

25 November 2022

Director - Portfolio Management and Strategic Projects
Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Via email: belinda.morrow@planning.nsw.gov.au

RE: Bays West Stage 1 Comprehensive Rezoning Package – Inner West Council Submission

Inner West Council appreciates the opportunity to comment on the exhibited draft Bays West Stage 1 Comprehensive Rezoning Package - White Bay Power Station and Metro subprecinct. Please consider this letter and Attachment 1 as the Inner West Council's endorsed Submission, resolved at the Council Meeting on 25 October 2022 as below;

- 1. Council endorses the submission for the Bays West Stage 1 Comprehensive Rezoning Package, subject to reversion in the submission to the original proposal that 30% of all housing in the development be not for profit, with the inclusion of the following wording:
 - a. Council does not support monetary contribution of 7.5% for affordable housing. Council reiterates its requirement for affordable rental housing be delivered at the rate of 30% on government owned land, owned in perpetuity and managed by a Community Housing Provider, in accordance with the Inner West Affordable Housing Policy.
- 2. The Inner West Council submission be forwarded to the Department of Planning and Environment for consideration:
 - a. an ambitious commitment to the provision of onsite public housing
 - b. concerns that the proposed structure of the precinct would severely compromise the ability to connect the area through council's blue green grid which would enrich the local environment and improve biodiversity.
- 3. Council advocates to the NSW Government to enter into a Planning Agreement, in lieu of section 7.11 and 7.12 contributions being applied on future development consents in Stage 1 Bays West, that ensures that:
 - a. The NSW State Government is legally committed to delivering the specified infrastructure assets stated in the Department's Draft Infrastructure Delivery Plan, at full cost to either the NSW Government or future developers. This includes a new multipurpose community and library hub, district cultural spaces, indoor recreational facilities, new childcare facilities, and new open space; and
 - b. As part of the above agreement, Council determines which infrastructure assets in Bays West Stage 1 are desirable to be dedicated into Council ownership, at no cost

to Council once the assets are constructed and embellished to a level suitable for its desired end-use.

Attachment 1 is structured as follows and outlines areas of support, concern or where we do not support proposals:

- Section 1 Key documents of the Comprehensive Rezoning Package
- Section 2 Supporting documentation and other matters

As an overarching comment, Council is of the view that this Comprehensive Rezoning Package for Stage 1 has the potential to enable a vibrant and well-designed precinct. However, there are some significant concerns about the proposal in its current form, including:

- The lack of clarity around the long-term delivery plan for infrastructure in the precinct, including the scope and role of the delivery authority.
- The lack of certainty provided to Council under the NSW Planning System that section 7.11 or 7.12 local infrastructure contributions will be collected from the Bays West Precinct area. At the 25 October 2022 Meeting,
- The proposed building heights, scale and bulk, and the potential impact the public domain.
- The process by which the Inner West Local Environmental Plan will be amended to include an amendment around affordable housing, considering the land is not currently within Council's Land Application map.
- The low rate of proposed affordable housing, given the unique opportunity offered by the land being within Government ownership.
- Council further stated it is concerned that the proposed structure of the precinct could compromise Council's blue green grid opportunities that aim improve local biodiversity.

If you require any clarification or wish to discuss any of the matters raised, please contact Daniel East, Acting Senior Manager Planning on daniel.east@innerwest.nsw.gov.au or 02 9335 2255.

Yours sincerely

Peter Gainsford

General Manager

Attachment 1 - Inner West Council Submission - Stage 1 Comprehensive Rezoning Package - endorsed by Council on 25 October 2022

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1. I	tion 1 - key docume		
ļ		nts of the Comprehensive Rezoning Package	
ĺ	Explanation of	The following section explains council's response to the proposed	
	provisions and	changes to planning controls outlined in the Explanation of Intended	
	planning control	Effect.	
	changes		
a. I	Key Development	From DPE's Explanation of Intended Effect (pages 8-12):	Key Development precincts
!	Precincts and		
ľ	removal of the	Metro and over station development	As outlined in the submission to the stage 1 masterplan, Council
-	Robert Street sub-		supports the general overarching site structure of this proposal.
!	precinct	'The delivery of the Metro Station by 2030 will be the first step in the	In particular, Council views the proposed public access to the
		renewal of the broader Bays West precinct. The development	foreshore, the adaptive re-use of the power station for
-	Metro and Over	surrounding the new Metro Station is intended to be predominantly	community uses, the active connection of the Metro station to
	Station	non-residential including commercial use comprising of both office	the precinct and mix of commercial and residential
	Development	and retail space.	development as a solid foundation for a well-designed
-	Southern		precinct.
	Development -	The proposed controls outlined in this EIE will enable a built form of	
	Parcels	approximately 8 storeys and a commercial and retail GFA of	Notwithstanding Council does have concerns with some of the
-	White Bay Power	approximately 11,400m2.'	proposed maximum building heights and Floor Space Ratios
	Station		(FSR) may lead to a poor overall design outcome for this
-	White Bay Park	Southern Development Block	precinct. These are outlined in other sections below.
		'The southern development blocks and wedge block may be	Additionally, the precinct structure still reads as a very inward
		appropriate for mixed uses including residential uses subject to	facing precinct with little to no interaction with surrounding
		ensuring key amenity criteria can be met with respect to wind, noise	town centres like Balmain and Rozelle. Council would like to
		and air quality.	reiterate the need for an overall development precinct that seamlessly interconnects with the surrounding suburbs and the
		The proposed controls enable approximately a combined	broader Inner West LGA. For more information on the overall site
		commercial and retail GFA of approximately 39,000m2 and	structure and layout see the urban design framework section of
		residential GFA of approximately 23,900m2.	this submission.

Topic	Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments	Inner West Council Comments
	White Bay Power Station Development	Lastly, Council would like to seek further information on the connection between these sub-precincts and future precincts
	'The White Bay Power Station is a State Heritage listed building with	within the Bays West area, including overall GFA numbers for
	significant elements both outside and inside the building. New	the site on full development. IWC has substantial concerns
	development surrounding the White Bay Power Station is to respect	about the lack of clarity around the long-term future of the
	the scale, presence and curtilage of the White Bay Power Station and the Conservation Management Plan.	entire precinct. This includes concerns about the delivery mechanism and body that will ensure all parts of the scheme are completely followed through on.
	The proposed planning controls in this EIE seek to ensure future land	
	uses within the Power Station can deliver a viable development outcome. The proposed controls will also ensure future development	Robert Street sub-precinct
	will enhance and celebrate the building's heritage, whilst also	At this point in time Council strongly supports the removal of
	supporting a vibrant night-time economy and innovative cultural	the Robert Street sub-precinct from the stage 1 rezoning. This
	and creative uses. Building height and Floor Space Ratio controls will	will allow more time for the careful consideration of planning
	also guide the delivery of a new extension to the White Bay Power Station in the location of the demolished Boiler House #2.	controls and uses in the sub-precinct. However, as outlined in the traffic and transport section, Council would like to ensure that delaying this precinct will not lead to any negative
	The proposed controls would enable a commercial and retail GFA of	outcomes for traffic planning in the Bays West precinct.
	approximately 23,900m2 and community GFA of 3,000m2 across the	
	White Bay Power Station reinstated boiler house built form.'	
	White Bay Park and Surrounds	
	'The sub-precinct will include significant amounts of new public	
	domain and open space, providing opportunities to create well	
	connected and activated areas around the White Bay Power Station	
	and the future Bays Metro Station.	
	More than 50% of the sub-precinct will be public open space	
	including White Bay Park. The draft rezoning proposal includes	

planning controls to ensure protect solar access to this public open

space.'

-	e 1 Comprehensive Rezoning Package– summary relevant to comments	Inner West Council Comments
IWC	To support development of Bays West, in a manner that is consistent with the Place Strategy that balances growth and change with the character, heritage and amenity of the Precinct. To reinforce Bays West into a mixed-use precinct integrated with enhanced port and working harbour activities, supported by the adaptive re-use of the White Bay Power Station and more convenient and direct active transport connections through the new Metro. To support the revitalisation of critical heritage assets, and create an international gateway at the Cruise Terminal, capitalising on the innovation corridor to adapt to new technologies and sustainable port operations, and building a world-class foreshore walk with walking and cycling connection. To ensure the ongoing growth of employment floor space and residential accommodation in Sydney to meet NSW government forecasts and anticipated demand. Ensure future land uses within the Power Station can deliver a viable development outcome that enhances and celebrates the building's heritage, whilst also supporting a vibrant night-time economy and innovative cultural and creative uses. Ensure future development acknowledges and embeds Country, reflect Indigenous design principles and opportunities to connect with Country. Amend State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 to include comprehensive sitespecific clauses for White Bay Power Station (and Metro) Sub precinct.	Council supports the objectives proposed in the EIE. The objectives around affordable housing, designing on Country, and active transport are of particular importance to Council. Detailed responses to the controls and guidelines that emerged from these objectives are included in subsequent sections of the submission. Despite the strength of these objectives, Council remains concerned that there is a lack of accountability and process around how a potential delivery authority could ensure all parts of this scheme are realised. Ultimately, Council requires greater certainty the visionary development of Bays West outlined in these objectives is carried through to the final project, thus ensuring the precinct is vibrant, well-thought out, and considerate of the needs of the area. Details around the delivery mechanism is lacking along with a governance arrangement that will result in effective collaboration. These should be established early in the precinct planning to ensure the delivery process is transparent and effective.
	made in 2022) to enable an affordable housing program to be delivered as part of the Bays West Precinct.	

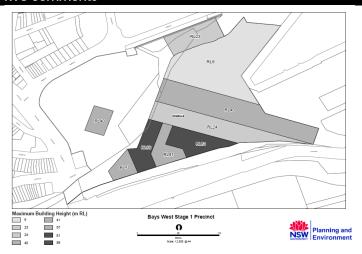
SP1 Special Activities

Topic Stage 1 Comprehensive Rezoning Package – summary relevant to **Inner West Council Comments IWC** comments • Consequential amendments to various other currently applicable instruments to ensure existing instruments align with the objectives and controls for White Bay Power Station (and Metro) Sub precinct. Council supports the proposed zoning for the precinct with the c. Zoning following suggested amendments. The REI Public Recreation zone is supported for the land SP1 - Special Activities adjoining the water to the north of the site as Public Commercial premises Community facilities Creative industry Recreation (RE1). Educational establishment Entertainment Facilities there are significant areas of proposed public open space within the proposed SPI zone (as per Figure 134 of the Masterplan). However, is not listed as a use for that zone at this stage. Recreation area should be added to the list of uses for the SPI zone. Bays West Stage 1 Precinct E2 Commercial Centre Planning and MU1 Mixed Use RE1 Public Recreation Metres Scale: 1:2,500 @ A4

Topic Stage 1 Comprehensive Rezoning Package – summary relevant to IWC comments

Inner West Council Comments

d. Height of Buildings



As outlined in Council's previous submission in part 17: Built Form, Council supports a limit of 4 storeys on any development that would potentially block views of the Power Station from the Anzac Bridge and vice versa. The adjacent Height of Buildings map proposes an RL 40m above the metro station and RL24m immediately south. Both proposed heights are significantly higher than 4 storeys, and have serious potential to block views and overshadow the public domain around these buildings. See Councils Comment on the Metro proposal within our previous submission to this project for further information:

"building heights on the Metro Station site will impact on views to and from Anzac Bridge and to the Harbour Bridge. Further, the height of the station building as identified in Chapter 13 of the EIS is likely to exceed the maximum RL as specified in the endorsed Bays West Urban Design Framework (2021) being RL22.2. Chapter 13 of the EIS has assessed these impacts and particularly notes views of White Bay Power Station heritage item will be directly and permanently impacted. Mitigation measures largely rely on heritage design guidance however this is unlikely to overcome the proposed building height and building envelope. We recognise Sydney Metro is subject to a separate approval pathway and are concerned to see the draft master plan has reconfirmed building heights for the Metro site as 8 storeys, given this is inconsistent with the endorsed Urban Design Framework."

It is clear that no level of mitigation will allow sufficient amenity to be retained with regards to view loss if these building heights are carried through to the final proposal. Council would like to stress that the clear prioritisation of commercial space over

То	pic	Stage 1 Comprehensive Rezoning Package – summary relevant to IWC comments	 Inner West Council Comments public amenity that stems from these building heights is of significant concern. It is further noted that two sites shown in the HOB map differ from The White Bay Power Station Conservation Management Plan (CMP) being: Boiler House – CMP maximum height RL 36.7 whereas the HOB map shows RL 40m The north eastern area of the Stage I adjacent to Roberts Road – CMP maximum height RL 15m whereas the HOB map shows RL23m.
е.	FSR	Maximum Fioor Space Ratio (n:1) 1 0.75 U 2.5 1 1 0.75 U 2.5	Noting Council's comments on the proposed HOB Maps (not supported), the proposed FSRs will likewise require to be amended to reflect any revised heights.
f.	Heritage and conservation map	The sub-precinct includes two items identified as 'Heritage Items' in Schedule 4 of the State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 being the White Bay Power Station and the Sewerage pumping station in Robert Street. It is proposed to retain these items in a new Heritage Map as shown in Figure 17 as follows: • White Bay Power Station - State Heritage Item 01015 • Sewerage pumping station, Robert Street.	As stated in our previous submission, Council supports the retention of key Heritage items on the site. Specifically, Council supports: The proposed community, cultural and commercial uses in the power station. This will make the building accessible to

Topic	Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments	Inner West Council Comments
	Refer to the proposed heritage map available at Appendix B. It is proposed to retain and update the existing heritage and conservation provisions for these items within the new planning controls. Further heritage investigations will be undertaken to recognise and protect the potential heritage significance of other structures on the site, subject to further analysis.	the public and ensure the historical importance can be viewed by anyone The use of the Turbine Hall community space the implementation of public open space around the Power Station. Despite these positive outcomes, Council has other concerns that in our view will deliver an outcome that is consistent with the levels of significance graded to the heritage listed buildings on the site: As articulated above, the proposed building heights have significant potential to block substantial views to and from the power station, resulting in a substantial loss of amenity for the surrounding city. Is it considered the View Corridors analysis (4.20 of the Master Plan & Urban Design) is misleading; 18 & 20 storey buildings to the east of the Power Station will block views of the building from outside the site. Therefore, the following should be considered: Deleting / relocating buildings proposed between south elevation of the Power Station building and the ANZAC Bridge Road Access and to the east of the Power Station. OR Adjusting Building heights to the height of the heritage items. 8 storeys adjacent to the former Power Station, with +10 storeys to the south and 12 storeys to the south east considered excessive. The proposed dense Future Urban Tree Canopy located to the west of the Power Station needs to consider height & views to the Power Station from the public domain. Tree heights should not obscure views to the Power Station.
		Apart from these issues, Council is also advocating for design,

articulation, colours and materials of new construction that are

То	pic	Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments	Inner West Council Comments
			sympathetic and responsive to heritage items on site. A carefully considered design with reasonable building height and scale has the potential to enable a strong design plan that is responsive to the site's inherent history and heritage.
g.	Design excellence	A new site-specific clause is proposed to require new development within the Bays Precinct to demonstrate design excellence.	Council strongly supports the implementation of a design excellence clause for the Bays West Precinct. A competitive design process will benefit design for the precinct.
		Specifically, new buildings in the sub-precinct will be required to adhere to design excellence provisions and a Competitive Design Process as outlined in the Draft Design Guideline. Notably a design competition will be required for buildings which is greater than \$10,000,000 in capital investment value and/or key public domain areas such as future White Bay Park.	
		Further testing is being undertaking to determine whether additional FSR will be awarded.	
		The detailed design excellence and competitive design process requirements that will apply will be set out in the Design Guidelines.	
		A clause will be inserted to mandate the preparation of a design excellence strategy for the public domain. The Design Guidelines will also provide further detail on the requirement to prepare a design excellence strategy for the public domain.	
		The Clause will apply to all land identified on the draft Key Sites Map within the White Bay Power Station (and Metro) Sub Precinct.	
h.	Site specific provisions	Proposed provisions for Sites A, B, C and D: Consideration of and consistency with the Design Guideline made by the Planning Secretary. No additional overshadowing of any public open space (unless the additional overshadowing is caused by playground	Note Council's comments elsewhere in this submission on the draft Design Guidelines, including the lack of an upfront wind impact analysis to inform the built form massing and controls. The requirement for a study/ report identifying active transport
		equipment, a shade structure, an awning, a sculpture or	routes and public domain improvements to enable passe

Topic Stage 1 Comprehensive Rezoning Package – summary relevant to **Inner West Council Comments IWC** comments artwork, a community notice or a public information sign), in to travel to and from the station entrances and further afield to accordance with the Solar Access Map and the Design the Sydney CBD and surrounding Inner West is supported. Guideline. No adverse wind impacts on the site and surrounds in accordance with the Design Guidelines. Preparation of a study/report identifying active transport routes and public domain improvements to enable passengers to travel to and from the station entrances and further afield to the Sydney CBD and surrounding inner west. Table 1: Car parking rates Maximum parking The very low parking rates proposed throughout the comprehensive rezoning package are supported. It is noted rates Land use Parking rate that such a low target is only feasible if there is a strong Residential Studio 0 / residential unit commitment to other transport mechanisms such as public transport, cycling and pedestrian access. Council is satisfied 1 Bed 0.25 / residential unit with the cycle and public transport proposal for the precinct 2 Beds 0.5 / residential unit but would re-iterate its commitment to the re-opening of Glebe 3 Beds 0.5 / residential unit Island bridge to further facilitate pedestrian (and cycle) access 1 / 1100sqm GFA[1] Commercial as well as connecting the precinct to the surrounding areas. [1] Parking provision equivalent to 1% of the expected building occupancy, assuming an office density of 10 employees per 100sqm NLA (90% of GFA). This equates to a rate of 1 space per ~1100sqm GFA Table 2: Minimum Cycle parking rates Land use Parking rate Studio and 1 Beds Residential 1 / residential unit 2+ Beds 2 / residential unit Visitor 0.1 / residential unit

Commercial

Retail

Occupants

Employees

Visitor

Visitor

1 / 100sam GFA

0.25 / 100sqm

0.5 / 100sqm GFA

0.6 / 100sqm GFA

To	pic	Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments	Inner West Council Comments
j.	Sustainability – resilient development	"The Place Strategy and Stage 1 Master Plan recommends the introduction of sustainable utilities infrastructure to ensure resilient development and improve water and energy efficiency in the precinct. This is also consistent with the Greater Cities Commission's identification of Bays West as a collaboration area, including a focus on sustainability. A new site-specific provision to require the sustainability targets detailed in the draft Design Guide, this includes requirements for Green Star, exceeding BASIX, NABERS and other sustainability measures. The proposed increased BASIX targets will be linked to an incentive provision for additional floor space. Further detailed sustainability provisions will also be provided in the Design Guideline to provide further guidance for implementation."	 Whilst Council supports much of the sustainability measures implemented in the EIE and masterplan there are a number of oversights: The supporting Sustainability Technical Report is missing from the rezoning documents listed on page 4 of the EIE. This document must be included as part of the rezoning package to ensure its recommendations are considered in the planning process. While the initiatives set out in the Sustainability Technical Report are supported, the timing, responsibilities and governance format is still unclear, casting doubt as to how these initiatives will be followed through on. The sustainability principles are supported - noting that Climate Risk and Resilience, Energy and Emissions and Circular Economy have been identified for further detailed studies. IWC agrees that these areas are of critical importance and that further work is required, however it is unclear when this work will be undertaken, who by and how it will inform the next stages including planning controls/design guide. As per the submission to the stage 1 draft plan, Council would also like to reiterate that part of White Bay Power Station would form an appropriate location for a water harvesting scheme, and would connect the historic use of the building with the new precinct - as a new water supply provider for the precinct. The construction of the new 3.6 x 1.2 culvert alongside the power station would provide a substantial source of stormwater harvesting.
k.	Proposed amendments to Inner West LEP 2022	The EIE proposes to amend the IWLEP 2022 to include an Affordable Housing provision for the Bays Precinct.	At this stage only the SEPP (Precinct – Eastern Harbour City) 2021 applies to Bays West, as the Inner West LEP Land Application Map does not include the Bays West precinct land. Without an

Topic	Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments	Inner West Council Comments
		amendment to the Land Application Map the insertion of an Affordable Housing clause would have no effect.
I. Strategic merit	The EIE identifies a number of planning priorities that are relevant to the Bays West Precinct in the Inner West Local Strategic Planning Statement including planning priority 13.10 – Work with State Government to ensure the Bays Precinct redevelopment delivers strong benefits for both the Inner West community and the region and becomes a low carbon high performance precinct.	Not included in the assessment of strategic merit the Inner West Local Strategic Planning Statement is Action 13.11 Work with state government to provide world class active and public transport links as part of the Bays Precinct including: • Metro west station • Re-opening Glebe Island bridge for pedestrians and cyclist • Ferry links and extension of light rail Whilst the proposal is generally consistent with this Action, it is considered greater emphasis is required in the master plan on connecting the precinct with the surrounding areas outside of the precinct. This is further referenced elsewhere in this submission.
2. Draft Design Guide	The draft Design Guide will provide design and other guidance for development within the site, with development required to demonstrate how it meets the objectives and guidance. The guide	Section 1.6 relationship to other documents incorrectly states the IWLEP 2022 applies to the land as well as the site-specific provisions of SEPP (Precincts – Eastern Harbour City) 2021
a. Introduction	sets measurable benchmarks for how the objectives can be achieved and where this is not possible, applications must	applies. For IWLEP 2021 to apply, the land application map would need to be amended to include Bays West land. This has not
NOTE: not all section	·	been included as a proposed amendment in the EIE.
of the Design	objectives.	
Guideline have been		Similarly, the relevant DCP applying to land in Rozelle (the
responded to in this		Leichhardt DCP 2013) does not apply to the land comprising the
section. Council has		Bays West Precinct. For this to apply the land application map would need to be amended and the name of the relevant
selected chapters		would need to be arrienaed and the harrie of the relevant

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that are of key concern and provided a response			planning instrument applying to the land also included if not the IWLEP 2022.	
			It is also noted that the IWLEP 2022 does not apply to the land and consequently reference to affordable housing provision as per a proposed new clause may not be applicable.	
b.	Desired Future Character	The desired future character sets out a vision for a connected, vibrant and activated precinct – a new kind of Sydney urbanism that respects and celebrates Country, drawing on natural, cultural, maritime and industrial stories to shape an innovative and sustainable new place for living, recreation and working.	 Generally, the future character statement is supported, however, it is considered the following should also be included: Under point 2 – insert reference to social infrastructure provision that will support the centre Under point 4 – insert reference to connecting with surrounding areas such as Balmain, Lilyfield, Rozelle and Pyrmont Under point 9 – insert reference to connecting with surrounding areas such as Balmain, Lilyfield, Rozelle and Pyrmont Insert new point to deliver Affordable Housing 	
C.	Staging and implementation	This section acknowledges that there will be staged construction and implementation of the precinct with completion of the Bays station by 2030.	Whilst the objectives are generally supported it is considered that there needs to be an objective which identifies the early development of active transport connections and permeability into surrounding areas, such as Rozelle and Balmain. This would require including actions outside of the precinct but is essential if a key goal is to promote active transport within the precinct.	
d.	Resilience and Social Infrastructure	This Chapter recognises the importance of resilience and social infrastructure for a city. 5.1 Social Infrastructure	It is considered the provisions should be more detailed, especially in relation to the open space provisions, with the different types of open space areas marked on an accompanying map.	
е.	Affordable and Diverse Housing	The objectives include: a) Ensure that delivery of housing considers affordability, diversity and social need	 The objectives are supported, however, the provisions do not deliver on the objectives as follows. There is no provision for affordable housing to be provided on site and the Affordable Housing Contribution Program does not provide housing within the precinct but relies on 	

То	pic	 Stage 1 Comprehensive Rezoning Package – summary relevant to IWC comments b) Deliver housing within Bays West Stage 1 that is inclusive, diverse and provides residential dwellings for all people, including those on lower incomes, vulnerable groups and First nations people c) Ensure that all housing, including affordable housing, delivered in Bays West Stage 1 meets the applicable design excellence and amenity threshold criteria detailed within this Design Guide. 	 Inner West Council Comments monetary contributions for housing to be provided within 5km of the precinct. The provision relating to housing diversity (dwelling mix) is proposed to be delivered through mandating 15% of the dwellings being 3,4 or 5 bedrooms in size. Whilst this is supported, there also needs to be a mandated % range for studio/1 bedroom and 2 bedroom dwellings to ensure appropriate dwelling mix. Provision 2 does not relate to the objectives and should be located in section 14.2 Noise. As noted previously, the IWLEP 2022 does not apply to the land and consequently inserting a clause relating to the Affordable Housing program is questioned without a change to the IWLEP 2022 Land Application Map. For more information see section 4: Affordable Housing Program.
f.	Access and Inclusion	 Concept of dignified access to be embedded in all aspects of the development through the following objectives and provisions a) Design development for both public and private uses to ensure that people of all abilities can access a premises in a way that is dignified and equitable for all b) Support community wellbeing by delivering equitable access to services 	 These objectives are supported but should be expanded to: Include reference to open space and public domain Include requirements to establish accessible routes to local destinations/facilities/service outside the study area in Balmain, Rozelle, Lilyfield and Pyrmont.
g.	Key Development Precincts	7.1 Metro and Over Station Development Precinct	The objectives need to more clearly articulate objectives for urban tree planting through the provision of a tree planting plan. The statements do not currently set out controls for how canopy will be provided, such as options for planting in clusters or spaced, similar to the tree planting demonstrated in, Barangaroo Avenue.
		7.2 Southern Development Blocks Development Precinct	The provisions for this section should be expanded to include Public Domain provisions (currently only in the Metro and Over Station Development Precinct). Note comments above regarding tree planting.

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	7.3 White Bay Power Station Development Precinct	The conservation and repurposing of the White Bay Power Station is supported along with the proposed Objectives and Provisions.
		However, the following is noted: 7.3.3 relating to the New Boiler House - the provision (2) states the maximum height of building for a new building on this site is RL36.7 which is consistent with the WBPS CMP. However, the EIE HOB Map shows this site at RL40. This should be reduced to RL36.7m to comply with the CMP.
		7.3.4 The Robert Street Community Zone is shown in the WBPS CMP as having a maximum height of building of RL15m. This is less than the RL23m shown in the EIE HOB map and would be a departure from the CMP and is not supported.
	7.4 White Bay Power Station Public Domain	This section does not identify green/tree canopy cover/shade targets or demonstrate how tree planting can be accommodated within curtilage areas. Plans should be included demonstrating where tree planting/canopy can be developed, noting it is a key component of making the public domain comfortable while also meeting climate change objectives. Tree planting character native/exotic, avenue or grouping should also be articulated. For more information on the tree canopy proposal and heritage protection see the heritage section of the Explanation of Intended Effects.
		This section requires to also articulate clear active transport linkages to Mullen St and Victoria Rd as important active transport linkages to Balmain and Rozelle, in addition to the Rozelle Railyard linkage that is planned.

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		There are also no details on where active recreation facilities such as paved courts, skate facility etc would be located (refer to 5.1 Social Infrastructure).	
h. Non-Aborigina Heritage		The Bays West Stage 1 Draft Master Plan and Urban Design Framework, which is a supporting document in the development of the draft Design Guide, is inconsistent with the WBPS CMP in relation to HOB and impact on view corridors, with the loss of views to the Power Station. This was also raised in Council's previous submission.	
		It is recommended greater emphasis be placed on the WBPS CMP recommendations in the development of the master plan and this should be reflected in the daft Design Guidelines.	
		The provisions require to include a requirement for an Archaeological Study.	
		Also refer to comments in relation to the EIE.	
i. Sustainability		The objectives and provisions are generally supported. However, it is considered some provisions could be more specific (e.g. slow streets with traffic calming but does not state what speed they should be designed for, such as 30 or 10km/h).	
		 The Sustainability Technical Report identifies the need for further detailed studies including: Recommended Capacity to design/plan for, Recommended Spatial requirements (for systems), Cost-benefit analysis Recommended Delivery strategy, party responsible for the delivery/implementation Party responsible for the operation 	

То	pic	Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments	Inner West Council Comments
			 Mechanisms to ensure that the systems/initiatives will be delivered such as its inclusion in development agreements Triggers (date, GFA, etc) for staged delivery for district scale systems Governance (reporting, certifications requirements etc)
			Clarification is required as to how these additional studies can then inform more detailed provisions within the Design Guide.
			Council is actively pursuing identification and mapping of it's the existing and potential opportunities to expand its Blue Green Grid. This will require interaction and integration with proposed water and environmental features within the Sub-Precinct.
			Council resolution – 25 October 2022: Concerned that the proposed structure of the precinct would severely compromise the ability to connect the area through council's blue green grid which would enrich the local environment and improve biodiversity.
j.	Design Excellence		The requirement for a Design Excellence process is supported.
k.	Amenity		No Noise Assessment has been undertaken for the Bays West Precinct (unlike for Blackwattle Bay). The precinct is subject to significant noise sources including traffic noise from Victoria Road and Anzac Bridge traffic and also form the port activities at Glebe Island.
			Whilst there is a requirement for a Noise and Vibration Impact Assessment (14.2) at the DA stage it is recommended this should occur prior to finalising the master plan. The NSW Government's document <i>Development Near Rail Corridors and</i>

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		Busy Roads Interim Guidelines considers noise should be
		considered at the strategic level to avoid having to address
		noise and air quality issues at the site specific stage.
		Section 14.2 of the Design Guide details how noise impacts to
		residents will be addressed. Although significant issues are
		expected to arise from the location of apartments adjacent to
		the ANZAC Bridge, NSW planning legislation requires the design
		of apartments to lessen traffic noise impacts on human health.
		There is however a void in policy to address noise impacts from late night trading businesses.
		As noted previously Noise impacts from late night trading business are currently included in Section 5.2, Provision 2 of the
		•
		Design Guide. Council considers this matter should be moved to Section 14 Amenity and the following recommendations
		made.
		Council does not support the requirement for all 'noise-
		generating developments' adjacent to residential uses to
		produce a noise management plan to ensure compatibility
		with their noise sensitive neighbours. This method puts all of the
		onus on businesses to ameliorate impacts. This is an
		inadequate response to address this amenity conflict and will
		lead to a stymied night time economy in the area for the
		following reasons:
		Businesses will be reluctant to invest in the area. They will
		consider nearby residents as the source of future noise
		complaints that will lead to their businesses being shut
		down.
		 Trading beyond 10pm will be difficult without attracting
		noise complaints from residents. In the face of Sydney's
		poor night life reputation, and that metro trains will be

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		 operating well past midnight, there is an opportunity to create desirable destination with vibrant night life. If the noise impacts from the expected night life in the area are not addressed at the design and development stages of residential buildings, it is near impossible to fix at a later stage.
		Council recommends that instead of placing the onus on future businesses, there should be a requirement that residential and other noise sensitive buildings in the precinct are designed to be future proofed from late night commercial noise. To achieve this the following steps should be undertaken: • Engage a sound consultant to determine the sound levels from the potential range of businesses, • Embed expected sound levels into the Design Guide provisions so that residential buildings are constructed to ameliorate these impacts, • Include sound coming from premises within the same building as well as adjacent and nearby buildings.
		Further to this a policy should be developed that sets expected noise levels in the area. This will manage the expectations of future residents and businesses. It will also tell acoustic consultants what the performance benchmarks are for businesses in the area when they are designing and fitting out their premises.
		Inner West Council has undertaken similar work in the Enmore Road Special Entertainment Precinct and would be happy to share our learnings from this project.
l. Wind		Whilst the Design Guide includes a section on wind (S 14.3) no wind impact assessment has been undertaken and consequently has not been considered in the design of the

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		precinct. This is considered to be an important step in the development of the master plan, as careful design of the built form is required to ensure safe and comfortable environments for people in public spaces. The Bays West Stage 1 – White Bay Power Station (and Metro) includes significant public open space and a wind analysis should be undertaken prior to finalising planning the built form outcomes for the site.
3. Infrastructure Delivery Plan	The infrastructure Delivery Plan (IDP) describes how the infrastructure planning framework for the sub precinct will be delivered including understanding the infrastructure required, who can deliver it and by what mechanism. The infrastructure items include: • Roads and Traffic new streets, intersections, bus stops and cycleways • Open space – including new district waterfront park and Power Station Park • Social Infrastructure – including a new multipurpose library and community hub, district cultural spaces, local cultural theatre space, early education/childcare, district indoor sports/recreation centre • Drainage – flooding and stormwater management infrastructure • Affordable housing – 5-10% of new residential floor space identified in the Greater Sydney Regional Plan a Metropolis of Three Cities The IDP also sets out range of mechanisms to fund and deliver the infrastructure including: • Through a proposed Regional Infrastructure Contribution 9ROC) • Local infrastructure contributions • Affordable housing contribution • Proceeds from sale of development sites	Whilst the IDP comments are specific to Stage 1, the governance principles outlined are relevant and applicable across the entire Bays West redevelopment area. As noted in Council's submission on the Stage 1 Master Plan, Council would like to see the establishment of a collaborative Infrastructure Delivery Working Group, including local government and State Government. The IDP estimates the total cost of state infrastructure investment in Stage 1 is \$201million and that \$21million in local infrastructure contributions could be generated from Stage 1 if a section 7.11 and section 7.12 contribution plan rates/levies were to be applied to development consents. There are no certainties provided to Council under the NSW Planning System that section 7.11 or 7.12 local infrastructure contributions will be collected from the Bays West Precinct area. The imposition of either mechanism is only known once individual development consents are issued. The following factors provide uncertainty: • Under s7.13 of the EP&A Act, consent authorities other than Council do not need to impose s7.11/7.12 contributions at all, or can do so at a discounted rate that is not in accordance with the relevant contribution plan. • Where redevelopment costs exceed \$10million, Council is not the consent authority in the Bays West Precinct. It is envisioned almost all redevelopment scenarios in the Bays

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		West Precinct will exceed \$10million, and as such will be
		determined by consent authorities other than Council. As
		stated previously, under s7.13 other consent authorities are
		not bound by the EP&A Act to impose either s7.11 and 7.12 contribution plans.
		 Where State Infrastructure Contributions (SIC or RICS) or
		State Infrastructure Satisfactory Arrangements clauses are
		imposed through environmental planning instruments (as
		is recommended to occur in Bays West by the IDP),
		developers are encouraged to enter into State Planning
		Agreements. Developers often lobby for the exclusion of
		7.11/7.12 mechanisms in exchange for infrastructure delivery
		as part of these agreements. As Councils are often not a
		party to such agreements, nor will Council likely be the
		relevant consent authority, there is little consideration
		afforded to Council in such negotiations and section 7.11/7.12
		are often excluded in consent where State Planning Agreements exist.
		It is understood that the delivery of Bays West Stage I will be
		led by <i>Placemaking NSW</i> in partnership with <i>Sydney Metro</i> ,
		however lead agencies for the future sub-precincts are not
		yet clear and may result in numerous other stakeholders
		(i.e. TfNSW, DPE and Port Authority of NSW). It is easier to
		negotiate a planning agreement between Council and NSW
		Government (DPE) whilst there is one clear planning
		authority, prior to the creation and delegation of multiple
		planning agencies, that would increase complexity and
		uncertainty in infrastructure delivery.
		Council would like to address this uncertainty by entering into a
		planning agreement with the NSW Government, and for this to
		be executed prior to any rezoning occurring in Stage 1.

		<u> </u>
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		Obligations under the agreement would be novated to future
		development partners, and/or any monetary contributions
		required under the planning agreement would be payable at
		the development application stage. This would effectively
		"switch off section 7.11 and 7.12" mechanisms in the precinct.
		Council would encourage immediate consultation to facilitate
		this request, in particular, clarity on who will own and operate
		the proposed multipurpose hub and indoor recreational
		facility.
		This planning agreement approach will address uncertainty for
		Council, the State Government, and development partners, as
		the imposition of section 7.11 or 7.12 mechanisms will be a factor
		that determines land value and offers for land purchase. It is
		better for all stakeholders for the matter to be resolved up-front
		in the planning process prior to any rezoning occurring to avoid
		future complications.
		Council resolution – 25 October 2022:
		Council advocates to the NSW Government to enter into a
		Planning Agreement, in lieu of section 7.11 and 7.12 contributions
		being applied on future development consents in Stage 1 – Bays
		West, that ensures that:
		1. The NSW State Government is legally committed to
		delivering the specified infrastructure assets stated in the
		Department's Draft Infrastructure Delivery Plan, at full cost to
		either the NSW Government or future developers. This
		includes a new multipurpose community and library hub,
		district cultural spaces, indoor recreational facilities, new
		childcare facilities, and new open space; and 2. As part of the above agreement, Council determines which
		2. As part of the above agreement, Council determines which infrastructure assets in Bays West Stage 1 are desirable to be
		dedicated into Council ownership, at no cost to Council,
		acalcated into council ownership, at no cost to council,

To	pic	Stage 1 Comprehensive Rezoning Package – summary relevant to IWC comments The Department of Planning and Environment's (DPE) Explanation of Intended Effect, Bays West Stage 1 – White Bay Power Station and Metro Sub-Precinct states that as part of the Bays West Stage 1 Master Plan implementation an Affordable Housing program will be implemented through an amendment to the IWLEP 2022.	Inner West Council Comments	
			once the assets are constructed and embellished to a level suitable for its desired end-use.	
4.	Affordable Housing Program		The Draft Affordable Housing Program proposes a contribution rate of \$1,474/sqm GFA, based on a percentage of 7.5% of residential gross floor area development within the subprecinct.	
			 The EIE states the proposed rezoning of the White Bay Power Station and Metro sub-precinct will enable the delivery of: 71,000sqm commercial floor space 4,700sqm retail floor space 23,900sqm residential floor space (250 apartments). 	
			The Draft Affordable Housing Program states that "prior to the commencement of new development within Bays West that is subject to this Program, all Tier 1 and Tier 2 CHPs who operate in Inner West Council will be invited, via an Expression of Interest process, to make an application to be identified as a Recommended CHP for an initial 10-year period." It is also stated that "only 1 CHP will be identified as the Recommended CHP in the first 10-year period".	
			Whilst Council strongly supports the requirement for Affordable Housing as part of the Bays West Precinct development there are concerns regarding the quantum of contributions and mechanism and implementation process.	
			Given the Bays West Precinct land is government owned land, a unique opportunity exists for the NSW Government to provide for affordable rental housing as a key objective of the implementation strategy. This factor also offers the opportunity to apply an affordable housing target which is higher than 5-	

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		10% range proposed in the Eastern City District Plan. Accordingly, the following recommendations are made:
		 Council resolution – 25 October 2022: Council reiterates its requirement for affordable rental housing be delivered at the rate of 30% on government owned land, owned in perpetuity and managed by a Community Housing Provider, in accordance with the Inner West Affordable Housing Policy.
		That the Inner West LEP contain a clause relating to the recommended minimum 30% affordable housing is required within the Bays West Phase 1 sub-precinct.
		That monetary contributions for affordable housing acquired by the State government's preferred Community Housing Provider be invested in increasing affordable housing supply both within a 5km radius of the Bays West Precinct as a priority but also within the Inner West LGA more widely if opportunities for affordable housing acquisitions within the Bays West Precinct prove to be unviable or prohibitive.
		 That the State government's preferred Community Housing Provider be required to hold discussions with Council to explore the formation of a partnership to develop suitable land owned by Council within the prescribed 5km radius of the Bays West Precinct as a priority but also on Council owned sites within the Inner West LGA if considered to be more viable.
		 That prior to finalising the affordable housing program, DPE consult with community housing providers to assess their needs/preferred model for delivering affordable housing.
		Future stages of the Bays West:

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		o identify development blocks for the exclusive development of affordable housing by a Community Housing Provider to help improve value for money, social outcomes and the capacity to leverage assets to further expand affordable housing supply. It is generally the case that Community Housing Providers prefer to develop blocks of land acquired at concessional rates for affordable housing rather than purchasing individual apartments which are expensive to acquire in the Inner West and costly to manage due to relatively high Strata fees. Council resolution – 25 October 2022: In addition to the provision of affordable rental housing, consideration is given to the on-site delivery of social housing to ensure all levels of housing need are met.
Section 2 - Supporting	ng documentation and other matters	
5. Urban Design	The following section has isolated key section of the Urban Design	
Framework	Framework that Council believes haven't been covered in the rest of	
	our submission. Specifically, site structure, public domain and built form and wind have all been chosen for discussion	
Site structure	"The structure of the Site has been considered in response to its role	As briefly noted above and in our previous submission, Council
	at the heart of the wider Bays West Precinct. It considers the existing	has ongoing concerns about the inward facing layout of the
	building fabric and natural elements and constructed landscapes of	proposed development. Little to no consideration has been
	the Site's setting as well as the existing and future character of the	shown towards enabling access to the surrounding streets and
	adjoining communities.	nearby town centres like Rozelle and Balmain or to the potential
	The overall vision for the White Bay Power Station (and Metro) Sub-	Bays West precinct south of Victoria Road. See comment from the submission to the stage I master plan that is still applicable
	the overall vision for the white BOV Power Station Land Metro J SUD-	the submission to the stage i master blan that is still abblicable
	·	
	precinct is to deliver a publicly accessible edge to parts of White Bay,	in this rezoning package:
	·	

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	address for the city of Sydney and the state of NSW. The creation of waterfront spaces will need to be balanced with ongoing ports and maritime uses. A balance will need to be achieved to ensure that enjoyment and functionality of water spaces is achieved for all.	communities to the sub-precinct. This could include the potential scoping or the actual design of those connections by active transport and green infrastructure, in the same way these are anticipated for key road intersections."
	The Site Structure is underpinned by the principle of delivering cohesive, connected and complementary Sub-precinct, whilst retaining a variety of uses and users, destinations and attractions, spaces and places within each Sub Precinct.	Council does not agree that the proposed site connections and active transport links out of the precinct at this stage are appropriate or sufficient.
	Primary pedestrian desire lines are anchored by a variety of experiences as one moves through the Sub-precinct and through the site. Educational spaces, active sports, restaurants and bars, interactive spaces, galleries, islands, sculptures, exhibitions, gardens, markets, promenades, wharves, culture and the contemporary.	
	The Sub-precinct will embrace the existing heritage on the waterfront and the White Bay Power Station, gantries, rail lines and chimneys with adaptive new uses, weaving them into the landscape, symbolic of the working nature of the harbour."	

Topic

Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments

Inner West Council Comments



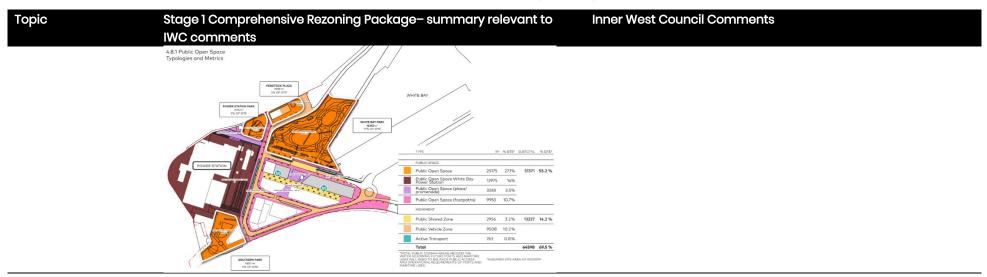
Public Domain and open space

As per page 129 of the masterplan, the presented concept plans presents one way the public domain could be designed in the precinct.

"Sydney Harbour reaches in to the Sub-precinct at the head of White Bay. A relationship between land and water that has been significantly altered over time. The vision is to acknowledge the past, but plan for the future, as a station on the Sydney Metro West network affords the opportunity to provide public access to a foreshore that has long been inaccessible. The ideas, concepts and options within this Master Plan seek to position the landscape and public domain as a fundamental unifying element of the redevelopment of the waterfront into a place of culture, community, recreation, commerce and living for thousands of people day and night, weekday and weekend, winter and summer"

As map 4.8.1 of the draft masterplan shows, the current allowance of 55.2% public open space will ensure the precinct is widely accessible to all demographics within Sydney. However, council does not agree that this number is truly representative of what is being provided on site. 10% of the 55.2% public open space is footpath circulation space. Council does not agree that this constitutes public *open* space, and request that it should be transferred to the movement table. This lowers the 55.2% to 44.5% public open space. This is only barely acceptable, and Council would support a solution that gets the public open space over 50%.

Council would also like to re-iterate its concern here with the proposed zoning for the precinct. Much of the proposed public open space falls within the SPI zone, which does not list recreational space as a use.



6. Traffic and Transport Council's response to traffic and transport on the site is informed by the Transport Management Action Plan, the place-based Transport Strategy and the Stage I Rezoning Updated Masterplan Council largely supports the traffic and transport arrangement on site. See below some minor comments that pertain to traffic management within the precinct:

- Removal of the Robert Street sub-precinct (from the Bays West Stage I draft Masterplan) is supported provided any elements within the Robert Street precinct that are critical to the Bays West precinct are considered now
- Refinement of the street network, including a revised location of the Robert Street connection is supported as it addresses Council's issue at the masterplan stage about the Robert Street connection being too close to the Mullens/Robert Street intersection, which would have created traffic congestion issues
- The altered bus route within the updated masterplan is supported as it would reduce time taken for buses to enter an exit the precinct, and buses exiting the site using the main street in front of the Metro station would not likely create a significant amenity impact. It is also prudent that allowance has been made for alternative bus routes to be adopted in the future so that other parts of the precinct could be served if need be. It is assumed that in the longer-

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		term future, all buses would be electric, eliminating noise and emissions issues involved with routing conventional buses
		 Council's comments on traffic/transport concerns raised by all submissions are as follows: The additional modelling undertaken for this stage of the study is appreciated, but Council remains concerned about ongoing saturation of surrounding intersections, particularly the Robert/Mullens and Robert/Victoria intersections. The proposed pedestrian-friendly street designs, significantly reduced parking and bus/rail access are all strongly supported. However, it is expected that private vehicle traffic will be closely managed so that it doesn't dominate and destroy the amenity of the precinct The proposed bus/rail interchange arrangements are satisfactory, but consideration should be given to the City's suggestion of a bus stop on the western approaches to ANZAC Bridge as well as those shown on Victoria Road Council is also willing to participate in ongoing analysis to ensure the development supports the metro and vice versa as the development progresses
7. Uses and Yields	 The Explanation of Intended Effect has given a breakdown of how the area will be used in the White Bay Power Station and Metro Precinct: 71,000m² commercial floor space 4,700m² retail floor space (4,954 jobs). 23,900m² residential floor space (250 homes). 41,650m² of new public open and green space. 	As per our previous submission on the Stage 1 Masterplan, Council sees little problem with the proposed uses and yields. The primary focus on employment, public, and community space is agreeable with the initial stage of a transit led development. At this stage, Council would like further information on how these proposed numbers will fit into the overall Bays West project. The final yield numbers demonstrate a very significant

То	oic	Stage 1 Comprehensive Rezoning Package– summary relevant to IWC comments	Inner West Council Comments
			boost in all uses as the rest of the development is planned, greater transparency on how these precincts will relate to one another will provide clarity on other factors, such as infrastructure delivery funding.
			Considering the relative infancy of the overall development, Council would like to ensure these uses and yields will result in the best possible outcomes.
			Lastly, Council strongly supports the realisation of Aboriginal employment and cultural outcomes throughout the precinct, as per the First Nations Engagement Summary Report.
8.	Flooding and stormwater management	DPE is currently preparing a Master Plan for White Bay Power Station and Robert St sub precincts, noting that the Robert St sub-precinct does not form part of the Stage I rezoning package. These sub-precincts are to be designed such that the Government's economic, health, education, housing and property and transport objectives are	Council supports the increased capacity of the relocated culvert passing within the site and seeks confirmation that this would intercept the existing culvert currently draining towards Robert Street.
		met whilst incorporating quality design, public space and green infrastructure together.	The Robert Street culvert should also remain as a secondary outlet for the catchment as well as a discharge point for further drainage improvements in Robert Street.
		As a part of this process, this stormwater and flooding report has been prepared to support the implementation of the Bays West Master Plan, addressing the stormwater requirements for rezoning, development control and supporting infrastructure for the subprecinct.	The stormwater infrastructure constructed as part of this precinct should include the 1500mm diameter pipeline proposed in Robert Street under the Leichhardt Flood Risk Management Study and Plan (2017) to further reduce flood depths in Robert Street and provide greater protection to and activation of the proposed Community Zone.

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