

4 February 2022

The Secretary
Department of Planning and Environment
12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Cassel

PYRMONT PENINSULA SUB-PRECINCT MASTER PLANS- SUBMISSION

Introduction

This submission regarding the Pyrmont Peninsula Place Strategy (**PPPS**) sub precinct master plans has been prepared on behalf of Landream Pyrmont Pty Ltd (**Landream**). Landream is contracted to purchase 14-26 Wattle Street (the **site**), a former quarry and then depot, from the City of Sydney Council (**Council**). The site is located within the Wentworth Park Sub-Precinct. Landream recognises the importance of effective collaboration and has forged a reputation for consistently delivering outstanding projects within Australia of a global standard.

We commend The Department of Planning and Environment (the **Department**) for the preparation of the sub precinct masterplans. We acknowledge that the sub precinct masterplans provide guidance that will assist a specific direction on future planning controls. We also acknowledge that in key locations it has been appropriate to progress the formulation of the future planning controls to advance the implementation of the PPPS and complement the investment in new public infrastructure in the Pyrmont Peninsula and promote Pyrmont as a lively hub of enterprise, employment, lifestyle, recreation and public space amenity.

In this submission we seek to highlight a unique site which also warrants intervention by the Department to achieve an optimal development outcome which maximises public benefit benefits while facilitating the orderly and economic development of the land.

The Site

The site forms part of the Wentworth Park Sub-Precinct and is located on the eastern edge of Wentworth Park, directly south of and adjoining the Wentworth Park Light Rail Station, west of a 'strategic active transport route' along Jones Street and north of Fig Street. The site has an area of 12,125m² and is currently vacant (see Figure 2). The site provides an excellent opportunity to support the vision of the Pyrmont Peninsula by providing a balanced mix of residential, commercial, retail, community facilities, generous public open space and improved pedestrian permeability in the locality via through site links that will address current access pedestrian challenges created by the Fig Street cutting.

The site was formerly used a quarry. It was then partially filled and used for a variety of purposes including most recently a council depot. As a result, the topography of the site is altered with a cliff face along the eastern (Jones Street) boundary.

The site is presently zoned B4 - Mixed Use under the provisions of the *Sydney Local Environmental Plan 2012* (the **LEP**) and is subject to a maximum building height control of 27m and a floor space ratio (**FSR**) of 4:1.

The PPPS Urban Design Strategic Framework (the **Urban Design Framework**) identifies the site as being capable of change. The site and geographical context is illustrated in Figure 1 to 3 below.

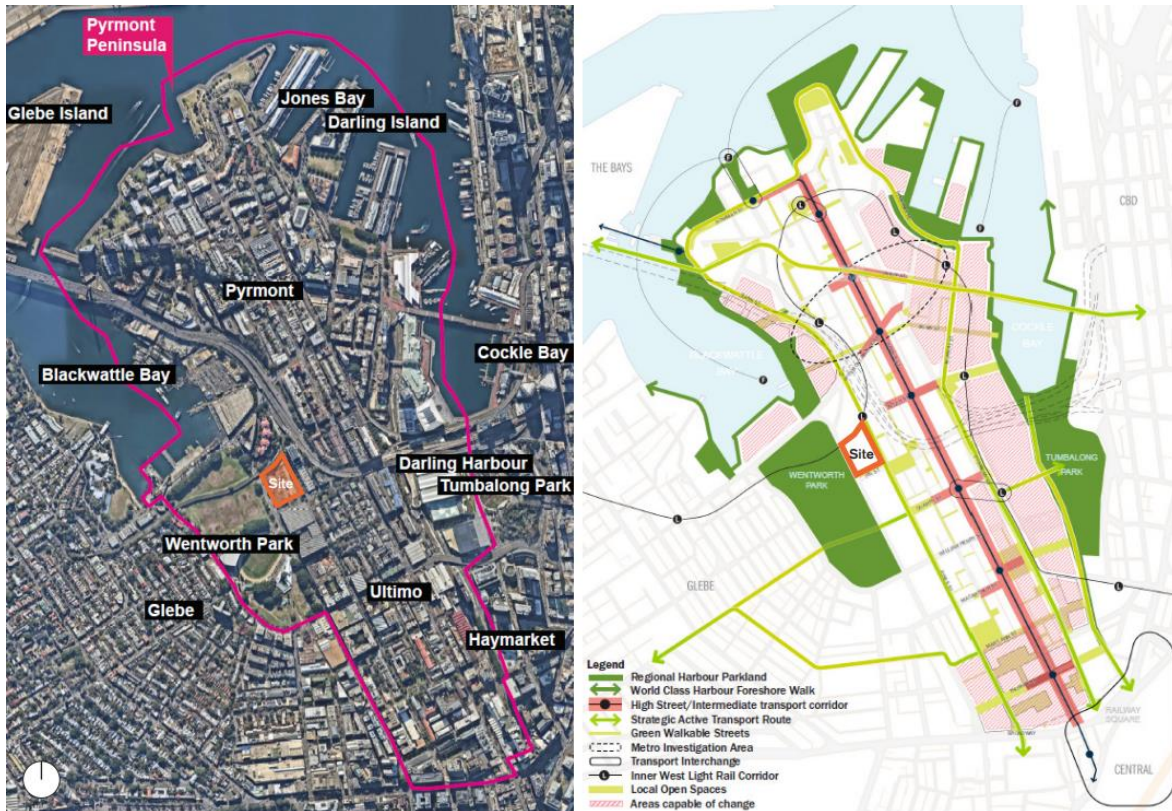


Figure 1: Location of site in Pyrmont Peninsula and site in the structure plan context (Source: Tzannes)



Figure 2 - View from within the site near Wentworth Park Light Rail Station.



Figure 3 - View from Wentworth Park looking east towards the site.

Stage 1 Development Approval

Concept (Stage 1) development approval was granted on 21 May 2021 for development application D/2019/649 which includes a building envelope with a maximum height of 33.08m and indicative land uses including residential, commercial, retail, childcare, and recreational facilities. The Stage 1 development approval demonstrates the significant public benefits that can accrue from the economic redevelopment of the site, however, it also demonstrates that the height and FSR controls are not calibrated to achieve the optimum development outcome, namely one that enables the creation of significant public domain while facilitating (within environmental constraints) economic redevelopment that maximises the utility of existing and new public infrastructure in a highly accessible location and well serviced. Notably, the Stage 1 development approval provides significant public benefits (discussed in following section), however, despite a variation of the height of building control, it fails to achieve the planned density (4:1) for the site let alone what we would submit is the environmental capacity of the site that optimises wider public benefits.

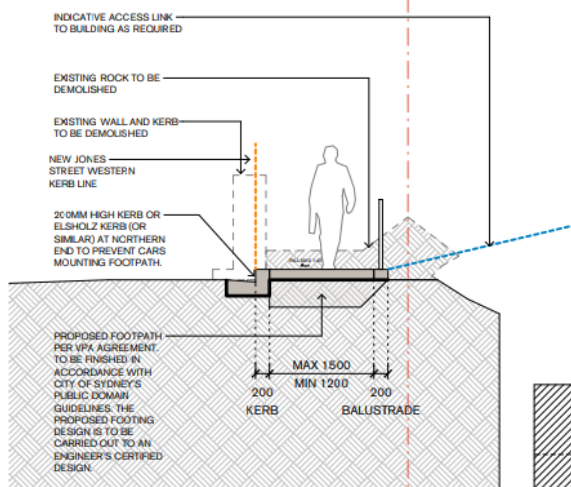
Public benefits of economic redevelopment

The concept development approval has demonstrated that there are significant public benefits which can accrue from the economic redevelopment of the site. These are discussed below and it should be noted that they exceed any requirements created by either the planning controls or existing landowner.

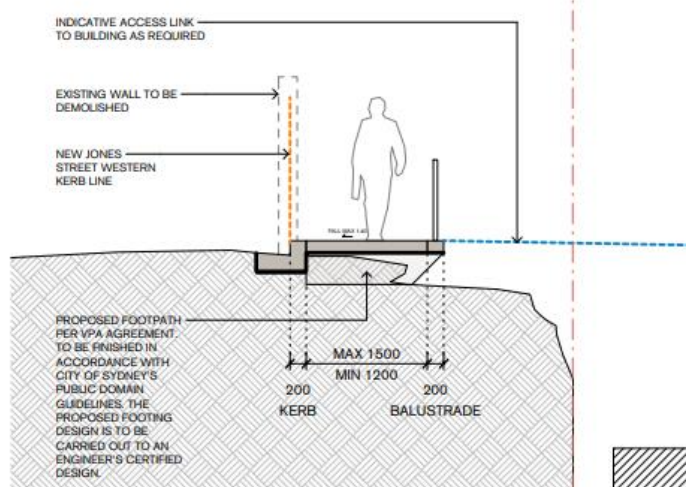
Pedestrian through-site link

The site proposes two accessible and active through site links to provide safe pedestrian connections and improved public domain outcomes that benefit the locality and exceed the minimum requirements of the landowner. Connecting Wattle and Jones Street via a through-site link will provide a direct accessible path between the two streets. The North/South Link also provides thoroughfare to the Wentworth Park Light Rail Station to provide safe and legible access to public transport.

The Stage 1 development approval includes through site links with generous widths to increase pedestrian permeability and amenity. The minimum width of the Wattle Street Link is 18m whereas the Jones Street and North/South Link provides a minimum clear width of 9m. The through site links are well landscaped public open spaces, with trees and planters, to provide a pleasant pedestrian experience within the site. All through site links would be open to the sky and provide clear sight lines, particularly through the Jones Street link entry to enhance pedestrian safety. They would support clear and legible building entries to commercial buildings and residential



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Community facilities (childcare and indoor recreation)

The multi-purpose recreation centre is to also be managed by the City of Sydney and provides 2 multipurpose courts, 2 multi-function activity rooms, with a high standard of amenity and playing facilities. The childcare centre and recreational centre zones are located within the Jones Block, an extract of the concept envelope has been provided in Figure 7 below.

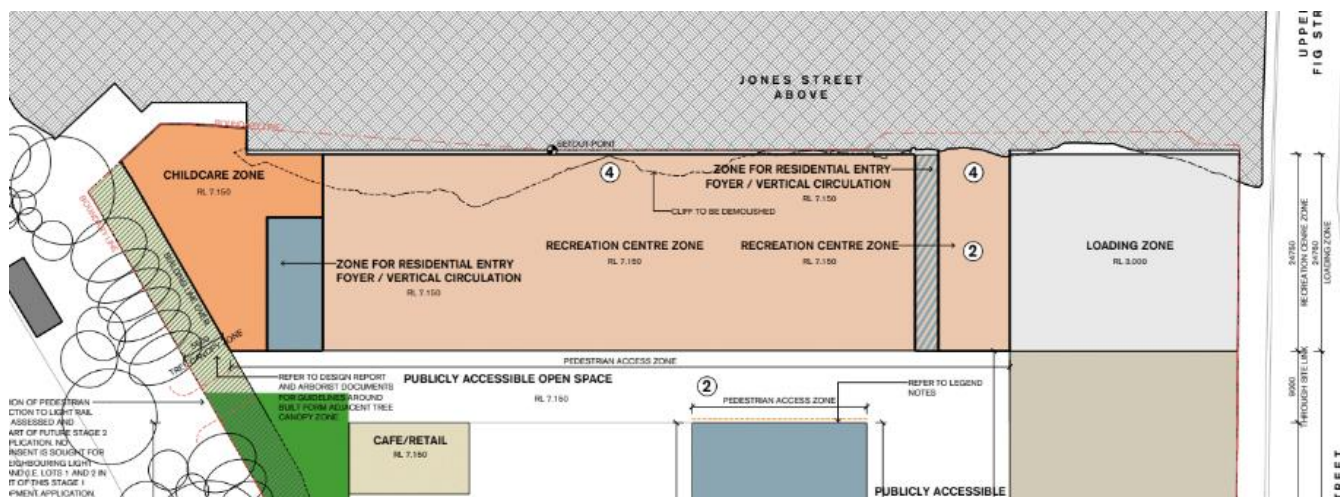


Figure 7: Extract of Concept Envelope Plan, showing childcare and recreational centre zones (Source: Tzannes)

Mix of employment and living uses

The development of the site will deliver a balanced mix of residential, commercial, retail and community facilities which is a suitable land use mix for the site. It will provide a mix of employment and living avenues that addresses Toga's future plans for a predominantly commercial precinct to the south, and the non-residential uses of nearby developments at the Fish Market. Commercial activities will be provided in a standalone building on the southern portion of the site, responding to the commercial uses along Wattle Jones Corridor. The site is located on the edge of the Bays Growth Centre area and a provision of a balanced mix of land uses is in line with the initiatives of this area.

The site is in close proximity to numerous local services and infrastructure. It is located adjacent to Wentworth Park Light Rail Station and will deliver employment, housing and recreation in an area highly accessible by public transport. A variety of schools are within the vicinity of the site including Fort Street Public School (200m south), Ultimo Public School (250m south) and Sydney Secondary College (400m west). Public spaces including Wentworth Park, Fig Lane Park and Quarry Green are all highly accessible from the site.

The Concept Design presents a variety of residential units in different sizes and orientations to meet the needs of different households. Adaptable apartments will be offered as part of the mix to suit changing needs over time. The residential provisions will provide an appropriate transition between the existing residential uses to the north and commercial uses to the south. It is consistent with the future desired character by providing an appropriate contribution to Council's five-year dwelling and employment targets in the Eastern City District Plan (Our Greater Sydney 2056).

Expansion of Jones Street public domain

The Stage 1 development approval provides a 3.6m setback from the Jones Block in the northeast to a new proposed footpath on the southern edge of Jones Street. There is presently no footpath on the western side of Jones Street nor is there a statutory requirement to provide one. The footpath would be constructed to a minimum width of 1.2m with a max width of 1.5m. The indicative footpath would be provided in accordance with the City of Sydney's Public Domain Guidelines and to an engineer's certified design. The footpath is required to enable Jones Street as a strategic active transport route in accordance with the PPPS. Figure 6 and Figure 7 below provide the proposed sections of the Jones Street footpath which have been extracted from the Public Domain Concept Plan.

Draft Special Infrastructure Contribution (SIC)

The Minister for Planning & Public Spaces is proposing a Special Infrastructure Contribution (SIC) for the Pyrmont Peninsula. The SIC is determined under the Environmental Planning and Assessment Act 1979 (EP&A Act) is an avenue for the NSW Government to ensure funding is available for key state and regional infrastructure to support growing communities. The proposed SIC is applicable to the Pyrmont Special Contributions Area (SCA), this context provided in Figure 8 below.



Figure 8: Proposed Pyrmont Special Contributions Area, site shown red and metro station shown by yellow star (Source: DPIE)

The proposed SIC intends to represent a reasonable contribution towards the cost of the Pyrmont Metro Station “*while not adversely effecting development feasibility*”. The draft SIC proposes impose a development levy of \$15,000 per new dwelling and \$200 per sqm on new non-residential GFA to help fund the Pyrmont Metro Station.

The Feasibility Analysis prepared by Atlas Urban Economics (**Atlas**) for The Department demonstrates impact testing that found that SIC rates had a broad distribution impact on surplus value. It was determined that sites with planning uplift, such as increased FSR or Height, retain more of their surplus compared to sites with no planning change and it was observed that economic tolerance to a SIC was most modest for sites with no planning change and located outside of the zone of economic influence of the new metro station. In other words, this site, which does not benefit from planning change and is unlikely to see a ‘deepening of demand’ arising from the new metro station, is likely to be most adversely affected (economically) by the SIC noting substantial public benefits provided on-site (through site link, public accessible open space and Jones Street footpath) already.

The Feasibility Analysis recommends advance notice (at least 12 months) of a SIC be provided to the market with savings provisions applying to applications lodged during this time to enable sites already purchased to be progressed for development and for due diligence investigations to account for any increased contributions prior to site purchase. Given the requirement to obtain concept development approval and undertake a design competition for large development sites in the City of Sydney, 12 months is a grossly inadequate timeframe to enable sites already purchased to be progressed for development. We also note that despite this recommendation, it is proposed that the SIC will apply immediately, but with a 50% reduction in the first year. In either scenario, the full cost of the SIC will impact on future project feasibility for the site.

The site has capacity for additional development consistent with the Wentworth Park Sub-Precinct Masterplan

Revised Solar Access Plane (SAP) Analysis

The Wentworth Park Sub-Precinct Masterplan is outlined within an Urban Design Report which includes detailed sun-access planes. Tzannes have conducted extensive solar studies including the preparation of a revised solar access plane (SAP) that demonstrates additional height and scale is possible on site whilst ensuring adequate solar amenity to Wentworth Park and Fig Lane Park. The SAP (dated 14 January 2022) includes 3D solar envelopes from the northern and southern perspectives to verify an indicative building envelope which results in minimum solar impacts to the surrounding context. Extracts of the revised SAP have been provided in Figure 9 - Figure 12 below.

While the SAP is by no means the sole determinant of the development capacity on site, the revised SAP demonstrates that even with further refinement, there is unused development capacity on site under the current planning controls. Further discussion regarding the matters that ought to be considered when assessing the appropriate development standards for the site is provided in the accompanying submission prepared by Paul Davies (Heritage Architect). It is evident from the work by Tzannes and the analysis by Paul Davies that some additional height is feasible in the central part of the site and on Jones Street and Fig Street. This would allow the built form to step up towards the east in accordance with the Height Objectives of the Peninsula Height Strategy.

We note that the revised SAPs demonstrate the following:

- The Wentworth Park SAP is achieved from 10am – 2pm all year round. The most restrictive solar plane is established at 10am mid-winter which reduces the solar envelope height to a minimum RL of 29.40 and a maximum RL of 29.46 (approved envelope RL 29.15). The approved envelope at the building edge facing Wattle Street is lower than the SAP and unaffected.
- The PPPS aims to protect solar access to important public spaces and places, including Fig Lane Park. Solar protection is noted at 10am – 2pm based on existing overshadowing analysis which included consideration of partial solar protection at 3pm mid-winter to the usable part of the park. As demonstrated above, the revised solar envelope does not impact the approved building envelope along Jones Street. There is capacity for additional mass in the northwest corner above the Fig Block without comprising solar amenity of the nearby Fig Lane Park.
- There is opportunity for additional height on the Jones Street frontage (Jones Block) under the revised SAP.

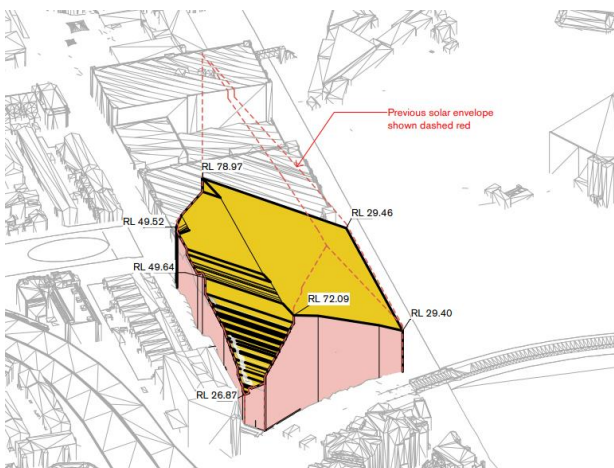


Figure 9: Extract of Solar Access Plane Testing (North) including previous (Source: Tzannes)

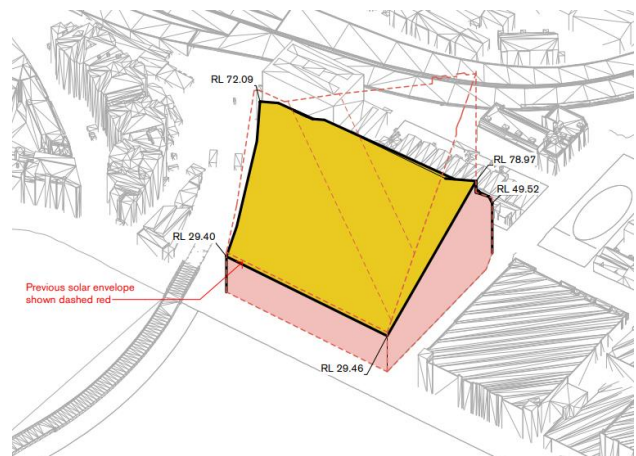


Figure 10: Extract of Solar Access Plane Testing (South) including previous (Source: Tzannes)

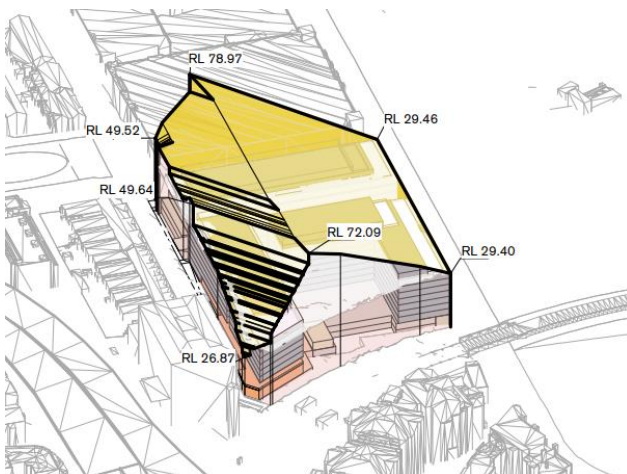


Figure 11: Extract of Solar Access Plane Testing (North) (Source: Tzannes)

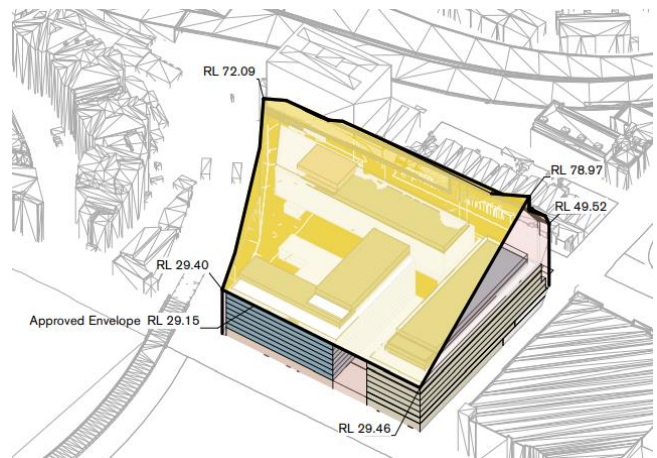


Figure 12: Extract of Solar Access Plane Testing (South) (Source: Tzannes)

Additional Indicative FSR

Additional height and FSR is supported under the revised SAP. The site can potentially accommodate an additional 4 storeys on the Jones Block, 5 storeys on the Fig Block and 1 storey on the Wattle Block. These additional stories will provide enhanced residential variety and availability within the site. An indicative FSR has been provided by Tzannes which is 4.0:1. The indicative-built form of the development is provided at Figure 13 below.

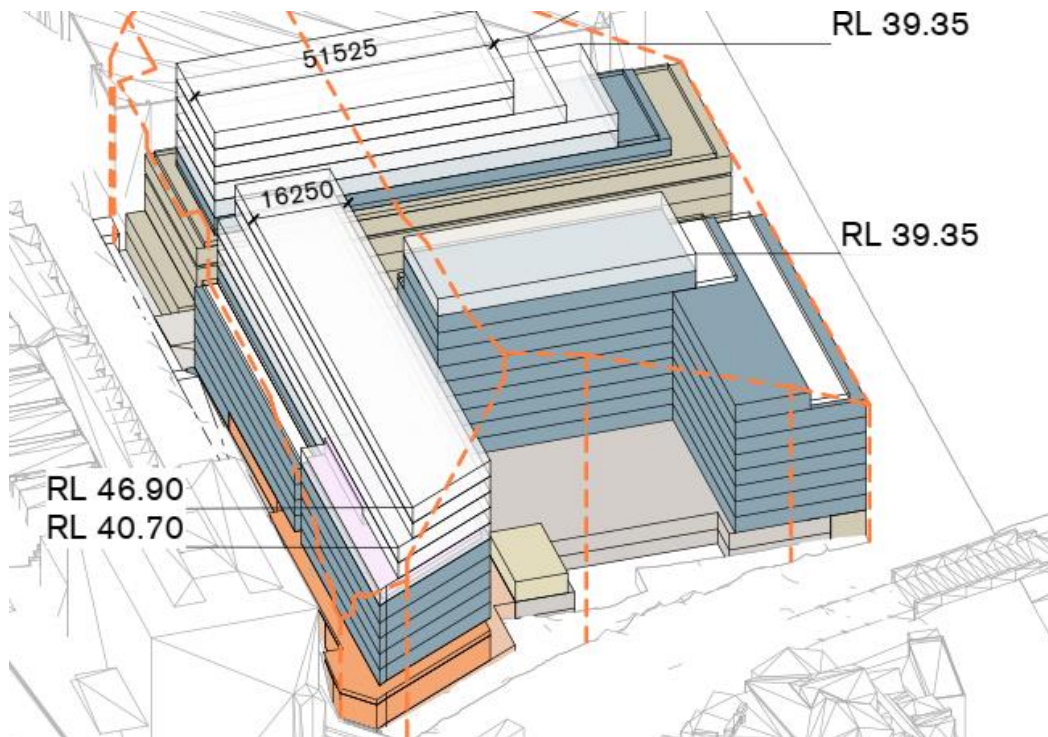


Figure 13: Indicative built form under revised SAP, indicating greater development potential (Source: Tzannes)

The additional yield on the site would not compromise solar amenity to public spaces and would allow for a greater variety of residential units, differing in sizes and orientations, to meet the growing needs of the community.

Summary

On behalf of Landream, we again offer their support for the sub precinct master plans and in particular the Wentworth Park sub-precinct masterplan which aligns with the PPPS vision to provide attractive and productive places with excellent amenity and connectivity. We acknowledge that the sub-precinct masterplan offers broad guidance that will assist the refinement of future planning controls and, except for a small number of key sites, this is a task that will fall to the City of Sydney Council.

It is our submission that 14-26 Wattle Street warrants consideration as a key site because:

- It is a large site under private ownership with significant potential to promote the objectives of the Wentworth Park sub-precinct masterplan offering considerable public benefits which are demonstrated by the existing concept development approval.
- It is constrained by historic development standards (height and FSR) that are poorly calibrated due to the unique site characteristics and fail to optimise the utility of the site from an urban planning perspective (as demonstrated by the concept development approval).
- With appropriately calibrated development standards (planning change) there is an opportunity to provide additional housing and employment floor space with no adverse environmental impacts.
- The proposed SIC levy will significantly affect the economic feasibility of the site potentially sterilising it in the absence of planning change.
- The City of Sydney Council is unable to deal impartially with the future planning of the site simply because of the Council's ownership interests, notwithstanding the recency of the PPPS and the sub-precinct masterplan, necessitating it to be dealt with in the same manner as a 'key site'.

We look forward to engaging further with the Department regarding the appropriate future planning of this unique site and would be happy to respond to any questions in the meantime.

Yours sincerely



Stephen Kerr
Executive Director

4th February 2022

The Secretary
Department of Planning and Environment
12 Darcy Street
Parramatta NSW 2150

Dear Mr Cassel

re Pyrmont Peninsula Sub-Precinct Masterplans - submission

We write to address the site at 14-26 Wattle Street Pyrmont in relation to the Wentworth Park sub-precinct Masterplan and the assessment provided by Glyde in relation to potential additional development potential.

The specific issue that we are looking at is the potential heritage impacts that may arise from adding some additional height to the development, particularly in relation the Jones Street interface. This was a topic of some discussion during the Stage 1 Concept approval and court process.

There are two principal issues to consider in relation to building height. The first is the direct interface to Jones Street and the buildings fronting it and the second is the broader possible impact on increasing the height of parts of the development.

The Jones Street interface is the built form that fronts Jones Street, the width of the street, the modulation of built form and immediate scale and form that creates the 'streetscape'. This was determined during the approval process and the current street wall height and form was an agreed outcome. It remains a sound outcome that creates a well-balanced street form with a responsive wall height. The widening of the street, recovering the quarried edge, adding footpaths and public space are significant benefits to the amenity and form of the street.

The approval also provided for some setback development, that is setback from the street front façade.

The massing and solar analysis prepared by Tzannes demonstrates that further height is possible along Jones Street and elsewhere on the site without affecting critical solar access. This provides a starting point to consider some greater height and establishes an upper limit. However, it is an upper limit only related to solar access and does not pre-determine other considerations such as streetscape or urban form or heritage relationships.

The considerations around height are ones about the spatial arrangement of Jones Street rather than simply a prescribed height. It is not about views, outlook or general massing but about creating a street setting that is appropriate to the row of heritage buildings located within it.

It is difficult to determine a height or even setbacks without considering the detail of design, massing, articulation, materiality etc. However, several principles can be set out to assist determining a suitable broad form. They would include:

- 1 The solar plane should not be exceeded.
- 2 There is a need for a setback at the approved street wall height to new development.
- 3 There may be more than a single setback, it may be varied in both location and height, it may be articulated, but there needs to be a separation of the street form from any development that is above and behind.
- 4 A design response may need to use materiality, shading and a range of design devices to create visual separation of elements.
- 5 A design response may adopt a range of heights to vary the built form and ideally would not create a monolithic form.
- 6 The design of apartments on higher levels may adopt different forms to those lower in the building to allow stepping and massing variation.

Provided that a design is responsive to the setting and does not affect other planning controls, there is no heritage reason to prevent consideration of a higher built form to Jones Street and also to Fig Street. I provide the following observations about the setting, height, massing and relationship to the heritage elements of the area.

- 1 The approved built form removes views and general outlook from Jones Street. A skyview remains as well as long street views.
- 2 Matching the heights of existing buildings is not a basis for good planning. There is scope for some additional height along the western edge of Jones Street and Fig Street generally. This would need to be set back so that the warehouse streetfront scale is retained but there is considerable scope for built form above that level. It is noted that the warehouse heights are a product of the practicality of moving goods vertically and construction forms and not by urban considerations.
- 3 Warehouse forms are generally of reasonable height, the separation of levels between Wattle and Jones Streets gives scope for higher built forms to be developed on the higher ground (as seen further along Jones Street) without having adverse impacts on the form of the area.
- 4 As with any potential development, the actual detailed design is a key factor in achieving a sound outcome. Building envelopes are relatively brutal tools that are often taken too literally, however, they are required to establish limits. Given that the approved envelope does not reach the floor space limits, and there is very substantial public benefit in the design approach in both open space and connection. And the provision of public facilities, there is scope to add floor space in a careful and managed way.

We supported some greater height on both Jones and Fig Streets in the early development of the proposal, we remain of the opinion that this can be achieved without adversely affecting the heritage values of the place or its setting and the buildings and spaces around it.

Other parts of the site development do not interface with heritage elements and have not been considered in detail in this letter. Within the constraints of the solar access plane there may be potential to consider some additional height in the centre of the site. There is no heritage constraint related to this.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul Davies', written over a vertical line that extends from the signature down towards the typed name.

Paul Davies

Director
B Arch MBEnv Bldg Cons AIA
Chartered Architect