



9 April 2024

Kiersten Fishburn  
Secretary  
Department of Planning, Housing and Infrastructure  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

Attention: Russell Hand, Principal Planning Officer

**SSD-49620481 – PYRMONT METRO OSD – RESIDENTIAL TOWER  
AFIAA AUSTRALIA – SUBMISSION**

This submission has been prepared on behalf of AFIAA Australia in relation to the Pyrmont Metro Station Over Station Development (Pyrmont OSD) State significant Development Application (SSD-49620481) at 37-69 Union Street and 26-32 Pyrmont Bridge Road, Pyrmont. AFIAA Australia (AFIAA Australia 1 Pty Ltd) are the owners of 60 Union Street, Pyrmont, which immediately adjoins the Pyrmont OSD site to the north-east.

In principle, AFIAA has no objection to the development of Metro station and associated OSD and welcomes it as a catalyst for the reinvigoration of Pyrmont. However, we have reviewed the Environmental Impact Statement (EIS) and supporting material which has been made available on the Major Projects portal and we raise the following matters for the Department of Planning, Housing and Infrastructure's (the Department) consideration:

- The lack of consideration in the EIS of the future controls that have been recently supported by City of Sydney Council in relation to site specific uplift for numerous sites across Pyrmont and Ultimo.
- The subsequent lack of consideration of future uplift on sites surrounding the Pyrmont OSD and the potential impact this may have on compliance with the Apartment Design Guide controls in the future residential components of the Pyrmont OSD.

It is for these reasons that we recommend that the proposed scheme be reviewed to ensure that the future uplift of surrounding sites is not restricted by this proposal. The above matters are discussed in greater detail in this submission.

**Pyrmont Ultimo Planning Framework – Planning Proposal**

The Pyrmont Ultimo area has undergone a significant review in recent years, particularly in response to the new Sydney Metro station that has recently begun works. Specifically, both the Department and the City of Sydney have been reviewing the role that Pyrmont Ultimo plays in providing uplift in commercial and residential floorspace in close proximity to Central Sydney and other surrounding precincts and services.

The following is a brief summary of the extensive changes that have been undertaken in relation to Pyrmont Ultimo, as well as to 60 Union Street:

- In December 2020, the Pyrmont Peninsula Place Strategy (PPPS) was prepared by the then Department of Planning, Industry and Environment to attract global investment in innovation and creative industries to embrace the opportunities for jobs and housing in the future of the Pyrmont Peninsula. A small range of amendments based on the PPPS were made to the *Sydney Local Environmental Plan 2012* (Sydney LEP) were enacted in July 2022.
- Following the finalisation of the PPPS and subsequent amendments to the Sydney LEP, the City of Sydney undertook a planning proposal to amend the Sydney LEP further based on the PPPS and further studies undertaken. This planning proposal included specific sites for uplift.
- 60 Union Street, owned by AFIAA Australia, was identified to accommodate an uplift, with an additional 61 metres of height and an additional 3:1 of floor space ratio proposed under the planning proposal (refer to **Section 1.1**).

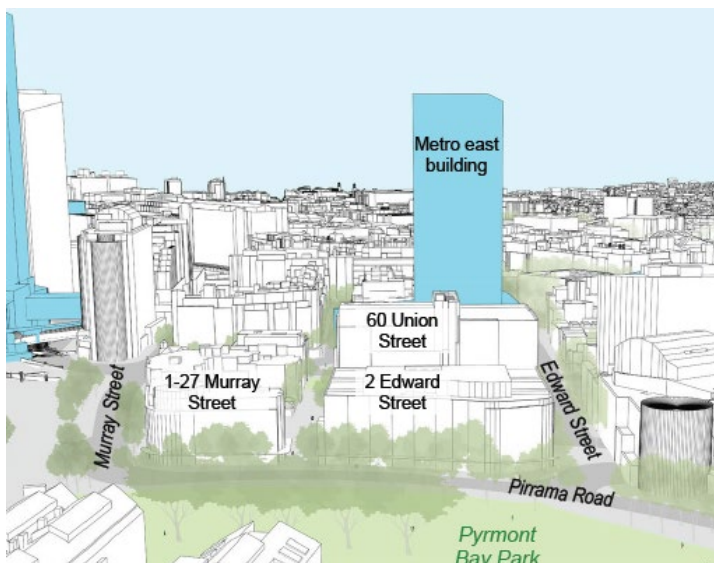
- This planning proposal was reported to Council on 11 December 2023 and approved by Council to move to gateway determination with the Department. The planning proposal is currently being reviewed by the Department for adequacy assessment, following which it will be placed on public exhibition very shortly as we understand.

The planning proposal represents a significant piece of strategic planning, as evidenced by the extensive work that has been done to date to review the planning controls in the Pyrmont Peninsula, which are due to be revised through this planning proposal process currently being undertaken.

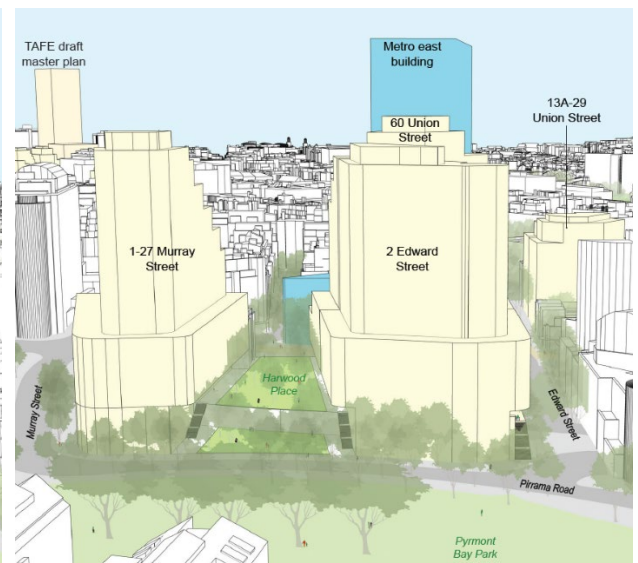
## 60 Union Street uplift

As outlined above, 60 Union Street is an identified site in the Pyrmont Ultimo Planning Proposal that can accommodate increased uplift. The below includes a summary of the changes to the site as a result of the planning proposal. Indicative diagrams of the comparison of the current and proposed controls and the built form outcome that could be accommodated on the 60 Union Street site are illustrated in **Figure 1-2**. These illustrations were exhibited in 2023 and would have been available to Sydney Metro.

Control	Existing	Proposed
Height	33m	RL 94m
Floor space ratio	4:1	7:1



*Existing condition*



*Proposed built form as a result of the planning proposal*

## Objection to the Pyrmont OSD

The key objection identified by AFIAA as owners of 60 Union Street is that the Pyrmont OSD SSDA that is currently on exhibition does not consider the uplift that is identified in the Pyrmont Ultimo Planning Proposal, and subsequently does not consider the potential impacts of this future development potential on the residential tower being delivered above the future Pyrmont Metro Station.

The key issues that AFIAA have identified are as follows:



- Inconsistency with the Secretary's Environmental Assessment Requirements (SEARs) that were issued to guide the preparation of the EIS.
- The impact of failing to consider these future controls and the development's ability to comply with amenity requirements of residential development.
- The implications of the current Pyrmont OSD design on the development potential of 60 Union Street, as per the controls provided under the Pyrmont Ultimo Planning Proposal.

These items are discussed in more detail in the following sections.

### **Inconsistency with SEARs**

SEARs were issued for the Pyrmont OSD development on the 18 November 2022, which outlines all assessment requirements that the Department considered relevant to determine the environmental impact of the development.

Item 3 on the SEARs identified the following (bold has been added for emphasis):

*"Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscapes, heritage items adjacent to the site, existing and **future character of the locality** and Pyrmont Peninsula Design Guidelines."*

This SEARs item requires that the future character of the locality surrounding the site be considered in the design of the development. The changes proposed by the Pyrmont Ultimo Planning Proposal are key in determining the future character of the locality. However, the EIS fails to include any discussion of this planning proposal, or the controls contained within this planning proposal, including any future uplift proposed to be accommodated on surrounding sites.

Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) outlines the matters for consideration that a consent authority must consider when assessing a development application. Section 4.15(1)(a)(ii) requires that "any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)". Whilst the Pyrmont Ultimo Planning Proposal is not yet on formal exhibition with the Department, it has been publicly available through Council's website and through Council's extensive consultation process and it is understood that it will be publicly exhibited shortly.

Therefore, consideration should be given to this planning proposal in consideration of the "future character of the locality", as required by the SEARs. AFIAA are of the opinion that this has not been done sufficiently in the EIS as on exhibition.

### **Residential amenity considerations**

The Pyrmont OSD proposes a concept envelope that will accommodate a mix of uses, including the use of the tower envelope for residential development. Given its proposed use for residential purposes, the EIS has considered the future residential amenity of the tower based on an indicative concept design that is largely compliant with the future envelope.

Based on this indicative concept design, the EIS concludes that the future residential dwellings within the building will achieve more than 2 hours solar access to more than 70% of the dwellings. Further, the EIS concludes that indicative reference scheme demonstrates that the proposed envelope ensures all apartments receive at least the minimum required direct sunlight. This is largely due to the unimpeded access that the northern façade has to solar access.

However, the EIS fails to take into account the future development potential afforded to 60 Union Street under the Pyrmont Ultimo Planning Proposal. Given 60 Union Street is located to the north-east of the Pyrmont OSD, should the planning proposal be successful, a development that realises the full potential afforded under the proposed controls will significantly alter the proposal's ability to meet residential solar access requirements as per the Apartment Design Guide.



As a result, AFIAA are of the opinion that the residential amenity assessment and land use mix of the concept scheme of the Pyrmont OSD is not sufficient, as it fails to consider the future character of the surrounding lots, including the proposed uplift on the neighbouring 60 Union Street. It is not reasonable to assume that the solar access of the residential components of the development will achieve such high levels of solar compliance when the adjoining site is likely to be capable of delivering a building of greater height, which will subsequently to some level block the solar to the Pyrmont OSD development.

It is requested that further design analysis is undertaken by Sydney Metro to better understand the residential amenity implications of any future development on 60 Union Street in line with the controls under the Pyrmont Ultimo Planning Proposal, and that the land use mix and design concept is amended to ensure that any future design potential on 60 Union Street is accounted for.

### **Development potential**

There is substantial concern that the Pyrmont OSD will significantly constrain the development potential of 60 Union Street. Should the Pyrmont OSD concept envelope and land use mix fail to account for uplift on 60 Union Street and the resultant impacts on residential amenity for the Pyrmont OSD, any future development on the 60 Union Street site will be substantially constrained. This is because any future development on 60 Union Street will be required to take into account the residential amenity and solar access of apartments in the OSD building that may be blocked by any new development on 60 Union Street. This is despite the site being identified for uplift by the Pyrmont Ultimo Planning Proposal.

Should the Pyrmont OSD be approved in its current form, the future controls anticipated for 60 Union Street may not be able to be achieved, with height directly capped by solar access to any apartments to the south, including those that may be accommodated in the Pyrmont OSD. As a result, this will significantly reduce the development potential of 60 Union Street, by restricting the amount of height and floor space anticipated under the planning proposal.

This is directly in contrast to the aims of the PPS, which has informed the planning proposal. The PPS seeks to identify broad scale uplift across the precinct to ensure that the commercial and residential capacity of the broader City of Sydney area is capable of accommodating uplift in line with the future needs of the city. This was also informed by (and led the decision to provide) a new Metro station in the area, being the Pyrmont Metro station. This Metro station was what informed the proposed uplift on surrounding lots, and it is contradictory to immediately restrict the development potential of adjoining sites to capitalise on this new Metro station by failing to consider the future development uplift of these development sites when assessing residential amenity.

Therefore, it is requested that further design analysis is undertaken by Sydney Metro to better understand the residential amenity implications of any future development on 60 Union Street in line with the controls under the Pyrmont Ultimo Planning Proposal, and that the land use mix and design concept is amended to ensure that any future design potential on 60 Union Street is accounted for. This will enable the ongoing development of the Pyrmont OSD in conjunction with the proposed uplift on surrounding sites.

### **Conclusion**

AFIAA Australia are of the opinion that the proposed concept development on the Pyrmont OSD site is not sufficiently justified in its current form, as it fails to take into account the future character of the area as informed by the Pyrmont Ultimo Planning Proposal that has recently been supported by the City of Sydney and is currently being assessed by the Department of Planning, Housing and Infrastructure.

The development in its current form is insufficient because:

- It is inconsistent with the Secretary's Environmental Assessment Requirements that were issued to guide the preparation of the EIS, as they fail to consider the "future character of the area", being the Pyrmont Ultimo Planning Proposal currently being considered by the Department.
- The development fails to consider these future controls (particularly those afforded to 60 Union Street) and the concept envelope's ability to comply with amenity requirements of residential development.
- The current Pyrmont OSD design significantly restricts the capability of the development potential of 60 Union Street, as per the controls provided under the Pyrmont Ultimo Planning Proposal. In its current form, the proposed Pyrmont OSD envelope will likely restrict the future height uplift on 60 Union Street due to the overshadowing impacts that have not been considered by Sydney Metro.



Therefore, it is requested that further design analysis is undertaken by Sydney Metro to better understand the residential amenity implications of any future development on 60 Union Street in line with the controls under the Pyrmont Ultimo Planning Proposal, and that the land use mix and design concept is amended to ensure that any future design potential on 60 Union Street is accounted for. This additional analysis must then be publicly exhibited and provided to AFIAA.

Yours sincerely,

Nicholas Gassman  
Director, Lighthouse Project Group  
On behalf of AFIAA Australia