



IRF24/1483

Gateway Determination Report – PP-2024-376

Planning Proposal for land in Ultimo and Pyrmont

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning Proposal

1.1 Overview

Table 1 Planning Proposal Details

LOCAL GOVERNMENT AREA (LGA)	City of Sydney
PPA	City of Sydney Council (Council)
NAME	Ultimo Pyrmont Planning Proposal (1,150 homes, 6,000 jobs)
NUMBER	PP-2024-376
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
ADDRESS	Various sites across Ultimo and Pyrmont
DESCRIPTION	Changes to the planning controls to implement the next stage of the Pyrmont Peninsula Place Strategy.
RECEIVED	22/02/2024
FILE NO.	IRF24/1483
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.2 Objectives of the Planning Proposal

The planning proposal seeks to amend the planning controls for land in Ultimo and Pyrmont to facilitate development that is consistent with the Pyrmont Peninsula Place Strategy (the Place Strategy), Economic Development Strategy prepared by NSW Treasury, Eastern City District Plan and the Greater Sydney Region Plan.

The planning proposal contains objectives and intended outcomes that adequately explain its intent. The objectives of the planning proposal are to:

- Provide additional floor space for employment and business uses close to the future Sydney Metro station at Pyrmont.
- Provide additional floor space for a range of different types of residential accommodation.
- Maintain appropriate levels of sunlight to habitable rooms of existing homes and Wentworth Park.
- Allow business premises as an additional permitted use on certain sites along Harris Street.
- Deliver more affordable housing by applying an additional affordable housing contribution to sites benefitting from an uplift in residential development capacity.

- Encourage new homes to be built on small lots at the rear of existing dwellings in Ultimo and Pyrmont.

The objectives of this planning proposal are clear and adequate.

1.3 Site Description and Surrounding Area

The planning proposal applies to land in the City of Sydney LGA identified as 'Ultimo-Pyrmont' on the Locality and Site Identification Map in the Sydney LEP 2012 (see **Figure 1**), which covers part of the suburbs of Ultimo and Pyrmont. This area extends from Pirrama Park and Johnstons Bay in the north, Darling Harbour and the Goods Line walkway to the east, George Street and Broadway to the south, and Wattle Street and the Western Distributor to the west.

Together, Ultimo and Pyrmont have around 20,000 residents and form Greater Sydney's fifth largest business district, with around 40,000 workers. The area 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.

A new Sydney Metro station at Pyrmont is scheduled to open in 2032. It will significantly improve the accessibility of Pyrmont and Ultimo by directly connecting the area to Westmead, Parramatta, Sydney Olympic Park, and the Sydney CBD. The location of the station is shown in **Figure 2**.

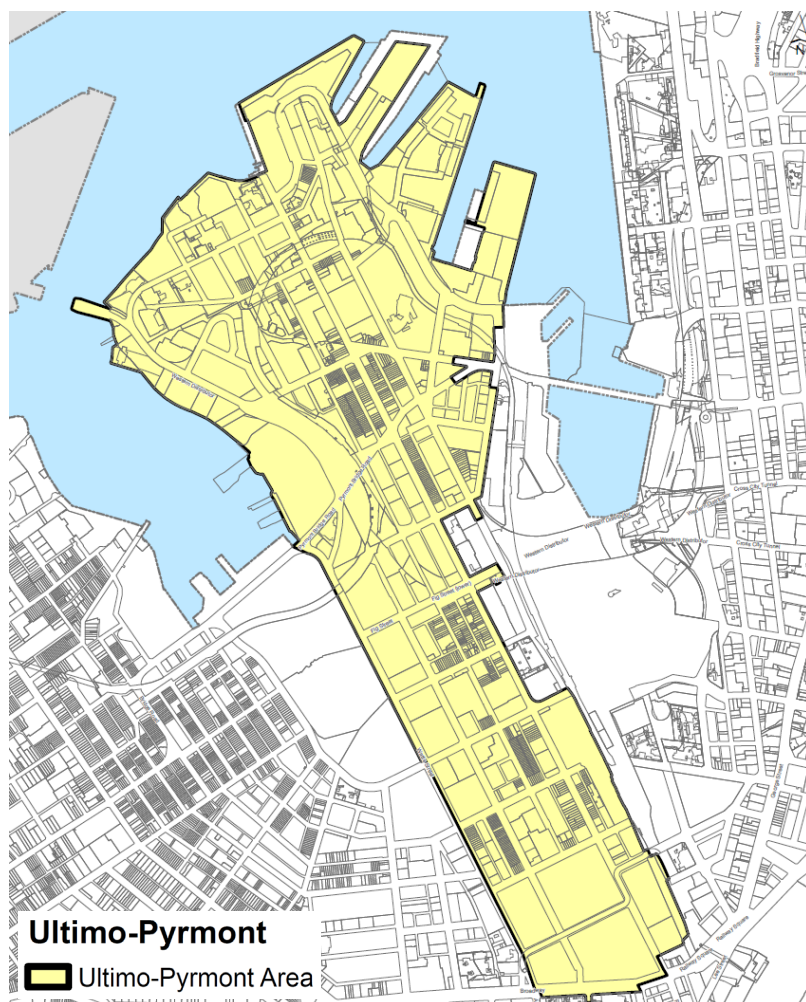


Figure 1 Land identified as 'Ultimo-Pyrmont' in the Sydney LEP 2012 (Source: Council)

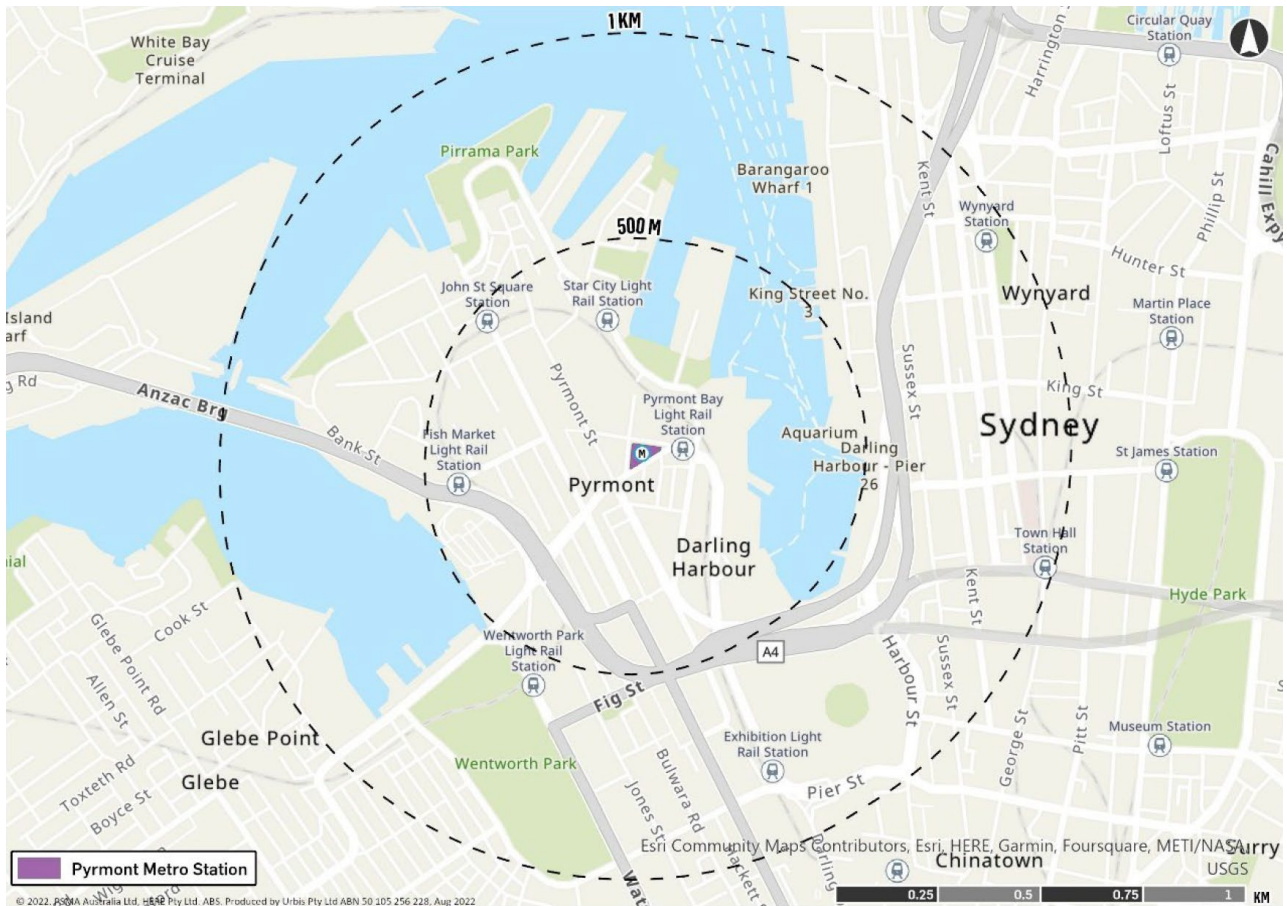


Figure 2 Location of the Sydney Metro station at Pyrmont (Source: Sydney Metro)

1.4 Background

1.4.1 Pyrmont Peninsula Place Strategy

A Place Strategy for Pyrmont Peninsula was endorsed in December 2020. It sets a new vision for Ultimo and Pyrmont, based around strengthening the productivity of the Eastern Harbour City, providing capacity for new jobs, and enhancing the area's character, heritage and amenity. Under this new vision, Ultimo and Pyrmont is to play an important role in the continued growth and success of Greater Sydney and the NSW economy over the next 20 years. The Place Strategy forecasts 23,000 new jobs and 4,000 new homes by 2041.

The Place Strategy responded to the former Greater Cities Commission's direction to 'unlock the economic potential' of the area and was led by the Pyrmont Peninsula Economic Development Strategy (Economic Development Strategy) prepared by NSW Treasury. The Economic Development Strategy detailed the current economic character of Ultimo and Pyrmont, analysed the drivers of growth and change, and forecast future demand for new jobs and floor space, assuming a new Sydney Metro station is built in Pyrmont.

The Place Strategy identifies key directions for guiding growth and change to 2041. It also sets out five Big Moves to help realise the potential of Ultimo and Pyrmont, which include:

- A world-class harbour foreshore walk (Big Move 1)
- A vibrant 24-hour cultural and entertainment destination (Big Move 2)
- Connect to Metro (Big Move 3)
- Low carbon, high performance precinct (Big Move 4)

- More, better and activated public space (Big Move 5).

The Place Strategy acknowledges the Pyrmont Peninsula is a collection of different places (referred to as ‘sub-precincts’), each with their own unique character and identity (see **Figure 3**). It includes priorities for each of the sub-precincts, which respond to their different needs and characteristics.



Figure 3: The Pyrmont Peninsula's 7 Sub-Precincts (Source: Place Strategy)

1.4.2 Implementing the Place Strategy

The Department led the first stage of implementing the Place Strategy. This involved:

- Introducing new planning controls to enable the redevelopment of the following key sites:
 - 20-28 Pyrmont Street, Pyrmont to enable a new hotel, theatre and rooftop uses at The Star Casino.
 - 622-644A Harris Street, Ultimo to enable the University of Technology Sydney's (UTS) 250-bed Indigenous Residential College.
 - 37-69 Union Street and 26-32 Pyrmont Bridge Road, Pyrmont to enable development associated with the future Sydney Metro station at Pyrmont, including a tower above the station at 37-69 Union Street.
- Preparing master plans for each of the sub-precincts. These sub-precinct master plans are contained in the *Pyrmont Peninsula Place Strategy - Urban Design Report (Vol. 3 Sub-precinct Master Planning)* (the Urban Design Report). They build on the priorities of the Place Strategy and provide high level guidance on how the sub-precincts could develop over the next 20 years.
- Establishing a new Special Infrastructure Contribution framework to help fund the new Sydney Metro station at Pyrmont.
- Preparing a technical evidence base to support new planning controls, including an Infrastructure Delivery Plan, Affordable Housing Study, Air Quality Assessment, Biodiversity Report, Contamination & Acid Sulfate Soils Study, Aviation Assessment, Wind Assessment, Non-Indigenous Heritage Report, Noise Study, and Transport Assessment.

Other steps taken by the NSW Government to implement the Place Strategy include:

- Rezoning the Blackwattle Bay State Significant Precinct to enable approximately 1,200 dwellings, 5,600 new jobs and 34,000m² of new parks and public space, including a 30m wide foreshore promenade linking Glebe Island Bridge and the new Sydney Fish Market.
- Approval of a detailed State Significant Development (SSD) application for the redevelopment of the Harbourside Shopping Centre in Darling Harbour. The project will provide 265 dwellings and 42,525m² of commercial gross floor area (GFA).
- Sydney Metro submitting a concept SSD application for a mixed-use building above the new station at Pyrmont, with a maximum height of RL 120m. The application is currently under assessment by the Department.
- Transport for NSW (TfNSW) preparing the Pyrmont-Ultimo Transport Plan which builds on the work of the Place Strategy and identifies the specific transport initiatives needed to support the 23,000 new jobs and 4,000 new homes forecast by the Place Strategy.

1.4.2.1 Sites Capable of Change

The Place Strategy identified sites 'capable of change' with the potential to be redeveloped to deliver new homes and employment floor space over the next 20 years. The list of sites was refined as part of the sub-precinct master planning process and is shown in **Figure 4**.

As part of the next stage of implementing the Place Strategy, Council was responsible for undertaking a more detailed review of these sites and preparing new planning controls to give effect to the Place Strategy. Council's review has been informed by additional urban design analysis and advice on transport, flooding and heritage. The work undertaken by Council is set out in the planning proposal and the supporting Urban Design Study.

As a result of this additional analysis and advice, Council decided not to propose new planning controls for some of the sites previously identified as capable of change. Where this has occurred, justification is provided in Attachment A3 to the planning proposal. Conversely, Council is proposing new planning controls for some sites that were not previously identified as capable of change. Council's justification for doing so is provided in their Urban Design Study.



Figure 4: Sites Identified as Capable of Change (Source: Department)

1.5 Explanation of Provisions

The planning proposal seeks to amend the Sydney LEP 2012 as it applies to land in Ultimo and Pyrmont to:

- Rezone 1-33 Saunders Street, Pyrmont and 20-28 Bulwara Road, Pyrmont to MU1 Mixed Use.
- Amend maximum building height and floor space ratio (FSR) controls for various sites as outlined in **Table 2**.
- Introduce building height and FSR incentives for the delivery of employment floor space on certain sites as outlined in **Table 3**.
- Introduce new sun access planes (SAP) to protect Wentworth Park from overshadowing between 10am and 2pm, all year round.
- Enable new homes to be built on small lots created at the rear of existing dwellings in Ultimo and Pyrmont.
- Turn off the height bonuses available under clause 6.21D(3) for buildings demonstrating design excellence.
- Apply an additional affordable housing contribution to sites benefitting from an uplift in residential development capacity.
- Require some sites to provide active street frontages.
- Remove the requirement to prepare a site-specific development control plan (DCP) for certain sites.
- Make development for the purposes of 'business premises' an additional permitted use on some sites along Harris Street, Pyrmont.

There are inconsistencies between the explanation of provisions in the planning proposal and the example drafting provided in Appendix 1, particularly regarding the matters the consent authority must consider before granting development consent to development in Ultimo and Pyrmont. To ensure the planning proposal contains an explanation of provisions that adequately explains how its objectives will be achieved, a Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to:

- Resolve inconsistencies between the explanation of provisions in the planning proposal and the example drafting provided in Appendix 1.
- Provide a plain English explanation of the proposed amendments and clarify the development and land to which they would apply.

The final wording of clauses amended or introduced by the planning proposal would be subject to drafting and agreement by the Parliamentary Counsel's Office. The proposed amendments are discussed in further detail below.

Changes to the Sydney Development Control Plan 2012

The planning proposal is accompanied by amendments to the Sydney Development Control Plan 2012 (Sydney DCP 2012). The proposed amendments to the Sydney DCP 2012 (referred to as the draft DCP) would provide detailed planning controls that would need to be considered during the preparation and assessment of future DAs in Ultimo and Pyrmont. The draft DCP includes new planning controls for:

- the design of buildings, including heights (in storeys) and setbacks

- views
- public spaces and public access
- access for vehicles, pedestrians and cyclists
- landscaping, deep soil, tree retention and canopy coverage
- design excellence
- amenity, including wind and noise.

The planning proposal and draft DCP will be publicly exhibited concurrently.

1.5.1 Land Use Zoning

To allow for a greater mix of commercial and residential uses, the planning proposal seeks to rezone:

- 1-33 Saunders Street, Pyrmont from E2 Commercial Centre to MU1 Mixed Use (see **Figure 5** and **Figure 6**).
- 20-28 Bulwara Road, Pyrmont from R1 General Residential to MU1 Mixed Use (see **Figure 7** and **Figure 8**).

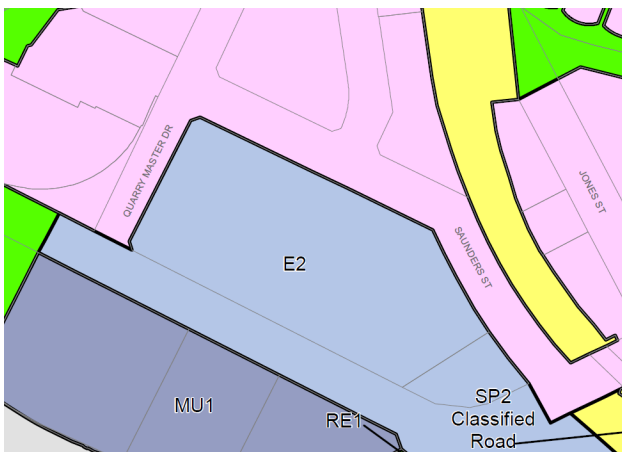


Figure 5 – Existing land use zoning for 1-33 Saunders Street (Source: Sydney LEP 2012)

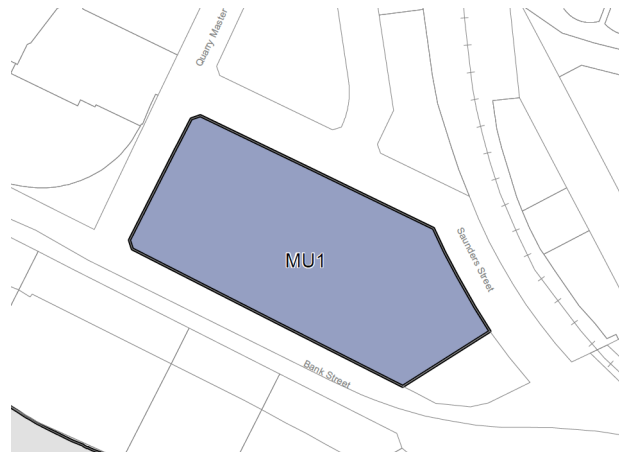


Figure 6 – Proposed land use zoning for 1-33 Saunders Street (Source: Planning Proposal)

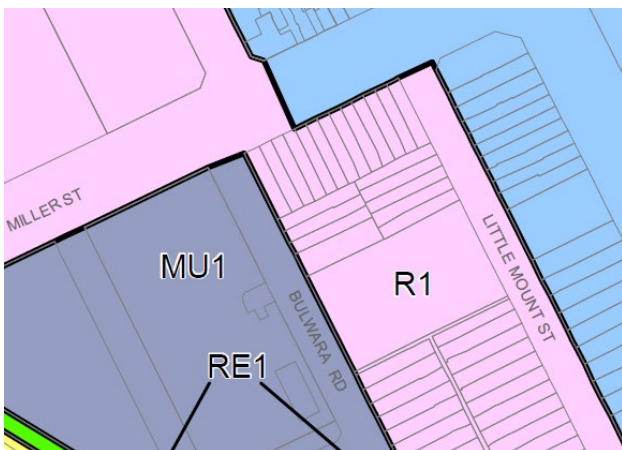


Figure 7 – Existing land use zoning for 20-28 Bulwara Road (Source: Sydney LEP 2012)

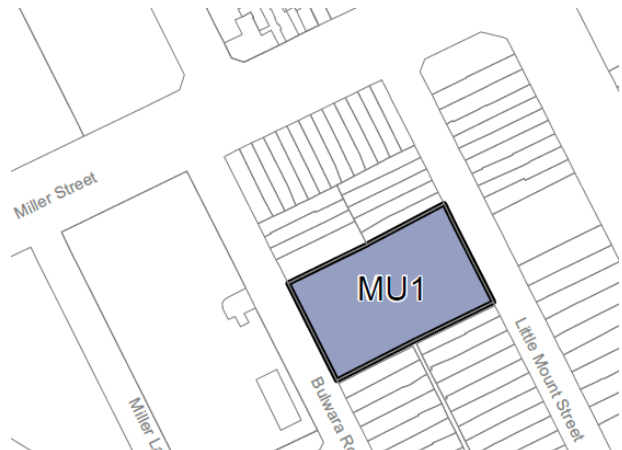


Figure 8 – Proposed land use zoning for 20-28 Bulwara Road (Source: Planning Proposal)

1.5.2 Building Heights and FSRs

To help enable growth forecast by the Place Strategy, the planning proposal seeks to amend the base maximum building heights and FSRs for sites across Ultimo and Pyrmont. The proposed amendments are outlined in **Table 2**.

The planning proposal also seeks to allow non-residential development on certain sites to exceed the base maximum building height and FSR. This is to incentivise the delivery of employment floor space. The proposed incentive building heights and FSRs are outlined in **Table 3**.

Sites where changes to maximum building heights and FSRs are proposed (including incentive building heights and FSRs) are shown in **Figure 9**.

Table 2 Proposed amendments to the maximum height of buildings (HOB) and FSR controls

Address	Existing HOB	Proposed HOB	Existing FSR	Proposed FSR
2 Edward Street, Pyrmont	24m	RL 86m	4:1	7.7:1
60 Union Street, Pyrmont	33m	RL 94m	4:1	7:1
55-65 Murray Street, Pyrmont	30m	40m	4:1	4.8:1
1-33 Saunders Street, Pyrmont	33m	55m	4:1	4.22:1
140-148 Bank Street, Pyrmont	33m	85m	4:1	11:1
26-38 Saunders Street, Pyrmont	24m	RL 120m	3:1	6.7:1
14 Quarry Master Drive, Pyrmont	27m	35m	3.5:1	4:0
79-81 John Street, Pyrmont	9m	28m	1.25:1	3:1
83-85 John Street, Pyrmont	9m	25m	1.25:1	2.75:1
87-89 John Street, Pyrmont	9m	25m	1.25:1	2.5:1
91-93 John Street, Pyrmont	9m	22m	1.25:1	2:1
12 Pyrmont Street, Pyrmont	22m	50m	1.75	3.5:1
48 Pirrama Road, Pyrmont	24m	50m	4.5:1	4.5:1
80-84 Harris Street, Pyrmont	9m	33m	1.25:1	2.75:1
86-92 Harris Street, Pyrmont	15m	27m	2:1	2.3:1
100 Harris Street, Pyrmont	24m	38m	3.5:1	3.5:1
446-456 Wattle Street, Ultimo	9m	35m	1:1	3.75:1
458-468 Wattle Street, Ultimo	15m	35m	2.5:1	3.75:1
470 Wattle Street, Ultimo	15m	30m	2.5:1	3.5:1
469-479 Harris Street, Ultimo	9m	27m	1.5:1	2.4:1
481-483 Harris Street, Ultimo	9m	18m	1.5:1	1.6:1
535-547 Harris Street, Ultimo	22m	42m	3.5:1	3.3:1
549-559 Harris Street, Ultimo	22m	42m	4:1	3.61:1
561-577 Harris Street, Ultimo	22m	42m	4:1	3.41:1
579-583 Harris Street, Ultimo	35m	38m	6.3:1	6.5:1
562-570 Harris Street, Ultimo	9m	24m	1:0	2:0

Address	Existing HOB	Proposed HOB	Existing FSR	Proposed FSR
572-576 Harris Street, Ultimo	9m	24m	1.5:1	2:0
383-389 Bulwara Road, Ultimo	18m	35m	2:0	3:0

Table 3 Proposed incentive building heights and FSRs

Address	Existing HOB	Incentive HOB	Existing FSR	Incentive FSR
20-28 Bulwara Road, Pyrmont	9m	15m	1:1	1.4:1
1-27 Murray Street, Pyrmont	30m	RL 90m	2.5:1	6.5:1
46-48 Pyrmont Bridge Road, Pyrmont	12m	38m	2:1	3.9:1
13A-29 Union Street, Pyrmont	24m	45m	3.5:1	3.75:1
69-72 Union Street and 102 Pyrmont Street, Pyrmont	24m	38m	4:1	5.7:1
28-48 Wattle Street, Ultimo	27m	RL 56m	4:1	4.1:1
50-54 Wattle Street, Ultimo	33m	33m	4:1	4.5:1

1.5.3 Wentworth Park Sun Access Plane

The planning proposal seeks to amend clause 6.17 and Schedule 6A of the Sydney LEP 2012 to introduce a new sun access plane to protect Wentworth Park from overshadowing between 10am and 2pm, all year round.

Sun access planes define the height above which buildings would cast additional shadows on public spaces and parks at certain times of the day and year. To stop additional overshadowing of these places, buildings are restricted from protruding above sun access planes (by clause 6.17 of the Sydney LEP 2012).

The proposed sun access plane is consistent with the one prepared by the Department as part of the sub-precinct master plans. However, it is not clear how the proposed sun access plane for Wentworth Park would interact with existing provisions in the Sydney LEP 2012 that protect Wentworth Park from additional overshadowing, particularly clause 6.18.

A condition has been included in the Gateway determination requiring the planning proposal to be updated prior to public exhibition to explain how the proposed sun access plane would interact with existing provisions in the Sydney LEP 2012 that limit additional overshadowing of Wentworth Park.

1.5.4 Additional Affordable Housing Contribution

The planning proposal seeks to apply an additional 9% affordable housing contribution to sites benefitting from an uplift in residential development capacity (i.e., increased FSR) as a result of the proposed changes to the planning controls.

The additional affordable housing contribution would only apply to the additional residential development capacity created by the planning proposal. It would be determined at the DA stage by comparing the amount of residential floor space proposed and the maximum amount of residential floor space that would otherwise have been allowed had the planning controls not been changed. The additional affordable housing contribution could be satisfied by dedicating dwellings or paying an equivalent monetary contribution to Council.

Council is proposing to give effect to the additional affordable housing contribution by identifying applicable sites on the Affordable Housing Map and in Schedule 6C of the Sydney LEP 2012. This approach is consistent with the existing *City of Sydney Affordable Housing Program* (the Affordable Housing Program). No changes to the Affordable Housing Program are needed.

1.5.5 Small Lot Housing

The planning proposal seeks to enable new homes to be built on small lots created at the rear of existing dwellings in Ultimo and Pyrmont. These small lot homes, with a GFA of up to 35m², would front rear laneways and be subdivided from the lot containing the existing dwelling. This distinguishes them from secondary dwellings or granny flats, which cannot be subdivided.

Council's planning proposal would support the delivery of small lot homes by:

- Allowing development for the purposes of small lot housing to exceed the maximum permissible FSR by up to 35m².
- Providing that after the lot containing the existing dwelling is subdivided, it has the same maximum permissible GFA as before it was subdivided (despite the lot being smaller).

The planning proposal would require that the private open space of the lot containing the existing dwelling not be reduced to less than 16m².

Council is proposing to identify sites suitable for small lot housing on the Locality and Site Identification Map.

Council has included detailed planning controls for small lot housing in the draft DCP. These controls have been modelled on the design of existing houses on small streets in Pyrmont. The draft DCP includes controls for:

- the design of the built form, including building heights and setbacks
- vegetation and tree planting
- amenity, including cross ventilation and solar access.

Council's Urban Design Study sets out how small lot housing could be designed in a way that contributes to the fine-grain character of Ultimo and Pyrmont. An extract of the Urban Design Strategy is shown in **Figure 10**.

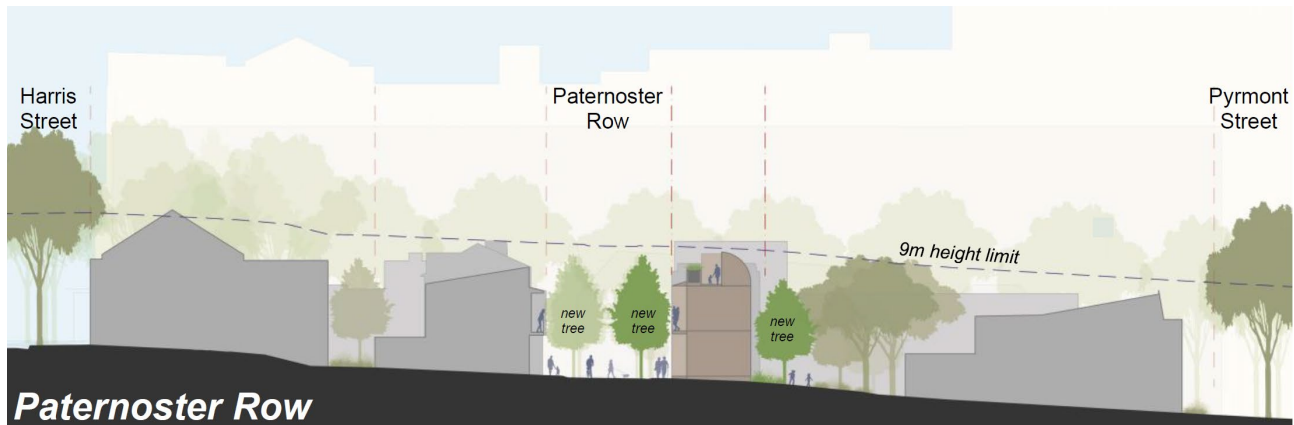


Figure 10 Cross section of what small lot housing could look like (Source: Urban Design Study)

1.5.6 Active Street Frontages

The planning proposal seeks to require that active street frontages, which are desirable places for people to use and walk along, be provided as part of the redevelopment of certain sites across Ultimo and Pyrmont. These sites are identified on the draft Active Street Frontages Map.

1.5.7 Additional Permitted Uses

The planning proposal seeks to make development for the purposes of 'business premises' an additional permitted use under Schedule 1 of the Sydney LEP 2012 on the following land:

- 231-241 Harris Street, Pyrmont
- 261 Harris Street, Pyrmont
- 313-369 Harris Street, Pyrmont

These sites are zoned R1 General Residential. An amendment to the Sydney LEP 2012 is required because business premises are currently not permitted on land zoned R1 General Residential.

Allowing business premises as an additional permitted use on these sites will help allow for new local services such as hairdressers and travel agencies, which add to street activity and help meet the needs of residents, workers and visitors.

1.5.8 Design Excellence Bonuses

Under clause 6.21D(3) of the Sydney LEP 2012 a building demonstrating design excellence may either exceed the maximum building height by up to 10% or be eligible for an amount of additional floor space of up to 10%.

The planning proposal seeks to turn off the building height bonuses available under clause 6.21D(3)(a) for certain land in Ultimo and Pyrmont. This would mean that buildings demonstrating design excellence would only be eligible for additional floor space under clause 6.21D(3)(b).

It is not clear whether the proposed amendment would apply to all land identified as 'Ultimo-Pyrmont' on the Locality and Site Identification Map in the Sydney LEP 2012, or just land where changes to building heights and FSRs are proposed. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clarify the land to which the proposed amendment would apply.

The planning proposal does not justify turning off the building height bonuses available under clause 6.21D(3)(a). A Gateway condition is recommended requiring that the planning proposal be updated to justify excluding the application of clause 6.21D(3)(a).

1.5.9 Site-specific DCPs

For land outside of Central Sydney, clause 7.20 of the Sydney LEP 2012 generally requires the preparation of a DCP for sites with an area greater than 5,000m² or where development will have a height greater than 25m. This requirement is often satisfied through the approval of a concept DA.

The planning proposal seeks to remove the requirement to prepare site-specific DCPs for land in Ultimo and Pyrmont. This is because Council is satisfied that the detailed planning controls in the draft DCP are adequate. Turning off the requirement for site-specific DCPs would help simplify the DA process and allow new development in Ultimo and Pyrmont to occur sooner.

However, it is not clear whether the proposed amendment would apply to all land identified as 'Ultimo-Pyrmont' on the Locality and Site Identification Map in the Sydney LEP 2012, or just land where changes to building heights and FSRs are proposed. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clarify the land to which the proposed amendment would apply.

1.6 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps in the Sydney LEP 2012:

- Active Street Frontages Map
- Affordable Housing Map
- Floor Space Ratio Map
- Alternative Floor Space Ratio Map – Employment Sites
- Height of Buildings Map
- Alternative Height of Buildings Map
- Land Zoning Map
- Locality and Site Identification Map

The planning proposal does not include mapping showing the proposed changes to the Sun Access Protection Map. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to include a map showing the proposed changes to the Sun Access Protection Map.

Subject to amendments to the Sun Access Protection Map to comply with the recommended Gateway condition, the draft maps are suitable for community consultation.

2 Need for the Planning Proposal

The vision for Ultimo and Pyrmont established by the Place Strategy and supporting sub-precinct master plans cannot be achieved under the current planning framework. Changes to the Sydney LEP 2012 are needed to enable the new homes and jobs forecast by the Place Strategy, while ensuring that new development respects the amenity of existing dwellings and public spaces and enhances the character of Ultimo and Pyrmont. Council's planning proposal, which builds on the work already undertaken by the Department, is the next step in implementing the Place Strategy's vision for how the Ultimo and Pyrmont can grow and change over the next 20 years.

3 Strategic Assessment

3.1 Region Plan

The Region Plan sets out the strategic planning vision for Greater Sydney. It seeks to rebalance growth and deliver its benefits more equally across Greater Sydney. The Region Plan aligns land use, transport and infrastructure planning to reshape Greater Sydney as a metropolis of three connected cities: the Western Parkland City, the Central River City, and the Eastern Harbour City. Ultimo and Pyrmont are in the Eastern Harbour City.

The planning proposal is consistent with the Region Plan and would give effect to its directions and objectives by:

- Enabling new homes to be built close to infrastructure, jobs, services and public transport, including the future Sydney Metro station at Pyrmont (Objectives 2, 4, 10).
- Supporting the delivery of affordable housing by requiring sites benefitting from an uplift in residential development capacity to make an additional affordable housing contribution (Objective 11).
- Ensuring new development contributes to the heritage character of Ultimo and Pyrmont (Objective 13)
- Strengthening the global competitiveness of the Harbour CBD by enabling the delivery of new employment floor space capable of accommodating the diverse mix of knowledge-intensive, creative and start-up industries critical to the ongoing success of the Innovation Corridor (Objectives 14, 18 and 22).
- Protecting the amenity of important public open spaces, including Wentworth Park (Objective 31)

3.2 District Plan

Ultimo and Pyrmont are in the Eastern City District. The then Greater Sydney Commission released the District Plan for the Eastern City District in March 2018. It contains the planning priorities and associated actions for implementing the Region Plan in the Eastern City District.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability set out in the District Plan. The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Table 4 assesses the planning proposal against the relevant priorities and actions of the District Plan.

Table 4 Assessment against the District Plan

Planning Priority	Justification
Planning for a city supported by infrastructure (Priority E1)	The planning proposal would help align growth with infrastructure, by enabling the delivery of new homes and employment floor space close to the future Sydney Metro station at Pyrmont.
Providing housing supply, choice and affordability with access to jobs, services and public transport (Priority E5)	<p>The planning proposal would add to housing supply, choice and affordability by:</p> <ul style="list-style-type: none"> • Enabling new homes to be built close to infrastructure, jobs, services and public transport, including the future Sydney Metro station at Pyrmont. • Requiring sites benefitting from an uplift in residential development capacity to make an additional affordable housing contribution. • Allowing more small lot housing to be built at the rear of existing dwellings in Ultimo and Pyrmont.
Creating and renewing great places and local centres, and respecting the District's heritage (Priority E6)	The planning proposal would help provide new areas of high quality public domain and landscaping that enhance the amenity of the local area. Council's Urban Design Study also sets out how the proposed changes to the planning controls have been carefully designed to help ensure future development respects the heritage character of Ultimo and Pyrmont.
Growing a stronger and more competitive Harbour CBD (Priority E7)	<p>Ultimo and Pyrmont are in the Harbour CBD's Innovation Corridor. The Innovation Corridor extends south from The Bays Precinct through to the University of Sydney, Royal Prince Alfred Hospital, North Eveleigh, the Australian Technology Park, Central Station and parts of Surry Hills. The Innovation Corridor contains knowledge intensive, creative and start-up industries along with health, education and research services that support the global competitiveness of the Harbour CBD. The planning proposal would help strengthen the global competitiveness of the Harbour CBD by:</p> <ul style="list-style-type: none"> • Making it easier for people to walk, cycle and catch public transport to other parts of the Harbour CBD by enabling new homes and employment floor space close to the future Sydney Metro station at Pyrmont. • Contributing towards meeting the overall job targets for the Harbour CBD by supporting the delivery of employment floor space capable of accommodating 6,000 new jobs by 2041. • Enabling the delivery of high-quality employment floor space across a range of different building types, from taller office buildings to reused heritage warehouses. This would help attract the diverse mix of knowledge-intensive, creative and start-up industries critical to the ongoing success of the Innovation Corridor.
Growing and investing in health and education precincts and the Innovation Corridor (Priority E8)	The planning proposal would encourage growth and investment in the Innovation Corridor by supporting the delivery of new homes and employment floor space close to the future Sydney Metro station at Pyrmont. This would help ensure Ultimo and Pyrmont continues to attract a mix of knowledge-intensive, creative and start-up industries critical to the ongoing success of the Innovation Corridor.

Planning Priority	Justification
Delivering integrated land use and transport planning and a 30-minute city (Priority E10)	The planning proposal would help integrate land use and transport planning by supporting the delivery of new homes and employment floor space close to existing and planned infrastructure, including the future Sydney Metro station at Pyrmont.
Growing investment, business opportunities and jobs in strategic centre (Priority E11)	The planning proposal would create capacity for up to 6,000 additional jobs by allowing more employment floor space to be delivered on sites across Ultimo and Pyrmont. This would contribute towards achieving the jobs target for the Harbour CBD (662,000-732,000 jobs by 2036).
Protecting and enhancing scenic and cultural landscapes (Priority E16)	Council's Urban Design Study details how the proposed planning controls have been designed to create new views and maintain and enhance existing views identified in the Department's Urban Design Report. This would help ensure that cultural and scenic landscapes, including views of Sydney Harbour, are protected. Further detail is provided in Section 4.1.2 .
Delivering high quality open space (Priority E18)	The planning proposal and supporting amendments to the Sydney DCP 2012 seek to enable new development that provides high quality open spaces and protects the amenity of existing and future open spaces.
Reducing carbon emissions and managing energy, water and waste efficiently (Priority E19)	The planning proposal would help reduce carbon emissions by supporting the delivery of new homes and employment floor space near existing and planned infrastructure, including the future Sydney Metro station at Pyrmont. This would help reduce reliance on private vehicles by making it easier for people to get around by walking and catching public transport.

3.3 Pyrmont Peninsula Place Strategy

As detailed in **Section 1.4.1**, the Place Strategy sets a new vision for Ultimo and Pyrmont, focused on strengthening its economic role in the Eastern Harbour City and providing capacity for new homes and jobs that enhance the area's character, heritage and amenity. The planning proposal is consistent with the Place Strategy's vision because it would:

- Add to the overall supply and diversity of new homes, including new homes on small lots at the rear of existing dwellings.
- Support the delivery of affordable housing by requiring sites benefitting from an uplift in residential development capacity to make an additional affordable housing contribution.
- Enable the delivery of new employment floor space across a variety of different building types, including taller office buildings and reused heritage buildings. New employment floor space would support up to 6,000 new jobs and strengthen the global competitiveness of the Innovation Corridor.
- Protect the amenity of important public spaces, including Wentworth Park.

Table 5 assesses the planning proposal's consistency with the directions, Structure Plan, Big Moves, sub-precinct character statements and relevant place priorities in the Place Strategy.

Table 5 Assessment against key aspects of the Place Strategy

Matter	Consideration
Directions	
Jobs and industries of the future (Direction 1)	The planning proposal would support the delivery of a significant amount of employment floor space, across a mix of different building types, including taller office buildings and reused heritage warehouses. This would help accommodate approximately 6,000 new jobs by 2041 and ensure Ultimo and Pyrmont continues to attract a mix of knowledge-intensive, creative and start-up industries critical to the ongoing success of the Innovation Corridor.
Development that complements or enhances the area (Direction 2)	The proposed changes to building heights and FSRs are supported by more detailed planning controls in the draft DCP. These controls provide guidance on building design and layout, including building heights (in storeys) and ground floor and upper-level setbacks. They would help ensure future buildings are carefully designed to complement and enhance the character and amenity of Ultimo and Pyrmont. This is discussed in further detail in Section 4.1.2 .
Centres for residents, workers and visitors (Direction 3)	<p>The planning proposal would contribute to the success of centres in Ultimo and Pyrmont by:</p> <ul style="list-style-type: none"> • Ensuring new development enhances the character and amenity of streets and public spaces, including Union Square and Harris Street. • Allowing business premises as an additional permitted use on certain sites on Harris Street, which will allow for new local services such as hairdressers and travel agencies that add to street activity and help meet the needs of residents, workers and visitors.
A unified planning framework (Direction 4)	The planning proposal would help establish a unified planning framework for Ultimo and Pyrmont by including the proposed planning controls in the Sydney LEP 2012 and Sydney DCP 2012.
A tapestry of greener public spaces and experiences (Direction 5)	The proposed planning controls would help protect existing public open spaces across Ultimo and Pyrmont from overshadowing, including Wentworth Park.
Creativity, culture and heritage (Direction 6)	<p>The planning proposal would help celebrate the culture and heritage of the area by:</p> <ul style="list-style-type: none"> • Enabling new development that delivers new walking connections to the foreshore of Sydney Harbour. • Ensuring new development is designed to minimise potential impacts on heritage items and is a good fit for existing neighbourhoods. • Improving walking connections between the new Sydney Fish Market and the Maritime Museum.
Making it easier to move around (Direction 7)	The planning proposal would help make it easier for people to move around Ultimo and Pyrmont by enabling the redevelopment of sites that can provide new through-site links to Sydney Harbour, Wentworth Park, and the future Sydney Metro station at Pyrmont.

Matter	Consideration
Building now for a sustainable future (Direction 8)	<p>The planning proposal would encourage sustainable forms of travel by enabling new homes and employment floor space to be delivered close to infrastructure, jobs and services, including the future Sydney Metro station at Pyrmont.</p> <p>The Department also notes that changes to the Sydney LEP 2012 made since the Place Strategy was finalised require that certain large commercial development, such as office buildings and hotels, be designed to optimise energy efficiency and achieve net zero emissions from 2026. This will help ensure that future development in Ultimo and Pyrmont contributes to achieving a net-zero carbon precinct by 2041.</p>
Great homes that can suit the needs of more people (Direction 9)	<p>The proposed changes to the planning controls would:</p> <ul style="list-style-type: none"> • Enable new homes to be built close to infrastructure, jobs, services and public transport, including the future Sydney Metro station at Pyrmont. • Support the delivery of more affordable housing by requiring sites benefitting from an uplift in residential development capacity to make an additional affordable housing contribution. • Add to the diversity of housing by allowing more small lot housing to be built at the rear of existing dwellings in Ultimo and Pyrmont.
A collaborative voice (Direction 10)	<p>Council's planning proposal has been informed by and refined through workshops with the community and other key stakeholders. Further information on the consultation undertaken by Council is provided in the Early Engagement Report submitted with the planning proposal. The community, landowners and other key stakeholders will have another opportunity to provide feedback on the planning proposal when it is publicly exhibited. Feedback received will be taken into consideration by Council and the Department.</p>

Other aspects of the Place Strategy

Structure Plan	<p>The planning proposal is consistent with the Structure Plan because it would:</p> <ul style="list-style-type: none"> • Make it easier for people to access the future Sydney Metro station at Pyrmont. • Limit overshadowing of public open spaces and enable new development that delivers new connections to the foreshore of Sydney Harbour. • Enable new development that enhances the character and amenity of existing streets, including Harris Street. • Focus growth on the eastern and western edges of the peninsula and near the new Sydney Metro station at Pyrmont.
Big Moves	<p>The planning proposal would support the delivery of the Big Moves in the Place Strategy by:</p> <ul style="list-style-type: none"> • Supporting new development that improves connections to the foreshore of Sydney Harbour (Big Move 1). • Incentivising the delivery of non-residential floor space capable of accommodating new cultural and creative uses that help diversify night-time experiences in Ultimo and Pyrmont (Big Move 2).

Matter	Consideration
	<ul style="list-style-type: none"> • Enabling new housing and jobs growth near the future Sydney Metro station at Pyrmont (Big Move 3). • Reducing reliance on private vehicles by making it easier for people to get around by walking and catching public transport (Big Move 4). • Protecting the amenity of existing areas of public open space, including Wentworth Park (Big Move 5).
Sub-precincts Character Statements and Place Priorities	<p>The Place Strategy acknowledges that the peninsula is a collection of different sub-precincts, each with their own unique character and identity. It contains character statements and place priorities for each sub-precinct to guide new development and help ensure it addresses the specific needs of different parts of Ultimo and Pyrmont. The planning proposal includes an assessment of its consistency with the relevant sub-precinct character statements and place priorities. The Department is satisfied that the planning proposal delivers on the envisaged future character of sub-precincts and the relevant place priorities in the Place Strategy.</p>

3.4 Camperdown-Ultimo Place Strategy

The Camperdown-Ultimo Place Strategy, which was released by the then Greater Sydney Commission in 2019, establishes a vision and priorities for the Camperdown-Ultimo Collaboration Area. The collaboration area covers most of Ultimo south of Fig Street and parts of Darlington, Eveleigh, Camperdown, Glebe, Forest Lodge, Newtown, Redfern and Surry Hills (see **Figure 11**).

Unlike the Pyrmont Peninsula Place Strategy, the Camperdown-Ultimo Place Strategy does not include a structure plan or specific guidance on how and where future development in Ultimo should occur. However, the planning proposal would support the key priorities of the Place Strategy by:

- Making it easier for people to get around by enabling new homes and employment floor space near the future Sydney Metro station at Pyrmont (Priority 2).
- Supporting the delivery of more affordable housing by requiring sites benefitting from an uplift in residential development capacity to make an additional affordable housing contribution (Priority 4).
- Contributing to the diversity and overall supply of housing by allowing for more homes to be built in Ultimo (Priority 4).
- Enabling the delivery of new employment floor space to support up to 6,000 new jobs (Priority 8).

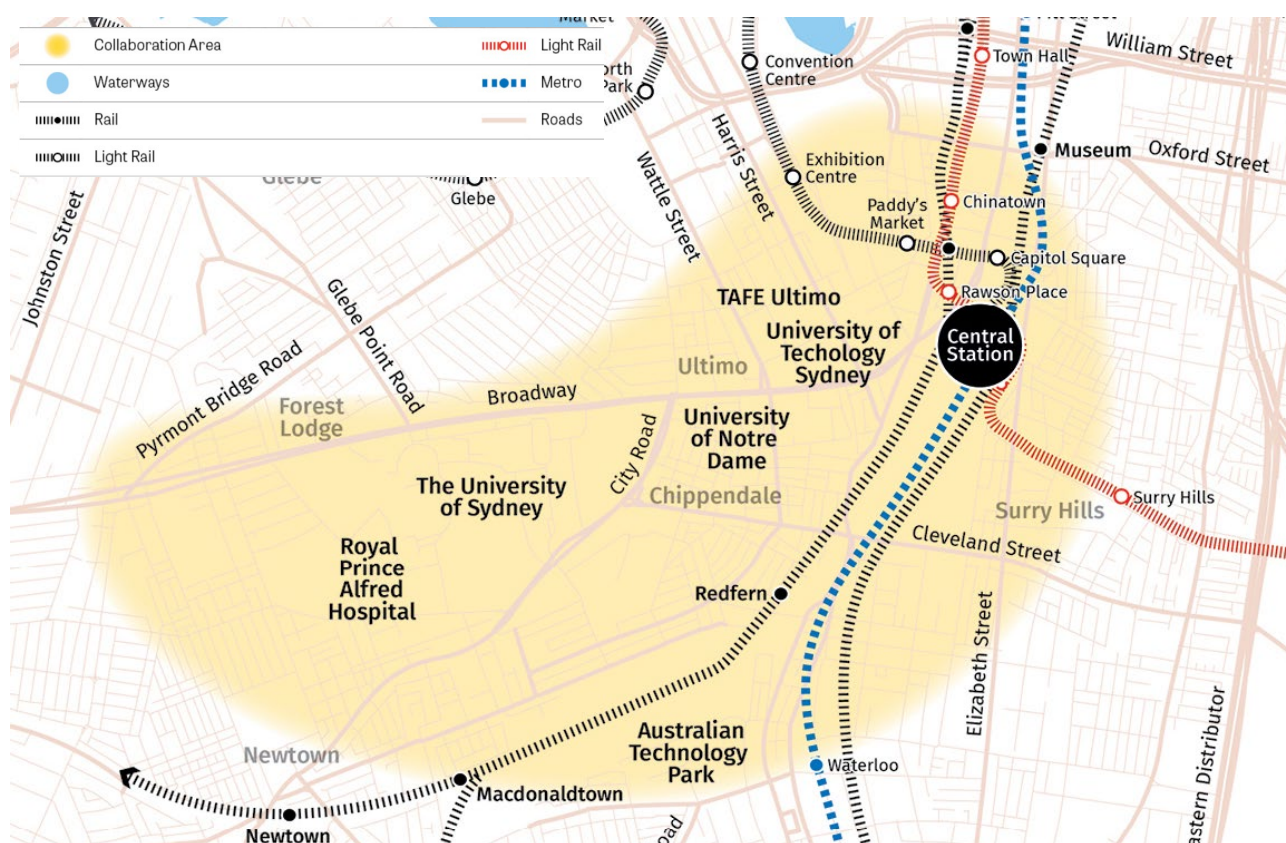


Figure 11 Camperdown-Ultimo Collaboration Area (Source: Camperdown-Ultimo Place Strategy)

3.5 Local Plans

The planning proposal states that it is consistent with the following local plans and endorsed strategies:

- City Plan 2036 (Local Strategic Planning Statement).
- Sustainable Sydney 2030-2050 (Community Strategic Plan).
- Housing for All (Local Housing Strategy).

Consistency with these local plans and strategies is considered further in **Table 6** below.

Table 6 Local Strategic Planning Assessment

Local Strategy	Justification
City Plan 2036 (Local Strategic Planning Statement)	<p>Council's endorsed Local Strategic Planning Statement (LSPS), City Plan 2036, sets out the 20-year vision for land use planning in the LGA, as well as the planning priorities and actions needed to achieve the vision. It gives effect to the District Plan at a local level and is informed by strategies prepared Council, including the Community Strategic Plan.</p> <p>The LSPS identifies Ultimo and Pyrmont as a key area for future growth in the LGA. The planning proposal is consistent with the LSPS because it would:</p> <ul style="list-style-type: none"> • Help align growth with supporting infrastructure, by enabling new housing and jobs growth near the future Sydney Metro station at Pyrmont (Priority I2). • Leverage off the future delivery of a Sydney Metro station at Pyrmont (Priority I1).

Local Strategy	Justification
	<ul style="list-style-type: none"> Balance the demand for more housing with the need to support long-term economic and jobs growth in the City Fringe, which includes Ultimo and Pyrmont (Priority P2). Enable growth that is sensitive to the existing built form and character of Ultimo and Pyrmont (Priority L2).
Sustainable Sydney 2030-2050 (Community Strategic Plan)	<p>Sustainable Sydney 2030-2050 is the Council's overarching Community Strategic Plan, setting out Council's vision for the LGA. The planning proposal is consistent with the Community Strategic Plan because it would:</p> <ul style="list-style-type: none"> Encourage people to use public transport by enabling new homes and employment floor space near the future Sydney Metro station at Pyrmont. Support the delivery of new and affordable homes, which would contribute to meeting Council's target for 156,000 private dwellings and 17,500 non-private dwellings by 2036. Add to the diversity of housing by enabling more small lot housing to be built at the rear of existing dwellings in Ultimo and Pyrmont. Support the delivery of additional employment floor space, which would contribute to meeting the Council's target for 200,000 new jobs by 2036.
Housing for All: City of Sydney Local Housing Strategy	<p>The planning proposal is consistent with Council's Local Housing Strategy because it would:</p> <ul style="list-style-type: none"> Enable new homes to be built close to infrastructure, jobs, services and public transport, including the future Sydney Metro station at Pyrmont (Priority H1 and H2). Add to the diversity of housing by supporting more small lot housing to be built at the rear of existing terraces houses in Ultimo and Pyrmont (Priority H3). Support the delivery of more affordable housing by requiring sites benefitting from an uplift in residential development capacity to make an additional affordable housing contribution (Priority H4).

3.6 Section 9.1 Ministerial Directions

Table 7 provides an assessment of the planning proposal's consistency with the relevant Directions issued by the Minister for Planning and Public Spaces under section 9.1(2) of the EP&A Act (section 9.1 Direction).

Table 7 Assessment against relevant section 9.1 Directions

Directions	Consistency	Reasons for Consistency or Inconsistency
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent	The planning proposal is consistent with the relevant directions and objections of the Region Plan (see Section 3.1).
1.3 Approval and Referral Requirements	Consistent	The planning proposal does not include concurrence, consultation or referral provisions, or identify any development as designated development.

1.4 Site Specific Provisions	Inconsistent, but minor and justified.	<p>The Direction seeks to discourage unnecessarily restrictive site-specific planning provisions in LEPs.</p> <p>While the planning proposal will introduce site-specific provisions into the Sydney LEP 2012, inconsistency with the Direction is considered minor and justified. This is because the proposed site-specific provisions are the most appropriate mechanism for:</p> <ul style="list-style-type: none"> • Enabling new homes to be built in existing Heritage Conservation Areas. • Delivering more affordable housing. • Incentivising the delivery of employment floor space to help meet the forecasts in the Economic Development Strategy and make the most of the economic opportunity provided by the future Sydney Metro station at Pyrmont.
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Focus Area 1: Planning Systems – Place-based

1.15 Implementation of the Pyrmont Peninsula Place Strategy	Unresolved	<p>The planning proposal is consistent with the objectives of the Direction because it would:</p> <ul style="list-style-type: none"> • Facilitate development that is consistent with the Place Strategy and the Economic Development Strategy by supporting the delivery of new homes and jobs while ensuring that future development enhances the character and amenity of Ultimo and Pyrmont. • Align the planning framework with Planning Priority E7 in the District Plan (Growing a Stronger and More Competitive Harbour CBD) and actively support the consistent delivery of objectives in the <i>District Plan</i> and <i>Region Plan</i>. This is discussed in Section 3.2. • Guide growth and change balanced with character, heritage, and infrastructure considerations (amongst others) across Ultimo and Pyrmont. This is discussed in Section 4. <p>The Direction requires that planning proposals for land subject to the Place Strategy give effect to the key aspects of the Place Strategy and Urban Design Report.</p> <p>Section 3.3 details how the planning proposal is consistent with the Place Strategy.</p> <p>Consistency with the Urban Design Report</p> <p><u>Peninsula Wide Objectives (Part 2 of the Urban Design Report)</u></p> <p>The planning proposal is generally consistent with the peninsula wide objectives relating to the open space network, movement, and Country. However, consistency with the peninsula wide objectives for views remains unresolved because the planning proposal has not considered potential impacts on a future view corridor along Quarry Master Drive and through site links to the Sydney Fish Market. A Gateway condition is recommended requiring the planning proposal to be updated prior to public exhibition to</p>
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		<p>consider potential impacts on the future view corridor. This is discussed in further detail in Section 4.1.2.</p> <p><u>Peninsula Height Strategy (Part 3 of the Urban Design Report)</u></p> <p>The planning proposal is generally consistent with the height strategy, but the overshadowing information and diagrams are not detailed or clear enough to determine the potential overshadowing created by the proposed building heights. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clearly demonstrate that the proposed building heights provide an appropriate level of protection to the public open spaces identified in the Urban Design Report. A more detailed assessment of the planning proposal's consistency with the height strategy is provided in Section 4.1.2.</p> <p><u>Sub-precinct Master Plans (Part 4 of the Urban Design Report)</u></p> <p>The planning proposal is generally consistent with the relevant aspects of the sub-precinct master plans for Darling Island, Ultimo, Blackwattle Bay, Pyrmont Village and Wentworth Park. The planning proposal does not apply to any sites within the Tumbalong Park or Pyrmont Village sub-precincts.</p>
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Focus Area 3: Biodiversity and Conservation

3.2 Heritage Conservation	Consistent	<p>The planning proposal would not amend any heritage listings or alter the application of existing provisions in the Sydney LEP 2012 that require heritage conservation to be considered in the assessment of any future DAs (particularly clause 5.10).</p> <p>The Department is satisfied that the existing provisions in the Sydney LEP 2012, together with the proposed provisions in the planning proposal and draft DCP, can help facilitate the conservations of items, objects, areas and places of environmental and Aboriginal heritage significance. The planning proposal is therefore consistent with the Direction.</p> <p>An assessment of the potential heritage impacts of the planning proposal is provided in Section 4.1.1.</p>
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent	<p>14 Quarry Master Drive, 48 Pirrama Road, 2 Edward Street, 60 Union Street and 1-27 Murray Street are in the Foreshores and Waterways Area under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (the Biodiversity and Conservation SEPP).</p> <p>The planning proposal is consistent with the objectives and principles of the Direction because the proposed changes to the planning controls for the sites in the Foreshores and Waterways Area would:</p> <ul style="list-style-type: none"> • Ensure that public views and access to Sydney Harbour are maintained and enhanced. • Continue to enable the provision of public boating facilities along the waterfront, links between water-based and land-based public

		<p>transport, the use of foreshore land for industrial and commercial maritime uses.</p> <ul style="list-style-type: none"> Recognise and protect the heritage significance of Sydney Harbour.
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Focus Area 4: Resilience and Hazards

4.1 Flooding	Unresolved	<p>The Direction seeks to ensure that the development of flood prone land is consistent with government plans and policies and that provisions in planning proposals that apply to flood prone land are commensurate with flood behaviour and consider the potential on-site and off-site flood impacts.</p> <p>The Direction applies because some sites subject to the planning proposal are identified as flood prone in the floodplain risk management plans and studies prepared for the Blackwattle Bay and Darling Harbour catchments.</p> <p>The planning proposal does not include sufficient information on how the flood risk profile of flood-affected sites has been considered, or how the impact and risk of flooding is proposed to be managed. It also does not address the specific requirements of the Direction.</p> <p>A condition has therefore been included in the Gateway determination requiring that the planning proposal be updated prior to public exhibition to address the requirements of the Direction and provide a flood impact assessment prepared in accordance with relevant guidelines, including <i>Flood Impact and Risk Assessment – Flood Risk Management Guide LU01</i>. Consideration should also be given to the NSW Flood Risk Management Manual (which replaced the Floodplain Development Manual 2005).</p> <p>A condition has also been included in the Gateway determination requiring that Council consult with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the NSW State Emergency Service (NSW SES).</p> <p>Consistency with the Direction remains unresolved until the planning proposal is updated and consultation with DCCEEW and NSW SES has occurred.</p>
4.2 Coastal Management	Unresolved	<p>The objective of the Direction is to protect and manage coastal areas of NSW. 14 Quarry Master Drive, 48 Pirrama Road, 2 Edward Street, 60 Union Street and 1-27 Murray Street are in the Coastal Environment Area and Coastal Use Area under <i>State Environmental Planning Policy (Resilience and Hazards)</i> (the Resilience and Hazards SEPP).</p> <p>The planning proposal does not include sufficient information to determine whether it is consistent with the Direction. A condition has been included in the Gateway determination requiring the planning proposal to be updated to address consistency with the Direction.</p>

4.4 Remediation of Contaminated Land	Unresolved	<p>The Direction seeks to reduce the risk of harm to human health and the environment from contaminated land.</p> <p>The planning proposal has not considered the potential for the sites proposed to be rezoned (1-33 Saunders Street and 20-28 Bulwara Road, Pyrmont) to be contaminated. Given historical aerial imagery indicates that both sites have previously been used for industrial activities that could cause contamination, consistency with the Direction remains unresolved.</p> <p>A condition has been included in the Gateway determination requiring the planning proposal to be updated to address consistency with the Direction.</p>
4.5 Acid Sulfate Soils	Inconsistent, but minor and justified.	<p>The Direction requires that planning proposals for land identified as having a probability of containing acid sulfate soils be supported by an acid sulfate soils study.</p> <p>Parts of Ultimo and Pyrmont are identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Map. While an acid sulfate soils study has not been prepared, inconsistency with the Direction is considered minor and justified given:</p> <ul style="list-style-type: none"> • The extent of development in Ultimo and Pyrmont and the associated difficulties of carrying out further testing. • All future DAs will be required to consider the presence of acid sulfate soils in accordance with clause 7.14 of the Sydney LEP 2012.

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	Consistent	The planning proposal is consistent with the Direction because it would support the delivery of new housing and jobs close to existing and planned transport infrastructure, including ferry services, the Inner West Light Rail, and Sydney Metro West.
5.2 Reserving Land for Public Purposes	Consistent	The planning proposal does not seek to create, alter or reduce any existing zonings or reservations of land for public purposes. It is therefore consistent with the Direction.
5.3 Development Near Regulated Airports and Defence Airfields	Unresolved	<p>The planning proposal has not addressed consistency with the Direction. Given the proximity of Ultimo and Pyrmont to Sydney Airport, a condition has been included in the Gateway determination requiring:</p> <ul style="list-style-type: none"> • The planning proposal to be updated to address the Direction. • Consultation with the Sydney Airport Corporation, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, and the Civil Aviation Safety Authority.

Focus Area 6: Housing

6.1 Residential Zones	Inconsistent	<p>The Directions aims to encourage a variety of housing types, make efficient use of infrastructure and services, and minimise the impacts of residential development on the environment and resource lands. The Direction requires that planning proposals not contain provisions that would reduce the permissible residential density of land (clause (2)(b)).</p> <p>The proposed reduction in the maximum FSR of some sites along Harris Street, Ultimo zoned E1 Local Centre (see Table 2) would reduce the permissible residential density of the land. The planning proposal is therefore inconsistent with the Direction.</p> <p>The planning proposal does not acknowledge this inconsistency with the Direction or provide sufficient justification for the proposed reduction in the FSR. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to include further information justifying the inconsistency with the Direction.</p>
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Focus Area 7: Industry and Employment

7.1 Employment Zones	Inconsistent	<p>The Direction aims to encourage employment growth in suitable locations, support the viability of existing centres, and protect industrial and employment lands. The Direction requires that planning proposals not reduce the total potential floor space for employment uses and related public services in employment zones (clause (1)(c)).</p> <p>The proposed reduction in the maximum FSR of some sites along Harris Street, Ultimo zoned E1 Local Centre (see Table 2) would reduce the potential employment floor space that could be delivered on the land. The planning proposal is therefore inconsistent with the Direction.</p> <p>The planning proposal does not acknowledge this inconsistency with the Direction or provide sufficient justification for the proposed reduction in the FSR. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to include further information justifying the inconsistency with the Direction.</p>
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3.7 State Environmental Planning Policies

The planning proposal is consistent with all relevant State Environmental Planning Policies (SEPPs) as discussed in **Table 8** below.

Table 8 Consistency with applicable SEPPs

SEPPs	Consistency	Justification
SEPP (Biodiversity and Conservation) 2021	Yes	Under the Biodiversity and Conservation SEPP, parts of Ultimo and Pyrmont are in the Foreshores and Waterways Area and all of Ultimo and Pyrmont is in the Sydney Harbour Catchment. The planning proposal is consistent with the SEPP and will not affect the operation of provisions relating to development in the Foreshores and Waterways Area or the Sydney Harbour Catchment. Any future development applications will need to consider the requirements of the SEPP.
SEPP (Housing) 2021	Yes	The planning proposal seeks to apply an additional affordable housing contribution to sites benefitting from an uplift in residential development capacity. The additional contribution, which would help fund the delivery of affordable housing in the LGA, would not conflict with Chapter 2 of the Housing SEPP.
SEPP (Planning Systems) 2021	Yes	The planning proposal would not affect the operation of the SEPP.
SEPP (Precincts – Eastern Harbour City) 2021	Yes	The planning proposal does not seek any amendments that would affect the operation of <i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i> (the EHC SEPP). While parts of Ultimo and Pyrmont are in the 'City West' area under the EHC SEPP, Chapter 4 of the SEPP does not apply to land to which the Sydney LEP 2012 applies.
SEPP (Resilience and Hazards) 2021	Yes	Some of the sites subject to the planning proposal are in the Coastal Environment Area and Coastal Use Area under the Resilience and Hazards SEPP. The planning proposal is consistent with the SEPP and will not affect the operation of provisions relating to development in the Coastal Environment Area or Coastal Use Area under Chapter 2, or the remediation of land under Chapter 4. Any future development applications will need to consider the requirements of the SEPP.
SEPP (Sustainable Buildings) 2022	Yes	The planning proposal would not affect the operation of the SEPP.
SEPP (Transport and Infrastructure) 2021	Yes	The planning proposal would not affect the operation of the SEPP.

The planning proposal refers to SEPP (Building Sustainability Index: BASIX) 2004 and SEPP No 65—Design Quality of Residential Flat Development, both of which have been repealed. A condition requiring that the planning proposal be amended to remove reference to the repealed SEPPs has been included in the Gateway determination.

4 Site-Specific Assessment

4.1 Environmental

4.1.1 Heritage

Some of the sites subject to the planning proposal either contain local heritage items or are in Heritage Conservation Areas (HCA). These include:

- Terrace house at 80 Harris Street (I1222)
- Former bakery at 82 Harris Street (I1223)
- The ‘Slades Building’ at 12 Pyrmont Street and group of terrace houses at 14-18 Pyrmont Street (I1258)
- Former ‘Winchcombe Carson’ woolstore at 28-48 Wattle Street (I2059)
- Former ‘ESGM & Co’ woolstore at 50-54 Wattle Street (I2060)
- 20-28 Bulwara Road, which is in the Pyrmont HCA (C52)
- 562-576 Harris Street, which is in the Harris Street HCA (C67).

The planning proposal also seeks to change the planning controls for several sites near local heritage items and HCAs, as well as items of State heritage significance listed on the State Heritage Register.

Council’s Urban Design Study explains how the proposed changes to the planning controls have been carefully designed to ensure that new development minimises potential impacts on heritage items and is a good fit for existing HCAs. The proposed planning controls have been informed by the Non-Indigenous Cultural Heritage Study prepared to support the Place Strategy.

The draft DCP also contains detailed planning controls to help preserve significant heritage fabric and features and ensure new built form does not visually dominate or overshadow existing heritage buildings, such as by setting appropriate building heights (in storeys) and setbacks on sites adjoining heritage items and HCAs. The DCP would need to be considered during the preparation and assessment of future DAs.

Given some of the sites subject to the planning proposal are near items of State heritage significance, a condition requiring consultation with Heritage NSW has been included in the Gateway determination.

4.1.1.1 Ultimo Pyrmont Small Lot Housing

As discussed in **Section 1.5.5**, the planning proposal seeks to enable new homes to be built on small lots created at the rear of existing dwellings in Ultimo and Pyrmont. The sites that Council has identified as being suitable for small lot housing are local heritage items and/or in an HCA.

Council has included detailed planning controls for small lot housing in the draft DCP that deal with building heights and setbacks, amenity, private open space and landscaping. The planning controls in the DCP have been modelled on existing small houses facing laneways in Pyrmont and the amenity criteria for studio apartments in the Apartment Design Guide.

The Department is satisfied that small lot housing developed in accordance with the draft DCP could be designed to provide an appropriate interface with local heritage items, strengthen the fine-grain character of existing HCAs, and support the delivery of a type of housing that has existed for a long time in Ultimo and Pyrmont.

4.1.1.2 Aboriginal Cultural Heritage

The planning proposal has been informed by a Reading of Country led by Djinjama Cultural Design and Research and the Indigenous Cultural Heritage Report prepared to support the Place Strategy.

A search of the Aboriginal Heritage Information Management System (AHIMS) undertaken as part of the Report identified six (6) registered Aboriginal archaeological sites on the Pyrmont Peninsula. However, none of the sites subject to the planning proposal contain a registered Aboriginal archaeological site on AHIMS. There are no Aboriginal objects or places of heritage significance listed in the Sydney LEP 2012.

The study also found that extensive soil disturbance from development has severely curtailed Aboriginal archaeological potential, but that remnant natural soils could contain Aboriginal archaeological deposits. Potential impacts on Aboriginal cultural heritage will be investigated further as part of future DAs, in accordance with the existing framework for protecting objects and places of Aboriginal heritage significance under the *National Parks and Wildlife Act 1974* (NSW).

4.1.2 Building Heights and Density

Council's Urban Design Study sets out the detailed urban design analysis that was undertaken to support the proposed changes to the planning controls for sites across Ultimo and Pyrmont. It builds on earlier work led by the Department as part of the preparation of the Place Strategy and sub-precinct master plans, which established a framework for balancing growth and change with local character, heritage and amenity, consistent with the vision of the Place Strategy.

This framework identifies 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). It also includes a height strategy, which provides an additional layer of guidance on how changes to the building heights should be considered across different parts of Ultimo and Pyrmont. A diagram of the height strategy is shown in **Figure 12**.

Using this framework, Council has investigated changes to the planning controls for sites originally identified as 'capable of change' by the Department, as well as some additional sites identified by Council (refer to **Section 1.4.2.1**). Council's work has been guided by the following design considerations:

- providing more deep soil for trees
- providing more public space for people
- minimising overshadowing of existing homes
- reinforcing the street wall form of buildings
- conserving heritage values
- minimising the impact of noise and wind
- matching land use to place
- considering public views to and from public places
- maximising development potential within constraints.

Council's work was also informed by and refined through workshops with the community and other key stakeholders. The Early Engagement Report provided at Appendix A1 of the planning proposal outlines the consultation undertaken by Council.

The proposed changes to the building heights and FSRs are supported by more detailed planning controls in the draft DCP. These controls provide guidance on building design and layout, including building heights (in storeys) and ground floor and upper-level setbacks. They will help ensure

future buildings are carefully designed to provide an appropriate interface with the street, areas of public open space and neighbouring properties.

While some overshadowing is expected, Council's Urban Design Study sets out how the proposed building heights, FSRs and built form controls in the draft DCP have been carefully calibrated to minimise potential impacts on amenity, including ensuring existing dwellings continue to receive sunlight in accordance with the minimum requirements in the Apartment Design Guide. The Department is satisfied that the proposed building heights and FSRs are generally consistent with the sub-precinct master plans, height strategy, structure plan and the overarching Place Strategy. An assessment of the planning proposal's consistency with the relevant provisions of the height strategy is provided in **Table 9** below.

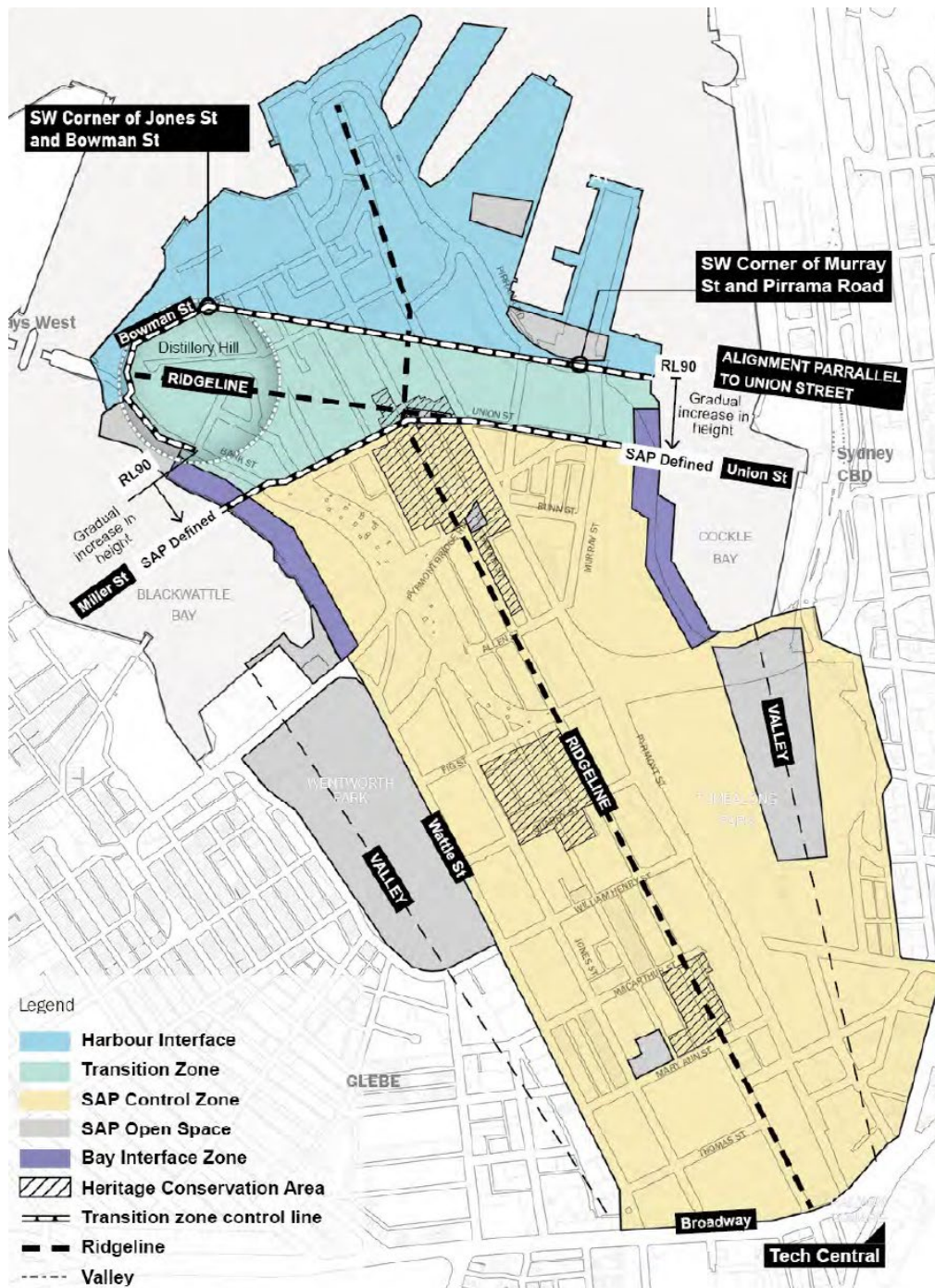


Figure 12 Height Strategy Diagram (Source: Urban Design Report)

Table 9 Assessment against relevant provisions of the Height Strategy

Provision	Consistency
General Provisions	
1. New development should complement and enhance the existing character of escarpments, street scale and heritage fabric.	The proposed building heights, FSRs and built form controls in the draft DCP have been designed to help ensure new development complements and enhances the existing character of escarpments, street scale and heritage fabric. Further information on how this has been achieved is provided in Council's Urban Design Study.
2. Building heights should be varied across the Peninsula in accordance with the zones indicated in Figure 3.1.1.	The planning proposal seeks to set building heights in accordance with the building height zones shown in Figure 11 . Further detail is provided below in relation to the Harbour Interface Zone, Transition Zone and SAP Control Zone.
3. Parameters for Key Sites are outlined under Chapter 10 'Framework for Key Sites' of the Pymont Peninsula Place Strategy (DPE 2020)	The planning proposal does not apply to any of the key sites identified in the Place Strategy.
4. Ensure that increases to existing building heights do not compromise the amenity of public open spaces identified as areas to be protected from additional overshadowing in the Peninsula.	<p>The proposed building heights have been designed to limit overshadowing of the public open spaces, particularly those identified for protection in the sub-precinct master plans (Part 3 of the Department's Urban Design Report), which are shown in Figure 13.</p> <p>However, the overshadowing information and diagrams in Council's Urban Design Study are not detailed or clear enough to determine the potential overshadowing created by the proposed building heights. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clearly demonstrate that the proposed building heights provide an appropriate level of protection to the public open spaces identified in Part 3 of the Department's Urban Design Report.</p>
5. New development should respect and respond to the lower building height along Harris Street and stepping down to the 'valley' of Darling Harbour and Blackwattle Bay.	The proposed building heights, FSRs and built form controls in the draft DCP have been designed to ensure future development steps down to Darling Harbour and Blackwattle Bay and responds to the lower scale of Harris Street. This approach acknowledges that Harris Street runs along a highly visible ridgeline.
6. Street wall heights should reflect existing low scale context and maximise sunlight and daylight to streets, to encourage a cohesive street experience, support plant growth and support ground level activity within the footpath area.	The draft DCP will help ensure the street wall heights of new development reflect the prevailing street wall heights in different parts of Ultimo and Pymont, with additional built form located behind an upper-level setback to maximise sunlight to streets. Further information is provided in Council's Urban Design Study and the draft DCP.

Provision	Consistency
<p>7. Building setbacks above the street wall are to mitigate wind impacts as per the City of Sydney's guidelines to ensure an appropriate and comfortable street environment for activity and pedestrian movement.</p>	<p>Council's Urban Design Study explains how the proposed built form controls in the draft DCP have considered prevailing wind conditions and been designed to help mitigate the potential wind impacts of new buildings on the amenity of streets and other public spaces. In particular, the draft DCP seeks to minimise wind downdraft by requiring:</p> <ul style="list-style-type: none"> • That taller buildings provide upper-level setbacks to help break up wind travelling down the face of the building. • That buildings on sites that experience strong winds have curved corners to help divert wind around the building.
<p>8. That the impact of any increase to building heights will be supported by wind modelling to demonstrate a comfortable street environment for street activity and pedestrian movement at ground.</p>	<p>The planning proposal is not supported by detailed wind modelling (i.e., wind tunnel testing). Council has said this is because they consider it more appropriate that detailed wind modelling occur on a site-by-site basis as part of future DAs. They advise that this would allow for a more detailed assessment of potential wind impacts (based on specific design outcomes) and provide greater flexibility in how new buildings meet the relevant objectives of the draft DCP and the Sydney LEP 2012.</p> <p>The Department agrees that given the detailed planning controls in the draft DCP and the nature of the planning proposal, which proposes changes to the maximum building heights for more than 30 sites across Ultimo and Pyrmont, it is appropriate that detailed wind tunnel testing occur as part of future DAs. The Department is therefore satisfied that:</p> <ul style="list-style-type: none"> • The inconsistency with the provisions of the height strategy is of minor significance and adequately justified. • The planning proposal still achieves the overall intent of the Place Strategy and the Department's Urban Design Report. • The planning proposal would not undermine the achievement of the vision, directions, Big Moves, sub-precinct place priorities, framework for key sites or key infrastructure opportunities of the Place Strategy.
Within the Harbour Interface Zone	
<p>9. New development should complement the existing heights, heritage buildings and topography.</p>	<p>The proposed building heights for sites within the Harbour Interface Zone respond to the lower scale heritage character of the area and align with existing and</p>

Provision	Consistency
	approved building heights, including for the podium of The Star Casino along Jones Bay Road.
10. Street walls in proximity to the sandstone escarpment or visible against sandstone escarpments are to establish a strong relationship and alignment	The planning proposal does not include sites in the Harbour Interface Zone that are in proximity to or visible against sandstone escarpments.
Within the Transition Zone	
11. Building heights that progressively transition the scale from an existing maximum height of RL90 at Distillery Hill up to heights limited by SAP's to support growth of the existing employment clusters and enable greater diversity in employment zones.	The proposed building heights transition from RL 90 at Distillery Hill up to heights limited by the SAP at the edge of the Transition Zone.
Within the Open Space Sun Access Control Zone	
15. Ensure that any increase to building heights do not decrease the amenity of existing and planned open spaces within and around the Peninsula.	The proposed building heights and built form controls in the DCP have been designed to limit overshadowing of public open spaces, particularly those identified for protection in the Department's Urban Design Report.
16. New developments consider sunlight to public and open spaces in accordance with the requirements of Figure 3.2.1. New building heights demonstrate appropriate responses to the identified areas and levels of protection required such as no additional overshadowing, not protruding through the sun-access planes and/or merit based impact where noted.	<p>The new SAP for Wentworth Park would also help preserve sunlight to the park from 10am-2pm, all year round.</p> <p>As noted above, the overshadowing information and diagrams in Council's Urban Design Study are inadequate and a Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clearly demonstrate that the proposed building heights provide an appropriate level of protection to the public open spaces identified in Part 3 of the Department's Urban Design Report.</p>

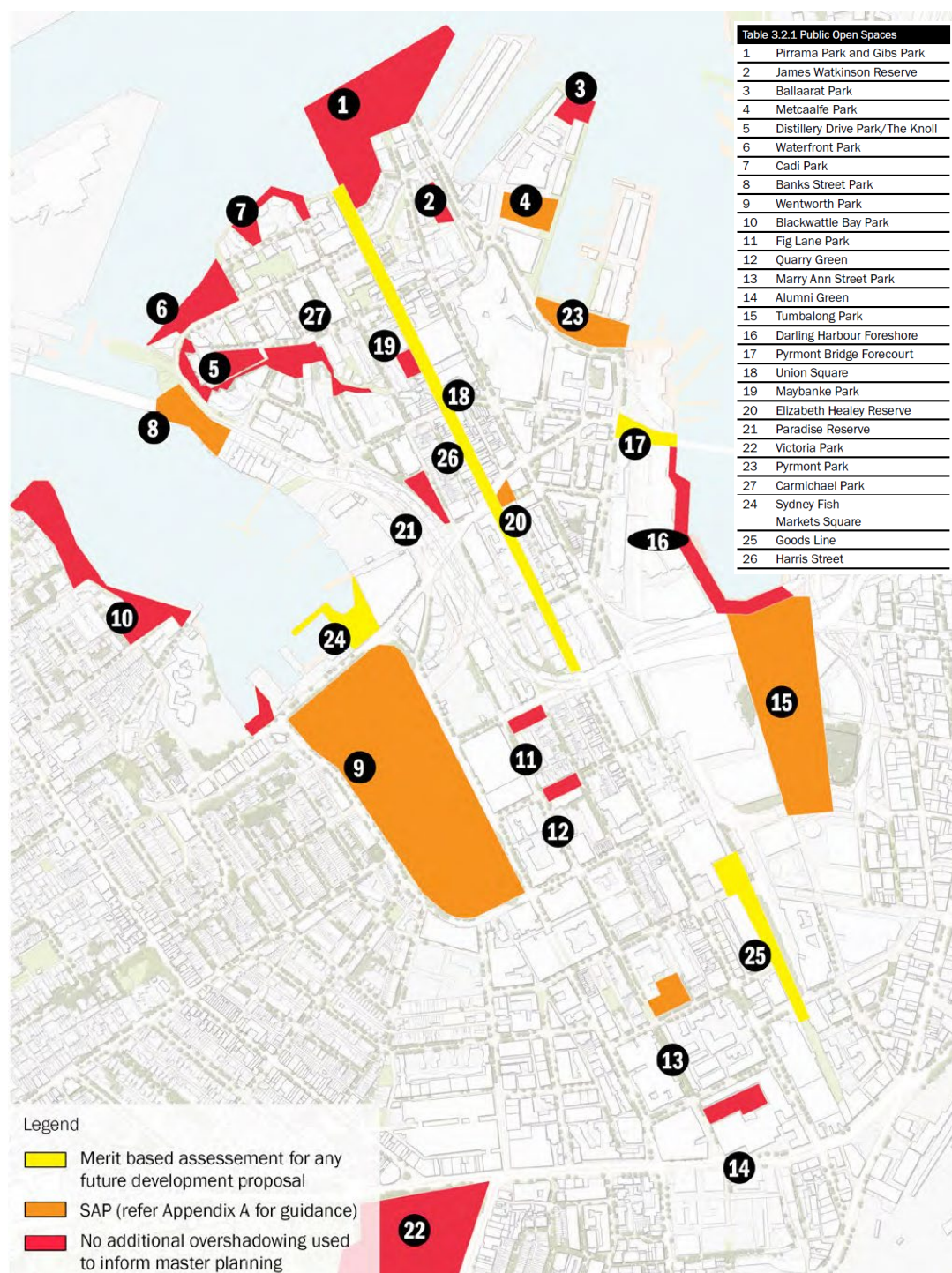


Figure 13 Open spaces which require protection from overshadowing (Source: Urban Design Report)

4.1.2.1 Views

The Urban Design Report prepared as part of the sub-precinct master planning process identifies important views, particularly to the water, across Ultimo and Pyrmont.

Council's Urban Design Study details how the proposed building heights, FSRs and built form controls in the draft DCP have been designed to create new views and maintain and enhance existing views identified in the Urban Design Report. In particular, the planning controls for 12 Pyrmont Street and 48 Pirrama Road have been designed to maintain and enhance the existing view east along John Street to Barangaroo and the Sydney CBD.

However, the planning proposal has not considered how changes to the planning controls for 1-33 Saunders Street, 26-38 Saunders Street, 140-148 Bank Street and 14 Quarry Master Drive could affect future views along Quarry Master Drive and through site links to the Sydney Fish Market. This was identified as a future view corridor in the Urban Design Report (shown as View 4 in **Figure 14**).

A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to consider potential impacts on a future view corridor along Quarry Master Drive and through site links to the new Sydney Fish Market.

Martin Place View Corridor

48 Pirrama Road is in the Martin Place view corridor identified in the Sydney LEP 2012, which aims to protect sky view looking west from Martin Place. Council's planning proposal confirms that the proposed maximum building height for 48 Pirrama Road (50m) would not affect sky view from Martin Place.

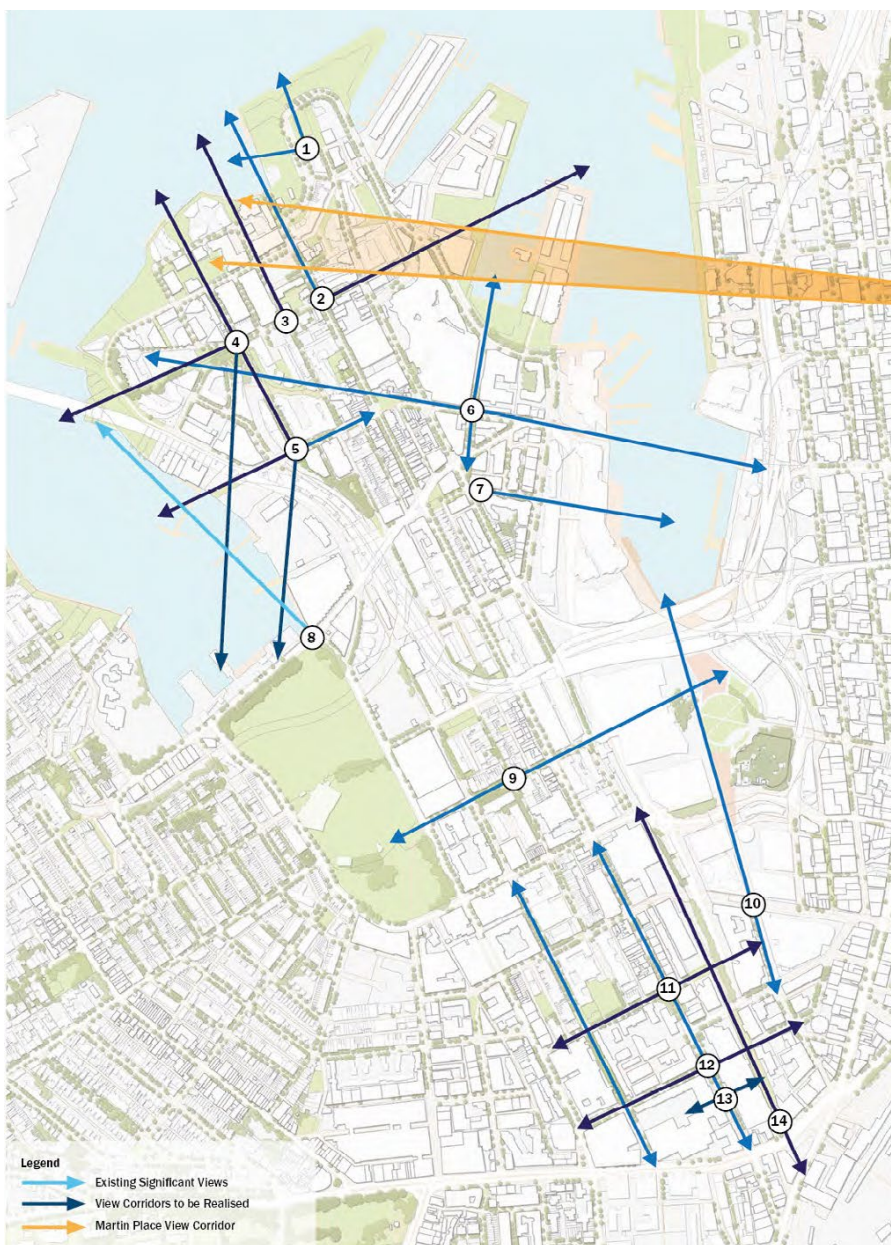


Figure 14 Primary views diagram (Source: Urban Design Report)

4.1.3 Other Issues

The Department's consideration of other potential environmental issues is provided in **Table 10** below.

Table 10 Consideration of Other Environmental Issues

Issue	Consideration
Biodiversity and Threatened Species	The planning proposal does not adequately consider the likelihood of adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats. A Gateway condition is recommended requiring the planning proposal to be updated prior to public exhibition to consider the likelihood of adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats.
Contamination and Remediation	As discussed in Section 3.6 , the planning proposal has not considered the potential for 1-33 Saunders Street and 20-28 Bulwara Road, Pyrmont to be contaminated. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to consider the potential for contamination and the need for remediation in accordance with section 9.1 Direction 4.4 Remediation of Contaminated Land.
Noise and Air Quality	<p>The planning proposal has considered the potential for adverse noise and air quality impacts from busy roads and motorways, including Harris Street and the Western Distributor.</p> <p>The draft DCP contains detailed planning controls to help ensure new residential buildings are designed and sited to minimise the potential impacts of noise and pollution. These include:</p> <ul style="list-style-type: none"> • Requiring that the windows of habitable rooms needed for ventilation face away from busy roads. • Encouraging non-habitable rooms to face busy roads. • Requiring that windows facing busy roads not be used for ventilation and be appropriately soundproofed. <p>The provisions in the draft DCP would supplement existing guidance in the Sydney DCP 2012 and the Apartment Design Guide.</p> <p>Given the potential for adverse noise and air quality impacts, a condition requiring consultation with the NSW Environment Protection Authority has been included in the Gateway determination.</p>

4.2 Social and Economic

Table 11 assesses the potential social and economic effects of the planning proposal.

Table 11 Social and Economic Impact Assessment

Impact	Assessment
Social	<p>The planning proposal would have a positive social impact by:</p> <ul style="list-style-type: none"> • Making it easier for people to get around by walking and cycling by prioritising pedestrians and cyclists in the design of the public domain and roads. • Helping to address the housing shortage by enabling the delivery of new and affordable homes close to infrastructure, jobs, services and public transport, including the future Sydney Metro station at Pyrmont. • Adding to the diversity of housing by supporting more small lot housing to be built at the rear of existing dwellings. • Enabling new development that contributes to the amenity and character of Ultimo and Pyrmont.
Economic	<p>NSW Treasury's Economic Development Strategy forecast demand for between 600,000 - 800,000m² of employment floor space by 2041 to accommodate between 20,000 - 23,000 new jobs and enable \$4.2 - 4.9 billion in additional economic output.</p> <p>The planning proposal would help contribute towards meeting the forecasts in the Economic Development Strategy by supporting the delivery of employment floor space capable of accommodating approximately 6,000 new jobs by 2041. New employment floor space enabled by the planning proposal would also help make the most of the economic opportunity provided by the future Sydney Metro station at Pyrmont.</p> <p>Loss of Employment Floor Space at 1-33 Saunders Street, Pyrmont</p> <p>The planning proposal may result in a reduction in employment floor space at 1-33 Saunders Street, Pyrmont (the City West Office Park), if the site is redeveloped for predominately residential uses. However, the potential loss of employment floor space on this site would be offset by significant increases to the permissible amount of employment floor space on other sites in Ultimo and Pyrmont.</p> <p>Feasibility of Additional Affordable Housing Contribution</p> <p>The feasibility of the proposed affordable housing contribution was considered in detail by the Department as part of the finalisation of the sub-precinct master plans, establishment of the Special Infrastructure Contribution framework, and rezoning of key sites (see Section 1.3.2). The testing confirmed the ability for new development to pay affordable housing contributions in addition to local and state infrastructure contributions. Further information on this matter is available in the Pyrmont Peninsula Finalisation Report and supporting Affordable Housing Study.</p>

4.3 Infrastructure

4.3.1 Transport and Traffic

The Pyrmont Peninsula Place-Based Transport Strategy (Transport Strategy) was prepared to support the Place Strategy. It assessed expected travel demand, taking into account the population and employment growth forecast in the Place Strategy and the transformative effect of a new Sydney Metro station at Pyrmont. It also set a target of 90% of all trips being made by walking, cycling and public transport, which was considered achievable given the new Sydney Metro station at Pyrmont will make it easier for people to move around, access jobs and services, and connect with other places across Greater Sydney.

Transport for NSW has since prepared the Pyrmont-Ultimo Transport Plan, which builds on the work of the Place Strategy and Transport Strategy. It identifies the specific transport initiatives needed to support the 23,000 new jobs and 4,000 new homes forecast by the Place Strategy. These initiatives are identified in **Figure 15**. The Pyrmont-Ultimo Transport Plan was prepared in consultation with Council, the Department, the NSW Government Architect, Infrastructure NSW, Create NSW and the then Greater Cities Commission.

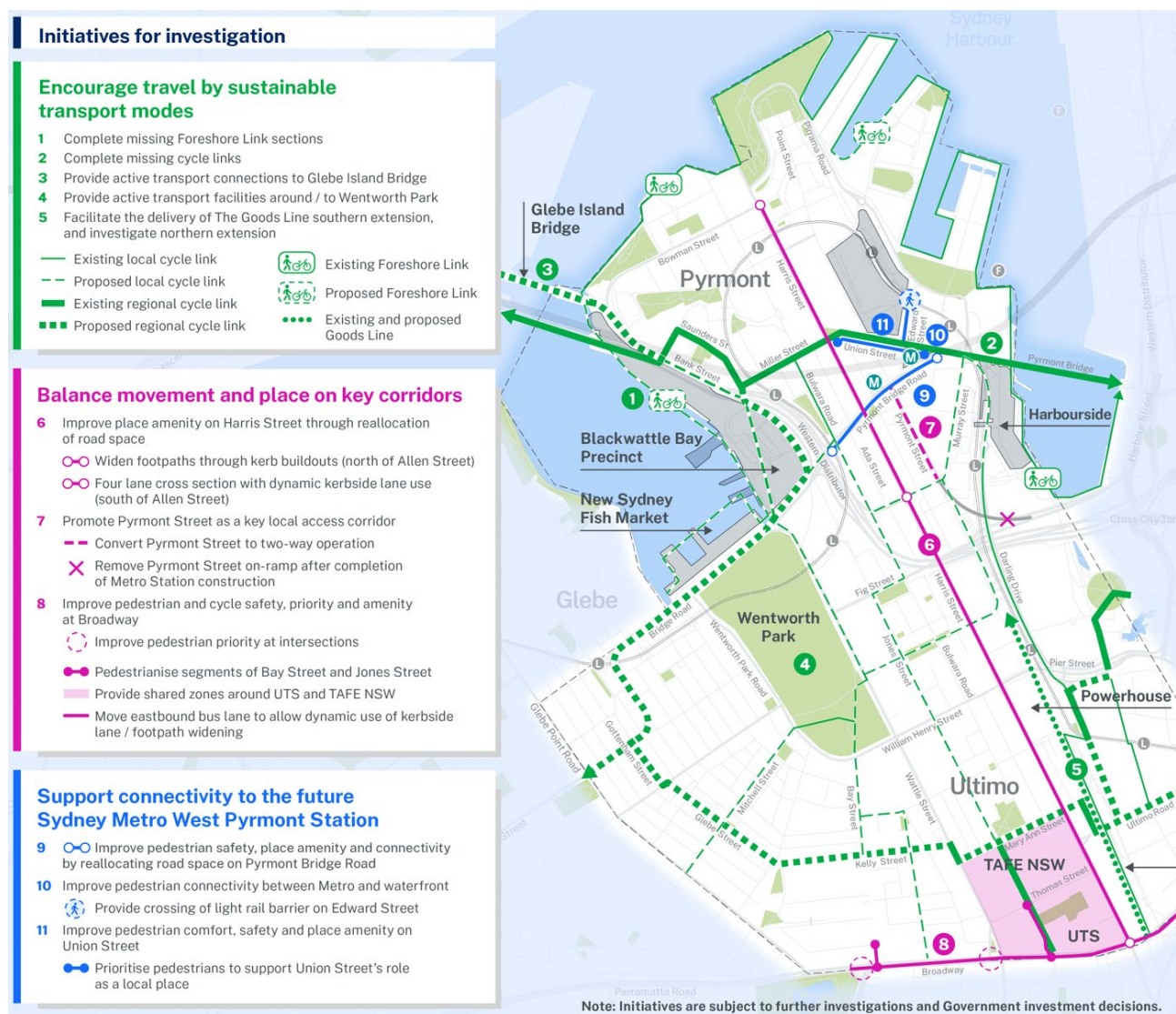


Figure 15 Initiatives in the Pyrmont Ultimo Transport Plan (Source: Transport for NSW)

The planning proposal is generally consistent with the vision, principles and objectives of the Transport Strategy and the Pyrmont-Ultimo Transport Plan. This is because:

- New employment floor space has been concentrated near the future Sydney Metro station at Pyrmont. This would help optimise investment in public transport infrastructure by increasing patronage of Sydney Metro West.
- The maximum car parking rates in the Sydney LEP 2012 will help limit private vehicle usage and traffic generation. It is noted that Council's policy and housekeeping planning proposal (PP-2024-709), which has been submitted to the Department for a Gateway determination, proposes further reducing the maximum car parking rates on land surrounding the future Sydney Metro station at Pyrmont.
- New development would be supported by cycleway, streetscape and public domain upgrades that make it easier for people to walk and cycle around Ultimo and Pyrmont.

Due to the extensive work already undertaken by the Department, TfNSW and Sydney Metro to establish the transport upgrades needed to support planned growth in Ultimo and Pyrmont, Council has not undertaken additional transport and traffic modelling. The planning proposal focuses instead on improvements to local access arrangements that support the vision in the Transport Strategy, Place Strategy and Pyrmont-Ultimo Transport Plan. This includes making it easier for people to get around by walking, cycling and using public transport by prioritising pedestrians and cyclists in the design of streets and the public domain.

To help ensure that potential effects on the existing and future transport network are appropriately considered as part of the planning proposal a condition requiring that Council consult with Transport for NSW and Sydney Metro has been included in the Gateway determination.

4.3.2 Utilities

An assessment of the availability and capacity of utility infrastructure was undertaken to support the Place Strategy. It was informed by consultation with relevant utility providers, including Sydney Water, Ausgrid, Jemena.

It found that there are no major infrastructure constraints and that existing water, sewerage, telecommunications, electricity and gas infrastructure is generally capable of accommodating growth envisaged by the Place Strategy. Any necessary upgrades or augmentations to utility infrastructure will be considered further at the DA stage.

However, as the planning proposal would increase demand for utilities, the Department recommends that Council consult with relevant utility providers, including Sydney Water, Ausgrid, Jemena. This forms a condition of the Gateway determination.

4.3.3 Infrastructure Funding

4.3.3.1 Local Infrastructure Contributions

Council has prepared a draft contributions plan under section 7.12 of the EP&A Act to help fund the local infrastructure needed to support future growth in Ultimo and Pyrmont. The draft contributions plan proposes a sliding scale contributions rate of up to 3%, which would increase depending on the estimated cost of development. It would only apply to development with an estimated cost of more than \$250,000. The draft contributions plan is proposed to contribute to funding:

- Capacity improvements to the northern and southern sections of Wentworth Park.
- Streetscape and public domain upgrades, including along Harris Street.

- Upgrades to existing community facilities, including the Pyrmont Community Centre, Ultimo Community Centre and the Maybanke Recreation Facility.
- Drainage upgrades along Pyrmont Street, Jones Bay Road and Darling Island Road.
- Tree planting in parks and streets across Ultimo and Pyrmont.
- Upgrades to the cycling network between Forest Lodge and the southern part of the Sydney CBD.

The draft contributions plan would replace the existing *City of Sydney Development Contributions Plan 2015* in so far as it applies to land in Ultimo and Pyrmont.

To help the community better understand the potential impacts of the draft contributions plan and planning proposal, a condition has been included in the Gateway determination requiring that they both be publicly exhibited at the same time.

Council will need to make a separate request to the Minister for Planning and Public Spaces to apply a maximum rate of 3%.

4.3.3.2 State Infrastructure Contributions

The delivery of State infrastructure will be partly funded through the Housing and Productivity Contribution (HPC), which commenced on 1 October 2023. The HPC applies to certain residential development that creates new dwellings or lots and new commercial and industrial development that creates new GFA.

Contributions collected under the HPC will help deliver essential State infrastructure needed to support growth such as major roads, public transport, parks, hospitals and schools. Further information on the HPC is provided in the *Housing and Productivity Contribution Implementation Guideline (August 2023)*.

4.3.3.2.1 Transport Project Component

A Special Infrastructure Contribution (SIC) to help fund the new Sydney Metro station at Pyrmont and associated infrastructure was introduced on 11 July 2022. The SIC was transitioned into the HPC framework as an additional 'Transport Project Component' of the HPC in October 2023.

It currently applies to certain sites near the future Sydney Metro station at Pyrmont identified in maps supporting *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* (the HPC Order). The sites currently subject to the Transport Project Component of the HPC are shown in **Figure 16**.

Some of the sites subject to the planning proposal that are near the future Sydney Metro station at Pyrmont are not identified in the maps supporting the HPC Order. This is because they were not originally identified as 'capable of change' by the Department (see **Section 1.4.2.1**).

The HPC Order and supporting maps will be updated prior to finalisation of the planning proposal to identify these sites and ensure that future development on them contributes towards funding the new Sydney Metro station at Pyrmont.



Figure 16 Sites currently subject to the Transport Project Component (Source: Department)

5 Consultation

5.1 Community

Council has consulted extensively with the community and key stakeholders during the preparation of the planning proposal. Further information on the consultation undertaken by Council is provided in the Early Engagement Report submitted with the planning proposal.

Council proposes a public exhibition period of 28 days, equivalent to 20 working days.

Given the complexity of the planning proposal, which is categorised as ‘complex’ under the LEP Making Guideline, a public exhibition period of 30 working days is recommended. This forms a condition of the Gateway determination.

5.2 Government Agencies and Public Authorities

The planning proposal does not specifically identify which public authorities and government agencies will be consulted.

It is recommended that the following government agencies, public authorities and organisation be consulted on the planning and given 30 working days to comment:

- Transport for NSW
- Sydney Metro
- Heritage NSW
- NSW Environment Protection Authority
- The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water
- NSW State Emergency Service
- Placemaking NSW
- NSW Land and Housing Corporation
- NSW Department of Education
- Infrastructure NSW
- Sydney Airport Corporation
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Civil Aviation Safety Authority
- Relevant utility providers, including Sydney Water, Ausgrid and Jemena
- Metropolitan Local Aboriginal Land Council.

6 Timeframe

The LEP Plan Making Guideline (August 2023) establishes maximum benchmark timeframes for different categories of planning proposals. The planning proposal is categorised as ‘complex’.

Council proposes completing the LEP by July 2024. However, Council’s timeframe for completing the LEP does not consider that the planning proposal was submitted in late February 2024, or allow sufficient time for the Gateway determination to be issued, public exhibition, responding to feedback received during the public exhibition period, or the drafting of the LEP with Parliamentary Counsel’s Office.

Therefore, while the Department supports Council’s intention to expedite the planning proposal, a recommended LEP completion date of 13 May 2025 is included in the Gateway determination.

7 Local Plan-Making Authority

Council has requested that it be delegated the functions of the local plan-making authority (LPMA).

It is recommended that Council not be authorised to be the LPMA given the nature of the planning proposal, the number of unresolved matters, and the need for the Department to coordinate the implementation of the Place Strategy

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It would facilitate employment and housing growth envisaged by the Place Strategy and Economic Development Strategy.
- It would add to the affordability and diversity of housing in Ultimo and Pyrmont.

- It would enable new development that contributes to the character and amenity of the area and helps make the most of significant investment in a new Sydney Metro station at Pyrmont.
- It is consistent with the relevant provisions of the Region Plan, District Plan, and Council's Local Strategic Planning Statement, Community Strategic Plan, and Local Housing Strategy.
- It is consistent with relevant SEPPs.
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.
- Inconsistency with section 9.1 Directions 1.4 Sites Specific Provisions and 4.5 Acid Sulfate Soils are minor and justified.
- Outstanding inconsistencies with other applicable section 9.1 Directions can be resolved subject to further justification and consultation in accordance with the conditions of the Gateway determination.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Sites Specific Provisions and 4.5 Acid Sulfate Soils are minor and justified.
- Note that the consistency with the following section 9.1 Directions is unresolved and will require further justification and consultation: 1.15 Implementation of the Pyrmont Peninsula Place Strategy; 4.1 Flooding; 4.2 Coastal Management; 4.4 Remediation of Contaminated Land; 5.3 Development Near Regulated Airports and Defence Airfields; 6.1 Residential Zones; and 7.1 Employment Zones

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - Resolve inconsistencies between the explanation of provisions and the example drafting provided in Appendix 1.
 - Provide a plain English explanation of the proposed amendments and clarify the development and land to which they would apply.
 - Justify excluding the application of the building height bonuses available under clause 6.21D(3)(a) of the Sydney LEP 2012.
 - Clarify how the proposed sun access plane for Wentworth Park would interact with existing provisions in the Sydney LEP 2012 that limit additional overshadowing of Wentworth Park.
 - Include a map showing the proposed changes to the Sun Access Protection Map.
 - Remove reference to *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.
 - Demonstrate that the proposed building heights provide an appropriate level of protection to the public open spaces identified in Part 3 of the Urban Design Report.

- Assess potential impacts on the future view corridor along Quarry Master Drive and through site links to the Sydney Fish Market.
 - Consider the likelihood of the planning proposal adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats.
 - Address section 9.1 Direction 4.1 Flooding and provide a flood impact assessment that considers relevant guidelines, including the NSW Flood Risk Management Manual 2023 and the Flood Impact and Risk Assessment – Flood Risk Management Guide LU01.
 - Provide further information addressing the planning proposal's consistency with the following section 9.1 Directions: 1.15 Implementation of the Pyrmont Peninsula Place Strategy; 4.2 Coastal Management; 4.4 Remediation of Contaminated Land; 6.1 Residential Zones; and 7.1 Employment Zones.
2. The planning proposal is to be updated prior to the LEP being made to address consistency with section 9.1 Direction 5.3 Development Near Regulated Airports and Defence Airfields.
3. Consultation is required with the following public authorities and government agencies:
- Transport for NSW
 - Sydney Metro
 - Heritage NSW
 - NSW Environment Protection Authority
 - The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water
 - NSW State Emergency Service
 - Placemaking NSW
 - NSW Land and Housing Corporation
 - NSW Department of Education
 - Infrastructure NSW
 - Sydney Airport Corporation
 - Department of Infrastructure, Transport, Regional Development, Communications and the Arts
 - Civil Aviation Safety Authority
 - Relevant utility providers, including Sydney Water, Ausgrid and Jemena
 - Metropolitan Local Aboriginal Land Council.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment.

4. The planning proposal should be made available for community consultation for a minimum of 30 working days.

Given the nature of the planning proposal, the number of unresolved matters, and the need for the Department to coordinate the implementation of the Place Strategy, it is recommended that Council not be authorised to be the LPMA.

The recommended completion date for the LEP is on or before 13 May 2025.



28 June 2024

Tom Atkinson

A/Manager, North, East and Central Coast



12 July 2024

Jazmin van Veen

Director, Local Planning (North, East and Central Coast)