

9 April 2023

Our Ref: 2024/219480
File No: R/2022/20/A
Your Ref: SSD-49620481

Russell Hand
Principal Planning Officer
Key Sites Assessment
Department of Planning, Housing & Infrastructure
via Major Projects Planning Portal

Dear Russell,

Advice on Response to Submissions – Pyrmont East Over Station Development – SSD-49620481

Thank you for your correspondence dated 11 March 2024 inviting the City of Sydney (the City) to comment on the Environmental Impact Statement submitted for the Concept State Significant Development Application (SSDA) relating to the Sydney Metro Over Station Development (OSD) at Pyrmont (East).

The application seeks consent for:

- a residential tower envelope to a maximum RL of 120
- a maximum FSR 9:1 on the site
- use of the podium for commercial and retail uses
- a maximum of 55 parking spaces

The City has reviewed the EIS and provides the following comments for consideration in the assessment.

1. Scope of the application

The City acknowledges that the CSSI approval deals with the building envelope for the podium structure however does not deal with the use of the podium. It has not yet been confirmed whether delivery of the podium structure is intended to be made under the CSSI approval or whether this would be incorporated into a future detailed application.

The requirement for the subject application to grant consent to the use of the podium demonstrates the need to also consider the proposed built form of the podium structure. The varying proposed uses within the proposed development, and the intensity of those uses, would likely dictate the eventual form of the podium structure. This submission also outlines various instances where refinement to the podium structure is considered necessary to resolve the likely impacts resulting should the podium envelope be developed to its maximum extent.

Further, treatment of the podium and the tower forms separately may have undue impact where effectively one form has more work to do to mitigate the impacts caused by the other.

The applicant should be required to outline the intended planning pathway more clearly for the delivery of the over station development. It is evident that the podium form should be subject to further consideration as part of the overall over station development.

2. Secretary's Concurrence

Clause 6.62 requires the concurrence of the Planning Secretary to be obtained prior to consent being granted under the division. In deciding whether to grant concurrence the Planning Secretary must consider the *Pymont Peninsula Infrastructure Delivery Plan*.

The City wishes to understand whether concurrence has been obtained at this stage and how the *Peninsula Infrastructure Delivery Plan* was considered.

Sections 4.1.1 and 5.1.1 of the *Pymont Peninsula Design Guidelines* require Transport for NSW to undertake an active transport routes and public domain improvement study. Given that all streets that front the site are City streets, the study should be undertaken in collaboration with the City.

An objective of the *Pymont Peninsula Design Guidelines* relevant to each Pymont Metro site is to improve (and potentially widen) the pedestrian environment on surrounding streets, as supported by an active transport routes and public domain improvement study. It is unclear how this is intended to be achieved at this stage.

The reference scheme appears to contemplate this by including a slight set back to the Pymont Bridge Road site boundary, potentially to accommodate footpath widening and tree planting however without the preparation of the study this nominal setback is considered premature. Further, the concern outline above regarding the construction of the podium under a separate application (CSSI) would limit the implementation of the findings of the study.

3. Maximum Gross Floor Area

The submitted reference scheme does not adequately demonstrate that the proposed development, as described in the Stage 1 concept application, can be reasonably achieved within the proposed envelope, whilst having regard to the Pymont Peninsula Design Guidelines and the Apartment Design Guide.

The proposed maximum gross floor area (GFA) appears unachievable within the proposed building envelope. It is more difficult to quantify within the podium, but the residential tower form would require an unachievably high floor plate efficiency to achieve the maximum residential GFA sought under this application.

The provision of such a high allocation of floor space, whilst albeit set as a maximum, would invite the future developer into an unreasonable sense of entitlement. The result potentially being a bloated building form that attempts to exceed approved controls, absent of any appropriate articulation or modulation, and causing undue impacts on the amenity of the surrounding area.

It is recommended that the maximum GFA approved under this application be proportionally reduced to reflect a development that could reasonably be achieved within the proposed building envelope, having regard to the proposed use and amenity of the

building and the resulting amenity impacts on the surrounding development and public domain.

4. Solar Access

Residential tower

The proposed reference scheme struggles to achieve design criteria 4A-1 1. of the Apartment Design Guide requiring living rooms and private open space of at least 70% of apartments in a building to receive a minimum of 2 hours of direct sunlight between 9am and 3pm in mid-winter.

The orientation of the residential tower form, rotated slightly to the east, reflective of the street layout, makes it difficult for the east facing apartments to achieve a minimum of 2 hours solar access to living areas. The glass line in the reference scheme sits behind the private open space and therefore the living area is shielded by the balconies and the facade.

Maintaining solar access to public open space

The Solar Access Report (Appendix M) does not identify or test the Solar Access Plane (SAP) to Elizabeth Healey Reserve to the south-west of the site. The *Pyrmont Peninsula Place Strategy – Urban Design Report* identifies the SAP requiring developments to ensure that there would be no additional overshadowing between 10am and 2pm in mid-winter.

This is given weight under this application as Section 4.2.2.2.c of the *Pyrmont Peninsula Design Guidelines* requires:

“Maximum street wall and buildings heights are to respond to adjacent and surrounding development, and:

...

c. ensure no additional overshadowing to Elizabeth Healy Reserve”

A 3D electronic model has been requested to enable testing to be undertaken to confirm the SAP is not broken by the proposed building envelope. A section provided through the building appears to exceed the SAP as shown in figure 1 below.

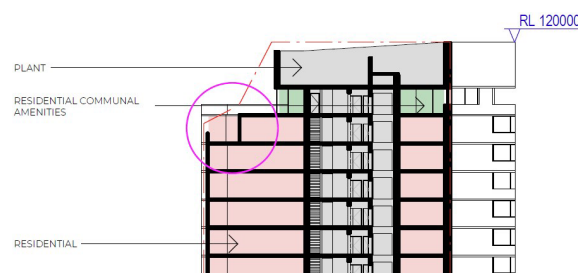


Figure 1: extract from reference scheme section

Minimising over shadowing to neighbouring properties

Section 4.2.2.2 of the Design Guidelines requires:

“Maximum street wall and buildings heights are to respond to adjacent and surrounding development, and:

...



Figure 3: View modelling along Harwood Street

It should be noted that other development controls are proposed as part of the *Pymont Peninsula Place Strategy* which would support the retention of the view corridor further to the north.

6. Wind

The *Pymont Peninsula Design Guidelines* establishes the wind comfort level to be achieved within the public domain based on the intended use of outdoor spaces surrounding the building. The Pedestrian Wind Assessment (Appendix O) identifies multiple points where the wind speed would exceed the relevant comfort levels and therefore precludes locations being used for outdoor dining or building entries etc. The location of building entries should be considered having regard to the likely wind comfort levels. No assessment was provided for the indicative through-sitelink.

The Assessment outlines various mitigation measures to improve the pedestrian wind comfort levels. The use of any physical screens or the like mounted within or projecting into the public domain would be objected to by the City.

The Assessment is also limited to the pedestrian environment and no assessment has been provided with respect to the wind conditions and amenity of the above podium external terrace areas, apartments, or rooftop communal open space.

The proposed building envelope is likely to influence the wind environment and therefore should be understood as part of the assessment of this concept application. The proposed building envelope may need to be modified to address the predicted wind conditions. The use of winter-gardens to mitigate adverse wind impacts should be as a last resort only.

Awnings should be provided for weather protection to all frontages.

7. Winter-gardens

The reference scheme includes winter gardens for the south and southeast facing apartments although does not provide any rationale as to why these have been included or are required.

Should this be due to potential road noise impacts, an acoustic report should be provided to establish the parameters for acoustic comfort that are required to be achieved for the proposed apartments within the development.

Alternatively, should these balconies be considered wind-affected, then this should be demonstrated and considered with respect to the proposed maximum GFA noting the potential exclusion outlined in Clause 4.5A in SLEP 2012.

8. City's Design Advisory Panel

The application was referred to the City's Design Advisory Panel for consideration. A summary of issues raised by the Panel is provided below:

- Overshadowing to adjoining residential properties is a significant community issue and the Panel agreed that solar access should be calculated in comparison to existing solar access.
- The Panel did not support wind impacts that exceed the relevant wind comfort levels around the station entry.
- There appears to be too much podium inactivity on too many facades. The Panel recommended that the design competition brief highlight the need for façade activation.
- The car lifts are likely to create queueing on the street. The Panel supported the City's ongoing advocacy for removing private car parking in this development and recommended that the SW corner of the podium is further refined for improved functionality of loading and servicing.
- The through-site link should connect to a station entry in some way. At a minimum it should address pedestrian desire lines that connect the station to the broader precinct.
- Footpath widening should provide sufficient space for street tree planting and deep soil, as well as accommodate future pedestrian volumes.
- Acoustic measures for apartments facing Pymont Bridge Road in accordance with an acoustic report should be resolved prior to the design competition.
- There is an opportunity to create a landmark at this site. Form and siting of the development should consider the local context, history, and connections to the broader precinct.
- The Panel recommended that any competition brief must be reviewed by the City, and if possible, be brought back to the Panel for review.

9. Podium

Commercial Uses

The City supports the provision of commercial uses within the podium, in particular a separate allocation of the commercial GFA for retail GFA. As outlined above regarding the proposed maximum GFA, it appears that an excessive quantum of GFA is allocated and is unlikely to be achieved given the typical floorplate efficiencies, and the extent of

the podium dedicated to station infrastructure, mechanical plant, servicing and loading and car parking.

The consent should specify a minimum retail GFA should be considered to ensure that an appropriate level of retail is provided to activate the ground plane and potentially the upper levels for restaurants or bars and the like.

Additionally, consideration should be given to requiring retail to be provided within smaller tenancies, by specifying a maximum GFA for each tenancy, to provide a fine grain building façade at street level with shopfronts activating the public domain.

Social Uses

The Social Impact Assessment (Appendix AA) indicates that community or cultural spaces are not considered as part of the development. The City has recommended that consideration be given to allocating some GFA for community or cultural space.

The City strongly advocated for this as part of the consultation process for the *Pymont Peninsula Place Strategy*. The strategy identifies the priorities for the Darling Island sub-precinct, in which the subject site is located. Priorities 1, 2 and 7 seeks create jobs and activate the area by including creative, community and cultural spaces. The proposed development is considered a significant opportunity to incorporate some of these uses. The Pymont Peninsula, and more specifically the Darling Island sub-precinct have been identified for its contribution to culture, creativity, and innovation. The provision of community or cultural spaces would support this.

The Pymont Infrastructure Delivery Plan should be developed based on the final Pymont Peninsula Social Infrastructure Assessment undertaken in collaboration with the City.

Building Entries

With respect to the reference scheme, the proposed building entries are largely internalised off the through-site-link. It is difficult to understand how the envelope provided by the CSSI is proposed to be developed having regard to the nature of the uses sought consent under this application. The utilisation of the spaces created within the podium should respond to the site context, particularly noting the changes in topography along the three road frontages and the desire to site building entries in appropriate locations aligning with pedestrian movements.

All hostile vehicle mitigation measures are to be contained within the site boundaries. The City would object to any measures/structures for the building being imposed on the public domain.

Glazing

With respect to the reference scheme, the proposed development incorporates significant expanses of unshaded glazing. The detailed application will need to ensure heat loading is appropriately managed.

10. Traffic and Access

The Traffic and Access Report (Appendix R) submitted with the application is inadequate. The assessment of the proposed development and the associated traffic impacts should be undertaken considering both the existing and proposed future

surrounding road network given Section 4.1.1 of the Pymont Peninsula Design Guidelines outlines future public domain improvements which will inevitably affect the road network.

The current road network does not reflect the future *Pymont Peninsula Place Strategy* road network, and while impacts to the existing road network may be considered acceptable, this development will have broader implications. The Report should be revised to assess all traffic modes, having consideration for the road sections shown in Section 4.2.4 of the Guidelines, at a minimum.

This further supports the need to proactively undertake the active transport routes and public domain improvement study and strengthen the Pymont Ultimo Transport Plan. Additionally, the City has previously raised concerns regarding the proposed Western Distributor Improvements.

The assumptions underwriting the Report appears to overestimate the number of vehicle trips and underestimates the amount of space for pedestrians and cyclists. Any assumptions about vehicle growth should be revised and align with the City's experience in the CBD where traffic volumes are unrelated to the number of vehicle parking spaces provided.

11. Car parking

The need to provide any residential parking within the development is seriously questioned given the location of the site within Pymont, heralded as an extension of the CBD, and being directly above a new Metro Station. Section 4.2.2 6. of the *Pymont Peninsula Design Guidelines* explicitly prioritises the podium for the necessary services and station infrastructure and at subsection 6. c. seeks to maximise the extent of the podium to be utilised for commercial uses. The sum of these provisions is to minimise of any on site parking.

Given the below ground station infrastructure, parking is forced into the podium inevitably resulting in a poor urban design outcome.

The application seeks consent for up to 55 parking spaces, although the reference scheme only includes a handful of parking spaces. The reference scheme demonstrates the impact incorporating parking above ground within the podium has on the utilisation, activation and presentation of the podium to the public domain. Provision of all 55 spaces would have substantial negative impacts.

The above ground location within the podium reduces the extent of the external facade which will be activated, requiring large portions of key podium elevations to comprise blind window forms. Where possible the servicing and loading area should be sleeved by active uses, this is more easily achieved through the removal of unnecessary onsite parking.

12. Vehicle access and loading

The car parking shown in the reference scheme is accessed by two car lifts, with the entry being set within the external elevation of the podium along Edward Street. The proposed arrangement would result in vehicles queuing across the footpath and into Edward Street disrupting pedestrian and vehicle movement. The proposal suggests the queuing could be accommodated with a newly created verge area following the narrowing and pedestrianisation of Edward Street. This approach is problematic and not be accepted in the City's public domain for the following reasons:

- the public domain should not be burdened by vehicle queuing for private development.
- as outlined above, the active transport routes and public domain improvement study has not been undertaken to inform the public domain design.
- there does not appear to be sufficient capacity within the road reserve to accommodate the landscaped verge wide enough to ensure the queued vehicle does not impede the footpath or traffic lane.
- pedestrians should have priority, particularly given the proximity to the Metro Station entry, and should not be relegated to the other side of the road to accommodate on street vehicle queuing.

Should onsite parking be maintained as part of the application, a reference scheme should be provided that demonstrates how vehicles access can be safely and efficiently managed.

Loading is to be prioritised over private car parking within the development and must be provided in accordance with the relevant requirements of the future uses before the City would support any private parking provision. The removal of residential parking spaces would reduce this impact.

13. Waste Management

The waste management and servicing arrangements are to meet the City's *Guidelines for Waste Management in new developments*. All waste is to be stored and collected from within the building. Residential waste is to be collected through the City's waste service.

The Traffic and Access Report specifies that the waste collection area has been designed for a MRV measuring up to 8.8m and not the City's contractor's waste vehicles, measuring 9.25m.

The Report also specifies that residential waste collection is to occur up to five times per week. This is not a service that the City is able to offer and indicates that inadequate provision has been made to manage waste on site.

It is recommended that the reference scheme be revised to demonstrate that adequate waste management and servicing arrangements can be accommodated on site to support the scale and density of the proposed development.

A separate commercial waste agreement would need to be entered into prior to the occupation of any commercial component of the building. Smaller trucks may be utilised for trade waste collection.

The City is unable to support the provision of any private car parking if it inhibits the provisions of adequate and effective waste management and servicing arrangements on site.

14. Trees and landscaping

The EIS indicates that trees and landscaping matters are to be deferred to the CSSI approval, rather than the subject application or the future detailed design SSD. The

timing of the CSSI approval in relation to this Concept SSDA is unknown and must be clarified.

It is unclear if existing street trees will be retained and protected as part of the proposed podium envelope and future detailed design (including awnings). It is therefore difficult to provide an assessment to confirm if proposed landscape on structure will be feasible, contribute adequate greening of the site, amenity for workers and visitors and comply with the City's Landscape Code.

As part of the CSSI site establishment work 13 of the 19 existing street trees within the vicinity of the site have been removed.

Any approval should impose a condition requiring the detailed application to contribute to achieving the tree canopy target of 70% for Regional Roads and 80% for Local Streets specified in the City's *Urban Forest Strategy 2023*.

It is recommended that conditions be imposed regarding the retention of existing trees, provision of replacement plantings already lost to the site establishment works, and design criteria requiring the future built form (including awnings) to accommodate street tree plantings.

15. Public domain

The proposed over station development will require connections to the adjoining public domain through various pedestrian and vehicle entrances. The detailed design will be required to coordinate internal levels and connections to the public domain, whether that be to the existing or proposed upgraded public domain. The detailed design will need to ensure any flood levels are resolved within the property boundary without impeding the design of the public domain achieving the City's gradients and levels requirements. Concern is raised with the intention to construct the podium under the CSSI approval.

Flooding

A detailed Flood Assessment Report will need to be submitted with the detailed application. The concept approval should establish the relevant flood planning levels and establish the parameters to deal with flood mitigation. In particular, the reference scheme includes a flood gate to protect the through site link. Flood gates are prohibited with the City given the high maintenance requirements and propensity to fail. It should be noted that the any detailed design is not to include flood gates.

Stormwater Management

A Stormwater Management Plan detailing the proposed connections to the City's stormwater infrastructure is to be included with the detailed application. The plan is to include stormwater quality assessment (MUSIC Link report) and any required On Site Detention systems

16. Contributions

A condition should be imposed requiring any future detailed development application to be accompanied by the following information for the purposes of calculating relevant contributions:

- *Gross Floor Area* diagrams and schedules for any non-residential uses for the purposes of calculating the applicable Section 7.11 of the Act contribution.

- *Total Floor Area*, as defined in Section 7.13(6) in SLEP 2012, diagrams and schedules for the building for the purposes of calculating the application Section 7.13 Contribution for purpose of affordable housing.

17. Design Excellence Strategy

The resolution of issues to be dealt with at the detailed design stage for the OSD, will rely on the advice and input of the City's representative on the Design Review Panel (DRP) and the City's Design Advisory Panel if possible.

Should you wish to speak with a Council officer about the above, please contact Michael Stephens, Senior Planner on 9265 9040 or at mstephens@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A-T', with a long horizontal stroke extending to the right.

Andrew Thomas
Acting Director
City Planning | Development | Transport