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Pyrmont Peninsula

Finalisation of sub-precinct master plans and rezoning

July 2022



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Pymont Peninsula

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Executive Summary

The Pyrmont Peninsula Place Strategy (PPPS) sets a new vision for Pyrmont and Ultimo to provide capacity for up to 23,000 new jobs and 4,000 new homes that will strengthen the productivity of the Eastern Harbour City in a way that is balanced with the area's local character, heritage and amenity.

In November 2021, the Department exhibited the first stage of the implementation of the PPPS that encompasses:

- new **planning controls** to enable development for the following key and metro sites:
 - The Star Casino – a new six-star hotel, theatre and rooftop uses at 20-80 Pyrmont Street
 - UTS – a 250-bed indigenous residential college (IRC) (student accommodation), education and associated uses at 622-632, 634-642 and 644-644A Harris Street in Ultimo
 - Pyrmont metro station – a new metro station, access, service station infrastructure and an integrated development (tower above) at 37-69 Union Street and a new metro station access and infrastructure at 26-32 Pyrmont Bridge Road
- seven sub-precinct master plans to support the implementation of the full PPPS
- infrastructure delivery plan
- proposed Special Infrastructure Contribution (SIC) to fund part of the new Pyrmont metro station
- a technical evidence-base to support the new plans and controls
- Pyrmont Peninsula Design Guidelines
- Pyrmont Peninsula Urban Design Report

In combination these elements establish parameters to enable the first stage of renewal in Pyrmont and Ultimo under the PPPS and contribute to the economic activation of the area as part of the Innovation Corridor.

The sub-precinct master plans establish a new planning framework and guidance for future planning proposals and development to align with the PPPS. These plans provide clear objectives and principles for key elements of the PPPS such as a harbour foreshore walk, movement and transport connections and height strategy. The plans also identify optimal movement, place, built form, landscape, and infrastructure outcomes to guide new development balance growth and change with local character, heritage and amenity in realising the PPPS.

The infrastructure delivery plan provides a roadmap for new and updated infrastructure framework to support growth and change with infrastructure and identifies potential funding and delivery responsibilities.

The SIC is part of the new infrastructure framework for the area and will collect contributions towards the funding of the new Pyrmont Station, which will form part of the new Sydney Metro West project. This SIC has the potential to be transitioned into the new contributions system when this is established and will continue to apply to new development. The SIC will initially apply to those sites rezoned under this first stage to deliver the PPPS.

The Urban Design Report and Design Guidelines provide supplementary planning and design guidance to inform optimal development outcomes on the key and metro sites.

The aforementioned proposed plans and controls were exhibited for 10 weeks from 26 November 2021 to 4 February 2022. A total of 129 submissions were received from members of the local community and public, landowners, government agencies, local members of Parliament, and business and industry groups, amongst other stakeholders.

The Department has reviewed and addressed issues raised in submissions as set out in this report. The key issues raised include concerns regarding building height, density and amenity impacts, lack of consultation with Aboriginal knowledge holders and community involvement, concerns about new infrastructure charges on development feasibility and a number of suggestions on the new metro station, public and open spaces, transport and sites capable for change. Local residents were also concerned regarding the identification of the 24-hour zone.

Detailed submissions were also received from The Star, UTS and Sydney Metro in response to the Department's proposed controls and guidelines as they related to their development sites. The Department has reviewed these issues and considered supplementary information from The Star and UTS in recommended final planning controls for these sites that address the issues raised. The Department has made the following key changes in response to submissions:

- addressed submissions raising concerns about height and density through robust principles requiring building height to be designed in line with a height strategy and density located on sites identified as capable for change,
- assessed the additional elements of The Star's master plan, including the proposed new theatre and rooftop dining areas and supported revised planning controls to enable these elements, and adopted a performance-based approach in relation to built form outcomes for the proposed six-star hotel
- confirmed 'Option 1 – tower form' building envelope for UTS and assessed additional floor space is supportable as it would enable investigation to increase the retention of the existing locally listed National Cash Register building (proposed for partial demolition) without significant change to the exhibited built form
- removed the prescribed floor plate for a new tower at metro site east (37-69 Union Street) to enable flexibility in tower design options that demonstrate adequate solar amenity for nearby residents, amongst other considerations
- adjusted sub-precinct master plans in response to feedback, including ensuring 'local intersections' are not depicted on private land, revising the depiction of the 24-hour zone to confirm no change of land use or loss of access to public open space and removing the concept for a bridge between finger wharfs in Darling Island, amongst other revisions
- reviewed the feasibility analysis supporting the proposed SIC to confirm the full range of potential contributions had been considered and confirm the proposed SIC is feasible on new development in Pyrmont in response to submissions from landowners and industry groups
- undertaken additional consultation with Aboriginal knowledge holders and adopted principles in the final sub-precinct master plans to guide new development in consulting with Aboriginal people and working with Connecting with Country principles.

Other minor adjustments and changes have been made in response to submissions, which are recorded further in this report. In some cases, the Department has not made changes in

response to submissions, such as in relation to general concerns about building height and density, which enable forecast growth in line with the PPPS or in the case of INSW's master plan in Blackwattle Bay will be determined in a separate State Significant Precinct process. These issues are also discussed in this report. Overall, the Department considers the revised plans and controls have considered all submissions received, and are recommended to be made.

Sydney Local Environmental Plan 2012 (LEP 2012) will be amended to include site-specific clauses for the key and metro sites to establish new height and floor space ratio controls and ensure that future development accords with the Urban Design Report (which includes sub-precinct master plans) and the Design Guidelines.

Amendments will also be made to Ministerial Direction 1.15 Implementation of the Pyrmont Peninsula PPPS to give effect to the Urban Design Report, including the sub-precinct master plans. The Directions requires further land use and planning control changes to be consistent with the sub-precinct master plans and the PPPS.

Finalisation of the sub-precinct master plans enables and guides the next stages of the implementation of the PPPS, which includes:

- finalisation of the Blackwattle Bay State Significant Precinct
- assessment of the Stage 2 State Significant Development Application for the redevelopment of Mirvac's Harbourside shopping centre by the Department
- a strategic review by the City of Sydney Council (Council) to prepare updated planning controls across the other sites capable for change identified in the exhibition material, an updated local infrastructure plan, and extension of the Council's 2020 affordable housing scheme to apply to the Peninsula (to replace the current Ultimo-Pyrmont affordable housing program)
- Transport for NSW's Pyrmont-Ultimo Transport plan that will identify the transport infrastructure priorities for the next 10 years for the peninsula.

This work will establish a new planning and infrastructure framework to guide growth and change in the Pyrmont Peninsula over the next 20 years.

This report should be read in conjunction with the [exhibited documentation](#)

1 Introduction

In December 2020 the NSW Government finalised the Pyrmont Peninsula Place Strategy (PPPS) alongside the announcement of a new metro station in Pyrmont on the future Sydney Metro West line.

The PPPS sets a new vision for Pyrmont and Ultimo to strengthen the productivity of the Eastern Harbour City, provide capacity for new jobs and enhance the area's important character, heritage, and amenity. Under this new vision, the Pyrmont Peninsula will play an important role in the continued growth and success of Greater Sydney and the NSW economy over the next 20 years.

Ensuring growth and change is facilitated in the Pyrmont Peninsula (Peninsula) is the next task in the delivery of the PPPS. During 2021, the Department undertook work to implement the first stage of the PPPS in the planning system by:

- preparing sub-precinct master plans that provide further guidance on the important place, movement, land use, infrastructure, and design considerations for future development
- refining the number of 'sites capable of change'
- key site master planning processes to inform proposed built form controls and public benefit outcomes on the Star and UTS sites under the PPPS
- detailed built form analysis for the new Pyrmont Station sites resulting in proposed controls and guidelines to facilitate an integrated station development
- an infrastructure delivery plan detailing how the framework of proposed State, local and key site contributions ensure infrastructure will be delivered with growth as it occurs over time
- a draft State Infrastructure Contribution to recoup funding towards the cost of the new Pyrmont metro station and associated infrastructure (to be finalised as a Special Infrastructure Contribution)
- affordable housing contribution feasibility analysis
- supporting technical analysis and consultation, including air quality, aviation, biodiversity, contamination, noise, non-Indigenous heritage, transport, and wind to support the sub-precinct master plan outcomes and proposed built form controls.

This work has been undertaken consistent with the Directions, Vision and Structure Plan of the PPPS to balance character, heritage, and amenity in the resolution of planning controls for key sites, while also setting out the infrastructure details to support growth. Extensive urban design review and analysis, feasibility testing, infrastructure needs assessment, heritage review has been undertaken in consultation with and based on input from the City of Sydney Council (Council), Transport for NSW and Sydney Metro.

The outcome of this work will enable and provide planning, design, place and infrastructure guidance for the key sites of The Star and UTS to progress into the next phase of planning and design work through State significant and local development applications, respectively. It will also enable Sydney Metro to prepare station and integrated station design and plans for the new Pyrmont metro station. The Star, UTS and Sydney Metro proposals will be subject to assessment against the new planning controls and further community consultation when development approval is sought for the detailed design and construction of these proposals.

The planning framework exhibited seeks to establish a new planning, design and infrastructure framework for the Peninsula that will guide growth and change over the next 20 years consistent with the PPPS and sub-precinct master plans.

1.1 Overview of this report

This report presents the finalisation of the first stage of the implementation of the PPPS, including:

- information on the public exhibition consultation undertaken and description of the public submissions received
- the Department's consideration of the issues raised during public exhibition of the sub-precinct master plans, including whether these have been reviewed or refined in response to issues
- the Department's assessment of the proposed new planning controls and built form outcomes for The Star Casino and UTS key sites, and for the two new Pymont metro station sites, including design guidelines
- revised Infrastructure Delivery Plan (IDP)
- revised feasibility assessment of the Special Infrastructure Contribution (SIC).

As part of this consideration of submissions and assessment of new planning controls, the Department has reviewed and refined draft plans and reports to address issues and considered further additional information from The Star and UTS, including undertaking site visits. Based on the conclusions of this report, the Department has prepared final plans, reports, planning controls and guidelines that will support the vision of the Pymont Peninsula PPPS for the next phase of the economic transformation of the Peninsula, balancing growth and change with character, heritage, and amenity, as well as maximising public benefits and providing the capacity for new growth to unlock the area's potential.

1.2 Further stages of implementing the PPPS

Further stages of implementing the PPPS in the NSW planning system that are currently underway include the:

- finalisation of Infrastructure NSW's master plan renewal of Blackwattle Bay (a key site under the PPPS), which is progressing through the State significant precinct process by the Department and expected by the end of 2022
- Harbourside at Darling Harbour (Mirvac), a State Significant development application (SSD 7375) for a new retail shopping centre and commercial office tower (a key site under the PPPS). The Independent Planning Commission granted development consent to a Concept SSD for the redevelopment of the site on 25 June 2021. A Design Competition has been completed and a Design Integrity Panel established to review the design prior to lodgement of the detailed SSD application/s. Mirvac intends to request Secretary's Environmental Assessment Requirements and lodge staged SSD applications for bulk excavation works, built form and landscape/public domain in mid to late 2022.
- Council's Strategic Review of the Peninsula, which involves a Council-led planning proposal to update planning controls to align further development growth with the directions of the PPPS and preparation of a new local infrastructure plan, which commenced in early 2022
- Transport for NSW's preparation of a Pymont-Ultimo Transport Plan building on the work to date to determine the priorities for transport infrastructure investment in the next 10 years, which commenced in early 2022.

Council will further consider updates to apply its Affordable Housing policy across the Peninsula. It will also consider rationalising and consolidating those provisions of *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021* which apply to the Peninsula: what was the *Sydney Region Environmental Plan No. 26* and *Darling Harbour Development Plan No 1* into *Sydney Local Environmental Plan 2012* (LEP 2012).

2. Strategic Context

2.1 Context

The Pyrmont and Ultimo Peninsula is Sydney’s fifth largest business district with around 40,000 workers. It forms part of the Innovation Corridor (refer Figure 1) and is one of the fastest growing jobs hubs in Greater Sydney and extends from the Camperdown-Ultimo Collaboration Area and Tech Central in the south, through Pyrmont Peninsula and the western edge of Central Sydney to Bays West.

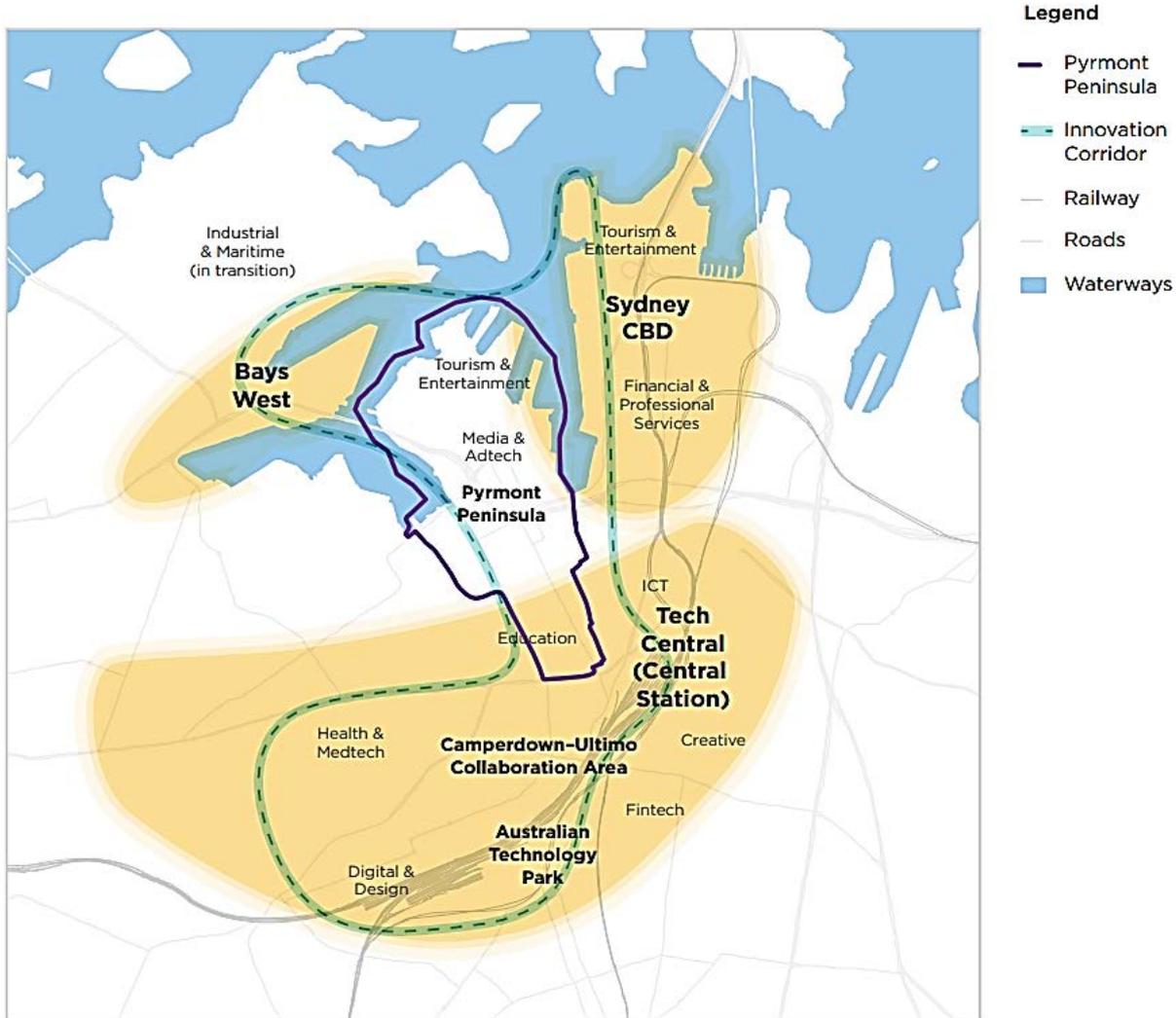


Figure 1 – Innovation Corridor
(Pyrmont Peninsula PPPS 2020)

The peninsula is home to employment industries specialising in media, arts and culture with businesses including Google, Network Ten, the ABC and Screen Australia, UTS, TAFE and the Powerhouse Museum. It contains jobs that complement the established tourism and entertainment attractions at Darling Harbour, the Australian National Maritime Museum, the Star Casino and the new Sydney Fish Markets.

The peninsula is also home to a residential population of around 20,000 people that live and work in and around the area and benefit from high levels of active and public transport to access the Sydney CBD. The PPPS recognised the area was appreciated by residents, workers and visitors for its authentic sense of place, sense of community, attractive

landscape and waterfront setting, and the benefits of its strong economic foundation of local jobs and connections to the Harbour CBD.

The Peninsula extends from the Anzac Bridge at the northern end to Broadway in Ultimo in the south. Its proximity to the Sydney CBD and the harbour makes it a desirable place to work, learn and live and position as a key place that will connect thriving new technology industries in Redfern, Eveleigh and the Australian Technology Park in the south, through to Camperdown-Ultimo and Tech Central, across to the Bays West precinct.

2.2 The Pyrmont Peninsula Place Strategy (PPPS)

2.2.1 Overview of the PPPS

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

The PPPS responded to the Greater Sydney Commission's (GSC's) direction to 'unlock the economic potential' of the area and was led by the Pyrmont Peninsula Economic Development Strategy (EDS) prepared by NSW Treasury - [Pyrmont Peninsula EDS](#).

The EDS describes the area's then current economic character, analyses the drivers of growth and change and forecasts future demand for new jobs and floor space, assuming a metro station is delivered in Pyrmont in the next decade. It also took account of the impact of the COVID-19 pandemic on economic productivity in its modelling. The EDS included the following forecasts for future growth and change:

- strong growth in jobs: an increase of between 20,000 – 23,000 new jobs to 2041
- a local economy that is approximately 60% larger by 2041 with \$4.2 - \$4.9 billion more economic output per year compared to then current levels
- an increase in productivity of 7% due to the growth of jobs in knowledge intensive industries
- greater supply of commercial buildings: an additional 600,000 – 800,000 square metres of floor space will be required across the Peninsula by 2041
- increased retail and residential development density associated with the provision of a new metro station, as well as more commuters coming in and out of the area
- an industry mix geared towards knowledge industries with growth in many of the associated industries for which Pyrmont is recognised: tourism and entertainment, media and information technology.

The PPPS set out 10 Directions addressing matters of strategic economic, social and environmental significance in the Peninsula to guide future growth and change to 2041. The PPPS also identified Five Big Moves to help realise the vision and the peninsula's potential:

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

A structure plan in the PPPS (refer Figure 2) supports the 10 Directions and establishes the peninsula's most appropriate for growth and change while balancing character, heritage and amenity.



Figure 2 – Structure Plan of the Pyrmont Peninsula
(PPPS 2020)

The PPPS acknowledged the peninsula as a collection of many places and identified seven sub-precincts (refer Figure 3), each with their own unique character and identity.

The type of growth and change anticipated in each sub-precinct is described in existing and future character statements. This includes identification of the important place priorities for each sub-precinct across land use, movement, infrastructure, landscape and built form to guide new development to address specific and different needs of each part of the Peninsula.



Figure 3 - Pyrmont Peninsula’s seven sub-precincts

(PPPS 2020)

2.2.2 Key sites

The PPPS identified four key sites (refer Figure 4). Their identification responds to the Greater Sydney Commission review report, which considered 'the current [development] activity is substantial but characterised by a small number of large but disconnected projects, many on the edges of the review area'. This was recognised as limiting the realisation of cumulative opportunities and benefits, such as connecting and activating the public domain and providing links between sub-precincts, amongst others.

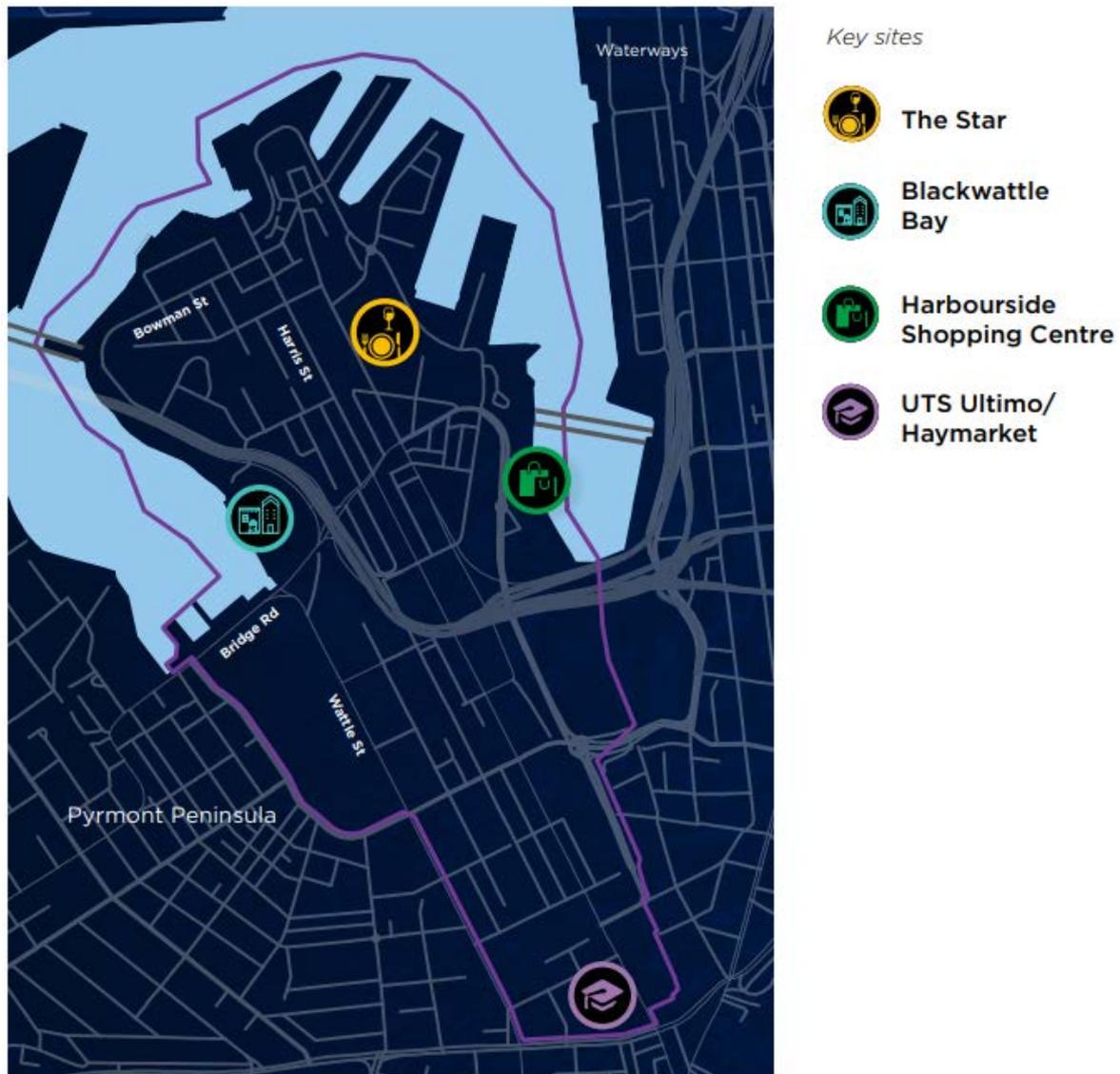


Figure 4 – Four key sites

(PPPS 2020)

Due to the strategic potential of each key site, the Department has been working with key site landowners to bring forward their aspirations and visions in a way that is aligned and coordinated with the PPPS, noting that some are in different stages of planning processes:

- Harbourside key site:
 - the Independent Planning Commission granted development consent to a Concept State Significant Development Application (SSD 7874) for redevelopment of Harbourside on 25 June 2021

- a design competition has been completed by Mirvac and a Design Integrity Panel established to review the design prior to the lodgement of the detailed State significant development applications
- the Department issued Secretary's Environmental Assessment Requirements (SEARs) for the first stage of State-significant development application for bulk excavation works, built form, landscape, and public domain on 11 April 2022. Mirvac is currently preparing its application to address the SEARs, and has yet to submit this to the Department for assessment.
- Blackwattle Bay key site:
 - exhibition as a State Significant Precinct 2 July to 20 August 2021
 - INSW is reviewing submissions and preparing a 'Response to Submissions' to the Department
 - the Department will then consider the response to submissions report, including whether any further exhibition is required and proceed with its assessment to finalise recommended planning controls
 - once planning controls have been finalised and in place, INSW and others will be able to prepare development applications, which will involve further consultation and exhibition processes.

Following the announcement by the NSW Government of the two sites required to construct and operate the new Pymont Station (refer Figure 5), the Department included these sites in the first stage of implementation work due to the strategic and city-shaping potential of a new metro station, consistent with the vision of the PPPS.

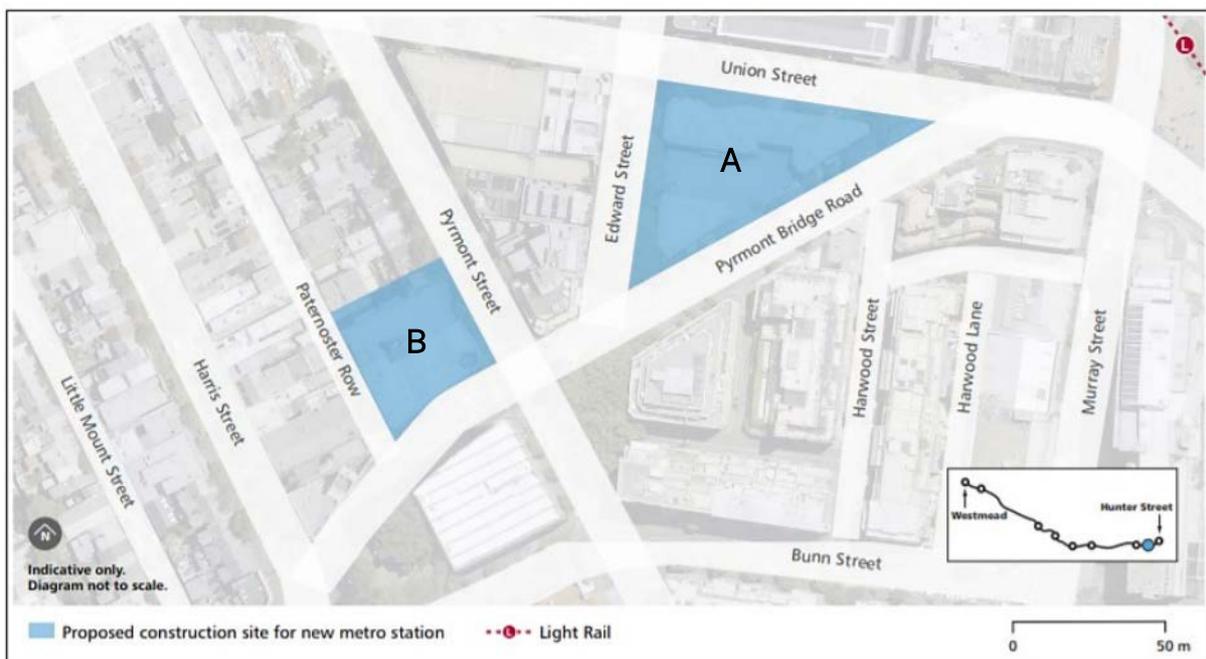


Figure 5 – Location of Pymont metro station sites

(A) East site (37-69 Union Street) and (B) West site (26-32 Pymont Bridge Road)

(Sydney CBD and Pymont Newsletter, Sydney Metro, 2021)

2.2.3 Sites capable of change

As part of the exhibition material for the PPPS, the *Pymont Peninsula PPPS Volume II Strategic Framework* included a figure (2.1.4): Sites capable of change. These sites were identified based on criteria that demonstrated they had the potential to be developed or redeveloped to meet residential and commercial floor space forecasts as set out in the PPPS over the next 20 years. Those criteria included:

- State significant renewal sites
- sites identified by the Council's Development Capacity Study 2019
- State or local government owned land
- land within single ownership
- strata commercial and residential sites with 10 or less lots
- heritage warehouse sites suitable for adaption.

These sites were reviewed as part of the sub-precinct master planning work during 2021 and a revised leading to a reduction in overall number of sites (refer Figure 6). This adjustment was based on:

- the potential for the future development of a site to have adverse solar impacts on existing residential development or public open space
- if the age of development on a site made the prospect of redevelopment within 20-year timeframe unrealistic, for example, a site was redeveloped in the last 10 years and of a substantial scale it was not considered likely to renew in the next 20 years
- if an approval for new uses had been granted recently
- if the size of the site would mean any future development would not substantially contribute to housing and jobs forecasts.

The Department's consideration and assessment of submissions in relation to this review is available in Section 5.9 below and no changes have been made.



Figure 6 – Final sites capable of change

2.3 Proposed Amendments to the Planning Framework

The Department exhibited the Pymont Exhibition Discussion Paper (Explanation of Intended Effect) from 26 November 2021 until 4 February 2022.

The discussion paper described the proposed amendments to the planning system to give statutory effect to the sub-precinct master plans and proposed new planning controls on The Star Casino, UTS and sites required for the new Pymont metro station. Following the Department's consideration of issues raised in submissions (refer Section 5), the Department is recommended the following changes to the Planning Framework.

2.3.1 Ministerial Direction

Ministerial Direction under section 9.1 of the *Environmental Planning and Assessment Act (1979)* (EP&A Act) titled '1.15 Implementation of the Pymont Peninsula PPPS' (issued 1 March 2022) is to be amended to reference the sub-precinct master plans as described in the Urban Design Report.

This will give statutory effect to the sub-precinct master plans. Planning proposals prepared by proponents or Council will be required to consider the Urban Design Report and sub-precinct master plans and demonstrate consistency with the objectives, principles, and preferred spatial layout of the sub-precincts, in addition to the PPPS.

2.3.2 Sydney Local Environmental Plan 2012 (LEP 2012)

Proposed amendments to LEP 2012 will be made via a self-repealing State Environmental Planning Policy (SEPP). These changes include the introduction of new site-specific clauses and changes to existing development controls to increase the height and floor space ratio (FSR) for the key and metro sites, subject to addressing certain considerations.

Amendments to planning controls on other sites in the peninsula are being investigated by Council as part of its strategic review in accordance with the PPPS and sub-precinct master plan framework.

The final proposed amendments are outlined in Table 1 below.

Table 1 - Summary of final amendments to planning controls for the key and metro sites

Site	Current Planning Controls	Proposed Control Amendments
The Star, 20-80 Pymont Street, Pymont (Lot 500 DP 1161507 and Lot 211 DP870336)	Max Height: 28m Max FSR: 3.5:1 and 3:1	Max Height: <ul style="list-style-type: none">• Six-star hotel: 105m (RL 110)• Multi Use Entertainment Facility: 47m (RL 51.8)• Level 5 Uses: 34m (RL 35.3) Max FSR: 4.22:1*
UTS Sites 13-15, 622-632, 634-642 and 644-644A Harris Street, Ultimo (Lot A DP87139, Lot 1 DP87261 and Lot 9 DP86567)	Max Height: 42m and 27m Max FSR: 5:1 and 3:1	Max Height: 65m (RL 68) Max FSR: 5.93:1*

Site	Current Planning Controls	Proposed Control Amendments
Metro east site, 37-69 Union Street, Pyrmont (Lot 1 DP620352)	Max Height: 30m Max FSR: 4.5:1	Max Height: 110m (RL 120) Max FSR: 9.1
Metro west site, 26-32 Pyrmont Bridge Road, Pyrmont (Lot 10 DP1028280)	Height: 15m	Height: 22m (RL 37.75)

*The exhibited FSR was 4.2:1 for The Star Casino and 5:1 for UTS IRC. Please see Section 5.1 of this report for discussion regarding these changes.

Affordable Housing

It is proposed to apply the 1% and 3% affordable housing contribution rates by applying the existing 'City of Sydney Affordable Housing Program' as per LEP 2012 to the four sites.

Design Excellence

It is proposed to turn off the potential 10% height or floor space bonus available under LEP 2012 by disapplying Clause 6.21D (3). The proposed amendments would provide sufficient height and floor space to enable the proposed development however design competition processes would continue to be required.

2.3.3 Urban Design Report

The Urban Design Report contains Peninsula-wide principles and sub-precinct master plans and it will establish a new planning framework and guidance for future planning proposals and development to align with the PPPS. These plans provides clear objectives and principles for key elements of the PPPS such as a harbour foreshore walk, movement and transport connections and the height strategy. The plans also identify optimal movement, place, built form, landscape, and infrastructure outcomes to guide new development balance growth and change with local character, heritage and amenity in realising the PPPS.

The Urban Design Report is applied through the planning system by being included as a consideration in the Ministerial Direction applicable to the Peninsula (see section 2.3.1 above) and it is also required to be considered as part of applications on the Star and UTS key sites via the proposed amendments to LEP 2012. It is applicable to these sites mainly due to their interfaces off site and connections to the surrounding area.

The metro sites will not be required to consider the Urban Design Report as part of any development application as the sub-precinct master plans are based on the proposed new Pyrmont station and the Design Guidelines are considered to cover other matters sufficiently.

2.3.4 Design Guidelines

Design guidelines, exhibited with the rezoning proposal, set out a suite of built form and urban design provisions to inform and guide future development to deliver high quality outcomes in line with the directions of the PPPS and sub-precinct master plans. It is proposed the Design Guidelines are approved by the Secretary of the Department and will be referenced accordingly in the site-specific clauses proposed in LEP 2012.

3 Exhibition Details

3.1 Exhibition and Submissions Period

The draft rezoning package, including the sub-precinct master plans (contained in the Urban Design Report), IDP, draft SIC and feasibility analysis, and supporting studies was exhibited for 10 weeks from 26 November 2021 to 4 February 2022. The extended 10-week exhibition was undertaken to provide time before and after the Christmas and New Year holiday period for community and stakeholders to attend consultation sessions and make a submission.

The Department received a total of **129 submissions** (see Table 2 below). The Department has considered all submissions received and:

- prepared a summary of the key issues raised in submissions and the Department's response in a 'What we heard' report available from the Department's website
- provided a description of each key issue, the Department's consideration of the issue and whether any changes have been made to the exhibition package (see Section 4 of this report)
- provided a summary of government agency and Council's submission and the Department's consideration in Appendix A of this report.

3.2 Exhibited Materials

Department prepared material

- Exhibition Discussion Paper (Explanation of Intended Effect)
- Design Guidelines
- Urban Design Report including the sub-precinct master plans
- Exhibition Guide
- Special Infrastructure Contributions Framework Brochure

Supporting Technical documents

- Air Quality Assessment
- Affordable Housing Study
- Aviation Assessment
- Biodiversity Report
- Contamination & Acid Sulfate Soils Study
- Infrastructure Delivery Plan
- Non-Indigenous Heritage Report
- Noise Study
- Transport Assessment
- Wind Assessment

3.3 Public Notice

All material was exhibited on the Department's webpage from 26 November 2021 until the 4 February 2022.

A media release covering the Pymont exhibition and the Central Sydney Planning Strategy was issued by the Minister on 26 November 2021. The media release ran in the Daily Telegraph and across nine other publications.

Emails were sent at the start of the exhibition period to Pymont webpage subscribers, with three reminders sent during the exhibition period. Notices were placed via Facebook posts and “WeChat” advising of the exhibition. The Department also produced a simplified Chinese version of the exhibition guide brochure, which was uploaded to the webpage.

3.4 Notification to Landowners

In the first week of the exhibition the Department distributed 18,800 postcards to residents of Pymont, Ultimo and surrounding areas to inform them of the exhibition of the proposed plans.

Letters were also sent to all landowners in the precinct (approximately 10,500). The letter provided details of the exhibition period, information sessions, and invited submissions.

3.5 Notification of Key Stakeholders

The Department advised stakeholders, via email of the exhibition, including local councils, State Government agencies, developers and developer industry groups.

3.6 Information Sessions

The Department hosted two community webinars, one industry webinar, and one in-person community drop-in session. A second community drop-in session was held online on January 19, due to risks associated with COVID-19 prevented this proceeding in-person. ‘Phone a planner’ conversations were also available.

An online registration was set up for the webinars as well as the one-on-one sessions via Eventbrite bookings.

The following sessions were held:

1. Two community webinars
 - a. 6 December 2021 from 5:30 – 6:30pm (44 attendees)
 - b. 20 January 2022 from 12.30 – 1.30pm (23 attendees)
2. Industry webinar 8 December 2021 from 12.30 – 1.30pm (15 attendees)
3. Community drop-in sessions
 - a. 15 December 2021, in-person drop-in at the Pymont Community Centre (38 attendees). This was attended by representatives from the Department’s project and infrastructure teams. TfNSW and Sydney Metro also attended.
 - b. 19 January 2022, online drop-in from 4.00 – 5.00pm (14 attendees)
4. ‘Phone a planner’ sessions were held through December 2021 and January 2022 (19 sessions)
5. An in-person briefing to Pymont Action Inc, 9 December 2021 (approximately 20 attendees). The City of Sydney Council (Council) was also in attendance.
6. Aboriginal Stakeholder consultation 2 February 2022 (online) with the Metropolitan Local Aboriginal Land Council and Department and Council Aboriginal advisors.

4 Submissions Summary

4.1 Submissions

All submissions are available from the Department's website and a summary of the submissions received available in the Department's 'What we Heard' report can be found on the website. A response to agency submissions can be found at Appendix A. A summary of submissions grouped into major stakeholder groups is provided at Table 2.

Table 2 - Summary of submissions

Submission author	Details	Number of submissions
Individual community submitters	See the Department webpage	86
Community and interest groups	<ul style="list-style-type: none">• Chippendale Community Group• Friends of Pyrmont• Friends of Pyrmont Community Centre• Friends of Ultimo• The Glebe Society• Powerhouse Museum Alliance• Pyrmont Action Inc• Save the Powerhouse• Shelter NSW• Ultimo Village Voice	10
Landowners	<ul style="list-style-type: none">• Celestino (31-35 Bank St)• Goodman (1-33 Saunders St)• Landream (14-26 Wattle Street)• Mirvac (Harbourside)• Nick Contouris (80-84 Harris St)• Poulos Brothers Seafood (21-29 Bank St)• The Star Casino (80 Pyrmont St)• Toga (28-48 Wattle St and 50-54 Wattle St)• Toohey Miller/ Thirdi Group (26-38 Saunders Street)• UTS (622-632 and 644-644a Harris St)	10
Industry	<ul style="list-style-type: none">• Accommodation Association of Australia• Australian Chamber of Commerce and Industry• Business Sydney• Committee for Sydney• Pyrmont Ultimo Chamber of Commerce• Restaurant and Catering Australia• Tourism and Accommodation Association of Australia• Tourism and Transport Association Forum• Urban Taskforce• Property Council	10

Submission author	Details	Number of submissions
Government	<ul style="list-style-type: none"> • City of Sydney • Environment, Energy and Science Group (EES) • Environment Protection Authority (EPA) • Heritage NSW • Infrastructure NSW • NSW Aboriginal Affairs • NSW Fisheries • Sydney Metro 	8
Members of Parliament	<ul style="list-style-type: none"> • Alex Greenwich MP • Jamie Parker MP 	2
Owner Association	<ul style="list-style-type: none"> • Sydney Wharf Apartments 	1
Public, other	<ul style="list-style-type: none"> • Australian National Maritime Museum • City West Housing 	2
Total submissions		129

4.2 Issues raised in submissions

The key issues raised in the submissions are listed in Table 3 and discussed further in Section 4 of this Report.

Table 3 – Key issues raised in submissions

Theme	Key Issues
Building Height and Density	<ul style="list-style-type: none"> • Building Height and Density • Sun Access Planes • Transition Zone
Consultation	<ul style="list-style-type: none"> • Aboriginal Engagement • Community Consultation
Infrastructure Contributions	<ul style="list-style-type: none"> • State and Regional Infrastructure Contributions • Development feasibility • Affordable Housing
Key Sites	<ul style="list-style-type: none"> • The Star • UTS • Blackwattle Bay and Harbourside
Metro sites	<ul style="list-style-type: none"> • Metro east site (Union Street)
Public Open Spaces and Recreation	<ul style="list-style-type: none"> • Maybanke Community Centre • Pyrmont Bay Park • Harbour Pool • Union Square
Transport	<ul style="list-style-type: none"> • Bus Routes

Theme	Key Issues
	<ul style="list-style-type: none"> • Ferry Wharves • Walking and Cycling
Sites Capable of Change	<ul style="list-style-type: none"> • Metro west site • Other Sites • Powerhouse and Harwood Building • Public Housing Sites
Darling Island Sub-Precinct Master Plan	<ul style="list-style-type: none"> • Existing Residential Uses • Pyrmont Bay Marina
24 Hour Activation Zone	<ul style="list-style-type: none"> • Amenity concerns (such as noise, safety, traffic) • Loss of open space

5 Consideration of Issues and Assessment of Post Exhibition Amendments

This section presents the Department’s consideration of issues raised in all submissions and an assessment of the final planning controls for the rezoning of The Star, UTS and the Pyrmont metro station sites.

5.1 Key sites

This section presents the Department’s consideration of issues raised in submissions in relation to the key sites, including submissions and supplementary information from The Star and UTS and an assessment of the recommended planning controls. Both sites will be required to proceed through subsequent detailed design and development approval processes that will involve further public exhibition and evaluation of planning, design, and environmental issues.

The location of these sites and the metro sites are shown in Figure 7 below.

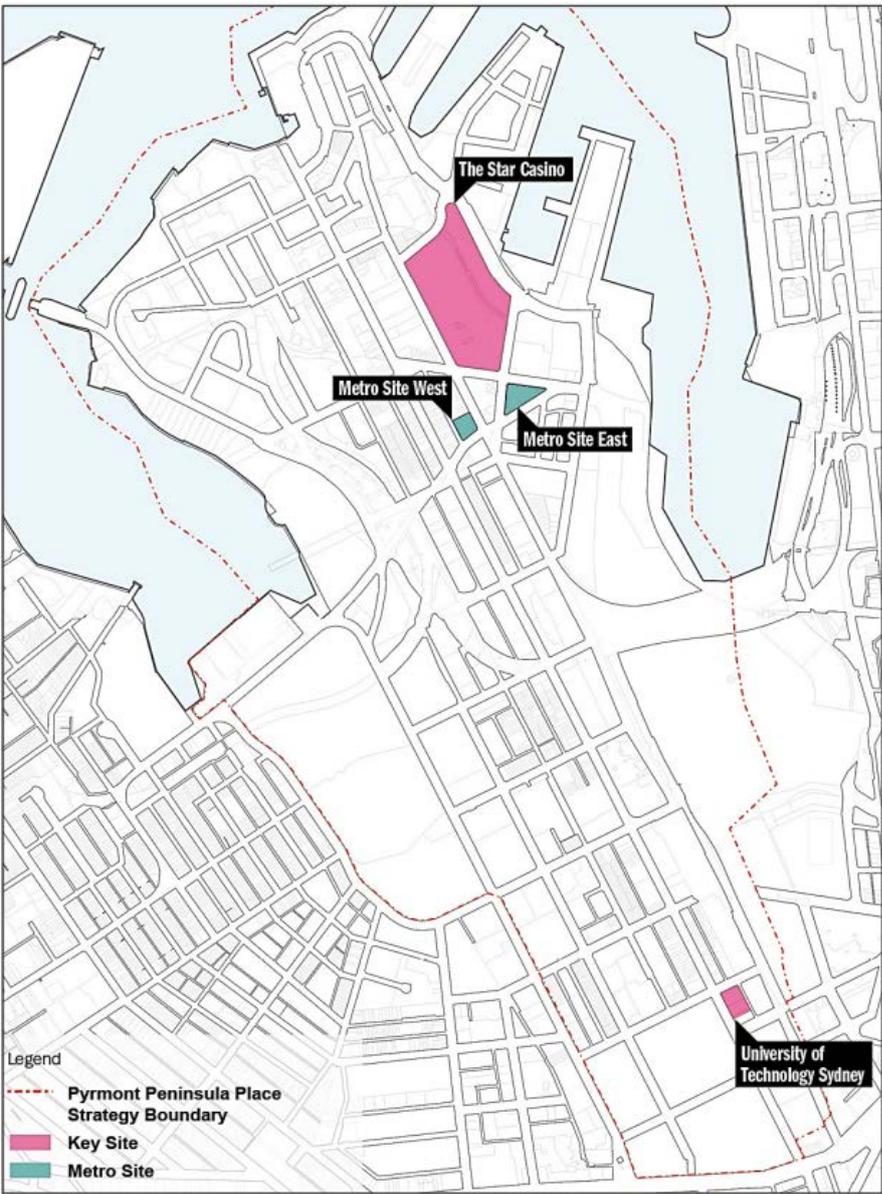


Figure 7 – The key and metro sites proposed to be rezoned

5.1.1 The Star Casino

5.1.1.1 Overview

The Star Entertainment Group prepared a key site master plan as required under the PPPS relating to two sites. These included the existing casino site at 20-80 Pyrmont Street and a second site at 37-69 Union Street, which The Star owns and is subject to a government acquisition process for the one of the metro station sites (see site 9 in Figure 8 below).

The development sought by The Star for these sites is depicted in Figure 8 below and includes:

1. A six-star hotel on the northern end of the existing casino site,
2. Adjustment of maximum building height and gross floor area controls elsewhere on the existing site, and
3. A mixed-use tower on the Union Street site (the Pyrmont metro station east site).

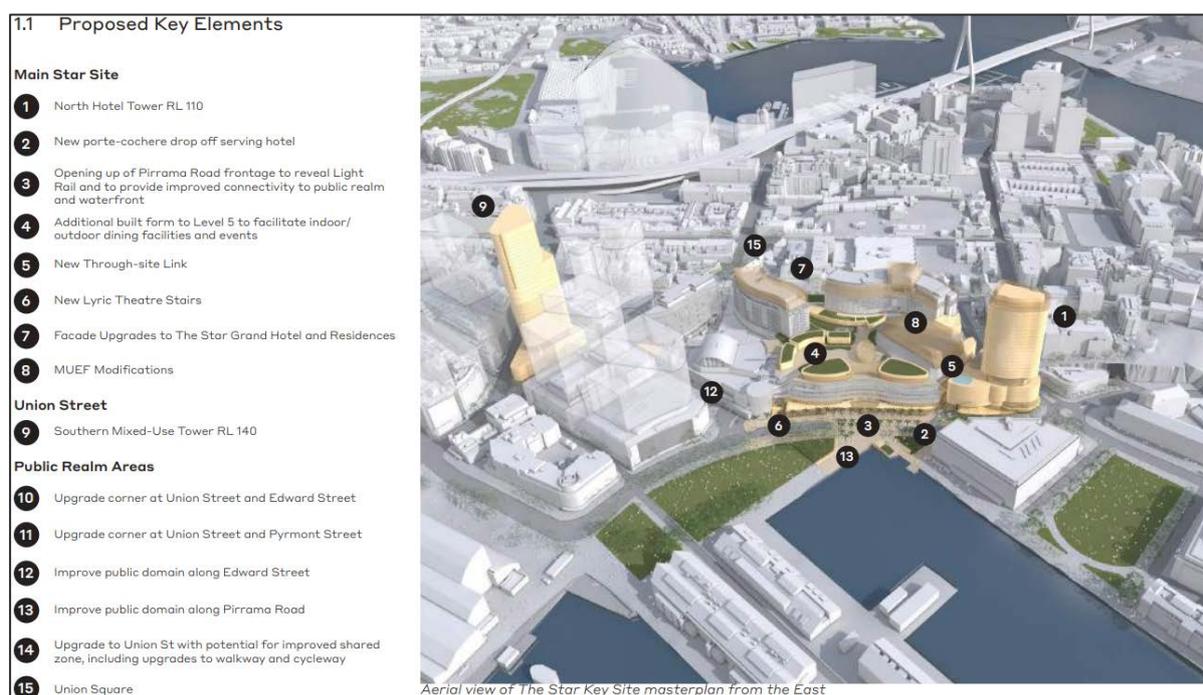


Figure 8 – Overview of The Star’s key site master plan

(The Star’s Key Site Master Plan 2021)

The proposed additional building height/ gross floor area and mixed-use tower on the Union Street site in the Star’s master plan was not considered at the time of exhibition as the required detail such as definitive floor space, height etc, to support this proposal was missing to enable a proper assessment by the Department. This is further discussed in section 5.1.1.3 below.

Given the site had been announced as a future metro station site to be acquired by the State Government, this site needed to be considered in the context that any future development would need to be designed to integrate with an underground station. The Star’s design for the Union Street site did not integrate with the future metro station and the height proposed at 120m (RL 140) would have impacted upon solar access to Elizabeth Healey Reserve, and residential apartments to the south. Accordingly, the Star’s proposal for the Union Street site was not supported by the Department as submitted.

5.1.1.2 Exhibited planning controls

The Department exhibited planning controls (height and floor space ratio or FSR) and built form Design Guidelines to enable The Star's proposed six-star hotel on the northern portion of the casino site at 20-80 Pyrmont Street, Pyrmont (refer Table 4).

A discussion around these elements and any post-exhibition changes is found below.

Table 4 – Exhibited controls for the six-star hotel

Control	Exhibited
Max FSR	4.2:1
Max height (metres & RL)	105m (RL 110)
Max street wall height (metres & RL)	18m (RL 27.5) – Jones Bay Road 24.9m (RL 27.5) – Pirrama Road
Min tower setback	6 - 8m

5.1.1.3 Issues raised

Approximately 31 submissions raised issues with The Star proposal. Of these, 17 submissions from community members and community groups objected to the proposal due to:

- the impacts associated with the proposed height and uses including overshadowing, wind and noise; and
- lack of clarity on public benefits to be provided as part of the development.

Submissions in support of the Star's proposal were received from industry groups, who supported the proposal's ability to deliver economic recovery opportunities and increase entertainment and tourism options in Pyrmont.

The Star's planning consultant made a submission during the exhibition period detailing why elements of the built form design (including street wall height, tower setbacks, through-site link and additional height and floor space) for the six-star hotel should be aligned with the Star's submitted master plan or be adjusted based on further planning and design work by The Star. The submission also requested an FSR to apply across the entire site to accommodate all future uses.

The Department undertook a site visit to verify new information in The Star's submission. The Star also provided supplementary information arising from the Department's site visit and assessment of its submission on 8 and 24 March, and 7 June 2022. This supplementary information has also been taken into consideration in relation to the Department's assessment of proposed planning controls at The Star's site, particularly in relation to the height of the proposed podium and setbacks to the proposed hotel tower. These matters are discussed below.

5.1.1.4 Department's Consideration

5.1.1.4.1 Height

The intended maximum building height for the six-star hotel was set at 105m (or RL 110) in the PPPS. The justification for the new hotel is set out in the PPPS states:

“The proposal for a six-star hotel outlined in the submission was strongly aligned with the draft PPPS’s Vision, Directions and sub-precinct place priorities for the Darling Island precinct and The Star’s key site but it challenged others. On balance, the alternative concept for The Star’s key site outlined in the submission offered an outcome which is aligned with the PPPS’s overall strategic intent but only if key principles of the PPPS remain supported by the development and consistent with the public benefit directions of the PPPS”

The proposed maximum building height control to be set in LEP 2012 for the northern part of the Star site for the six-star hotel is consistent with the PPPS at RL 110, which is equivalent to 105m as it is on the condition that this maximum height can be achieved but only where:

- the building is for a hotel and supporting hotel uses
- no residential development is proposed
- the design is consistent with the Design Guidelines.

The Department has also assessed and determined that the potential impacts of the proposed hotel tower in terms of overshadowing, wind, and views is acceptable (see below). Moreover, further assessment is required at the development application stage to further test the suitability of any resulting tower and its design quality through a design excellence process. For these reasons the proposed maximum height for the hotel development is supported.

The impact of the Star’s hotel tower form was tested for what solar impacts it may have on surrounding residential development and open space, with a focus on mid-winter when shadows are the longest.

The analysis shown Figures 9 to 11 demonstrate that a tower in the proposed location would:

- cast shadows during mid-winter across the Star’s existing casino complex site from about 9-9:30am and by 10am during mid-winter when shadows are the longest and impact is potentially worst-case (refer Figure 9 and Figure 10 below).
- cast no shadowing to the adjoining park between the hours of 9am - 2pm.

Therefore, the impacts of the tower in terms of overshadowing is only experienced on The Star site itself rather than adjoining sites or open space areas and the proposed height of the six-star hotel is considered acceptable. Note that further detailed overshadowing studies and assessment will be required as part any subsequent development application(s) based on a final detailed design.

Based on the above, the Department is satisfied that the proposed height for the hotel on the northern part of the on part of The Star’s site is not expected to result in significant overshadowing issues and is therefore acceptable.

Additional height for the central portion of The Star site is addressed further below.



Figure 9 – Overshadowing analysis at 9am, 21 June (mid-winter)

(The Star's Key Site Master Plan 2021)

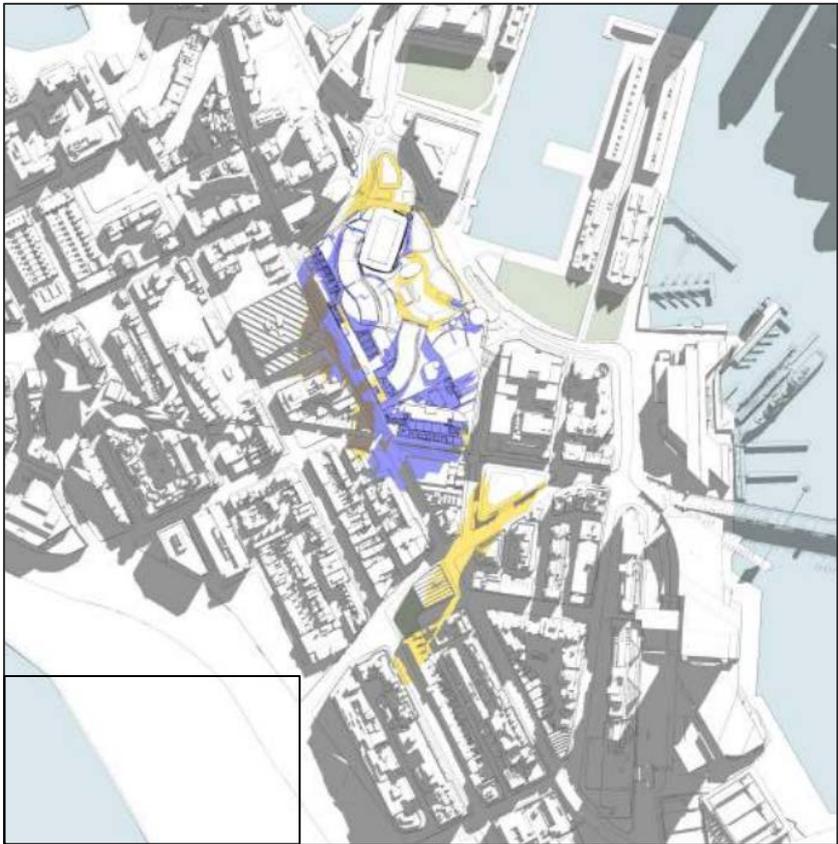


Figure 10 – Overshadowing analysis at 10am, 21 June (mid-winter)

(The Star's Key Site Master Plan 2021)

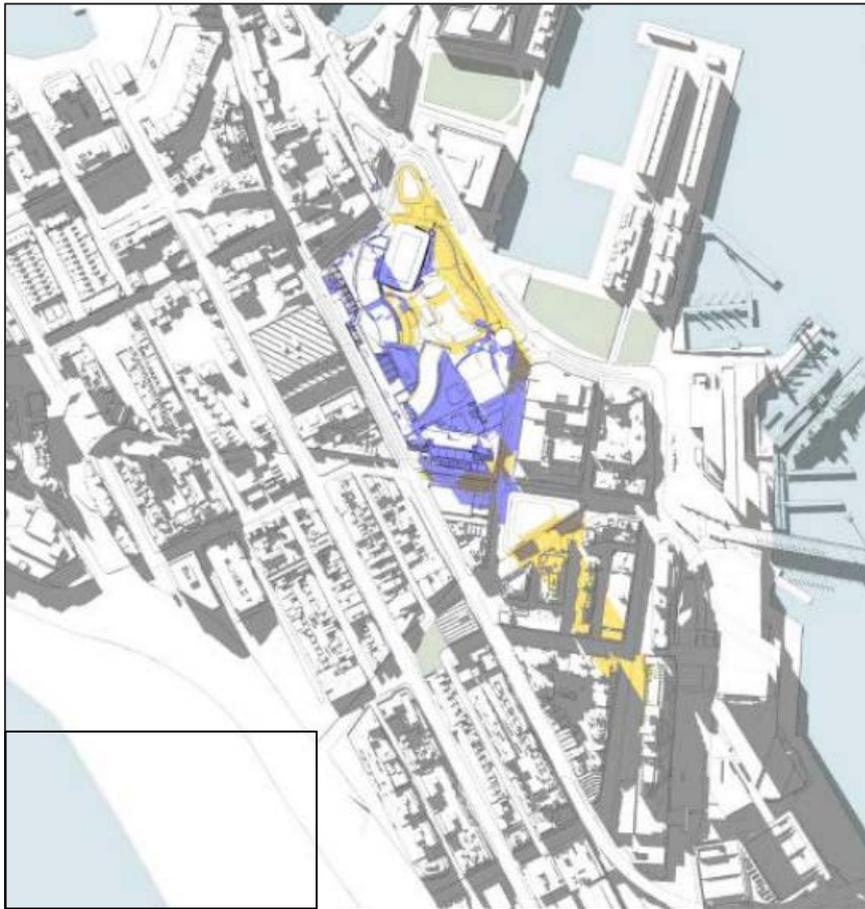


Figure 11 – Overshadowing analysis at 2pm, 21 June (mid-winter)

(The Star's Key Site Master Plan 2021)

5.1.1.4.2 Noise

A small number of submissions raised concerns with noise impacts resulting from The Star's current operations on nearby residential uses (including noise from patrons, entertainment functions, special events and gaming, equipment noise etc.). Some submissions also objected to an increase in entertainment functions on the site due to an anticipated increase in noise from the site.

The Department notes that existing operations on The Star's site are governed and managed under the conditions of existing approvals. For example, existing conditions to manage noise across the site on a cumulative basis, and trial periods for outdoor gaming areas. The Star is required to comply with noise criteria outlined in the *Protection of the Environment Operation Act 1997*, and with noise policies and requirements as set out by Liquor and Gaming NSW and Council.

Future uses on the site will be subject to noise management controls. This will be assessed in detail with the lodgement of any development application which will include detailed information on proposed activities on the site, a technical assessment of potential noise impacts and any required mitigation and/or management measures by The Star. This can be appropriately addressed as part of the assessment process at which point these matters can be addressed in conditions of consent, management plans or similar mechanisms.

Overall, the Department is satisfied that future development can be designed to ensure appropriate noise outcomes subject to technical assessments and any potential design responses, mitigation, or other measures.

5.1.1.4.3 Public benefits

Development on The Star's site will be required to demonstrate the delivery of public benefits, consistent with the PPPS, and the height and FSR uplift.

In terms of the development itself, it will seek to establish a new hotel that will contribute to the PPPS objective to help create additional jobs through tourism and contribute to support the entertainment uses in The Star casino.

In terms of infrastructure contributions, approval for any development on the site will require subsequent payment towards the following:

- local contributions – Council intends to exhibit and apply a local contributions plan for the Peninsula as part of its stage of work that has commenced in 2022
- a 1% contribution to affordable housing. This is the rate for 'non-residential' development as was set out in the exhibited 'Affordable Housing Study' and will be implemented via amendments to LEP 2012. *Note, this contribution was incorrectly listed at 12% in the exhibition material, the 'residential' rate for sites with uplift. The correct rate is the commercial rate of 1% based on the proposed land use as a hotel. Residential uses on The Star Casino site are not permitted under the current land use zone, or the PPPS.*
- a SIC payment as per the SIC brochure exhibited with the planning amendments package (note this may be transitioned to a RIC, see Section 4.3.1 of this report). *Note in the event the new Regional Infrastructure Contribution Framework is implemented, the proposed Pyrmont SIC is intended to transition into the new system as a Transport Project Charge and would continue to apply in addition to the Regional Infrastructure Contribution.*
- additional public benefits as outlined by the Star in a post-exhibition submission dated 24 March 2022. These benefits are outlined below and listed in the finalised Design Guidelines and IDP.

It is also proposed that development consent for the site must not be granted unless the consent authority has obtained the concurrence of the Secretary of the Department. In deciding whether to grant concurrence, the Secretary will consider a range of aspects such as the impact of the development on existing State public infrastructure, and the need of additional State public infrastructure. Such State public infrastructure may include active transport improvements, State and regional roads, bus lanes, and embellishments or connections to regional open space.

Additional and further public benefits expected to be offered by the Star:

- enhance and improve streetscape interfaces on all boundaries as indicated in The Star's Urban Design Report (September 2021)
- enhance and improve the public domain interfaces and site permeability, including wayfinding and potential 24-hour publicly accessible connections to maximise permeability at ground level
- improve the visibility of the light rail station and create an open promenade between the light rail and Pyrmont Bay Park
- Updating the 'Complete Streets Strategy' as part of The Star's Public Domain Landscape master plan (September 2021) to transition Pirrama Road into a shared zone
- promote cycling and walking along Pirrama Road, including prioritising pedestrians and cyclists based on The Star's Public Domain Report (September 2021)
- improve the site's interaction with surrounding public spaces and fund upgrades to public spaces based on investigations with stakeholders, including Council, open space landowners and managers and including community stakeholders

- provide landscaping works (green roof) to level 5 rooftop, including garden and chef's nursery.

The Department recognises these elements will require further investigation and consultation by The Star with local residents, the community, Council and other agencies, and is subject to further planning, design and delivery work. This is expected to occur as part of subsequent development application(s) lodged by The Star.

Subject to the above, the Department is satisfied that development that will result from the new planning controls will be subject to appropriate development contributions, including additional public benefits required under the PPPS.

5.1.1.4.4 Street wall height

The maximum street wall height for the podium component of the six-star hotel was exhibited at 18m (RL 27.5) at the Jones Bay Road frontage and 24.9m (RL 27.5) at the Pirrama Road frontage. The two different heights in metres reflect the fact that the site slopes at these street frontages, with Jones Bay Road being at a higher natural ground level than Pirrama Road.

The street wall height exhibited was generally considered an appropriate height for the corner site as it was comparable in scale to the surrounding built forms, particularly along Pirrama Road. The Star's submitted proposal had a street wall height of approximately 30.3m (RL 35.3).

The Star's street wall height and tower setbacks were proposed to match the Star's master plan on the basis that the street wall height of RL 32.8 and up to RL 35.3 reflects an earlier development assessment done by the Department. Specifically, this assessment related to MP08_0098-Mod-13, where the previously proposed 237m tower at the same site proposed a street wall height at RL 32.8 around Jones Bay Road and up to RL 42.125 on Pirrama Road (refer Figure 12).

It was concluded as part of that modification assessment that the proposed podium height was acceptable despite the overall tower proposal (237 m) not being supported.

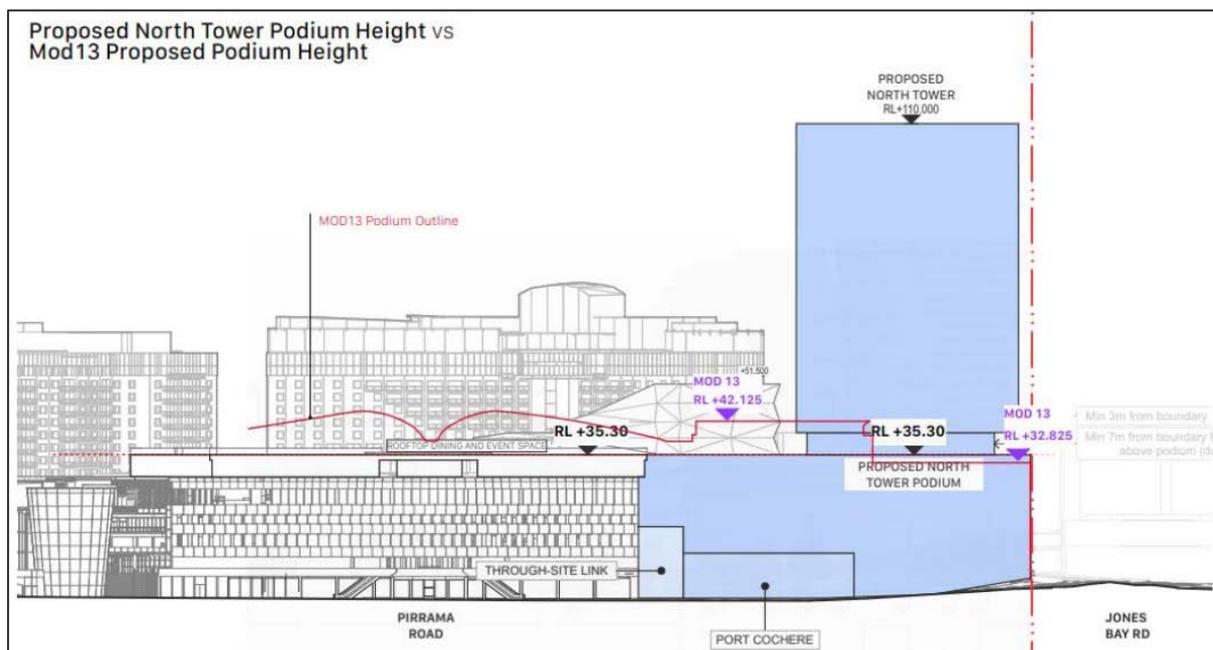


Figure 12 – Proposed podium height (RL 35.3)

Compared to previously assessed podium height between RL 32.8 up to RL 42 under MP08-0098-Mod-13 (Supplementary information from Ethos Planning dated 24 March 2022)

The Star's proposal for podium height of up to RL 35.3 (1.5 m higher than what was assessed as acceptable under Mod 13) would enable a range of uses within the podium of the six-star hotel, which The Star states is necessary to support the hotel (such as lobby, ballroom, and service areas) while integrating with the existing Star building to the south of the site.

The Department notes The Star's proposed range of podium height marries with the earlier Mod 13 application. Since this time, detailed and comprehensive urban design analysis under the preparation of the PPS and the sub-precinct master plans has been undertaken and it is concluded that a podium height of up to RL 35.3 can be investigated for the hotel development.

To afford flexibility to test what is an appropriate scale for the podium, the Design Guidelines set a podium height of RL 32.8 with potential for this to be increased to RL 35.3 where the following matters inform the detailed design. These matters are to be considered by the consent authority (as set out in the Design Guidelines) as part of the development's assessment.

In determining appropriate street wall heights, future development is to demonstrate an appropriate relationship to Jones Bay Road and Pirrama Road that:

- a) Respects the local character of the area including heritage buildings or areas, the nearby sandstone escarpment, complements the pattern and grain of streets, pedestrian links and buildings.*
- b) Conserves the existing street enclosure of Jones Bay Road and eastern portion of Pirrama Road.*
- c) Provides a transition in height which complements the local area, including through the use of materials, architectural design and treatments.*
- d) Maximises view lines to/from the water from the public domain that encourage street legibility and orientation.*
- e) Provides appropriate wind conditions, in accordance the Design Guidelines.*

Subject to this requirement, the Department considers an appropriate podium height that reflects the new strategic context of the area can be achieved in the detailed design and future development assessment process.

5.1.1.4.5 Tower setbacks

The Star's key site master plan proposed setbacks for the tower above the podium of between 0.5 m (to Pirrama Road) and up to 3 m (to Jones Bay Road), with a larger 7 m setback to the first level above the podium only to address the corner of Jones Bay and Pirrama Roads (refer Figure 13).

The Department exhibited tower setbacks above the street wall height at 6-10m, with an average of 8m (refer Figure 14). This range was to break up the bulk of the development, mitigate against adverse wind impacts that may occur at ground level because of a tall tower nearby, and provide an equivalent floor space outcome albeit in a modified floor plan.

The Star's submitted wind assessment raised concern with the wind environment and that for the tower setbacks proposed at an average of 3m and below (refer Figure 13), wind mitigation measures such as awnings, would be needed at ground level to ensure a suitable wind environment at street level.

The Department considers awnings to mitigate wind impacts at ground level may mean the loss of existing street trees. Consequently, the potential to locate the tower in a way that would increase the setbacks of the tower above the podium level was investigated (see Figure 14). This analysis was based on consideration of Council's approach in Central Sydney where tall buildings are often required to provide tower setbacks of up to 8 m to mitigate adverse wind conditions on the street below.

Added to this, the Department’s analysis in setting the originally proposed setbacks assumed The Star would be demolishing and rebuilding the podium and new tower. However, since the exhibition, The Star has advised that the demolition is not wholly possible and the new hotel will need to integrate with significant existing utility and servicing connections, including existing loading arrangements, the location of the light rail line (which limits the positioning of weight bearing structure above) and the need to retain existing access arrangements for the Multi-Use Entertainment Facility (proposed to be converted into a theatre – refer section 5.1.1.4.7).

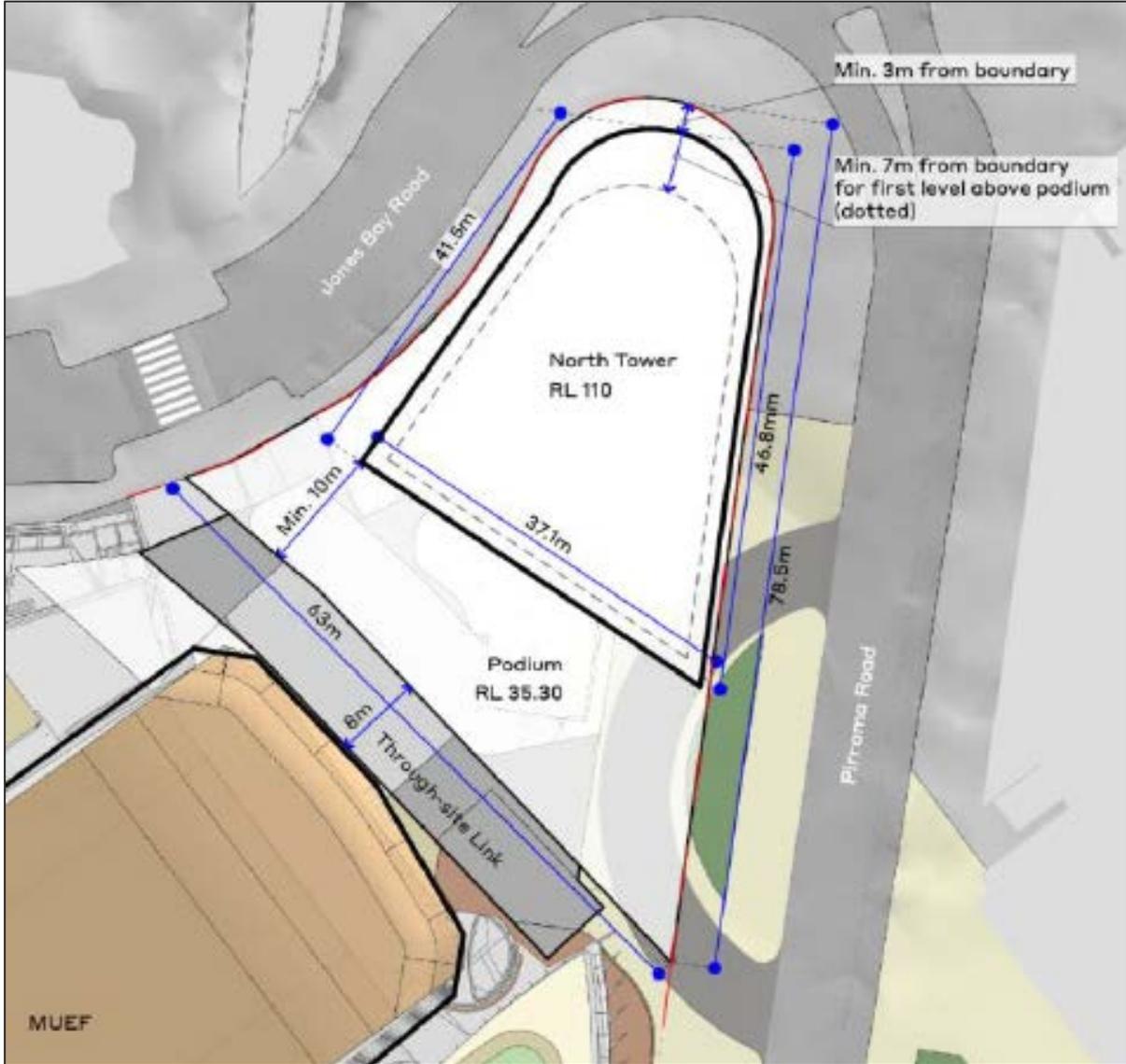


Figure 13 – The six-star hotel floor plate and setbacks

(The Star’s Key Site Master Plan 2021)

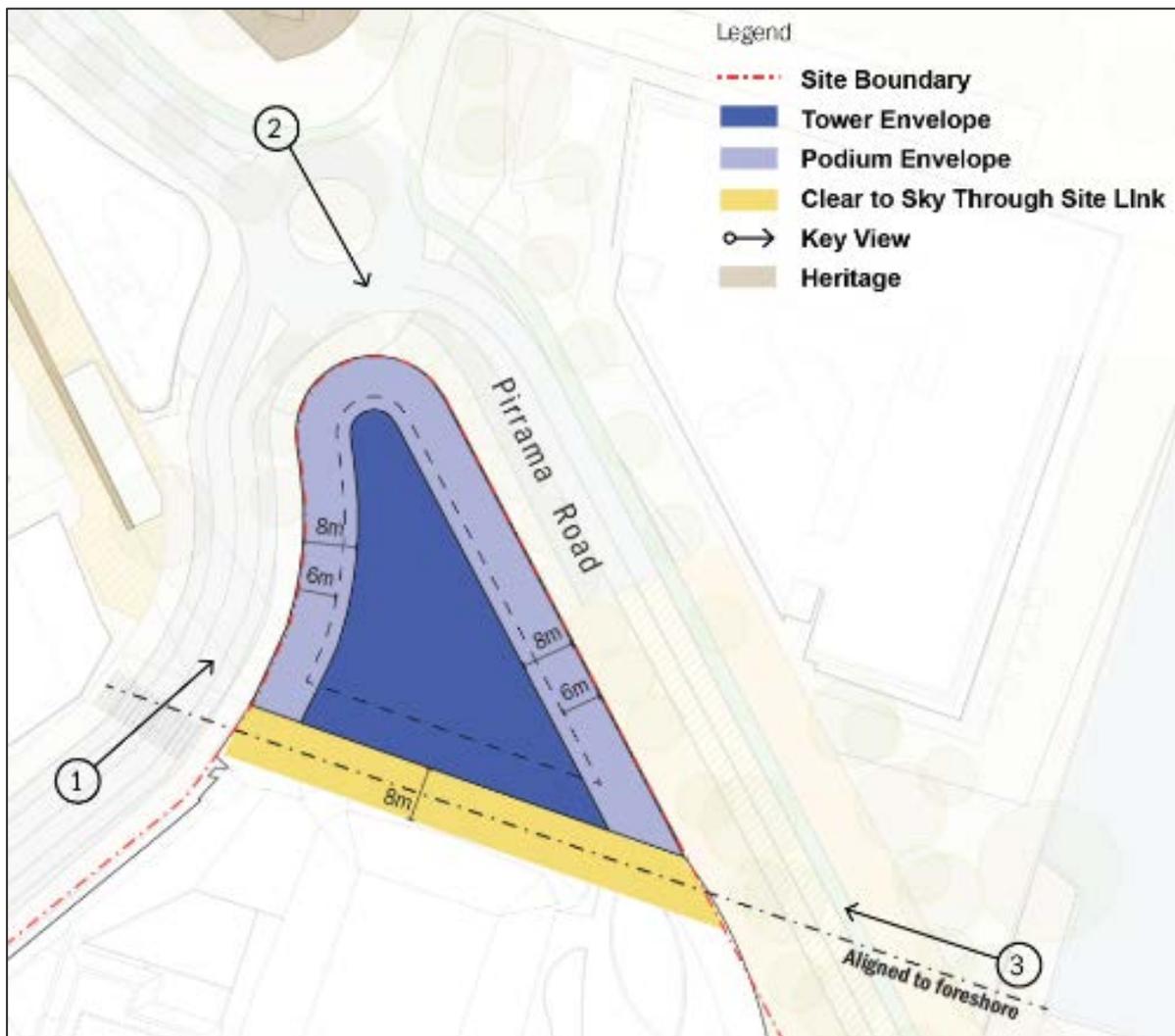


Figure 14 – Exhibited hotel floor plate and setbacks

(Draft Design Guidelines, DPE, 2021)

On this basis The Star further advised the exhibited tower setbacks would unnecessarily constrain the design in the context of these operational and commercial constraints, which it outlined to include:

- *The location of the North Tower is positioned above a major through site transport corridor.*
- *The presence of the (existing) Light Rail Corridor, Busway and Loading Dock impose challenges around the founding and construction of the tower form.*
- *The proposed structural solution to support the building would work around these constraints to provide the required structural support for the building.*
- *The central building stability core has been positioned away from these constraints around the location currently occupied by the fly-tower and events centre goods lift.*
- *The position of the southern extent of the tower enables the structure to cantilever to the south over the proposed podium structure whilst avoiding the impacts associated with the existing transport and operational requirements of the Casino.*
- *These works will require complex construction sequences and temporary works allowances to enable the forming and support of the cantilevered extents of the structure.*
- *The limited positions of the structural elements below, will have impacts on the design and planning of the tower floorplate above.*

While prescribing a minimum ‘averaged’ setback of 6-8 m would enable some flexibility and to better address and allow for flexible design outcomes, a performance-based approach is required at the development application stage to test and determine the setbacks by demonstrating the development’s design can achieve a suitable pedestrian wind environment at the street level.

Therefore, detailed wind tunnel modelling will be required at development application stage to determine appropriate setbacks. A control which models Council’s requirements is to be included in the Design Guidelines as follows:

The built form shall maintain a wind environment on footpaths and publicly accessible open space that is safe for pedestrians and comfortable for walking on footpaths, standing at building entries and sitting in parks.

- a) *A quantitative wind effects study is to accompany any development application on the site. The study is to be undertaken based on a wind tunnel model study performed in accordance with the guidelines provided in the Australasian Wind Engineering Society’s AWES-QAM-01-2019.*
- b) *The assessment of pedestrian comfort and safety is to be based on the wind controls outlined in the Sydney Development Control Plan 2012 - Section 5.1.9 which addresses the following considerations:*
 - i. *For pedestrian comfort, the hourly mean wind speed, or Gust-Equivalent Mean (GEM) wind speed (whichever is greater for each wind direction), must not exceed 8m/s for walking, 6m/s for standing or short duration seating, and 4m/s for long duration sitting. These are based on a 5% probability of exceedance.*
 - ii. *For pedestrian safety, a safety limit criterion of 24m/s, based on an annual maximum 0.5 second gust wind speed, which applies to all areas.*

Subject to this requirement, the future design of the tower would be required to demonstrate a comfortable wind environment can be achieved at street level.

Added to the ability for determining suitable street wall heights, this performance based approach is considered appropriate as further detailed design of the tower and podium will be not only informed by design suitability but also technical analysis.

5.1.1.4.6 Through-site link

The PPPS included a requirement for The Star site to enhance and improve public domain interfaces and site permeability, including wayfinding and new 24-hour publicly accessible connections that are ideally open to the air that would help break up The Star’s building bulk and maximise permeability at the ground plane.

The Star included a through-site link open to the sky as part of its key site master plan adjacent to the proposed 6-star hotel tower (see Figure 15). The through site link would have several benefits, including:

- provide a direct pedestrian connection through the site to make it easier to move through the precinct
- provide a safe 24-hour accessible public link
- break up the built form and mass of development at The Star to better reflect the pattern of smaller lots in the area.

The Star’s supplementary information since public exhibition has requested revisions to the through-site link, particularly the requirement for it to be no longer open to or visible to the sky. This was to enable a connection between the proposed six-star hotel podium and the existing casino complex, without needed to alter access to the loading dock beneath for the Multi-Use Entertainment Facility (proposed to be converted into a new theatre) and to enable integration of the existing building with the new hotel.

As an alternative the Design Guidelines allow for 50% coverage of the through-site link, which will allow for 50% of the through link to be open to the sky. Specifically, the guidelines require the delivery of the through-site link through a performance-based approach based on the following parameters:

- must be open to the public 24-hours a day, seven days per week
- be a minimum 8 m wide and lined with active uses at ground level
- floor to ceiling height of minimum two levels measured from Jones Bay Road and retain consistent ceiling height for the length
- be open to the sky or visible for at least 50% of its length.

This outcome is expected to enable the through link to read (when viewed from the adjoining Pirrama and Jones Bay Streets) as a through link rather than another entry to the casino only. Also, these design parameters will allow for the bridging links across the through link to enable the hotel to integrate with the existing casino building, which still achieving the vision of the PPPS for a site through link.

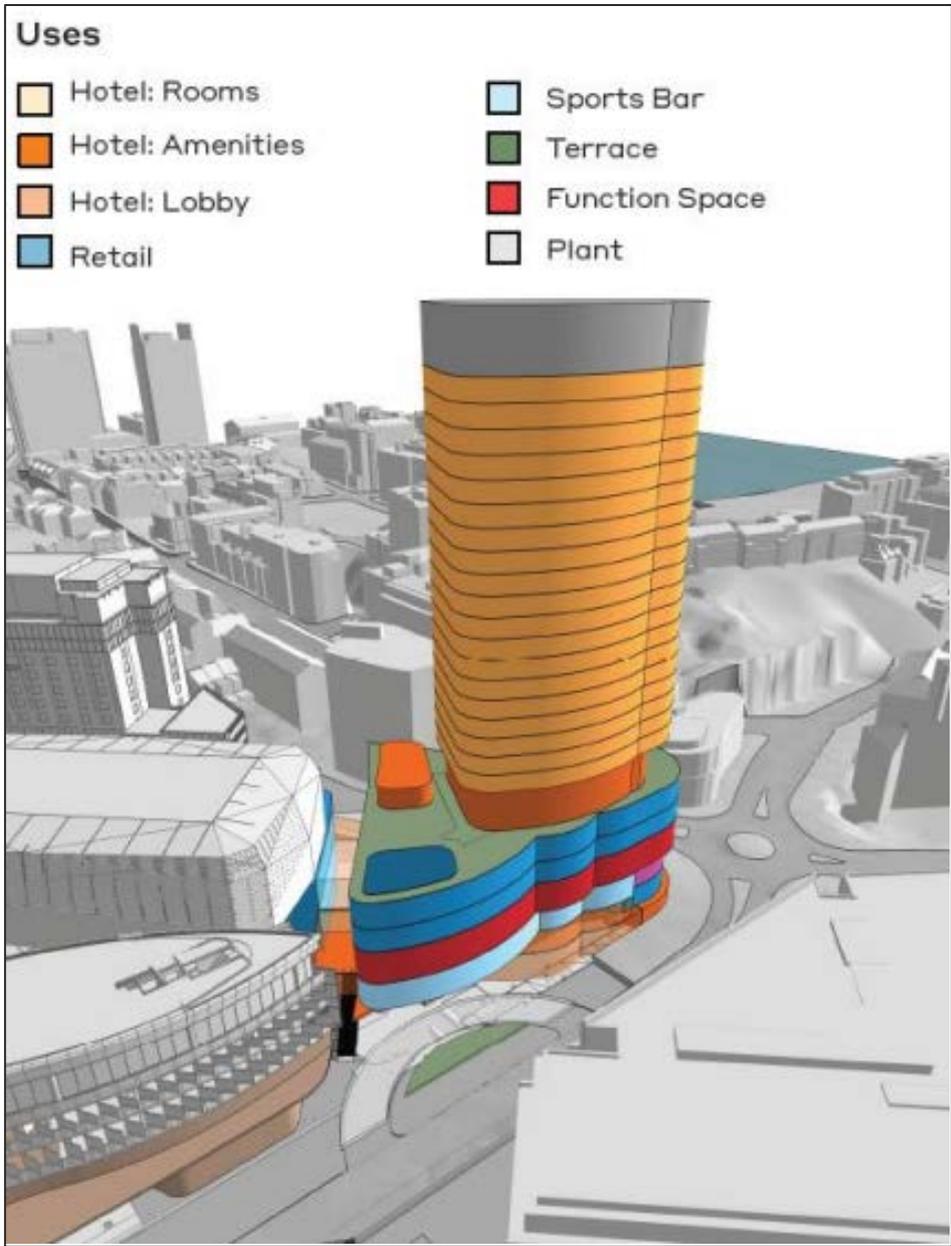


Figure 15 – Proposed hotel uses and through site link

(The Star's Key Site Master Plan 2021)

5.1.1.4.7 Floor Space & Building Heights for the central portion of The Star site

The Star's key site master plan proposed an increase to the FSR across the entire site to be able to accommodate alterations and new uses including:

- the six-star hotel
- an extension to the Multi Use Entertainment Facility (MUEF) to enable a new theatre
- the addition of level 5 rooftop dining wellness and event space
- other additions and alterations internally to the existing complex that do not need additional height or significant floor space.

At the time of exhibition, the quantum of floor spaces for uses and works for the entire site to accommodate all the above uses wasn't fully appreciated. The proposed exhibited maximum FSR for the site was to increase from 3.5:1 to 4.2:1. This was intended to allow for the addition of the floor space required for the six-star hotel only.

Post exhibition and through detailed investigations, The Star has provided further information that provides clarity on the total floor space required for the proposed alterations to the existing building complex and the need to reconcile building controls to marry with existing approved heights for part of the site and to accommodate an increase in the height of the MUEF by 18.8m (refer to Figure 16).

The consequences of these changes mean increasing the proposed overall maximum permitted FSR for The Star site from 4.2:1 to 4.22:1. On the basis that the site's area is 39,206m², the proposed 0.02:1 increase in floor space is equivalent to 890m².

The Star's casino complex site has a current permitted maximum FSR of 3.5:1 (and 3:1 across the light rail) and a height limit of 28m or for the towers already on the site, a maximum permitted building height limit of 65m. Due to the Star's history of development and planning approvals the site presently accommodates slightly more floor space (about 2,777m²) than the existing 3.5:1 FSR control permits, additionally the existing Lyric Theatre and other building overruns protrudes above the 28m height limit.

This presents an opportunity as part of this project to rationalise and update the existing controls to better reflect both existing and future proposed development on the site.

Table 5 below provides a breakdown of the additional floor space sought for the various uses as intended by the exhibited masterplan, noting the site already accommodates 139,998m² of existing floor space. In total this quantum of floor space sought is equivalent to an FSR of 4.22:1.

Table 5 – Comparison of existing and proposed additional floor space New & Altered Uses	Existing Floor Space (m²)	Additional Floor Space (m²)
Level 5 Dining Area	0m ²	2,500m ²
Pirrama Rd Dining & retail precinct (street level)	0m ²	1,500m ²
Hotel	6,177m ²	19,923m ²
MUEF & assoc. facilities	6,889m ²	1,415m ²
Union and Edward St additional floor space	0m ²	220m ²

Table 5 – Comparison of existing and proposed additional floor space New & Altered Uses	Existing Floor Space (m ²)	Additional Floor Space (m ²)
TOTAL		25,558m²

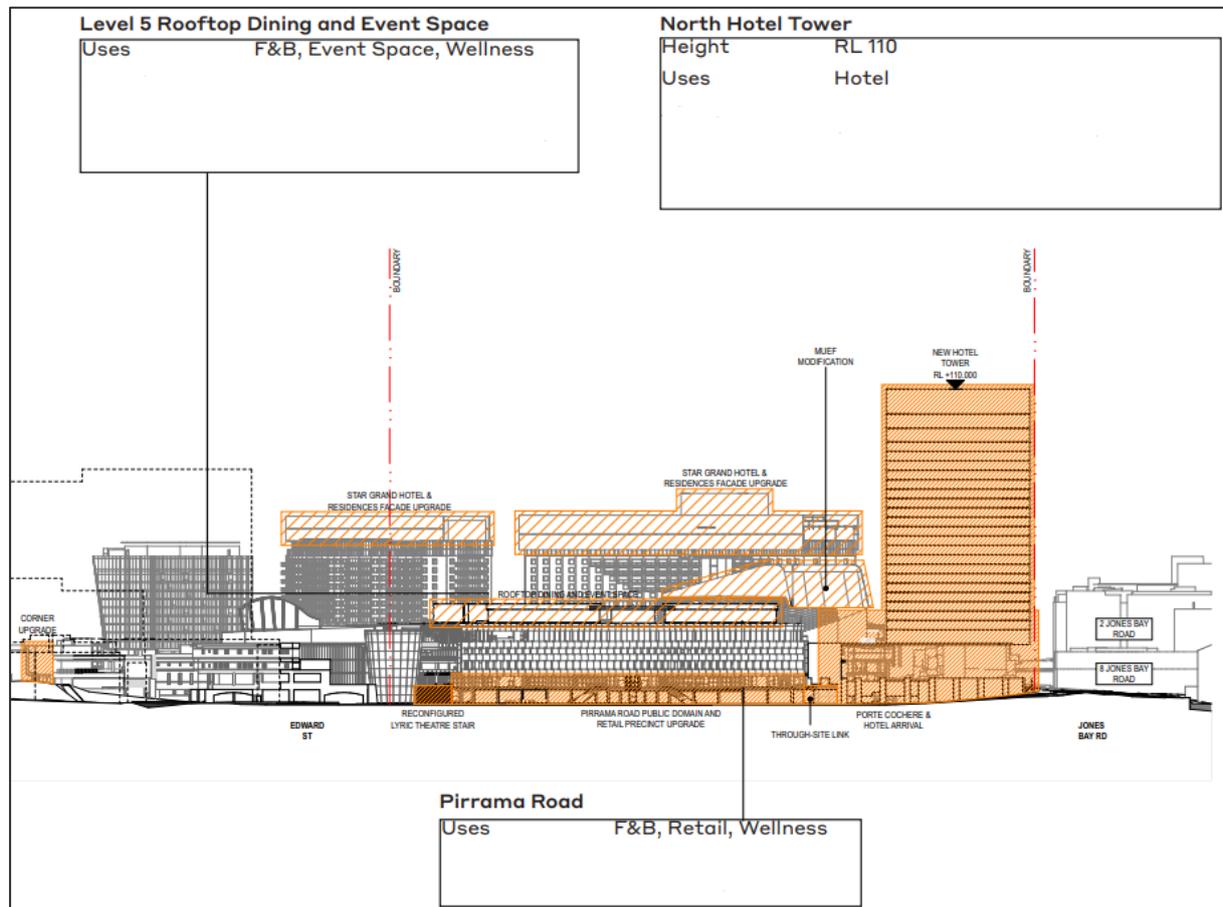


Figure 16 - Excerpt of the proposed development at The Star Casino

(The Star's Key Site Master Plan 2021)

Note: orange depicts the areas of change as proposed in The Star's key site master plan.

Modification 18 of the development application MP08_0098-Mod-18 has been lodged with the Department and exhibited between 12 - 25 May 2022. This modification proposes alterations and additions to the Multi Use Entertainment Facility (MUEF) requires 18.8m additional permitted height and 1,415m² of additional floor space to convert this existing facility to provide:

- a 1,550 seat, two level Broadway-style theatre
- a 1,000 seat comedy and live entertainment theatre
- a new fly tower, dressing room space and associated plant and infrastructure.

Based on this additional information, The Star has confirmed the MUEF proposal requires updated LEP controls to accommodate the proposal:

- height of 47m (RL 51.8) to enable the installation of the 'fly tower', proposed extension to an existing plant room up to ~36.9m (RL 45.9) and proposed dressing rooms up to ~34.7 m (RL 43.9). The current permissible maximum height limit is 28m.
- gross floor area of 1,415m² to enable the conversion of the MUEF and enclosure of the fly tower.

These elements are depicted in updated drawings from The Star (refer Figure 17).

The Star has also provided additional information in relation to proposed new height and floor area on the existing rooftop referred to as 'Level 5 Rooftop, Dining, Wellness and Event Space'. The Star has explained this to comprise future restaurant, function and entertainment facilities that would be part of The Star's longer-term plans and as such are depicted in concept only (refer Figure 17).

For the central part of the site also referred to as Level 5, The Star proposes an additional 2,500m² of gross floor area and a height increase from the current height limit of 28m up to 33.3m (RL 35.3), which would be an equivalent height to the proposed new podium for the six-star hotel.

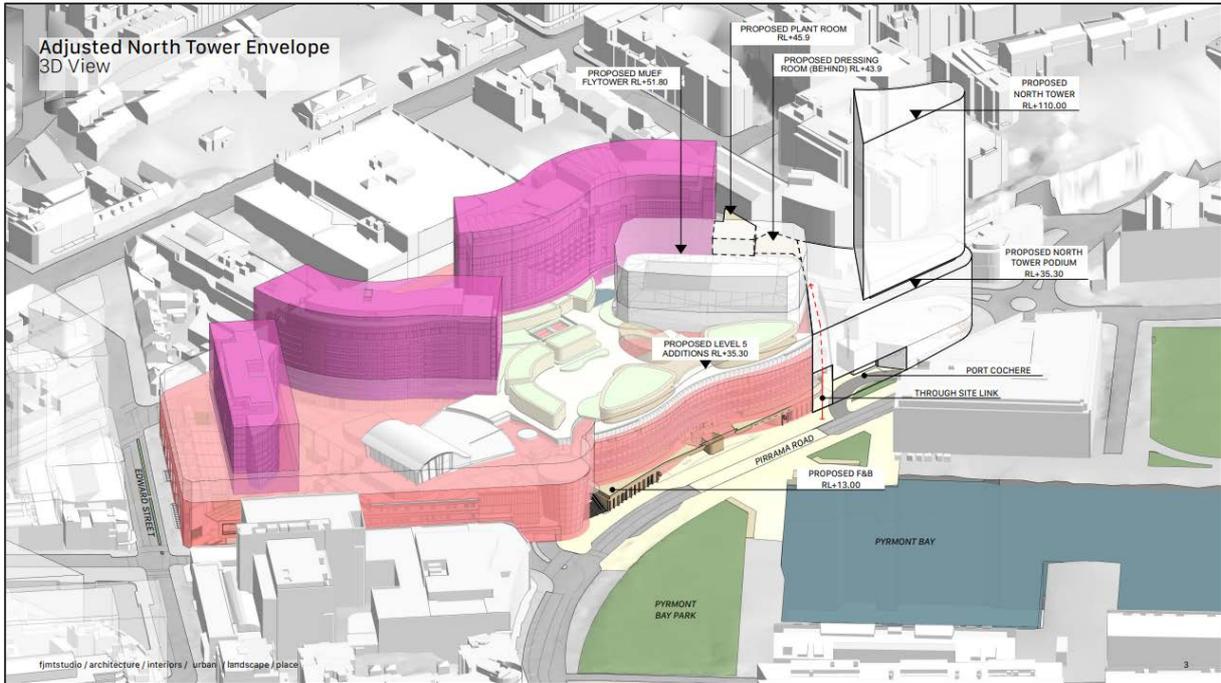


Figure 17 – Proposed additions to MUEF and Level 5 rooftop areas

(Supplementary information, Ethos Planning, 13 May 2022)

The Department considers further adjustments to the floor space and building height planning controls to support the intended development for The Star site is appropriate on the basis that:

- The additional height proposed to enable the MUEF to be converted into a new theatre is limited to the essential component of a fly tower, which is an enclosed area used by theatre companies to change scenes (e.g. hoisting or 'fly' curtains, lights, scenery etc).
- The increase in height for the central part of the site and the MUEF will reconcile approved building heights for parts of the site and allow for the hotel podium to be consistent in height to most of the central part of the casino complex.
- The overshadowing impacts resulting from the additional height for the MUEF will generally be limited to The Star's own existing casino complex site.
- While the visual appearance of MUEF will be appropriately designed in the context of the existing casino site (subject to development assessment), the proposed maximum height remains 18m lower than the existing tower (65m) to the west of the MUEF.
- The corresponding increase to gross floor area for the MUEF is limited to enabling the enclosed fly tower and the new dressing rooms, which sit in behind the proposed theatre, and is not for additional seating.

- The additional uses listed in Table 5 were included as part of the masterplan but hadn't been appropriately calculated prior to the exhibition, hence the alterations in the maximum permitted floor space will not alter the intention to diversify the site's uses and allow for renewal of existing facilities.
- The adjustment in overall FSR required beyond what was exhibited is equivalent to 0.02:1 or 890m², is considered to be marginal and accounts for only 0.64% of the existing total floor space within the casino complex.
- The substantive portion of additional floor space still accommodates the new hotel, which accounts for approximately 78% of all proposed additional floor space for the Star site.
- The additional floor space for the proposed Pirrama Road and the Edward and Union Street parts of the site, will still be accommodated within the existing casino premises and hence will not add additional bulk or scale to the overall casino complex.
- The proposed additional height for the central parts of the site would not result in significant visual impacts as the new height control for this part of the site reconciles existing building heights approved by previous modifications approvals and neatly caps the height limit for this part of the site.
- The floor space and height adjustments will allow for the establishment of a new fit-for-purpose theatre delivers new cultural infrastructure, which is consistent with the NSW Government's Cultural Infrastructure Plan. The delivery of new or enhanced theatre, event and performance space has strong strategic alignment with the PPPS, particularly Big Move 2 – A vibrant 24-hour cultural and entertainment destination. The delivery of a new theatre space that is capable of accommodating musicals and stage shows is consistent with the overall vision of the future of the PPPS.

Accordingly, the Department considers the proposed new planning controls to accommodate the conversion of the MUEF into a new theatre and reconciliation of floor space for all intended uses per the exhibited masterplan for the Star site as being appropriate, noting detailed planning, design, amenity, and other considerations will be assessed as part of the current modification application currently under consideration by the Department and other future applications for the site.

5.1.1.5 Amendments

Based on the above, the following recommends the final maximum building controls for The Star site in Table 6.

Table 6 – Exhibited and recommended controls for The Star site

Control	Exhibited	Recommended final controls
Max FSR	4.2:1 (164,665m ²)	4.22:1 (165,556m ²)
Max Height (metres & RL)	105m (RL 110)	<ul style="list-style-type: none"> • six-star hotel: 105 m (RL 110) • MUEF (theatre): 47 m (RL 51.8) • Level 5 uses: 34 m (RL 35.3)
Max Street wall height (metres & RL) for the six-star hotel	18m (RL 27.5) – Jones Bay Road 24.9m (RL 27.5) – Pirrama Road	Up to RL 35.3 subject to Design Guidelines
Min tower setback for the six-star hotel	6 - 8m	Subject to detailed design, planning and other considerations, particularly wind testing

It is recommended that the clause 6.21D of LEP 2012 for Design Excellence does not apply to The Star site and its development. The Design Excellence bonus provision normally allows an additional 10% building height or floor area if Design Excellence is demonstrated. While design excellence is still required for future hotel development, the exclusion of clause 6.21D from applying will not allow for additional floorspace or height in accordance with this provision.

Documents Amended: Design Guidelines, Infrastructure Delivery Plan

Resulting LEP 2012 map changes: FSR and 'Locality and Site Identification' maps

Explanation of Changes:

- Inclusion of Star offer of public benefits associated with the six-star hotel in the Design Guidelines and Infrastructure Delivery Plan
- Removal of building envelope figures in the Design Guidelines for the six-star hotel to rely on the floor plate figure only
- Amendment of the floor plate figure in the Design Guidelines for the six-star hotel to delete any figures defining the tower setback
- Amendment of the floor plate figure in the Design Guidelines for the six-star hotel to delete street wall height and control through design approach requiring any height above RL 32.8 to be considered in relation to design outcomes up to a maximum RL 35.3.
- Refinement of the through-site link control in the Design Guidelines for the six-star hotel
- All site FSR proposed at 4.22:1 and removal of the 3:1 applying to the light rail line to rationalise existing development with planning controls across the site
- Maximum building height for the MUEF set at 47m or RL 51.8
- Maximum building height for the Level 5 area set at 34m or RL 35.3
- Disapply LEP 2012 Clause 6.21D (3) Competitive design process which allows an additional 10% height and gross floor area subject to design excellence.

5.1.2 UTS Indigenous Residential College (IRC)

The UTS Indigenous Residential College (IRC) proposal consists of a 250-bed residential college, an arts centre, library and education spaces at 622-632, 634-642 and 644-644A Harris Street, Ultimo (refer Figure 18).

The proposal involves the retention of part of the existing National Cash Register (NCR) building on the site, which is a local heritage item. The NCR part of the development would be re-used for a mix of tertiary education uses. The proposal also involves the creation of an open space for Aboriginal gathering, meeting and ceremony referred to as the 'precinct heart' and a new through site link.

5.1.2.1 Exhibited planning controls

The Department's exhibited controls are recorded in Table 7 below.

Table 7 – Exhibited controls for UTS IRC

Control	Exhibited
FSR	5:1
Height (metres & RL)	65m (RL 68)
Street wall height (metres & RL)	RL 22.7
Tower setback	6m to Harris Street

As set out in the exhibition report, the Department's proposed controls differed slightly to UTS to enable a flexible building envelope for future design competition, provide appropriate built form, enable design investigations to retain the NCR building and enhanced solar amenity to neighbouring residents. These changes were consistent with feedback from the State Design Review Panel.

In addition, the Department proposed two building envelope options within the exhibited planning controls:

- **Option 1** – a 'tower form' including one extra storey on top of the NCR building (refer Figure 18) and
- **Option 2** – 'mid-rise' including up to four extra storeys on the NCR building (refer Figure 19).

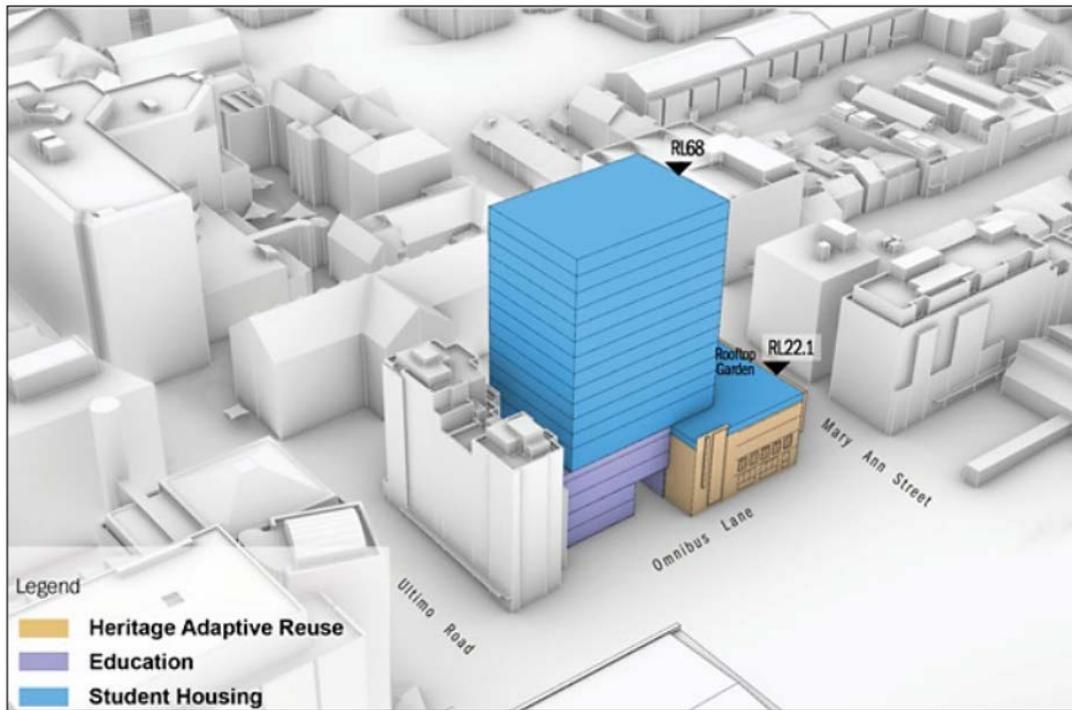


Figure 18 – Option 1 ‘Tower Form’

(Draft Design Guidelines, DPE, 2021)

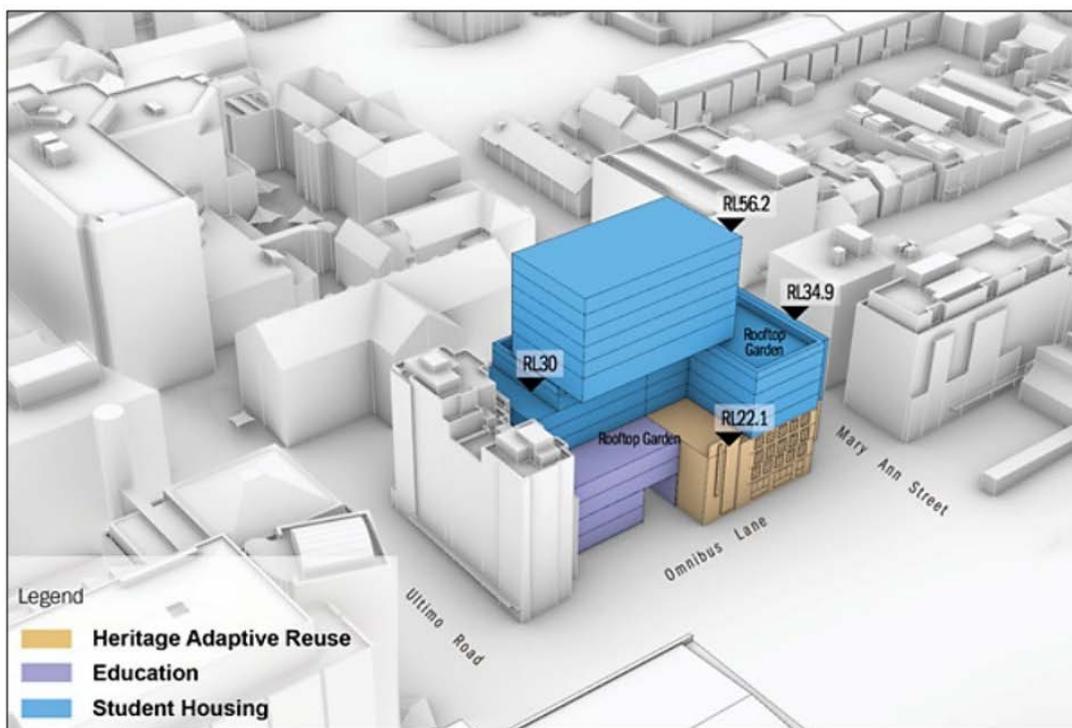


Figure 19 – Option 2 ‘Mid-rise form’

(Draft Design Guidelines, DPE, 2021)

5.1.2.2 Issues raised

A small number of submissions addressed the UTS IRC proposal, with most comments generally in support of the proposal.

UTS provided a detailed response to the exhibited Design Guidelines for the site. Key considerations that were raised in UTS’ submission included:

-
- Building envelope options
 - Heritage Investigation Zone
 - Additional gross floor area
 - UTS 'Precinct Heart' concept
 - Through site link
 - Solar amenity to neighbours.

The UTS' submission also listed detailed comments on the Design Guidelines, which have been considered and addressed.

Council made a submission addressing the UTS proposal, including supporting the proposal to limit uplift to the proposed educational and student accommodation uses, contribution to local infrastructure and expressing a preference for building envelope Option 1 (tower form). Council also recommended the built form does not conflict with the setting of the Dr Chau Chak Wing building and address the relationship with Sydney TAFE building. Finally, Council recommended avoiding the demolition of part of the NCR building through an increased setback to Mary Ann Street, or cantilever above.

The Department undertook a site visit to verify new information in the UTS submission. UTS also provided supplementary information arising from the Department's site visit and assessment of its submission on 17 March and 13 May 2022. This supplementary information has also been taken into consideration in relation to the Department's assessment of proposed planning controls at the UTS site.

5.1.2.3 Department's consideration

5.1.2.3.1 Building Envelope Options

During the Department's assessment of the UTS IRC proposal, additional urban design and heritage advice considered an alternate approach to accommodate the proposal in a mid-rise building form that could address several preliminary issues relating to heritage, solar amenity, built form and streetscape outcomes. Based on this, the Department's Design Guidelines were exhibited with two building envelope options, including:

- **Option 1** (tower form), which investigated the potential for an additional storey above the NCR building and a maximum height for a tower of RL 68 (or 65m) and a larger setback (20m) to Mary Ann Street (refer Figure 18 above)
- **Option 2** (mid-rise form), which investigated the potential for an additional four storeys above the NCR building and a maximum height of RL 56.2 (or 53m) mid-rise tower form with a smaller setback 15m to Mary Ann Street (refer Figure 19 above)

Both options would enable an equivalent floor space provision. Option 1 was based on the UTS proposal albeit with a larger setback to Mary Ann Street up to 20m to ensure an appropriate built form outcome for a new tower, and relationship to the street and surrounding development, including the Dr Chau Chak building called for in the Department's heritage advice.

The Department received two submissions directly addressing this matter; one from UTS and one from Council. Both submissions indicated a preference for Option 1 for different reasons:

- UTS considered Option 1 would best enable the concept of the Indigenous residential college in a form that would meet its requirements and noted Option 2 would be more appropriate if a teaching only use was sought for the site
- Council considered Option 1 offered the optimal approach based on urban design and heritage considerations.

The Department considered both options to be appropriate and agrees with the assessments by UTS and Council that Option 1 should be enabled in final controls. In doing so, the Department has further considered the appropriateness of tower setbacks based on the abovementioned analysis and submissions.

The Department proposed a setback of up to 20m to Mary Ann Street while UTS initially sought a setback of 15m. The purpose of the larger setback is to ensure an appropriate relationship between any new tower development and the NCR building to enable the NCR building to be 'read independently' when viewed from ground level. This avoids the potential for a tower to appear to dominate the building and detract from its heritage significance.

A revised setback to Mary Ann Street of 18m, as proposed by UTS in its submission, is an optimal approach to ensure the existing NCR building is 'read independently' from the street and the new tower above would generally be setback from the northern facades of the neighbouring Dr Chau Chak Wing building.

The Department also proposed a larger setback to Harris Street of 6m compared to the UTS key site master plan setback of 3m. In its submission on the Department's draft design guidelines, UTS proposed an alternate 4.5m setback to Harris Street on the basis it enables a feasible development, the delivery of UTS' 'precinct heart' open space concept, solar amenity to neighbouring residents and an appropriate setting of the building in the streetscape (see Figure 20 and Figure 21 below).

The revised 4.5m setback to Harris Street is acceptable noting it represents an appropriate outcome for the context and setting of a new tower on the site and would support the intent of the Department's larger setback to ensure the NCR building 'reads independently' from the street and amenity to nearby residents. The setbacks also provide an optimal relationship between new and existing development on nearby sites (see setbacks depicted in Figure 18).

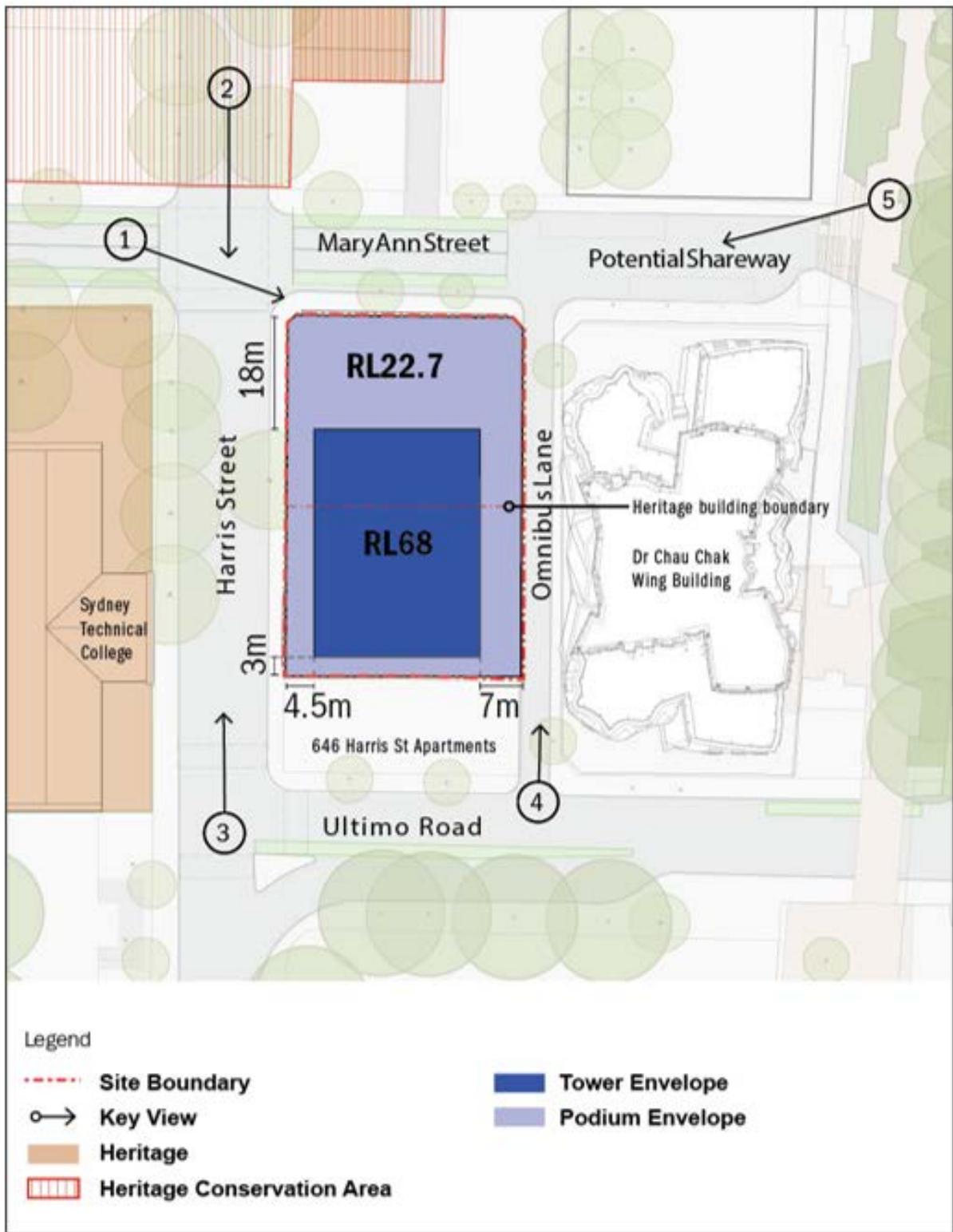


Figure 20 – Recommended setbacks for UTS IRC

(Design Guidelines, DPE, 2022)

The Department has revised the Design Guidelines to reflect the updated setbacks and included a requirement to investigate the cantilevering of the new tower above the NCR building to address Council's submission.

5.1.2.3.2 Heritage Investigation Zone

The UTS key site master plan proposed the demolition of the rear third of the NCR building; a locally significant heritage item (Item No. 12036) based on advice from UTS' heritage advisor. This was not supported by the Department based on its own heritage advice (GML heritage), which considered the proposed demolition zone to be excessive.

This assessment was based on the identification of the core heritage elements of the NCR building as outlined in UTS's Conservation Management Plan:

- elevations of significance are located on Mary Ann and Harris Street frontages and less so parts of the elevation to Omnibus Lane
- the southern elevation has very low heritage value and is appropriate for interface and/or integration with a new development
- the building 'as a whole' is significant, *including the interior and any demolition would impact the overall heritage significance of the building*

Accordingly, the exhibited Design Guidelines set out a much smaller area of the heritage building 'for investigation' and noted that the area required further consideration as to its suitability for change. This reflected the Department's assessment, based on the abovementioned summary of advice, including specialist advice, that a more carefully considered design approach should investigate maximum retention of elements of high significance and seek minimum demolition while enabling an optimal integration of the proposed new development. This would be addressed as part of subsequent Design Competition and assessment processes noting the consent authority would be the Council.

The Department has considered UTS' submission, including the accompanying advice from UTS' heritage advisor Design 5, visited the site and considered Council's submission. It is accepted there will need to be some intervention and that intervention is most appropriate on the southern elevation of the NCR building, which has low heritage significance. However, the originally proposed demolition zone was considered excessive and will not ultimately be determined until the completion of subsequent design and assessment processes noting this is a matter for the consent authority to determine.

To enable the proposal to proceed, the Design Guidelines have been revised, which now include a heritage investigation zone along with the requirement for designers and architects in future processes to investigate maximising retention of the building and minimising demolition as far as possible (see Figure 19). To inform this process, the guidelines also describes some of the elements of high heritage significance.

Subject to these requirements in the Design Guidelines, the heritage issues have been adequately considered and will be appropriately addressed in the next stages of the design and planning processes, with Council as the consent authority.

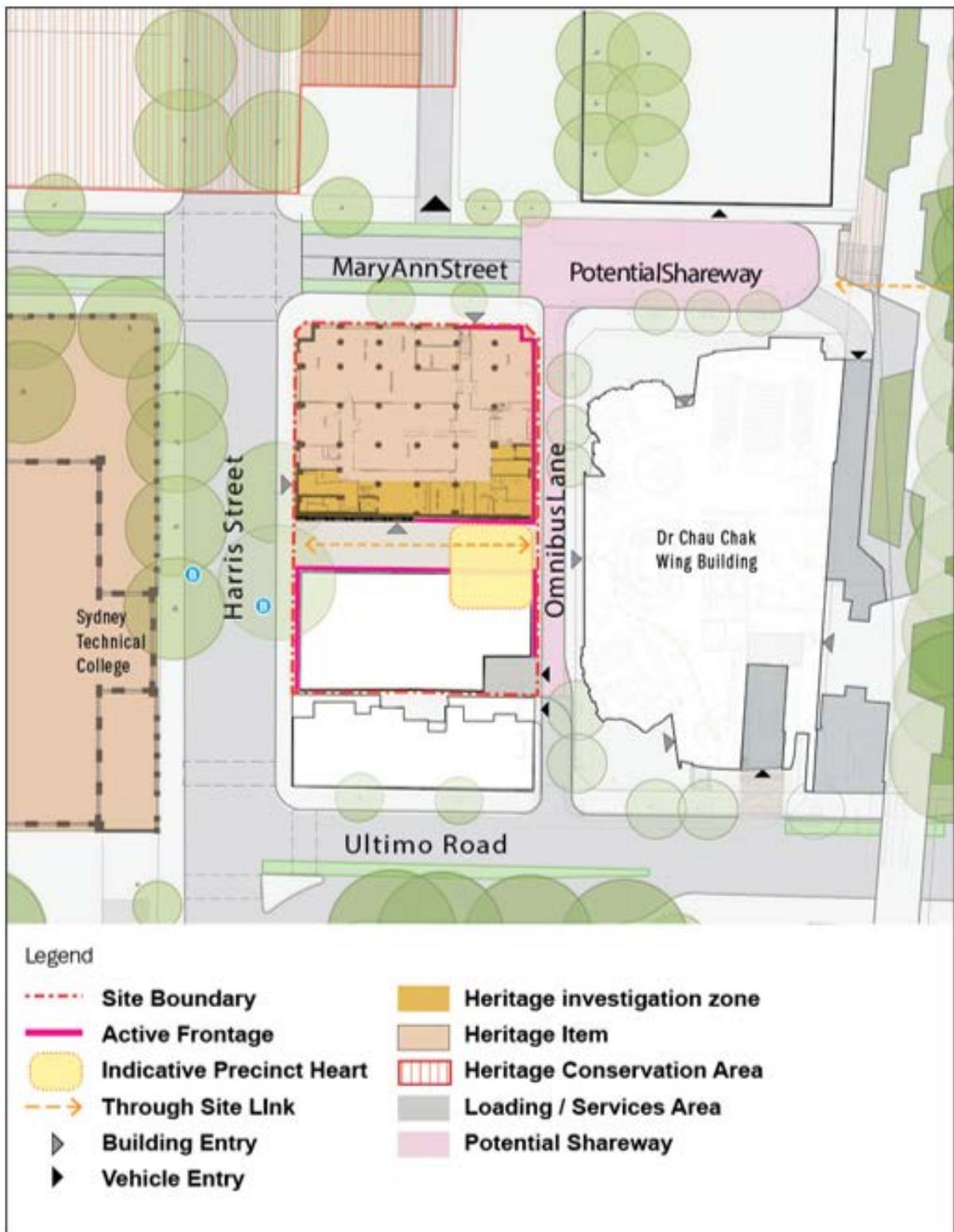


Figure 21 – ‘Heritage Investigation Zone’ depicted in yellow on existing NCR floor plan

(Design Guidelines, DPE, 2022)

5.1.2.3.3 Additional Gross Floor Area

The Department exhibited a proposed maximum floor space ratio (FSR) of 5:1 (or 10,775 m²) based on UTS' reference scheme of an FSR of 5.08:1 (10,955 m²). UTS' submission clarified it requires a larger FSR of up to 5.56:1 (11,981 m²). In response to the Department's enquiries to verify the reasons for this, UTS provided supplementary information on 13 May 2022, which was based on further design testing and clarified a larger floor space ratio of up to 5.93:1 (12,791 m²) is required for the following reasons.

UTS states that it requires a minimum gross floor area of 11,282 m² (equivalent to an FSR of 5.23:1) for the proposed development. As the proposal will include several voids, open communal and gathering areas in response to consultation from Indigenous stakeholders, an additional gross floor area of 857m² is required to enable flexibility to provide these spaces as they may fall under the definition of gross floor area under LEP 2012 and be calculated as FSR. This increases the floor area to 12,139 m² or 5.63:1. UTS also states that it would require a further 652m² of gross floor area if it were required to retain all the 'heritage investigation zone' discussed above or up to a total gross floor area of 12,791m² (an FSR of 5.93:1). This is summarised in Table 8 below.

Table 8 - Summary of gross floor area and floor space ratio for the IRC site*

Data source		Gross floor area (GFA) m ²	Change from DPE exhibited	Floor space ratio (FSR)	Change from DPE exhibition
DPE exhibited GFA and FSR		10,775	n/a	5:1	n/a
UTS supplementary information proposed GFA and FSR breakdown	Proposal only	11,282	507	5.23:1	+0.23:1
	Voids etc	12,139	1,364	5.63:1	+0.63:1
	Heritage	12,791	2,016	5.93:1	+0.93:1

*[Site area: 2,155 m²]

The Department has assessed the potential built form implications from the proposed larger FSR and considers it would not result in a significantly different built form to that exhibited for the following reasons:

- it would not result in an increase or change to other controls and guidelines, including height, setbacks and the envelope efficiency ratio of 75% *Note a building efficiency ratio of 75% means the building envelope should generally be 25% larger than the building designed within*
- part of the additional floor area, if taken up, would be existing floor area at the rear of the NCR building and not visible from primary street frontages of Harris or Mary Ann street or affect amenity of nearby residents
- the larger FSR increases 'design flexibility' by enabling designers and architects to investigate the most appropriate way to arrange the floor area within the building envelope and to satisfy the Design Guidelines as part of a Design Competition, in line with advice from the State Design Review Panel.

The built form impacts of the final design will be subject to evaluation by the Council as part of future assessment processes. The Department has included the FSR of 5.93:1 in the final recommended controls, subject to the above requirements.

5.1.2.3.4 UTS 'Precinct Heart' concept

UTS considers that a core element of its proposal for its site is the provision of an outdoor open space referred to as the 'precinct heart'. UTS describes the 'precinct heart' as a place designed for Aboriginal gathering, meeting, and ceremonies, which supports the function of the IRC. The provision of spaces for these purposes was consistent in feedback received by the Department from some Aboriginal stakeholders in February 2022 (refer Figure 22).

It should be noted the depiction of the 'Precinct Heart' in Figure 20 is based on UTS' key site master plan and proposal to demolish the rear third of the NCR building. As noted earlier in this section, the Department does not support the full demolition of the rear third and has required UTS investigate retention of some or all of the floor area in a 'Heritage Investigation Zone' in Design Guidelines.

The Design Guidelines exhibited by the Department provided for an outdoor gathering space. However, the space was smaller than that provided by UTS and more constrained by the proposed built form elements at the rear of the site.

UTS consider there is a cultural need for this space and that it have a minimum dimension of 13m x 13m and be open to the sky. While the Department has not received information to verify this minimum requirement, the Department is supportive of the general design intent of the IRC and the provision of an open area on the site for this purpose. To recognise the cultural importance of the space but not constrain a future design response, the Department has included a note in the Design Guidelines to reflect UTS' preference for this space to be designed based on these dimensions and indicated the preferred location (refer Figure 19 above). This will inform but not limit a future design competition process.

The Department has also revised the Design Guideline to remove an incorrect reference to the 'precinct heart' being required to achieve a minimum of 2 hours sunlight.

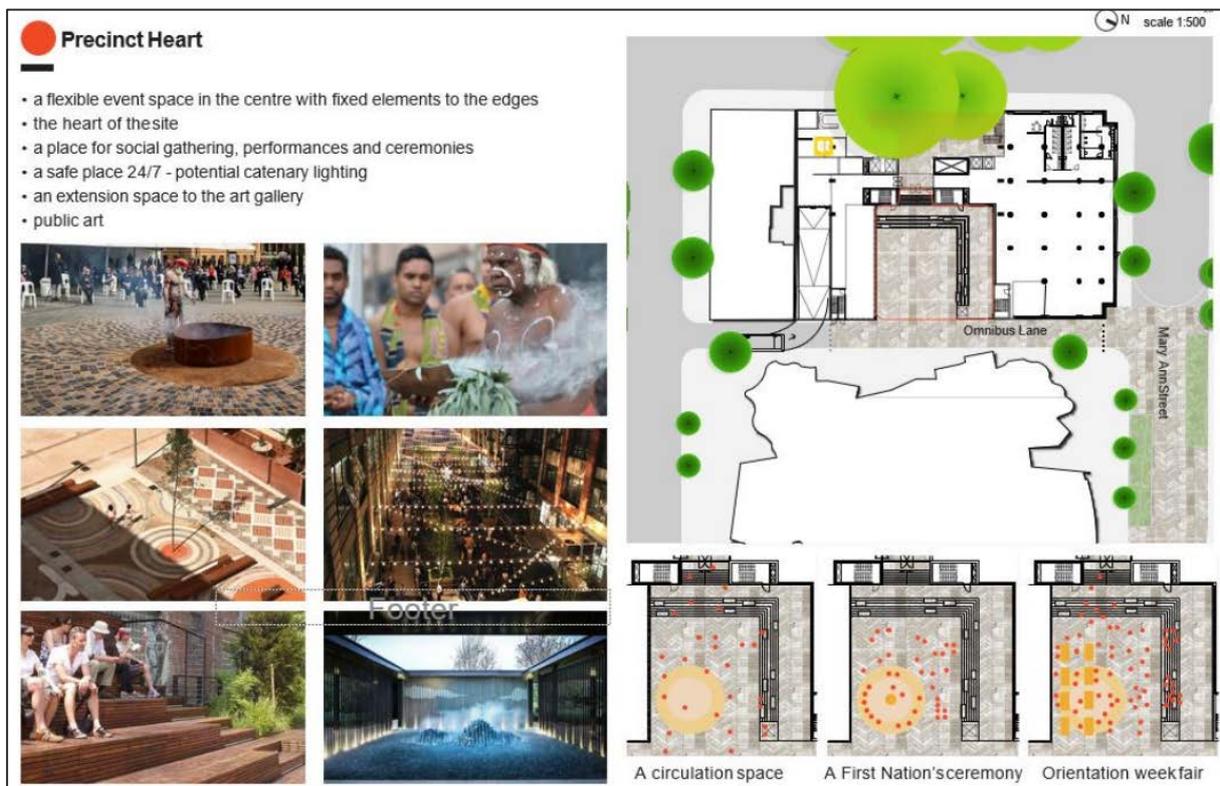


Figure 22 – Extract describing the vision for the 'Precinct Heart'

(UTS key site master plan, 2021)

5.1.2.3.5 Through Site Link

UTS raised concern in its submission about the prescribed size (length and width) of the through-site link that was sought by the Department's Design Guidelines, and the need for controls to accurately reference the level change across the site.

An outcome-based approach is to be adopted that describes this outcome (i.e., a through site link) in the Design Guidelines and allow for the Design Competition to consider how this can be best delivered (refer Figure 21 above). This enables design flexibility and will be a matter for Council to evaluate as part of the assessment process. Revisions have been made to the design guidelines to reflect this approach.

In relation to the level change issue raised by UTS, the Department remains of the view opinion that the grade change in the through-site link has been captured in the Design Guidelines, and therefore no changes are required.

5.1.2.3.6 Solar amenity to neighbours

The IRC is proposed to be located to the north of an existing apartment building at 646 Harris Street. The IRC has the potential to cause overshadowing impacts to this building, which features the living rooms of most apartments oriented to the east, west or south. Despite this, analysis of the potential for overshadowing by UTS and the Department indicated there is the potential for some limited impacts to living areas, subject to the final setbacks and design of the building.

The Department assessed this in its consideration of two building envelope options, particularly how different combinations of setbacks can address these issues. Specifically, the UTS reference scheme (and subsequent alternative schemes) has favoured a smaller tower setback to Harris St (4.5m or less) and a larger setback to Omnibus Lane (13m or more) to maximise sunlight to the north-eastern corner of the apartment building, given that there are more apartments located in this section of the building than the opposite corner.

The Department's proposed envelope was based on a larger setback to Harris Street of 6m, and a smaller setback to Omnibus Lane of 7m. This was based on feedback from the State Design Review Panel (SDRP) which considered that a setback greater than 3m was required for Harris Street for setting, streetscape, solar amenity considerations.

Under either building envelope option, there would remain potential impacts to some living rooms and communal open spaces based on the proposed building envelope:

- potential reduction in sunlight to the living space and private open space of one apartment and to the communal open space on the roof of the north-western corner
- potential reduction to living and private open spaces up to six apartments in the north-eastern corner subject to tower setback to Omnibus Lane.

The Department considers that there is sufficient opportunity for resolution in the subsequent design competition and development application processes of these issues, which may include a merit-assessment by Council as the consent authority to consider the acceptability or otherwise of the impacts. Options that may be investigated as part of a design or assessment process may include incorporating sloped or angled corners or parts of walls on upper levels to increase sunlight and carefully investigating the design and location of elements on the Omnibus Lane street wall.

The Design Guidelines have been revised to identify the relevant policies against which this matter must be guided, including the Apartment Design Guide and the City of Sydney Development Control Plan.

5.1.2.4 Amendments

The Department has continued to work closely with UTS in response to their submission, and has updated the Design Guidelines with consideration to:

- requiring UTS to investigate a design that maximises retention of elements of the existing heritage building that contribute to its significance and to minimise the extent of demolition, if any, required.
- appropriate setbacks to optimise building form while responding to the surrounding context and residential neighbour amenity
- enabling design flexibility for future design excellence processes in line with advice from the SDRP.

Documents Amended: Design Guidelines

Explanation of Changes: Changes were made primarily in response to street setbacks, heritage considerations, potential for increased FSR and solar access controls. All references to 'Option 2' have been removed. Specific amendments include:

- Removal of the Mary Ann St setback 'range' (18-20m). The minimum setback is now defined at 18m, which ensures that the NCR building can still be 'read' from key viewpoints on its own and retains views to the Dr Chau Chak Wing Building to the east of the site
- General updates to ensure the Design Guidelines accurately reflect the Conservation Management Plan prepared by Design 5 in relation to the NCR building
- Expansion of the heritage investigation zone to match UTS' investigations. A larger investigation zone at the rear of the NCR building will enable a future design competition to consider opportunities for integration, subject to further design and heritage analysis
- Revised setback from proposed tower to Mary Ann Street to 18m
- The maximum FSR has been increased in the LEP amendment to reflect 5.93:1, subject to full heritage retention
- Inclusion of a note (rather than a guideline) to indicate UTS' preference for a 'precinct heart' of a minimum 13m x 13m.
- Removal of Omnibus Lane street wall minimum setbacks to improve design flexibility of the rear portion of the site
- Updates to figures in the Design Guidelines to reference the UTS plan more closely for the open space
- Updates to solar impact guidelines to clarify that the future building must be designed to maximise sunlight to neighbouring residential buildings and will be subject to assessment under the NSW Apartment Design Guidelines and relevant provisions of the City of Sydney Development Control Plan
- Removal of solar access requirements for the open space
- Reduced minimum setback to Harris St from 6m to 4.5m. This ensures that a greater setback is achieved from UTS' original proposal (3m) as required by the SDRP, while still ensuring that the new built form will be offset from Harris Street and can enable sunlight to nearby residences
- Removal of all controls relating to 'Option 2' (mid-rise), in response to both UTS and Council preferring 'Option 1' (tower form)
- Amended figures to reflect the updated Design Guidelines, and removal of street sections (not needed)

5.2 Pymont metro station sites

In May 2021, the Government announced two sites within the Peninsula that would accommodate a new metro station (Figure 23). These sites propose metro east site (a station entry and mixed-use tower development) at 37-39 Union Street, and metro west site (comprising a station entry and infrastructure) at 26-32 Pymont Bridge Road.

Through extensive urban design work, new planning controls are proposed for both sites to ensure the over station development options build on the design and place outcomes in the PPPS. The final development of both sites will also be guided by the Design Guidelines.

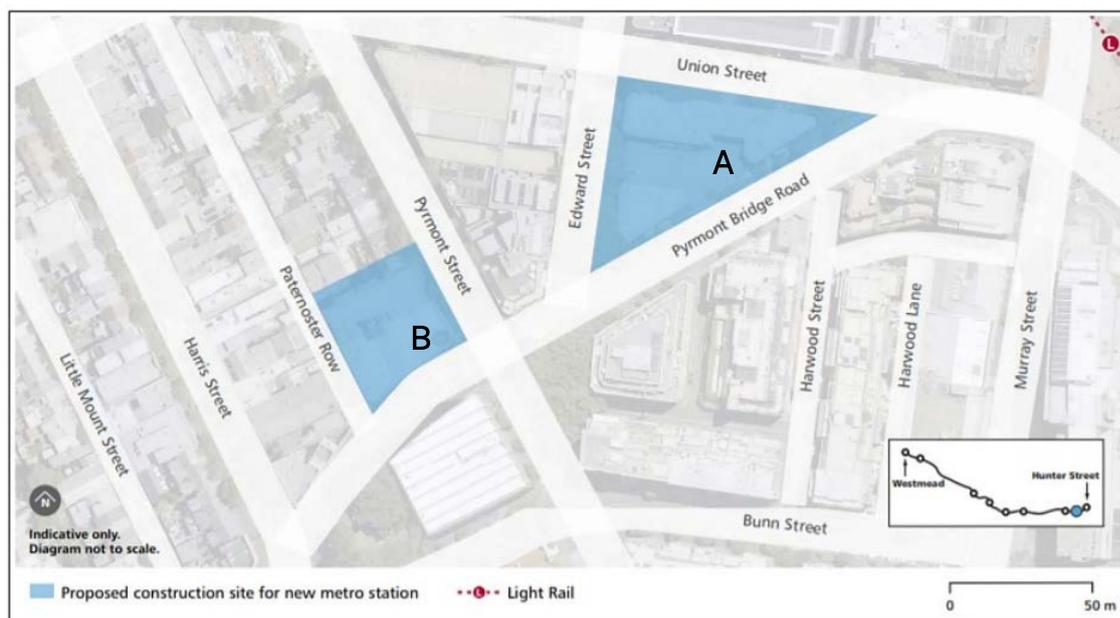


Figure 23 – Location of Pymont Station sites

(A) East site (37-69 Union Street) and (B) West site (26-32 Pymont Bridge Road)

(Sydney CBD and Pymont Newsletter, Sydney Metro, 2021)

5.2.1 Metro east site (37-69 Union Street)

5.2.1.1 Issues raised

Several issues have been raised with the Department in relation to the Pymont metro site referred to as 'metro east site' located at 37-69 Union Street. These included:

- about 10 submissions from community, residents and local MP's raising concerns with and objections regarding The Star's concept for a mixed-use hotel and residential tower at the metro east site as part of broader objections to further development on The Star Casino's site.
- some of these community submissions raised concern with the proposed height of a potential tower for the site and that it should be lower (e.g. RL 90) as part of an integrated station development under the Department's proposed controls, which are different to The Star's proposal relating to metro east site.
- a submission from The Star Entertainment Group requesting the Department's work acknowledge The Star owns the land at metro east site and that parameters to protect sunlight to Elizabeth Healey Reserve that influence the maximum height of development on the site should be reconsidered.
- one submission considered metro east site should not be developed for residential uses while Council's submission stated the site should only be developed for residential uses if strictly for affordable housing otherwise commercial uses (including a hotel) should be contemplated.

5.2.1.2 Department's Consideration

In relation to items a) and c) above, the Department assessed The Star's proposal for a mixed-use hotel and residential tower on the metro east site and found this was not supportable for the following reasons;

- The Star's proposed height of RL 140 would protrude the sun access plane that had been developed to protect sunlight to Elizabeth Healey Reserve resulting in additional overshadowing of public and open space contrary to Direction 2 and the height principle to protect sunlight to public and open space in the PPPS.
- The Star's proposal did not demonstrate through sufficient information there would be an acceptable overshadowing impact on residences located to the south of the site under the Apartment Design Guide.
- The Star's proposal was ultimately not supportable as it did not contemplate integration with the future metro station, which was announced by the NSW Government to be located at this site on 12 May 2021.

As a result of these key reasons, the Department has previously advised The Star that its proposal for the metro east site was not supportable. The Star's proposed planning controls for the site were not exhibited by the Department and do not form part of the final recommended controls for the metro east site.

The Department acknowledges The Star is the current owner of the site and notes the NSW Government announced on 12 May 2021 an intention to acquire the site to construct and operate the new Pyrmont metro station. As part of this, Sydney Metro is investigating an integrated station development (i.e., a metro station with a tower above) that is consistent with the PPPS.

The Department worked with Council to prepare new planning controls for height and floor space and design guidelines for this site that are consistent with the PPPS, including height principles under Direction 2. These planning controls would enable a tower on the site up to a height of RL 120, within the sun access plane meaning sunlight would be protected to Elizabeth Healey Reserve in accordance with the PPPS and sub-precinct master plans. A reduced height to RL 90 does not align with the height strategy and represents an underutilisation of a site capable of change to deliver the forecast under the PPPS.

The metro east site has undergone significant review and consideration by the Department, Council and Sydney Metro to determine a building height and envelope that provides optimum development feasibility while being appropriate for the site and surrounds. This includes setting a height limit that adheres to the Elizabeth Healey sun access plane and protects solar access to nearby existing residential apartments. to facilitate an integrated station development and

With regard to the controls in the Design Guidelines, the Department exhibited a tower floor plate (which will define the extent of the future building) prescribed by defining solar amenity protection to residents to the south of the proposed metro station and tower above.

Sydney Metro considered it was too early to define this as the station design is still underway and there were different potential tower floor plate options that would meet solar access protection for neighbouring residences.

The Department's design team verified that multiple floor plate options could satisfy solar access requirements and so the Design Guidelines have been amended to give greater scope to the location of the future tower. The final location will be determined through a design excellence process undertaken by Sydney Metro as part of the State significant development process and be subject to a further round of community consultation.

5.2.1.3 Amendments

Documents Amended: Design Guidelines

Explanation of Change: The Department has removed figures, which indicated the potential location of a tower above the podium based to not prescribe the precise location of the tower, which is subject to ongoing engineering, design and planning investigations by Sydney Metro. The Department has also updated the building envelope plan to reflect this (refer Figure 24).

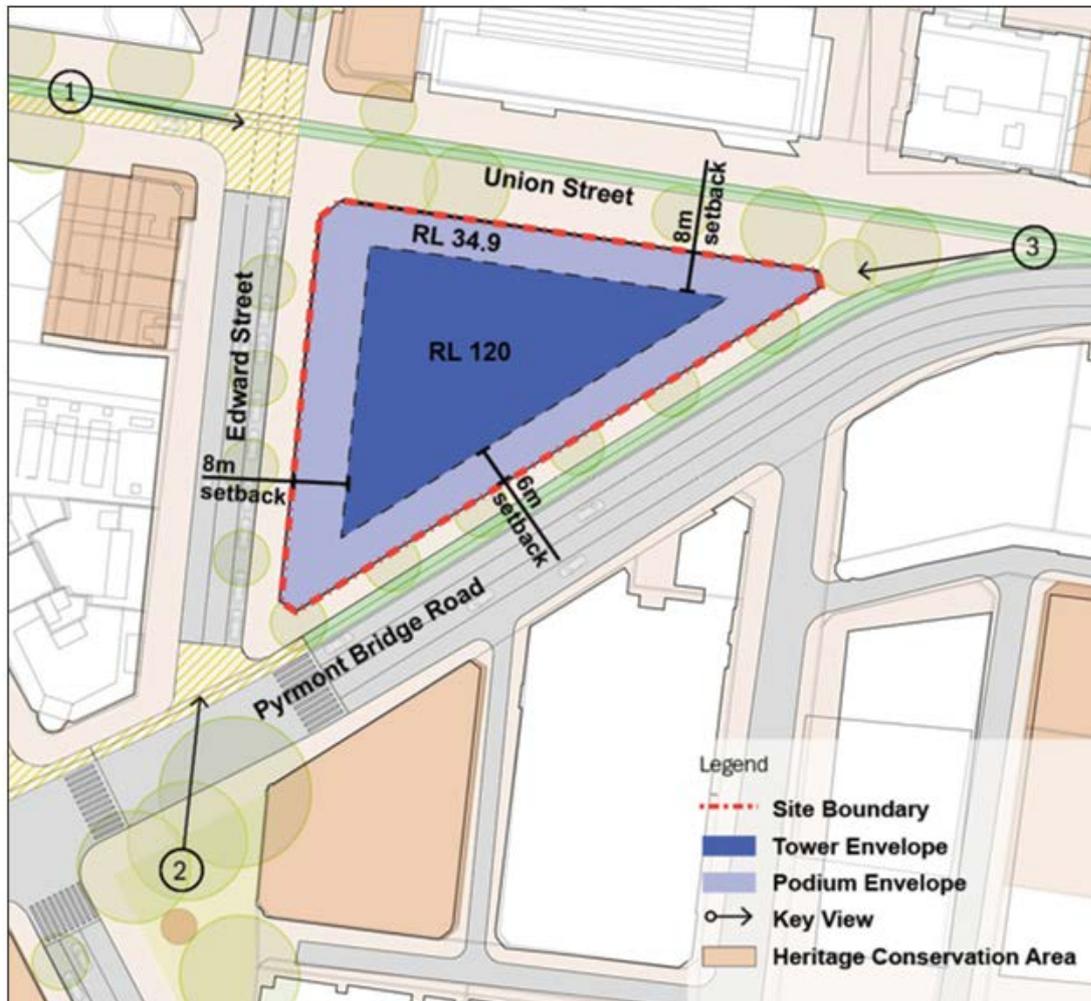


Figure 24 – Revised Building Envelope Plan for ‘metro east site’ at 37-69 Union Street
(Design Guidelines, DPE, 2022)

5.2.2 Metro west site (26-32 Pymont Bridge Road)

No submissions objecting to the proposed metro west site were received with some submissions noting the proposed increased height control would be slightly higher than the existing and would result in development complementing the area.

5.3 Blackwattle Bay and Harbourside

5.3.1 Issues raised

Around 20 community submissions objected to the Blackwattle Bay and/or the Harbourside proposals, raising concerns around building heights and density of the proposals and associated traffic impacts.

A submission was also received from Infrastructure NSW (INSW) outlining several concerns with how the Blackwattle Bay Sub-Precinct Master Plan and IDP aligns with the Blackwattle Bay State Significant Precinct proposal.

5.3.2 Department's Consideration

In relation to Blackwattle Bay, the new building heights should provide a diversity of building heights with upper ranges limited to between RL120 to RL156 has been established in the PPPS. INSW is preparing its response to submissions to address the issues raised as part of its State significant precinct process. The Department will evaluate INSW's response to submissions as part of finalising any recommended new planning controls for this part of the Pyrmont peninsula. This work will be informed by the sub-precinct master plans prepared and finalised by the Department as part of this finalisation package for Pyrmont Peninsula.

INSW's submission raised a number of matters, which have been considered by the Department in its assessment of agencies submissions in **Appendix A**. This included some adjustments and revisions to final sub-precinct master plans and documents.

In relation to Mirvac's redevelopment of Harbourside shopping centre, this proposal is progressing through the State Significant development process having already been granted a Stage 1 development consent by the Independent Planning Commission and recently completing a Design Competition. The Stage 1 development consent confirmed the maximum height for the site.

5.3.3 Amendments

Documents Amended: Urban Design Report; Infrastructure Delivery Plan

Explanation of Change: Please see the table in Appendix A.

5.4 Sites Capable of Change

5.4.1 Sites capable of change

5.4.1.1 Issues raised

Around 10 submissions from community groups and local MPs made comments about the sites capable for change identified under the PPPS in 2020 and the subsequent refinement undertaken by the Department, in consultation with Council in 2021. The issues raised related to:

- why some sites had been removed since the PPPS in 2020 and the sub-precinct master plans were exhibited in 2021
- concern about the identification of current land used for social or affordable housing being earmarked for redevelopment.

5.4.1.2 Department's consideration

The sites capable for change under the PPPS in 2020 were selected based on the following

- State significant renewal sites
- sites identified by Council's Development Capacity Study 2019
- State or local government owned land

-
- land within single ownership
 - strata commercial and residential sites with 10 or less lots
 - heritage warehouse sites suitable for adaptation.

The purpose of this was to consider whether there were enough sites not affected by planning, ownership or heritage constraints that could accommodate the forecast growth and change under the new PPPS vision.

As part of the 2021 work, the Department in consultation with Council has further reviewed the sites capable for change based on further criteria, including:

- the potential for the future development of a site to have adverse solar impacts on existing residential or public open space,
- if the age of development on a site made the prospect of redevelopment within 20-year timeframe unrealistic (e.g. a site was redeveloped in the last 10 years and of a substantial scale it was not considered likely to renew in the next 20 years),
- if an approval for new uses had been granted recently, and
- if the size of the site would mean any future development would not substantially contribute to housing and jobs forecasts.

From this analysis, about 20 sites were less likely to redevelop under the PPPS based on the above criteria. Rather, the sites capable for change provide guidance to agencies about which sites are expected to change to inform prioritisation of further work, such as Council's strategic review and TfNSW's Pyrmont-Ultimo Transport Plan.

The identification of sites will also inform the application of the proposed SIC and will be reviewed and updated to ensure sites that receive uplift under planning control changes, such as Council's strategic review and site-specific planning proposals are added to the sites capable of change map.

The Department carefully considered submissions from landowners and other submitters about which sites are identified as capable for change. One submission was received in relation to 80-84 Harris Street requesting identification as a site capable for change. The Department does not support this change as the site includes a locally listed heritage item, which excludes the site under the PPPS criteria.

In relation to concerns about sites that currently accommodate affordable and social housing development, the Department has identified some public housing sites as capable of change, on the basis as having *potential* for development in the future based on meeting the criteria under the PPPS. Any decision to redevelop these sites rests with the relevant Government agency being Land and Housing Corporation or community housing owner, such as City West Housing.

Council may consider excluded sites, in consultation with the landowners, as part of its strategic review of the Peninsula, which commenced in 2022. Alternatively, landowners may elect to progress a planning proposal to rezone their site(s). Council's process will involve further opportunities for the community to have their say about any proposed changes to planning controls, if proposed in relation to these sites.

5.4.1.3 Amendments

No amendments.

5.4.2 Powerhouse Museum and the Harwood Building

5.4.2.1 Issues raised

Around eight community submission and a local MP submission objected to the inclusion of the Powerhouse Museum as 'site capable of change'. Submissions highlighted the important

cultural and education value that the Powerhouse Museum brings to Pyrmont, and the need to retain the heritage value of the Harwood building.

5.4.2.2 Department's Consideration

The inclusion of the site identifies it meets the criteria identified under the PPPS for sites that have the potential to play a role to realise the vision for the future Pyrmont Peninsula. In June 2021, the government announced a significant investment to renew the Pyrmont Powerhouse Museum site to deliver expanded and refurbished exhibition and public space and connecting Powerhouse Ultimo to the Goods Line and adjacent dining, entertaining and cultural precincts. This work is being led by Create NSW.

5.4.2.3 Amendments

No amendments required.

5.5 Darling Island Sub Precinct

5.5.1 Existing Residential Uses

5.5.1.1 Issues raised

Around 20 submissions raised concern that the sub-precinct master plan for Darling Island failed to recognise the existing residential uses of the area alongside the identified recreational, cultural and entertainment uses. Specific issues included:

- Concern around noise impacts on residents from '24-hour activation' zones (also addressed in section 5.11)
- Decreased safety and security arising from increased foot traffic in and around Darling Island residential areas because of the proposed hotel on The Star's site, the Harbourside development and if the Australian National Maritime Museum moorings were to be relocated as suggested in the plans.

5.5.1.2 Department's Consideration

The characterisation of Darling Island was carried over from the PPPS into the sub-precinct planning. The PPPS describes this precinct as 'a place of entertainment, tourism and innovation', given that it hosts a range of key venues such as The Star Casino and the Australian National Maritime Museum, and is in proximity to the CBD.

The Department recognises the importance of considering all land uses in Darling Island and has updated wording in the sub-precinct master plan to better reflect there are also existing residential uses in this sub-precinct. As in the PPPS, the Darling Island master plan includes objectives that actively the opportunity to promote 24-hour economy activities that are balanced with a high-quality environment for residents (see for example, Big Move 2 in the Pyrmont Peninsula PPPS). More information on the Department's response to this issue can be found under section 5.6 below.

5.5.1.3 Amendments

Documents Amended: Urban Design Report

Explanation of Change: The short description of Darling Island sub-precinct in Section 4.3 has been updated to include references to residential uses in the area.

5.5.2 Pyrmont Bay Marina Bridge

5.5.2.1 Issues raised

Approximately 26 submissions objected to the inclusion of a bridge across the Pyrmont finger wharves. The main concerns were that it would restrict boat access to and from the existing

marina and boat berths, and argued that land-based access is already available between wharves.

5.5.2.2 Department's Consideration

The bridge was included as an opportunity to improve the connections between the Pyrmont Bay wharves, however based on community feedback, the Department has removed the proposed bridge from the peninsula-wide master plan and Darling Island sub-precinct master plan. The Department does not consider there to be significant implications to the way people can move around and access the foreshore areas as a result of the removal of this concept.

5.5.2.3 Amendments

Documents Amended: Urban Design Report

Explanation of Change: Removal of all references to a marina bridge in Darling Island sub-precinct, including Figure 1.5.1 (Master Plan Overview) and figures throughout Section 2 (Peninsula Wide Objectives) and Section 4.3 (Darling Island Sub-Precinct).

5.6 Entertainment Precinct (24-hour activation zones)

5.6.1 Issues raised

Around 26 community submissions outlined their concern with the proposed 24-hour activation zone, while three individual and five industry submissions provided their support. The concerns raised included:

- the loss of Pyrmont Bay Park as a quiet green space and buffer between residential areas on finger wharfs and The Star Casino
- reduced access to residential areas and marina berths
- amenity impacts, such as late-night noise and safety concerns.

Those supporting the zone did so on the basis of supporting post-COVID economic recovery, and potential for increased jobs and entertainment opportunities in Pyrmont.

5.6.2 Department's Consideration

Big Move 2 of the PPPS proposes 'A vibrant 24-hour cultural and entertainment destination' in accordance with the NSW Government's 24-hour Economy Strategy.

The sub-precinct master plans identified areas where uses, such as live music, night-time markets, Vivid-style events amongst others could be located based on consideration of the existing and future character of each sub-precinct.

The sub-precincts where this is most expected to occur are along the water's edge where these activities already occur, particularly in Darling Harbour and extending around to The Star and, in the future at Blackwattle Bay and the new Sydney Fish Market.

The 24-hour activation zone identified in the Darling Island Precinct was chosen because of its proximity to The Star and other entertainment areas (such as Harbourside, Cockle Bay and the CBD) as well as existing and future public transport. Importantly, the activation zone does not permit or foreshadow the construction of any new buildings; rather, it identifies existing space (Pyrmont Bay Park) as being strategically located for new community and cultural events.

In relation to the issues raised, the Department has confirmed at public community meetings, and in an adjusted Darling Island sub-precinct master plan that the status of Pyrmont Bay Park will not change other than the potential for temporary cultural and entertainment events, as happens in many public and open spaces across Sydney and at different times of the year. The Department has amended the identification of this area to better address this matter and notes the land use of Pyrmont Bay Park in LEP 2012 *is not proposed to change* from a Public Recreation zoning.

In relation to concerns regarding reduced access to residential areas and marina berths, it is noted that any temporary interruptions to access for events would be subject to approval processes with Council and alternate arrangements would be required to be put in place, as happens with outdoor cultural and entertainment events across Sydney.

In relation to adverse amenity impacts, the Department notes the serious concerns of the community regarding this. The PPPS identified the need to ensure the interface between 24-hour economy activities and residential properties will need to be managed through existing regulation and governance arrangements to ensure that there are no detrimental impacts to residents' amenity. Any proposals for temporary 24-hour activities would need to be considered by Council and may be subject to mitigation or management measures to ensure an appropriate balance can be achieved between activating public spaces to promote the 24-hour economy and residential amenity.

The PPPS 'Big Move 2' aims to support new opportunities for events, entertainment and culture in Pyrmont, including through the night-time economy while responding to the existing residential uses in the area. However, noting community concerns around the zone, further refinements have been made to the Urban Design Report to clarify the intent of the zone, the range of time-periods.

5.6.3 Amendments

Documents Amended: Urban Design Report

Explanation of Change: In response to community concerns, the following clarifications have been made:

- The 24-hour usage has been clarified to mean a 24-hour period that could contain a range of internal and external activities to support activation and events associated with the evening and night-time economy. Depending on the type of activity, they could take place in internal venues or open spaces.
- The 24-hour zone has been refined to differentiate between areas that would be suitable to host different activities or events including:
 - 12-hour areas that could facilitate daytime activity in areas adjacent to residential uses such as markets.
 - 18-hour areas, located in public open spaces directly adjacent to 24-hour venues, including dining and outdoor events that could host larger events like community festivals or cultural events
 - 24 hour - indoor venues with 24-hour trading.
- Public open spaces such as Pyrmont Park will remain available and accessible to local residents, with the potential for some additional activity throughout the year. Any events held on public open space will require Council approval.
- Revised illustration of 24-hour areas in Darling Island sub-precinct in relation to Pyrmont Bay Park to confirm no loss of public open space
- Identification of the need to address amenity considerations for residents has been included under the Pyrmont Bay Park character area, further supporting existing wording in the PPPS.

-
- The 24-hour activation zone has also been renamed as an 'Entertainment Precinct' to better reflect the intent of the zone as enabling generous waterfront spaces to be used for larger events and gatherings across different times of the day.

5.7 Building Height Controls

5.7.1 Building Heights and Density

5.7.1.1 Issue raised

Around 30 submissions were received that raised concern or commented on proposed building heights and density throughout the peninsula, with the majority of these received from community members. The submissions brought forward the following concerns:

- a) Pyrmont is already a very dense urban area and should not have to cater to additional population density
- b) General concerns with increasing building heights and densities throughout the Peninsula for reasons such as impacts on views, reduced solar access, more wind in the streets and additional traffic and specific building concerns in relation to The Star Casino, metro site east and the height 'Transition Zone'
- c) Concerns with increased heights at key sites including The Star, Blackwattle Bay and Harbourside and the new Pyrmont metro station site (metro east site).

5.7.1.2 Department's consideration

The Department acknowledges there are different views in the community and stakeholders about whether the Peninsula can accommodate more growth, how that growth should be accommodated and what important parts of the area should be enhanced and protected. This was addressed as part of the exhibition and finalisation of the PPPS.

The Economic Development Strategy (EDS) and the PPPS prepared in 2020 confirmed the area can accommodate growth and change forecast this growth could accommodate around 23,000 new workers and 8,500 new residents with an updated infrastructure framework.

The analysis underpinning the PPPS released in 2020 confirmed that subject to a place-based approach to planning, design, and infrastructure in the area the forecast growth and change could be accommodated and balanced with the local character, heritage and amenity of the area. This includes the provision of city-shaping infrastructure investment in the form of a new Pyrmont metro station on the Sydney Metro West line, which will provide new connections and support already high levels of public and active transport in Pyrmont.

In relation to general concerns with building heights and densities, this must be consistent with the Structure Plan of the PPPS and the new sub-precinct master plans, which identify the sub-precincts best suited to growth and change (Darling Island, Tumbalong Park, Ultimo and Blackwattle Bay) and those that should experience more incremental and lower levels of growth (Pirrama, Pyrmont Village and Wentworth Park). The proposed rezoning of key and metro sites are within these sub-precincts with the exception of metro west site, which is limited to a station access and infrastructure only and will not have a tower above.

In relation to potential resultant impacts to views, solar access, wind and traffic, the Department notes:

- important views are identified to be preserved and enhanced across the Peninsula, particularly views to the water under the new sub-precincts master plans (refer Section 2.4 of the Urban Design Report)
- sunlight to public and open spaces is a fundamental consideration that will guide new development through the establishment of new sun access planes to protect sunlight to public and open spaces across the Peninsula (refer Section 3 of the Urban Design Report)

-
- wind studies will be required for all new tall buildings in the Peninsula and the Department's wind assessment notes this is a particularly important consideration for development on the water's edge
 - the Department's Transport Assessment confirms the potential increase in traffic from the proposed rezoning of the key sites and metro sites can be managed with the existing transport network noting one of two sites to be rezoned would enable a new metro station and public transport connection.

All future proposals will be subject to development assessment processes, which will include public exhibition. Reference can be made to earlier sections of this report for specific concerns raised in submissions relating to the heights of The Star Casino (Section 5.1.1), UTS (Section 5.1.2), the new Pymont metro sites (Section 5.2) and Blackwattle Bay and Harbourside (Section 5.3).

Finally, some submitters did not support the proposed 'Transition zone' in the height strategy of the sub-precinct master plans as it would introduce tall buildings in areas where this is considered inappropriate. The Department considers this zone provides necessary guidance to landowners and the community of an area in the Peninsula, generally where the Harris Street ridge line steps down to the water edge, that new development must follow this transition down from potentially taller buildings elsewhere in the Peninsula. The Department has made revisions to the Height Strategy principles to improve 'plain-English' descriptions and adjusted figures to improve the identification of where the transition zone starts and ends, including the addition of a section to address uncertainty about how it applies.

Overall, it is considered that the proposed rezoning to be consistent with the PPS Structure Plan and sub-precinct master plans, which support new development forecasts under the EDS in areas that are best suited to growth and change. The Department is satisfied the general concerns raised in submissions are addressed in the sub-precinct master plans through the application of robust principles requiring careful consideration of precinct views to the water's edge, protection of sunlight to public and open spaces, appropriate wind analysis to support new development and the traffic implications would be acceptable.

Council's strategic review of the Pymont Peninsula will investigate, test and evaluate new planning controls, including building heights on sites capable for change. This work will involve further consultation with community and stakeholders between July and September this year.

5.7.1.3 Amendments

The Department has refined the Urban Design Report, particularly the height strategy and principles to address feedback from the community this section was difficult to interpret, and did not provide certainty of an outcome. Specifically, the amendments include:

- reviewing the height objectives in Section 3 of the Urban Design Report
- including annotations in the height strategy map on page 37 of the Urban Design Report to confirm where different height zones start and end.
- including a new section of the Transition Zone to address uncertainty about how it applies across the Peninsula

5.7.2 Sun Access Planes

5.7.2.1 Issue raised

A small number of landowners objected to the inclusion of sun access planes and no additional overshadowing controls on the basis this may limit the potential height of new development on sites near public and open spaces.

There were also some comments from community and other stakeholders querying the purpose of the sun access planes and a query that identified errors in some coordinates in a sun access plane.

5.7.2.2 Department's Consideration

The PPPS and sub-precinct master plans address the need to provide guidance for how tall buildings outside of these areas can be accommodated. Specifically, Direction 2 of the PPPS requires new development to complement and enhance the area and defines several height principles to be considered in sub-precinct master planning. One of the height principles under this direction is to protect sunlight to parks and open spaces based on areas of protection identified in Figure 2.1.1 of the *Pymont Peninsula PPPS Volume II Strategic Framework* prepared in 2020 (refer Figure 25 below).

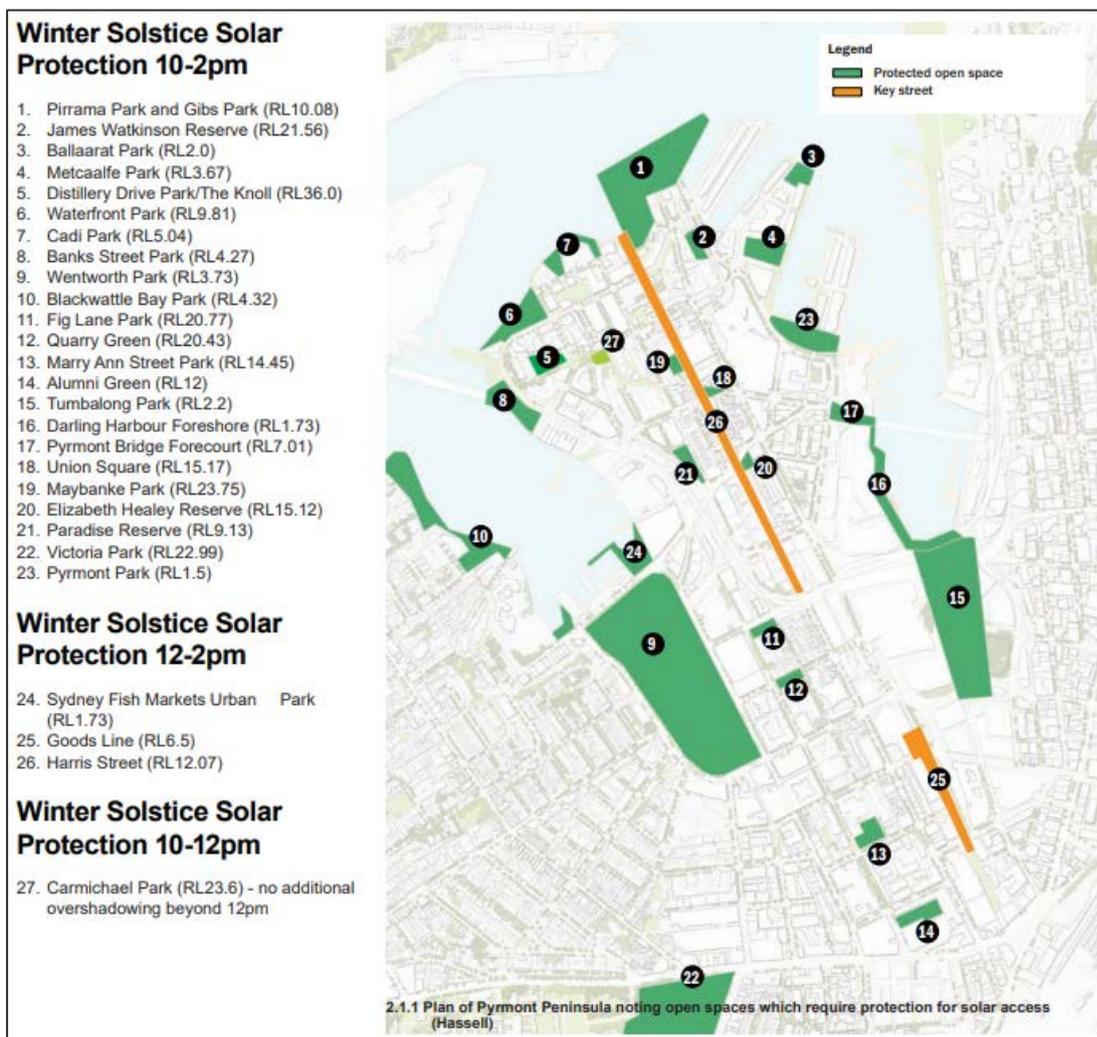


Figure 25 – Figure 2.1.1 from the PPPS Volume II Strategic Framework, 2020

These new controls provide guidance to new development and tall buildings to ensure that where development does occur, it does not detract from the amenity of sunlit public spaces, which were an important part of the character and attractiveness of Pymont as a place to live, work and visit.

Not only do attractive, well-maintained, and sunny public and open spaces create vibrant and attractive places for residents and visitors but also workers who seek natural light during the middle of the day, which in turn supports the provision of additional employment floor space for new workers in the area.

In consultation with Council, the Department has prepared sun access planes to set clear expectations that new development is to avoid overshadowing existing public and open space. In some cases, the requirement is for no additional overshadowing and/or a merit-based approach depending on the analysis of the current sunlight in the area (refer to Figure 22).

This represents a balanced approach based on further testing that was undertaken as part of sub-precinct master planning to confirm the proposed sunlight protections are appropriately calibrated to ensure development potential for new and tall buildings is available across the Peninsula while retaining sunlit public parks and open spaces.

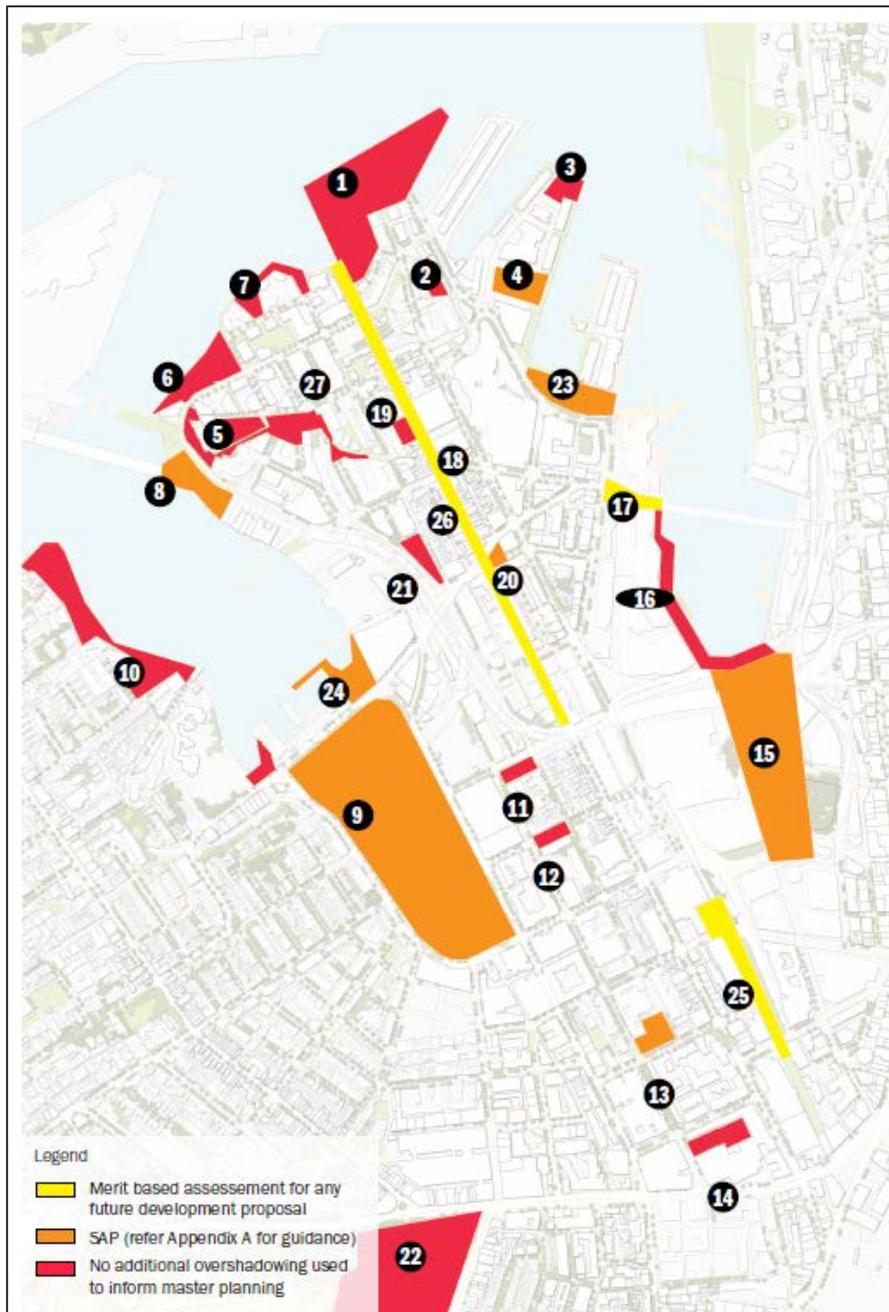


Figure 26 - Open spaces which require protection for solar access

(Urban Design Report, Hassell, 2022)

The sun access planes will guide work by others, including Council and individual landowners in preparing Planning Proposals to consider and assess appropriate new maximum building heights for LEP 2012 that protect sunlight to public and open spaces. This will assist in ensuring taller buildings are in areas and on sites that have less potential to cause overshadowing to key public and open spaces that contribute to the character and amenity of Pyrmont.

In relation to the informal feedback received about errors, the Department has reviewed all sun access plane coordinates and made updates to correct these in the final version. In addition, the sun access plane technical information has been relocated to an Appendix in the Urban Design Report to improve the readability by relocating technical information.

5.7.2.3 Amendments

The Department has refined the Urban Design Report to:

- include additional explanatory notes regarding the role and function of sun access planes and the history of their use in the City of Sydney council area.
- corrected some errors in the coordinates for some sun access planes in response to specific queries.
- relocated the sun access planes, which are predominantly technical information, to the appendix.

5.7.3 Transition Zone

5.7.3.1 Issues raised

Around eight submissions raised concerns with the proposed height transition zone. Specific issues included confusion around the wording and intent of the zone, and that it represented a new height element that was not originally identified in the PPPS.

5.7.3.2 Department's Consideration

Under Direction 2 of the PPPS, the Department identified the need to further refine height principles in sub-precinct master planning, which has resulted in the introduction of the height strategy in Section 3 of the Urban Design Report.

The Department has reviewed the height strategy section of the Urban Design Report to improve the clarity and intent by:

- reviewing the description of each height strategy zone
- including annotations in the height strategy zone map to identify where different zones start and end in the Peninsula
- reviewing and consolidating some height principles to improve clarity.

In relation to the comment that this represented a new element not part of the PPPS, the Department confirms this is correct. The height strategy has been developed as part of the sub-precinct master planning process during 2021 based on the height principles under Direction 2 of the PPPS. It was part of the Urban Design Report that was released on public exhibition from 26 November 2021 to 4 February 2022.

The purpose of the height strategy is to provide an additional layer of guidance for how *new development* should consider height across different parts of the Peninsula and based upon the Structure Plan in the PPPS.

Specifically, the transition zone is an area where new development must ensure height complements and enhances the area by stepping down to the predominantly low to medium rise development around the water's edge at the northern end of the Peninsula.

The positioning of this zone has been designed to (see Figure 27):

- align with the areas under the Structure Plan in the PPPS where taller buildings and more density area expected
- align with existing tall buildings and density at Distillery Hill
- moderate height based on the topography of the area, so taller buildings are generally set against the Harris Street ridgeline.

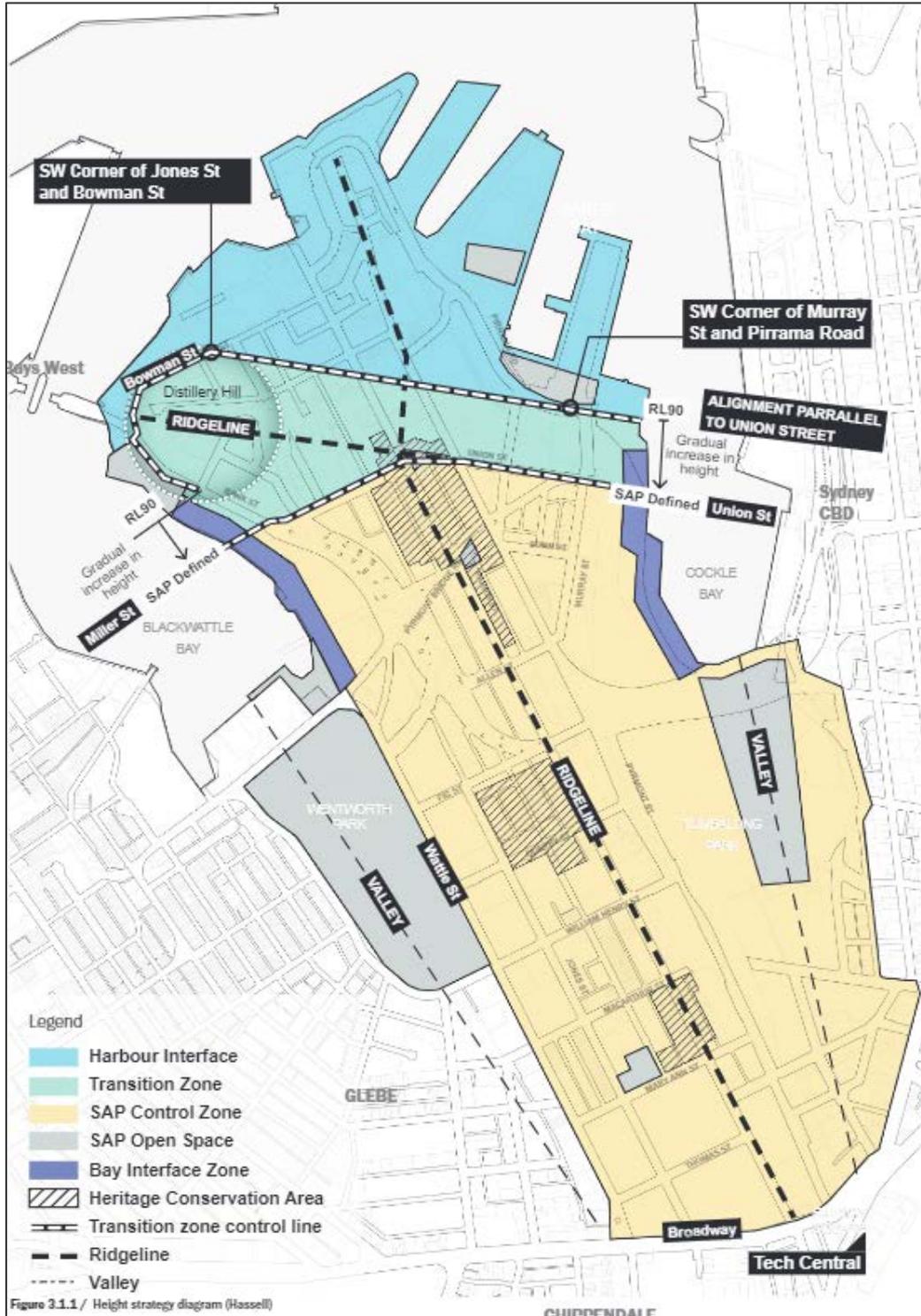


Figure 27 – Revised diagram showing the application of the height strategy principles across the Peninsula

(Urban Design Report, Hassell, 2022)

The Department considers it is important to note the height strategy and transition zone does not grant additional height. Rather, they provide guidance for how any future increase in building height under the LEP should be contemplated, noting that the ability for any single development to access the maximum potential height is subject to an assessment of a development application under the EP&A Act. Relevant considerations such as solar access, wind impacts, streetscape and design, public domain experience, alignment with land uses under the EDS, design excellence, sustainability and public benefits, which may also moderate building heights within these zones.

The Department has reviewed Chapter 3 of the Urban Design Report and has updated this chapter to clarify the objectives for the transition zone and improve graphics to demonstrate the intent of the zone in response to feedback from community it was difficult to determine the extent and application of the zone.

5.7.3.3 Amendments

The Department has reviewed the height strategy section of the Urban Design Report to improve the clarity and intent by:

- reviewing the description of each height strategy zone
- including annotations in the height strategy zone map to identify where different zones start and end in the Peninsula (refer Figure 27)
- improving the depiction of the height strategy in the addition of sections
- reviewing and consolidating some height principles to improve clarity.

5.8 Consultation

5.8.1 Aboriginal Engagement

5.8.1.1 Issue raised

Aboriginal Affairs NSW and the Council made submissions raising concern about the lack of Indigenous engagement involved in the preparation of the Pymont Peninsula sub-precinct master plan package.

5.8.1.2 Department's Consideration

During the preparation of the PPPS, the Department was unable to engage with Aboriginal knowledge holders due to government COVID-19 restrictions in 2020. The PPPS acknowledged this limitation to the work (refer Page 19 of the PPPS) and identified the need to address this matter in future work.

As part of the preparation of the sub-precinct master plans and implementation phase of the PPPS in 2021, the Department undertook further work to engage with Aboriginal knowledge holders and prepare a cultural values assessment. This work was further affected by government COVID-19 restrictions in 2021 and delivery issues.

Reflecting the Department's ongoing commitment to resolve this outstanding work, the Department undertook targeted stakeholder consultation with the Metropolitan Aboriginal Land Council, Department and Council Aboriginal cultural advisors. This consultation identified the following key issues, including:

- the lack of Aboriginal ownership of land across Sydney
- the need for greater and free access to the natural environment, including water to support health and wellbeing outcomes for Aboriginal people
- importance of creating open spaces that actively support Aboriginal cultural practices and
- opportunities for renaming or dual naming across Pymont.

In response to this feedback, the Department has identified the potential for delivery of Aboriginal cultural infrastructure in the area noting this would require further investigation, funding, and delivery responsibility by others. The Department has also ensured the sub-precinct master plans reflect the potential for these items to be realised in the Peninsula over time as growth and change occurs, particularly through the application of Connecting with Country principles.

Further to this consultation, the Department has engaged an Aboriginal cultural design advisor to complete this work, which will involve analysing opportunities for Connecting with Country, research, including consultation with Aboriginal knowledge holders to inform a Reading of Country and a final phase of Designing with Country.

The Department has included a new section (section 2.1) of the Urban Design Report to incorporate our approach to Indigenous Inclusion and Country-Centred Design Principles, which will apply to and guide new development. This further work will be published following the finalisation of the sub-precinct master plans and rezoning and be available to inform the next stages of work undertaken by Council and TfNSW in the area.

Subject to the above, the Department is satisfied the final work will incorporate Connecting with Country principles to inform new development in the Peninsula and the next stages of planning, design, and infrastructure work by others.

5.8.1.3 Amendments

The Department has:

- commissioned further work to address the gap in our work resulting from government COVID-19 restrictions, which will be utilised by Council and TfNSW in their further stages of work alongside their own Aboriginal cultural work
- amended the Urban Design Report to include a new section and our approach to Indigenous Inclusion and Country-Centred Design Principles.

5.8.2 Community Consultation

5.8.2.1 Issues raised

Around 22 submissions were received from community, landowner, industry groups and local MP's regarding the consultation process. The key issues raised included:

- lack of consultation
- inconvenient timing of consultation over the Christmas and New Year break, including further government COVID-19 restrictions
- a call for more community involvement in the preparation of plans and consideration of issues
- consultation fatigue due to the number of public consultations over recent years by landowners, government agencies and others in and around the area
- the final plans do not reflect or address community feedback.

5.8.2.2 Department's Consideration

The Department has undertaken consultation since early 2020 during the preparation of the PPPS through to the exhibition of sub-precinct master plans, including:

- informal consultation of 10 Directions for the PPPS (March 2020)
- formation of a community and stakeholder group during May and June 2020
- public exhibition of the draft Pyrmont Peninsula PPPS (July 2020)
- appointment of community observers as part of the State Design Review Panel sessions for The Star and UTS key site master plans.

In relation to the public consultation on the Pymont Peninsula sub-precinct master plan and rezoning package, the Department consulted with the community and other stakeholders through:

- an extended 10-week public exhibition
- providing opportunities for in-person drop-in sessions in Pymont and online webinar information sessions
- providing 'phone a planner sessions' for community and stakeholders to speak directly to a member of the planning team
- briefing to the Pymont Action Inc.

The Department undertook an extended 10-week exhibition to consult with the public and stakeholders on the sub-precinct master plans and rezoning package recognising the inconvenient timing of the exhibition over the Christmas and New Year break. This exhibition period is more than double the minimum required under the EP&A Act. The Department undertook consultation events both before and after the holiday break to ensure community and stakeholders had an opportunity to engage and consult on the draft plans and rezoning.

The Department notes there will be further opportunities for the community and stakeholders to have their say as part of the next phases of work to be led by Council and TfNSW in the area.

Finally, the Department has set out in this document how it has considered and addressed feedback from the community and other stakeholders and what changes have been made in response to address issues. The Department considers all issues have been addressed in the finalisation of the sub-precinct master plans and rezoning package.

5.8.2.3 Amendments

No amendments were required.

5.9 Infrastructure Contributions

5.9.1 Infrastructure Delivery Plan

5.9.1.1 Issues raised

Some submissions raised concern about infrastructure delivery, including the feasibility of proposed infrastructure contributions on new development, particularly the proposed Special Infrastructure Contribution and the Government's proposed infrastructure contribution system reforms.

5.9.1.2 Department's Consideration

The Department exhibited an Infrastructure Delivery Plan (IDP), which describes how the infrastructure planning framework for the Pymont Peninsula will be reviewed and adjusted over time to support growth with infrastructure delivery. The IDP provides additional detail and updated information based on ongoing consultation with stakeholders, urban design analysis, feasibility analysis and development contribution testing. It includes an updated and refined infrastructure schedule, estimated income from local infrastructure contributions scenarios, and updated information about how infrastructure works can be funded and potential responsibility for delivery.

The infrastructure planning framework will be updated to include:

- an updated local infrastructure plan to be prepared by Council as part of its Strategic Review of the Pymont Peninsula
- requirements for key sites to deliver public domain and improvements such as through-site links secured in Design Guidelines, development applications through

planning agreements or conditions of development consent applied by the consent authority in assessment processes

- update and align the existing affordable housing contribution program to be consistent with Council's broader approach in the local government area to be undertaken by Council
- introduction of a new Pymont Peninsula Special Infrastructure Contribution, which will fund part of the new Pymont station
- contributions from the State budget to fund the new Pymont station and other items subject to further investigation and business case decisions

These mechanisms are subject to change as the Government's infrastructure contribution system reforms are progressed. This may involve the application of a Regional Infrastructure Contribution (RIC) to the area and subject to further investigation the Pymont Peninsula SIC may be transitioned to a Transport Project Component of the contribution (see Section 5.6.2 below for more information).

Subject to the implementation of the new system and necessary design, funding and delivery investigations, many of the State and regional items that are required to support growth could be considered for prioritisation and funding under the proposed new RIC.

In relation to concerns from landowners, industry and others about the cost of infrastructure contributions, particularly the proposed Special Infrastructure Contribution, refer to Section 5.6.2 below.

5.9.1.3 Amendments

The IDP has been reviewed and minor revisions have been made in response to feedback received in submissions during the public exhibition, including:

- updates to the report to align with the progression of other work and investigations
- response to feedback from submissions received from INSW, Council and community, industry and landowners submitters
- updates to indicative infrastructure staging, sequencing, funding and delivery

5.9.2 Special and Regional Infrastructure Contributions

5.9.2.1 Issues raised

Approximately 13 submissions were received regarding contribution charges.

Generally, submissions were either supportive of the contributions from development to fund new or enhance infrastructure or sought clarification around future application. Other stakeholders, including landowners, development industry groups, and Council was concerned by the proposed Special Infrastructure Contributions (SIC) and raised concerns with:

- the cumulative impact that the SIC would have on development feasibility in addition to any potential future contribution charges applied in the Peninsula
- where and how it would apply
- whether it would limit urban renewal opportunities.

Council was concerned whether the SIC feasibility analysis carried out by the Department had assumed existing local infrastructure contribution rates (under section 7.11 of the EP&A Act) or considered potential future local infrastructure rates based on Council's preference for a new local infrastructure plan with a 3% charge on new development (under section 7.12 of the EP&A Act).

Some submissions also raised concern with the potential implementation of a Regional Infrastructure Contribution (RIC), which is currently being considered by Government. Specific concerns included how the proposed SIC would apply under a new RIC framework and the implications of the RIC in addition to the SIC.

5.9.2.2 Department’s Consideration

The Department’s exhibition included information on the proposed SIC, including feasibility analysis that informed the contribution rate and confirmed that new development would continue to be viable in the area along with a proposed SIC.

The exhibition brochure for the SIC stated:

“Once the proposed Regional Infrastructure Contribution (RIC) framework is implemented, the proposed Pyrmont SIC is intended to be transitioned into the new system. As the proposed Pyrmont SIC is a contribution towards the Sydney metro station, the proposed SIC – subject to approvals and public consultation – will inform the implementation of the RIC framework as a Transport Project Component”.

The Department’s feasibility analysis did evaluate this outcome and consider development would continue to be viable with a future potential RIC and Transport Project Component (TPC) in Pyrmont. In response to these submissions, the Department has reviewed the feasibility analysis to address and confirm this issue more explicitly. On this basis, it is considered that the proposed SIC and potential future RIC and TPC would not limit urban renewal opportunities in the Peninsula, in addition to other local contributions payable to council, including contributions towards affordable housing.

In relation to where and how it would apply, the Department exhibited the Pyrmont Special Contributions Area (SCA) (refer Figure 28) showing where the SIC would apply to all new residential and non-residential development.

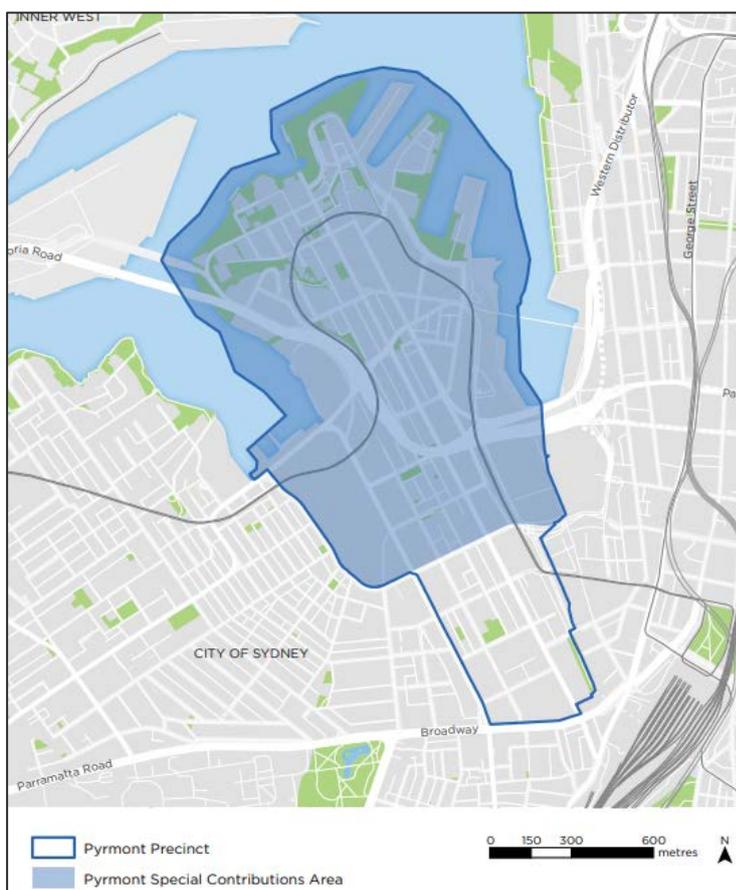


Figure 28 – Draft Pyrmont Peninsula Special Infrastructure Contribution Area

(Proposed SIC brochure, DPIE, 2021)

The proposed contributions area did not include Ultimo sub-precinct due to its proximity to Central Station and this walking catchment.

To address concerns regarding where the SIC would apply, and to ensure only development benefiting from uplift due to improved access to the Pymont metro station, a revised SCA has been established. The revised area is reduced in size and more closely reflects the areas containing the sites capable of change identified in the PPPS (refer to Figure 29).

For the purposes of the SIC the sites capable of change within the SCA have been identified as “urban intensified sites.” The SIC will apply to all new development which occurs because of a change to the LEP development standards or rezoning on these sites. These are also shown in Figure 29.



Figure 29 – Pymont Peninsula Special Infrastructure Contribution Area (pink) & Urban Intensification Sites (blue outline) map

To address the concerns from some landowners and industry submissions regarding the potential impact on development feasibility, the SIC will include transitional arrangements to phase in the total charge over a period of 24 months. This will enable some time for the market to adjust, noting the concept of a value capture charge was flagged alongside the announcement for the new Pymont metro station in 2020 and has been subject to an exhibition brochure in 2021/2022. It will also provide some relief from the economic downturn brought on by the COVID-19 pandemic.

For development applications determined in the first 24 months, a discount will be applied to the SIC before the full rates are adopted:

- first financial year (at any time before 1 July 2023) – the amount that would otherwise be payable is reduced by one half
- second financial year (at any time between 1 July 2023 and 30 June 2024) – the amount that would otherwise be payable is reduced by one quarter.

5.9.2.3 Amendments

Documents Amended: SCA where the SIC will apply and the Feasibility Analysis of Special Infrastructure Contributions (Atlas Economics July 2022).

Explanation of Changes: The SCA was amended to reflect more closely the sites capable of change to ensure the SIC will apply only to development benefiting from uplift through a change to the LEP development standards or rezoning.

Additional impact testing has been completed to test the implications of a local contribution under s7.12 (at 3% of development cost) instead of under s7.11 at current rates. The testing found that while local contributions for non-residential development would increase under a s7.12 framework, there is sufficient capacity to accommodate contributions under s7.12, plus a 1% affordable housing contribution and the proposed SIC charge. Based on this additional testing, development would remain feasible based on industry standard parameters for development.

The Study also tested two additional scenarios with relation to land within the draft SCA (i.e. all sub-precincts in the Peninsula except Ultimo). Testing was undertaken to determine the capacity of the land to pay:

1. a flat rate SIC applied to development within the draft SCA; and
2. two rates (low base rate and additional rate) applied to development within the draft SCA.

The testing confirmed development would have a capacity to pay under each scenario and remain viable.

5.9.3 Affordable Housing

5.9.3.1 Issues raised

Around 10 submissions commented on affordable housing across the community, landowners and industry bodies with the majority raising points around the proposed affordable housing contributions. Issues and comments included:

- queries on the assumptions made in the testing of the contribution rates
- support for and opposition to the proposed affordable housing contribution rates
- support for the ongoing provision of affordable housing in Pymont
- concern regarding the potential loss of existing affordable housing in Pymont
- submission from The Star regarding an inconsistency between 1% and 12% rate.

5.9.3.2 Department's Consideration

In response to these submissions and issues, the Department has undertaken a review of the Affordable Housing Feasibility Study and confirmed the assumptions and testing is accurate and final. The testing confirms the ability for new development to pay affordable housing contributions in addition to a SIC and local infrastructure contributions, and remain viable.

The proposed affordable housing rates will be applied via LEP 2012 to the sites subject to rezoning - The Star Casino, UTS and the two Pymont metro sites. Council, as part of its stage of work will expand the City of Sydney Affordable Housing Program to apply to the Pymont Peninsula and will therefore then apply to all sites capable of change.

In terms of the mixed support for this approach, the Department notes Pymont has benefited from one of the earliest affordable housing schemes 'City West' and the proposed amendments would continue the legacy of development in the area contributing to affordable housing provision.

In relation to concerns regarding the loss of existing affordable housing in Pymont, the Department is not proposing any changes to existing affordable housing.

Finally, there is an inconsistency between the Department's Exhibition Discussion Paper and the Design Guidelines applying to The Star Casino, which stated two different rates: 1% and 12%. The Department confirms this is a misdescription and the appropriate rate for a commercial development (such as a hotel) is 1%. A 12% rate applies only to residential uplift. No residential development is permitted on The Star Casino site under current or proposed new planning controls.

5.9.3.3 Amendments

Documents Amended: Affordable Housing Feasibility Study (Atlas Economics July 2022) and Design Guidelines.

Explanation of Changes: Minor updates to the report were made to confirm and clarify the methodology used in the feasibility testing, however no changes were made to the report's analysis or findings.

5.10 Public Open Spaces and Recreation

5.10.1 Maybanke Community Centre

5.10.1.1 Issues raised

Around nine submissions were received in relation to the Maybanke Community Centre and/or the illustration of a potential future Maybanke Park Character Area in the Pymont village sub-precinct master plan. The key issues raised included a commitment to more substantial upgrades to existing facilities, concern that some facilities were removed for landscaping and general lack of support for the concept illustrated.

5.10.1.2 Department's Consideration

The intent of the illustration was to show what a future upgraded facility might look like rather than confirm the extent of any future changes. The Maybanke Community Centre is a Council managed community facility and, as such, it will be a matter for Council to determine the extent and type of upgrade or improvement proposed for the Centre. Importantly, the upgrade has been included in the list of infrastructure items in the IDP for further investigations.

In relation to the representation of Maybanke Character Area in the master plan, this figure has been removed to avoid any confusion about possible future works.

5.10.1.3 Amendments

Documents Amended: Urban Design Report

Explanation of Change: Removal of figure depicting what area could look like and refinement of objectives.

5.10.2 Pyrmont Bay Park

5.10.2.1 Issues raised

Approximately 26 community submissions objected to the proposed 24-hour zone applied over Pyrmont Bay Park based on concerns that it would lead to the loss of public open space and result in adverse amenity impacts to nearby residents.

5.10.2.2 Department's Consideration

The identification of a 24-hour zone is consistent with 'Big Move 2' of the PPPS, which calls for "A vibrant 24-hour cultural and entertainment destination". The PPPS described this as including new space for entertainment, events, cultural attractions (e.g., markets, music or art shows), enabling better connections to promote wayfinding and activate public domain, investigate streets as shared spaces to encourage outdoor dining and enable a range of creative and cultural uses, amongst others.

The key sub-precincts identified for these types of activities were those along the water's edge, particularly Tumbalong Park at Darling Harbour, which features a number of entertainment, event and cultural attractions including the ICC, the Australian National Maritime Museum, Darling Island, which features The Star Casino and Lyric theatre and a number of restaurants and bars, some along finger wharves and in Blackwattle Bay sub-precinct around the new Sydney Fish Market, which is under construction.

Residents and members of the community were concerned about the potential amenity impacts of such use near residential properties. As noted in the PPPS, the interface between the 24-hour economy uses and local residential amenity will need to be managed through existing regulation and governance. This means 24-hour activities remain subject to the usual assessment process to consider whether these uses can be undertaken with or without mitigation and management measures to protect residential amenity. Subject to this requirement, which exists under current legislation, the Department considers the proposed 24-hour zone would not introduce new uses that unduly interrupt the amenity of residents.

The Department has clarified in a revised sub-precinct master plan, particularly for Darling Island, the proposed 24-hour zone would not change the status of existing public and open space. There are no plans to reduce or restrict access to Pyrmont Bay Park or change the current land use zoning of Pyrmont Bay Park, which is Public Recreation (RE1).

5.10.2.3 Amendments

Refer to Section 5.6.

5.10.3 Harbour Pool

5.10.3.1 Issues raised

Around four submissions discussed a harbour pool for Pyrmont, including both support for and against.

5.10.3.2 Department's Consideration

The potential for a harbour pool in or near Pyrmont has been recognised in the Pyrmont Peninsula PPPS for investigation. This is a longer-term aspiration that relies on environmental assessments to consider factors such as water quality to inform a suitable location, amongst other considerations. This work is outside the scope of this phase of implementation of the PPPS and expected to occur as part of other processes, such as the state significant precinct process for Blackwattle Bay by INSW.

The Department has revised the IDP to reflect this item as an aspiration requiring further investigation (as reflected in the PPPS). The opportunity for a harbour pool will be updated in the IDP to be 'peninsula-wide'.

5.10.3.3 Amendments

Documents Amended: Urban Design Report; Infrastructure Delivery Plan

Explanation of Change: All depictions of a pool have been removed from the Urban Design Report, reflecting that a future location is still to be scoped. Item O6 has been removed from the IDP.

5.10.4 Union Square

5.10.4.1 Issues raised

Several community submissions were made requesting updates to Union Square to improve pedestrian and cyclist safety and enhance community gathering opportunities.

5.10.4.2 Department's Consideration

Union Square has been identified in the Pyrmont Village sub-precinct master plan as an important connection between the new Pyrmont metro station and Blackwattle Bay. The sub-precinct master plan provides indications for how Union Street could be transformed to better reflect the future movement and place function, particularly with an increased flow of pedestrians to and from the Pyrmont metro station sites. This could involve considerations about the function of Union Square and a whether any complementary upgrades or changes are required but would be subject to consultation and input from Council, which is the owner and manager of Union Square.

TfNSW is preparing a Pyrmont-Ultimo Transport Strategy, which will investigate the transport priorities for the next 10 years. This will consider the prioritisation of works in relation to Union Street and any other network upgrades required, such as to Union Square. This will involve input from Council.

To inform these investigations by others, the Department has incorporated a minor change to the depiction of Union Square to indicate the potential for any future improvements to investigate improvements to pedestrian and cyclist safety. The Department considers this addresses the issues raised in submissions.

However, there are no current plans to upgrade Union Square. Should a future need arise, this may be investigated by Council.

5.10.4.3 Amendments

Documents Amended: Urban Design Report

Explanation of Change: Minor edit to indicative street section for the Union Street Character area to reflect the need to investigate pedestrian and cycling safety.

5.11 Transport

There was clear support from the community for increased public transport and walking and cycling options in Pyrmont. For example, the delivery of the new Pyrmont Metro station and the walking and cycling loop are new infrastructure that many submissions welcomed. Others highlighted a variety of considerations around existing and future bus routes and options for future ferry wharves.

The work undertaken by the Department enables a range of transport infrastructure across the Peninsula, with a commitment from Transport for NSW (TfNSW) to explore delivery options. To this end, TfNSW are currently preparing a transport plan for the Pyrmont peninsula in collaboration with the Department and the City of Sydney.

5.11.1 Pyrmont metro station

5.11.1.1 Issues raised

Some submissions supported the new Pyrmont metro station, while others made suggestions regarding the introduction of the new metro station, such as the provision of a police station as part of the station.

5.11.1.2 Department's consideration

The proposed new Pyrmont metro station will connect Pyrmont on the Sydney Metro West line to other key centres in Sydney, particularly the Sydney CBD, the future Bays West precinct, Sydney Olympic Park, Parramatta and Westmead (amongst others).

The provision of a new Pyrmont metro station is expected to significantly improve the way people move around the area and access jobs, education, services and other activities. The new metro station is likely to improve the existing high levels of walking and cycling in Pyrmont and continue to support a low car ownership levels compared to the rest of Greater Sydney (refer to the Department's *Place-Based Transport Assessment 2020* for more information). Other benefits are identified by Sydney Metro at sydneymetro.info/west/project-overview.

The new Pyrmont metro station will support the vision of the PPPS for Pyrmont to play a greater role in the productivity of the Eastern Harbour CBD and the Innovation corridor by enabling forecast growth of up to 23,000 new jobs and around 4,000 new homes over 20 years. The new station is consistent with the vision and Big Move 3 under the PPPS to 'Connect to Metro'. The Department is satisfied that subject to the recommended planning controls for the metro sites east and west (refer section 5.6 above), that the delivery of the new metro stations will occur in a place-based and integrated way as part of the sub-precinct master plans.

In relation to the suggestion for a police station, this is a matter for the NSW Police to consider how it provides services to the community in Pyrmont.

Overall, the Department is satisfied the proposed metro station would deliver significant local and city-shaping benefits to the Pyrmont area and be accommodated in a way that complements and enhances the area under the new vision for the future of Pyrmont.

5.11.1.3 Amendments

No amendments required.

5.11.2 Bus Routes

5.11.2.1 Issues raised

A small number of submissions were received raising concern with the frequency of bus services in the area, the bus routes not connecting local services, reduction of stops and objection to a proposed new bus route along Harris Street.

5.11.2.2 Department's consideration

The Department recognises some members of the community have raised concerns regarding the current bus network services in and around the Pyrmont area, particularly that these do not reach important services, including Broadway shopping centre and the Royal Prince Alfred Hospital.

The Department's Place-based Transport Strategy (2020) and sub-precinct master plans (2022) investigated the potential for a dedicated bus corridor along Harris Street to improve the way people move around Pyrmont and better utilise existing road space. The Department has heard concerns about the potential for fewer stops and the route beyond Pyrmont. The Department notes the proposal is for an investigation of this potential new bus route, which will be further considered by TfNSW in its Pyrmont-Ultimo Transport plan and with input from Council and further community consultation.

The Department considers there is sufficient opportunity for these issues to be further considered by TfNSW as part of its work noting the sub-precinct master plans confirm the potential for investigation and not a final route.

A dedicated bus corridor down Harris St is a key element to the future of Pyrmont and its delivery is reflected in the IDP. All future decisions around the provision of bus services and related infrastructure will be determined by TfNSW who will carry out its own community consultation processes.

5.11.2.3 Amendments

No amendments required.

5.11.3 Ferry Wharves

5.11.3.1 Issues raised

Approximately five submissions were received addressing the ferry wharf, with comments relating to:

- the need for more public ferry stops in Pyrmont
- suggestions to re-purpose the casino wharf into a public ferry stop
- lack of support for the proposed Cadi Bay ferry wharf, due to access issues (located at the bottom of steep stairs) and safety concerns (located in a poorly lit area away from shops and other services).

5.11.3.2 Department's Consideration

In response to submissions, the Department has reviewed the proposed ferry stop at Cadi Bay Wharf and the access challenges of the proposed location. While there remains a commitment to investigating opportunities for a ferry stop in Pyrmont (as outlined in the IDP) future decisions around the need for, and potential location of ferry stops are the responsibility of TfNSW. The Department has amended its sub-precinct master plans to remove specific reference to a ferry wharf at Cadi Bay.

5.11.3.3 Amendments

Documents Amended: Urban Design Report.

Explanation of Change: All images of the Cadi Bay Wharf have been removed as the delivery of an additional stop remains subject to future transport decisions.

5.11.4 Active Transport (walking and cycling)

5.11.4.1 Issues raised

Around 20 submissions were received on active transport (walking and cycling):

- approximately one quarter supported the proposed walking and cycling routes across the Peninsula in sub-precinct master plans
- about half considered that more emphasis on walking and cycling opportunities was needed in the plans and made suggestions for additional routes
- a small group were concerned about safety issues and specifically the impact of potential cycling routes across Glebe Island Bridge and past Waterfront Park, which may decrease pedestrian safety.

5.11.4.2 Department's Consideration

The Urban Design Report and sub-precinct master plans have considered the existing walking and cycling conditions in Pyrmont, while determining a hierarchy of movement across the Peninsula that:

- plans for pedestrian-friendly street environments through tree planting and street widening, and identifies future opportunities for through-site links to improve connectivity
- identifies a movement hierarchy to maximise opportunities for pleasant, safe walking and cycling routes, inclusive of a loop around the Peninsula that connects to surrounding destinations such as the CBD, Glebe Island Bridge and The Bays, transport nodes (including light rail stops, Central Station), and regional cycling routes.
- delivers on the final links of the foreshore walk.

The future funding and delivery mechanisms of new pedestrian cycling routes or upgrades have been included in the IDP, noting that the delivery of many of these routes will be delivered over the 20-year life of the PPPS, and in response to new developments within the Peninsula. Furthermore, each route or connection will be subject to additional review and design considerations by the agency responsible for delivery.

5.11.4.3 Amendments

Documents Amended: Urban Design Report

Explanation of Change: Amendments have been made throughout the document to ensure that all walking and cycling routes are clearly mapped and properly defined (noting that no specific changes have been made to any routes).

This has included the removal of confusing terms such as 'key local junctions' and the inclusion of definitions of the following terms in a glossary:

- Walking and Cycling Loop
- Regional Cycling network
- Pedestrian Links, which is a street or mid-block connection that does not permit vehicles
- Civic Link, which is a route or open space that embodies the identity and character of a location, and primary movement path for pedestrians across the Peninsula.

6 Consistency with other Instruments, Acts and Policies

6.1 Greater Sydney Region Plan: A Metropolis of Three Cities

A Metropolis of Three Cities – the Greater Sydney Region Plan is the NSW Government's 20 year plan seeking to transform Greater Sydney into a metropolis of three cities. These are the Western Parkland City, the Central River City, and the Eastern Harbour City.

The Eastern Harbour City is well-established, well-serviced and highly accessible by its radial rail network, it has half a million jobs and the largest office market in the region. The Harbour CBD will focus on innovation and global competitiveness to underpin its continued growth.

The proposed planning amendments are consistent with the goals set out under this plan as they promote liveable, sustainable growth. The planning amendments will also contribute to the housing and jobs needed as set out in the Region Plan.

6.2 Eastern City District Plan

The District Plan sets out how the Greater Sydney Region Plan will apply to the area. It influences the delivery of housing supply, informs and influences planning for business and jobs growth, particularly in strategic centres and informs the decision making for infrastructure planning.

The District Plan identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the area, including the alignment of infrastructure with growth. The key priorities are addressed below:

Planning Priority E1 Planning for a city supported by infrastructure

Action 3. Align forecast growth with infrastructure

Action 4. Sequence infrastructure provision using a place-based approach

The identification of sites capable of change and the changes to building height and floor space on four sites have been prepared in response to the economic forecasts outlined in the EDS which took into account a future metro station.

The sub-precinct master plans are part of the detailed place-based planning undertaken for the Peninsula and the sites capable of change also support the forecast growth in commercial and residential floor space.

Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

Action 18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places

The preparation of the PPPS and the detailed sub-precinct master plans represents a place based approach to the planning of the Peninsula. They have been prepared with early identification of the environmental heritage values of the Peninsula.

The changes to building height and floor space have been prepared based upon the detailed analysis within the sub-precinct master plans.

The master plans also balance the aim of maintaining and enhancing a people-friendly public realm and of the area being a dynamic and desirable place to live, with the aim of expanding the Peninsula's capacity for employment based around public transport and its position within

the Innovation Corridor. The master plans have now been subject to public consultation and reviewed to ensure they reflect the key issues and priorities of local community input.

Planning Priority E7 Growing a stronger and more competitive Harbour CBD

Action 24. Strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:

- a) *further growing an internationally competitive commercial sector to support an innovation economy*
- b) *providing residential development without compromising commercial development*
- c) *providing a wide range of cultural, entertainment, arts and leisure activities*

The changes to implement the PPPS will enable the first stage of increased capacity in the statutory planning system to support an additional 800,000 square metres of employment floor space, which could accommodate up to 23,000 new jobs over the next 20 years.

Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor

The changes to implement the PPS will enable and encourage education providers such as UTS and TAFE to continue to have an important role in the Peninsula.

Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city

Action 36. Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public value and use of Sydney Metro City and South West, CBD and South East Light Rail and Westconnex as well as other city shaping projects.

The identification of sites capable of change and the changes to building height and floor space on four sites have been prepared in response to the economic forecasts outlined in the EDS which took into account a future metro station.

The sub-precinct master plans are part of the detailed place-based planning undertaken for the Peninsula and the sites capable of change also support the forecast growth in commercial and residential floor space.

Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres

Action 38. Provide access to jobs, goods and services in centres

The focus of the proposed changes is to promote employment land uses and some additional residential in the Peninsula in order to maintain and enhance the Harbour CBD's substantial contribution to economic growth within the Global Economic Corridor.

The final controls strongly align to State Government objectives to redevelop planned centres within the Global Economic Corridor, including those near Central Sydney such the Peninsula and the Innovation Corridor.

6.3 Future Transport 2056

The Future Transport Strategy, prepared by Transport for NSW (TfNSW) sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy over a 40-year period. The aim is to achieve greater transport capacity, improved accessibility to housing, jobs and services and continued innovation, address challenges and support the State's economy and social performance. The Strategy also focuses on the role of transport in delivering movement and place outcomes that support the character of the places and communities for the future.

The finalisation of the first stage of the implementation of the PPPS supports many of the priorities in Future Transport Strategy 2056, particularly:

- successful places – master planning ensures that walking or cycling is the most convenient option for short trips around the precinct, supported by a safe road environment and footpaths
- a strong economy – the delivery of the new Pymont metro station connects more people to jobs, goods and services in our cities and regions through fast and convenient interchanging between transport modes and readily available transport options.

6.4 NSW State Infrastructure Strategy 2018-2038

The NSW State Infrastructure Strategy 2018–2038 sets out the NSW Government’s infrastructure vision for the state over the next 20 years, across all sectors. It is underpinned by the Greater Sydney Region Plan and Future Transport Strategy 2056.

The strategy looks beyond the current projects and identifies policies and strategies needed to provide infrastructure that meets the needs of a growing population and economy. The proposal responds to the strategic directions identified in the Strategy through:

- integrating of land use and infrastructure planning
- optimising the management and performance and use of the State’s assets, particularly the new Pymont metro station
- supporting the delivery of infrastructure which is resilient to natural hazards and human-related hazards.

An IDP and SIC identify how State and local infrastructure will be further investigated over time as growth occurs in the Peninsula, including potential delivery responsibility. TfNSW’s preparation of a Pymont-Ultimo Transport Plan will build on this work and identify the transport infrastructure priorities for the next 10 years.

6.5 City Plan 2036: Local Strategic Planning Statement

The City of Sydney’s Local Strategic Planning Statement (LSPS) reinforces the links between the NSW Government’s strategic plans and Council’s community strategic plan, Sustainable Sydney 2030.

The LSPS sets out the:

- 20-year vision for land use planning in the city
- basis or context for planning
- planning priorities and actions needed to achieve the vision
- governance and monitoring of the priorities and actions.

The LSPS will guide future changes to the planning controls in the LEP 2012 and Sydney Development Control Plan 2012. The LSPS may also inform other planning tools, such as contribution plans to ensure that local infrastructure is provided as the community’s needs change.

The planning amendments for the Peninsula are consistent with the following planning priorities and actions of the Council’s LSPS - *Priority P2 - Developing innovative and diverse business clusters in City Fringe* by:

- prioritising and safeguarding space for specialised and knowledge-based clusters and businesses, including, health, education, creative industries, professional services, and information media

- identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 and B4) zoned areas, including the Botany Road Corridor
- continuing [Council's] collaboration with NSW Government, Inner West Council, TAFE NSW, University of Notre Dame, UTS, NSW Health and the Local Health District and other relevant stakeholders to ensure that productivity and industry cluster growth outcomes are prioritised in the Camperdown-Ultimo Health and Education precinct.

6.6 State Environmental Planning Policies (SEPPs)

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

- SEPP No 65—Design Quality of Residential Apartment Development
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Planning Systems) 2021
- SEPP (Precincts—Eastern Harbour City) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Transport and Infrastructure) 2021

6.7 Ministerial 9.1 Directions

The Ministerial direction under section 9.1(2) of the EP&A Act is applicable under Focus Area 1: Planning Systems – Place-based. Direction '1.15 Implementation of the Pymont Peninsula PPPS' is proposed to be amended to reference the sub-precinct master plans. This will require any planning proposals within the Peninsula to consider the Urban Design Report and sub-precinct master plans.

As The Star and UTS will receive amended planning controls at the same time as the updated Ministerial direction, the Urban Design Report and sub-precinct master plans will be applied through site-specific clauses in the LEP 2012.

The Direction *1.15 Implementation of the Pymont Peninsula PPPS* applies when a planning proposal authority prepares a planning proposal within land subject to the PPPS in the City of Sydney local government area.

The objectives of this direction are to:

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

6.8 Sydney Local Environmental Plan 2012

LEP 2012 will be amended through a self-repealing SEPP. The permitted uses on the four key sites are not proposed to be altered and the sites will not be rezoned, (refer section 1.2). Changes will involve allowing development via site specific clauses for the four sites. This approach using site specific clauses is consistent with the approach taken in LEP 2012.

6.9 Pyrmont Peninsula PPPS (PPPS)

The sub-precinct master plans were prepared to provide spatial guidance to the application of the PPPS Vision, Directions, Structure Plan and sub-precinct place priorities and are consistent with the PPPS. The proposed planning controls for The Star Casino, UTS and Pyrmont metro station sites have been assessed against the Directions of the PPPS in Table 9 and the Department is satisfied the proposed controls are consistent and would deliver outcomes in line with the Directions and Vision of the PPPS.

Table 9 – Alignment of proposed planning controls and plans with the PPPS

PPPS Directions	Consideration
<i>Direction 1 Jobs and Industries of the Future</i>	<p>The proposed planning controls enable additional floor area for new jobs in areas identified for growth and change under the Structure Plan.</p> <p>The proposed controls enable the new Pyrmont metro station to support the delivery of city-shaping infrastructure, which will improve connections between workers and jobs, connect businesses to customers and overall support new jobs and industries of the future.</p>
<i>Direction 2 Development that complements or enhances the area</i>	<p>The Department's assessment under Section 5 has determined the proposed planning controls, subject to design guidelines would enable development that has been evaluated to complement or enhance the area.</p> <p>The proposed height strategy and principles in the Urban Design Report provides guidance for how new tall buildings can be considered while ensuring new development complements and enhances the area.</p>
<i>Direction 3 Centres for residents, workers and visitors</i>	<p>The proposed planning controls for the new Pyrmont metro station support improved access and movement to and from and around the Peninsula. This promotes access to new, lively and attractive centres and places in Pyrmont for students, visitors, workers and residents.</p>
<i>Direction 4 A unified planning framework</i>	<p>The updated Ministerial Direction to give statutory effect to the sub-precinct master plans supports a unified planning framework. The proposed planning controls to be located in LEP 2012 also supports a unified planning framework by locating planning controls in the principal local environmental plan.</p>
<i>Direction 5 A tapestry of greener public spaces and experiences</i>	<p>The proposed planning controls would ensure green public and open spaces retain existing sunlight as they have been developed with consideration of sun access planes in accordance with the PPPS. The proposed controls would also enable development that is expected to deliver improvements to public areas.</p>

PPPS Directions	Consideration
<i>Direction 6 Creativity, culture and heritage</i>	<p>The proposed planning controls would enable a new theatre within The Star complex, which supports culture, arts and entertainment industries in line with the vision of the PPPS.</p> <p>The proposed guidelines for the IRC require further investigations to support the retention of more of the locally listed National Cash Register building.</p>
<i>Direction 7 Making it easier to move around</i>	<p>The proposed controls enable development that would be supported by the new Pymont metro station and able to promote active transport, including walking and cycling.</p> <p>The proposed controls enable development that is expected to contribute to upgrades to the public domain to improve active transport and make it easier to move around the area, such as the through-site link for proposed six-star hotel and IRC.</p>
<i>Direction 8 Building now for a sustainable future</i>	<p>The sub-precinct master plans present an optimal spatial layout that takes advantage of city-shaping investment in a new metro station, which in turn will support increased levels of active transport and more sustainable transport.</p> <p>The proposed controls enable development that will be required to demonstrate in assessment processes high levels of sustainable development outcomes, in line with relevant criteria and standards.</p>
<i>Direction 9 Great homes that can suit the needs of more people</i>	<p>The proposed controls enable additional residential development capacity located at metro east site.</p>
<i>Direction 10 A collaborative voice</i>	<p>The planning controls, sub-precinct master plans and other components of the first stage of implementation of the PPPS have been developed collaboratively with Council and input from TfNSW. The community and other stakeholders have also had their chance to 'have their say' on the plans and this report has considered all issues raised in finalising the plans and final recommended planning controls.</p>

Appendix A Response to Agency submissions

The City of Sydney Council (Council)

Summary of Submission	Action / response
Contributions	
<p>Special Infrastructure Contribution (SIC)</p> <p>The City strongly objects to the new SIC as:</p> <ul style="list-style-type: none"> it may detract from Council's ability to charge appropriate local and affordable housing contributions. DPE's Feasibility Analysis does not model the proposed 7.12 contribution rate at the proposed 3 per cent (instead existing lower 7.11 contribution rate is modelled). The new 7.12 contribution rate at 3% needs to be modelled together with an updated affordable housing program, plus the proposed SIC and demonstrated to be feasible. 	<p>The SIC (and RIC) and affordable housing contributions plus feasibility were addressed and are discussed in Section 5 of this report.</p>
<p>Regional Infrastructure Contribution (RIC)</p> <p>The City also objects to the SIC levy being converted to a RIC, plus any additional base levy being charged for Pymont.</p>	
Six-star hotel planning controls and contributions	
<p>Hotel Tower</p> <p>The City does not support a 105-metre tower on the corner of Jones Bay Road and Pirrama Road, although this has been endorsed in the PPPS by the Minister.</p> <p>The City supports the limitation to hotel uses only on this site.</p> <p>City recommends any increase in height and FSR on this site being tied to an additional requirement to contribute to public infrastructure.</p>	<p>Council's objection is noted. As Council has stated, the tower height has already been set in the PPPS.</p> <p>The site-specific clause to be applied to the hotel site intends to limit the use on site to hotel and ancillary uses.</p> <p>The Infrastructure Delivery Plan (IDP) sets out items of infrastructure needed for the Peninsula and their delivery could be via planning agreements and/or contribution plans in place. It is not proposed to link additional floor space/height to greater contributions.</p>
<p>Contributions</p> <p>City comments that the expenditure of contributions should be restricted to projects identified in the Infrastructure Delivery Plan to ensure that contributions are not expended outside Pymont Peninsula.</p>	<p>The IDP has set out items of infrastructure that should be delivered in the Peninsula to support the 20-year vision of the PPPS. These items may be delivered by Council, the State or developers.</p>

Summary of Submission	Action / response
<p>Affordable Housing Contributions</p> <p>City supports a 12% affordable housing contribution (Design Guidelines), not the 1% detailed in the Explanation of Intended Effect</p>	<p>The Star hotel development as proposed would be subject to a 1% affordable housing contribution, not 12% as the use is non-residential. The 12% as quoted in the Design Guidelines was an error. This is considered suitable given the proposed additional development for The Star site is for entertainment and commercial uses.</p>
<p>Indigenous Residential College planning controls and design guidelines</p>	
<p>Land Use</p> <p>Council supports land use remaining educational establishment and student accommodation only.</p>	<p>The land uses are as proposed. The Department notes Council's support.</p>
<p>Infrastructure</p> <p>Increases in height and floor space should be tied to contributions to local public infrastructure.</p>	<p>The Infrastructure Delivery Plan (IDP) sets out items of infrastructure needed for the Peninsula and their delivery could be via planning agreements and/or contribution plans in place. It is not proposed to link additional floor space/height to greater contributions.</p>
<p>Design Guideline Options</p> <p>Council supports the exhibited 'Option 1'.</p>	<p>The Department notes Council's support and the final Design Guidelines will allow for a built form based on Option 1. The final built form will be subject to local development application approval processes, including Design Competition.</p>
<p>Dr Chau Chak Wing Building</p> <p>Council advises Design Guidelines should be amended so UTS building defines a setting for the Dr Chau Chak Wing building. The relationship with Sydney TAFE Muse building should also be addressed.</p>	<p>The UTS final built form option with revised tower setbacks will enable a final design of the new building to respond to the Chau Chak Wing and TAFE Muse buildings.</p>

Summary of Submission	Action / response
<p>Setbacks</p> <p>Increase setback to Mary Ann St or cantilever to avoid demolition of heritage listed National Cash Register Building</p>	<p>The Department has set a 18m minimum setback from Mary Ann St and has retained existing controls relating to cantilevering of new built form over the heritage building.</p> <p>A 'heritage investigation zone' has been identified as an area that could support integration with new development, however this is subject to further design consideration and is limited a small southern portion of the site (see Section 4 of this report for further discussion).</p>
<p>Metro east site (Union St) design guidelines</p>	
<p>Design Guidelines</p> <p>Council is satisfied that the exhibited controls and design guidance are in line with Council's DCP, and NSW Government Apartment Design Guide will enable the protection of appropriate solar access to Elizabeth Healy Reserve and neighbouring residential developments.</p>	<p>The Department notes Council's comments.</p> <p>See Section 4 of this Report for further discussion on metro east site and the final built form controls.</p>
<p>Land use</p> <p>Council supports a broader range of uses for the tower (commercial and hotel uses), but any residential accommodation should be restricted for the purposes of affordable rental housing</p>	
<p>Supporting Studies</p>	
<p>Aboriginal heritage</p> <p>Council asks the Department to commit to when an Aboriginal cultural values assessment will be completed. Council asks who will fund this work and ensure recommendations inform amendments to sub-precinct master plans and controls before finalisation.</p>	<p>See Section 4 of this Report for further discussion.</p>
<p>Sustainability controls and targets</p>	
<p>Deep soil, tree canopy and biodiversity</p> <p>Council has requested that controls for deep soil, tree canopy and biodiversity are included in key sites design guidelines.</p>	<p>The four sites subject of the proposed planning amendments are constrained in terms of deep soil planting opportunities and no controls are proposed for these sites. The Department has ensured any existing street tree canopy on the public domain would be retained.</p>

Summary of Submission	Action / response
<p>Sustainability</p> <p>Council supports the sustainability targets for UTS. Council requests the target details for other key sites are included in key sites design guidelines.</p>	<p>Sustainability targets have been added for The Star and for the remaining two sites would be developed at development application stage.</p>
<p>Urban Design Report</p>	
<p>Council generally supports the objectives and principles outlined in the Urban Design Report and sub-precinct master plans. Council appreciates the flexibility in master plans which enable Council to make place-based decisions.</p> <p>Council encourages the Department to make changes in line with feedback from community, and seeks clarification around:</p> <ul style="list-style-type: none"> • the need for proposals under the Height Strategy to address overshadowing. • the intent of 24-hour zone. • the “Potential Maybanke Park Experience” suggested outcome. 	<p>The Department notes Council's support.</p> <p>See Section 5 of this Report for post-exhibition changes regarding community submissions, the height strategy, the 24-hour zone and the Maybanke area.</p>
<p>Public views</p> <p>Council supports the protection and enhancement of public view corridors however considers some should be reviewed to make sure they exist or are achievable (e.g. Gipps Street to Blackwattle Bay view corridor is impeded by the Western Distributor).</p>	<p>The Department notes Council's support.</p> <p>The reference to view lines from Gipps Street view to Blackwattle Bay has been removed from the Urban Design Report.</p>
<p>Transport and access</p> <p>Council comments that the Department should ensure a greater level of commitment is provided by the NSW Government, including Transport for NSW, in relation to the identified required transport and access improvements across the peninsula. Several proposals identified in the sub-precinct master plans are not funded or committed for delivery.</p> <p>Council asks that the Department undertake a greater level of commitment to work with Council, Transport for NSW, Infrastructure NSW and Sydney Metro to plan for, fund and deliver the required transport.</p>	<p>Transport for NSW (TfNSW) have commenced their own modelling and transport plan for the Peninsula. The Department and Council are involved in this process.</p> <p>Council is currently working in partnership with TfNSW on a transport study, instigated by TfNSW, for the Pymont Peninsula.</p>

Environment, Energy and Science Group (EES) – Department of Planning and Environment

Summary of Submission	Action / response
Biodiversity and urban canopy	
<p>EES considers that there would be beneficial for an ambitious target for urban canopy to be adopted in the peninsula.</p>	<p>The PPPS characterises the vision for the Peninsula as “a sustainable, living environment of urban canopy and welcoming green spaces”.</p> <p>Under Planning Priority C16 in <i>A Metropolis of Three Cities</i> the NSW Government has set a target to increase tree canopy cover across Greater Sydney to 40%. The Urban Design Report is consistent with this target.</p>
Flooding and Waterways	
<p>EES notes that a review of the potential flood affectation of the land has not been prepared as part of this exhibition.</p> <p>EES suggests consideration of flood impacts and potential changes to flood affectation and behaviour due to intensifying land use should be undertaken and incorporated into master plans.</p> <p>EES notes that a review must also consider justification under Direction 4.3 for relevant sites.</p>	<p>The City of Sydney Council’s flood mitigation strategy is applicable to the Peninsula.</p> <p>In August 2016, Council adopted a floodplain risk management plan, risk management study and flood study for the entire local government area.</p> <p>These documents are a comprehensive suite of flood management measures for Central Sydney flood catchments. The documents have been prepared in line with the NSW Government’s Floodprone Land Policy and Floodplain Development Manual (2005). Any development application will need to consider Clause 7.15 of the LEP 2012 and how any intensification of site use will minimise flood hazard.</p>

Summary of Submission	Action / response
Climate Change and Resilience	
<p>Climate Scenario Modelling</p> <p>EES views that the consideration of the impact of climate change in the draft master plan needs refinement and further development.</p> <p>EES recommends the master plans refer to most recent NSW and Australian Regional Climate Modelling (NARClIM) data and snapshots and use in land use planning.</p> <p>EES notes that plans are not based on climate change scenario. EES states that environmental and heritage values have not been considered and the impacts of climate change to built-infrastructure have not been adequately considered.</p> <p>EES recommends a framework for more systematic response to climate change (impacts, risk assessment, adaptation actions) is needed</p>	<p>The NARClIM data is a NSW Government led initiative that generates detailed climate projections and data for NSW. This modelling is generally utilised for establishing the likely impact of climate change and helping to set sustainability targets and considerations for building design.</p> <p>The PPPS establishes the requirement for new development to address precinct and site-specific requirements under Direction 8 'Building now for a sustainable future', which must be addressed by proponents or Council when planning control changes are proposed.</p> <p>Sustainability targets have been set for The Star and UTS and will be addressed by Sydney Metro in its forthcoming State significant development application.</p> <p>The Urban Design Report is not intended to prescribe new sustainability performance standards.</p>
<p>Urban Heat Island</p> <p>EES recommends planning for urban heat island by imposing minimum thermal safety performance in buildings and shade and amenity requirements.</p>	<p>The Urban Design Report will support the delivery of public connections and open spaces supported by tree retention and green cover. The emphasis on providing tree canopy cover will assist in reducing urban heat and moderating challenging weather conditions resulting from climate change.</p>
<p>Sea Level Rise</p> <p>EES recommends planning for sea level rise by imposing minimum habitable ground floor levels and public open space to mitigate coastal inundation.</p> <p>EES questions the masterplan's consistency with strategic planning documents, specifically the climate change adaptation objectives of the Eastern City District Plan.</p>	<p>As the proposed rezoning is based on reference schemes, the setting of minimum habitable ground levels is a level of detail that is not determined until further design, planning and flooding investigations are completed as part of the preparation of the development assessment process.</p> <p>The PPPS addresses precinct-wide sustainability outcomes in Direction 8 based on work undertaken in 2020.</p> <p>The Urban Design Report and sub-precinct master plans are consistent with the PPPS and the Eastern City District Plan.</p>

Summary of Submission	Action / response
<p>Zero Net Emissions</p> <p>EES recommends that a net zero emissions should be required</p> <p>Low Carbon</p> <p>EES notes that It is unclear what “Low carbon high performance precincts” are and asks this to be clarified.</p>	<p>In September 2021 the NSW Government launched <i>The Net Zero Plan Stage 1: 2020-2030</i> which aims to reach net zero emissions by 2050. The plan will support a range of initiatives targeting energy, electric vehicles, hydrogen, primary industries, technology, built environment, carbon financing, and organic waste.</p> <p>Planning Priority E19 of the District Plan also sets an objective of reaching net-zero emissions by 2050. This priority sets goals encouraging the better design of precinct-wide energy, water, and waste systems.</p> <p>The PPS is based on work which investigated what a low carbon precinct could look like in Pyrmont. This is described in Direction 8 of the PPS and involve investigating the co-location of infrastructure (ie multi-utility hubs), reallocation of space on key streets for increased canopy to create cooler environments, high performance new buildings and, potentially, offsetting any residual emissions. This is consistent with the Eastern City District Plan objectives and is expected to look different in different parts of Greater Sydney based on evidence and modelling.</p> <p>Council is also working on plans towards net zero energy buildings to reduce emissions, contribute to a positive and sustainable business recovery for Greater Sydney, and improve building resilience.</p>
<p>Design Guidelines</p>	
<p>Climate Change</p> <p>EES recommends including objectives to ensure development accounts for climate change.</p>	<p>Many of the recommended objectives seek to impose standards that would be expected to be assessed and evaluated as part of the assessment process as it is not until a final design is proposed that a full evaluation of building performance can be provided.</p>
<p>Electric Vehicles</p> <p>EES recommends that all buildings be ‘Electric Vehicle (EV) -ready’. I.e., have the electrical infrastructure in place to accommodate 100% EV charging at all parking bays. EES also considers there should be an EV precinct charging plan</p>	<p>The Design Guidelines have been updated to require The Star, metro east site and UTS sites enable EV infrastructure to enable charging.</p> <p>With regard to the remainder of the sites capable of change, this is something Council could look to incorporate noting current Government actions.</p>

Summary of Submission	Action / response
	The <i>NSW Electric Vehicle Strategy</i> is proposing several key actions to help NSW achieve net-zero emissions by 2050. The NSW Government will invest \$171 million over the next four years to build an electric vehicle charging network
<p>Green Star ratings</p> <p>EES recommends that reference to Green Star building ratings should also specify a 'credit achievement' be attained for the energy credit.</p>	Addressed in the Design Guidelines.
<p>Water Management</p> <p>EES considers there should be an Integrated Water Management Plan included to address water sensitive urban design for each site.</p>	This would be addressed at development application stage. Section 3.7 <i>Water and Flood Management</i> of Council's DCP (part 3.7.2 and 3.7.5) addresses water management, water re-use, recycling and harvesting, or required in Secretary's Environmental Assessment Requirements for State significant development applications.

Environment Protection Authority (EPA) NSW

Summary of Submission	Action / response
Air Quality	
EPA suggests that a further assessment of cumulative air emission impacts is undertaken as part of strategic planning for the area.	An air quality review was undertaken as part of the technical work which assessed air emissions from the Cross City Tunnel stack, located approximately 50m from the boundary of the Tumbalong Park sub-precinct. It also undertook a high-level review of other emission sources within the Peninsula including Sydney Fish Markets (source of odour), White Bay (industrial), Blackwattle Bay, Darling Harbour (diesel boats and ferries), any rooftop plants, and major roads with greater than 20,000 and 40,000 vehicles per day.
EPA suggests the sub-precinct plans could be amended to ensure future sensitive land uses on foreshore consider current and future risks from vessel emissions.	<p>The air quality review report considered vessel emissions and confirmed that the four sites and proposed uplift which is the subject of this Report will not be significantly impacted by air quality concerns.</p> <p>Clause 7.24 <i>Development near Cross City Tunnel ventilation stack</i> of the Sydney LEP 2012 is not applicable as none of the four sites which are the subject of this Report are identified on the Locality and Site Identification Map as "<i>Land Affected by Cross City Tunnel Ventilation Stack</i>".</p> <p>Section 3.13.2 <i>Air quality for development near the Cross City Tunnel</i> of Council's DCP has</p>

Summary of Submission	Action / response
	<p>provisions which identify developments based on building height relative to distance from the Cross City Tunnel ventilation stack (as nominated by <i>Table 3.6 Development near the Cross City Tunnel ventilation stack</i>). The four sites which are the subject of this Report are located outside of the nominated distances from the Cross City Tunnel ventilation stack.</p>
Odour	
<p>EPA outlines odour concerns from the Fish Markets.</p>	<p>There are conditions about odour control as part of the approval (SSD-8925) for the new fish markets:</p> <p><u>Storage and Handling of Waste (B50)</u></p> <p>The waste storage area must be adequately ventilated) so that odour emissions do not cause offensive odour or air pollution as defined by the <i>Protection of the Environment Operations Act 1997</i> or a nuisance.</p> <p><u>Odour Requirements (E28 – E30)</u></p> <p>The use must not cause or permit the emission of any offensive odour from the premises as defined in the <i>Protection of Environment Operations Act 1997</i>.</p>
Noise	
<p>The EPA recommends that the master plan include rail infrastructure noise guidelines applying to the new metro infrastructure.</p>	<p>Subdivision 2, clause 2.99, of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) states that certain development must consider the impact of rail noise on non-rail development. This existing policy provides development controls and guidance that addresses the concerns raised by EPA and these do not need to be duplicated by the master plan.</p> <p>The <i>Protection of the Environment Operations Act 1997</i> and the <i>Protection of the Environment Operations (Noise Control) Regulation 2008</i> are the legislative instruments put in place to control noise levels on NSW waterways. These instruments address and mitigate offensive noise.</p>
<p>EPA suggests that the Department adopt the vessel noise requirements above and beyond the Infrastructure State Environment Planning Policy to ensure that any current and future uses of the nearby port facilities are taken into consideration.</p>	<p>This work is rezoning four sites only. It is beyond the scope of this project to adopt policy above the Transport and Infrastructure SEPP and other existing instruments.</p>

Summary of Submission	Action / response
Contaminated Land	
EPA suggests a precinct-wide approach to contamination is considered.	<p>As part of the implementation of this work a preliminary contamination study was undertaken to identify the potential for, and management of land contamination and acid sulfate soils (ASS) within Pymont Peninsula.</p> <p>The preliminary study found that many of the key sites and sites capable for change across the study area may be impacted by one or more of these variables. It is likely that many of these sites will require further assessment and possible remediation work prior to development. This work will be undertaken by the landowner or developer during the development application stage.</p>
Water	
EPA suggests the outcomes of the Master Plan would benefit from adopting their suggested principles regarding water management and quality.	<p>In response to further consultation with the Department, EPA has recognised that Section 3.7 <i>Water and Flood Management</i> of Council's DCP has comprehensive water quality objectives and provisions. The EPA is satisfied that water quality is appropriately considered in this document.</p> <p>The Department notes that for State significant development and infrastructure applications it is common practice to reproduce or refer to DCP provisions, or other guidelines as part of Secretary's Environmental Assessment Requirements.</p>

Heritage NSW

Summary of Submission	Action / response
State Heritage Register Items	
<p>Pymont and Glebe Railway Tunnels</p> <p>These tunnels traverse five of the seven Sub-Precincts. Any future works in the vicinity of the structures should be accompanied by a heritage impact statement.</p>	<p>The Department notes Heritage NSW's comment and agrees that a Heritage Impact Statement should be required by the development assessment process or by the SEARs as part of the SSD/ SSI process.</p>
<p>Pymont Bridge</p> <p>Union Street Tower will be visible from Pymont Bridge. Heritage NSW recommends that development proposals analyse the significant public views, as has been done in the Urban</p>	<p>Metro east site as part of any SSD will be required to address such matters.</p>

Summary of Submission	Action / response
Design Report, and provide a Visual Impact Assessment. The views along Union Street in both directions to Pyrmont Bridge and Union Square are of particular concern.	
Sub-Precinct Master Plans	
<p>The Sub-precincts</p> <p>Heritage NSW has listed the heritage items present in each of the sub precincts and asked that the impacts to these be avoided.</p>	This will be addressed by Council as part of that stage of work and through any development assessment processes.
<p>Blackwattle Bay Sub-Precinct</p> <p>Heritage NSW refers to their submission made in relation to the State Significant Precinct (SSP) proposal for Blackwattle Bay.</p>	Noted, this will be addressed as part of the Blackwattle Bay State Significant Precinct assessment process.
Other Comments	
<p>Heritage NSW Support</p> <p>Heritage NSW supports plans to improve the pedestrian experience.</p> <p>The draft Master Plan highlights opportunities to create better waterfront connections and upgrade the public space.</p> <p>Heritage NSW supports the activation of the Wentworth Park Sub-Precinct through new public amenities, play spaces and art installations.</p> <p>Heritage NSW supports the UTS proposal for a 250-bed Indigenous Residential College.</p>	The Department notes Heritage NSW's support.
<p>Aboriginal Cultural Heritage</p> <p>Heritage NSW refers to their previous submission which recommended that a full Aboriginal Cultural Heritage Assessment Report be prepared to identify Aboriginal cultural heritage values that exist across the Peninsula, and that Aboriginal consultation be undertaken.</p>	See Section 4 of this Report for further discussion.

Infrastructure NSW (INSW)

Summary of Submission	Action / response
Urban Design Report (UDR)	
General comments INSW notes that maps, legends and terminology throughout the report lack clarity and suggests the inclusion of a glossary of terms.	The Department has undertaken a review of all maps and figures to ensure legends and mapped items are clear and relevant. A glossary of terms has also been included in the Urban Design Report.
Big Moves INSW comments that the Big Moves focus on working harbour history, but that there is no acknowledgement of the current working harbour needs in the UDR.	The Department has removed the 5 Big Moves section from the UDR to streamline the document noting these are adequately addressed in the PPPS and refers to the role Pyrmont Peninsula plays as a working harbour.
Movement INSW notes that many of the connections identified in the movement network figure are not discussed elsewhere in the report, and it is unclear what the desired design outcome is for these streets. INSW also suggests that additional information should be included relating to the metro station and the implications for existing streets (e.g. road space allocation along Pyrmont Bridge Road).	Section 2.2 has been updated to clarify its purposes as setting a high-level framework for movement through the Peninsula. The information provided in the Movement network diagram is expanded on through the key initiatives (dedicated bus route, walking and cycling loop and foreshore walk), and through each of the sub-precinct master plans. The Department has also undertaken a review of all maps and figures to ensure legends and mapped items are clear and relevant. A glossary of terms has been included in the Urban Design Report. Objectives relating to optimising pedestrian environments as a result of the new metro station are included throughout the UDR.
The Foreshore Walk INSW comments that general objectives outlining the 'public promenade minimum width 20m' and the 'Bay Interface Zone 20m walk', should use consistently state " <i>public promenade of minimum 20m, where feasible.</i> " INSW comments that part of the walk is constrained due to the adjacent privately owned sites, and that a more flexible approach to the foreshore walk in this area would be appropriate,	The Department have reviewed the documentation to ensure consistency in description of a 20m promenade width where feasible, and to ensure sections relating to the potential promenade in the design report are indicative and not prescriptive. The Urban Design Report confirms the intent for the harbour foreshore walk in accordance with the Place Strategy, including recognising the need for flexibility in the final width to be determined on some sites having regard to what may be

Summary of Submission	Action / response
<p>including narrower sections (minimum 10m width).</p> <p>INSW comments that allowing for parts of the walk to be provided as boardwalk over water would result in a better outcome. INSW has suggested including words to indicate that additional width could be delivered in floating or permanent boardwalk over the water so a wider outcome may be secured before the private land is redeveloped.</p> <p>INSW have stated that solar access is not the priority in the Foreshore Walk area due to the site's orientation and have suggested that this area not be subject to the same solar requirements as other areas of public domain.</p>	<p>considered feasible and meet the intent of a harbour foreshore walk in Blackwattle Bay.</p> <p>The Urban Design Report has been amended to allow an over-water boardwalk to be considered until the land is able to accommodate a permanent structure.</p> <p>Solar access for this area is being considered by the Department as part of the separate BWB SSP process.</p>
<p>Walking and Cycling Loop</p> <p>INSW suggests that the 'Event and Commercial Character' allocated along Blackwattle Bay is inconsistent with the Bank St Character Area.</p> <p>The Blackwattle Bay SSP Study Area comprises active, event and wharf character areas. There is no indicative section provided for the active recreation interface areas, as these are being determined through the BWB SSP Study process</p>	<p>The Department considers that the event and commercial character area reflects both the existing and future character of Blackwattle Bay and the Fish Markets. This can also co-exist with the Bank St Character Area, which acts as a transition between open space and recreation areas, existing residential and commercial uses, the new Sydney Fish Markets and the Blackwattle Bay future development.</p> <p>The Urban Design Report has been updated to provide include an 'active recreation interface' section.</p>
<p>Height Strategy</p> <p>INSW questions why the Urban Design Report does not outline an indicative width of the Bay Interface zone, or on what basis it was identified.</p>	<p>The basis for the Bay Interface Zone was determined through the refinement of the Peninsula's height strategy. No changes to any of the height strategy zones are proposed.</p>
<p>Blackwattle Bay Sub-Precinct Master Plan</p> <p>INSW comments some pedestrian and street links are identified broadly but do not align with detailed design work undertaken as part of the BWB SSP.</p>	<p>The Department notes INSW's comment regarding connections traversing parts of Blackwattle Bay and the sub precincts. The Urban Design Report has taken a more high-level approach to master planning the area and does not intent to strictly reflect the SSP application.</p> <p>The Department has stated these future links might be considered but how they are delivered is a matter for INSW.</p>

Summary of Submission	Action / response
Infrastructure Delivery Plan (IDP)	
<p>New District Park at Bank Street</p> <p>INSW notes that they will be responsible for the design of Bank Street Open Space, however delivery may be undertaken by another State Government agency.</p> <p>INSW states the IDP should be updated to reflect this. Council has been collecting contributions for the embellishment of Bank Street open space under the current Sydney Local Contributions Plan.</p>	<p>The Department has agreed to update this item in the IDP to reflect delivery by NSW Government rather than INSW.</p>
<p>Connected foreshore walk</p> <p>INSW notes that reference to the sea wall should be included as part of the foreshore promenade.</p> <p>INSW notes that the main driver for the raising of the seawall is to enable the construction of the foreshore promenade at a level to accommodate sea level rise. Alternate sea level rise protection strategies have also been proposed.</p> <p>INSW states it would be appropriate for the foreshore walk to be funded through the RIC.</p>	<p>No changes are proposed to the IDP.</p>
<p>New outdoor fitness station - active transport loop</p> <p>INSW notes that this is proposed as part of the Bank Street Open Space, and it would be preferable that the IDP noted this.</p>	<p>The Department has agreed to update Item O14 to reflect that it is being delivered as part of Bank St Park.</p>
<p>New/ additional library floor space</p> <p>INSW notes this has been identified as being delivered by INSW/ Developer and funded through either the Key sites, LEP provisions, or local infrastructure contributions.</p> <p>A local contributions item and should be funded through Council's proposed s7.12 levy. Discussions with Council to date have confirmed their desire for contributions to be paid to upgrade existing facilities. INSW notes the IDP should be updated to reflect this.</p>	<p>The Department will amend this item to being the responsibility of Council. Item C3 has been updated from a develop responsibility to the City of Sydney as this will be funded through Council's proposed s7.12 contributions plans.</p>
<p>Blackwattle Bay State Significant Precinct (SSP) community facility opportunities</p> <p>INSW notes that the PPPS Social Infrastructure Assessment discusses contributions towards an</p>	<p>The Department notes the comment, however, will not be amending the IDP to ensure that a complete assessment of the potential options can</p>

Summary of Submission	Action / response
<p>expansion of existing community facilities and suggests the IDP clarify which community facilities it is referring to, to avoid confusion.</p>	<p>be undertaken, in alignment with the Social Infrastructure Assessment.</p>
<p>Multi-utility hubs</p> <p>INSW suggests that multi-utility hubs would be better addressed through generic requirements for precinct-scale management of utilities and services.</p> <p>INSW are investigating the feasibility of precinct-scale management of utilities within the Blackwattle Bay SSP Precinct, and this will be addressed as part of our Response to Submissions Report for the SSP Study.</p>	<p>The Department has agreed to update wording in Table 3 of the IPD to reflect the possibility that multi-utility hubs may be delivered as a 'precinct-wide' solution, will continue to reference Blackwattle Bay as a location.</p> <p>The Department will not be removing the reference to multi-utility hubs as these are part of the exhibited PPPS (Big Move 4).</p>
<p>Funding Mechanisms</p> <p>INSW comments that the IDP should be updated to reflect which infrastructure may be appropriate to be funded through a RIC (for example, the foreshore promenade).</p> <p>INSW comments that the IDP could also consider including Project Delivery Agreements (associated with the sale of Government owned land) as a critical mechanism for the delivery of infrastructure.</p>	<p>The Department notes these comments, however is not considering any additional funding mechanisms. See further commentary on contributions in Section 4.</p>
<p>Technical Studies</p>	
<p>Wind Study</p> <p>INSW supports a seasonal wind approach which would enable a more nuanced consideration of wind impacts at certain waterfront locations.</p> <p>INSW suggests prescribing wind speed conditions that should be met for different uses and areas of interest.</p>	<p>INSW has provided a peer review from a wind consultant on the Department's precinct-wide wind study. This review raised several matters regarding the assumptions, inputs, and criteria in foreshore areas.</p> <p>The Department's wind advisor has responded to these comments in Appendix C.</p>

NSW Aboriginal Affairs - Department of Premier and Cabinet

Summary of Submission	Action / response
Consultation	
<p>Aboriginal Consultation</p> <p>Further engagement is required with Aboriginal people to ensure their voices are heard.</p>	<p>It is recommended that engagement with Create NSW is something Council could consider as part of its Stage 2 work. See Section 4 of this Report for further discussion.</p>
<p>Agency Consultation</p> <p>Consult with Create NSW on delivery of infrastructure for contemporary cultural requirements.</p>	<p>It is recommended that engagement with Create NSW is something Council could consider as part of its Stage 2 work.</p>
Supporting Studies	
<p>Complete studies as identified in earlier Peninsula work including:</p> <ul style="list-style-type: none"> Aboriginal Cultural Heritage Assessment Report Aboriginal Heritage Interpretation Strategy 	<p>See Section 4 of this Report for further discussion.</p>

NSW Fisheries - Department of Primary Industries

Summary of Submission	Action / response
DPI Policies	
<p>Planning controls should adopt the DPI Fisheries 'Policy and Guidelines for Fish Habitat Conservation and Management (2013)'.</p>	<p>This guideline applies to development at or below the mean high water mark. The four sites proposed to be amended as part of this finalisation are above the mean high water mark.</p> <p>Council as part of its Stage 2 could consider applying this policy to relevant sites.</p>

Sydney Metro

Summary of Submission	Action / response
Design Guidelines	
<p>Amendments sought to the Design Guidelines building envelope plan that applies to metro east site.</p>	<p>These amendments are to be made, see Section 4 of this Report for further detail.</p>

Appendix B Relevant 9.1 Directions

The following relevant Section 9.1 Directions have been addressed.

Thematic Focus Area	Title and Comment	Consistent?
<p>Planning Systems</p>	<p>1.2 Implementation of Regional Plans</p> <p>The planning amendments are consistent with the relevant aims, objectives, and provisions of the Region Plan.</p> <p>1.4 Approval and Referral Requirements</p> <p>The planning amendments do not include concurrence, consultation, or referral provisions or identify any developments as designated development.</p> <p>1.15 Implementation of the Pyrmont Peninsula PPS</p> <p>This Direction is directly applicable to the amendment package. It is consistent with the PPS as it seeks to give effect to the objectives of this direction and the Vision (Part 5) of the Pyrmont Peninsula PPS (PPS). It is consistent with the 10 Directions (Part 6) and Structure Plan (Part 8) in the PPS.</p> <p>It is supported by the final sub-precinct master plans and proposed amendments to the Sydney LEP 2012 that have been assessed to be consistent with the PPS.</p> <p>An updated Ministerial Direction is proposed to give statutory effect to the sub-precinct master plans to inform Council and proponent planning proposals.</p>	<p>Yes</p>
<p>Biodiversity and Conservation</p>	<p>3.2 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects, and places of environmental heritage significance and Indigenous heritage significance.</p> <p>The planning amendments do not contain any provisions that specifically or directly facilitate heritage conservation; however, the environmental and Indigenous heritage significance of Ultimo-Pyrmont is conserved by existing regulations that apply to Ultimo-Pyrmont.</p> <p>The planning amendments do not contain provisions that contradict or would hinder application of this direction.</p>	<p>Yes</p>
<p>Resilience and Hazards</p>	<p>4.1 Flooding</p> <p>The planning amendments will increase development potential (in terms of floor space) currently achievable under the LEP 2012 in Ultimo - Pyrmont. The intensification of development in this area is an intended outcome on this proposal.</p> <p>In August 2016, Council adopted a floodplain risk management plan, risk management study and flood study for the entire local government area. These documents are a comprehensive suite of flood management measures for Central Sydney flood catchments. The documents have been prepared in line with the</p>	<p>Yes</p>

Thematic Focus Area	Title and Comment	Consistent?
	<p>NSW Government's <i>Floodprone Land Policy and Floodplain Development Manual (2005)</i>. Future development applications will continue to be required to address flooding risks.</p> <p>Clause 7.15 of Sydney LEP 2012 continues to apply to new development to minimise flood hazards. Future development applications will continue to be required to address flooding risks.</p> <p>4.4 Remediation of Contaminated Land</p> <p>The planning amendments do not contain provisions that contradict or would hinder application of this direction.</p> <p>The objective this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>While the provisions in these planning amendments may result in some intensification of land uses in the Peninsula, the proposal does not involve any rezoning of sites that would allow more sensitive uses of the land. Specific responses to the presence of any contamination, on any site can be addressed through the development application process.</p> <p>4.5 Acid Sulfate Soils</p> <p>The planning amendments do not contain provisions that contradict or would hinder application of this direction. The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Specific responses to the presence of acid sulfate soils can be addressed by site through the development application process.</p>	
<p>Transport and Infrastructure</p>	<p>5.1 Integrating Land Use and Transport</p> <p>The objectives of this direction are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following:</p> <ol style="list-style-type: none"> a. improving access to housing, jobs and services by walking, cycling and public transport, and b. increasing the choice of available transport and reducing dependence on cars, and c. reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d. supporting the efficient and viable operation of public transport services, and e. providing for the efficient movement of freight. <p>The provisions in these planning amendments will result in intensification of land uses in the Peninsula, however a strategic assessment of travel demand across all modes has confirmed</p>	<p>Yes</p>

Thematic Focus Area	Title and Comment	Consistent?
	<p>through transport modelling that this uplift will not adversely affect the traffic conditions in the Peninsula.</p> <p>In addition, the proposed amendments is consistent with this Direction and would be likely to improve access to housing, jobs and services, have the potential to reduce travel demand and support the efficient and viable operation of public transport services by introducing intensified land uses close to proposed public transport upgrades (Pymont metro station).</p>	
Housing	<p>6.1 Residential Zones</p> <p>The objectives of this direction are to:</p> <ol style="list-style-type: none"> a. encourage a variety and choice of housing types to provide for existing and future housing needs, b. make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c. minimise the impact of residential development on the environment and resource lands. <p>The proposal is consistent because it will enable housing while making use of existing and new services.</p>	Yes
Industry and Employment	<p>7.1 Business and Industrial Zones</p> <p>The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The proposed planning amendments are consistent with this direction as they:</p> <ol style="list-style-type: none"> a. give effect to the objectives of this direction, b. retain the areas and locations of existing business and industrial zones, c. do not reduce the total potential floor space area for employment uses and related public services in business zones, d. do not reduce the total potential floor space area for industrial uses in industrial zones, and e. ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary (or in the case of the PPPS, the Minister for Planning). 	Yes