by the Precinct. These are discussed in greater detail in section 4.9.2.

In 2019, the NSW Government committed \$750 million to deliver the new Sydney Fish Market which is under construction and on track for completion in 2024. Any funds generated by the sale of development rights would be returned to NSW Treasury.

4.14.2 Development of government-owned land

Summary of submissions

There were a number of submissions which raised concerns that the proposal would result in the development of government-owned land, and specifically the foreshore. There were some submissions which stated that the precinct should remain in public ownership, or that only the Sydney Fish Markets should be privatised.

Clarifications were sought on the terms of land transfer, and whether it was a lease or sale. One submission noted incorrect media claiming that the entire precinct was in public ownership, and that 20% of the area was privately owned.

There was a view that private landowners were benefitting from unearned land value uplift and that development of private sites should be subject to value capture mechanisms.

Response

It is intended that private development on government-owned land will be subject to similar arrangements like what are in place at Sydney Olympic Park and Barangaroo, where private development is granted a 99-year lease and the underlying ownership remains with State government. The new Sydney Fish Market facility and the public domain that surrounds it will be owned in perpetuity by State government.

Urban renewal of the private landowner sites is key to delivering the waterfront promenade and other public benefits. Redevelopment of their lands will be subject to affordable housing and infrastructure contributions.

4.15 Issue 14: Planning policy

This section addresses matters raised relating to Planning Policy.

4.15.1 Consistency with strategic planning

Summary of submissions

- The City of Sydney (the City) has advocated for Infrastructure NSW's work on Blackwattle Bay to be placed on hold whilst the Department of Planning, Industry and Environment's (the Department) finalises their draft sub-precinct master plans and Infrastructure Delivery Plan for the Pyrmont peninsula, and these documents are firstly exhibited for public comment.
- The exhibited proposal fails to address the place priorities identified for the Blackwattle Bay sub-precinct overall and presents a manifest poor urban design outcome with unacceptable impacts to future residents and users
- The proposal fails to give effect to the District Plan. it is inconsistent with Planning Priority E7 and E8

Response

PPPS

Blackwattle Bay is one of four Key Sites identified in the PPPS. Work commenced on Blackwattle Bay as part of the Bays Precinct as early as 2013 and Study Requirements were released in 2017, well ahead of the PPPS. The continued progression of the Blackwattle Bay rezoning will enable urban renewal to commence, public benefits such as open space to be delivered, and minimise the time that the existing Sydney Fish Market site sits vacant.

Infrastructure NSW has redirected the approach to urban renewal at Blackwattle Bay to respond to the directions and outcomes of the PPPS, as well as the extensive Study Requirements for the precinct. The draft sub-precinct masterplans have also been considered, and the approach to contributions aligned with the PPPS Infrastructure Delivery Plan.

In particular, the Blackwattle Bay Place Priorities have guided the SSP Study and RTS investigations. Table 6 below provides commentary demonstrating how each priority has been achieved.

Table 6 – Alignment with the Pyrmont Peninsula Place Strategy’s Place Priorities for the Blackwattle Bay Sub-precinct

PPPS Blackwattle Bay Place Priority	Addressed	Comment
1. Redevelop Blackwattle Bay into a new urban quarter focused on knowledge-based jobs and supplemented with cultural and entertainment, visitor and tourism, retail and residential uses, connected to public transport, including the Pyrmont Metro station and anchored by the new Sydney Fish Market.	✓	Described mix of uses achieved
2. Prioritise commercial floor space for knowledge-based jobs to support the Innovation Corridor	✓	Proposes 76% non-residential, largely knowledge based jobs
3. Investigate the establishment of new entertainment, events and cultural space in the redevelopment of Blackwattle Bay to support a vibrant 24-hour entertainment and cultural precinct.	✓	Improved entertainment, events and culture opportunities with PMNSW as place manager, with new cultural spaces and provisions in place.
4. Address potential impacts of 24-hour economy activities on amenity including noise, safety, traffic and transport, amongst others	✓	Addressed throughout RTS and supporting documents
5. Providing residential development, including affordable housing without compromising commercial development and the attractiveness of Blackwattle Bay for a range of cultural, entertainment, arts and leisure activities supporting a diverse and vibrant 24- hour economy.	✓	Residential development is proposed without compromising commercial and a diverse range of offerings for a vibrant 24 hour economy.
6. Establish controls to ensure development protects sunlight to existing and future open space including the harbour foreshore area consistent with the amenity constrained height strategy to be refined in subsequent sub-precinct master planning.	✓	The built form and controls protect sunlight to open space.
7. Reprioritise street and traffic flows to promote pedestrian, cycling and public transport and provide improved active transport connections from Blackwattle Bay to other parts of the Peninsula.	✓	Active and public transport are prioritised and promoted with a high mode share target.
8. Investigate a multi-utility hub for sustainable precinct-scale solutions such as integrated parking, electric vehicle charging, battery storage, recycled water and organic waste systems, or bike facilities	✓	Multi-utility hubs have been investigated, with precinct scale utilities being further investigated.
9. Create a continuous harbourside foreshore promenade connecting to Darling Harbour, Barangaroo and Walsh Bay arts and cultural precinct in the east and the new Sydney Fish Market and Glebe to the west, and beyond.	✓	A continuous foreshore promenade is proposed.
10. Investigate a new ferry wharf in Blackwattle Bay.	✓	Provision has been made for a potential ferry wharf.
11. Formalise public boating facilities, including launch points and storage for kayaks, canoes and dragon boats to enhance public access and use of the water for recreational activities.	✓	Provision has been made for storage and launch points for recreation at Bank Street Park.
12. Facilitate an active transport loop around the Peninsula	✓	The precinct will contribute to the active transport loop through outdoor fitness at Bank Street Park

13. Create a new district park near Bank Street of approximately 1 hectare.	✓	A district park of 10,000sqm is proposed at Bank Street Park.
14. Showcase the area's Aboriginal and working harbour heritage in new public domain and upgrades.	✓	Provisions are included in the Design Code to reflect this.
15. Use Greener Places to guide the design of activated, safe and inclusive public areas.	✓	Greener Places has been used and will be used in detailed design.
16. Encourage green building facades and rooftop gardens in new development.	✓	Provisions are included in the Design Code to reflect this.
17. Provide publicly-accessible, privately-owned space, such as multi-purpose courts on rooftops or in podiums, or viewing platforms that showcase Sydney Harbour.	✓	Not precluded from happening, however, significant open space in the precinct is already proposed. Use of rooftop space could be encouraged a part of a design competition at DA stage, if desired.
18. Contribute towards the provision of new community and cultural facilities, including community and library floor space, communal rooms, work-based childcare services, production space for creative arts and medical services.	✓	Provisions are included for new community and cultural facilities, including contributions towards a library.
19. Formalise the public boating facilities at Bank Street.	✓	Public boating facilities are incorporated.
20. Investigate the feasibility of a harbour pool at Blackwattle Bay subject to water quality and working harbour considerations (eg. a temporary pool during summer) or a pool on the waters edge.	✓	The feasibility of a harbour pool at Blackwattle Bay has been investigated. It was found the water quality would not be suitable for swimming and it would be better located out of Blackwattle Bay.

District Plan

Along with the SSP Study, a detailed analysis of the *Eastern City District Plan* (including Planning Priority E7 and E8), the PPPS and the EDS has been undertaken for the Land Use Appraisal prepared by Atlas Urban Economics (**Attachment 4**). The Land Use Appraisal has been prepared to assist in addressing land use issues raised in submissions and to guide refinement of the Precinct Plan.

Blackwattle Bay forms part of the Eastern City's Innovation Corridor as defined in the *Eastern City District Plan* and has a critical role to play in supporting the Corridor given its direct connection to the future Bays West precinct and proximity to the Sydney CBD. The EDS forecasts that there could be a need for circa 320,000sqm of office NLA across the Pyrmont Peninsula by 2041, with a large proportion of demand anticipated post-2030 after completion of the Metro Station. The PPPS then took the outcomes of the EDS and identified how the forecast demand could be met across the Peninsula, including at Blackwattle Bay. As addressed in detail in section 3.2.2, the proposed land use mix and typologies are consistent with this and the objectives of the PPPS for Blackwattle Bay as a part of the Eastern City's Innovation Corridor.

4.15.2 Planning framework

Summary of submissions

The City of Sydney have requested that many of the commitments made in the SSP Study be included in the planning controls (either LEP or the Design Code).

A number of submissions, including from the City of Sydney, did not support the identification of the precinct as State Significant Precinct, and that the City of Sydney should be the consent authority for future

development applications. Others suggested that it was appropriate for the site to remain State Significant. A range of concerns with the proposed planning framework have been raised, summarised below.

Process for development

- Insufficient justification for the declaration of the precinct as a 'Public authority precinct', and concerns undertaking open space as exempt development
- CoS should be the consent authority for the SSP Study and for future DAs
- Support for and against the State led process for DAs and SSP
- DCP requirement under LEP should be retained
- Timing of renewal to be aligned with other bays renewal projects in time for Metro; likewise cumulative impacts should be considered

Development controls

- Concern that there will be future proposals to increase height and density. Need mechanism to prohibit modifications.
- Amendments to controls should not be overly prescriptive – focus on envelope and land use
- Design controls should be deferred until development partners are involved, market sounding should be used.

Land uses in precinct

- Need further detail around public events, major event site not supported
- Clarity should be provided on the ownership, control and ongoing management of the public spaces
- Concerns that PLOs won't develop and there will be no promenade
- Ensure Sydney Fish Market operations aren't compromised

Response

Process for development

A detailed response in section 3.5.3 outlines the suitability of the proposed planning framework, including State Significant Development, Public Authority Precincts and major events. Further amenity assessments of major events are discussed in section 4.7.2 of this report.

The primary planning controls applying to the Blackwattle Bay Precinct will be contained within Sydney LEP 2012 (Sydney LEP 2012). The provisions for inclusion in Sydney LEP 2012 have been amended in response to issues raised in submissions. The proposed changes are detailed in the revised Explanation of Intended Effect (**Attachment 1**).

The site specific provisions in Sydney LEP 2012 will be supported by the Design Code, which has also been revised in response to submissions.

A copy of the revised Draft Design Code is included at **Attachment 2**. The Design Code is a comprehensive document which will guide development in the precinct. Relevant provisions in the Sydney DCP 2012 will also apply.

Development controls

Key controls, such as the maximum height and FSR, will not be able to be modified. The ability to achieve FSR and height bonuses which are typically available have been removed. All major development must also be subject to a competitive design process.

The development of the controls has responded to the DPE requirements and adopted an appropriate balance between certainty with a level of flexibility to respond to market drivers.

Land uses in precinct

Further details have been provided in this RTS on major events and clarity around the need for the exemption clause as well as confirmation of PMNSW as the future manager of the public spaces of the precinct.

The planning framework has also been revised to ensure that the foreshore promenade area is delivered, as detailed in section 3.3.1 of this report.

Additional provisions have also been included to address potential land use conflicts and ensure that the operations of the new Sydney Fish Market are not adversely affected as a result of redevelopment in the rest of the Blackwattle Bay Precinct

4.15.3 Design Excellence

Summary of submissions

- Application of clause 6.21(5) of *Sydney Local Environmental Plan 2012* should be maintained, enabling 'triggers for design excellence competitions to apply in the precinct'.
- Design excellence process should recognise water quality
- Concern there was no global design competition

Response

As noted in section 3.6.1, Infrastructure NSW is committed to ensuring that new buildings in Blackwattle Bay achieve the highest level of design excellence. To this end, it is proposing that the design excellence provisions in Sydney LEP 2012 will be mirrored in the site specific provisions for Blackwattle Bay and that new buildings in the precinct will generally adhere to the City of Sydney's Competitive Design Policy with some modifications to ensure a cohesive and coordinated approach to design excellence across both the public and private domains. All new buildings over 25 metres high and/or with a capital investment value over \$100,000,000 will be subject to the competitive design process.

The revised Draft Design Code also includes provisions aimed at ensuring that the public domain exhibits design excellence. Designs for the public domain will be reviewed by the Design Excellence Panel and be subject to community consultation and statutory planning approval.

5 PRIVATE LANDOWNER & TENANT SUBMISSIONS

5.1 Introduction

The below sections provide summaries of the submissions received from the three private landowners within Blackwattle Bay and tenant, Sydney Fish Market, with Infrastructure NSW's response to each.

5.2 Sydney Fish Market

Issues raised

Sydney Fish Market (SFM) is strongly supportive of the renewal of the precinct provided that proposed changes do not impact on its current or future operational needs. The SFM is approved to operate on a 24/7 basis and there are unavoidable impacts associated with its operations, notably noise, odour and traffic. The SFM is also a major tourist attraction, with the new SFM expected to result in a significant increase in tourist visitation. The SFM is concerned that residential and commercial development in the precinct may generate opposition from future residents to its operations, noting that *any new development approved at Blackwattle Bay, [should] ... not become a platform for objection to any of the Market's necessary current or future operations, as these remain imperative to its ongoing functioning*. The SFM recommends the placement of caveats on property titles to highlight to prospective purchasers or tenants of neighbouring residential, commercial, or retail premises, the primacy of Sydney Fish Market operations. The SFM also recommends measures such as sound-insulated doors; double glazing; sound absorbing construction material be required for new development to mitigate the impacts on future residents and occupiers.

Future construction works in the precinct is also considered a risk to the operational efficiency of the SFM.

The SFM recommends planning and design measures be put in place to ensure possible future expansion of its operations or footprint is not unduly restricted:

- Planning
 - Permissible land uses in the proposed SP1 Special Activities zone should be expanded to allow for a wider range of uses.

- The \$10 million threshold for State Significant Development Applications is supported but the SFM should be consulted if any changes are contemplated given the implications for its operation.
- Exempt and complying development provisions should be expanded as they apply to certain activities in the SFM, including changes from one to another food and beverage tenancies, fitouts of tenancies, changes from retail to business tenancies, certain public domain improvements, live performances and art displays.
- The SFM should be consulted on future retail in the precinct given the potential to impact on its own retail offering.
- Sufficient parking must be provided within the precinct to ensure parking facilities available to the Sydney Fish Market are not compromised.
- Design
 - Design excellence should be mandated to complement architectural excellence of new SFM building
 - Particular care should be taken to the design of the interface between the old and new SFM sites
 - Existing planning controls, including those relating to overshadowing of the public domain, should continue to apply to public spaces and parks

The SFM submission indicates strong support for improved public transport and pedestrian connectivity. The need to ensure the SFM is appropriately integrated into planning for the metro is highlighted as is the need to provide a direct ferry service to the markets.

Response

Infrastructure NSW acknowledges the importance of urban renewal at Blackwattle Bay being complementary to the new SFM in achieving a vibrant mixed-use precinct. The new SFM will be an iconic landmark and destination, with visitors drawn through the precinct via a new foreshore promenade. The proposed buildings on the existing fish market site will have a strong visual and physical relationship between them and the new Sydney Fish Market, addressing and activating the edge of the bay.

With PMNSW now having confirmed their role in managing the Blackwattle Bay Precinct, the precinct will have a variety of entertainment and culture offerings to add to its vibrancy, together with the new SFM. The revised Draft Design Code includes provisions to better mitigate noise impacts in building design and caveats on titles, as outlined in section 4.7.2.

Future developments will be required to consider the context and in particular, the new SFM as a landmark building. New buildings will be required to:

- undergo a Design Excellence process
- appropriately manage construction impacts
- consider the design interface with the new SFM site, and
- ensure solar access to SFM is protected as set out in the proposed planning controls.

While car parking has been reduced to ease congestion on local roads and to further encourage walking, cycling and the use of public transport, including the Metro, the precinct will provide some car parking to efficiently meet the needs of the precinct without compromising the car parking at the new Sydney Fish Market.

It is also considered that the proposed zoning of SP1 Sydney Fish Market is fit for purpose as it reflects its unique role and function specifically and as approved DPE. There is no intention to make any additional uses exempt or complying development beyond the provisions commonly used by PMNSW in its other comparable precincts (refer to section 3.5.3 for discussion).

5.3 Hymix, Hanson (PLO 3-1 & 3-2)

Issues raised

Hanson, owner of the Hymix concrete batching sites, does not have any intention of either closing or relocating the existing concrete batching plant due to ongoing strong demand for concrete within and around the city. This position has been reiterated to Infrastructure NSW on numerous occasions but the SSP Study appears to have been developed on the basis that the plant will either relocate or close.

To ensure no adverse land use conflicts arise, Infrastructure NSW should amend the precinct plan to accommodate the existing batching plant in its current form, including in relation to management of heavy vehicle traffic and associated amenity issues, or establish alternative arrangements that facilitate the redevelopment of the facility in a way that enables coexistence through minimising land use conflict and amenity issues.

Infrastructure NSW should also be required to undertake environmental impact assessments that demonstrate that the amenity outcomes being sought can be achieved with the ongoing batching plant operations, or be required to identify off-site mitigation measures that ensure that appropriate amenity outcomes can be achieved.

Hanson argues that an alternative is for the concrete batching plant to be redeveloped into an 'urban integrated facility' by locating the batching plant within a building podium with two residential towers above. All operational activities would be contained within the building, enabling the removal of dust and noise emissions. However, trucks would continue to frequently enter and exit via Bank Street as currently. Noise amelioration measures would need to be incorporated into the new development, as would be the case for other development in the precinct impacted by noise from the Western Distributor.

Other issues raised included:

- Bulk and scale - No sound justification has been provided for higher height and floor space allocated to the former fish markets site compared to the Hymix site. The Hymix site is less constrained by the solar height plane in terms of overshadowing of Wentworth Park and Glebe foreshore. Infrastructure NSW should distribute built form in accordance with previously established urban design principles.
- Land use zone - Rezoning to B4 will make the Hymix site a prohibited use. While Hymix would enjoy 'existing use rights' this is a poor planning outcome. Hymix should be made an 'additional permitted use' under Schedule 1 of Sydney LEP 2012.
- Height and FSR - Permissible heights on the Hymix site should be maximised to ensure the integrated facility is viable. The vision is for building heights that do not overshadow the Glebe Island foreshore and Wentworth Park. Maximum floor space and FSR should be aligned with the Hymix vision.
- Allocation of land uses – there is an over-emphasis on commercial office floor space at the Hymix site which could undermine the viability of its redevelopment. Hanson questions whether this is appropriate, given that the site is located a significant distance away from public transport and the main attractors of the precinct.

Response

The planning for Blackwattle Bay illustrates a long-range perspective of the urban renewal potential for this State Significant Precinct. It is anticipated the renewal of the precinct will be staged and could potentially occur over a long period of time. The exhibited and now revised precinct plan sets out the vision and future expected outcome for the precinct. While concrete batching is acknowledged as an essential building material, it is not a land use activity that is seen as compatible with long-term goals and objectives of the precinct. There are several other areas which have similar strategic proximity to the CBD where concrete batching is more suitable. For example, the Department has granted approval for the Glebe Island Concrete Batching Plant and Aggregate Handling Facility. This approval allows Hanson to produce up to 1 million cubic metres of concrete per annum; four times more concrete than the former Hanson batching plant at Bridge Road and Hymix batching plant at Bank St combined. Furthermore, the City has earmarked lands within the Southern Enterprise Area (Alexandria) as important and suitable lands to support key industrial services including concrete batching plants.

Provisions in the revised Draft Design Code set out staging, built form, noise and air quality considerations for new land uses within the precinct that are in close proximity to the existing concrete batching operations (**Attachment 2**). The plan has also been amended to allow PLO 3-1 and PLO 3-2 parcels redevelop as late-term renewal sites. This is further illustrated in the revised Draft Design Code.

The existing Sydney Fish Market site is substantially larger and is therefore more capable of accommodating more floor space and greater heights set farther back from the water's edge. The existing Sydney Fish Market site also provides substantially more public domain compared to the private landowner sites. Built form has been established to meet the objectives of the design principles, protecting sunlight access to existing open spaces, while maximising the amenity to new open spaces and public domain.

The Hymix sites are currently zoned B3 which prohibits uses such as concrete batching. It is proposed to continue to prohibit general industries within the precinct consistent with the current zoning

Height and FSR have been determined by optimising high-quality public domain amenity outcomes with enough up-lift to spark urban renewal and achieve the vision for the precinct.

Commercial office floor space has been concentrated in locations with optimal access to public transport, bus, light rail, ferry and metro. The Hymix is located just over 550m to a metro station and the other public transport modes are located less than 100m away. The Hymix site is better serviced by public transport than most sites within the CBD. Timing of renewal was also a factor consider with regard to land use mix. Given that Hymix has indicated a long-term renewal desire, it is anticipated that there will be a high demand for commercial office as renewal of the precinct will be near completion and supporting transport infrastructure and office worker amenity will be in place.

In response to the submission received, heights across the precinct have generally been lowered and gross floor areas have been reduced by 15% on average. Compared to the other private landowners, the combined Hymix sites have had the lowest reduction in GFA, at 11%. By comparison, the GFA on the government lands at the existing Sydney Fish Market site has been reduced by 16%. The proposed height also maximises solar access protection to the promenade to the south, as now proposed in the revised planning controls. Specific building height and gross floor area changes to the Hymix sites as well as further information regarding the other changes in the Revised Precinct Plan can be found above in this report and in the Urban Design Statement Addendum in **Attachment 3**.

Further information regarding land use demand can be found in the Land Use Appraisal by Altas Urban at **Attachment 4**.

5.4 Celestino (PLO 02)

Issues raised

The overall vision and principles for Blackwattle Bay are supported however Celestino considers that several changes should be made with respect to its site at 31-35 Bank Street:

- **Building height** – the maximum building height should be increased from RL91.5 to RL121.1 consistent with building height principles in the SSP Study. The site is suitable and has the capacity to accommodate greater building height and still achieve acceptable amenity and design excellence outcomes.
- **Density** – the maximum gross floor area should be increased from 16,250sqm to 26,000sqm, commensurate with the recommended increase in building height.
- **Non-residential floor space** – the proposed allocation of 7,000sqm of non-residential GFA on the site does not foster an appropriate balance and there is an inequitable distribution of residential and non-residential floor space across the precinct. The site-specific built form parameters in the Design Code also do not allow appropriate sized/configured floor plates. Celestino recommends a decrease in non-residential GFA on the site to 3,000sqm.

- Design Code flexibility – greater flexibility should be allowed on the application of site-specific built form controls to encourage place-led and performance based outcomes. This is consistent with new Design and Place SEPP.

A detailed analysis in support of the proposed changes is included in the Celestino submission.

Celestino also recommends that the planning framework be amended to allow for density and building height incentives for development that achieves design excellence through a competitive design process and provides public benefit of exceptional value.

Celestino indicates it's support for innovative funding mechanisms to secure additional public benefits and infrastructure however notes that a clear and transparent mechanism for identifying the public benefits to which developers must contribute must be put in place to provide certainty to investment decisions.

Response

Building height and density (FSR) have been determined by optimising high-quality public domain amenity outcomes with enough up-lift to spark urban renewal and achieve the vision for the precinct.

Non-residential floor space for the Celestino site has been reduced to approximately 4,000sqm.

The revised Draft Design Code provides a degree of flexibility, however it should be noted that the proposed built form controls have been determined through an extensive place-led, performance-based approach.

In response to the submission received, heights across the precinct have generally been lowered and gross floor areas have been reduced by 15% on average. The building height on the Celestino site has been increased to RL 100.4 AHD and the total gross floor area has been reduced to approximately 13,180sqm representing a 19% reduction. This higher reduction is reflective of applying increased separation distances and the nature of the parcel as a smaller, narrow, constrained site.

All built form within the precinct will be subject to design excellence, however, density and height bonuses have been removed.

Information regarding infrastructure funding and delivery can be found in sections 3.5 and 4.9 above.

Further information regarding the changes in the revised precinct master plan can be found in the Urban Design Statement Addendum in **Attachment 3**.

5.5 Poulos (PLO 1-1 & 1-2)

Issues raised

Poulos raised the following issues:

- Building height - The building heights allocated to the sites are inequitable and are inconsistent with the design principles established early in the process. The height limit on the Government Site is over 140m, whereas the private landowners is nearly a third of that at 50m. There is little evidence to support the significantly lower heights on the private landholdings than that of the current Fish Markets site.
- Floor space ratio - Infrastructure NSW have taken an 'equitable FSR' approach across all sites. This is not a sound planning and design approach. FSR is a final output of a design process. The FSRs proposed are retrograde, and less than the comparable sites in Jacksons Landing – which were master planned in the 1990s.
- Land use mix – The land use mix proposed is unfeasible. The proportionately high non-residential FSR in this location has not been tested from a viability perspective, nor has it considered the delivery of commercial floor space in the remaining Pyrmont Peninsula and wider Sydney CBD, is not commercially viable. The Government land is proximate to key road infrastructure, the light rail, and the key activity node of the Sydney Fish Markets. The land is far better suited to accommodate commercial uses than the private land holdings.

- Planning controls - prescriptive controls are based on questionable assumptions. Independent air and noise assessments show that there is little basis for the land use mix and design outcomes that have been prescribed.
- Comments in relation to the wind field patterns in the Air Quality Impact Assessment

Under the current proposed controls, Poulos questions the ability of the site to be redeveloped and to deliver the foreshore walk as required.

Response

Building height and density (FSR) have been determined by seeking high-quality public domain amenity outcomes while optimising urban renewal and achieving the vision for the precinct. Building heights respond to the contextual situation. The Poulos site sits within a highly constrained area at Blackwattle Bay, with the Western Distributor at one site and the bay on the other. The site is immediately adjacent to both the bay and the heritage listed Anzac Bridge. The pylons of the bridge are defining landmark features of Pyrmont. All of the above considerations have been factored into proposed built form at the Poulos site. Urban design considerations have lead to FSRs in the Revised Precinct Plan which are different for each of the sites.

Non-residential floor area has been reduced by more than 20% and now represent approximately one-third of the total gross floor area. The Government land at the existing Sydney Fish Market site has increased its proportion of non-residential floor space.

A significant amount of analysis has been undertaken to arrive at the proposed planning controls, which are suitable for an SSP Study. Further investigations will be required to establish detailed design and suitability of residential against ADG at the subsequent stages. Refer to the revised EIE and the revised Draft Design Code. **Attachment 1** and **Attachment 2**, respectively.

Comments in relation to the wind field patterns have been addressed in the Air Quality addendum. Refer to **Attachment 12**.

6 AGENCY SUBMISSIONS

6.1 Introduction

The following government agencies submitted comments during the exhibition period:

- Transport for NSW
- Greater Cities Commission (former Greater Sydney Commission)
- NSW Environment Protection Authority
- Heritage NSW
- Sydney Water
- Sydney Local Health District
- Port Authority of NSW
- Civil Aviation Safety Authority
- Schools Infrastructure NSW
- Department of Primary Industries - Fisheries
- Water NSW
- Department of Primary Industries - Fisheries
- Fire and Rescue NSW

A response to each of the agency submissions received is provided in the sections below.

6.2 Transport for NSW

Issues

Transport for NSW (TfNSW) raised the following issues:

- the need to further develop the Transport Management and Accessibility Plan to identify specific actions to improve walking, cycling and public transport infrastructure particularly to link the site to the new Metro
- clarifications relating to traffic modelling and cumulative impact of development on the transport network to help determine transport infrastructure needs and funding
- the need for a combined loading and servicing plan to help meet freight and servicing demands in the precinct, including consideration of a combined loading dock to service both residential and commercial developments
- reduce car parking rates even further than proposed to help ensure the mode target of 85% active transport is achieved
- clarification on noise measurements, particularly relating to surrounding industrial activities
- prioritisation of transport infrastructure projects which enable the aspirational mode share should be considered and agreed as part of infrastructure delivery strategy.
- The need for a new primary school within or in close proximity to the Pyrmont Peninsula to meet demand and avoid an increase in private vehicle trips for education purposes.

Response

The above transport related matters have been addressed in full in Aecom's Updated Transport Assessment at **Attachment 9**. Clarification industrial noise measurements are addressed by SLR at **Attachment 13**, and the demand for schools in section 6.10.

6.3 Greater Cities Commission

Issues

The Greater Cities Commission (GCC) (former Greater Sydney Commission) noted that it is essential that the timing and delivery of the redevelopment of the precinct is aligned with infrastructure sequencing. It also strongly recommended the Department urgently proceed with the preparation of an infrastructure delivery plan ahead of the finalisation of any rezoning. This should lead to the development of a Strategic Infrastructure Compact or region-based infrastructure levy to be put in place before development occurs. The GCC questioned the effectiveness of a Satisfactory Arrangements clause to deliver necessary infrastructure.

The GCC also recommended that the preparation of the infrastructure delivery strategy occur in close consultation with the City of Sydney.

Response

An Infrastructure Delivery Plan was prepared by DPE, in close consultation with the City of Sydney, as part of the PPPS Sub Precinct Master Plans. In addition, a new contributions framework, including a regional infrastructure contribution, has been proposed for the Pyrmont Peninsula. This will apply to the site once it is in force. This will apply to the site once it is in force.

The satisfactory arrangements clause has been replaced with a clause requiring the concurrence of the Planning Secretary to ensure adequate provision of State infrastructure in advance of any proposal.

In addition, the revised Draft Design Code identifies a staging strategy for the site, which will ensure adequate provision of infrastructure as the site is progressively developed.

6.4 NSW Environmental Protection Authority

Issues

The submission received from the NSW Environmental Protection Authority (EPA) provided comments in relation to air quality, noise, water quality, contaminated land management and waste and resource recovery. It identifies additional planning controls and provisions that should be incorporated into the Design Code aimed at protecting human health and amenity. Key issues raised in the EPA submission include:

- Noise management is a key consideration helping to shape the Precinct. A number of technical aspects of the noise impact assessment relating to issues such as noise monitoring, background noise levels, industrial and port noise sources and traffic noise modelling are questioned.
- Ambient water quality targets for the receiving waters should be developed rather than using a generic approach and additional water quality principles and controls should be included in the Design Code.
- Additional planning controls are needed to ensure appropriate management of contaminated land (and sediments in the bay) and adherence to the Site Wide Remedial Concept Plan
- There needs to be greater focus on waste management, particularly having regard to the recently released *NSW Waste and Sustainable Materials Strategy 2041*. Opportunities that could help deliver circular economy infrastructure and design should be explored.

Response

The EPA provided a range of detailed comments which have been directly responded to in detail in the following attachments:

- Air Quality response prepared by SLR at **Attachment 12**.
- Noise response prepared by SLR at **Attachment 13**.
- ESD response prepared by Aecom at **Attachment 6**.
- Water, Riparian Land, Flooding and Stormwater response prepared by Cardno at **Attachment 11**.

Additionally, the Design Code has been updated to include some of the suggestions for example provisions on sustainable waste management and contamination (**Attachment 2**).

6.5 Heritage NSW

Issues

Heritage NSW advised that the overall approach to the assessment of Aboriginal cultural heritage is acceptable and if followed will have a positive outcome. Given that only limited archaeological investigations have been undertaken to date, in areas considered to have moderate Aboriginal archaeological potential, disturbance activities should be minimised or further investigation and consultation with Aboriginal stakeholders undertaken.

Heritage NSW recommended that a historical archaeological assessment be prepared to establish the potential, significance and appropriate management measures for archaeological resources associated with 'early industrial activities' along the foreshore near the former Sydney Fish Market site. It also recommended that further assessment be undertaken for 1 to 3 Bank Street to determine its level of significance.

Response

Further detailed archaeological studies will to be undertaken for each development site as part of the future applications as recommended in the European Heritage Assessment and Impact Statement Report submitted with the SSP Study. Further analysis of the heritage significance of 1 to 3 Bank Street will be undertaken with detailed design.

6.6 Sydney Water

Issues

Sydney Water raised a number of issues regarding the provision of water and sewer services for the precinct. The need for the Proponent to liaise with Sydney Water as a priority to ascertain watermain connection sizes, impact on gravity systems and connection locations was noted and the importance of providing up to date advice on growth projections to be able to forward plan was highlighted. Further information on proposed reclamation of land at head of bay was requested as this may impact on significant stormwater assets.

Sydney Water requested a particular provision be included in the LEP that public utility infrastructure will be available when required.

Sydney Water indicated its support for the sustainability initiatives contained in the SSP Study, and recommended that consideration be given to recycled water opportunities, the creation of a healthy waterway plan and integrated water management opportunities.

Response

Conversations are continuing with Sydney Water in relation to the provision of water and sewer services for the precinct. The stormwater infrastructure at the head of the bay is associated with the construction of the new Sydney Fish Market and being addressed with Sydney Water as a part of that project.

The EIE (**Attachment 1**) has been updated to include a site specific clause relating to public utility infrastructure as requested by Sydney Water.

6.7 Sydney Local Health District

Issues

The Sydney Local Health District (SLHD) noted that there are a number of positive aspects to the proposal, including improved access to green spaces, improved active transport and access to public transport, the provision of new cultural spaces, extension of the foreshore and overall improved opportunities for physical activities. However, it indicated some concerns about certain aspects of the proposal, notably:

- The height and density of some buildings which will result in a significant change to the local area and which potentially may result in health issues associated with very dense living
- The impact on dwellings from traffic noise and air pollution
- The proposed affordable housing contribution rate of 5% which it considers should be ideally increased to 10-15% recognising that this needs to be assessed in line with contributions to public spaces and amenities.

Response

The Revised Precinct Plan and revised Draft Design Code make changes that improve the height, density, noise, air and affordable housing outcomes for Blackwattle Bay. These are discussed in the following

sections:

- Built form: section 3.2
- Air and noise: section 4.7
- Affordable housing: sections 3.5.4 and 4.8

6.8 Port Authority of NSW

Issues

The submission received from the Port Authority noted its support for an integrated land use model which enables the retention and continuation of existing working harbour uses, especially additional berthing capacity for commercial vessels. The Port Authority also raised several issues relating to the management and safety of the waterway and requested that the following issues be addressed in consultation with the Port Authority and the Harbour Master:

- an overarching Maritime Risk Management Plan should be prepared, having regard to future expansion of commercial and recreation activity in the bay
- lighting and signage should be considered in the design of any wharf and jetty structures to ensure safe navigation and adequate night-time visibility
- new DAs should include detailed navigation impact analysis as relevant.

Response

The Design Code has also been updated to require that a Marine Traffic Management Plan would be prepared at development application (DA) stage, where the development relates to changes in marine traffic. This document would be submitted to and approved by Transport for NSW and the Harbour Master. A Navigation Impact Analysis would also be required to be prepared with any proposed marine structure. Additionally, future detailed design stages for any wharf and jetty structures will adopt safety measures to ensure night time visibility.

6.9 Civil Aviation Safety Authority

Issues

The Civil Aviation Safety Authority (CASA) indicated that it has no objections to the proposal, noting that assessment of cranes from an obstacle perspective will be required once the height of cranes has been finalised.

Response

None required.

6.10 Schools Infrastructure NSW

Issues

Schools Infrastructure noted that projected enrolment demand arising from population growth in the area will be met by various strategies and may include intake area boundary changes, additional temporary and permanent teaching spaces on existing school sites and upgrades to existing schools. It recommended that

further consideration be given to active transport measures that prioritise student pedestrians. It also requested that additional controls be included in the Design Code to prevent amenity impacts to surrounding schools.

Schools Infrastructure also recommended that the infrastructure delivery strategy for the precinct include requirements for school related infrastructure, including improvements to public domain, transport and the like, and make provision for contributions from new residential development for initiatives such as social education programs promoting active transport.

Response

Significant improvements will be made to the pedestrian and active transport options within the local network through the urban renewal of Blackwattle Bay, including the development of the new Sydney Fish Market. As outlined in section 3.6, the precinct is seeking a high mode share target of 85% active and public transport, with 11 recommendations to achieve the mode share targets, including improvements to local walking and cycling infrastructure.

Local schools will also be required to be considered in future assessments to ensure impacts are minimised.

6.11 Water NSW

Issues

WaterNSW advised that the proposal will not place any additional burden on its water supply infrastructure which provides bulk raw water to Sydney via the Prospect Water Filtration Plant. The proposed amending provisions for redevelopment of the Blackwattle Bay appear to have little direct implications for WaterNSW and the proposed new planning controls similarly do not appear to have any broader policy implications. In the future, water supply work approvals, such as for temporary dewatering purposes, may be required from WaterNSW for certain development

Response

None required.

6.12 Department of Primary Industries - Fisheries

Issues

DPI Fisheries clarified that the proposed rezoning does not raise any issues of relevance within its area of responsibility. However, it noted that previous advice provided by DPI Fisheries in 2012 is still relevant and should be reviewed. Key comment from this advice is:

- Blackwattle Bay is important key fish habitat within Sydney. It is important that this project is designed and managed so that there is no acid sulphate soil impacts or erosion and sedimentation impacts to the aquatic environment. DPI-Fisheries also recommends that harm of any marine vegetation that may be in this area is minimised as far as possible in the proposed upgrade of existing seawalls.

Response

The Design Code includes to improve marine ecology of the precinct including sediment management.

6.13 Fire and Rescue NSW

Issues

Fire and Rescue NSW's response was that they had no comments to add.

Response

None required.

7 CLARIFICATIONS & OTHER CONSIDERATIONS

7.1 Introduction

This chapter provides commentary on other relevant matters that are important to note, together with key clarifications from the submissions received.

7.2 Detailed design

Some of the submitters interpreted the SSP Study as a detailed development proposal reflecting detailed building design outcomes. This is a rezoning proposal with a Precinct Plan which reflects potential building envelopes. Artist impressions represent what the future buildings could potentially look like. There will be a next stage of detailed designs, community consultation and approvals for the buildings and public domain, which will undergo a design excellence process as outlined in section 3.5.1 of this report.

7.3 New Sydney Fish Market

Some of the submissions made comments on the already approved new Sydney Fish Market development including:

- Issues with design, cleanliness and location
- General support for new Sydney Fish Market
- Pedestrian and traffic lights should be included as part of new Sydney Fish Market
- Need an appropriate plan to manage tourist coaches to the new fish markets. Part of the site should be set aside for tourist coach parking and transport trucks.

Planning approval for the new Sydney Fish Market was granted by the Department in June 2020, which involved detailed assessment and determination with conditions. These matters were addressed as part of the assessment. For example, condition D22 of the approval requires for a Bus, Coach and Pick-up/Drop-off

Management Plan to be completed, which will provide details of proposed drop off/pick up facilities for taxis, ride-share, coaches, buses and kiss & ride vehicles.

Further information is available on Infrastructure NSW's and the Department's websites relating to the new Sydney Fish Market development.

7.4 PPPS Draft Sub-Precinct Masterplans

The Pyrmont Peninsula Place Strategy sub-precinct master plans were released by the Department for public exhibition in November 2021, after the lodgement of the Blackwattle Bay SSP Study. The documentation has been reviewed and considered in the RTS and Revised Precinct Plan.

Infrastructure NSW also provided a submission to the Department which can be found on their exhibition webpage. Infrastructure NSW's summary of comments in the submissions includes:

- Provide a detailed glossary of terms used in the master plans (including rationale for inclusion and desired outcomes for each)
- Ensure Blackwattle Bay sub-precinct master plan reflects the significant design work undertaken as part of the SSP process.
- Update the Infrastructure Delivery Plan to reflect Infrastructure NSW comments.
- Address Infrastructure NSW comments on the Wind Assessment.

7.5 DPE Draft Employment Zones

The Department is undertaking a reform program which includes the delivery of a simplified employment zone framework. Five new employment zones and three supporting zones were introduced to the Standard Instrument LEP Order in December 2021 and since then the Department has been working with councils in reviewing the zones for consistency with the strategic intent of councils' existing zones and revising objectives and land use permissibility as required.

The five new employment zones are:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial

The Local Centre and Commercial Centre zones represent zoning for centres; the General Industrial and Heavy Industrial are the key industrial zones; and Productivity Support provides a transition between the centres and industrial zones.

To accommodate land uses in existing B or IN zones that are not primarily productivity related, three further zones are proposed:

- MU1 Mixed Use
- W4 Working Waterfront
- SP4 Enterprise

The existing B3 zone that applies to Blackwattle Bay under Sydney LEP 2012 has been translated to E2, as shown in Figure 9. No zone is shown for the new Sydney Fish Market as that remains zoned under the *State Environmental Planning Policy (Precincts–Eastern Harbour City) 2021* for the time being.

It is proposed that Blackwattle Bay, excluding the new Sydney Fish Market site and land proposed to be zoned RE1 Public Recreation, would be rezoned B4 Mixed Use under the existing zoning regime. Under the new employment zones framework, B4 would be translated to MU1.

The City of Sydney has proposed the following objectives for the MU1 zone:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure uses support the viability of centres.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

As discussed elsewhere in this RTS report, Blackwattle Bay is intended to be transformed into a mixed use precinct, characterised by a diversity of business, shopping, entertainment, recreational, community and residential uses. Its proximity to the new Metro station, low private car parking rates and the focus on active transport will maximise public transport patronage and encourage walking and cycling. Specific provisions have been included in the revised Draft Design Code to ensure ground floor activation and minimise land use conflicts. The proposal is therefore consistent with the new MU1 zone objectives.

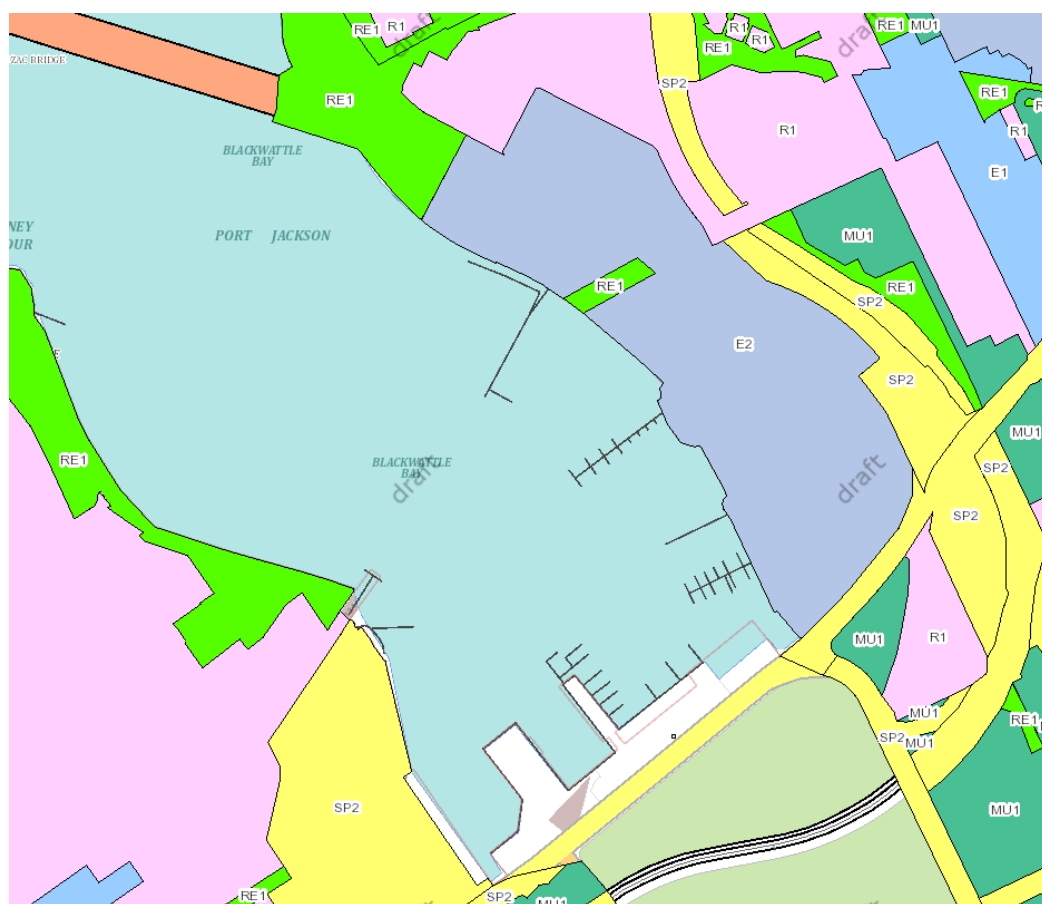


Figure 9 – Proposed translation of existing B3 zone to E2 under employment zone reforms

A wide range of uses will continue to be permitted with consent in the MU1 zone, similar to the B4 zone. Permitted uses include all uses identified as being suitable at Blackwattle Bay. As the MU1 zone will continue

to permit 'general industry' with consent, consideration will need to be given to continuing to prohibit general industries within the precinct consistent with the current zoning, depending on how this is incorporated into the planning controls by the Department.

this same site specific provision would be needed once the new zone was introduced. Existing industries will be able to continue to operate under 'existing use rights'.

The Employment Zone reforms will not impact on the SP1 zone proposed for the Sydney Fish Market.

7.6 Bays West

In 2015, the NSW Government released *The Bays Precinct Sydney Transformation Plan*. This included eight Destinations, including Blackwattle Bay (then Bays Market District) and five others comprising what is now known as Bays West. The *Bays West Place Strategy* was developed using the Transformation Plan and previous work undertaken by Urban Growth NSW (now Infrastructure NSW) along with community feedback. The Department have finalised the *Bays West Place Strategy* (November 2021) to guide the transformation of Bays West into the future.

The *Bays West Stage 1 draft Master Plan* was exhibited for public comment from 4 to 31 May 2022. The draft master plan will inform development and planning controls for the area around the White Bay Power Station and the future Bays Metro station.

Infrastructure NSW and the Bays West team at the Department have been in consultation with one another to discuss and consider the plans for each precinct.

7.7 City of Sydney Design Review

The City has undertaken an independent design review of the exhibited proposal. It considers particular urban design matters of the proposal and is stated by the City to not be taken as 'an alternative scheme'. Infrastructure NSW supports that it should not be interpreted as an alternative scheme as it does not address all the elements required to formulate a Precinct Plan for an SSP Study- including 200+ Study Requirements and the engagement of 30+ technical specialists to guide the outcomes. It is therefore most relevant to consider the improvement opportunities the City identified.

Several improvements were concluded by the City and have been considered and incorporated into the Revised Precinct Plan such as a wider foreshore promenade and minimising overshadowing to neighbouring properties. A key objective of the City's review was to provide a better response to the site conditions for wind, residential amenity and safer streets. The Revised Precinct Plan achieves improvements on all of these elements.

The City has participated in the planning and design of Blackwattle Bay as a member of the Project Working Group (PWG) since 2017. The PWG has met regularly and frequently over the past 5 years to discuss a wide range of precinct planning related matters. The City has provided feedback and direction which has helped to shape the plan. The Precinct Plan, which was exhibited, as well as the Revised Precinct Plan, is a result of the cumulative influence of the Study Requirements as well as written and verbal advice from the PWG.

8 CONCLUSION

Infrastructure NSW has reviewed the submissions and issues raised by the Department, agencies, the community and organisations in response to the exhibited Blackwattle Bay SSP Study. The key issues have been responded to, supported by technical expert advice attached to this report. Amendments have been made to the proposal where appropriate, involving changes to the Precinct Plan, EIE, and Draft Design Code.

The Department will now finalise its assessment, considering the submissions received together with this RTS report and the proposed changes. This will be in consultation with the PWG and PRP including City of Sydney. An assessment report will be prepared and submitted to the Minister for Planning to make a determination on the rezoning.

ABBREVIATIONS

ADG	Apartment Design Guide
AHD	Australian Height Datum
ARH SEPP	<i>State Environmental Planning Policy (Affordable Rental Housing)</i>
BASIX	Building Sustainability Index
CIV	Capital Investment Value
Codes SEPP	<i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i>
CoS / the City	City of Sydney Council
DA	Development Application
DCP	Development Control Plan
DPE / the Department	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EDS	Pymont Peninsula Economic Development Strategy
ESD	ecologically sustainable development
FSR	floor space ratio
GANSW	Government Architect NSW
GFA	gross floor area
GCC	Greater Cities Commission (former Greater Sydney Commission)
IDP	Infrastructure Delivery Plan
INSW	Infrastructure NSW
LEP	Local Environmental Plan
LGA	Local Government Area
m	metres
the Minister	Minister for Planning
NLA	net lettable area
PLO	private landowner
PMNSW	Place Management NSW
PPPS	Pymont Peninsula Place Strategy
PRP	Blackwattle Bay Project Review Panel
PWG	Blackwattle Bay Project Working Group
RIC	Regional Infrastructure Contribution
RL	reduced level
RTS	Response to Submissions
SFM	Sydney Fish Market
SIC	Special Infrastructure Contributions
Sydney LEP 2012	<i>Sydney Local Environmental Plan 2012</i>
sqm	square metres
SSD	State Significant Development
SSDA	State Significant Development Application
SSP	State Significant Precinct
TISEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
TfNSW	Transport for NSW
TMAP	Transport Management and Accessibility Plan
VPA	Voluntary Planning Agreement
WSUD	water sensitive urban design

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