

4 February 2022

Our Ref: 2022/023344  
File No: X031102

Thomas Watt  
Director, Eastern District  
Department of Planning, Industry and Environment  
Via email: [thomas.watt@planning.nsw.gov.au](mailto:thomas.watt@planning.nsw.gov.au)

Dear Thomas

**Pymont peninsula key site planning controls, design guidance, Infrastructure Delivery Plan, sub-precinct master plans and Special Infrastructure Contribution**

Thank you for the opportunity to comment on the first stage of the implementation of the Pymont Peninsula Place Strategy. The City has reviewed the exhibited material and provides the following comments.

**Special Infrastructure Contribution**

The Department of Planning, Industry and Environment (Department) has exhibited a new Special Infrastructure Contribution levy for Pymont. The proposed levy (\$15,000 per dwelling, \$200 per sqm non-residential) provides for development contributions to be collected from new development at the northern end of the peninsula to help fund the new Metro station.

At this time, the City **strongly objects** to the new Special Infrastructure Contribution as it has not been demonstrated in the exhibited material that it doesn't derogate from the City's ability to charge appropriate local and affordable housing contributions.

The Department has undertaken extensive analysis over two years, utilising specialist external consultants, which has confirmed that there will be significant additional local infrastructure required in the peninsula to support the growth proposed under the Place Strategy. As a result, the Department's exhibited Infrastructure Delivery Plan recommends that the City prepare a 7.12 plan with a 3 per cent levy to fund required and agreed local infrastructure across the peninsula.

The Department's Special Infrastructure Contribution Feasibility Analysis does not model the proposed 7.12 contribution rate at the proposed 3 per cent. It models the existing 7.11 local contribution rates. The existing 7.11 contribution rates are comparatively lower than the remainder of the council area as they reflect the low population growth planned for that precinct at the time the contributions plan was made in 2015.

Without demonstrating the proposed Special Infrastructure Contribution is feasible with a new 7.12 contribution rate at 3 per cent and an updated affordable housing program in place, the proposed Special Infrastructure Contribution puts at risk the NSW Government's vision for the Pymont peninsula under the Place Strategy. If introducing a Special Infrastructure Contribution results in a 7.12 contribution rate at 3 per cent subsequently being unfeasible there would need to be a commensurate reduction in the proposed development growth proposed for the peninsula under the Place Strategy.

The City would also object to any Special Infrastructure Contribution levy being converted to a Regional Infrastructure Contribution and any additional base levy being charged across the peninsula. The City's serious concerns in this regard are outlined in our submission [to the NSW Government's infrastructure contribution changes](#).

### **20-80 Pyrmont Street, Star City Casino**

The City does not support a 105-metre tower on the corner of Jones Bay Road and Pirrama Road. The proposed tower is located within land identified in the Peninsula Height Strategy as "Harbour Interface". The Height Strategy describes the Harbour Interface area as:

*Reflecting the lower scale historic scale at the north of the peninsula, including its harbour edge and sandstone escarpments, heritage industrial and residential buildings. Preserving the unique natural and urban character of this place, aligned with the same approach of Sydney CBD where Alfred Street marks a distinct change from lower heritage buildings nestled into the topography to the taller modern towers of the CBD.*

A tall tower in this area is inconsistent with this strategy and description.

However, it is acknowledged that with the endorsement of the Place Strategy in December 2020, the Minister for Planning and Public Spaces approved a height of 105 metres for the site "due to its unique contribution to the visitor economy".

The City reiterates matters raised in its September 2020 submission to the draft Pyrmont Peninsula Place Strategy that it was inappropriate to draw conclusions on maximum building heights when sub-precinct master planning had not been finalised in consultation with community.

In acknowledging that the 105-metre height limit has already been approved by the Minister:

- The City supports the requirement that any development that accesses increased height and FSR for the site being limited to a visitor accommodation (hotel use). The Department should resist any requests to expand incentivised uses to residential accommodation or serviced apartments unless the residential floor space is for the purposes of affordable rental housing.
- The City recommends that any increase in height and FSR for this site being tied to an additional requirement to contribute to public infrastructure. As drafted the proposal limits this contribution to "State public infrastructure" being transport improvements, State and regional roads, bus lanes, and embellishments or connections to regional open space. The proposal should be amended to restrict the expenditure of these additional contributions to projects identified in the Infrastructure Delivery Plan to ensure contributions are not expended outside the peninsula. The additional contributions should also be extended to Local public infrastructure to provide sufficient flexibility for the Star in satisfying the requirement.
- The City supports a 12% affordable housing contribution as set out in the exhibited Design Guidelines (page 3, 2.1.1 Public Benefits), not the 1% detailed in the Explanation of Intended Effect.

### **622-644A Harris Street, UTS**

The City supports the requirement that any development that accesses increased height and floor space for the site being limited to educational establishment and student accommodation for the purposes of an Indigenous Residential College.

Any increase in height and floor space for this site should be tied to an additional requirement to contribute to Local public infrastructure, similar to the proposed drafting for 20-80 Pyrmont Bridge Road.

The exhibited material indicates that the University of Technology (UTS) has made a formal public benefit offer to Council for public domain works. To date, the City has no record of a formal public benefit offer being made. A formal public benefit offer is usually made in association with a development application and clearly no development application has been lodged.

The exhibited material rightly acknowledges that works on public land would need to be agreed to with Council and relevant roads authority. This includes any works associated with a public benefit offer and public works described in the Design Guide.

It must be made clear that public domain works on Council owned land shown and described in the Design Guide are indicative only and that changes road functions will require support and approval. For example, Ominbus Lane forms part of the City's Regional Bike Network. If the lane was not to change in its function it may impact on its ability to "provide an extension to facilities/program located at the lower levels".

The City's has reviewed Option 1 and 2 envelopes for the site. Option 1 is preferred on heritage and urban design grounds.

The Design Guide is to be amended to ensure the resultant building defines a setting for the Dr Chau Chak building and does not conflict with it. The resultant building must also address its relationship with the Sydney TAFE Muse building.

The demolition of one third of the locally listed National Cash Register Building Item is to be avoided by increasing the setback on Mary Ann Street or, as a last alternative, cantilevering the portion of the building that would affect the item. Any building on the heritage listed site must utilize the existing structural capacity.

### **37-69 Union Street, Metro site east**

In determining an appropriate building envelope for the site, the City agrees the sites prominence, overshadowing of Elizabeth Healy Reserve and over shadowing of neighbouring residential development are critical issues.

The City is satisfied that, as proposed, the planning controls and design guidance enable the protection of appropriate solar access to Elizabeth Healy Reserve and neighbouring residential developments in line with the City's Development Control Plan and the NSW Government's Apartment Design Guide.

The City supports the requirement that any development that accesses increased height and floor space for the site being limited to commercial and transport infrastructure in the podium. The City supports a broader range of uses for the tower, including commercial and hotel uses, but any residential accommodation permitted should be restricted to residential accommodation for the purposes of affordable rental housing.

## **26-32 Pyrmont Bridge Road, Metro site west**

The City supports the requirement that any development that accesses increased height and floor space for the site being limited to commercial and transport infrastructure.

### **Design Guidelines**

The City generally supports the proposed Design Guidelines for the four key sites. The Design Guidelines present a level of detail and address the breadth of issues typically addressed in the City's site-specific Development Control Plan including, but not limited to, solar access, wind impacts, visual and acoustic privacy, view loss, and heritage matters.

The proposed planning controls would be greatly improved by specifically addressing Aboriginal Cultural Heritage, deep soil, tree canopy and biodiversity and sustainability.

### **Aboriginal Cultural Heritage**

The exhibited Explanation of Intended Effects states that the Department engaged a consultant to complete an Aboriginal cultural values assessment in May 2021 to build upon the work completed by Kelleher Nightingale in July 2020 and their Indigenous Cultural Heritage Report. However, this work was not progressed due to Covid-19 restrictions and lockdowns. The exhibited Explanation of Intended Effects states that work will be done in the future to progress the Aboriginal cultural values assessment.

In our September 2020 submission to the Department, the City noted that the work completed by Kelleher Nightingale provided a good initial archaeological and desktop analysis of the peninsulas potential archaeological, cultural and heritage significance, but lacked a qualitative assessment and direct consultation with the Aboriginal and Torres Strait Islander community. The July 2020 Kelleher Nightingale report acknowledged this and set out actions for the next stage of the Department's work, including:

- a comprehensive process of Aboriginal and Torres Strait Islander community consultation
- a full cultural assessment
- the addition of any areas of cultural sensitivity identified through further assessment to the heritage sensitivity mapping, and
- the development and refinement of key recommendations resulting from further consultation and assessment.

Whilst the City acknowledges that Covid-19 has impacted on governments ability to engage face-to-face with our communities, this is the second time in two years the Department has cited Covid-19 as the reason for not conducting an Aboriginal cultural values assessment. At the same time the Department has managed to host project working groups, steering committees, design review panels and now online and in-person information sessions. The City does not accept that the Department couldn't find time and an appropriate forum in the last two years to complete this work.

As a result of the lack of consultation, the community is presented with a final Place Strategy, sub-precinct masterplans and planning controls not informed by Aboriginal and Torres Strait Islander consultation. Real tangible outcomes for Aboriginal and Torres Strait Islander communities such as affordable housing, affordable employment and creative space for Aboriginal and Torres Strait Islander communities and cultural heritage listings across the peninsula have not been investigated.

The Department has stated that work will be done in the future to progress the Aboriginal cultural values assessment. The Department must provide a commitment to the community as to when this work will be completed, who will fund and complete the work, and ensure the recommendations of the work will inform amendments to the sub-precinct masterplans and planning controls before they are finalised.

### **Deep soil, tree canopy and biodiversity**

The proposal is supported by a Biodiversity Study prepared by Eco Logical Australia. The study details that priority should be given to protecting and improving native vegetation, and habitats for native species. It also details that planting and new habitats will need to be in small managed public and private spaces such as roadsides, parks and landscapes areas within development sites.

The Department has failed to provide the necessary controls for addressing onsite deep soil, biodiversity and tree canopy requirements for the key sites. The design guidelines should be amended to include deep soil and tree canopy targets for each key site.

### **Sustainability**

The City supports the sustainability targets detailed for 622-644A Harris Street in the Design Guide. These include achieving (as a minimum) a:

- BASIX Energy score of 50
- BASIX Water score of 50
- Bronze WELL Building rating but targeting a Silver WELL Building rating, and
- a 6 Star Green Star Buildings rating.

The Department has not detailed sustainability targets for the remaining key sites and should be amended to include them. In setting targets the Department should consider the City's proposed planning for net zero energy buildings.

### **Urban Design Report**

The City generally supports the objectives and considerations outlined in the Urban Design Report and sub-precinct master plans. The City appreciates the flexibility built into the report which will enable the City to make place-based and people-focused decisions, in consultation with the community, in relation to future planning controls across the peninsula.

The City envisages that the Department will receive detailed feedback on the Urban Design Report and sub-precinct master plan from the community. The City encourages the Department to make meaningful changes to the document in line with community sentiment. Changes and clarifications should be made around contentious issues including the need for proposals under the Height Strategy to address over shadowing, heritage and context, what the intent of the "Pymont Point 24-hour zone" is and that the "Potential Maybanke Park Experience" is a suggested outcome, not a proposal.

### **Public Views**

The City supports the protection and enhancement of public view corridors. The Department should view each of the public views identified in the sub-precinct master plans to make sure they exist or are achievable. For example, the Gipps Street view corridor to Blackwattle Bay does not exist due to the Western Distributor and is unlikely to be achievable due to the need for extensive street trees.

## Transport and access

The exhibited proposal is supported by a Stage 2 Transport Assessment prepared by VIAE Consulting. The Stage 2 Transport Assessment aims to:

- demonstrate the proposed planning controls and resulting uplift for the four key sites can be supported by the existing and committed infrastructure, and
- assess the impact of the proposed transport interventions identified in the PPPS through multi-modal transport modelling and detailed traffic modelling.

The Stage 2 Transport Assessment concludes:

- the proposed uplift across the four key sites will not adversely affect the traffic conditions in the peninsula, with delivery of the new Pyrmont Metro station factored into this analysis, and
- transport investments and services that would support increased population and employment across the peninsula include:
  - the new Sydney Metro West station at Pyrmont
  - increased frequency of the Inner West Light Rail to 12 services per hour
  - a new bus route from Rozelle to Green Square Station, via Harris Street and Regent Street, with a frequency of at least 6 services per hour
  - bus priority infrastructure to support a new proposed bus route and a contraflow bus lane on Harris Street and Regent Street between Thomas Street and Lee Street, and
  - a cycle lane along Jones Street Between Broadway and Wentworth Park light rail stop.

The majority of these proposals, and a number of other proposals identified in the sub-precinct master plans, are not funded or committed for delivery.

The Department in their exhibited material state:

*The Government will continue to monitor service levels to ensure the opportunities for these investments are considered at the appropriate time. As a result, they should be regarded as initiatives subject to further development, scoping, business case, investigation, and investment decisions.*

For the Metro sites, the Department proposes a site-specific provision that requires Sydney Metro to prepare a study to support their over-station development that identifies active transport routes and public domain improvements to enable passengers to travel to and from the station entrances and further afield to the Sydney CBD and Blackwattle Bay.

The Department's response to transport and access arrangements within the peninsula remains insufficient. The Department must ensure a greater level of commitment is provided by the NSW Government, including Transport for NSW, to the community in relation to the identified required transport and access improvements across the peninsula.

The Department's commitment to "monitor" service levels should be upgraded to a commitment to work with the City, Transport for NSW, Infrastructure NSW and Sydney Metro to plan for, fund and deliver the required transport and access improvements.

Without such a commitment any additional increased population and employment across the peninsula beyond the four key sites is at risk of not being sustainably achievable.

Should you wish to speak with a Council officer about the above, please contact Tim Wise, Manager State Planning Projects, on 9265 9314 or at [twise@cityofsydney.nsw.gov.au](mailto:twise@cityofsydney.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written in a cursive style.

**Graham Jahn** AM LFRAIA Hon FPIA  
**Director**  
City Planning | Development | Transport